

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Hillview Market, LLC, :
t/a Hillview Market :
2324 North Capitol : Protest
Street, N.W. : Hearing
Retailer B - ANC 5E :
License No. 119160 :
Case # 22-PRO-00001 :
 :
(Substantial Change) :
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Wednesday
April 20, 2022

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

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
NITHI TANDON, Applicant
DINESH TANDON, Applicant Counsel
DIANNE BARNES, ANC 5E09
KIRBY VINING, Protestant Counsel
TERI JANINE QUINN, Protestant
INIDA LUCKETT, Protestant
JASON ORFANON, Protestant
EVELYN BROWN, Protestant
SCOTT NGUYEN, Protestant
REBECCA MILLS, Protestant
INVESTIGATOR JOVAN MILLER, DC ABRA

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

2 2:09 p.m.

3 CHAIRPERSON ANDERSON: Our next case
4 is Case Number 22-PRO-00001, Hillview Market,
5 License Number 119160.

6 This is a protest hearing. Ms.
7 Fashbaugh, can you please elevate the rights of
8 the parties in this case, please.

9 MS. FASHBAUGH: Please stand by. Dinesh
10 Tandon, your rights have been elevated. Kirby
11 Vining, your rights have been elevated.

12 Teri Janine Quinn, your rights have
13 been elevated. Dianne Barnes, your rights have
14 been elevated.

15 India Lockett, your rights have been
16 elevated. Jason Orfanon, your rights have been
17 elevated.

18 Evelyn Brown, your rights have been
19 elevated. Rebecca Mills, your rights have been
20 elevated.

21 Scott Nguyen, your rights have been
22 elevated. Jovan Miller, your rights have been
23 elevated.

24 And Rachel Skeirik, your rights have
25 been elevated. That is all, Mr. Chair.

1 CHAIRPERSON ANDERSON: Thank you. I
2 don't see the licensee on the line. Where Nithi
3 Tandon? That's the licensee. Where's the
4 licensee?

5 Earlier, I saw Mr. Dinesh Tandon, but
6 Mr. Tandon is not the licensee. So where is the
7 licensee?

8 Ms. Fashbaugh, do you see Ms. Nithi
9 Tandon on the line, please?

10 MS. FASHBAUGH: Chairperson, he is not
11 present, and Dinesh Tandon was elevated, but it
12 seems like he fell out of the room.

13 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
14 can you also, can you look back again for, I
15 don't know what happened to -- to please see if
16 you can find again Mr. Tandon on the --

17 MR. TANDON: I don't know somehow, I'm
18 here, sir, I don't know somehow my camera stopped
19 working. It was working just now.

20 CHAIRPERSON ANDERSON: I need to see
21 you, sir. I need you to log on --

22 MS. FASHBAUGH: Chairperson?

23 CHAIRPERSON ANDERSON: Yes?

24 MS. FASHBAUGH: Yes, Chairperson, is
25 it possible for him to log out, log back in so I

1 can actually elevate him? All I can do is unmute
2 him.

3 MR. TANDON: Sure, I can do that.

4 MS. FASHBAUGH: He has left the room.

5 CHAIRPERSON ANDERSON: Sure. Okay, so
6 we'll look back for him.

7 MS. FASHBAUGH: Chairperson, all I can
8 do is unmute him.

9 CHAIRPERSON ANDERSON: I'm sorry?

10 MS. FASHBAUGH: He is unmuted. I
11 cannot do anything other than mute him.

12 MR. TANDON: I don't know. My camera
13 was on just now. I don't know what happened,
14 though.

15 CHAIRPERSON ANDERSON: Did you log
16 off, sir, and try to log back on?

17 MR. TANDON: Yes, sir. Yes, sir, I
18 did.

19 CHAIRPERSON ANDERSON: Well, I need
20 you to see you. I saw you before, so I need to
21 see you.

22 I need to see who I'm speaking to. So
23 let me ask you to log back off again, sir, and
24 start back over and see what happens.

25 MR. TANDON: Okay. I don't know.

1 It's not showing my camera now. Is there any way
2 that -- I don't know, is there any way the host
3 can --

4 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
5 have you elevated his rights for his camera?

6 MS. FASHBAUGH: I'm unable to elevate
7 him. Let me try sending him an email with
8 another way to log in, and then that potentially
9 could work. So just one moment.

10 CHAIRPERSON ANDERSON: Thank you.
11 While we are waiting, I know there are several
12 people here, and so have you guys decided who is
13 going to be the representative representing the
14 protest? You, Mr. Vining? Are you? Okay, good.
15 Thank you.

16 With all of the different sides, I
17 would allow the other sides to make an opening
18 and closing if they so desire.

19 But in the sense of directing
20 testimony and cross-examining witnesses, then
21 we're just going to have one representative.

22 I know you're raising your hand, Mr.
23 Vining. You can speak if you need to. We're
24 still waiting for the licensee to come on.

25 MR. VINING: All right, thank you. I

1 had three short questions, which is preliminary
2 matters. Shall I wait on those until Mr. Tandon
3 joins us?

4 CHAIRPERSON ANDERSON: Yes, I need to
5 -- yes. If it concerns this case. If not, yes.
6 I'd ask that everyone mute your telephone until
7 you're called upon to speak, please.

8 MS. FASHBAUGH: Chairperson, is it
9 possible for Dinesh to log in with another
10 device, like a cell phone?

11 CHAIRPERSON ANDERSON: I was told that
12 the opposite was the call at hand, so I'm not
13 sure.

14 It does not appear that he's back
15 online. It's my understanding that Danny, I
16 think, is calling him. So I'm not quite sure
17 what the agency is doing.

18 I don't know what's going on with Mr.
19 Tandon. He's not responding to our contact, so I
20 don't know what's going on.

21 MS. FASHBAUGH: Dinesh Tandon has been
22 elevated. Thank you.

23 CHAIRPERSON ANDERSON: Mr. Tandon?
24 Mr. Tandon?

25 MR. TANDON: Yes.

1 CHAIRPERSON ANDERSON: You are now
2 logged in, it appears you are logged in twice,
3 sir.

4 MR. TANDON: Yes, sir, I am.

5 CHAIRPERSON ANDERSON: I still don't
6 see you.

7 MR. TANDON: Oh, you don't see me?

8 CHAIRPERSON ANDERSON: But when I get
9 feedback, it's informing me that you're actually
10 logged in on two different equipment, or someone
11 else is logged in who is in the same location as
12 you are.

13 So are you logged in on two separate
14 equipment, sir? I can see you, sir. Let me see.

15 MR. TANDON: Yes, sir, I can see you,
16 too.

17 CHAIRPERSON ANDERSON: All right. I
18 just want to get, let me get some clarification.

19 MR. TANDON: Yes, sir.

20 CHAIRPERSON ANDERSON: Who is on the
21 license?

22 MR. TANDON: Say that again, sir.

23 CHAIRPERSON ANDERSON: Who is on the
24 license application?

25 MR. TANDON: Sir, it's my wife.

1 CHAIRPERSON ANDERSON: And is she
2 appearing today, sir?

3 MR. TANDON: She had sent in an email
4 requesting me to represent her, but --

5 CHAIRPERSON ANDERSON: I'm asking a
6 question, sir. I need the record to be that you
7 stated that she sent in an email to whom? Who
8 did she send an email to, sir?

9 MR. TANDON: To ABRA Legal informing
10 them that I would represent her in this hearing.

11 CHAIRPERSON ANDERSON: All right. So,
12 your wife who -- are you on the license?

13 MR. TANDON: No, sir, I'm not on the
14 license.

15 CHAIRPERSON ANDERSON: Okay. So your
16 wife. And what's your wife's name, sir?

17 MR. TANDON: Nithi Tandon, N-I-T-H-I,
18 last name Tandon, T-A-N-D-O-N.

19 CHAIRPERSON ANDERSON: So I am aware
20 that your wife has sent an email in to our ABRA
21 to inform us that you would be representing her.

22 However, the agency was unaware that
23 she would not appear today. Is there some reason
24 why she's not appearing today, sir?

25 MR. TANDON: No, sir. Actually, I

1 have had -- we had duly informed the agency seven
2 days prior to this hearing, but the thing is that
3 we have a restaurant and one of us has to be
4 there. So she is taking care of the site now.

5 CHAIRPERSON ANDERSON: All right. As
6 I said before, you are correct. The agency was
7 informed that you would be representing your wife
8 at the hearing today.

9 However, the agency was not aware that
10 she would not be joining us today. I do not have
11 a problem with it.

12 I just want to make sure that the
13 record, that clearly you represent, on the record
14 today, that you are appearing today, representing
15 your wife who is the licensee who is on the
16 application.

17 MR. TANDON: Yes, sir, but she can be
18 here. Like, I can call her in a couple minutes
19 if --

20 CHAIRPERSON ANDERSON: It always helps
21 when the licensee's here. I mean, one of the
22 things that, at least as Board chair, I
23 appreciate doing this hearing virtually, I
24 thought it was easier for the Applicant.

25 So the Applicant has stated that

1 someone needs to be operating the business that
2 the Applicant can still operate his or her
3 business and still appear virtually in our
4 hearing.

5 So there's no reason since the hearing
6 is virtual, there's no reason for that other
7 person not to log in.

8 I'm not saying that she has to. I'm
9 just saying that because the hearing is virtual -
10 -

11 MR. TANDON: Yes, sir. She's coming.
12 She's here now.

13 CHAIRPERSON ANDERSON: Well, all
14 right. You have --

15 MR. TANDON: Come join us, please.
16 Come join us. She's here.

17 CHAIRPERSON ANDERSON: All right.
18 That's fine. That's fine, sir. Mr. Vining, you
19 said that you had a preliminary matter that you
20 wanted to make, sir.

21 MR. VINING: Yes, sir. In the prep
22 form, we sent him a list of what witnesses and
23 exhibits do we need to formally request
24 permission to admit those witnesses and exhibits
25 into the case.

1 CHAIRPERSON ANDERSON: Once you start
2 your caser, sir, then you can call the witnesses.

3 I mean, if there are witnesses that
4 you had listed that you want us to elevate their
5 rights partly for them to listen, that's fine,
6 but it's not necessary at this juncture.

7 But once you present your case, then
8 you can call your witnesses. And if they're not
9 already elevated, we can elevate their rights
10 later on.

11 And then during the presentation of
12 your case, documents that you can move for us to
13 admit those documents in evidence, sir.

14 MR. VINING: Okay, so that would be up
15 to me after the opening statement to request that
16 the witnesses one by one that we've got on our
17 prep form to appear. Is that correct?

18 CHAIRPERSON ANDERSON: You can elevate
19 them. You can ask that their rights be elevated
20 now or you can wait.

21 But the process of how this works,
22 this is the way this works. The Board will call
23 its witness, Mr. Miller.

24 The Board will ask Mr. Miller
25 questions about his report. The Board will then

1 question Mr. Miller about the contents of his
2 report.

3 After the Board questions Mr. Miller
4 about the contents of his report, the licensee
5 will have an opportunity to ask questions of Mr.
6 Miller.

7 Once the licensee asks questions of
8 Mr. Miller, then you as the designated
9 representation will have an opportunity to ask
10 questions of Mr. Miller.

11 Once that's done, the licensee will
12 present his case. I am not sure how many
13 witnesses, if any, the licensee will have.

14 Once the licensee has presented its
15 case, you'll have an opportunity to cross-examine
16 the licensee's witnesses and the Board will do it
17 also.

18 So therefore, then you'll have an
19 opportunity present your case. But it's 2:30
20 now, so at a minimum, I don't see you presenting
21 your case until 3:30, 4 o'clock.

22 I'm not sure, depending how fast we
23 move through the Board's case and the licensee's
24 case.

25 So I just want to let your witnesses

1 know that they will not be able to be called as
2 witnesses, the earliest we're talking about,
3 3:30, 4 o'clock.

4 So they can either, we can have them
5 here now or you can wait maybe around 3:30, 4
6 o'clock to advise them they need to be on standby
7 so that we're going to call them.

8 But I just want everyone to know that
9 the way the process works is that I know this
10 hearing was supposed to start at 1:30.

11 I know we're somewhat delayed. But
12 procedurally, the Protestant will not present its
13 case until 3:30 at the earliest, 4 o'clock, okay?

14 MR. VINING: I understand. Thank you.
15 Yes, I think all of our, the Protest witnesses
16 have already been elevated. But again, I heard
17 your comment about they would.

18 But one of the questions I wanted to
19 ask --

20 CHAIRPERSON ANDERSON: Yes, sir.

21 MR. VINING: -- are the Bloomingdale
22 Civic Association witnesses informed us,
23 unfortunately, late last night, early this
24 morning, that he would not be able to participate
25 in person because he was called in to work on an

1 emergency.

2 We're wondering if that's person's
3 testimony could be combined with one of the other
4 Bloomingdale Civic Association witnesses who is
5 with us, who in fact shares a home with that
6 person.

7 Would that be permitted to combine
8 those two because the one person cannot join us?

9 CHAIRPERSON ANDERSON: What do you
10 mean combine, sir?

11 MR. VINING: The two persons, the two
12 witnesses, share a home and they prepared
13 separate testimony they were going to give.

14 And I'm wondering if that one person
15 who can be with us can append the absent
16 witness's testimony to her remarks.

17 CHAIRPERSON ANDERSON: No. Normally,
18 I'm not sure what the licensee will say because
19 normally we have a witness, they would want to
20 have an opportunity to cross-examine the witness.

21 And I'm not sure if they will be able
22 to cross-examine a statement. So that's the only
23 problem there is that I don't know what position
24 the licensee will take.

25 If the licensee objects, then we

1 probably would not allow that to occur because
2 the licensee does have an opportunity, should
3 have an opportunity to cross-examine testimony.

4 If someone gives testimony for the
5 record, the licensee or maybe the Board and its
6 Board member might want to have questions of that
7 witness and it would be difficult for them to
8 cross-examine a statement.

9 So with that caveat, I mean, we can
10 deal with that once that presents itself.

11 MR. VINING: Shall I bring up that
12 matter when it's time for that witness who is
13 with us comes up and asks for the discussion?

14 CHAIRPERSON ANDERSON: Yes, sir, you
15 can do that, and then I will ask the licensee
16 whether or not they have any objection.

17 And then based on their response, I
18 will try to make a decision what's in the best
19 interest of how to present this case.

20 Any other preliminary parts? Let me
21 have all the parties identify themselves. So
22 let's start with the licensee.

23 Mr. Tandon, you're stated on the
24 record and the agency is in receipt of our
25 representation saying that you're representing

1 your wife today.

2 MR. TANDON: Yes, sir.

3 CHAIRPERSON ANDERSON: But let us, for
4 the record, please spell and state your name and
5 your relationship. And then I'll have your wife
6 also introduce herself.

7 MR. TANDON: My name is Dinesh Tandon,
8 D-I-N-E-S-H, last name Tandon, T-A-N-D-O-N. I'm
9 representing my wife who is the licensee for
10 Hillview Market.

11 CHAIRPERSON ANDERSON: And if your
12 wife is there, can you spell her name for the
13 record?

14 MR. TANDON: Sir, I'm very sorry, she
15 had to -- but I will call her. I'm very sorry,
16 sir. One of us has to take care of the
17 restaurant, sir.

18 State your name. State and spell your
19 name.

20 MS. TANDON: My name is Nithi Tandon.
21 First name, N-I-T-H-I, and the last name is
22 Tandon, T-A-N-D-O-N.

23 CHAIRPERSON ANDERSON: And you're the
24 licensee? Your name is on the application, the
25 license application. Is that correct?

1 MS. TANDON: Yes.

2 CHAIRPERSON ANDERSON: All right,
3 thank you. Okay, let's go to the Protestant.
4 Mr. Vining, please spell and state your name for
5 the record and who you represent, sir.

6 MR. VINING: My name is Kirby Vining.
7 It's spelled K-I-R-B-Y, last name Vining, V-I-N-
8 I-N-G. I am going to present the opening
9 statement for three of the four protestors, the
10 Stronghold Civic Association, the Bloomingdale
11 Civic Association, ANC Single Member District
12 5E09.

13 I will not be representing the fourth
14 protestor, which is a group of five persons who
15 were working on a voluntary agreement because
16 they had not coordinated.

17 So I will not be representing them,
18 but only the three, Stronghold, Bloomingdale, and
19 the ANC.

20 CHAIRPERSON ANDERSON: All right. Who
21 is here from ANC?

22 MR. VINING: Yes, sir, Dianne Barnes
23 was elevated.

24 CHAIRPERSON ANDERSON: I see her
25 there.

1 MS. BARNES: Yes, I was on mute.

2 Dianne Barnes.

3 CHAIRPERSON ANDERSON: And who are
4 you, ma'am?

5 MS. BARNES: I am the ANC
6 representative for the single member district for
7 ANC 5E09, representing ANC 5E.

8 CHAIRPERSON ANDERSON: All right. And
9 who is here from the Bloomingdale Civic
10 Association?

11 MS. QUINN: Hi, I am Teri Janine
12 Quinn, President of the Bloomingdale Civic
13 Association.

14 CHAIRPERSON ANDERSON: Can you spell
15 your name for the record, please, ma'am?

16 MS. QUINN: It's T-E-R-I, J-A-N-I-N-E,
17 Q-U-I-N-N.

18 CHAIRPERSON ANDERSON: And who are the
19 -- who is here from the group of the group? Who
20 is here from the group?

21 I was told there was a group of five.
22 Is there a group here? Ah, Mr. Tandon?

23 MR. TANDON: Yes, sir.

24 CHAIRPERSON ANDERSON: Who else
25 protests in your license, sir? Your substantial

1 change?

2 MR. TANDON: Who is protesting?

3 CHAIRPERSON ANDERSON: Yes, sir.

4 MR. TANDON: Stronghold Civic
5 Association, ANC 5E09, and Bloomingdale Civic
6 Association.

7 CHAIRPERSON ANDERSON: Okay, but there
8 is no group.

9 MR. TANDON: Sir --

10 CHAIRPERSON ANDERSON: You don't have
11 to answer. And I guess Mr. Vining, you said, and
12 the reason I have some confusion, you said that
13 you don't represent the group. What group of
14 five, sir? What group is that?

15 MR. VINING: There was a group of five
16 persons who were in our initial mediation
17 discussions who, it was my understanding, was
18 going to be working on a settlement agreement.
19 But we have not heard from them.

20 CHAIRPERSON ANDERSON: Well, if you
21 have not heard from them and they are not here
22 today, then they are not a part of this protest.

23 So if they were -- let me just -- I
24 just want to make sure, who is Eric Tomassi?

25 MR. VINING: That was the principle

1 name working with the group of five. I think
2 that was the head of the group of five. That's
3 the name.

4 CHAIRPERSON ANDERSON: All right. So,
5 and Ms. Quinn, I'm sorry, what group are you with
6 again, Ms. Quinn? You're the civic association,
7 I'm sorry.

8 MS. QUINN: Yes.

9 CHAIRPERSON ANDERSON: You're with a
10 civic association. Ms. Barnes is the ANC. All
11 right, so Eric Tomassi is not here and there is
12 nobody here, because Eric Tomassi is not here.

13 I don't recall and I need to look at
14 the so-called -- yes, Eric Tomassi is not online
15 and neither is -- and there is no one here from
16 the group of five or more, is that correct?

17 Is there anyone else here who was with
18 Eric Tomassi and his group? If there is no one
19 else here with Eric Tomassi and his group, I
20 would make a motion that the ABC Board dismisses
21 the group of five or more from the protest of
22 Eric Tomassi. Is there a second?

23 MEMBER GRANDIS: I second it, Mr.
24 Grandis.

25 CHAIRPERSON ANDERSON: Mr. Grandis has

1 seconded the motion. I'll take a roll call vote
2 on the motion. Mr. Short?

3 MEMBER SHORT: Mr. Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett?

7 MEMBER CROCKETT: Rafi Crockett, I
8 agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen?

10 MEMBER HANSEN: Jeni Hansen, I agree.

11 CHAIRPERSON ANDERSON: Mr. Grandis?

12 MEMBER GRANDIS: Edward Grandis, I
13 agree.

14 CHAIRPERSON ANDERSON: And Mr.

15 Anderson, I agree. The matter passes 6-0-0.

16 Therefore, the group of five or more have been
17 dismissed from this protest and they have been
18 dismissed from this protest, so they are not
19 involved in whatever decision that is made
20 regarding this application.

21 The group of five or more where Mr.
22 Tomassi is a member is not a part of this. The
23 only protestors currently are the Stronghold
24 Civic Association, the Bloomingdale Civic
25 Association, and the ANC 5E.

1 And I guess Ms. Barnes, you're the,
2 are you single in the district or are you the
3 chair of the ANC 5E?

4 MS. BARNES: I'm the vice chair of ANC
5 5E.

6 CHAIRPERSON ANDERSON: Okay. All
7 right. And Mr. Kirby is representing all the
8 protestors, is that correct?

9 MR. VINING: Yes, it is, but we do
10 have one of the witnesses here. She's the
11 president of the Stronghold Civic Association.
12 You did not call her by name. So would you like
13 to?

14 CHAIRPERSON ANDERSON: I'm sorry, who
15 else is here for the Stronghold Civic
16 Association?

17 MR. VINING: The first witness is the
18 President of the Stronghold Civic Association,
19 Ms. India Lockett. She's been elevated.

20 CHAIRPERSON ANDERSON: Where is Ms.
21 India Lockett where she can --

22 MS. LUCKETT: Good afternoon, Chairman
23 Donovan. I am India Lockett.

24 CHAIRPERSON ANDERSON: Can you spell
25 and state your name for the record, ma'am?

1 MS. LUCKETT: Yes, India, I-N-D-I-A,
2 Lockett, L-U-C-K-E-T-T.

3 CHAIRPERSON ANDERSON: And what's your
4 relationship with this protest, ma'am?

5 MS. LUCKETT: I am the President of
6 the Stronghold Civic Association.

7 CHAIRPERSON ANDERSON: All right.
8 Good afternoon, ma'am. All right, so prior to us
9 starting this hearing, I stated what's going to
10 happen.

11 So basically, we'll have the licensee
12 and, hold on one minute. We're going to have the
13 Applicant, who is going to make an opening
14 statement.

15 Then the Protestants will have an
16 opportunity to make an opening statement. And
17 then the Board will call its witness.

18 You have five minutes to do an
19 opening. Once we start, the case, you have an
20 hour to present your case.

21 I'll be somewhat flexible, Mr. Vining,
22 because you are representing three groups, but
23 the Board does not intend to access repetitive or
24 redundant testimony.

25 This matter is going to take a minute.

1 It's going to take a while because of the Board's
2 case, but I don't want us to be here all night.

3 The Board's available all night to do
4 it, but I don't want us to be here all night.

5 And so, if I believe that you are
6 having repetitive or redundant testimony, then I
7 will try to stop you.

8 But because we want to make sure that
9 you're proving the facts that are important in
10 this case for us to make a decision.

11 I will also state also, please do not
12 spend a significant amount of time in cross-
13 examination.

14 I prefer that you spend more of your
15 time presenting direct evidence rather than
16 cross-examining witnesses because that does not
17 help us per se.

18 Your protest in this application, you
19 need to tell me your witness's presentation, your
20 reason for protest, not your cross-examination.

21 That's not necessarily helpful for
22 this Board to make a determination. All right?
23 Okay.

24 So let's start with opening
25 statements. And Mr. Tandon, you wish to make an

1 opening statement?

2 MR. TANDON: All right. So like I
3 said, my name is Denish Tandon. I'm here
4 representing my wife, Nithi Tandon, who is the
5 licensee.

6 So for Hillview Market, Hillview
7 Market acquired this business and the property in
8 July 2021, which this is an already existing beer
9 and wine establishment which can process as well
10 for the neighborhood and intends to be the same
11 thing with the exception of having liquor in it.

12 And that is what my wife has put in
13 the application for, to add spirits to the
14 existing beer and wine permit and a grocery
15 shelf, like whatever it is.

16 We are going to keep the same concept
17 going. Hillview is a very vibrant neighborhood,
18 and I believe some may plus on either side of it,
19 there are no liquor stores, not a proper liquor
20 store.

21 We believe that it's gonna be a very
22 important for the community and for the income
23 from the venues part of you as well for the
24 business.

25 We want to make it a one-stop shop,

1 which will carry spirits, beer, wine, groceries,
2 and the bulk of it in coffee stores.

3 So this is what the intention is. And
4 we've put in an application for that. I'll close
5 my statement here.

6 And then I know there is a lot of
7 protest. But since there is no history to any of
8 the things that are being claimed in the protest,
9 so I believe we should be given a conservative
10 chance to run and operate and prove ourselves.
11 Thank you.

12 CHAIRPERSON ANDERSON: All right,
13 thank you. Mr. Vining?

14 MR. VINING: Thank you. I'm Kirby
15 Vining, Director of Finding for the Stronghold
16 Civic Association.

17 Presenting to you today is the
18 designated representative of three of the four
19 protest groups in this case.

20 Well, it's all three protestors in
21 this case, the Stronghold Civic Association,
22 Bloomingdale Civic Association, and the ANC
23 single-member district 5E09.

24 Each of the parties will present
25 specific exhibits and witnesses as outlined in

1 the PIF each group submitted, each addressing
2 aspects of ABRA's appropriateness standards.

3 But in this opening statement, we will
4 present concerns and comments of the
5 neighborhoods of these three protesting parties.

6 Each of the groups will describe how
7 they surveyed neighbors and residents and how the
8 surveys are the result of these protests today.

9 This case concerns an application for
10 a Class A liquor license for the Applicants, who
11 currently has a Class B liquor and wine license.

12 Since purchasing the store, the
13 Applicant has not been in business at this
14 location selling liquor or anything else.

15 So we in the community have no
16 experience how the proposed new business would be
17 run.

18 Thus our comments must focus on the
19 community's experience of the two Class B
20 licenses in our neighborhood in ambition of what
21 could change and a Class A license could be like.

22 That is the simple question we ask the
23 community. Do you support or oppose granting a
24 liquor license to the store and why?

25 The vast majority of the neighborhood

1 residents who responded to the surveys said they
2 do not support the granting of a liquor license
3 and provided details on why they took this
4 position, mostly due to littering, loitering, and
5 that it's sometimes noisy and sometimes ends in
6 violence, public drinking and drug use in the
7 area surrounding the store in the past, an
8 eclectic view that adding liquor to the menu
9 would only make matters worse for the community.

10 Littering, loitering, drug use, et
11 cetera, that the witnesses will speak about in
12 opposition to the Class A license application is
13 arguably only indirectly related to the presence
14 of the two Class B stores in our neighborhood, as
15 most of the unsavory activity witnesses describe
16 is generally near but not on the premises of the
17 stores.

18 It must be on the control or the
19 responsibility of the store owner. However, it
20 has rather strict regulations governing on-
21 premise activity and those regulations are in
22 general abided by.

23 The objectionable activity described
24 is demonstrably fueled by or catalyzed by the
25 store's presences, though only indirectly caused

1 by the store.

2 When the stores are closed, the
3 objectionable activity is generally not present.

4 The stores selling rolling papers, for
5 example, but do not sell marijuana and have no
6 control over where those rolling papers are used
7 to roll marijuana.

8 Bamboo brand paper wrappers sold in
9 the stores are all over the neighborhood.

10 Similarly, while hard liquor is not sold at
11 either of the stores now, hard liquor bottles are
12 frequently seen among the litter in adjacent
13 areas, an example being Exhibit 14, which shows a
14 liquor bottle on top of a trash bag neighbors put
15 out on Channing Street to try to encourage less
16 littering.

17 With the environment and the
18 atmosphere created by Class B licenses, neighbors
19 clearly asked themselves if a Class A license
20 would help a situation.

21 The majority answers that it would
22 not. As an introduction to the witnesses and
23 exhibits to be presented by the three protest
24 parties, along with a brief description of the
25 neighborhood and existing conditions in it that

1 are shared by the neighborhood's representative
2 here today.

3 The neighborhood surrounding the
4 Applicant's store is entirely resident, except
5 for one other Class B retail store a block away
6 at 2501 North Capitol Street Northeast that was
7 the subject of an application for a Class A
8 license, in our case 16-PRO-00016, decided in
9 August 2016, which is Exhibit 25.

10 Both those stores are buildings zoned
11 residential, R3 zoning in Stronghold area to the
12 east, RF1 zoning to the west, as are all other
13 properties in the neighborhood.

14 These stores were originally built as
15 corner stores at the same time as the adjacent
16 houses in the World War I era.

17 These two stores are nearly identical
18 to the houses they are adjacent to, differing
19 from those adjacent houses only in details of the
20 larger entrances and windows.

21 Exhibit P3 is a zoning map of the
22 neighborhood, showing the Applicant's store
23 marked with a star in red.

24 The other store, one block away at
25 2501 North Capital Street Northeast with a black

1 rectangle.

2 Right up the middle of that map is
3 North Capital Street. That's Stronghold to the
4 east, Bloomingdale to the west.

5 The entire map is within the area of
6 ANC SMB 5E09. Exhibit P4 is a map showing a
7 slightly larger area where the nearest liquor
8 store and store in the neighborhood are located.

9 At the extreme bottom of that map, the
10 Super Liquors store is marked with an asterisk
11 rather than a letter to indicate that it closed
12 recently.

13 The owner of Super Liquors ultimately
14 decided not to renew a Class A license and was
15 cancelled in ABRA Case 079241, following order
16 221-238 dated April 2021.

17 So this is what the neighbors see when
18 they look for stores in the neighborhood. Two
19 corner stores with Class B licenses that sell
20 beer, wine, and a variety of daily necessities,
21 just a short walk away, and a ring of liquor
22 stores that is located a bit further away.

23 Notice that the liquor stores marked
24 on this map are all in commercial areas,
25 supplying a variety of other goods and services,

1 and none of the liquor stores marked on the map
2 are informing businesses in their respective
3 areas.

4 Note that within the same area with
5 all the liquor stores, there are no banks,
6 grocery stores, drug stores, or gas stations, all
7 of which are available a bit further out in all
8 directions.

9 Based on these maps and the testimony
10 you will hear, one might conclude that the
11 neighborhood is sufficiently supplied with liquor
12 stores now and the neighbors might enjoy both the
13 convenience and proximity, but also the advantage
14 of distance from them while regarding the
15 presence of two local convenience stores a
16 demonstrable benefit.

17 There are few or no instances of
18 objectionable behavior cited by witnesses at the
19 Applicant's store location since the store was
20 closed, and that is in essence of demonstration
21 that the activities cited is indirectly caused by
22 alcohol sales.

23 There have been no alcohol sales, no
24 sales of anything, since the store was closed.
25 But there are examples of this activity

1 continuing at the Channing Street store where
2 alcohol sales continue.

3 Exhibit P6 is a police report of calls
4 at the Applicant's store location for a one-year
5 period ending in October 2021 when the store
6 closed.

7 We are told that this report is
8 heavily redacted so we can have no knowledge of
9 what information has been removed from it.

10 So assaults and other incidents are
11 identified all in the first six months of 2021
12 when the previous owner was in business.

13 At the same time we requested a report
14 of police calls to the other store at 2501 North
15 Capital Street to compare with this, but there's
16 no information in response to that request
17 because all the information we were told, all the
18 information in that report was redacted.

19 So we have nothing to offer as
20 evidence in that case to compare. We hoped to
21 show a comparison of the type and frequency of
22 police calls to these two stores when both are
23 open and selling alcohol.

24 An example of neighborhood complaints
25 concerning the derelict current conditions in

1 Exhibit P9 dated March 6, 2022, and Exhibit P10,
2 an email from ABRA promising to assign an
3 investigator to investigate this matter, but as
4 far as we know has not yet been investigated as
5 no response to communicate has been received. I
6 conclude my opening remark.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you, sir. Does the Board want to call its
9 first witness?

10 INVESTIGATOR MILLER: Jovan Miller.

11 CHAIRPERSON ANDERSON: Mr. Miller, can
12 you raise your right hand, please? I'm sorry,
13 you are one side of my screen but then you
14 switched to another side.

15 That's why I'm like looking for you.
16 I couldn't figure out where you were. I'm sorry.

17 Do you swear or affirm to tell the
18 truth and tell nothing but the truth?

19 INVESTIGATOR MILLER: Yes, sir.

20 CHAIRPERSON ANDERSON: All right, Mr.
21 Miller, can you please spell and state your name
22 for the record, please?

23 INVESTIGATOR MILLER: Jovan Miller, J-
24 O-V-A-N, last name Miller, M-I-L-L-E-R.

25 CHAIRPERSON ANDERSON: And Mr. Miller,

1 where are you currently employed?

2 INVESTIGATOR MILLER: I am currently
3 employed at Alcohol and Beverage Regulation
4 Administration.

5 CHAIRPERSON ANDERSON: And how long
6 have you been employed at this agency, sir?

7 INVESTIGATOR MILLER: Next week it
8 will be three years, sir.

9 CHAIRPERSON ANDERSON: And what are
10 your duties and responsibilities at the agency?

11 INVESTIGATOR MILLER: ABRA
12 investigators conduct investigations and
13 inspections of ABC licensed establishments
14 throughout the District of Columbia.

15 CHAIRPERSON ANDERSON: Now are you
16 familiar with the establishment, the nature of
17 this protesting, Hillview Market, sir?

18 INVESTIGATOR MILLER: Yes, sir.

19 CHAIRPERSON ANDERSON: And how did you
20 become familiar with this establishment?

21 INVESTIGATOR MILLER: I have done
22 investigation for the protest for the Hillview
23 Market protest.

24 CHAIRPERSON ANDERSON: And did there
25 come a time when you wrote a report?

1 INVESTIGATOR MILLER: Yes, sir.

2 CHAIRPERSON ANDERSON: Are you able to
3 share your screen and share this report with us,
4 sir?

5 INVESTIGATOR MILLER: Sir, I have it
6 in paper form, but I do have my report. I can
7 just give a summary of the report.

8 CHAIRPERSON ANDERSON: All right.
9 Well, I think, do you have, at some point
10 probably I would like you to share your screen as
11 you go through the exhibits so we can also see
12 what exhibits are part of your report.

13 But we can start. Now, who are the
14 protestors in this? Who are the parties
15 protesting this substantial change application,
16 sir?

17 INVESTIGATOR MILLER: That would be
18 the ANC 5E, Bloomingdale Civic Association, and
19 the Stronghold Civic Association.

20 CHAIRPERSON ANDERSON: And have you
21 had an opportunity to speak to representatives of
22 these groups, sir?

23 INVESTIGATOR MILLER: Yes, sir.

24 CHAIRPERSON ANDERSON: And what
25 information were you able to gather when you

1 spoke to the -- who did you speak to from the ANC?

2 INVESTIGATOR MILLER: I spoke with,
3 excuse me, the ANC, I spoke with, let's see, that
4 was Ms. Dianne Barnes.

5 CHAIRPERSON ANDERSON: And what
6 information, if any, were you able to gather as a
7 result of your conversation with Ms. Barnes?

8 INVESTIGATOR MILLER: No further
9 information was added. I believe they were going
10 to bring witnesses or information to present for
11 their case.

12 CHAIRPERSON ANDERSON: But I'm saying,
13 did you speak to Ms. Barnes? What if anything
14 did she share with you, if anything?

15 INVESTIGATOR MILLER: There was no
16 information, sir. No additional information from
17 outside the protest report.

18 CHAIRPERSON ANDERSON: What about did
19 you speak to anyone from the Stronghold Civic
20 Association?

21 INVESTIGATOR MILLER: For all three
22 protestors, they all had the same, that they
23 would provide information was for the case once
24 they had the protest hearing, outside of their
25 protest letter.

1 CHAIRPERSON ANDERSON: So you're
2 basically saying that, let me ask the question
3 like this. You contacted them, and so what did
4 they say?

5 INVESTIGATOR MILLER: I believe all
6 the information was that they would present their
7 witnesses.

8 They were gathering their witnesses
9 for some, and others had no information to add to
10 their protest from their protest letter.

11 CHAIRPERSON ANDERSON: But do you know
12 why the ANC is protesting this substantial change
13 application?

14 INVESTIGATOR MILLER: They stated just
15 for peace and quiet, real property values,
16 residential parking needs, vehicle and pedestrian
17 safety, and overconcentration of liquor stores.

18 CHAIRPERSON ANDERSON: And this is
19 information that they provided in their protest
20 letter?

21 INVESTIGATOR MILLER: Yes, sir. Let
22 me go exactly to their protest letter. Scroll
23 down. Some of their protest letters are a little
24 lengthy, but just give me --

25 CHAIRPERSON ANDERSON: Are they all

1 referring back to their protest letter? I have
2 nothing else to say. You're sure of the protest
3 letters. Is that what you're saying?

4 INVESTIGATOR MILLER: Yes, sir. Some
5 were gathering more information as far as
6 witnesses and others didn't have anything else to
7 add from their protest letter, outside of that.

8 CHAIRPERSON ANDERSON: So you wrote a
9 report. So what is it that you wrote a report
10 regarding?

11 Tell me what is in your report. What
12 is the report to? What are you able to report
13 today as part of your investigation?

14 INVESTIGATOR MILLER: Would you like
15 me to read the summary, sir?

16 CHAIRPERSON ANDERSON: Well, I need to
17 bring information for the public record. You've
18 done an investigation.

19 So whatever kind of findings. What is
20 it as a result of doing an investigation of this
21 protest did you find out?

22 INVESTIGATOR MILLER: So some
23 protestors, well, actually all, have concerns
24 about traffic on North Capital Street.

25 They think it's already a busy street.

1 And they think that more traffic as comes to the
2 establishment would change the nature of traffic.

3 Also, loitering. They have numerous
4 liquor stores that have loitering and littering
5 and crime, degrading the business profile of
6 liquor stores, what else?

7 Of course, parking. They said there's
8 not a lot of parking, so how could, you have to
9 evaluate traffic flow. And that's about it.
10 That was the main concerns.

11 CHAIRPERSON ANDERSON: But this is all
12 information that was in their protest letter.
13 This is not from any investigation speaking to
14 them?

15 INVESTIGATOR MILLER: Yes, sir.

16 CHAIRPERSON ANDERSON: What about,
17 were you able to speak to the Applicant?

18 INVESTIGATOR MILLER: Yes, sir. I had
19 a chance to speak to actually the representative,
20 Mr. Tandon.

21 CHAIRPERSON ANDERSON: What
22 information then were you able to gather from Mr.
23 Tandon?

24 INVESTIGATOR MILLER: Mr. Tandon
25 basically stated, well, I'm going to go to

1 exactly what he said, that he was doing
2 renovations of his establishment.

3 He's going to, I believe he said
4 \$200,000 to \$300,000 to improve the
5 establishment.

6 He hasn't had any history of ABC
7 license violations from ABRA. And he just wants
8 to know basically why people are protesting
9 against his establishment.

10 He has no loitering. He says he has
11 no loitering or littering outside of his
12 establishment or criminal activity. That's the
13 basis of it.

14 CHAIRPERSON ANDERSON: So you spoke to
15 the representative, Mr. Tandon. Were you able to
16 view the property?

17 INVESTIGATOR MILLER: Yes, sir.

18 CHAIRPERSON ANDERSON: Tell me about
19 it. Were you able to view this property with Mr.
20 Tandon or without him?

21 INVESTIGATOR MILLER: I reviewed it
22 with Mr. Tandon.

23 CHAIRPERSON ANDERSON: So tell me,
24 what is it that -- tell me about that. What did
25 you talk to him about? And what is it that you

1 saw? And when did this happen?

2 INVESTIGATOR MILLER: I talked to him
3 about basically his thoughts on the protest,
4 approaching the problems that the protestors
5 claim to be happening.

6 He basically told me the information
7 I provided to you a few moments ago. As far as
8 the property goes, he hasn't done any upgrades as
9 far as the establishment as of yet.

10 It's a little bit outdated and the
11 interior and exterior does need work.

12 CHAIRPERSON ANDERSON: So you went to
13 the site with Mr. Tandon to view the site?

14 INVESTIGATOR MILLER: Yes, sir.

15 CHAIRPERSON ANDERSON: So when did you
16 go there? And tell me about this site. What is
17 it that you saw when you went to view the site
18 with Mr. Tandon?

19 INVESTIGATOR MILLER: Mr. Chairperson,
20 can I just share my screen so I can show the
21 property?

22 CHAIRPERSON ANDERSON: All right,
23 well, hold on. That's one of the exhibits that
24 you have later on, is that --

25 INVESTIGATOR MILLER: Yes, sir.

1 CHAIRPERSON ANDERSON: Is that one of
2 the exhibits that you have attached to your
3 report?

4 INVESTIGATOR MILLER: Yes, sir.

5 CHAIRPERSON ANDERSON: All right.
6 Let's hold on before you go there. But let me
7 ask you to tell us.

8 So tell me about the characteristics
9 of the neighborhood. Tell me what it is that you
10 found out regarding the characteristics of the
11 neighborhood.

12 INVESTIGATOR MILLER: The
13 characteristic of the neighborhood, it's very
14 peaceful. I have monitored the surrounding
15 areas.

16 I haven't seen a lot of criminal
17 activity. Further down North Capital, there were
18 people who were I guess homeless or, but that's
19 probably about three or four blocks down.

20 Across the street occasionally, there
21 were homeless people over there. But overall,
22 the neighborhood was a pretty good neighborhood.

23 As far as the exterior around the
24 building, it's pretty clean. There wasn't lots
25 of littering.

1 There was occasional people dropping
2 things, but nothing extravagant. Outside of
3 that, it was just a busy street.

4 Of course, North Capital is very busy.
5 And very quiet. It's very quiet over there.

6 CHAIRPERSON ANDERSON: All right. Are
7 there any other ABC licensed establishments
8 within 1,200 foot of this establishment?

9 INVESTIGATOR MILLER: Yes, sir.

10 CHAIRPERSON ANDERSON: And what
11 establishment is that?

12 INVESTIGATOR MILLER: That is Capitol
13 Market, sir.

14 CHAIRPERSON ANDERSON: What type of
15 establishment is that?

16 INVESTIGATOR MILLER: A Class B.

17 CHAIRPERSON ANDERSON: What's a Class
18 B?

19 INVESTIGATOR MILLER: Sorry. Class B
20 only sells wine and beer and does grocery. It's
21 a full grocery, as well. So deli items, various
22 home things.

23 CHAIRPERSON ANDERSON: All right.
24 What are the proposed hours of operation from --
25 it's my understanding that this establishment is

1 not open as yet.

2 INVESTIGATOR MILLER: Yes, sir.

3 CHAIRPERSON ANDERSON: But what are
4 the proposed hours of operation for this
5 establishment and hours of sales of beverages if
6 this license is approved?

7 INVESTIGATOR MILLER: Sunday through
8 Saturday, the hours of operation are 9 a.m. to 9
9 p.m.

10 Hours of sale on Sunday is 10 a.m. to
11 9 p.m. and Monday through Saturday, 9 a.m. to 9 p.m.

12 CHAIRPERSON ANDERSON: All right. You
13 had testified before that you went to the
14 location with the representative, but outside of
15 this other time that you went to visit the
16 establishment, have you gone to the establishment
17 to observe the operation?

18 INVESTIGATOR MILLER: Yes, sir.

19 CHAIRPERSON ANDERSON: How many times
20 have you been there?

21 INVESTIGATOR MILLER: Myself, eight
22 times, but in total, it's 11.

23 CHAIRPERSON ANDERSON: And so of the
24 eight times that you went to observe the
25 establishment, what did you observe?

1 INVESTIGATOR MILLER: I observed a
2 quiet neighborhood for the most part, besides
3 traffic during rush hour.

4 There really wasn't anything going on.
5 No patrons outside or pedestrians, excuse me,
6 outside.

7 Light littering. Nothing too absurd
8 from like the wind blowing it into the area. But
9 overall, it was just, it was quiet.

10 No criminal activity. No pedestrians
11 who seemed to be doing any drugs. No loitering.

12 CHAIRPERSON ANDERSON: Now, have you
13 had an opportunity to monitor any other
14 establishments that's within walking distance of
15 the location?

16 INVESTIGATOR MILLER: Yes, sir.

17 CHAIRPERSON ANDERSON: And what are
18 they?

19 INVESTIGATOR MILLER: That is Capitol
20 Market.

21 CHAIRPERSON ANDERSON: I'm sorry, who?

22 INVESTIGATOR MILLER: Capitol Market.
23 It's one establishment within walking distance of
24 Hillview Market is Capitol Market. Or not
25 Capitol Market, excuse me.

1 CHAIRPERSON ANDERSON: But are there
2 any other establishments along the corridor that
3 you have noted in your investigation of this
4 facility?

5 INVESTIGATOR MILLER: Not an ABC
6 licensed establishment.

7 CHAIRPERSON ANDERSON: But are there
8 any other establishments that are there?

9 INVESTIGATOR MILLER: There is a
10 market called Flaggler Market that is within
11 walking distance. I only observed that twice and
12 it was not really busy.

13 CHAIRPERSON ANDERSON: That is not an
14 ABC establishment, is that correct?

15 INVESTIGATOR MILLER: Yes, sir.

16 CHAIRPERSON ANDERSON: All right. Ms.
17 Fashbaugh, can you give Mr. Miller the ability to
18 share his screen, please?

19 MS. FASHBAUGH: This has already been
20 accomplished. Thank you.

21 CHAIRPERSON ANDERSON: So what is it
22 that you want to share with us, Mr. Miller?

23 INVESTIGATOR MILLER: I want to show
24 the exhibits for the exterior and interior of
25 Hillview Market.

1 CHAIRPERSON ANDERSON: What exhibit
2 are you going to show us now?

3 INVESTIGATOR MILLER: Excuse me, let
4 me share my screen. Go down to, I'm going to
5 show you the exterior first of Hillview Market.
6 Am I sharing correctly?

7 CHAIRPERSON ANDERSON: I'm not seeing.
8 All I see is the ABRA logo, sir.

9 INVESTIGATOR MILLER: All right.
10 Maybe I'm not sharing correctly. Share file.
11 Excuse me, sir.

12 CHAIRPERSON ANDERSON: What is it that
13 we're now looking at, sir?

14 INVESTIGATOR MILLER: You can see it,
15 Mr. Chairperson?

16 CHAIRPERSON ANDERSON: Yes, I can see
17 it. What are we looking at?

18 INVESTIGATOR MILLER: This is the
19 exterior of Hillview Market, which used to be Sun
20 Beam Market.

21 CHAIRPERSON ANDERSON: Okay.

22 INVESTIGATOR MILLER: This is the
23 surrounding area. On this street is, I believe
24 it is Bryant Street. Sorry. This is the other
25 side on North Capitol.

1 CHAIRPERSON ANDERSON: When you're
2 going through the documents, can you just tell us
3 for the record what exhibit you are describing
4 for us, please?

5 INVESTIGATOR MILLER: So for this
6 exhibit, I am showing you, it's just the side of
7 --

8 CHAIRPERSON ANDERSON: No, sir, what
9 exhibit? Also what exhibit number is this?

10 INVESTIGATOR MILLER: This is Exhibit
11 11. This is the left side of Hillview Market.

12 I'm just showing you guys just the
13 exterior of just the ground around the building
14 has just a little bit of weeds or stuff growing
15 on the building.

16 Exhibit 12 is just showing you guys
17 the sign, how it's a little bit worn down and
18 needs a little bit of maintenance.

19 Also, just the front door of the
20 establishment, which has a gated door with a
21 lock.

22 Exhibit 13 is just the inside of the
23 building, just showing the exterior to get a
24 better view.

25 And Exhibit 14 is the interior of the

1 front door, which you would be greeted by an ATM
2 and I believe the freezer.

3 Exhibit 15, that's inside of I guess
4 if you want to call it box. I'm not sure of the
5 general name for that.

6 But it's just showing the interior.
7 Again, Mr. Tandon told me that they were doing
8 upgrades on the establishment.

9 CHAIRPERSON ANDERSON: In general, the
10 interior of the establishment is in disrepair, is
11 that what you're showing us?

12 INVESTIGATOR MILLER: Yes, sir.

13 CHAIRPERSON ANDERSON: Okay.

14 INVESTIGATOR MILLER: Exhibit is just
15 more of the interior, showing the surrounding
16 areas.

17 Exhibit 17 is more of the interior,
18 showing that the floors, it's not really
19 organized at the moment.

20 CHAIRPERSON ANDERSON: And again,
21 you're showing us the interior of the restaurant,
22 basically.

23 I'm sorry, the interior of the
24 business which is in disrepair because it's not
25 apparent that any work has been done since the

1 last licensee moved out, and so the business is
2 in disrepair. Is that correct?

3 INVESTIGATOR MILLER: Correct.

4 CHAIRPERSON ANDERSON: Is there any
5 produce or any -- is there anything for sale
6 currently in the building?

7 INVESTIGATOR MILLER: No, sir, the
8 store has not been open since it has been
9 transferred of sale.

10 CHAIRPERSON ANDERSON: Okay.

11 INVESTIGATOR MILLER: And just more
12 interior photographs for Exhibit 18, I believe.
13 19, excuse me.

14 This is just the back of the store.
15 I was just showing more of the floor and the
16 disrepair of the back of the store.

17 For Exhibit 20, the floor, and just
18 more photographs of the back of the store, or the
19 establishment, excuse me, of work that needs to
20 be done.

21 And the remaining photos are just more
22 photos of the repairs that need to be done, Mr.
23 Chairperson.

24 CHAIRPERSON ANDERSON: Now, based on
25 your conversation with Mr. Tandon, the

1 representative --

2 INVESTIGATOR MILLER: Yes, sir.

3 CHAIRPERSON ANDERSON: -- this
4 establishment currently has a license. So did
5 you have any conversation with them, since they
6 already have a B license, why is he not operating
7 with a B license?

8 INVESTIGATOR MILLER: Mr. Tandon said
9 that he was waiting on the repairs. I believe
10 he's waiting on after the substantial change
11 protest to see if he can do I guess different
12 upgrades to the establishment to fit liquor
13 inside of the establishment or remodel the
14 interior of the establishment.

15 He said that he would be putting
16 \$200,000 to \$300,000 into the establishment to do
17 renovations.

18 CHAIRPERSON ANDERSON: So based on
19 your conversation with him, did he share with you
20 what products, if any, would be sold in this
21 establishment?

22 INVESTIGATOR MILLER: No, sir.

23 CHAIRPERSON ANDERSON: So were you
24 able to gather, is the business going to be a
25 grocery or is this going to be a strict liquor

1 store?

2 Based on your conversation with him,
3 did you get any idea what is it that he plans to
4 do with this business? And what I'm being shown
5 is an empty store of disrepair.

6 INVESTIGATOR MILLER: From what I
7 believe, he just stated that he wanted to do the
8 repairs.

9 He didn't have a direction of which
10 way he was going at the moment. And I believe he
11 just waited, as far as I know from his early
12 statements today, that he was planning on doing a
13 store providing full grocery. But until our
14 previous conversation, no, sir.

15 CHAIRPERSON ANDERSON: All right.
16 What else do you have to show us?

17 INVESTIGATOR MILLER: The remaining is
18 more just photographs of the interior of just
19 leftover from the previous owner of old alcohol
20 and wine.

21 And that is Exhibit 23. Exhibit 24,
22 just more left behind items from the previous
23 owner, was left in the freezer.

24 And then it goes into just the sale of
25 his ABC license. As far as the establishment

1 goes, there is no more photographs for the
2 interior or exterior. That was all.

3 CHAIRPERSON ANDERSON: What other
4 exhibits do you have attached to your report?

5 INVESTIGATOR MILLER: I have the ABC
6 license, settlement agreement.

7 CHAIRPERSON ANDERSON: And can you
8 please let me know what are these exhibits that
9 are -- what is the exhibit number, please?

10 INVESTIGATOR MILLER: Exhibit 25 is
11 the ABC license. Exhibit 26 is their current
12 settlement agreement.

13 There is a continuation of the
14 settlement agreement. Also a continuation of the
15 settlement agreement. Furthermore of the
16 settlement agreement.

17 CHAIRPERSON ANDERSON: You can move on
18 to the next exhibit.

19 INVESTIGATOR MILLER: Yes, sir.
20 Exhibit 27 is the transit stations that are near
21 Hillview Market.

22 There are approximately ten within two
23 to three blocks in each direction. Route 80, or
24 bus 80.

25 Exhibit 28 is just signs of the

1 parking that's around the building. This is
2 right here, it's North Capitol Street, right by
3 the establishment.

4 This also is, for Exhibit 29, another
5 parking sign for North Capitol.

6 CHAIRPERSON ANDERSON: How far is this
7 from the establishment?

8 INVESTIGATOR MILLER: This is
9 approximately like half a block.

10 CHAIRPERSON ANDERSON: Okay.

11 INVESTIGATOR MILLER: Exhibit 30, this
12 is Adams Street, which I believe is two blocks
13 down.

14 It's just more parking. This is
15 Exhibit 30. This is Bryant Street on the side of
16 North Capitol.

17 Excuse me, on the side of Hillview
18 Market. More parking signs for Exhibit 31. This
19 is Channing, I believe, Street.

20 More parking. This is Exhibit 32.
21 And that was all, Mr. Chairperson.

22 CHAIRPERSON ANDERSON: All right. You
23 can close your screen, sir. Any questions by any
24 Board members?

25 MR. GRANDIS: Yes, sir.

1 CHAIRPERSON ANDERSON: Please go
2 ahead, Mr. Grandis.

3 MR. GRANDIS: Good afternoon, Mr.
4 Miller. Thank you for your presentation and the
5 report that you had asked to be part of the
6 record, and I want to thank you for your good
7 work on that.

8 I know it's my understanding that this
9 establishment was closed during the entire time
10 you investigated it. Is that correct?

11 INVESTIGATOR MILLER: Yes, sir.

12 MR. GRANDIS: Even with that
13 situation, did you do a call for service for that
14 address?

15 INVESTIGATOR MILLER: Yes, sir.

16 MR. GRANDIS: Is that part of your report?
17 Because I was trying to see if I could see that.

18 INVESTIGATOR MILLER: Yes, sir. The
19 calls of service was attached to -- well, they
20 had no calls of service.

21 It wasn't actually. I wrote it in the
22 report but I didn't have an actually paper for
23 that. Nothing to report.

24 MR. GRANDIS: Okay. What types of
25 calls for service did you obtain? You said you

1 made a call.

2 You did a research for calls for
3 service for that address. Was there any
4 information you learned from that?

5 INVESTIGATOR MILLER: No, sir. They
6 have zero calls for service for that address.

7 MR. GRANDIS: Okay. Well, that tells
8 us something. Did you also find out from the
9 Applicant what percentage of the inventory of the
10 prior owner, which I understand was a B license,
11 had groceries as well as beer and wine, did you
12 have any conversations to try to determine what
13 that percentage was?

14 INVESTIGATOR MILLER: No, sir, but all
15 Class B full grocery have to have 50 percent of
16 daily items or things of that nature.

17 MR. GRANDIS: Okay, I appreciate that
18 being made part of the record. I want to thank
19 you again. I want to thank you for your
20 presentation. Thank you.

21 INVESTIGATOR MILLER: Thank you, sir.

22 CHAIRPERSON ANDERSON: Any other
23 questions by any other Board members?

24 MEMBER SHORT: Yes, Mr. Chair.

25 CHAIRPERSON ANDERSON: Go ahead, Mr.

1 Short.

2 MEMBER SHORT: Good afternoon,
3 Investigator Miller.

4 INVESTIGATOR MILLER: Good afternoon,
5 sir.

6 MEMBER SHORT: Okay. Would you please
7 pull up, well, before we go there, parking in the
8 vicinity of this Applicant's establishment, can
9 you describe the parking for residential and the
10 parking for businesses there?

11 INVESTIGATOR MILLER: There is limited
12 for both on each street. They do have
13 residential parking designation and they also do
14 have just limited parking, but it is limited
15 around the vicinity of the establishment.

16 MEMBER SHORT: Okay. Now, on one of
17 the photographs you showed of the Applicant's
18 store there, on North Capitol, and I believe
19 that's Adams Street, but it is, it showed there's
20 two stories to that building, correct?

21 INVESTIGATOR MILLER: Yes, sir.

22 MEMBER SHORT: Did you know or did you
23 investigate what's on that second floor?

24 INVESTIGATOR MILLER: The second floor
25 are apartments, sir.

1 MEMBER SHORT: Residential?

2 INVESTIGATOR MILLER: Yes, sir.

3 MEMBER SHORT: What abuts the store on
4 either side and on the rear?

5 INVESTIGATOR MILLER: Excuse me, sir,
6 I couldn't hear you. Could you say it one more
7 time?

8 MEMBER SHORT: What types of
9 occupancies abut the establishment that's asking
10 for the state license?

11 INVESTIGATOR MILLER: It's
12 residential.

13 MEMBER SHORT: Residential on the
14 north side?

15 INVESTIGATOR MILLER: Yes, sir.

16 MEMBER SHORT: Residential on the
17 back?

18 INVESTIGATOR MILLER: Yes, sir. That
19 would be the south side and the back.

20 MEMBER SHORT: Okay. Now, should this
21 license be granted by this Board, he'd have to
22 have deliveries of his goods to sell, correct?

23 INVESTIGATOR MILLER: Yes, sir. I
24 believe so.

25 MEMBER SHORT: Did you question the

1 licensee as to where he would get his deliveries?
2 Or where the store that was there
3 previously, inquire where their deliveries were
4 made?

5 INVESTIGATOR MILLER: No, sir.

6 MEMBER SHORT: Did that come to your
7 mind that it might be an issue?

8 INVESTIGATOR MILLER: I believe there
9 is an alley which is, if I'm not mistaken, let me
10 not speak wrong --

11 MEMBER SHORT: Well, I know you're not
12 into traffic, so I'm not even going to do that to
13 you.

14 So let's move on. Now, what I'm going
15 to ask you is, the alley that you were pondering
16 just now in the rear of this licensee's proposed
17 store, how wide is it, the alley in the rear?

18 INVESTIGATOR MILLER: I'm not sure,
19 sir.

20 MEMBER SHORT: Would you say that big
21 delivery trucks might be an issue or they could
22 just drive clearly through?

23 INVESTIGATOR MILLER: I believe a big
24 delivery truck would have an issue.

25 MEMBER SHORT: Okay. Now, also what

1 I wanted to ask you is, what was the sale date
2 that this licensee purchased the location he's in
3 now? What was the sale date?

4 INVESTIGATOR MILLER: I believe that
5 was in July of 2021.

6 MEMBER SHORT: 07/21, and it's been
7 vacant ever since, to your knowledge?

8 INVESTIGATOR MILLER: Yes, sir.

9 MEMBER SHORT: So when you made your
10 testimony about how quiet it is, did you factor
11 in if you put an A store there that it would
12 change that quiet just a wee bit or a little bit?
13 Or would it affect quiet at all?

14 INVESTIGATOR MILLER: I am not sure,
15 sir.

16 MEMBER SHORT: So right now it's quite
17 quiet?

18 INVESTIGATOR MILLER: Yes, sir.

19 MEMBER SHORT: Okay.

20 INVESTIGATOR MILLER: Outside of
21 traffic.

22 MEMBER SHORT: So you showed the
23 interior. Did you get the square footage of the
24 interior?

25 INVESTIGATOR MILLER: No, sir.

1 MEMBER SHORT: Would you consider it
2 to be large, small, medium?

3 INVESTIGATOR MILLER: I am not sure,
4 sir.

5 MEMBER SHORT: Have you been to many
6 A stores with the same type of interior?

7 INVESTIGATOR MILLER: Yes, sir.

8 MEMBER SHORT: Where are they located,
9 if you don't mind, if your memory can serve you?

10 INVESTIGATOR MILLER: I am not sure
11 off the top of my head, sir.

12 MEMBER SHORT: Are there many?

13 INVESTIGATOR MILLER: Yes, sir.

14 MEMBER SHORT: Okay, that's fair. Now
15 showing the inside and you don't know the square
16 footage, did you see any storage areas for
17 delivery of A products or any other products?
18 Did you see much storage area?

19 INVESTIGATOR MILLER: They did have a
20 lower level, a basement for storage.

21 MEMBER SHORT: Is that the stairway
22 going down? Or can they load it from the north
23 side or the inside? How do they get to that
24 storage area?

25 INVESTIGATOR MILLER: Stairwell, sir.

1 MEMBER SHORT: One way in and one way
2 out?

3 INVESTIGATOR MILLER: They have, I
4 believe, an exit on the bottom floor.

5 MEMBER SHORT: So on the first floor
6 is the store itself.

7 INVESTIGATOR MILLER: Yes, sir, ground
8 level.

9 MEMBER SHORT: On the ground level.
10 And so the entrance floor or access in the
11 basement, you said it's on the, where does that
12 come out?

13 On the alley side or the front side,
14 side? Where does that second entrance come out
15 of the basement?

16 INVESTIGATOR MILLER: Alley side.

17 MEMBER SHORT: Okay. And I guess what
18 I wanted you to do for me if you would, would you
19 pull up Exhibit number 28 that you were showing
20 for us?

21 INVESTIGATOR MILLER: Yes, sir.

22 MEMBER SHORT: Okay. That's 28?

23 INVESTIGATOR MILLER: Yes, sir.

24 MEMBER SHORT: What is that showing?

25 INVESTIGATOR MILLER: That is showing

1 the parking near Hillview Market.

2 MEMBER SHORT: Now are those houses or
3 are those homes or those buildings on the same
4 side of the street as the Applicant's store?

5 INVESTIGATOR MILLER: Yes, sir.

6 MEMBER SHORT: Is one of them abutting
7 store?

8 INVESTIGATOR MILLER: I'm not sure
9 what that means, sir.

10 MEMBER SHORT: Abut. Is there one of
11 them --

12 INVESTIGATOR MILLER: Oh, abutting.

13 MEMBER SHORT: Yes, does one of them
14 share a wall with him?

15 INVESTIGATOR MILLER: Yes, sir.

16 MEMBER SHORT: Okay. Now, across the
17 street from these stores, I guess that would be
18 Adams Street, what's on that corner, the next
19 corner, on the next corner?

20 INVESTIGATOR MILLER: More residential
21 house. More houses.

22 MEMBER SHORT: So can you tell me, are
23 there many commercial establishments at all
24 within a block, block and a half of this store?

25 INVESTIGATOR MILLER: Outside of

1 Capitol Market, no, sir. And Flagglers Market.

2 Excuse me.

3 MEMBER SHORT: Yes, I'm very familiar
4 with Flagglers place. But at any rate, within
5 one block of the pictures that you're showing,
6 Exhibit number 28 or 29, within one block of
7 these homes, are there any other commercial
8 stores at all within one block?

9 INVESTIGATOR MILLER: No, sir.

10 MEMBER SHORT: Directly across the
11 street where these pictures are taken, what is
12 there?

13 INVESTIGATOR MILLER: More residential
14 housing.

15 MEMBER SHORT: Okay. So the parking
16 signs, can you pull up the parking signs again,
17 please? Now, to your best, can you read them for
18 us for the record?

19 INVESTIGATOR MILLER: No emergency
20 route. No parking during emergency. Tow away.
21 No standing or parking 7 a.m. to 9:30 a.m. Monday
22 through, I'm not familiar with what the other one
23 states.

24 MEMBER SHORT: It's probably Saturday.
25 But at any rate, thank you for that. And I'm

1 looking at Section 400 of our code book.

2 And that says, appropriateness
3 requirements, and under Section P, which reads,
4 the establishment will not have an adverse impact
5 on residential parking needs, considering
6 available appropriate and private parking and any
7 arrangements made to secure such parking for the
8 clientele of the establishment.

9 Now, me reading that statement, and
10 your interpretation, I don't know what that would
11 be, but would you consider that the parking needs
12 of this community, are they appropriate to have
13 now a store come there? In your opinion.

14 INVESTIGATOR MILLER: I am not sure,
15 sir.

16 MEMBER SHORT: Okay. So, and the
17 residential parking on Adams Street, that means
18 you have to have a residential sticker in your
19 windshield that you live in that community to
20 park there certain hours, correct?

21 INVESTIGATOR MILLER: Yes, sir.

22 MEMBER SHORT: Okay. Thank you for
23 answering the report, Investigator, and I have no
24 further questions, Mr. Chairman.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Short. Please close your screen, Mr. Miller.

2 Any other questions by any Board
3 members? Mr. Tandon, any questions of the
4 investigator?

5 CROSS EXAMINATION

6 MR. TANDON: Yes, sir. I can ask
7 them, yes. Mr. Miller?

8 INVESTIGATOR MILLER: Good afternoon.

9 MR. TANDON: Mr. Miller, how are you?
10 Thank you for your report, first of all. Mr.
11 Miller, just one question from me.

12 When on 11 instances when you were
13 there, did you ever feel that there was like the
14 parking could be an issue, parking was an issue?

15 INVESTIGATOR MILLER: You are asking
16 me if I believe the traffic was and will be an
17 issue?

18 MR. TANDON: I'm not asking that. I'm
19 saying that during your 11 visits whenever you
20 were there 11 times, you said for your
21 inspections or whatever, did you ever feel for
22 once that the cars were parked all the way North
23 Capitol up and Pine Street and Adams Street and
24 Channing Street, everywhere there was no parking
25 spaces available?

1 INVESTIGATOR MILLER: No, sir, there
2 were a few parking spots available

3 MR. TANDON: Right. So, I mean, that
4 is, I mean, this is all I, just a parking problem
5 issue I am trying to address that North Capitol
6 Street is a busy street anyways and it's a busy
7 intersection.

8 With a store coming there or the store
9 coming in operation, it's a little statement to
10 make if people say that, if somebody says that
11 parking is going to be an issue.

12 Parking is, I don't believe parking is
13 ever going to be an issue. It's always going to
14 be a stop and go kind of a situation where --

15 CHAIRPERSON ANDERSON: Mr. Tandon, are
16 you asking a question, sir? I mean, you'll have
17 an opportunity to present your case.

18 MR. TANDON: Thank you. Thank you.
19 That's all. That's all, Mr. Miller. Thank you.

20 CHAIRPERSON ANDERSON: I'm not
21 stopping you, sir. I'm just saying you need to
22 ask questions if you have questions.

23 When you present your case, you can
24 make your argument. But this is just if you have
25 questions of the investigator of the report.

1 MR. TANDON: That's it, sir. Thank
2 you.

3 CHAIRPERSON ANDERSON: Mr. Vining, any
4 questions of the investigator?

5 CROSS-EXAMINATION

6 MR. VINING: Yes, please. The visits
7 that Mr. Miller had to the location there asking
8 about parking, this is a common concern of the
9 civic associations and the ANC, were your visits,
10 sir, all during the daylight hours or any in the
11 evening?

12 INVESTIGATOR MILLER: There were day
13 and night.

14 MR. VINING: You have in Paragraph 9
15 of your report, where in the DC Office of Unified
16 Communications, there were no calls for service
17 from August '21 through March 1st at the address
18 of 2324 North Capitol Street.

19 Was that standard ABRA practice to
20 ask, what is that, three months? So you went
21 back three months? Is that the scope of your
22 request?

23 INVESTIGATOR MILLER: In regards to
24 the establishment, we would go off of the
25 timeframe that the establishment actually had,

1 for Hillview Market, we didn't want to give them
2 calls for service for something that did not
3 occur with them.

4 MR. VINING: Okay, so that's the
5 period of time that it was Hillview Market's
6 responsibility, not the previous owners? Is that
7 correct?

8 INVESTIGATOR MILLER: Correct.

9 MR. VINING: For your visits to the
10 neighborhood there, it was quite clear to all of
11 us that the store was not open.

12 You're well aware of the Capitol
13 Market that is one block north of the location.
14 Did you make any observations about activity
15 about the Capitol Market because it's a Class B
16 market?

17 Did you make any observations about
18 that? I know that's not the case here, but you
19 cited frequently as a parallel case and the only
20 other store nearby, did you look at the activity
21 at 2501, parking activity, any of that during
22 your visits?

23 INVESTIGATOR MILLER: I monitored
24 their establishment as far as loitering,
25 littering, residential parking, and for, are you

1 asking me what did I observe or are you just
2 asking me did I do that?

3 MR. VINING: Just asking you if you
4 observed it at the same time you were visiting
5 the Applicant's store.

6 INVESTIGATOR MILLER: No problem.
7 Yes, I did.

8 MR. VINING: I have no further
9 questions.

10 CHAIRPERSON ANDERSON: Before I
11 dismiss Mr. Miller, any other questions by any
12 other Board members?

13 Mr. Vining is the only person who is
14 going to ask questions. That's why I asked.
15 He's the only designated representative.

16 So I'm just now asking the Board
17 members before I dismiss Mr. Miller if any other
18 Board members have any questions that they want
19 to ask.

20 All right, hearing none, thank you,
21 Mr. Miller. You're free to go. Thank you.

22 INVESTIGATOR MILLER: Thank you, Mr.
23 Chairperson. Thank you, Board.

24 MEMBER SHORT: Thank you.

25 CHAIRPERSON ANDERSON: Mr. Tandon?

1 MR. TANDON: Yes, sir.

2 CHAIRPERSON ANDERSON: How do you wish
3 to present your case? Do you have more witnesses
4 you wish to call?

5 MR. TANDON: Yes, sir. So I am --

6 CHAIRPERSON ANDERSON: I'm sorry, do
7 you have a witness you wish to call, sir?

8 MR. TANDON: No, sir, I don't have a
9 witness. No.

10 CHAIRPERSON ANDERSON: You're going to
11 be testifying, sir?

12 MR. TANDON: Yes, sir.

13 CHAIRPERSON ANDERSON: Can you raise
14 your right hand, please? Do you swear or affirm
15 to tell the truth and nothing but the truth?

16 MR. TANDON: I do.

17 CHAIRPERSON ANDERSON: And be aware
18 that Mr. Vining is going to have an opportunity
19 to cross-examine you, sir, and the Board will.
20 Go ahead.

21 DIRECT EXAMINATION

22 MR. TANDON: So my wife's intention is
23 to introduce a small, woman owned small store,
24 small community store, with selective spirits,
25 beer, and wine, and selective grocery.

1 And she also plans to complement the
2 store by adding a little coffee place to it and
3 introducing a place of having a work and a one
4 stop shop kind of a place for coffee and treats.

5 But I am really shocked at the
6 negative and discriminatory comments made by the
7 members of Stronghold Civic Association and other
8 protestors pertaining to her request for a
9 license change.

10 Their objections seem highly
11 discriminatory, because despite the mayor's
12 efforts to incentivize and influence women
13 entrepreneurship, they seem to be working hard to
14 have her application denied.

15 Now it is no secret that there has
16 been evident rise in crime in our city. Like
17 recently, the residents of Washington, DC
18 received an Amber Alert that a 12-year-old boy
19 was kidnapped.

20 And a couple months back, a car, in an
21 unfortunate incident, sorry, a car crashed into
22 an establishment where patrons were enjoying
23 dinner.

24 Later that week, there were shots
25 fired in Trinidad and then last week there was a

1 carjacking on North Capitol Street.

2 These are all instances that have
3 angered our community. I understand that. But
4 in no way these can be linked to small businesses
5 with Class B or Class A licenses.

6 Insisting otherwise undermines the
7 dedicated entrepreneurship and hard work behind
8 these establishments.

9 As for the protest file, it seemed
10 like the Stronghold Association and, what
11 Stronghold Association and single member district
12 is trying to say is that every incident happening
13 on North Capitol Street is because of Hillview
14 Market's Class A application.

15 Every incident cannot be linked to
16 Hillview Market. And the trash on the street as
17 described in the protest form submitted by
18 Stronghold Civic Association is in no way coming
19 from our store.

20 In fact, there's a well-run business
21 on the block. The trash and unwanted waste is
22 bound to decrease.

23 Stronghold Association and other
24 protestors' claims are simply hypothetically
25 assumptions because Hillview Market has not been

1 in operation for a single day ever since it
2 bought the business from Sun Beam Market.

3 This is because Hillview Market has
4 extensive renovation plans and is waiting on
5 permits from DCRA under the application number
6 B2200641.

7 There is zero trash, zero loitering,
8 that can be related to our property at 2324 North
9 Capitol Street.

10 Ms. Evelyn Brown's statement in the
11 protest form submitted seem hyperbolic and
12 misrepresents our establishment.

13 Her statement insisting that there are
14 piles of trash all around is an extreme
15 overstatement.

16 I have personally hired Mr. Cesar
17 Lopez, one of the temporary caretakers for the
18 property ever since I bought it, and his job is
19 to make sure that the property stays clean of all
20 the litter around.

21 And he does a good job at keeping it.
22 There was also another, in the protest form it
23 was mentioned about the store, the label, which
24 seemed outrageous to me since back during the
25 wintertime when it was snow around, the whole

1 Pine Street, entire block on Pine Street, had
2 large patches of frozen ice.

3 And no one cared to tend to it. But
4 Ms. Brown seemed heavily focused on a little
5 patch of ice that was outside Hillview Market,
6 but nonetheless, was also taken care of in a
7 timely fashion by Mr. Cesar Lopez.

8 Stronghold Civic Association is
9 perhaps adopting this form of opposition because
10 of the successful protest against a Class A for
11 Capitol Market back in 2016.

12 Capitol Market is another
13 establishment with Class B license on northeast
14 side of North Capitol and Channing Street.

15 I was reading through the facts of the
16 ABRA investigator, and it seems like Capitol
17 Market was not following the rules and there has
18 been a history of defaults.

19 My wife, on the contrary, along with
20 me and our family, has owned and successfully
21 operated a restaurant in northeast DC with a full
22 liquor license for the last nine years without
23 any complaints of negative history.

24 The restaurant now has become a
25 neighborhood favorite and is a staple of the

1 community normal.

2 The comments from the consequence
3 presented by Stronghold Civic Association and
4 single member district seem to claim that the
5 city's Class B and Class B retainers are behind,
6 are to be blamed for all the crime, encouraging
7 public urination in their respective areas, which
8 is highly discriminatory.

9 I understand the concerns of the
10 commissioners and the neighbors, but all these
11 concerns are based on assumptions and are
12 hypothetical since our business, Hillview Market,
13 has not been in operation so far.

14 It is and it always will be our sole
15 duty to make sure that we follow all the rules
16 and protocols to ensure our patrons' safety
17 comfort for the neighborhood.

18 We will do everything in our power to
19 ensure that the business is not the cause of any
20 neighborhood.

21 I just hope that my wife has a chance
22 to own and operate the business of her dreams in
23 her beloved city.

24 We want the store to be a strong
25 addition to the community and have a place of

1 peace for Bloomingdale.

2 We hope you will understand our pure
3 intentions for the new store and approve on the
4 class change request. Thank you.

5 CHAIRPERSON ANDERSON: Any questions,
6 Mr. Vining?

7 CROSS-EXAMINATION

8 MR. VINING: Yes, if you please. Mr.
9 Tandon, in your opening statement you said, you
10 spoke about your plans for the business as a good
11 fit for the community.

12 MR. TANDON: Yes, sir.

13 MR. VINING: You see in our exhibits
14 and the witness can talk further about that, that
15 everything that the three organizations have
16 presented as testimony based on surveys of the
17 community.

18 So I'm wondering how you arrived at
19 that determination of a good fit for the
20 community.

21 What surveys and neighbors or what
22 market research might have informed that
23 statement?

24 MR. TANDON: It is just a rearview
25 approach to the community, sir. First of all, I

1 don't know how Hillview Market has been presented
2 to your community by you or your other members of
3 the organization.

4 If you tell someone that it's a liquor
5 store that is coming to the corner, this class
6 change is going to bring exclusive liquor store
7 which will bring all the loitering, littering,
8 and crime, and that is not, people are going to
9 start thinking about it like that.

10 But if you lay the plan out, if you
11 tell them what my plan is, I think I should be
12 given a chance to present my case rather than you
13 guys doing the job for me.

14 If the case is presented from my true
15 heart, I have been trying to connect with you
16 guys.

17 I have been trying to send you emails
18 without any response to connect with you to share
19 my plan with you.

20 My plan is not to make it an exclusive
21 liquor store. That is not the plan. The plan is
22 to have spirits as a part of the already-existing
23 wine and grocery store and to complement it,
24 we're going to have a small deli and a coffee
25 place.

1 And we plan to make it a neighborhood
2 place. Please present it the same way I'm
3 presenting this case to you.

4 If you present it the same way to the
5 community, they will respond with positive
6 numbers.

7 I tried to reach out to the community
8 as much as I could. I don't have all the emails
9 but I could get together a few.

10 And then I sent out the emails and I
11 got a much positive response. Some of them said
12 that they didn't know all this.

13 They were not told about all this.
14 They were told it was just an exclusive liquor
15 store coming to the neighborhood. And probably,
16 nobody likes the idea of losing a corner store to
17 a liquor store.

18 But I truly feel that it is a good
19 fit. It's just got to be a good fit for the
20 community.

21 I am trying to make it a one stop shop
22 for the place. I am thinking outside the box.
23 Please think outside the box with me. Sometimes,
24 the picture is better on the other side. This is
25 all I'm trying to say.

1 MR. VINING: Mr. Tandon, you presented
2 to the Stronghold Civic Association, both in
3 person and some questions there, and the did the
4 same to the Bloomingdale Civic Association and
5 presented your case.

6 And I'm not sure if you're aware that
7 it was only after you presented it to us, you
8 presented the business plan that the various, the
9 three organizations survey the community.

10 But the survey of the community, we
11 emphasized that this is a case before ABRA. We
12 were very appreciative of the fact that you
13 presented your business plan.

14 But we said that the only question
15 that ABRA wants to know is does the community
16 oppose or support a Class A license in the
17 neighborhood, and please explain why.

18 So are you aware that that is the sole
19 basis of the responses that you heard?

20 MR. TANDON: I understand. I
21 understand, but 60 or 70 protestants don't
22 contribute to all of Bloomingdale. Bloomingdale
23 is a big population of 40,000 to 50,000 people.

24 60 or 70 constituents, unhappy
25 constituents, who have thwarted my plan, they

1 don't contribute, they don't necessarily make the
2 whole Bloomingdale.

3 This is all. I understand. I
4 understand that you're probably, you can't make
5 everybody happy.

6 The intention is to make everybody
7 happy. The plan is to make everybody happy. But
8 you cannot make everybody happy.

9 There are some people who probably
10 don't form the idea. But my intention is true.
11 My wife's intention is true.

12 And her plan is going to be the same.
13 It is an issue on your side. You have the trust
14 issues.

15 You think that I am playing some bait
16 and switch game where once I get the liquor
17 license I'm going to turn it into a full-blown
18 liquor store.

19 I believe these are the trust issues.
20 But so on the other hand, we are starting our
21 plan and we're going to stick with our plan,
22 always.

23 Just, the intention is to make it a
24 neighborhood place. I cannot go against the
25 constituents and try to run a business in the

1 community, which is a very community-oriented --
2 Bloomingdale is a very community-oriented placed.

3 I cannot go against the community and
4 still expect my business to succeed. I have to
5 work with the community.

6 But what I am trying to do is I'm
7 trying to come up with a plan, and a plan which
8 fits all issues, that can serve all issues.

9 I am thinking outside the box. That's
10 all I'm doing. I am trying to have spirits,
11 beer, wine, grocery, coffee, a small deli.

12 I mean, I think what else can a
13 neighborhood ask for? I understand there are
14 some better experiences.

15 You guys probably have better
16 experiences from some other establishments. But
17 it's not going to be the case on this. You have
18 to work on the change. That's all.

19 MR. VINING: Thank you, Mr. Anderson.
20 I think addressing some of Mr. Tandon's results,
21 the witnesses we have are the three protestors
22 who will describe specifically what they did to
23 reach their conclusion.

24 They can address that at that point,
25 but I have nothing further. Thank you.

1 CHAIRPERSON ANDERSON: All right, Mr.
2 Tandon?

3 MR. TANDON: Yes?

4 CHAIRPERSON ANDERSON: When did you
5 purchase this business?

6 MR. TANDON: We purchased the building
7 and did the business --

8 CHAIRPERSON ANDERSON: I'm sorry.
9 When did your wife purchase this business? I'm
10 sorry.

11 MR. TANDON: July 2021. July or
12 August 2021.

13 CHAIRPERSON ANDERSON: July or August
14 2021. And when you purchased it, you purchased
15 it with a B license, was that correct?

16 MR. TANDON: Yes, sir.

17 CHAIRPERSON ANDERSON: Oh, why did not
18 you operation? Why did you not open with a B
19 license?

20 MR. TANDON: The place has a pretty
21 rundown foundation inside. The previous owners
22 have not been keeping up with the place inside.
23 Outside, the building still looks kind of okay,
24 but inside, it needs a lot of work.

25 So instead of, because once you start

1 the business, then it's hard to close it because
2 then you lose all your business revenue and then
3 there is stock that you have to take care of, the
4 inventory.

5 Because my plan from day one is to
6 renovate the place because it's a rundown place
7 inside.

8 CHAIRPERSON ANDERSON: So where are
9 you in this renovation?

10 MR. TANDON: Because there is a
11 residential place upstairs as well, so things are
12 kind of -- so I have applied for the permits, and
13 in fact, today I got an email from my architect
14 that they should be, they are very hopeful that
15 the permits are going to next week.

16 CHAIRPERSON ANDERSON: All right. You
17 applied. So when did you, your personal property
18 in July, so when you did you start applying for
19 permits since you're stating that the property
20 needs to be renovated. When did you start your
21 plan? When did you start --

22 MR. TANDON: October and November, we
23 started applying for the permits.

24 CHAIRPERSON ANDERSON: So you're
25 saying that an architect is working? So do you

1 have a plan for the store that you wish to share
2 with us?

3 I mean, I guess, did you have any
4 specific architectural plans so I can see what
5 the place looks like?

6 MR. TANDON: No, sir, I don't have the
7 -- I can ask my architect, but I don't have them
8 handy right now. That is the thing.

9 CHAIRPERSON ANDERSON: All right.

10 MR. TANDON: But I can --

11 CHAIRPERSON ANDERSON: The question,
12 because you stated that you want to, your
13 business plan, you said you want to see beer,
14 wine, spirits, you want to have a caf,, and
15 grocery, and the only -- an A license will allow
16 you to sell spirits.

17 MR. TANDON: Yes, sir.

18 CHAIRPERSON ANDERSON: But the part B
19 license that you have, it would allow you to sell
20 everything else. I mean --

21 MR. TANDON: Yes, sir.

22 CHAIRPERSON ANDERSON: -- you'd still
23 have your caf,, everything else that you
24 mentioned.

25 You can still do that without having

1 an A license. I'm just curious why is it that
2 you're -- I'm curious, why is it that the
3 renovation hasn't started.

4 Why have we not inferred that in the
5 process? Why we're not -- I would understand it
6 if you did not have a current license.

7 So I would understand you're saying
8 you can't. Hold on, sir. I understand you're
9 saying you can't operate because you do not have
10 a license but you do have a license.

11 MR. TANDON: Yes, sir. Yes.

12 CHAIRPERSON ANDERSON: Why has there
13 not been any movement?

14 MR. TANDON: There has been a lot of
15 movement. There has been a lot of movement.
16 Like I said, the permits are expected to be in by
17 the next week.

18 So the movement has been there. I
19 have been working with the architect. The
20 architect has been constantly working with DCRA
21 to get the permits out.

22 We are also trying to get some work
23 with DDOT as well. So we are moving. It's not
24 that I am not working towards it.

25 We've been going a while on this. But

1 I believe it's always a good option for me, my
2 business plan includes having spirits in it.

3 The day we bought the place, that day
4 I decided, me and my wife, but I mean, she wanted
5 to have a one-stop shop for the whole thing,
6 which has spirits, beer, wine, and groceries.

7 There are not many places around town
8 like that. There is one in the northwest, up in
9 the northwest, close to town somewhere, which has
10 spirits and grocery with it.

11 But with the kind of the Bloomingdale
12 kind of things moving in Bloomingdale is a very
13 vibrant kind of community, and the changes coming
14 to Bloomingdale.

15 So we thought that we would have this
16 as a part of the plan. So our business model is
17 based on spirits in it, selective spirits,
18 selective beer, selective wine.

19 I can go further into my business
20 model but to summarize it, I'm just saying that
21 selective spirits, beer, selective wine,
22 selective grocery, and a caf, in the back.

23 So just to give you a little idea of
24 the inside, the front half of the building is
25 going to be dedicated towards spirits, beer, and

1 wine, and the rear half is going to be grocery
2 and the caf,.

3 The caf, is probably going to start
4 before the liquor sales, so we will close it off
5 like in between like after all the alcohol, there
6 would be like the chain gates until the company,
7 until 9 a.m. or 10 a.m. when the time for, the
8 approved time for liquor sale comes, and then we
9 will get the chain gates or the patrons who shop
10 for the alcohol.

11 This is a rough idea I'm giving you,
12 summarized idea of what the plan is going to be.

13 CHAIRPERSON ANDERSON: All right. You
14 stated that either you or your wife own another
15 business.

16 MR. TANDON: Yes.

17 CHAIRPERSON ANDERSON: Does that
18 business have an ABC license?

19 MR. TANDON: Yes, sir.

20 CHAIRPERSON ANDERSON: And so what
21 business is this?

22 MR. TANDON: It's an Indian
23 restaurant.

24 CHAIRPERSON ANDERSON: What's the name
25 of this restaurant?

1 MR. TANDON: It's Indigo, by the name
2 Indigo. It's in NoMa.

3 CHAIRPERSON ANDERSON: It's in where?

4 MR. TANDON: NoMa.

5 CHAIRPERSON ANDERSON: Indigo
6 Restaurant.

7 MR. TANDON: It's in NoMa.

8 CHAIRPERSON ANDERSON: Is this
9 restaurant in your name? Is the license in your
10 name or your wife's name?

11 MR. TANDON: That license is in my
12 name, sir.

13 CHAIRPERSON ANDERSON: The Indigo
14 restaurant. And how long have --

15 MR. TANDON: We've been in business
16 for nine plus years.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. Any questions by any of the Board
19 members?

20 MR. GRANDIS: Yes, sir.

21 CHAIRPERSON ANDERSON: Go ahead, Mr.
22 Grandis.

23 MR. GRANDIS: Mr. Tandon, I want to
24 thank you for your presentation and you are
25 giving information, one to the protestants, but

1 also to the Board, that you've done a lot of
2 critical thinking, or you and your wife have done
3 a lot of critical thinking about this place.

4 And I think that the more information
5 you can give the public, I think the better
6 understanding of how to evaluate what you want to
7 do for the neighborhood.

8 I would imagine because of all the
9 knowledge you seem to have on looking at how to
10 use the space, what is the square footage of that
11 space that is going to be open to the public?

12 Because I'm sure there is part of it
13 that you will use as storage and other things.
14 Basically, what kind of floor space, square
15 footage, did you purchase?

16 MR. TANDON: I would say around 1,500
17 square foot.

18 MR. GRANDIS: Okay, 1,500. And did
19 you know the prior owner?

20 MR. TANDON: I didn't know him
21 personally, but I dealt with him so I have a
22 little sense of knowing him.

23 MR. GRANDIS: And with his B license,
24 do you know the percentage of non-alcohol in that
25 1,500 feet was reserved for non-alcohol?

1 MR. TANDON: Yes, sir.

2 MR. GRANDIS: Come on.

3 MR. TANDON: I believe it is 40-50
4 percent.

5 MR. GRANDIS: We heard I think the
6 investigator say that to be licensed, grocery had
7 to be at least 50 percent.

8 That sounds like what the prior owner
9 was telling you he did. With that in mind, and
10 if you add spirits to this establishment, because
11 of your critical thinking and because of all the
12 conversations you've had with I guess contractors
13 and architects, how much of this 1,500 square
14 feet is going to be used for non-alcohol?

15 MR. TANDON: So with the Class A, if
16 I get the Class A license, I still would, and not
17 quite 50 percent, or 40 percent, but our plan
18 still falls around 50 percent for the grocery and
19 the caf,.

20 MR. GRANDIS: Okay. And of that other
21 50 percent, because it sounds like you've done
22 some research regarding spirits, because I think
23 you've testified that you're going to have
24 limited spirits, limited beer, limited wine, of
25 that area, how much do you, because of your

1 planning, initially plan to have for spirits?

2 MR. TANDON: Yes, sir. So of the 50
3 percent, I would say about 30 percent of the 50
4 percent I would give to spirits and the rest, 20
5 percent, to beer and wine.

6 MR. GRANDIS: Okay. So you're
7 comfortable in this hearing to let protestants
8 know and the public at large that even though
9 you're not required by our regulations to have 50
10 percent groceries, or let's say 50 percent non-
11 alcohol, your current business and dealing with
12 your architect for that build out, and I can tell
13 you, I can understand and have sympathy as
14 someone who has dealt with those issues in the
15 past, that maybe you can't get decisions until
16 you know whether or not you'll have an A or B.

17 So I'm not as concerned about why the
18 delays because it sounds like you have done
19 critical thinking of having this coffee area and
20 things related to coffee.

21 So you're comfortable testifying under
22 oath today that the reconstruction, the layout,
23 is going to be setup initially to be at least 50
24 percent non-alcohol?

25 MR. TANDON: Yes, sir.

1 MR. GRANDIS: And you're also
2 comfortable --

3 MR. TANDON: That is the plan.

4 MR. GRANDIS: Thank you.

5 MR. TANDON: Yes, sir. So that is the
6 business plan and this is what I have been trying
7 to convey to the community.

8 I have been trying to get in touch
9 with Stronghold Civic Association and single
10 member district and Bloomingdale Civic
11 Association.

12 I'm sure that Teri Quinn from
13 Bloomingdale Association, she is not, because I
14 have had more chances of contacting with her than
15 Mr. Vining.

16 Ms. Barnes also probably knows about
17 it. And I was never shy of sharing my plan with
18 them.

19 I have always been consistently
20 telling them my plan, which is I am not going to
21 be completely focused, I'm never going to be
22 completely focused on changing this as a liquor
23 store.

24 My wife's primary interest is to want
25 it as a market, and a market where people can

1 come in for a quick coffee and a quick bite and
2 plus they have access to the market to the
3 groceries, the beer, wine, and spirits, but
4 spirits are definitely going to have to be there
5 because every business plan comes with a revenue
6 model and all that.

7 So that's all behind the scenes. But
8 I am never going to change my -- I don't intend
9 to change my plan.

10 Let me put it like that. I don't
11 intend to change my plan. We will stick to our
12 plan of 50 percent straight.

13 This will be for the groceries and the
14 coffee place. And the 50 percent liquor and the
15 beer and wine.

16 MR. GRANDIS: And you're comfortable
17 today to state that 30 percent, if I heard you
18 correctly, that may be spirits, was actually only
19 30 percent of the 50 percent.

20 MR. TANDON: Yes, sir.

21 MR. GRANDIS: Which means maybe it's
22 15 percent of the space. But I'm not limiting
23 you to 15.

24 But it will be less than -- you're
25 dealing with that of the 50 percent that can be

1 alcohol.

2 MR. TANDON: That is what the plan is,
3 yes.

4 MR. GRANDIS: Okay. And I think it's
5 interesting that your wife and you have already
6 had experience with a restaurant.

7 I think that gives us a sense that you
8 know that there are regulations.

9 MR. TANDON: Yes.

10 MR. GRANDIS: ABRA strictly enforces,
11 and you've had probably inspections at the
12 restaurant.

13 So I think that's a positive for the
14 community to know that. At least it's positive
15 for me to know that you all have that experience
16 of working with our investigators and dealing
17 with all the requirements of an ABC license with
18 DC.

19 MR. TANDON: Right.

20 MR. GRANDIS: Is it perhaps maybe, and
21 I'm only speculating from what I've heard, that
22 your wife has a real interest in the coffee
23 element, do you think she had an interest in the
24 cultural elements that could bring things to
25 that, maybe is that part of her idea is to bring

1 different types of coffees to the neighborhood
2 and things like that?

3 MR. TANDON: We definitely are working
4 on that.

5 MR. GRANDIS: Okay. Well, I want to
6 thank you for your testimony today.

7 MR. TANDON: Yes, sir.

8 MR. GRANDIS: Thank you, Mr. Chairman.

9 CHAIRPERSON ANDERSON: Thank you. Any
10 other questions from any of the Board members?

11 MEMBER SHORT: Yes, I have a couple,
12 Mr. Chair.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Short.

15 MEMBER SHORT: Good afternoon, again,
16 Mr. Tandon.

17 MR. TANDON: Yes, sir.

18 MEMBER SHORT: At your other business
19 in NoMa, is that an A, B, or what is that license
20 on that?

21 MR. TANDON: A, sir. I have liquor
22 license.

23 MEMBER SHORT: It's A. So in the --

24 MR. TANDON: No, sorry, the restaurant
25 falls under C, I think. I mean, but I'm allowed

1 to sell liquor.

2 MEMBER SHORT: You have a Class C
3 license?

4 MR. TANDON: I think that is what
5 restaurants get, Class C, to serve liquor.

6 MEMBER SHORT: Well, in the District
7 of Columbia, it sounds like you know the laws
8 pretty well. And you personally have two A
9 licenses in the District of Columbia?

10 MR. TANDON: No, sir. So that is why
11 this license is under my wife's name. The
12 Hillview Market is under my wife's name.

13 MEMBER SHORT: Okay. All right.
14 Well, that would make sense, because if you did
15 it, it would be illegal.

16 MR. TANDON: Yes, sir, I completely
17 understand that.

18 MEMBER SHORT: Okay, well, now, you
19 say in your testimony you knew the previous
20 owner.

21 MR. TANDON: I didn't know him, but I
22 know him, I dealt with him, so in that pretext, I
23 know him a little bit.

24 MEMBER SHORT: How many years did that
25 person have that location that you're seeking the

1 license?

2 MR. TANDON: According to him, he
3 stated that he had that business for about 12-13
4 years.

5 MEMBER SHORT: And how many times did
6 he apply for an A license in that 13 years?

7 MR. TANDON: I don't think so he
8 applied for one. I don't know, sir. I actually
9 don't know. I shouldn't make a statement. Yes,
10 I shouldn't make a statement like that because I
11 don't know.

12 MEMBER SHORT: Mr. Tandon, someone
13 applied for an A license at this same location
14 before, more than once, so you're not the first
15 one. And you didn't know that? You didn't know
16 that?

17 MR. TANDON: No, sir, I didn't know
18 that.

19 MEMBER SHORT: Okay. And Mr. Tandon,
20 again, this is a very middle class, I guess hard
21 working class neighborhood, and they're pretty
22 close and the houses are right on top of each
23 other and whatever. So, you'll fit in.

24 Your business model you say will fit
25 right in with those, the people that have been

1 there for 30, 40, 50 years.

2 MR. TANDON: Absolutely. I'm very
3 confident.

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

6 MR. TANDON: Thank you.

7 CHAIRPERSON ANDERSON: Any other
8 questions from any of the Board members? Mr.
9 Vining, any follow-up questions based on the
10 questions that the Board asked?

11 MR. VINING: No, thank you.

12 CHAIRPERSON ANDERSON: Mr. Tandon, do
13 you wish to make any corrections of any testimony
14 or questions that were asked to you by the Board?

15 MR. TANDON: Corrections? I don't
16 understand the question, sir.

17 CHAIRPERSON ANDERSON: Well, if you
18 had an attorney, I would ask, I would have asked
19 if based on the questions that the Board asked,
20 did you have any questions of the witness.

21 But because you are both the attorney
22 and the witness, I'm just asking you if there's
23 any corrections or any clarifications that you
24 want to make for the record based on the
25 questions that the Board members just asked you,

1 sir.

2 I'm not asking for new information.
3 I'm just, if you were not able to answer the
4 questions clearly as you wanted to.

5 MR. TANDON: So I have laid down my
6 business plan, and according to the plan so far,
7 I don't think so anything needs to be changed.

8 And I hope that things go according to
9 the plan. And we will stick to the plan. The
10 only thing that I got wrapped up while talking
11 to, I'm forgetting his name, was that the
12 protestant seems like, it confused me a little
13 bit, but I'm just throwing out the numbers, the
14 30 percent or 50 percent.

15 I don't know how much implication that
16 would bring from ABRA's side. But besides that,
17 I don't have anything to change in my statement.

18 Just it's always going to have, this
19 place is always going to have coffee and grocery.

20 And I am just a little confused about
21 the number side, like the personal side. Maybe I
22 just threw out the numbers like 50 percent, 30
23 percent, here and there.

24 But the plan so far is that the coffee
25 is always going to be there. The groceries are

1 going to be there for the neighborhood.

2 And my main focus is going to be on
3 the wine and the spirits and selective beer,
4 selective spirits.

5 I don't intend to sell -- my intention
6 is not to sell no pints, no cheap liquor.

7 I only want to keep premium liquor
8 there, some nice wine. That is going to be the
9 focus.

10 But like I said, I don't want to be
11 held with the number part of it. The spirits are
12 going to be, a little section is going to be for
13 the spirits.

14 Now, I don't know how much percentage
15 that is, like 30, 35, 25, but a little section is
16 going to be for the spirits, some section.

17 Bigger than the spirit section is
18 going to be the wine section and then some beer.

19 But groceries, coffee will always be
20 there. That plan will never change.

21 CHAIRPERSON ANDERSON: All right, sir.
22 Thank you for --

23 MR. GRANDIS: Mr. Chairman?

24 CHAIRPERSON ANDERSON: I'm sorry?

25 MR. GRANDIS: Mr. Chairman?

1 CHAIRPERSON ANDERSON: We're at the
2 part where we're ending the questions and we're
3 just allowing him to say final comments before he
4 rests.

5 If you ask a question, then I have to
6 allow Mr. Vining to ask a question again and Mr.
7 Tandon. So, I mean, you tell me.

8 MR. GRANDIS: I understand and I want
9 to move things along, Mr. Chairman, but now I
10 have information that confuses me. Let's move
11 forward. Thank you.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. All right. It is 4:25. We've been
14 doing this for the past two hours and I forget to
15 told you that we're getting a break, scheduled
16 break every two hours.

17 It's 4:25. We're going to take a 10-
18 minute break until 4:35. You don't need to log
19 off but you need to put your -- mute your phone.

20 You can turn your camera off. And
21 we'll come back on the record at 4:35. And Mr.
22 Kirby, you should be prepared to call your
23 witnesses.

24 (Whereupon, the above-entitled matter
25 went off the record at 4:25 p.m. and resumed at

1 4:35 p.m.)

2 CHAIRPERSON ANDERSON: We're back on
3 the record. If I could get everyone to come
4 back. All right, Mr. Vining, I just want to ask
5 just for some clarification.

6 You're the, you're, tell me how is it
7 that the protests are planning to move forward?
8 Tell me just how you, how you're going to present
9 the case. I'm just trying to get some
10 clarification.

11 MR. VINING: We would move now to
12 introduce the witnesses for the three process
13 groups.

14 CHAIRPERSON ANDERSON: Okay. And so
15 are you, so you're going to call all of the
16 witnesses and ask them questions? Is that what's
17 going to occur?

18 MR. VINING: They would have a make a
19 presentation. They have a, each of the witnesses
20 has a statement and then it'd be open as the
21 Board wishes beyond that point.

22 CHAIRPERSON ANDERSON: All right, so
23 you're going to call the witnesses and they're
24 going to make a statement. And then, they'll be,
25 they will be, well, normally you'd ask the

1 question, but you're saying that they're going to
2 have statements.

3 And then, I guess, Mr. Tandon will be
4 able to cross-examine them and the Board will be
5 able to cross-examine them on whatever statements
6 are they're asking of.

7 Okay, if it's, I want to make sure
8 that it's more in the form of questions rather
9 than just a statement, but let's see. All right,
10 so who's the first witness, sir?

11 MR. VINING: The first witness for the
12 Stronghold Civic Association is India Lockett.
13 There's a summary of her position in the PIP
14 forms. I would like to just call India Lockett,
15 please.

16 CHAIRPERSON ANDERSON: And where's Ms.
17 Lockett?

18 MS. LUCKETT: Good evening, Chairman
19 Anderson.

20 CHAIRPERSON ANDERSON: Can you raise
21 your right hand please then?

22 WHEREUPON,

23 INDIA LUCKETT
24 was called as a witness and, having been first
25 duly sworn, assumed the witness stand, was

1 examined and testified as follows:

2 CHAIRPERSON ANDERSON: All right, go
3 ahead, Mr. Vining.

4 DIRECT EXAMINATION

5 INDIA LUCKETT

6 MR. VINING: Well, Ms. Lockett had a
7 statement. I thought that was how we would
8 proceed and see if there's any questions. She's
9 got a brief statement to make about the, about
10 the how Stronghold went about finding its
11 position on this matter.

12 CHAIRPERSON ANDERSON: So why don't
13 you just ask her, I'm not going to just, I don't
14 know what statement it is what you know what the
15 statement is?

16 So just ask her some questions around
17 the statement, and then she can talk about what's
18 in her statement, sir. Just ask her some general
19 questions about it.

20 And then, she can, I'm going to give
21 some leeway for her to go on. So just ask her,
22 you know what, you have read the statement so
23 just formulate some questions to ask her about
24 her statement and then she can, you can go ahead.

25 MR. VINING: Sure. Ms. Lockett, would

1 you tell us about Stronghold, Stronghold's to
2 actions and responses to the our application for
3 this license?

4 CHAIRPERSON ANDERSON: Hold on a
5 minute. Why don't you just ask her who she is --

6 MR. VINING: I'm sorry, yes.

7 CHAIRPERSON ANDERSON: And just give
8 her some, just ask her some questions so she can
9 tell who she is. And this is for her, this is an
10 opportunity for her to talk about herself and
11 then you can have her, then she can give her
12 statement, please.

13 MR. VINING: Ms. Lockett, would you
14 state your name and your role in the Stronghold
15 Civic Association for the record, please?

16 MS. LUCKETT: I am India Lockett,
17 lifelong resident of the Stronghold community.
18 Current president of the Stronghold Civic
19 Association.

20 Today is a very important day for us.
21 We have worked on this notice of public hearing
22 requests for class change from Retailer B to a
23 Retailer A liquor store process for the past six
24 months.

25 I must say and as our Stronghold motto

1 says, we are working together for our community
2 since 1991. That's my intro, Chairman Anderson.
3 If I can ask permission of the Board, I won't be
4 before for you long if I may continue on with my
5 testimony.

6 CHAIRPERSON ANDERSON: So Mr. Vining's
7 going to ask you some, ask her some questions and
8 have her, just have her, you know what her
9 statement is. Just ask her some basic question
10 that she can elaborate, sir.

11 MR. VINING: Yes. Ms. Lockett, could
12 you tell us how the Stronghold Civic Association
13 into the position that it's taking in this
14 matter?

15 What did you do? What was, how did
16 you seek the communities and all of the answers
17 that became the basis of the Stronghold Civic
18 Association's position?

19 MS. LUCKETT: In October 2021, a
20 member of the Stronghold Committee, community
21 shared at a meeting of our monthly meeting that
22 there were new owners taking over the Hillview
23 Market.

24 And at that time the store will be
25 closing at the end of October, and it did. And

1 at that time, I was contacted by ANC Barnes,
2 advising me to reach out to Mr. Tandon, the new
3 owner, to invite him to a Stronghold Civic
4 Association meeting.

5 And allow him to make a presentation
6 to us of his vision, his plans, for the Hillview
7 Market. And he did. He participated with us, he
8 gave us a presentation.

9 Prior to that, we actually sent him a
10 set of questions to answer, to review and prepare
11 himself when he speaks with us. And then return
12 we did, I did, reach back to, reach back to Mr.
13 Tandon asking him to give us those responses in
14 writing so we'd have them to share with the
15 committee.

16 At that time, the Executive Board, we
17 met and then we had a meeting in November, and we
18 voted unanimously that we proceed with a protest
19 for this Class A license.

20 And in doing so, we created a survey.
21 This survey was, actually a survey spoke of one
22 of two things. Do you support the approval of a
23 Class A license, or do you oppose?

24 And this survey was circulated door to
25 door all the, to all of the residents in the

1 community by email and or next door social media
2 platform.

3 We received those responses back and
4 at that time, we were continually off our force
5 and in our stance as a protester for this case.
6 That was the only communication we have with Mr.
7 Tandon.

8 We did not invite him back to my
9 meetings. At that time, the association,
10 Bloomingdale Civic Association, which I attended
11 their meeting and witnessed Mr. Tandon give a
12 presentation, his vision, his plans for the
13 Hillview Market.

14 And that was in, that was actually in
15 November, or November the 15th 2021. November
16 16, 2021, I attended the ANC 5E09 meeting.
17 Again, Mr. Tandon gave a presentation on his
18 vision, his plans for the store.

19 I'd like to, if I could, permit it to
20 Mr. Chairman Anderson, there's one statement that
21 was made I just like from our record. The store
22 actually closed.

23 I understand there was a sale, a
24 purchase in July of 2021. But the store actually
25 closed in October. It has not reopened since.

1 So from October to July to October, there was no
2 business.

3 The times that investigator Miller
4 visited the store, the store was not open. Let's
5 see. And if I could, just referencing Exhibit
6 P-1 from our exhibits, which is the protest.

7 There were several comments from
8 residents from our survey, their responses, and
9 I'd just like to read a few more for the record
10 to show those in the neighborhood, the residents,
11 how they say about a Class A license.

12 One of which, no, I do not support a
13 liquor license for residential neighborhood.
14 There have been problems in the past at that
15 location.

16 In fact, the killing and the robbery.
17 At one point, it was a hangout location with drug
18 peddling. If you observe the other store at
19 North Capitol and Bryant, well actually North
20 Capitol and Chain, you will see it's a hangout
21 spot, drug peddling in there present.

22 A liquor license would only invite
23 more problems. I am always picking up beer cans,
24 wine bottles, all of the time in my yard. People
25 don't respect the neighborhood and dispose of

1 beer cans, wine bottles, in the streets and
2 throughout the neighborhood.

3 That was one resident. Another
4 stated, I do not support this change. I feel
5 like it's important for this store to continue
6 providing groceries and other staple items to our
7 neighbors.

8 Currently there are far too many
9 liquor stores in our community that do not
10 support the needs of families. I oppose the
11 approval of the city granting a Class A liquor
12 license for previously stated reasons.

13 And third and last, yes, I oppose the
14 approval of granting a Class A liquor license.
15 Neighborhood does not need, this neighborhood
16 does not need it.

17 There are several in established class
18 A in the area. I do not support. There are
19 several established Class A stores within Ward 5
20 area. With traffic being an issue at that
21 corner, also potential for unwanted loitering.

22 And again, I mentioned the times, my
23 participation again, my purpose here, Chairman
24 and Board members, is to bring awareness and be
25 the voice for the community for the residents

1 that have vouched how they feel about this, this
2 change of license.

3 And, again, Mr. Vining has, was
4 actually delegated to speak on our behalf, sir.
5 And after my testimony, you will hear from four
6 long standing residents and of the Stronghold
7 Community.

8 Who will testify giving the Stronghold
9 Civic Association's protest concerns following
10 the appropriateness standards exit, Exhibit P-1
11 in the middle section.

12 This concludes my testimony. Thank
13 you so much for allowing me to share all the
14 concerns of the neighbors in the Stronghold
15 Community.

16 CHAIRPERSON ANDERSON: Thank you. Mr.
17 Vining, do you have any other questions that you
18 wish to ask her?

19 MR. VINING: One for Ms. Lockett. Ms.
20 Lockett, how long have you and your family been
21 in your present location in Stronghold?

22 MS. LUCKETT: Yes, I am a lifelong
23 resident, born and raised at my home in the
24 Stronghold neighborhood. And it is a joy. We
25 are a family.

1 And I'm on the northeast side, Whining
2 Street directly across from the store. In
3 investigator Miller's report, he mentioned about
4 residential parking.

5 We have residential parking on the
6 northeast side, which is very critical, as well
7 as on the northwest side where the store is
8 located.

9 So the parking is an issue. And
10 especially when there's businesses open. It's
11 hard to tell those parallel, those differences.
12 It's like apples and oranges when the store is
13 not open.

14 CHAIRPERSON ANDERSON: Any other
15 questions, sir?

16 MR. VINING: No. None for me. Thank
17 you.

18 CHAIRPERSON ANDERSON: Mr. Tandon, do
19 you have any questions you wish to ask her, Ms.
20 Lockett?

21 CROSS-EXAMINATION

22 INDIA LUCKETT

23 MR. TANDON: Ms. Lockett, how are you
24 doing?

25 MS. LUCKETT: Good. How are you, sir?

1 Good evening. And Ms. Tandon, great to meet you.

2 MS. TANDON: Same here. Thank you.

3 MR. TANDON: Ma'am, so you --

4 MS. LUCKETT: Yes.

5 MR. TANDON: -- said, I gave my
6 presentation three times before today. Did you,
7 did you ever see my presentation being different
8 from today?

9 MS. LUCKETT: Yes.

10 MR. TANDON: Is it different?

11 MS. LUCKETT: Your vision is the same.
12 But it's totally differently, Mr. Tandon. And I
13 don't mean that negatively. You gave
14 presentations several times.

15 MR. TANDON: Yes.

16 MS. LUCKETT: Yes.

17 MR. TANDON: So what was different in
18 the previous presentation versus today?

19 MS. LUCKETT: With the Stronghold
20 Civic Association's presentation, I must say we
21 did not ask questions as it relates to
22 percentages, which you gave answers, which you
23 responded to in the other meetings.

24 So it's more or less what and Board
25 members, we sent Mr. Tandon 15 questions. And he

1 so graciously answered them.

2 MR. TANDON: Right but --

3 MS. LUCKETT: And --

4 MR. TANDON: -- but what's my position

5

6 CHAIRPERSON ANDERSON: Hold on Mr.
7 Tandon. Were you done, Ms. Lockett, answering?

8 MS. LUCKETT: Yes, sir.

9 CHAIRPERSON ANDERSON: All right, go
10 ahead, sir.

11 MS. LUCKETT: Yes.

12 MR. TANDON: So but in all of my
13 presentation, presentations, was not specifically
14 very clear that I will have grocery and a small
15 section for the spirits?

16 MS. LUCKETT: Yes, I actually because
17 I had to brief, be very brief of my comments, I
18 would have mentioned that what you said for --

19 MR. TANDON: Right.

20 MS. LUCKETT: -- as relates to the
21 grocery, the One Stop. Yes, sir. You've
22 mentioned all that. You gave us a detail, you
23 answered our questions. And in the other
24 presentations that I witnessed, you spoke of your
25 layout, your vision, and how your store would be

1 run.

2 MR. TANDON: Right. And can I, can I,
3 may I please ask you very respectfully when you
4 guys sent out the survey to the community, did
5 you specifically tell them this is the plan for
6 Hillview Market? That he's going to have
7 groceries and a small section for the spirits?
8 Or was it just Class B versus class A?

9 MS. LUCKETT: We used the same
10 language that was presented from ABRA and we
11 asked two questions whether they oppose or
12 whether they would support.

13 MR. TANDON: Right.

14 MS. LUCKETT: So that was the language
15 -- may I finish?

16 MR. TANDON: Yes. Yes, please.

17 MS. LUCKETT: That was the language
18 that we used in our survey, and that we shared
19 with the community.

20 MR. TANDON: Right. And I believe
21 that you, you have, the meetings that I was not
22 invited to, you do have community meetings all
23 the time with your constituents.

24 During that, what was the consequence,
25 one of the consequence ever given the idea about

1 my business plan? What my business plan is? The
2 presentation that I gave to Stronghold Civic
3 Association was the same idea presented to the
4 constituents during your regular meetings with
5 the constituents ever?

6 MS. LUCKETT: You joined us in
7 November, and you responded to the 15 questions
8 that we sent you. We have monthly meetings. In
9 the month of November, we established a Hillview
10 Market Committee. We met. We discussed. We
11 created a survey.

12 In our December meeting, we, there was
13 a motion and we voted unanimously that we protest
14 your request for a change of license. That was
15 the month of December. We meet the beginning of
16 each month. And so in those two months business
17 was as usual, and we had to, we proceed with the
18 protest.

19 MR. TANDON: I understand but my
20 question was something else, but it's okay. And
21 what I, this is not, this is not a question. But
22 this is, this is just I'm telling you, ma'am.
23 That if Stronghold Civic Association has
24 presented to the constituents my plan --

25 CHAIRPERSON ANDERSON: Mr. Tandon, you

1 need to ask your asking a question, sir. This
2 is, this is a statement. She gave her
3 presentation. You need to ask questions about
4 what she just testified to, sir.

5 MR. TANDON: All right, okay. Was,
6 Ms. Lockett, I was also told well, I don't have
7 a solid proof for that, but Stronghold Civic
8 Association was against MacMillan, MacMillan Park
9 Development as well, the development project that
10 is going on. Did you guys oppose that idea as
11 well?

12 MS. LUCKETT: I have no comment on
13 that question, Mr. Tandon. We're here discussing
14 Hillview Market.

15 CHAIRPERSON ANDERSON: Let's move on.

16 MR. TANDON: All right, no more
17 questions. Thank you.

18 BOARD EXAMINATION

19 INDIA LUCKETT

20 CHAIRPERSON ANDERSON: Anything? Ms.
21 Lockett, so tell me about Sun Beam Market, the
22 previous A that was, the previous B well was
23 there. Was that? Tell me about that
24 establishment or whether or not the community
25 welcomed that --

1 MS. LUCKETT: That establishment, even
2 though the exterior looks as it looks now, and I
3 would take it people, and again I'm speaking on
4 behalf of the community. This isn't India
5 Lockett, I'm representing the community.

6 The family that owned, well the family
7 that operated were very friendly. They
8 constantly kept it clean. Constantly, again,
9 warm greeting and handled their business as best
10 as they could.

11 CHAIRPERSON ANDERSON: Well what, I
12 mean what, I know that there had be like, but did
13 you ever, did you, were you, did you, were you a
14 customer of that establishment?

15 MS. LUCKETT: Yes, I was, I was, I was
16 a customer of that store. Yes, I was.

17 CHAIRPERSON ANDERSON: So what was it
18 that they sold?

19 MS. LUCKETT: I'm sorry. They sold
20 groceries. You can get a dozen of eggs. You can
21 get a pack of cheese. You can get a green
22 pepper. You can be able to get some onions.

23 You can get some grits. You can get
24 broth for your cooking. You can get some hot
25 sauce, seasoning for your foods, as well as, milk

1 juice various sodas, wine and beer. You can also
2 get all of the chips. Not all of, but an array
3 of snacks.

4 CHAIRPERSON ANDERSON: Now, but, why?
5 Is it that your evidence? I mean, I get what Mr.
6 Tandon said, that division, they're going to sell
7 beer or wine, they're going to have a caf,,
8 they're going to sell grocery.

9 So why is it that your community
10 believes that this is not appropriate for this
11 community if all he said is that we're just going
12 to bury them, we're just going to, we're going to
13 I lead the presentation, we're just going to
14 improve on what was there?

15 MS. LUCKETT: The improvements would
16 definitely be welcome. And I believe the
17 question is more or less why does the community
18 disagree with the sale of liquor bottles?

19 CHAIRPERSON ANDERSON: No, no I'm
20 sorry. Why is it that because there's already a
21 B there.

22 MS. LUCKETT: Yes.

23 CHAIRPERSON ANDERSON: And he's asking
24 for an A, and at least the vision at least as
25 presented here, it's like, yes, I'm going to do,

1 I'm going to still sell grocery, and then, might
2 have a caf,, but I'm only going to sell, I'm just
3 adding spirits to complement what the other store
4 had.

5 So why? That's what I'm just asking.
6 Why is that the community is again, at least what
7 presented as I'm just complimented by certain
8 spirits to what was already there?

9 MS. LUCKETT: From the responses that
10 I've read, Chairman, the neighborhood does not
11 want the sale of liquor. The neighborhood does
12 not disagree with the beer and wine. But they
13 feel this with --

14 CHAIRPERSON ANDERSON: I'm sorry, you
15 didn't say spirits, not liquor, because --

16 MS. LUCKETT: Sorry, spirits --

17 CHAIRPERSON ANDERSON: -- spirits
18 isn't a liquor.

19 MS. LUCKETT: Yes, sir. I'm sorry.
20 I'm from the old school, sir. Yes, so the, from
21 reading responses, the residents preferred not to
22 have spirits added to what's currently licensed,
23 or what, let's say what's currently can be sold
24 in store.

25 They prefer that the groceries would

1 be the main selling in the store. There had also
2 been questions about bringing that, bringing the
3 D.C. lottery, but that's another area. There
4 have been questions about that as well.

5 And we did ask Mr. Tandon and at that
6 time, he, they were not sure if they would,
7 correct me if I'm wrong.

8 But again, the community would rather
9 the store continue on as it did as it relates to
10 sales, which would be groceries with the B
11 license, everything that falls under a B license.

12 CHAIRPERSON ANDERSON: All right,
13 thank you. Any other questions by any of the
14 Board members?

15 MEMBER CROCKETT: I have a few
16 questions.

17 CHAIRPERSON ANDERSON: Rafi Crockett.

18 MEMBER CROCKETT: Good afternoon, Ms.
19 Lockett, how are you?

20 MS. LUCKETT: I'm well. Good
21 afternoon.

22 MEMBER CROCKETT: You read to us the
23 questions that were posed on the survey.
24 However, it was there any kind of introductory
25 language or a summary also on the questionnaire

1 that went out or was it just those questions?

2 MS. LUCKETT: There was an intro, and
3 the intro, and I'm sorry, I do not have that in
4 front of me.

5 We had a survey was sent out in the
6 Excel spreadsheet format. And, again, we used
7 the language from the ABRA's letter of notice of
8 public hearing that Hillview Market, and I don't
9 want to go verbatim and be incorrect.

10 The question was, do you oppose, and
11 one of my colleagues, Kirby may pull this up and
12 show it. I can't grab it right now. Do you
13 oppose or do you support a Class A retailer's
14 license?

15 And so, that was sent, again, that was
16 sent out by email. It was also shared on next
17 door, and it was also hand delivered to every
18 resident.

19 Now, the responses we got back, we
20 have over 300 residents. Of course, we didn't
21 have to receive 300 responses back but we did get
22 a quite amount of responses.

23 MEMBER CROCKETT: I have some. If
24 you, in your survey --

25 MS. LUCKETT: Yes.

1 MEMBER CROCKETT: -- that went out,
2 did you at any point, you said you use ABRA's
3 language. Did you at any point define what a
4 Class A license is versus what's currently there
5 a Class B license?

6 MS. LUCKETT: Yes. And that's, that
7 actually was discussed and mentioned during our
8 monthly meeting. I do apologize, I do not have
9 that in front of me to actually read it for you.
10 It was an email.

11 So again, when the survey was sent
12 through Google and so that description was listed
13 in the front of that survey. And actually, our
14 petition, petition one that we submitted to ABRA
15 actually does list those responses.

16 But again, to your question, I do not
17 have that in front of me. Kirby, maybe you can
18 pull that up when you're able to come back
19 online.

20 CHAIRPERSON ANDERSON: I'm sorry, I'm
21 sorry, Ms. Crockett. Ms. Lockett, was, is the
22 survey a part of one of your exhibits?

23 MS. LUCKETT: Yes. Only, well, part
24 of, part of an exhibit. So our Exhibit P-1 was
25 the actual protest petition, which included seven

1 responses of the survey.

2 CHAIRPERSON ANDERSON: But you don't
3 have the survey though, right?

4 MS. LUCKETT: We didn't, we did not
5 share the entire survey, which is the Excel
6 spreadsheet.

7 CHAIRPERSON ANDERSON: Okay, I'm
8 sorry, Ms. Crockett. Go ahead.

9 MEMBER CROCKETT: So also, you did
10 share with us, I see that there are, you know,
11 seven written responses. How many written
12 responses did you receive?

13 MS. LUCKETT: I'm reading --

14 MEMBER CROCKETT: Comments, not just
15 like, yes or no, but actual comments.

16 MS. LUCKETT: Yes. Totally respond is
17 36 out of 111 survey neighbors I'm reading at the
18 bottom of the survey. Kirby, do you have those
19 numbers?

20 CHAIRPERSON ANDERSON: Well, he can't
21 respond, ma'am. You have to.

22 MS. LUCKETT: I'm sorry. Okay. I do
23 not have that in front of me.

24 MEMBER CROCKETT: So there were 36
25 written responses and you've shared with us seven

1 of them?

2 MS. LUCKETT: Yes, on the record that
3 you have, and then, I read three more. I think,
4 I read three different ones in my statement.
5 Yes, but yes.

6 MEMBER CROCKETT: Okay. So close to
7 30 responses have not been shared with us?

8 MS. LUCKETT: Correct.

9 MEMBER CROCKETT: Okay. Thank you, I
10 don't have any further questions.

11 MS. LUCKETT: Okay.

12 CHAIRPERSON ANDERSON: Thank you, Ms.
13 Crockett.

14 MS. LUCKETT: Thank you.

15 CHAIRPERSON ANDERSON: Any other
16 questions by Board members?

17 MEMBER SHORT: Yes, Mr. Chair, I had
18 one.

19 CHAIRPERSON ANDERSON: Go ahead, Mr.
20 Short.

21 MEMBER SHORT: Yes, good afternoon,
22 good afternoon Ms. --

23 MS. LUCKETT: Lockett.

24 MEMBER SHORT: Ms. Lockett, okay. Ms.
25 Lockett

1 MS. LUCKETT: Yes.

2 MEMBER SHORT: -- so how many years,
3 how many years, how many years have a B store
4 been on that, at that location? Or B license.

5 MS. LUCKETT: Well, Mr. Short, I heard
6 someone say over 12 years. I've, there have been
7 different owners. Again, I'm born and raised
8 here. I'm in my family home here on Brian
9 Street. So I believe I've know three owners.
10 And I --

11 MEMBER SHORT: Okay.

12 MS. LUCKETT: Yes.

13 MEMBER SHORT: Okay. I guess what I'm
14 trying to find out is none of those B licenses
15 had a problem with the community or the community
16 had a problem with the Bs?

17 MS. LUCKETT: No, sir, no problem.

18 MEMBER SHORT: And you don't have a
19 problem with the new owners maintaining a B
20 there?

21 MS. LUCKETT: Correct.

22 MEMBER SHORT: And would the
23 community, would the Stronghold Community have
24 any problem with all the plans, the beautiful
25 plans, that Mr. Tandon has? If you stay a B, you

1 could still, you could still do all the things
2 with a B, couldn't he?

3 MS. LUCKETT: We welcome the
4 renovation, sir. And India Lockett welcomes to
5 those renovations. That will be a beautiful
6 sight on that corner.

7 MEMBER SHORT: Okay. That's all I
8 have, Mr. Chair. Thank you very much, Ms.
9 Lockett.

10 MS. LUCKETT: Thank you.

11 CHAIRPERSON ANDERSON: Sir, Ms.
12 Crockett, in the Stronghold, in the Stronghold,
13 what Exhibit, Exhibit 2, it does have the survey
14 questions.

15 So I just want you, Ms. Lockett, as
16 Ms. Crockett has stated, you only shared seven,
17 you only shared seven and you also read three.

18 MS. LUCKETT: Yes.

19 CHAIRPERSON ANDERSON: But were the
20 other, because I see, I see Exhibit 2 where you
21 said that the market have acquired with the Sun
22 Beam store on the corner of North Capitol and
23 Brian Street Northwest, and plans to develop the
24 retail space of a class, of a deli class market.

25 The previous establishment from the

1 market had a Class B license, which was for the
2 sale of beer and wine and required to store to
3 sell a variety of grocery items.

4 Hillview inherited that license but
5 seeks to obtain a class A liquor store. A class
6 a liquor store, excuse me, allows the sale of
7 spirits as well as beer and wine, but does not
8 require this Court to sell anything else such as
9 grocery items.

10 So let's say, that is, that is the
11 summary. That was written on this survey. So
12 while the, you said you got about 30 type of
13 responses.

14 So would you summarize, were the other
15 responses that you did not share, did they
16 support this and you didn't share them with us or
17 you just, or does the seven that you shared with
18 us, if those seven were reflective of the views
19 of the community as a whole?

20 MS. LUCKETT: As I'm, as I'm looking
21 at the survey from another device, we have 30
22 responses that oppose, and there were six that
23 did support.

24 So yes, there were, there were some
25 residents that that support the Class A license.

1 And I do apologize that we did not send this
2 entire record to you. Of course, we sent which
3 reflected our stance and where the majority voted
4 was to oppose, and we are protesting the Class A
5 license.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. Any other questions by any of the
8 Board members? All right, Ms., I'm sorry, Mr.
9 Tandon.

10 MR. TANDON: Yes, sir?

11 CHAIRPERSON ANDERSON: Any questions
12 of Ms. Lockett based on the questions that were
13 asked by the Board?

14 MR. TANDON: Can I ask one last
15 question to Ms. Lockett?

16 CHAIRPERSON ANDERSON: It has to do
17 with, it has to do with the question that the Ms.
18 asked her if it's related to one of the
19 questions that the Board asked, you can go ahead
20 and ask it, but it can't be a new area.

21 MR. TANDON: I believe it is in
22 relation to Mr. Short's question.

23 CHAIRPERSON ANDERSON: Go ahead, sir.

24 RE-CROSS EXAMINATION

25 INDIA LUCKETT

1 MR. TANDON: Ms. Lockett, do you, do
2 you believe that adding spirits to an already
3 beer and wine store would bring more problems to
4 the neighborhood?

5 This is, do you think that adding
6 spirits are Class A license, all the businesses
7 around the Class A licenses, are the reason for
8 all of the littering, and the crime, and whatever
9 happens to a particular neighborhood? You think
10 the Class A license is the harm, is the is the
11 core reason for that?

12 MS. LUCKETT: We've never had a Class,
13 we've never been a Class A license. At least I
14 don't recall the Class A license where spirits
15 were sold at either location, here at Bryant and
16 North Capitol, or Channing, and North Capitol.

17 So I cannot comment, and I, and those
18 that will be coming behind me that are residents
19 of the Stronghold have their personal opinions as
20 it relates to the effects of having a Class A
21 license would be to the community. Again, on
22 behalf of the community, they would rather not
23 see a Class A license approved.

24 MR. TANDON: I understand. I am
25 asking your personal view. Do you think the

1 Class A operators are the reason for promoting
2 crime, loitering, and littering, and urination,
3 and drug abuse in the neighborhood?

4 MS. LUCKETT: Well, those are
5 different categories, Mr. Tandon. So to answer
6 your question directly, do I feel spirits is a
7 product of crime? It can be. Overuse of any,
8 obsessive use of any substance can contribute to
9 crime, sir.

10 MR. TANDON: And do you, do you think
11 that the people chosen for the, on your survey,
12 demonstrate the opinion of the community at
13 large?

14 MS. LUCKETT: The survey, the
15 responses to the survey were residents that
16 either spoke individually, or spoke individually
17 and with the thoughts and concerns of the
18 community.

19 MR. TANDON: No, what I mean is that
20 the number of surveys that you get from the
21 community, do they represent the whole community
22 at large?

23 MS. LUCKETT: We only have one survey.
24 There were two surveys circulated through our
25 community, one by the Stronghold Civic

1 Association and the ANC, so. And those numbers
2 pretty much matched as it relates to the support
3 and the opposition.

4 MR. TANDON: I understand what you
5 were saying. But what I'm saying is that sample
6 size is what represents the whole community.

7 MS. LUCKETT: The survey represents
8 the entire community, yes.

9 MR. TANDON: How do you, how do you
10 estimate that sample size? Like 36 people in the
11 community represent the community at large?

12 MS. LUCKETT: Thirty six is the number
13 that was responded. It was circulated to over
14 100. Those were the only ones that wanted to
15 share how they felt.

16 MR. TANDON: That's what I'm saying.
17 Maybe the other --

18 MS. LUCKETT: Whereas, whereas,
19 whereas, Mr. Tandon, I'm just saying there are
20 those, there are always those that do not want to
21 share their personal opinions.

22 MR. TANDON: And they're to, they
23 probably are the ones who are, who are okay with
24 the idea. Because not everybody thinks that
25 Class A license holders are the reason for all

1 the bad things happening to the neighbors,
2 neighborhood.

3 MS. LUCKETT: I welcome the four
4 witnesses that will be coming behind me to share
5 their stories with us.

6 MR. TANDON: So yes, thank you.

7 CHAIRPERSON ANDERSON: All right, are
8 you done, Mr. Tandon?

9 MR. TANDON: Yes, yes, sir. I'm good.
10 Thank you.

11 CHAIRPERSON ANDERSON: Mr. Vining, do
12 you have any follow up you needed to ask Ms.
13 Lockett any clarification questions based on the,
14 based on the questions that were asked on the
15 Board?

16 REDIRECT EXAMINATION

17 INDIA LUCKETT

18 MR. VINING: Thank you. Ms. Lockett,
19 you said that the entire community was given an
20 opportunity to express its opinion on this, and
21 that you received 36 responses. Do you think
22 it's fair to make any statement about the people
23 who did not respond?

24 MS. LUCKETT: Yes, I would say part of
25 those are seniors that still, that reside in the

1 neighborhood who do not have internet
2 accessibility who do not want to share their
3 opinion one way or the other.

4 And those neighbors that are not
5 homeowners, possibly renters, possibly students,
6 from other states, different locations. And
7 that's the majority of our neighborhood.

8 And again, we reached out, we went as
9 far as we could. We went door to door, we went
10 through the electronic, through email, and on the
11 next door platform, which is pretty broad today.

12 But the ANC as, when you cross examine
13 the ANC you will see those results were much
14 different than ours and I believe broader than
15 ours and more of a, of opposition as well.

16 MR. VINING: Thank you. That's all I
17 have.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you. Mr. is that do your part. I just
20 want to remind everyone if you are not speaking,
21 your phone, you can mute your line.

22 If not you're speaking because I'm
23 hearing feedback, so I just need everybody, only
24 the folks who are speaking. They're, they are
25 the only ones whose line need to unmuted. All

1 right, need to be unmuted. All right, Mr.
2 Vining, do you have another witness?

3 MR. VINING: Yes. Yes, we do. Jason
4 Orfanon lives on the unit block of Bryant Street
5 within a block of the store, and I'd like to ask
6 if Mr. Orfanon is with us there is he would
7 describe his --

8 CHAIRPERSON ANDERSON: All right, hold
9 on, hold. Hold on, sir. Mr. Orfanon, can you
10 raise your right hand, please?

11 MR. VINING: That's right, sorry.

12 WHEREUPON,

13 JASON ORFANON
14 was called as a witness and, having been first
15 duly sworn, assumed the witness stand, was
16 examined and testified as follows:

17 CHAIRPERSON ANDERSON: And can you
18 please spell and state your name for the record
19 please, sir?

20 MR. ORFANON: My name is Jason,
21 J-A-S-O-N, Orfanon, O-R-F-A-N-O-N.

22 CHAIRPERSON ANDERSON: Go ahead, Mr.
23 Vining.

24 DIRECT EXAMINATION

25 JASON ORFANON

1 MR. VINING: Mr. Orfanon, would talk
2 with us about your reaction when you heard about
3 the application for a Class A license and
4 describe that a Class A and Class B would be for
5 your neighborhood? Is that, is that a fair
6 question that you could address, Mr. Orfanon?

7 MR. ORFANON: I'd be happy to answer
8 that. First, I would just like to thank the ABRA
9 Board, and Chairman. and also all of the folks
10 who participating, and especially the Tandons for
11 joining us and taking the time.

12 I know how difficult it is when you're
13 running a business. I come from a family of
14 restaurant owners so I know how hard it is to
15 take the time, so thank you.

16 So yes, I live on unit block of Bryant
17 Street about halfway up the block so I'm very
18 close to the, this establishment across the
19 street from India Lockett.

20 I've been living in the neighborhood
21 since about 2015. And, you know, it's, as been
22 noted before, it's a residential neighborhood.
23 It's a neighborhood that is wonderful, but it
24 also struggles a bit with loitering and other
25 issues, drinking, drug use.

1 We've had gunshots in our alley, which
2 I can talk a little bit more about. But when I
3 heard about this substantial change, it was
4 something that definitely caught my attention
5 because we had had gone through this several
6 years back which the Channing Street store.

7 It was very clear that and in the
8 loitering issues in our neighborhood, the
9 littering, the public urination would be
10 exacerbated by the introduction of spirits to our
11 neighborhood.

12 There was already drinking going on,
13 there was already drug use. There's already
14 littering, and that's all happening. It would be
15 exacerbated by the substantial change from a
16 Class B to Class A.

17 I'm all for that corner store selling
18 beer, wine, groceries, but the introduction of
19 spirits would take it up a notch. It would, it
20 would cause people to get drunk faster.

21 It would cause people to get rowdier,
22 louder. There's already bottles of petron
23 sitting out on the on the street corner, which is
24 a high-end liquor, which Mr. Tandon describes.

25 You'll see that in, I think that's one

1 of our exhibits that we shared. But the, I walk
2 everyday around this neighborhood. I go past the
3 Sun Beam Mart, I through the alley between Bryant
4 and Channing.

5 I go by the Channing Street Store.
6 Every day there are large groups gathered in that
7 unit block of Channing Street, in the alley
8 sometimes between Bryant and Channing, sometimes
9 on Bryant Street.

10 This is a known hangout area. This is
11 a known open air drug market as well. This area
12 is very conducive to those sorts of behaviors
13 because these are all dead end streets.

14 They're always easy to park your car
15 at the end of the street, double park, hang out
16 with your friends, pop your trunk open. On
17 Channing Street people set up folding chairs.
18 They bring out a barbecue in the summer.

19 These aren't neighbors, these are
20 people driving in from Maryland. This is an area
21 where a lot of transactions are happening as
22 well.

23 But the bottle of Patron, people are
24 drinking, going on, you know. Now people can
25 walk, will be able to do we want people to be

1 able to walk down to Bryant, and North Capitol,
2 and pick up another bottle and bring it back to
3 the party?

4 Within the last, within the time that
5 I've lived in this area, there's been noticeable
6 violence spurred on by these gatherings. There's
7 been shootouts in just that little alley between
8 Bryant and Channing Street, at least three times.

9 There was someone bludgeoned with a
10 tire iron after an altercation in the alley
11 between Bryant and Channing. This is a block
12 from the Hillview Market.

13 So these are the kinds of reasons why
14 when I heard about this substantial change in the
15 residential neighborhood that's zoned residential
16 where I don't think ABRA should necessarily give
17 a liquor license, a spirits license to a
18 residential neighborhood.

19 It surprised me. It surprised me that
20 we would have to take the time to protest it.
21 That this wouldn't be something that would be
22 rejected automatically.

23 So I'm, so that's why I, you know, why
24 I was surprised I wanted to share my voice in the
25 community. One other thing I'd like to add just

1 about the survey process.

2 I felt that it was very, that
3 Stronghold Civic Association especially took
4 great care to try to be as neutral as possible
5 and to try to reach as many people within the
6 Stronghold Community as possible.

7 I mean, they emailed people, they
8 posted on next door, they went door to door with
9 pieces of paper trying to get people to voice
10 their concerns.

11 And, you know, we can't say that every
12 survey is different but this survey, I think the
13 ratio of the responses were similar to the ratio
14 responses that the ANC received in their survey.

15 And I feel like I was able to get to
16 know, through the public meetings, through the
17 shared Q&A, that the Stronghold Civic Association
18 shared that Mr. Tandon provided explaining the
19 concept.

20 I felt like I really knew what they
21 were doing. And it's not anything against them,
22 against that means liquor in general, it's just
23 the introduction of spirits in this location with
24 the current set of circumstances in our
25 neighborhood, that neighbors have been trying for

1 decades to help get their arms around.

2 And really when I say decades, it goes
3 back to the '80 where people were sitting out
4 trying to stop this liquor. We just can't stop,
5 and spirits will just make it worse. Kirby,
6 you're muted.

7 MR. VINING: Mr. Orfanon, I think
8 you're referring to Exhibit No. 14, was the
9 liquor in the trash that was taken by one of the
10 residents there?

11 MR. ORFANON: Correct. And Exhibit 12
12 shows the people gathered in lawn chairs. I took
13 that photo on one of my nightly walks. You can
14 see, it looks like it's a weekend block party.

15 There are people on one side of the
16 street with lawn chairs hanging out drinking.
17 They are people on the other side of the street,
18 you know, hanging out.

19 There's another photo of cars, Exhibit
20 P-11, double parked. That's what people do, they
21 double park on these dead end streets, pop their
22 trucks, hang out and that's, you know, that's the
23 conditions that would be exacerbated.

24 You know, it's the pile of dry leaves
25 that throwing a match on it would cause a fire.

1 In this case, the match is the introduction of
2 spirits.

3 MR. VINING: All right, Mr. Orfanon,
4 are you satisfied that the Stronghold Civic
5 Association was fair and thorough about giving
6 the residents an opportunity to respond to the
7 survey?

8 MR. ORFANON: I do. I mean, that's
9 what I say. I feel like great effort was made to
10 reach all of the houses in Stronghold, give
11 people the opportunity to respond whether it be
12 verbally, via email, on paper, they were given
13 that chance.

14 And I think that it was fair, and also
15 a great effort to communicate in adding Mr.
16 Tandon to speak. Following up to asking for
17 written responses that were shared to the
18 community.

19 I don't feel like his revision was not
20 represented to the community. I think great pain
21 was taken to give that, to give his vision and
22 share it with the community.

23 MR. VINING: Thank you. If I can, it
24 sounds from your description there that there is
25 benefit to the stores that you've experienced,

1 the two stores in the Stronghold, the old Sun
2 Beam, and the continuing Capitol Market.

3 There's benefit there as the
4 convenience store side, but there's also a
5 downside to it. So it sounds like it's a mixed
6 blessing that it is a benefit to the community
7 but there's a downside, but it sounds like this
8 is a workable balance.

9 And if I'm interpreting you correctly,
10 you see liquor is changing that balance to
11 unfavorable. Would that be a fair conclusion to
12 reach based on your remark?

13 MR. ORFANON: Exactly. I feel like,
14 well, ABRA controls the sale of spirits more
15 strictly than they do the sale of beer and wine.
16 It's grocery store going into the neighborhood.

17 There's a reason for that. So yes, I
18 think that the introduction of spirits to a
19 location would change the balance. It would add
20 something new that wasn't there before.

21 In a situation where we are dealing
22 with these other elements. It's not saying that
23 it's a bad thing in a high density retail
24 commercial area, which there are half a mile away
25 where there are liquor stores located.

1 But in this residential neighborhood,
2 the stores next to a residence, behind it across
3 the alley, is a family with kids. Across the
4 other side is another residence. There aren't a
5 lot, there's not all that foot traffic.

6 There's not all that police
7 patrolling. There's not five other businesses
8 around it that balance it out. This would be the
9 introduction of liquor sales in a residential
10 neighborhood.

11 MR. VINING: Thank you. Mr. Anderson,
12 that's my conclusion to my questions for Mr.
13 Orfanon. Thank you.

14 CHAIRPERSON ANDERSON: Thank you. Mr.
15 Tandon, do you have any questions for Mr.
16 Orfanon?

17 CROSS-EXAMINATION

18 JASON ORFANON

19 MR. TANDON: Yes. Yes, sure. So Mr.
20 Orfanon, you came pretty, it seems like you came
21 pretty prepared for all of this, but. And so,
22 all of the things that you've been talking about,
23 the loitering, the double parking, the people
24 doing barbecue and all of that stuff, I don't see
25 any liquor store around in the neighborhood.

1 So where are they, where are they
2 bringing all of these bottles from? Probably
3 some other liquor store?

4 MR. ORFANON: Exactly. So the
5 introduction of a liquor store within a block of
6 these heavy hangout areas would only make it
7 easier for people to acquire liquor to walk over
8 after they're too drunk to drive, maybe. I'm not
9 done. They can pick up another --

10 CHAIRPERSON ANDERSON: Mr. Orfanon,
11 we're going to, we've been fine so far. Mr.
12 Tandon, please allow him to finish his statement.

13 And Mr. Orfanon, I will allow you, we
14 have been very civil this day and we probably
15 have a couple of more hours with each other. So
16 I just want everyone to be civil. All right.

17 MR. ORFANON: I think I said it. I
18 think, the, what Mr. Tandon was saying is asking
19 if these are people hanging out, they have
20 alcohol, aren't they getting it from somewhere
21 else?

22 Yes, but the introduction of a store
23 within a block of this active hangout area, where
24 people are already drinking outdoors, public
25 urination, using drugs, it's only going to make

1 it worse.

2 It's only going to make it easier for
3 them to acquire alcohol. I understand that ABRA
4 takes into consideration the character of the
5 neighborhood and any issues in that an existing
6 loitering situation nearby is a reason why they
7 would think twice about introducing a Class A
8 license.

9 CHAIRPERSON ANDERSON: Mr. Tandon, Mr.
10 Tandon hold on a minutes, please. If you do not
11 want him to speak a lot, you need to ask him more
12 pointed questions, sir.

13 So if you don't ask pointed questions,
14 he's going to speak up, he's going to speak up
15 about, he's going to get his point over. Okay,
16 sir?

17 MR. TANDON: I understand. But yes,
18 yes. Let me, let me ask him another question
19 please. The question that I asked India Lockett
20 before.

21 So do you think that liquor stores are
22 to be blamed for all of the urination, the drug
23 abuse, the crime, the gun violence you referred
24 to. So liquor store, the Class A license holders
25 are to be blamed for all of this?

1 MR. ORFANON: No. I don't, and I'll
2 elaborate if you'd like. I don't think they are
3 to blame in this existing situation, it will make
4 it worse.

5 MR. TANDON: Please. So you don't,
6 you don't feel that Class A license is the reason
7 for all of this?

8 MR. ORFANON: What I believe is that
9 a Class A license would exacerbate an existing
10 situation where there's gun violence, loitering,
11 public urination and litter.

12 MR. TANDON: May I, may I ask you, do
13 you do drink, sir?

14 MR. ORFANON: I do.

15 MR. TANDON: Do, do you, do you
16 personally drink?

17 MR. ORFANON: I do.

18 MR. TANDON: All right, you so, where
19 do you buy your liquor from? You probably, do
20 you know this place, the one, Classy Wine &
21 Spirits on --

22 MR. ORFANON: Are you referring to the
23 one that's located in a commercial area?

24 MR. TANDON: No, that's not a
25 commercial area. That's a very residential area.

1 Yes, it's the very residential neighborhood.

2 MR. ORFANON: It's not. I look, I
3 remember when you shared that. It's, so that is
4 the one that is 801 Virginia Avenue. Is that
5 correct?

6 MR. TANDON: No. I said 8th and
7 Maryland Avenue, Classy Wine & Spirits. It's a
8 very neighborhood area. Do you think, I never
9 saw any loitering, littering or crime or people
10 hanging around buying liquor, drinking outside?
11 I never happened to see that there. So my thing
12 is --

13 MR. ORFANON: I'm familiar with, so if
14 Mr. Tandon, I'm unfamiliar with that location.

15 MR. TANDON: Okay, so I am giving you
16 the update on that. It's 8th and Maryland Avenue
17 Northeast. You can check it sometime. It's a
18 nice, very, very wonderful store.

19 CHAIRPERSON ANDERSON: Mr. Tandon, the
20 witness said he is not familiar with the area,
21 sir. Let's move on, sir.

22 MR. TANDON: All right, so what I'm
23 saying is that if all of these things are
24 happening, already happening there, has the
25 neighborhood ever tried to take care of these

1 things by calling the cops, calling the
2 authorities, to take care of it?

3 Why put everything on a potential
4 business that is yet to start? And with a, with
5 a proposed plan?

6 MR. ORFANON: Yes, we worked really
7 closely with the police and have reached out to
8 them several times. What they recommend is
9 calling 911, which we do. They come out, they're
10 not able to do a lot about loitering,
11 unfortunately.

12 That's what we've been told time and
13 again, that they don't have an anti-loitering law
14 but it is something that contributes to the
15 character of the neighborhood.

16 And it's something that ABRA takes
17 into consideration when they're looking for,
18 looking at a situation like this where something
19 new is being asked to be introduced to a
20 residential neighborhood. Where you have --

21 MR. TANDON: Don't you say a well-run
22 store will cut down on loitering and littering in
23 the neighborhood? A well, well, well-run
24 organized store will reduce the loitering and the
25 littering in the neighborhood? Do you seriously

1 don't believe that?

2 MR. ORFANON: I don't believe so
3 because the store does not have any control on
4 what happens a block away. You're not going to
5 stop someone from buying a bottle of liquor if
6 they're sober, and they walk into the store and
7 they take it a block away.

8 You have no control over that. The
9 neighbors, you can't stop someone from buying
10 your liquor, walking a block away and hanging
11 out. That's just not something you'll be able to
12 control.

13 MR. TANDON: Absolutely. I don't have
14 control on what goes on three blocks from me or
15 two blocks from me. I am more concerned about
16 what happens outside Hillview Market when it
17 comes into operation.

18 I am, I cannot follow all of the, all
19 of the patrons and see what they are doing with
20 the stuff that they buy from the store. That is
21 the responsibility of the neighborhood
22 associations. That is why they are there, you
23 know?

24 But my input about my immediate
25 vicinity, what happens outside of my store, and I

1 can assure you that with a very well run
2 organized store, you will see the reduction of
3 loitering, littering and the crime acts in that
4 exact spot.

5 I mean, although, although Hillview's,
6 Hillview Market where the Hillview Market is
7 going to be, that area has been crime free or
8 loitering free, never any reports of loitering or
9 littering there, in particular.

10 What says it can be on some of the
11 blocks of Channing Street or North Capitol
12 Street. But, you know, beer and wine are bigger
13 mediums of loitering and littering. What's the,
14 what is the difference in bringing, changing it
15 to Class B to Class A?

16 MR. ORFANON: I'll answer the
17 question. Is that a question for me, Mr. Tandon?
18 What is the difference? The difference to me as
19 a neighbor is that the change from selling beer
20 and wine to spirits introduces a new element into
21 the neighborhood. One where people will get
22 drunk faster, have greater access to spirits,
23 which are controlled even more strictly than beer
24 and wine

25 And while you can control what

1 happens immediately in front of your store, you
2 don't, you can't control what will happen in the
3 alley next door, the alley across the street, the
4 alley a block away.

5 And that's the problem that exists for
6 us as neighbors that have been living in this for
7 years, if not decades, where we know that people
8 hang out in those secluded locations because they
9 can.

10 MR. TANDON: My problem is that you
11 guys generalize so many things. You generally
12 think that every bottle coming out or every
13 person loitering outside is going to come out
14 from Hillview Market.

15 Everything happening in the
16 neighborhood is going to be -- don't connect
17 everything to, I don't expect you guys to connect
18 everything to Hillview Market. Every bad thing
19 happening out there is happening because of the
20 Class change in Hillview Market. Look at the
21 other side also, sometimes. I --

22 CHAIRPERSON ANDERSON: Mr. Tandon, I
23 need you to ask a question, sir. I hear your
24 passion but I need you to, this is you're
25 cross-examining the witness, sir.

1 MR. TANDON: Right, okay. I'm coming
2 back to the same question. Do you think that
3 Class A establishments are the reason for all the
4 loitering? So if that is -- and you said yes.
5 So --

6 MR. ORFANON: I did not, I did not say
7 that, sir. I said no. But what I said was the
8 introduction of a Class A to a neighborhood where
9 the existing character involves loitering, drug
10 use, gun violence, will exacerbate those existing
11 issues. And that's why ABRA pays attention to
12 that.

13 MR. TANDON: Well, there are
14 authorities, I believe, to take care of it as
15 long as the business is well-run and organized.
16 I don't think that these things should matter
17 that much. But no more questions. Thank you.

18 BOARD EXAMINATION

19 JASON ORFANON

20 CHAIRPERSON ANDERSON: All right. Mr.
21 Orfanon, now, irrespective of the decision that's
22 made today by the Board, you know that there's
23 going to, there is a Class B license in, at this
24 location?

25 MR. ORFANON: Yes, I am. And I'm

1 completely fine with it. That's the existing
2 normal that we're used to.

3 CHAIRPERSON ANDERSON: Now, were you
4 living in the neighborhood when the Beam, I
5 guess, the name of the other establishment when
6 it was offered, when it was in operational?

7 MR. ORFANON: Yes.

8 CHAIRPERSON ANDERSON: And did, were
9 there loitering around the I mean, what, can
10 you tell us, what was it like when the, when that
11 building, that business was in operation?

12 MR. ORFANON: Sure. There was
13 occasional loitering in front of that store.
14 There are, you know, a few folks that that would
15 hang out, and then, across the street on the
16 northwest corner of Bryant Street.

17 People would hang out where the alley
18 is. And there was a house there that was, you
19 know, that people, they would let people kind of
20 hang out on that lawn.

21 People would park illegally around
22 that store to run in, get things. The owners
23 were great. It was, they provided valuable
24 groceries to the neighborhood.

25 They did not sell spirits. They sold

1 beer and wine. I bought, I went there probably
2 every other day, and, but there were people
3 hanging out in front of that store on occasion.

4 CHAIRPERSON ANDERSON: Any other
5 questions by any of the Board members? Mr.
6 Tandon, do you have any questions of Mr. Orfanon
7 based on the question that I asked?

8 MR. TANDON: No, sir.

9 CHAIRPERSON ANDERSON: No? Mr.
10 Vining, do you have any questions of Mr. Orfanon
11 based on the questions that I asked?

12 MR. VINING: No, no further questions.
13 Thank you.

14 CHAIRPERSON ANDERSON: Thank you. Mr.
15 Orfanon, thank you very much for your testimony
16 today. Do you have another witness Mr. Vining?

17 MR. VINING: Yes, we do. Ms. Evelyn
18 Brown, I think you want to swear her in. Is that
19 correct, Mr. Anderson?

20 CHAIRPERSON ANDERSON: Where is Ms.
21 Evelyn Brown?

22 MR. VINING: Evelyn Brown was a --

23 CHAIRPERSON ANDERSON: All right Ms.
24 Brown, can you raise your right hand, please?
25 Could you unmute your microphone, please, ma'am?

1 MS. BROWN: Okay.

2 CHAIRPERSON ANDERSON: All right, yes,
3 raise your right hand, please.

4 WHEREUPON,

5 EVELYN BROWN

6 was called as a witness and, having been first
7 duly sworn, assumed the witness stand, was
8 examined and testified as follows:

9 CHAIRPERSON ANDERSON: Your witness,
10 sir.

11 MR. VINING: Okay, Ms., Ms. Brown.

12 DIRECT EXAMINATION

13 EVELYN BROWN

14 MR. VINING: Would you please state for
15 the record? And I think they would like you to
16 spell it, as well, say for the record here your
17 name and spell your name.

18 MS. BROWN: My name is Evelyn Brown.
19 It's spelled E-V-E-L-Y-N. Last name is Brown,
20 B-R-O-W-N.

21 MR. VINING: And would you tell us
22 about where you live, how far you are from the
23 old Sun Beam, the new Hillview Market, and please
24 give us some impressions of your experience of
25 the Sun Beam Market.

1 And your thoughts about the transition
2 to the Hillview. Is that a comfortable, a
3 question you're comfortable answering?

4 MS. BROWN: Sure, yes. I live at 2318
5 North Capitol Street Northwest. I am the third
6 house down from the Hillview Market. My family,
7 we lived in the neighborhood, the house in since
8 1959.

9 In terms of the Sun Beam Market, and
10 in terms of its operation, we've frequented the
11 store, you know, purchasing groceries now and
12 then. And so I'm pretty familiar, you know, with
13 the neighborhood and that area.

14 MR. VINING: And, what was your
15 response when you first heard about the proposal
16 that would, changes to the store, of course, in
17 the largest picture, but specifically to
18 including liquor or spirits in the store? What
19 was your response to that?

20 MS. BROWN: My response was really not
21 being in favor of it because, as with the
22 testimony I prepared, I have experienced the
23 loitering.

24 I've experienced, I've seen the trash.
25 I walk my dog. I have an little dog and I walk

1 the dog between three and five times a day. And
2 I walk past that market.

3 I walk past the Bryant Street
4 Northwest side. I walked past, I walk in the
5 Bryant Street Northeast area as well as Channing
6 Street.

7 So I've seen the crowds when the store was
8 operational. There were times in which you did
9 have loitering outside of the store. And
10 sometimes as I was walking my dog, I would have
11 to walk around the crowd, and, you know, walk
12 closer to the sidewalk in order not to walk
13 between the group that gathers out there.

14 MR. VINING: But you heard Mr. Tandon,
15 explain his business model. Would you put that
16 all in the context about your thoughts? Are they
17 the same or separated there about the business
18 model that he described, and the liquor aspect of
19 that?

20 MS. BROWN: I think the liquor aspect
21 to me will contribute to, exacerbate the
22 loitering that occurs. Even with the store
23 closed at the moment, I've witnessed trash. The
24 peace and quiet, I do hear the interruptions.

25 And when they, even when the Sun Beam

1 store was in operation, I would hear the noises,
2 the loitering, both during the day and during off
3 business hours. So you know, there have been
4 gatherings out there all along.

5 It's a matter of the tolerable level.
6 And what I perceive that with the introduction of
7 alcohol, I think will exacerbate it. You look at
8 research. The ANC provided information about,
9 you know, research on liquor stores and community
10 health, and you know, what happens in the
11 neighborhood.

12 And so, to me, with what I have
13 observed, in terms of the loitering, the trash
14 some of the things that go on, I think it will
15 contribute to more loitering, more trash, and a
16 lot more activity, that to me, is not conducive
17 to the peace and quiet of the neighborhood.

18 MR. VINING: Thank you. We're here
19 today, of course, specifically because of the
20 request for a substantial change from Class B to
21 Class A.

22 The old Sun Beam has, and Mr. Tandon
23 kept from them the Class B. What would be your
24 thoughts about continuing Class B license at that
25 location?

1 Include if you wish, Mr. Tandon's
2 description of his business model, or not. The
3 continuation of a Class B, how, how would you
4 would you respond to that question?

5 MS. BROWN: The Class B license at the
6 current state that it was when it was
7 operational, it was tolerable. I mean, there
8 were disruptions. As I said there was loitering,
9 there was trash.

10 But to the extent that it was
11 controlled to a certain extent by the previous
12 owner, you know, we were able, we were, I was
13 pretty much I was pretty much able to tolerate
14 it.

15 I do think that with the inclusion of
16 alcohol, I think that the exaggerations of the
17 activities, I think will increase. And it's not
18 something that I would want to have in a
19 neighborhood in which I live.

20 MR. VINING: Great. Thanks, thank
21 you. Mr. Anderson, I have no further questions
22 for Ms. Brown, thank you.

23 CHAIRPERSON ANDERSON: Thank you. Mr.
24 Tandon, any questions for Ms. Brown?

25 MR. TANDON: Yes, yes, definitely.

1 CROSS-EXAMINATION

2 EVELYN BROWN

3 MR. TANDON: First of all, Ms. Brown,
4 I really empathize with what your experience is
5 from the current Class B establishments in your
6 neighborhood. So if I may ask you, ma'am, have
7 you ever had a chance to live next to a Class A
8 license establishment?

9 MS. BROWN: No, I have not. And I
10 consider myself very fortunate based on things
11 that I have observed.

12 MR. TANDON: So, again -- yes, so that
13 means all, all is, all your assumptions are all
14 hypothetical? That it's going to increase the
15 loitering, it's going to increase the littering?
16 It's all hypothetical?. That's all. Thank you.
17 No more questions.

18 CHAIRPERSON ANDERSON: Okay. I
19 thought you said, one more. I thought you said
20 one more, rather than, no more questions.

21 MR. TANDON: No. No, more.

22 CHAIRPERSON ANDERSON: Okay, any
23 questions by any Board members?

24 BOARD EXAMINATION

25 EVELYN BROWN

1 MEMBER SHORT: Yes, Chair.

2 CHAIRPERSON ANDERSON: Go ahead, Mr.
3 Short.

4 MEMBER SHORT: Thank you. Good
5 afternoon, Ms. Brown.

6 MS. BROWN: Good afternoon.

7 MEMBER SHORT: So you've, how many
8 years have you been in that house, your family?

9 MS. BROWN: Since 1959. So that would
10 make it 63 years in August of 2022.

11 MEMBER SHORT: In 1959, the Police
12 Department, Metropolitan Police wouldn't have
13 allowed people to stand out in the corner like
14 that, right?

15 MS. BROWN: You're right.

16 MEMBER SHORT: Okay. Well, a lot of
17 new changes that happened. And some people like
18 the change, and some people don't like the
19 changes. So I've been in Washington, all my
20 life, 75 years.

21 And so I saw the changes coming to
22 Washington. And sometimes, we have to, we were
23 telling people a lot younger than us to be
24 careful what you ask for.

25 MS. SHORT: That's right.

1 MEMBER SHORT: Because I remember the
2 loitering laws get changed under very, I guess, a
3 man who was charismatic, and people thought it
4 was a wonderful thing to tell the police you
5 can't arrest somebody standing on the corner.

6 And the next thing, you know, we had
7 open air drug markets everywhere. But anyway,
8 getting back to my questions. You don't have a
9 problem with the Beam staying like it is on that
10 corner?

11 MS. BROWN: Not really, no. I think
12 it's something that it's tolerable.

13 MEMBER SHORT: Okay. Well, thank you
14 for your testimony. That's all I wanted was that
15 answer from you. And thank you for your very
16 compelling testimony. Thank you.

17 CHAIRPERSON ANDERSON: Okay, Mr.
18 Short. Any other questions, for any of the Board
19 members? All right. Mr. Tandon, do you have any
20 questions to ask the witness based on the
21 questions that were asked by Mr. Short?

22 MR. TANDON: No, sir.

23 CHAIRPERSON ANDERSON: Mr. Vining, do
24 you have any questions to ask witness based on
25 questions that were asked by Mr. Short?

1 MR. VINING: I do not, thank you.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you. Ms. Brown, thank you very much for
4 your testimony. Thank you very much. Mr.
5 Vining, do you have -- how many more, how many
6 more do you guys have?

7 MR. VINING: There's two for
8 Stronghold. I do not think -- I'll have to ask
9 them to be get to it, but I do not think that
10 we've got any witnesses remaining from
11 Bloomingdale.

12 And I don't see any witnesses for the
13 ANC. There are two are Stronghold. But I'll
14 have to check to see if there's anyone left from
15 Bloomingdale.

16 CHAIRPERSON ANDERSON: All right, all
17 right. I got the five witnesses and I just want
18 to make sure. All right, fine. All right.
19 Who's the next witness, sir?

20 MR. VINING: Rebecca Mills. If Ms.
21 Rebecca Mills is online? I think I saw her
22 elevated.

23 CHAIRPERSON ANDERSON: Yes, Ms. Mills,
24 if you can unmute, you can take yourself off
25 mute, please? Unmute yourself, ma'am. I can't

1 read lips.

2 I think you said you're trying. Just
3 press on your, on your, just, just press the mute
4 button, ma'am, to unmute yourself. On, on your
5 computer, just press the mute button. Mr.
6 Tandon, can you mute your phone, please, sir?

7 MR. TANDON: Sorry.

8 CHAIRPERSON ANDERSON: Ms. Mills, are
9 you still not have been able, you've been unable
10 to unmute? All right. Mr. Vining, can you --
11 let's call it another witness.

12 And maybe Ms. Mills can figure out how
13 to unmute herself. Because I think she's having
14 some issues unmuting herself. I see that she's
15 there. And I see that there, so she can try to
16 figure out how to unmute herself. Do you have
17 another witness, Mr. Vining?

18 MR. VINING: Yes, Mr. Scott Nguyen.
19 If he is with us, here? I think I saw him
20 elevated.

21 CHAIRPERSON ANDERSON: Yes, Mr.
22 Nguyen, can you raise your right hand please,
23 sir.

24 WHEREUPON,

25 SCOTT NGUYEN

1 was called as a witness and, having been first
2 duly sworn, assumed the witness stand, was
3 examined, and testified as follows:

4 CHAIRPERSON ANDERSON: All right,
5 then. Go ahead, Mr. Nguyen, your witness.

6 DIRECT EXAMINATION

7 SCOTT NGUYEN

8 MR. VINING: Mr. Nguyen could you
9 please state your name for the record and spell
10 it for the record please?

11 MR. NGUYEN: Hello, good afternoon.
12 My name is Scott Nguyen. It's S-C-O-T-T,
13 N-G-U-Y-E-N.

14 MR. VINING: And could you tell us
15 where do you live vis a vis, where are you from
16 the store? What is your location and in respect
17 to the old Sun Beam, current Hillview Market?
18 Where are you located?

19 MR. NGUYEN: I'm located directly
20 across the street from Hillview Market. We are
21 on the southeast corner of North Capitol and
22 Bryant.

23 MR. VINING: It's directly across the
24 street apparently? What are your observations on
25 the old Sun Beam Market and activity in the

1 neighborhood surrounding the old Sun Beam Market
2 and your responses to the, Mr. Tandon's request
3 to change?

4 He's got a business model that also
5 including a liquor license. Could you compare
6 the two? The old Sun Beam and your response to
7 the request for a liquor license, which is why
8 we're here today.

9 MR. NGUYEN: Well, my vantage point,
10 I'm right on North Capitol. So the North Capitol
11 corridor between Florida Avenue and Michigan
12 Avenue is essentially a drag strip.

13 However, the intersections of Bryant
14 and Channing are especially dangerous.
15 Northbound, you have traffic coming from Florida
16 Avenue.

17 And the cars come roaring through the
18 underpass and pass through Bryant, Channing since
19 it goes down from three usable lanes down to two
20 usable lanes.

21 There's a speed camera, further up
22 north on North Cap. and the cars know this. So
23 essentially they specifically speed through
24 Bryant and Channing, just to slow down before
25 they get hit by the speed camera.

1 Southbound, the cars fly past Bryant
2 and Channing just because they know they can go
3 full throttle through the underpass without any
4 impediments.

5 My Exhibits P-15, P-16, I believe, are
6 just a couple of examples of the accidents right
7 in front of my house, which is also right in
8 front of Hillview Market, or the old Sun Beam.

9 That illustrate how dangerous that
10 intersection could be for cars and pedestrians.
11 Exhibit 15 specifically ended up in the death of
12 two passengers who were hit by southbound driver.

13 And we've had, and currently still
14 have, multiple and ongoing conversations with
15 D.C. Department transportation to put more speed
16 cameras, stoplight cameras, crosswalks, anything,
17 to try to slow down the traffic to make that
18 intersection a little bit safer.

19 So I bring all that up just to state
20 for the record, we're doing what we can to make
21 this intersection safer for both motorists and
22 pedestrians. But we feel that the spirits can do
23 nothing but make matters worse at this
24 intersection.

25 Pointing to Mr. Orfanon's point, we

1 already have groups of people getting drunk,
2 high, and loitering less than a block away from
3 Hillview, the old Sun Beam. And we feel like
4 these groups would make a beeline to Hillview if
5 there's a liquor, spirit license to purchase even
6 more spirits.

7 And that's just going to exasperate
8 how dangerous that section already is.

9 MR. VINING: Thank you. It sounds
10 like your major concern there from where you are.
11 Is the traffic situation as you see it there.
12 And would it be fair to say that you simply don't
13 see the addition of liquor to the mix is helping
14 the situation? Is that a fair summary?

15 MR. NGUYEN: That is a fair summary.

16 MR. VINING: That's all the questions
17 I've got. Thank you.

18 CHAIRPERSON ANDERSON: Mr. Tandon, do
19 you have any questions for Mr. Nguyen? You're
20 on mute, Mr. Tandon.

21 CROSS-EXAMINATION

22 SCOTT NGUYEN

23 MR. TANDON: Yes. Mr. Scott?

24 CHAIRPERSON ANDERSON: Mr. Nguyen.

25 MR. TANDON: Mr. Nguyen, how are you

1 doing? So the, your Exhibit P-15 and P-16, I
2 suppose you were referring to those are the two
3 accidental pictures that you, like, you know,
4 from the accidents right outside your place, I
5 believe, right?

6 MR. NGUYEN: Correct.

7 MR. TANDON: And do you know if they
8 were charged for drunk driving?

9 MR. NGUYEN: I believe the accident
10 for P-15, actually, I think they both were, had
11 had substance.

12 MR. TANDON: So and did they, how? So
13 you believe that somebody -- if I , if we have a
14 liquor, Class A license across the street,
15 somebody's going to buy? Do you believe this,
16 the sequence? Tell me if I'm wrong.

17 Somebody buys the liquor, comes out
18 drinks it, and hits an accident, right, opposite,
19 you know? This is, this is what you are
20 generalizing? This is how you are generalizing
21 the whole application process that I put forth,
22 forward?

23 MR. NGUYEN: No. What we're trying to
24 say Mr. Tandon is there's already groups of
25 people getting, rowdy groups of people, half a

1 block, less than a block away from your
2 intersection, from your Hillview Market place.

3 That we know that you were probably
4 going to take care of because you're a good
5 business owner. But you can't control what
6 happens to half a block away.

7 And we are concerned that having a
8 store that sells spirits will just make people
9 walk to your store across that busy intersection
10 just to get more drunk. And it's going to
11 exacerbate the problem at that intersection

12 MR. TANDON: I, I don't see the
13 relevance of Hillview Market applying for a
14 liquor license, and what's is, what your exhibits
15 are trying to show.

16 Or, you know, the car speeds, speeding
17 cars coming from under the underpass. And, you
18 know, going north and south. It has nothing to,
19 I don't believe it has nothing to do with, with
20 the Hillview Market applying for a class change.

21 MR. NGUYEN: We just want to put for
22 the record that, that intersection, that corridor
23 is very, very dangerous. And just having people
24 walk across to buy liquor, when they're already
25 having parties.

1 They're already -- it's adding to the,
2 going to add more fuel to fire to the parties
3 half a block away. It's just a concern for us.
4 And, and if you, as a potential neighbor can't
5 see how, why that may cause a problem, that kind
6 of makes you a bad neighbor.

7 MR. TANDON: So you mean that once a
8 place gets a Class A license, it has to have the
9 responsibility of what happens few blocks down
10 the road on either side? They should --

11 MR. NGUYEN: No. You, you won't hold
12 -- you're not responsible for it. But it's a
13 fact that if you can't understand that you may
14 have an impact on that, kind of makes it, kind of
15 drives the point home for us.

16 MR. TANDON: So the point comes out to
17 you, as well as the same posture, that you also
18 feel that Class A license is the reason for all
19 the accidents, and the crime, and the loitering?

20 You didn't mention loitering, but you,
21 you are specifically concerned about the traffic
22 nuisance. And all that is happening because the
23 Capitol Mart, the Hillview Market's class change?
24 And your concern is that it will, it will create
25 more mess in that particular corner across your

1 house?

2 MR. NGUYEN: I do.

3 MR. TANDON: So --

4 MR. NGUYEN: And it's not going to
5 make it better, I'm afraid.

6 MR. TANDON: I, I understand. What I
7 am trying to point out is that, So you believe
8 that ABC is kind of responsible because ABC is
9 taking care of all the Class A licenses being
10 issued to these established establishments. And
11 you, you are undermining the hard work that goes
12 behind to run these establishments.

13 And so, ABC and the Class A
14 establishments are to be blamed for all the
15 accidents, littering, loitering, gun violence,
16 according to you and your other constituents?
17 You, you want to blame everything on the Class A
18 licenses? Established --

19 MR. NGUYEN: No, I do not. ABC
20 already has a hard enough job as it is. They
21 have to just go through and look at all the facts
22 and get the opinions of the neighbors. And this
23 is what the opinion of the neighborhood is.

24 MR. TANDON: But, but this is, this is
25 you, this is all -- don't you think this is all

1 hypothetical assumption of things that you're
2 making?

3 That you are making hypothetical
4 assumptions that if we, if Hillview Market gets a
5 Class A, and if somebody walks in buys a bottle
6 of Patron, goes out, drive drunk, and it's these,
7 hits the corner around two blocks down, this is
8 -- don't you think this is all too hypothetical
9 assumption?

10 MR. NGUYEN: I'm not making the --
11 that might be, that's another issue. That,
12 that's another scenario that might be. But I was
13 talking specifically about the groups that hang
14 out half a block away.

15 That will be walking across that
16 intersection to purchase spirits, if it's
17 available, and they may get hit. They may get
18 hit by drivers that go through that intersection,
19 drunk driver.

20 MR. TANDON: So all of a sudden, you
21 are very concerned about the people who are
22 hanging around your house, or are one block down.
23 Instead of you asking your association, the
24 neighborhood association to take care of this
25 problem, you want to, you want to kill a business

1 model just because you want to make sure that
2 those people stay safe, and some drunk driver
3 might run them over. This is, this --

4 MR. NGUYEN: No.

5 MR. TANDON: -- this is a weird
6 situation.

7 MR. NGUYEN: No, I'm afraid -- the
8 driver doesn't need to be drunk. Yes, and you're
9 right, I am concerned. Because in Exhibit P-15,
10 I actually had to bring out my garden hose to put
11 out a fire in that car to save the life or
12 attempt to save the life of the people in P-15.
13 They end up dying.

14 MR. TANDON: Mr. Nguyen --

15 MR. NGUYEN: I don't want that to
16 happen again.

17 CHAIRPERSON ANDERSON: Mr. Nguyen --

18 MR. TANDON: Mr. Nguyen, that scenario
19 has nothing to do with Hillview Market applying
20 for a class change.

21 MR. NGUYEN: That is what, what we
22 were trying to say is that intersection is
23 already dangerous for pedestrians. Having a
24 liquor license or spirit license will just
25 exacerbate the problem. That's all we're saying

1 for the record.

2 MR. TANDON: I, I think this is very
3 hypothetical assumption you're making.

4 CHAIRPERSON ANDERSON: Please stop
5 editorializing. Please ask the questions, sir,
6 if you have a question. You can do that in your
7 closing, but you're asking questions. Please ask
8 the questions, sir.

9 MR. TANDON: Sir, no more questions.
10 Thank you, very much.

11 MR. NGUYEN: Okay.

12 CHAIRPERSON ANDERSON: Any questions
13 by the Board members?

14 BOARD EXAMINATION

15 SCOTT NGUYEN

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

18 MEMBER SHORT: Thank you. Mr. Nguyen?

19 MR. NGUYEN: Yes, sir?

20 MEMBER SHORT: How have you resided in
21 your current address?

22 MR. NGUYEN: About seven years now.

23 MEMBER SHORT: About seven years. So
24 you've had a chance to observe the traffic on
25 North Capitol Street pretty closely. It looks

1 like you have a heck of a view out of your window
2 there.

3 MR. NGUYEN: Yes. I can see it, and
4 also hear it, too. I can hear it, without having
5 to see it, as well. And probably, almost a daily
6 basis, at least at weekly basis there are little
7 accidents that that happen at that intersection.

8 MEMBER SHOT: Okay. Well, this
9 question is based on peace, order, and quiet.
10 And I'd like to know, how did the business there
11 on the corner that now once -- well, the previous
12 owner, how did the deliveries take place?

13 On North Capitol Street with all of
14 that traffic up and down, speeding, and all of
15 the things that your pictures indicate? How did
16 they? How did they -- when did they ever? How?
17 Deliveries, how were deliveries made?

18 MR. NGUYEN: The delivery trucks would
19 deliver on North Capitol.

20 MEMBER SHORT: Yes?

21 MR. NGUYEN: They would stop on North
22 Capitol itself. And they would, sometimes if
23 there was parking available to stop Bryant.
24 Basically, they would choose either Bryant or
25 North capital, just, and just -- and we're

1 talking big trucks, right?

2 MEMBER SHORT: Yes.

3 MR. NGUYEN: Yes.

4 MEMBER SHORT: Well, and on your P-15
5 Exhibit, there's a there's a sign in the
6 background says winning tickets sold here. What
7 kind of location is that?

8 MR. NGUYEN: That is Sun Beam, which
9 is now Hillview Market.

10 MEMBER SHORT: Okay. So directly in
11 front of this applicant's proposed A store, this
12 is what happened?

13 MR. NGUYEN: A southbound draw car
14 hits an elderly couple that was crossing the
15 street in a car on Bryant. They basically got
16 t-boned, and a fire started.

17 And neighbors from all sections, from
18 all corners ran over to try to help the drivers,
19 I mean the passengers. Unfortunately, they both
20 died.

21 MEMBER SHORT: Sorry to hear that.
22 What time of day did this accident occur?

23 MR. NGUYEN: That was late afternoon.

24 MEMBER SHORT: What time would
25 delivery trucks have a chance to stop on Bryant

1 Street or North Capitol Street to deliver to a
2 business there?

3 MR. NGUYEN: All, all times of the
4 day. We've seen them from morning, afternoon,
5 and later at night, before closing.

6 MEMBER SHORT: And right in
7 cross-hairs of these accidents and speeding?

8 MR. NGUYEN: Yes, sir.

9 MEMBER SHORT: What do pedestrians do?
10 Well, how do you pedestrians avoid getting hit by
11 cars speeding from under the tunnel.

12 MR. NGUYEN: So the neighbors who live
13 on the right hand of Channing, that they, and
14 North Capitol, we've learned to, as we're waiting
15 for the lights to turn, the crosswalk lights to
16 turn green to actually, they walk very far away
17 from the intersection until the light turns
18 green.

19 And then, we go as quickly as we can.
20 I mean, obviously, we look both ways because
21 there are cars that will run the red light.

22 MEMBER SHORT: Okay. So you have
23 Children's Hospital, Veterans Hospital,
24 Washington Hospital Center. So there are a lot
25 of emergency vehicles also up and down the street

1 at all times, is that correct?

2 MR. NGUYEN: Yes, sir. I didn't bring
3 that up, but yes, that's a good point.

4 MEMBER SHORT: All right. Well, I'll
5 just simply say this, your, your testimony has
6 been very interesting to me. And again, I based
7 my questions on peace, order, and quiet.

8 So in your opinion, as a neighbor and
9 someone who's been living in the neighborhood for
10 seven years, would an A store contribute to -- or
11 how would an A store affect peace, order and
12 quiet versus a B?

13 MR. NGUYEN: It would very much affect
14 peace, order, and quiet. B is, like Mr. Orfanon
15 mentioned, it's kind of like our normal. And we
16 can kind of live with it because we're just kind
17 of used to that. But an A license is just
18 something that we don't think would be very good
19 for the neighborhood at all.

20 MEMBER SHORT: During your time across
21 the street from the current B, did people ever
22 stop their cars on North Capitol, and run into
23 the store, and run back out?

24 MR. NGUYEN: Oh, yes, absolutely.

25 MEMBER SHORT: So if it was an A store

1 there, would they run in more or less, in your
2 opinion?

3 MR. NGUYEN: I, I mean, I have no
4 idea. I mean, it's -- I do want to make
5 something clear. We, we want, we are
6 pro-business. We're not anti-business. We, we
7 want Mr. Tandon to succeed.

8 We're just very concerned as
9 neighbors, that an A license would be very, very
10 bad for the neighborhood, very bad for the peace,
11 order -- and I forget what the third thing was.

12 MEMBER SHORT: Quiet.

13 MR. NGUYEN: Quiet, of the
14 neighborhood.

15 MEMBER SHORT: Okay, thank you very
16 much. That's all I have, Mr. Chair. Thank you,
17 for your testimony, Mr. Nguyen.

18 MR. NGUYEN: Thank you, Mr. Short.

19 CHAIRPERSON ANDERSON: Thank you. Any
20 other questions from any of the Board members?
21 Mr. Tandon, any questions of Mr. Nguyen based on
22 the questions that were asked by Mr. Short?

23 MR. TANDON: Yes, sir.

24 CHAIRPERSON ANDERSON: Go ahead, sir.

25 RECROSS EXAMINATION

1 SCOTT NGUYEN

2 MR. TANDON: Mr. Nguyen, do you have
3 any experience by any chance to own and run, own,
4 and operate a Class A establishment?

5 MR. NGUYEN: I do not. My parent,
6 though, I grew up, my parents owned grocery
7 stores in Houston, Texas. And I'm also a D.C.
8 business owner, although, not, not in retail.
9 But I am pro-business. I understand business. I
10 understand how hard it is to run a business.

11 MR. TANDON: If I may ask you, where
12 did you get this experience of, some feedback, or
13 the experience, better experience of a Class A
14 license, or a Class establishment attracting all
15 these negative things like loitering, and
16 violence, and the peace, and quiet, you know,
17 disturbing peace and quiet?

18 Where did you get all this experience
19 from? And you know, if I may ask you, just, just
20 for my knowledge.

21 MR. NGUYEN: I've got the experience
22 of rowdy, rowdy crowds, currently. Because a few
23 doors down from my house is loitering, and drug
24 use, and liquor drinking, and beer drinking.

25 And that has a -- you haven't even

1 open yet. Is that, when you open with the spirit
2 license, it scares, scares me. It scares all
3 these neighbors. That's why we're having this
4 hearing.

5 MR. TANDON: So it there, is there a
6 Class A license there, Class A license permit
7 holder there? Were all this loitering, and
8 littering, and drinking is happening?

9 MR. NGUYEN: No. But having a Class
10 A closer at their disposal, not going to make it
11 any better.

12 MR. TANDON: So don't you think this
13 is all subjective experiences and hypothetical
14 thinking?

15 MR. NGUYEN: Sir, I mean, again, this
16 kind of, this kind of illustrates you as a
17 potential bad neighbor if you can't understand
18 that having a liquor license, half a block, a
19 liquor store half a block away from all these
20 things that are already happening in the
21 neighborhood concerns me. And should concern the
22 ABRA Board, as well.

23 MR. TANDON: I, yes, that is, that is
24 the thing. That is what I am, I've been trying
25 to tell you guys that this is -- I have, and I

1 just for the record, I have a nine year
2 experience of handling liquor. So I --

3 MR. NGUYEN: Yes.

4 MR. TANDON: -- I understand liquor
5 better than all these hypothetical assumptions.
6 That's all. Thank you, very much.

7 MR. NGUYEN: Just one more point to
8 Mr. Tandon's point. I love your store. I had,
9 to go Indian restaurant food just this past
10 weekend. If you wanted to open up a restaurant
11 that sold liquor, that's a completely different
12 thing.

13 We would, probably, I can't speak for
14 everyone, we probably welcome back with open
15 arms. But what, that's not what you're trying to
16 do. You try to open up a liquor store.

17 And that really, really concerns us.
18 Take away liquor is completely different than
19 going in, getting a restaurant, and ordering a
20 couple of drinks.

21 MR. TANDON: Well, that's all right,
22 Mr. Nguyen, you're not a bad neighbor. But this,
23 this business is also a new experience and a new
24 way to connect with the neighbors. But it's
25 okay. Thank you, very much.

1 MR. NGUYEN: Thank you.

2 CHAIRPERSON ANDERSON: Mr. Vining, do
3 you have any, any follow up questions to Mr.
4 Nguyen based on the questions that were asked by
5 the Board?

6 MR. VINING: No, no follow up
7 questions. Thank you.

8 CHAIRPERSON ANDERSON: Thank you, very
9 much, Mr. Nguyen for your testimony today. Do
10 you have any -- I think your previous witness, I
11 don't see her online. Are you still trying to
12 call her?

13 MR. VINING: Yes. She apparently was
14 bumped off. She is waiting to rejoin us, to be
15 elevated.

16 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
17 can -- I'm sorry, what's her name again, sorry,
18 please?

19 MR. VINING: Rebecca Mills.

20 CHAIRPERSON ANDERSON: Ms. Fashbaugh,
21 can you please elevate the rights of Ms. Mills,
22 please? Ms. Fashbaugh, can you please elevate
23 the rights of Ms. Mills, please?

24 MS. FASHBAUGH: Please standby.

25 CHAIRPERSON ANDERSON: Thank you.

1 MS. FASHBAUGH: Her rights have been
2 elevated.

3 CHAIRPERSON ANDERSON: Ms. Mills?

4 MS. MILLS: All right. Can you hear
5 me?

6 CHAIRPERSON ANDERSON: I can hear you,
7 but I can't see you this time.

8 MS. MILLS: Okay, I'll fix that. I
9 think, I see me.

10 CHAIRPERSON ANDERSON: Now, I can hear
11 you and see you.

12 MS. MILLS: That was incredibly
13 frustrating. Thank you for bearing with me.

14 CHAIRPERSON ANDERSON: You're welcome.
15 Can you please raise your right hand please?

16 MS. MILLS: Yes.

17 WHEREUPON,

18 REBECCA MILLS

19 was called as a witness and, having been first
20 duly sworn, assumed the witness stand, was
21 examined, and testified as follows:

22 CHAIRPERSON ANDERSON: Thank you, Your
23 witness.

24 DIRECT EXAMINATION

25 REBECCA MILLS

1 MR. VINING: Ms. Mills, thank you for
2 joining us. If I understand your exact location,
3 which you would describe for us there. I, I
4 think I understand your current location as being
5 almost exactly halfway in between the Hillview
6 Market and the Capital Market. Is that the case?

7 MS. MILLS: Pretty much. I'm a little
8 bit closer to Hillview. I'm at 2407 North
9 Capitol Street, which is four houses north of the
10 Bryant Street intersection. So I am midway
11 between the two stores, but a little bit closer
12 to Hillview.

13 MR. VINING: Would you say that you're
14 equally familiar with the two existing stores?
15 Mr. Tandon has, of course, his business model
16 there. But in the years you've been at that
17 location, are you equally familiar with the two
18 stores with their class B license?

19 MS. MILLS: Very much, yes. I used to
20 go into Sun Beam almost daily. Since Sun Beam
21 closed, I've been going to Capital Market a
22 couple of times a week.

23 MR. VINING: What is your response to
24 the application for a Class A license?

25 MS. MILLS: Concern. I have no doubt

1 that the Tandons know what they're doing in terms
2 of sales of liquor. However, as been, has been
3 stated before from a couple of previous
4 witnesses, the Tandons don't have any control
5 over what goes on once that liquor leaves their
6 property and gets into the neighborhood.

7 I'm sorry, spirits, I'm supposed to be
8 saying spirits, rather than liquor. And I live
9 right between the two stores. The alley behind
10 my house is a big hangout spot with a lot of
11 drinking going on and public urination.

12 And that hanging out, idle hanging out
13 often leads to, you know, even more problems.
14 Like, we had a shooting a while back. I, I just
15 don't see how introducing the sales of spirits
16 will help the issue.

17 MR. VINING: And how do you -- you
18 heard Mr. Tandon describe the rest of his
19 business model. Other than the Class A, if he
20 were for example, to go into business with the
21 Class B, how would you feel about that proposal?

22 MS. MILLS: I feel fine with the Class
23 B, mainly because that's what we're used to. And
24 also, that's not really what we're talking about
25 here. I mean, the Class B comes with the

1 purchase of the store.

2 So that's not really what we're
3 talking about. As far as I understand, we can't
4 do anything about it. I would love it if there
5 wasn't even a Class B. I think it would be
6 really helpful.

7 I primarily buy food there and I hope to
8 continue to do so. But, so, yes, the Class B is
9 a done deal, as I see it. The Class A is not.
10 And I, I would be happy if the store just
11 continued with Class B.

12 MR. VINING: And I assume it was
13 something in your comment there suggested that
14 you either do not drink at all or do not often
15 drink is that, is that your experience? Or am I
16 misinterpreting that, that comment there?

17 MS. MILLS: Yes, I don't often drink.
18 I, I can't say I don't drink at all. But I, it's
19 definitely not very often. I, I'm not going to
20 be a, I'm not going to be visiting to buy the
21 alcohol.

22 MR. VINING: Thank you. That's all
23 the questions that I have for you. Thank you.

24 MS. MILLS: Thank you.

25 CHAIRPERSON ANDERSON: Mr. Tandon, do

1 you have any questions of Ms. Mills?

2 MR. TANDON: No questions.

3 CHAIRPERSON ANDERSON: Any Board
4 members have any questions of Ms. Mills? Thank
5 you, very much Ms. Mills for your testimony
6 today.

7 MS. MILLS: All right.

8 CHAIRPERSON ANDERSON: Have a great
9 day. Mr. Vining, do you rest?

10 MR. VINING: Not yet. I understand,
11 I misspoke. The Bloomingdale Civic Association
12 has a witness who I, I am ashamed to say I
13 forgot, the President of the Bloomingdale Civic
14 Association. Ms. Teri Janine Quinn is one of her
15 own witnesses on the BCA.

16 CHAIRPERSON ANDERSON: Ms. Quinn?

17 MS. QUINN: Hello.

18 CHAIRPERSON ANDERSON: Can you raise
19 your right hand please?

20 WHEREUPON,

21 TERI JANINE QUINN

22 was called as a witness and, having been first
23 duly sworn, assumed the witness stand, was
24 examined, and testified as follows:

25 CHAIRPERSON ANDERSON: Your witness,

1 sir.

2 DIRECT EXAMINATION

3 TERI JANINE QUINN

4 MR. VINING: Ms. Quinn, would you
5 describe the response --

6 CHAIRPERSON ANDERSON: Hold on, hold
7 on, one -- Ms. Quinn, can you please spell and
8 state your name for the record? Please can you
9 spell it?

10 MS. QUINN: Sure. Teri Janine Quinn,
11 it's T-E-R-I, J-A-N-I-N-E, Q-U-I-N-N, and I am
12 President of the Bloomingdale Civic Association.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Vining.

15 MR. VINING: Would you state for us
16 the position of the Bloomingdale Civic
17 Association on the application for a Class A
18 license and how you came to that? This is being,
19 speaking on behalf of the Bloomingdale Civic
20 Association, of course.

21 MS. QUINN: Sure. The Civic
22 Association protested this application. And this
23 was after, I believe, two meetings. We had a
24 meeting in November, and then, a meeting in
25 December.

1 Both with the applicant present and
2 participating in the meeting and having an
3 opportunity to explain to us in his own words,
4 what the business model was, what he intended to
5 bring to the neighborhood.

6 We heard from neighbors who lived very
7 close to the business. We also heard from other
8 members of our association who live a bit
9 further. And we heard a presentation from our,
10 from the ANC 5E09 representative for that area.

11 That's actually the single member
12 district where the business is located. And
13 lastly, we had a surprise visit from the
14 President of the Stronghold Civic Association,
15 who explained their process of evaluating this
16 matter and coming to their own protest.

17 So we listened to all of that. And I
18 think I may have missed that the, I believe, the
19 ANC Commissioner noted that she had had
20 single-member District meetings on this issue, at
21 least one.

22 And that she had conducted some survey
23 of some sort, which she detailed at the time, I
24 just don't have a memorized, of her own. And
25 that, that particularly, it was important to us

1 because her single-member District is partly in
2 Bloomingdale, and partly, and then, she has all
3 of Stronghold.

4 So it was, you know, it's one thing
5 for Stronghold to say that they surveyed their
6 members. Which, you know, I won't get into all
7 the details, but for some strange reason, they
8 have co-opted some of our neighbors as members of
9 both their civic association and ours.

10 But at any rate, so, so, I think the
11 Stronghold survey reflects some small sentiment
12 of Bloomingdale. But certainly the survey that
13 the ANC for 5E09 conducted gave a little bit more
14 insight in terms of what the neighbors who live
15 closest, and who potentially didn't make it to
16 our meeting, really felt it.

17 And so, after that, we, you know, we
18 heard all the testimony, or not testimony, well,
19 we heard all the input. And then, we took a
20 proper vote at a meeting that was properly
21 noticed, and to which the applicant was invited
22 and attended.

23 We took a vote. And the vote was to
24 protest. And when we protest, we go into these
25 things understanding the ABRA process. So we go

1 in with a full faith effort to attempt a
2 settlement, if it's at all possible.

3 And we know, sometimes, it doesn't
4 work out. Like, it didn't in this time. But we,
5 we do really participate in that process. We,
6 you know, hope for the best. And sometimes we
7 end up here.

8 But as you can see, particularly the
9 Board, you haven't seen me often, if any of you
10 have ever seen me. And that's because we don't
11 do this a lot. We don't just protest every
12 application.

13 This is a neighborhood that is not, in
14 any way, an alcohol desert. And in fact, it is
15 not a Class A desert. I've heard testimony today
16 that would suggest that there are no liquor
17 stores in the area.

18 There may not be in the two short
19 blocks around this particular site. But I can
20 tell you that from anywhere in Bloomingdale, you
21 can walk to a liquor store. We have a liquor
22 store, full-blown liquor store in the heart of
23 our neighborhood.

24 But it is at what we would call kind
25 of like our business district, if you will. So

1 it is, while it's in a neighborhood, it's in a
2 business segment of the neighborhood.

3 But from my house, I could walk to
4 three different liquor stores within five
5 minutes. The two of them technically aren't in
6 Bloomingdale. I across Florida Avenue.

7 But nonetheless, it's, I think my
8 point is made that you can get to spirits, with
9 great ease from Bloomingdale.

10 MR. VINING: Could you -- thank you.
11 You and the Stronghold, sorry. The Bloomingdale
12 Civic Association, initially engaged with the
13 group of five who was trying to work out a
14 settlement agreement. Can you tell us anything
15 about how that went?

16 MS. QUINN: I don't think I can. I
17 think that's inappropriate.

18 CHAIRPERSON ANDERSON: Ms. Quinn, hold
19 on. I, I don't want to have any discussion about
20 settlement, negotiation. If you're just talking
21 about process, but I don't want to hear substance
22 over not appropriate discussion at a protest
23 hearing. Okay? So if you want to talk about a
24 process, but not substance.

25 MS. QUINN: Well, what I was about to

1 say, is I don't think it's appropriate. I mean,
2 I think you get the instruction that it's a
3 process --

4 CHAIRPERSON ANDERSON: Then you, then

5
6 MS. QUINN: -- that you're not
7 supposed to talk about it, so.

8 CHAIRPERSON ANDERSON: Let's, so let's
9 move on, Mr. Vining. Thank you, Ms. Quinn. At
10 least that, I -- that's my position, but I did
11 not realize that we shared the same position.

12 MS. QUINN: Right.

13 MR. VINING: Ms. Quinn, you had, there
14 were two other witnesses here today, who
15 apparently couldn't, couldn't stay with us there.
16 Is there anything that you can talk about that
17 you're knowledgeable of about the concerns of
18 the, these witnesses, if that's appropriate?

19 MS. QUINN: Well, you know, first and
20 foremost, I'll say how disappointed I am, that,
21 especially as the host neighborhood for this
22 site, that we don't have the advantage of having
23 people who live closest to the business, be able
24 to present their own perspective.

25 They were here. Well, at least one of

1 them was here. One of them had a work thing.
2 And you know, there's nothing you can do about
3 that. But one of them was here for hours. And
4 ultimately was not able to stay. What? Five,
5 six hours, later? To be prove it.

6 So, I, you know, I don't know how much
7 I can go into it. But I will say that those are
8 neighbors who live closest to the building, who
9 had the opportunity to experience, you know, some
10 of the activity that I think you might not see
11 every single day.

12 But when you live, literally, next
13 door to the building, you are able to experience
14 in terms of noise, in terms of -- and this is,
15 just to be clear, this is both back when it was
16 the other business, all the way through now, that
17 they are still experiencing noise.

18 They are still complaining of
19 loitering. Harassment, I think that's really one
20 of the important things I wanted to get to today.
21 Is that, we've heard a lot of discussion of
22 loitering today.

23 And I think that there's, there's,
24 it's important for us to be clear, when we're
25 talking about loitering of folks just hanging

1 out, and loitering where there's actual bad
2 behavior, and illegal behavior.

3 And what these particular neighbors
4 seem to be expressing was that this was, in fact,
5 that latter category of actual street harassment.
6 And something more than just, you know, me and my
7 friends, you know, enjoying the sun, or the cold,
8 or whatever we're doing.

9 And I think that has been one of the
10 concerns that we've discussed within our
11 community. Because at some point, we understood
12 from the applicant that he was considering having
13 outdoor seating at the business.

14 And there was concern, at least from
15 the Bloomingdale side, about what that might mean
16 in a situation that is already known to kind of
17 generally promote loitering, and such.

18 And how difficult it is to control
19 what people are doing. You know, we hear that
20 from businesses all the time. And you know, you
21 complain that folks are sitting outside their
22 door. And they have a difficult time managing
23 it.

24 But when you add spirits into the mix,
25 and then you add outdoor seating into the mix,

1 like how are you managing the inside of your
2 store and managing whether people are taking what
3 they just bought from out there and drinking out
4 right there on your premises?

5 Which would, in fact, be illegal.
6 While they can do that at their restaurant, this
7 is a whole different operation. You cannot both
8 buy alcohol at a Class A establishment and drink
9 it on premises. So those are some of the
10 concerns that I've experienced.

11 MR. VINING: Thank you. As a
12 procedural matter, as long as you're here, Ms.
13 Quinn for the Bloomingdale Civic Association, a
14 preliminary matter that we brought up earlier
15 with Mr. Anderson, Chair Anderson, was that Mr.
16 Rodriguez, one of your two witnesses here
17 regretting that he couldn't be here today
18 actually had a written statement.

19 And we're asking whether that could be
20 introduced into the record, even though he is not
21 here. Mr. Anderson, could I bring that issue
22 back up while Ms. Quinn is here?

23 CHAIRPERSON ANDERSON: Well, I think
24 part of it is that if it's part of your
25 disclosure, it's in record. I can, we can put in

1 the record, for whatever it's worth.

2 But I can't have her testify about the
3 document because, because the document cannot be
4 cross-examined. You cannot cross-examine a
5 document.

6 I mean, it can, if it's a part of
7 your, the five-day disclosure, yes, it's
8 disclosed. But we can't her testify on, about
9 the contents of the document because it's not her
10 statement. And that person is not, cannot be
11 cross-examined.

12 MR. VINING: Understood. Thank you,
13 I guess, we'll have to let --

14 (Simultaneous speaking)

15 CHAIRPERSON ANDERSON: Ms. Quinn, did
16 you want to say something, ma'am?

17 MS. QUINN: Yes, I just had a
18 question, Mr. Anderson. Does that mean that,
19 that written testimony can still be submitted?

20 CHAIRPERSON ANDERSON: Is it part of
21 the disclosure? Was it was it disclosed seven
22 days prior to the hearing, as part of the PIP?

23 MS. QUINN: He was listed as a
24 witness.

25 CHAIRPERSON ANDERSON: Was the

1 statement disclosed as part of the PIP?

2 MS. QUINN: I don't know that his
3 statement was included there.

4 CHAIRPERSON ANDERSON: No, then if it
5 was not included, then it cannot be.

6 MR. VINING: Right. Thank you. I
7 guess, I think we'll have to let the record
8 suffice. I've asked Ms. Quinn about some
9 questions about the near witnesses there. And
10 that will suffice for the record. I have no more
11 questions, Mr. Anderson.

12 CHAIRPERSON ANDERSON: Thank you, Mr.
13 Tandon, do you have any questions you want to ask
14 Ms. Quinn?

15 MR. TANDON: Yes, sir.

16 CROSS-EXAMINATION

17 TERI JANINE QUINN

18 MR. TANDON: So Ms. Janine?

19 MS. QUINN: Ms. Quinn.

20 MR. TANDON: Ms. Quinn, Ms. Quinn, if
21 I may ask how many people probably you think live
22 in the Bloomingdale neighborhood? What is the
23 population like?

24 MS. QUINN: Well, you know, I don't
25 know. I would guess probably 7,000, if I had to

1 take a guess.

2 MR. TANDON: Seven thousand people are
3 the customers?

4 MS. QUINN: That would be my guess.
5 That would be my guess.

6 MR. TANDON: All right. I mean,
7 that's really less the number that shows on the
8 D.C. record. But anyway --

9 MS. QUINN: Well, then, that document
10 is absolutely incorrect. And I heard you give a
11 number earlier that was outrageous. There's no
12 way, there's nothing near 40,000 or 50,000 people
13 in Bloomingdale. That's ridiculous.

14 MR. TANDON: Well, if you go on, D.C.
15 records, you Google it. And then --

16 MS. QUINN: Sure.

17 MR. TANDON: -- you get to know.
18 Anyways, anyways, so you mentioned something
19 about the Class A deserts. Like, you don't
20 Bloomingdale to be a Class A desert, you know.

21 MS. QUINN: Sir, that's not what I
22 said at all. I said, Bloomingdale is not a Class
23 A desert.

24 MR. TANDON: Yes.

25 MS. QUINN: I said, yes.

1 MR. TANDON: Right. So, and you
2 definitely don't want Bloomingdale to be a Class
3 A desert.

4 MS. QUINN: I didn't say that,
5 whatsoever.

6 MR. TANDON: All right. Okay. But
7 this is what I heard you saying that, but you
8 know. So my thing is that you know, how does,
9 how come you guys decide what, what, what makes a
10 desert? How many how many Class A establishments
11 constitute to be a desert?

12 CHAIRPERSON ANDERSON: All right.
13 This is not the purpose of this, this hearing.

14 MR. TANDON: Okay.

15 CHAIRPERSON ANDERSON: All right. I
16 mean, if you have a question to ask about the
17 your request for Class A at your location, we
18 don't need to be discussing whether or not it's a
19 Class A desert or not, sir.

20 MR. TANDON: Okay. And I, because I
21 suppose that Ms. Quinn has made another
22 statement, a very hypothetical statement.
23 Because she's referencing to somebody buying
24 drinks and drinking outside, and which is
25 completely illegal.

1 So what makes you think that me, being
2 a business owner, who's run a very successful
3 business for the last ten years, I don't
4 understand the implications of somebody buying
5 liquor from my store, and sitting outside, and
6 drinking it? What makes you that I don't have
7 application?

8 CHAIRPERSON ANDERSON: Mr. Tandon, and
9 I'm sorry to do this, sir. But the
10 representation here, sir, is that your wife
11 applied for a liquor license. And you are the
12 representative --

13 MR. TANDON: Right.

14 CHAIRPERSON ANDERSON: -- representing
15 your wife here today, sir. That's, that is the
16 representation that's been made, sir. And so I
17 need you to continue representing Ms., your wife.
18 I'm not sure if it's my understanding that your
19 wife have 100 percent owner of the licensor, so.
20 All right.

21 MR. TANDON: I, I understand. But you
22 know, the, all the protestants, they keep talking
23 about noise. I mean, we are -- how noise inside
24 the store is going to bother the neighbors?

25 I want to make them understand that my

1 wife is proposing a class change. She's not
2 asking for a club license. We're not opening a
3 club at the location. It's it's a Class A
4 license, from Class B to Class A.

5 CHAIRPERSON ANDERSON: I know, Mr.
6 Tandon. Please ask a question.

7 MR. TANDON: Yes.

8 CHAIRPERSON ANDERSON: A lot of the
9 comments you're making Mr. Tandon, you can raise
10

11 MR. TANDON: No, because she --

12 CHAIRPERSON ANDERSON: -- those in
13 closing. You'll have an opportunity to present a
14 closing statement.

15 MR. TANDON: No questions, sir.

16 CHAIRPERSON ANDERSON: All right. Any
17 questions by the Board members of Ms. Quinn.
18 Thank you, Ms. -- all right, I'm sorry. Thank
19 you, Ms. Quinn for your testimony today. Mr.
20 Vining, do you rest do you have another witness?
21 Or do rest?

22 MR. VINING: It is, sir, the final
23 witness is ANC, it's SMD 5E09, Commissioner
24 Dianne Barnes, who is her own witness for the
25 ANC.

1 CHAIRPERSON ANDERSON: Mr. Vining, I'm
2 laughing because I thought Ms. Quinn was the last
3 witness. And I know that I had informed -- but
4 you know, I'll let, we'll just have, I'm sorry,
5 Ms., that's Ms. Barnes. Ms. Barnes, can please
6 raise your hand? Now, is Ms. Barnes, the last
7 witness?

8 MR. VINING: Yes.

9 CHAIRPERSON ANDERSON: All right. All
10 right, Ms. Barnes, do you -- you need to unmute
11 your phone, ma'am, please. Please, a little bit
12 over, I see, I can just see your index finger.
13 Thank you.

14 WHEREUPON,

15 DIANNE BARNES

16 was called as a witness and, having been first
17 duly sworn, assumed the witness stand, was
18 examined, and testified as follows:

19 CHAIRPERSON ANDERSON: Your witness,
20 Mr. Vining.

21 DIRECT TESTIMONY

22 DIANNE BARNES

23 MR. VINING: Commissioner Barnes,
24 thank you for joining us here. Would you please
25 tell us about the survey of the community that

1 you engaged in and the relevance of the survey to
2 the license here today?

3 CHAIRPERSON ANDERSON: Hold on one
4 minute, please. Ms. Barnes, can you please spell
5 and state your name for the record?

6 MS. BARNES: Yes. My middle name is
7 Diane. I go by Diane, D-I-A-N-N-E, Barnes,
8 B-A-R-N-E-S. And I've lived in this neighborhood
9 since July 1974, about 48 years. I live on the
10 unit block of Adam Street, Northwest.

11 So I don't get to see what's going on
12 unless someone calls me. Currently, I serve as
13 the Vice Chair of ANC 5E. I've been a
14 Commissioner for about 20 years. The Hillview
15 Market is within our 5E09, in which I am serving
16 Commissioner of Stronghold, along with the
17 northern Bloomingdale.

18 There is, there are about four single
19 member districts within the Bloomingdale. Each
20 CM member District consists of about 2,000
21 residents. So, with what Mr. Tandon has stated
22 pertaining to Bloomingdale residents 40,000,
23 that's nowhere near that. It's more so close to
24 7,000 to 8,000.

25 MR. VINING: Could you, Ms. Barnes,

1 could you talk about the survey that you engaged?

2 MS. BARNES: Yes.

3 MR. VINING: You heard the, about the
4 application for the license there?

5 MS. BARNES: Yes.

6 MR. VINING: You engaged in a survey
7 of the community. Could you please tell us about
8 that survey? How it went and what you found?

9 MS. BARNES: Yes. Once I received the
10 notice of public hearing, I actually sent that
11 out to my distribution list to inform the
12 neighbors that a request for a new license was
13 coming up.

14 Then I actually talked to the
15 Stronghold because they're the ones that actually
16 see what's going on over there about doing an
17 outreach survey. So, but what I did, I actually
18 surveyed both neighborhoods, both Stronghold and
19 also the Bloomingdale neighborhood.

20 And actually, the results from the
21 survey outreach to the community for 5E09 was,
22 for the email distribution was 282 emails that I
23 sent out. The constituent door-to-door
24 distribution was 148.

25 That only included the Addle Street,

1 unit block of Addle Street, Bryant Street, and
2 Channing Street, and also the 2300 block of North
3 Capitol and a 2400 block of North Capitol. And
4 that came to a total 148.

5 And I've included the Stronghold
6 neighborhood within my report. And with the
7 Stronghold online survey via email responses, it
8 was 111.

9 So the total responses that I received
10 for 5E09 Bloomingdale constituents was six in
11 support, and 47 in opposition. The total number
12 of responses received from 5E09 Stronghold
13 constituents was seven in support and 40.
14 opposition.

15 MR. VINING: Thank you. You're in,
16 you're a single-member District. Would you
17 please describe how much of Bloomingdale and how
18 much a Stronghold your single-member District
19 includes?

20 MS. BARNES: Well, Stronghold is
21 about, I think I'm told it's about 300 houses
22 there.

23 MR. VINING: No, just what percentage
24 of the Stronghold neighborhood is in your SMD?
25 Where, what part of Bloomingdale is in your SMD?

1 Just what --

2 MS. BARNES: Oh, the northern portion
3 of Bloomingdale is my neighborhood and Stronghold
4 is like maybe one-third, or whatever, or less,
5 about 300 people in the Stronghold community.

6 MR. VINING: So all of Stronghold is
7 in your SMD?

8 MS. BARNES: All of Stronghold is
9 within in my single-member District.

10 MR. VINING: So, and Bloomingdale from
11 what street north is your single-member District?

12 MS. BARNES: My single-member District
13 within Bloomingdale runs from Michigan Avenue,
14 down to Adams Street, and goes over to Second
15 Street of Bryant Street, and Addle Street.

16 So I have the 100 block of Adams and
17 the unit block of Adams, along with the 100 block
18 of Bryant and the unit block of Bryant. And only
19 the unit block of Channing Street, within the
20 northern portion of Bloomingdale.

21 MR. VINING: All right. Thank you,
22 thank you, Commissioner. That's all the
23 questions that I have, Mr. Anderson.

24 CHAIRPERSON ANDERSON: Mr. Tandon, do
25 you have any questions, for Commissioner Barnes?

1 MR. TANDON: No, sir, no questions.

2 CHAIRPERSON ANDERSON: Does any of the
3 Board members of Commissioner Barnes?
4 Commissioner Barnes, thank you, very much for
5 your testimony today.

6 MS. BARNES: Well, thank you. Because
7 my iPad was getting ready to die on me. So I has
8 hoping that it didn't I have ten minutes.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you, ma'am. All right. Do you have any
11 other witnesses, Mr. Vining?

12 MR. VINING: No, that is, that is the
13 last of the witnesses. You heard that there were
14 two Bloomingdale witnesses who dropped off. But
15 we have covered all the rest of our lists. Thank
16 you.

17 CHAIRPERSON ANDERSON: Okay. I just
18 want the record to reflect that this hearing
19 started around 2 o'clock. I did inform the
20 parties that the protestant would not be able to
21 present this case based on the format until maybe
22 3:30, 4 o'clock, the earliest.

23 And based on my estimation, we did
24 start around 4 o'clock in a sense of when the
25 protestant was able to present its case. So I

1 heard that witnesses were on to six hours.

2 But I did inform all the witnesses
3 that based on how the format of this hearing,
4 that the protestants would not be able to start
5 his case until later on in the afternoon.

6 And so, I just want the record reflect
7 that I did make that, make an announcement prior
8 to the hearing. All right. So what we're going
9 to do, each side will have five minutes to close.

10 And what I'm, I'm going to take a
11 break first though. And when I said five
12 minutes, I mean, five minutes. So we're going to
13 take a ten minute break. It's 6:36.

14 We'll come back on the record at 6:45.
15 And both sides will have five minutes to present
16 its case. We'll start with the applicant will
17 have a five minute presentation.

18 And then, the protestant will have a
19 five minute presentation. Then I will ask the
20 both sides whatever documents that were
21 disclosed, which, what documents they need to put
22 in the record.

23 So we'll be off, we're off the record
24 until 6:45. And once we come on then, the
25 protestant, I'm sorry, the applicant will have

1 five minutes to do closing and the protestant
2 doing to closing.

3 Yes, Ms. Barnes, do you want to say
4 something?

5 MS. BARNES: Yes, I would like to log
6 off my iPad.

7 CHAIRPERSON ANDERSON: You can --

8 MS. BARNES: So I can go to my
9 computer.

10 CHAIRPERSON ANDERSON: -- just close
11 your screen, ma'am. And you can just close your
12 screen and you're gone.

13 MS. BARNES: Okay, then.

14 CHAIRPERSON ANDERSON: Just --

15 MS. BARNES: But I'm going to try to
16 get back.

17 CHAIRPERSON ANDERSON: -- just push
18 the button. There's a red button, you can just
19 press, and you're gone. Okay?

20 MS. BARNES: Okay. But I'm going to
21 try to get back on the laptop, the laptop.

22 CHAIRPERSON ANDERSON: All right.

23 MS. BARNES: So would I be able to get
24 it back in?

25 CHAIRPERSON ANDERSON: You'd have to,

1 if you want to get back in, then you need to send
2 a notation. Yes, you can. You, yes, I have to
3 ask. Ms. Fashbaugh, once we come back from
4 break, can you look for Ms. Barnes, please? And
5 elevate her right, please?

6 MS. BARNES: Okay. Because I only
7 have 9 percent left on my iPad.

8 CHAIRPERSON ANDERSON: And so, we'll
9 look for you ma'am. All right?

10 MS. BARNES: Okay. Thank you.

11 CHAIRPERSON ANDERSON: Someone could,
12 someone please remind me to remind our IT.

13 (Whereupon, the above-entitled matter
14 went off the record at 6:38 p.m. and resumed at
15 6:45 p.m.)

16 CHAIRPERSON ANDERSON: We are back on
17 the record. Ms. Barnes, are you there?

18 (No audible response.)

19 CHAIRPERSON ANDERSON: Ms. Barnes, are
20 you there?

21 MS. BARNES: Yes, I'm here.

22 CHAIRPERSON ANDERSON: All right, just
23 be -- I made sure that I remind myself, I saw
24 your name on my screen but I just wanted to make
25 sure that you're still there. So, I don't want

1 folks to say that the ABC Chair excluded me from
2 the hearing. Okay, all right.

3 MS. BARNES: Thank you, sir.

4 CHAIRPERSON ANDERSON: You're welcome,
5 ma'am. All right. To do closing, what I want
6 specifically, I want -- Mr. Tandon, I want you to
7 tell me specifically what it is that you're
8 seeking from the ABC Board.

9 And Mr. Vining, and I -- where's Mr.
10 Vining?

11 (No audible response.)

12 CHAIRPERSON ANDERSON: I don't think
13 Mr. Vining's back as yet. Does anyone have Mr.
14 Vining's phone number, maybe they can call him to
15 let him know that we're ready to move back on,
16 please?

17 (No audible response.)

18 CHAIRPERSON ANDERSON: Thank you, Ms.
19 Lockett. I see Mr. Vining, don't walk away,
20 we're ready, sir. We're waiting on you. Yes, I
21 see Ms. Lockett is back, all right.

22 As I stated before, we're now -- Ms.
23 Barnes, please mute your phone, mute your line,
24 please, ma'am. You see, you made me notice you
25 so now I'm going to call you out, I can always

1 tell who's line is unmuted. So, I can always
2 tell, but I don't always call folks out.

3 But, all right, so what I want you to
4 do, Mr. Tandon, is to specifically tell us what
5 it is that you're asking the Board to do.

6 And, Mr. Vining, what I'm asking you
7 to do is to, in your closing, is to specifically
8 tell the Board what it is you want the Board to
9 do, okay? So, Mr. Tandon, you go first.

10 MR. TANDON: All right. So I would
11 like to say a thank you for letting me represent
12 my wife as the Applicant, and everyone in the
13 community to share their views.

14 I can empathize why some might feel
15 opposed to the license change, but I really feel
16 that, by attacking a class change with such
17 negative and discriminatory --

18 (Telephonic interference)

19 MR. TANDON: The dedicated hard work
20 behind these establishments.

21 Almost 10 years ago when me and my
22 wife opened Indigo, the situation in NoMa was, if
23 not worse, the same, like, what is being
24 explained by the consequence in Bloomingdale.

25 Loitering, littering, and crime was

1 there, everything was there, everybody -- and the
2 neighbors got together, they shared their views
3 with me. But now, in the modern day, where
4 Indigo is -- I don't say it is all because of
5 Indigo, but that neighborhood is definitely a
6 better place. This is what positive change comes
7 when we open ourselves to the change.

8 And I can presume that alcohol or
9 spirit sales can naturally lead to more
10 boisterous behavior, but I would like say,
11 sometimes we naturally gravitate towards negative
12 outlook.

13 All I can say is, this venture is also
14 an expression to connect with more members in the
15 community. It's the dedicated hard work behind
16 this establishment which can be the catalyst for
17 positive change in the community.

18 Clearly we disagree, and both sides
19 have made their points, but me and my wife, we
20 have already clear concept of a one-stop shop
21 where a person does not have to look anywhere
22 else for their very needs, including spirits.

23 I as an owner will do everything in my
24 power, when I say, I, like, I represent my wife,
25 we, as owners, we will do everything in our power

1 to make this venture a positive communal
2 experience.

3 I just hope that my wife has a chance
4 to own and operate the business of her dreams, we
5 want the store, like I already said before, we
6 want the store to be a strong addition to the
7 community and become a place for peace for
8 Bloomingdale.

9 And we hope that our pure intentions
10 can be reached out to everybody, and based on my
11 presentation and the application, I request ABRA
12 to approve this class change. Thank you.

13 CHAIRPERSON ANDERSON: Thank you. Mr.
14 Vining, five minutes.

15 MR. VINING: Thank you. On behalf of
16 the three protesting organizations, Stronghold
17 Civic Association, Bloomingdale Civic
18 Association, and the ANC, when we first heard
19 about the application, I am convinced both,
20 because I am an officer in the Stronghold Civic
21 Association, but I am a regular guest at the
22 Bloomingdale Civic Association, all of them.

23 The question came up neutrally, there
24 is this application and the immediate response of
25 the officers of those organizations and of the

1 ANC was, well let's ask the community and we will
2 take the position of the community.

3 And the three groups separately found
4 a way to poll their community, and each of the
5 three organizations, Stronghold, Bloomingdale,
6 and the ANC, presented fairly and clearly the
7 responses to that survey. And the results of
8 that survey is that we request to not grant the
9 Class A license.

10 We are very well aware of the
11 Applicant's business plan, but the issue of
12 liquor, spirits is the issue that is before us,
13 and that is specifically what so many of the
14 respondents to the survey said, that they think
15 that that will make things worse.

16 They will think, of course, we have
17 never had a Class A license in this immediate
18 area, but as these organizations, we
19 democratically and openly said, what do you
20 think, and that's what we said. So that's why
21 the three organization have taken the position
22 they did, it is following immediately.

23 And as a long-time member, one of the
24 founding members, as a matter of fact, of the
25 Stronghold Civic Association, and a very frequent

1 guest for the Bloomingdale Civic Association, it
2 makes me quite proud that, not just this, but
3 this is every issue that comes before these
4 organizations, membership, community, what do you
5 think, no matter what the issue is.

6 And you've heard our conclusion there,
7 it makes me proud to be a part of these
8 organizations. Thank you.

9 CHAIRPERSON ANDERSON: I know that
10 we've had the PIP and so, you want to move all
11 the -- the Applicant and the protestants, they
12 want to move all the documents that are in their
13 PIP in the record, is that correct?

14 MR. VINING: I would. Please. We did
15 not refer to every single one, we did refer to
16 most of them but we were under some
17 misunderstanding about the procedure for the 2016
18 protest of the capital market.

19 Each of the witnesses made a statement
20 and then were questioned there, and all of the
21 exhibits that are in the protest for Stronghold
22 there would have been a part of each of the
23 witnesses' statements.

24 But it was a different format than we
25 were used to, so I would like to include them all

1 because they would've been included in the
2 statements there. And I think they're all
3 directly relevant to the comments that have been
4 made by the community.

5 CHAIRPERSON ANDERSON: All right. I'm
6 going to move the documents that were in the PIP,
7 all of the documents, the Applicants, the ANC,
8 the Bloomingdale Civic Association, Stronghold
9 Civic Association, and there were documents for
10 the protest of a group of five or more, we're
11 going to discard those documents because they
12 were dismissed from this protest, all right.

13 All right, now we are at -- the record
14 is now closed, and do the parties wish to file
15 proposed Findings of Fact and Conclusion of Law
16 or waive their right to do so? What that means
17 is that you want the Board to make a decision on
18 the presentation that was today, or do you want
19 to wait for the transcript to say, these are the
20 facts and what the law states?

21 In protest hearings, that's usually
22 waived by the parties because you can't bring in
23 any new information, this is basically what was
24 presented today.

25 MR. VINING: That was simply whether

1 to consider submission of a Finding of Fact and
2 Conclusion of Laws, or waive that and allow the
3 Board to make a decision, is that --

4 CHAIRPERSON ANDERSON: The Board is
5 going to make a decision anyway, but sometimes
6 there are, some lawyers, they want to file, to
7 say -- they would wait for the transcript to come
8 out to say, these are the facts in the case and
9 this is what the law states. And that's
10 basically what that is.

11 MR. VINING: I think that we would
12 like to waive that, I think the record is
13 sufficiently replete with the statements, the
14 positions of the three organizations. That we
15 would just wait for the Board's decision, I think
16 that's the correct action for us.

17 CHAIRPERSON ANDERSON: All right. Mr.
18 Tandon, do you waive it also?

19 MR. TANDON: Yes, sir. I want the
20 Board to take it to decision.

21 CHAIRPERSON ANDERSON: All right,
22 well.

23 All right. Hold on one minute,
24 please. Give me -- I'm usually a little bit more
25 prepared than this, I apologize.

1 MR. VINING: If I could ask, Mr.
2 Anderson, you moved that the exhibits for all
3 three groups, Stronghold, Bloomingdale, and the
4 ANC, would be admitted to the record. I didn't
5 hear, do you take votes on that or is that done,
6 it's just done?

7 CHAIRPERSON ANDERSON: That's just
8 done, sir.

9 MR. VINING: Thank you.

10 CHAIRPERSON ANDERSON: All right.
11 Okay, I apologize for -- as chairperson of the
12 Alcoholic Beverage Control Board for the District
13 of Columbia, in accordance with D.C. Official
14 Code Section 2-575 of the Open Meetings Act, I
15 move that the ABC Board hold a closed meeting for
16 the purpose of seeking legal advice from our
17 counsel on Case Number 22-PRO-00001, Highview
18 Market.

19 Pursuant to D.C. Official Code Section
20 2-575(b)(4)(A) of the Open Meetings Act, and
21 deliberate upon Case Number 22-PRO-00001 Highview
22 Market, for the reasons cited in D.C. Official
23 Code Section 2-575(b)(13) of the Open Meetings
24 Act. Is there a second?

25 MEMBER CROCKETT: Ms. Crockett

1 seconds.

2 (Simultaneous speaking.)

3 MEMBER SHORT: Mr. Short, I second.

4 CHAIRPERSON ANDERSON: Mr. Short and
5 Ms. Crockett have seconded the motion, we'll now
6 take a roll call vote on the motion before us now
7 that it has been properly seconded.

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: Rafi Crockett, I
14 agree.

15 CHAIRPERSON ANDERSON: Ms. Hansen?

16 MEMBER HANSEN: Jeni Hansen, I agree.

17 CHAIRPERSON ANDERSON: Mr. Grandis?

18 MEMBER GRANDIS: Edward Grandis, I
19 agree.

20 CHAIRPERSON ANDERSON: And Mr.
21 Anderson, I agree. As it appears that the motion
22 has passed, I hereby give notice that the ABC
23 Board will recess these proceedings to hold a
24 closed meeting pursuant to Section 2-575 of the
25 Open Meetings Act.

1 Thank you very much for your
2 presentation today, the Board will issue a
3 decision in 90 days -- shorter than 90 days, we
4 will issue a decision on whether or not we will
5 grant the substantial change. So that's the
6 decision the Board will make, and so I want to
7 thank everyone for their presentation today.

8 So just give me a minute, let me close
9 the record officially for the day. As the
10 chairperson of the Alcoholic Beverage Control
11 Board for the District of Columbia, in accordance
12 with D.C. Official Code Section 2-575(b) and
13 2-575(b)(14) of the Open Meetings Act, I move
14 that ABC Board hold their closed meeting on April
15 27, 2022, for the purpose of discussing and
16 hearing reports concerning ongoing or planned
17 investigation of alleged criminal or civil
18 misconduct or violations of law or regulations,
19 and seek legal advice from our legal counsel on
20 the matters identified on the Board's Legal
21 Licensing and Investigative Agenda for April 27,
22 2022, as published in D.C. Register, on April 22,
23 2022. Is there a second?

24 MEMBER CROCKETT: Ms. Crockett
25 seconds.

1 CHAIRPERSON ANDERSON: Ms. Crockett
2 has seconded the motion, I will now take a roll
3 call vote on the motion before us now that it has
4 been seconded.

5 Mr. Short?

6 (No audible response.)

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MEMBER SHORT: Mr. Short, I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: Bobby Cato, I agree.

11 CHAIRPERSON ANDERSON: Ms. Crockett?

12 MEMBER CROCKETT: Rafi Crockett, I
13 agree.

14 CHAIRPERSON ANDERSON: Ms. Hansen?

15 MEMBER HANSEN: Jeni Hansen, I agree.

16 CHAIRPERSON ANDERSON: Mr. Grandis?

17 MEMBER GRANDIS: Edward Grandis, I
18 agree.

19 CHAIRPERSON ANDERSON: And Mr.

20 Anderson, I agree. As it appears that the motion
21 has passed, I hereby give notice that the ABC
22 Board will hold this closed meeting.

23 Pursuant to the Open Meetings Act,
24 notice will also be posted on the ABC Board
25 hearing room bulletin board, placed on the

1 electric calendar on ABRA's website, and
2 published in D.C. Register in as timely a manner
3 as practical.

4 We're adjourned for the day, I would
5 like to thank all the parties who participated in
6 this hearing today. I would also want to thank
7 the members of the public who have participated
8 in these hearings today, and I also want to thank
9 the Board members.

10 Thank you very much for your
11 participation, I now direct all board members to
12 return to executive session for further
13 development. Have a good night, and thank you
14 very much.

15 (Whereupon, the above-entitled matter
16 went off the record at 7:02 p.m.)
17
18
19
20
21
22
23
24
25

A	
a.m 46:8,10,11 66:21,21 90:7,7	activities 33:21 163:17
ABC 21:20 36:13 42:6 45:7 48:5,14 54:25 55:5,11 90:18 97:17 176:8,8,13,19 218:1,8 226:15 227:22 228:14 229:21,24	activity 29:15,21,23 30:3 33:25 42:12 44:17 47:10 71:14,20 71:21 162:16 169:25 200:10
abided 29:22	acts 154:3
ability 48:17	actual 126:25 127:15 201:1,5
able 14:1,24 15:21 37:2 37:25 38:6 40:12 41:17,22 42:15,19 53:24 102:3 106:4,5 121:22 126:18 141:25 142:1 143:15 152:10 153:11 163:12,13 168:9 199:23 200:4 200:13 214:20,25 215:4 216:23	Adam 210:10
above-entitled 104:24 217:13 230:15	Adams 56:12 59:19 65:18 67:17 68:23 213:14,16,17
ABRA 2:2,7 9:9,20 32:15 35:2 36:11 42:7 49:8 70:19 77:16 82:11,15 97:10 118:10 126:14 139:8 142:16 146:14 149:3 152:16 156:11 186:22 196:25 221:11	add 26:13 39:9 40:7 93:10 142:25 146:19 175:2 201:24,25
ABRA's 28:2 102:16 125:7 126:2 230:1	added 38:9 123:22
absent 15:15	adding 29:8 74:2 123:3 133:2,5 145:15 175:1
absolutely 101:2 153:13 183:24 205:10	addition 78:25 172:13 221:6
absurd 47:7	additional 38:16
abuse 134:3 149:23	Addle 211:25 212:1 213:15
abut 60:9 65:10	address 57:14 58:3,6 69:5 70:17 84:24 139:6 179:21
abuts 60:3	addressing 28:1 84:20
abutting 65:6,12	adjacent 30:12 31:15 31:18,19
access 24:23 64:10 96:2 154:22	adjourned 230:4
accessibility 137:2	Administration 36:4
accident 173:9,18 181:22	admit 11:24 12:13
accidental 173:3	admitted 226:4
accidents 171:6 173:4 175:19 176:15 180:7 182:7	adopting 77:9
accomplished 48:20	advantage 33:13 199:22
acquire 148:7 149:3	adverse 67:4
acquired 26:7 130:21	advice 226:16 228:19
Act 226:14,20,24 227:25 228:13 229:23	advise 14:6
action 225:16	advising 110:2
actions 108:2	affect 62:13 183:11,13
active 148:23	affirm 35:17 73:14
	afraid 176:5 178:7
	afternoon 23:22 24:8 57:3 59:2,4 68:8 98:15 124:18,21 128:21,22 165:5,6 169:11 181:23 182:4 215:5
	agency 7:17 9:22 10:1 10:6,9 16:24 36:6,10
	Agenda 228:21
	ago 43:7 219:21
	agree 22:3,5,8,10,13,15 227:9,11,14,16,19,21 229:8,10,13,15,18,20
	agreement 18:15 20:18 55:6,12,14,15,16 198:14
	Ah 19:22
	ahead 57:2 58:25 73:20 91:21 98:13 107:3,24 117:10 127:8 128:19 132:19,23 138:22 165:2 169:5 179:16 184:24 194:13
	air 141:11 166:7
	alcohol 33:22,23 34:2 34:23 36:3 54:19 90:5 90:10 94:11 97:1 148:20 149:3 162:7 163:16 192:21 197:14 202:8 220:8
	Alcoholic 1:2,13 226:12 228:10
	Alert 74:18
	ALIYA 1:20
	alleged 228:17
	alley 61:9,15,17 64:13 64:16 140:1 141:3,7 142:7,10 147:3 155:3 155:3,4 157:17 191:9
	allow 6:17 16:1 87:15 87:19 104:6 110:5 148:12,13 225:2
	allowed 98:25 165:13
	allowing 104:3 114:13
	allows 131:6
	already-existing 80:22
	altercation 142:10
	Amber 74:18
	ambition 28:20
	amount 25:12 125:22
	ANC 1:8 2:3 18:11,19 18:21 19:5,7,7 20:5 21:10 22:25 23:3,4 27:22 32:6 37:18 38:1 38:3 39:12 70:9 110:1 111:16 135:1 137:12 137:13 143:14 162:8 167:13 195:10,19 196:13 208:23,25 210:13 221:18 222:1 222:6 224:7 226:4
	angered 75:3
	announcement 215:7
	answer 20:11 102:3 110:10 134:5 139:7 154:16 166:15
	answered 117:1,23
	answering 67:23 117:7 160:3
	answers 30:21 109:16 116:22
	anti-business 184:6
	anti-loitering 152:13
	anyway 166:7 205:8 225:5
	anyways 69:6 205:18 205:18
	apartments 59:25
	apologize 126:8 132:1 225:25 226:11
	apparent 51:25
	apparently 169:24 188:13 199:15
	appear 7:14 9:23 11:3 12:17
	appearing 9:2,24 10:14
	appears 8:2 227:21 229:20
	append 15:15
	apples 115:12
	applicant 2:2,3 10:24 10:25 11:2 24:13 28:13 41:17 58:9 195:1 196:21 201:12 215:16,25 219:12 223:11
	applicant's 31:4,22 33:19 34:4 59:8,17 65:4 72:5 181:11 222:11
	Applicants 28:10 224:7
	application 8:24 10:16 17:24,25 22:20 25:18 26:13 27:4 28:9 29:12 31:7 37:15 39:13 74:14 75:14 76:5 108:2 139:3 173:21 190:24 194:17,22 197:12 207:7 211:4 221:11,19,24
	applied 86:12,17 100:8 100:13 207:11
	apply 100:6
	applying 86:18,23 174:13,20 178:19
	appreciate 10:23 58:17
	appreciative 82:12
	approach 79:25
	approaching 43:4
	appropriate 67:6,12 122:10 198:22 199:1 199:18
	appropriateness 28:2 67:2 114:10
	approval 110:22 113:11 113:14
	approve 79:3 221:12
	approved 46:6 90:8 133:23
	approximately 55:22

56:9
April 1:12 32:16 228:14
 228:21,22
architect 86:13,25 87:7
 88:19,20 94:12
architects 93:13
architectural 87:4
area 29:7 31:11 32:5,7
 33:4 47:8 49:23 63:18
 63:24 93:25 94:19
 113:18,20 124:3
 132:20 141:10,11,20
 142:5 146:24 148:23
 150:23,25,25 151:8
 151:20 154:7 160:13
 161:5 195:10 197:17
 222:18
areas 30:13 32:24 33:3
 44:15 51:16 63:16
 78:7 148:6
arguably 29:13
argument 69:24
arms 144:1 187:15
arrangements 67:7
array 122:2
arrest 166:5
arrived 79:18
ashamed 193:12
asked 30:19 57:5 72:14
 101:10,14,18,19,25
 118:11 132:13,18,19
 136:14 149:19 152:19
 158:7,11 166:21,25
 184:22 188:4 204:8
asking 9:5 60:9 68:15
 68:18 69:16 70:7 72:1
 72:2,3,16 101:22
 102:2 106:6 110:13
 120:1 122:23 123:5
 133:25 145:16 148:18
 177:23 179:7 202:19
 208:2 219:5,6
asks 13:7 16:13
aspect 161:18,20
aspects 28:2
assaults 34:10
assign 35:2
association 14:22 15:4
 18:10,11 19:10,13
 20:5,6 21:6,10 22:24
 22:25 23:11,16,18
 24:6 27:16,21,22
 37:18,19 38:20 74:7
 75:10,11,18,23 77:8
 78:3 82:2,4 95:9,11
 95:13 106:12 108:15
 108:19 109:12 110:4
 111:9,10 119:3,23

120:8 135:1 143:3,17
 145:5 177:23,24
 193:11,14 194:12,17
 194:20,22 195:8,14
 196:9 198:12 202:13
 221:17,18,21,22
 222:25 223:1 224:8,9
Association's 109:18
 114:9 116:20
associations 70:9
 153:22
assume 192:12
assumed 106:25
 138:15 159:7 169:2
 189:20 193:23 209:17
assumption 177:1,9
 179:3
assumptions 75:25
 78:11 164:13 177:4
 187:5
assure 154:1
asterisk 32:10
ATM 51:1
atmosphere 30:18
attached 44:2 55:4
 57:19
attacking 219:16
attempt 178:12 197:1
attended 111:10,16
 196:22
attention 140:4 156:11
attorney 101:18,21
attracting 185:14
audible 217:18 218:11
 218:17 229:6
August 31:9 70:17
 85:12,13 165:10
authorities 152:2
 156:14
automatically 142:22
available 25:3 33:7 67:6
 68:25 69:2 177:17
 180:23
Avenue 151:4,7,16
 170:11,12,16 198:6
 213:13
avoid 182:10
aware 9:19 10:9 71:12
 73:17 82:6,18 222:10
awareness 113:24

B

B 1:8 28:11,19 29:14
 30:18 31:5 32:19
 45:16,18,19 53:6,7
 58:10,15 71:15 75:5
 77:13 78:5,5 85:15,18
 87:18 92:23 94:16

98:19 108:22 118:8
 120:22 122:21 124:10
 124:11 126:5 129:3,4
 129:14,19,25 130:2
 131:1 139:4 140:16
 154:15 156:23 162:20
 162:23,24 163:3,5
 164:5 183:12,14,21
 190:18 191:21,23,25
 192:5,8,11 208:4
B-A-R-N-E-S 210:8
B-R-O-W-N 159:20
B2200641 76:6
back 4:14,25 5:6,16,23
 5:24 7:14 40:1 52:14
 52:16,18 60:17,19
 70:21 74:20 76:24
 77:11 89:22 104:21
 105:2,4 110:12,12
 111:3,8 125:19,21
 126:18 140:6 142:2
 144:3 156:2 166:8
 183:23 187:14 191:14
 200:15 202:22 215:14
 216:16,21,24 217:1,3
 217:16 218:13,15,21
background 181:6
bad 136:1 146:23
 155:18 175:6 184:10
 184:10 186:17 187:22
 201:1
bag 30:14
bait 83:15
balance 146:8,10,19
 147:8
Bamboo 30:8
banks 33:5
barbecue 141:18
 147:24
Barnes 2:3 3:13 18:22
 19:1,2,5 21:10 23:1,4
 38:4,7,13 95:16 110:1
 208:24 209:5,5,6,10
 209:15,22,23 210:4,6
 210:7,25 211:2,5,9
 212:20 213:2,8,12,25
 214:3,4,6 216:3,5,8
 216:13,15,20,23
 217:4,6,10,17,19,21
 218:3,23
based 16:17 33:9 52:24
 53:18 54:2 78:11
 79:16 89:17 101:9,19
 101:24 132:12 136:13
 136:14 146:12 158:7
 158:11 164:10 166:20
 166:24 180:9 183:6
 184:21 188:4 214:21

214:23 215:3 221:10
basement 63:20 64:11
 64:15
basic 109:9
basically 24:11 39:2
 41:25 42:8 43:3,6
 51:22 92:14 180:24
 181:15 224:23 225:10
basis 42:13 82:19
 109:17 180:6,6
BCA 193:15
Beam 49:20 76:2
 120:21 130:22 141:3
 146:2 157:4 159:23
 159:25 160:9 161:25
 162:22 166:9 169:17
 169:25 170:1,6 171:8
 172:3 181:8 190:20
 190:20
bearing 189:13
beautiful 129:24 130:5
beeline 172:4
beer 26:8,14 27:1 32:20
 45:20 58:11 73:25
 84:11 87:13 89:6,18
 89:21,25 93:24 94:5
 96:3,15 103:3,18
 112:23 113:1 122:1,7
 123:12 131:2,7 133:3
 140:18 146:15 154:12
 154:19,23 158:1
 185:24
beginning 119:15
behalf 114:4 121:4
 133:22 194:19 221:15
behavior 33:18 201:2,2
 220:10
behaviors 141:12
believe 25:5 26:18,21
 27:9 38:9 39:5 42:3
 49:23 51:2 52:12 53:9
 54:7,10 56:12,19
 59:18 60:24 61:8,23
 62:4 64:4 68:16 69:12
 83:19 89:1 93:3
 118:20 122:16 129:9
 132:21 133:2 137:14
 150:8 153:1,2 156:14
 171:5 173:5,9,13,15
 174:19 176:7 194:23
 195:18
believes 122:10
beloved 78:23
benefit 33:16 145:25
 146:3,6
best 16:18 66:17 121:9
 197:6
better 50:24 81:24

84:14,15 92:5 176:5
185:13 186:11 187:5
220:6
Beverage 1:2,13 36:3
226:12 228:10
beverages 46:5
beyond 105:21
big 61:20,23 82:23
181:1 191:10
bigger 103:17 154:12
bit 32:22 33:7 43:10
50:14,17,18 62:12,12
99:23 102:13 139:24
140:2 171:18 190:8
190:11 195:8 196:13
209:11 225:24
bite 96:1
black 31:25
blame 150:3 176:17
blamed 78:6 149:22,25
176:14
blessing 146:6
block 31:5,24 56:9
65:24,24 66:5,6,8
71:13 75:21 77:1
138:4,5 139:16,17
141:7 142:11 144:14
148:5,23 153:4,7,10
155:4 172:2 174:1,1,6
175:3 177:14,22
186:18,19 210:10
212:1,2,3 213:16,17
213:17,18,19
blocks 44:19 55:23
56:12 153:14,15
154:11 175:9 177:7
197:19
Bloomington 14:21
15:4 18:10,18 19:9,12
20:5 22:24 27:22 32:4
37:18 79:1 82:4,22,22
83:2 84:2 89:11,12,14
95:10,13 111:10
167:11,15 193:11,13
194:12,16,19 196:2
196:12 197:20 198:6
198:9,11 201:15
202:13 204:22 205:13
205:20,22 206:2
210:17,19,22 211:19
212:10,17,25 213:3
213:10,13,20 214:14
219:24 221:8,17,22
222:5 223:1 224:8
226:3
blowing 47:8
bludgeoned 142:9
board 1:2,13 10:22

12:22,24,25 13:3,16
16:5,6 21:20 24:17,23
25:22 35:8 56:24
58:23 60:21 68:2
72:12,16,18,23 73:19
91:18 92:1 98:10
101:8,10,14,19,25
105:21 106:4 109:3
110:16 113:24 116:24
120:18 124:14 128:16
132:8,13,19 136:15
139:9 156:18,22
158:5 164:23,24
166:18 179:13,14
184:20 186:22 188:5
193:3 197:9 208:17
214:3 218:8 219:5,8,8
224:17 225:3,4,20
226:12,15 227:23
228:2,6,11,14 229:22
229:24,25 230:9,11
Board's 13:23 25:1,3
225:15 228:20
Bobby 1:19 22:5 227:11
229:10
boisterous 220:10
book 67:1
born 114:23 129:7
bother 207:24
bottle 30:14 141:23
142:2 153:5 155:12
177:5
bottles 30:11 112:24
113:1 122:18 140:22
148:2
bottom 32:9 64:4
127:18
bought 76:2,18 89:3
158:1 202:3
bound 75:22
box 51:4 81:22,23 84:9
boy 74:18
brand 30:8
break 104:15,16,18
215:11,13 217:4
Brian 129:8 130:23
brief 30:24 107:9
117:17,17
bring 16:11 38:10 40:17
80:6,7 97:24,25
102:16 113:24 133:3
141:18 142:2 171:19
178:10 183:2 195:5
202:21 224:22
bringing 124:2,2 148:2
154:14
broad 137:11
broader 137:14

broth 121:24
brought 202:14
Brown 2:6 3:18 77:4
158:18,21,22,24
159:1,5,11,13,18,18
159:19 160:4,20
161:20 163:5,22,24
164:2,3,9,25 165:5,6
165:9,15 166:11
167:3
Brown's 76:10
Bryant 49:24 56:15
112:19 133:15 138:4
139:16 141:3,8,9
142:1,8,11 157:16
161:3,5 169:22
170:13,18,24 171:1
180:23,24 181:15,25
190:10 212:1 213:15
213:18,18
Bs 129:16
build 94:12
building 44:24 50:13,15
50:23 52:6 56:1 59:20
85:6,23 89:24 157:11
200:8,13
buildings 31:10 65:3
built 31:14
bulk 27:2
bulletin 229:25
bumped 188:14
bury 122:12
bus 55:24
business 11:1,3 26:7
26:24 28:13,16 34:12
41:5 51:24 52:1 53:24
54:4 75:20 76:2 78:12
78:19,22 79:10 82:8
82:13 83:25 84:4 85:5
85:7,9 86:1,2 87:13
89:2,16,19 90:15,18
90:21 91:15 94:11
95:6 96:5 98:18 100:3
100:24 102:6 112:2
119:1,1,16 121:9
139:13 152:4 156:15
157:11 161:15,17
162:3 163:2 170:4
174:5 177:25 180:10
182:2 185:8,9,10
187:23 190:15 191:19
191:20 195:4,7,12
197:25 198:2 199:23
200:16 201:13 207:2
207:3 221:4 222:11
businesses 33:2 59:10
75:4 115:10 133:6
147:7 201:20

busy 40:25 45:3,4
48:12 69:6,6 174:9
button 168:4,5 216:18
216:18
buy 150:19 153:20
173:15 174:24 192:7
192:20 202:8
buying 151:10 153:5,9
206:23 207:4
buys 173:17 177:5

C

C 98:25 99:2,5
caf 87:14,23 89:22 90:2
90:3 93:19 122:7
123:2
calendar 230:1
call 7:12 10:18 12:2,8
12:22 14:7 17:15 22:1
23:12 24:17 35:8 51:4
57:13 58:1 73:4,7
104:22 105:15,23
106:14 168:11 188:12
197:24 218:14,25
219:2 227:6 229:3
called 7:7 14:1,25 48:10
106:24 138:14 159:6
169:1 189:19 193:22
209:16
calling 7:16 152:1,1,9
calls 34:3,14,22 57:19
57:20,25 58:2,6 70:16
71:2 210:12
camera 4:18 5:12 6:1,5
104:20 170:21,25
cameras 171:16,16
cancelled 32:15
cans 112:23 113:1
Cap 170:22
capital 31:25 32:3
34:15 40:24 44:17
45:4 180:25 190:6,21
223:18
Capitol 1:7 31:6 45:12
47:19,22,24,25 49:25
56:2,5,16 59:18 66:1
68:23 69:5 70:18
71:12,15 75:1,13 76:9
77:11,12,14,16
112:19,20 130:22
133:16,16 142:1
146:2 154:11 160:5
169:21 170:10,10
175:23 179:25 180:13
180:19,22 182:1,14
183:22 190:9 212:3,3
car 74:20,21 141:14
174:16 178:11 181:13

181:15
care 10:4 17:16 77:6
 86:3 143:4 151:25
 152:2 156:14 174:4
 176:9 177:24
cared 77:3
careful 165:24
caretakers 76:17
carjacking 75:1
carry 27:1
cars 68:22 144:19
 170:17,22 171:1,10
 174:17 182:11,21
 183:22
case 1:9 3:3,4,8 7:5
 11:25 12:7,12 13:12
 13:15,19,21,23,24
 14:13 16:19 24:19,20
 25:2,10 27:19,21 28:9
 31:8 32:15 34:20
 38:11,23 69:17,23
 71:18,19 73:3 80:12
 80:14 81:3 82:5,11
 84:17 105:9 111:5
 145:1 190:6 214:21
 214:25 215:5,16
 225:8 226:17,21
caser 122:2
catalyst 220:16
catalyzed 29:24
categories 134:5
category 201:5
Cato 1:19 22:4,5,5
 227:10,11,11 229:9
 229:10,10
caught 140:4
cause 78:19 140:20,21
 144:25 175:5
caused 29:25 33:21
caveat 16:9
cell 7:10
Center 182:24
certain 67:20 123:7
 163:11
certainly 196:12
Cesar 76:16 77:7
cetera 29:11
chain 90:6,9 112:20
chair 3:25 10:22 23:3,4
 58:24 98:12 101:5
 128:17 130:8 165:1
 184:16 202:15 210:13
 218:1
Chairman 23:22 67:24
 98:8 103:23,25 104:9
 106:18 109:2 111:20
 113:23 123:10 139:9
chairs 141:17 144:12

144:16
chance 27:10 41:19
 78:21 80:12 145:13
 164:7 179:24 181:25
 185:3 221:3
chances 95:14
change 1:10 20:1 28:21
 37:15 39:12 41:2
 53:10 62:12 74:9 79:4
 80:6 84:18 96:8,9,11
 102:17 103:20 108:22
 113:4 114:2 119:14
 140:3,15 142:14
 146:19 154:19 155:20
 162:20 165:18 170:3
 174:20 175:23 178:20
 208:1 219:15,16
 220:6,7,17 221:12
 228:5
changed 102:7 166:2
changes 89:13 160:16
 165:17,19,21
changing 95:22 146:10
 154:14
Channing 30:15 34:1
 56:19 68:24 77:14
 133:16 140:6 141:4,5
 141:7,8,17 142:8,11
 154:11 161:5 170:14
 170:18,24 171:2
 182:13 212:2 213:19
character 149:4 152:15
 156:9
characteristic 44:13
characteristics 44:8,10
charged 173:8
charismatic 166:3
cheap 103:6
check 151:17 167:14
cheese 121:21
Children's 182:23
chips 122:2
choose 180:24
chosen 134:11
circulated 110:24
 134:24 135:13
circumstances 143:24
cited 33:18,21 71:19
 226:22
city 74:16 78:23 113:11
city's 78:5
civic 14:22 15:4 18:10
 18:11 19:9,12 20:4,5
 21:6,10 22:24,24
 23:11,15,18 24:6
 27:16,21,22 37:18,19
 38:19 70:9 74:7 75:18
 77:8 78:3 82:2,4 95:9

95:10 106:12 108:15
 108:18 109:12,17
 110:3 111:10 114:9
 116:20 119:2,23
 120:7 134:25 143:3
 143:17 145:4 193:11
 193:13 194:12,16,19
 194:21 195:14 196:9
 198:12 202:13 221:17
 221:17,20,22 222:25
 223:1 224:8,9
civil 148:14,16 228:17
claim 43:5 78:4
claimed 27:8
claims 75:24
clarification 8:18 105:5
 105:10 136:13
clarifications 101:23
Classy 150:20 151:7
clean 44:24 76:19 121:8
clear 71:10 117:14
 140:7 184:5 200:15
 200:24 220:20
clearly 10:13 30:19
 61:22 102:4 220:18
 222:6
clientele 67:8
close 27:4 56:23 68:1
 86:1 89:9 90:4 100:22
 128:6 139:18 195:7
 210:23 215:9 216:10
 216:11 228:8
closed 30:2 32:11
 33:20,24 34:6 57:9
 111:22,25 161:23
 190:21 224:14 226:15
 227:24 228:14 229:22
closely 152:7 179:25
closer 161:12 186:10
 190:8,11
closest 196:15 199:23
 200:8
closing 6:18 109:25
 179:7 182:5 208:13
 208:14 216:1,2 218:5
 219:7
club 208:2,3
CM 210:20
co-opted 196:8
code 67:1 226:14,19,23
 228:12
coffee 27:2 74:2,4
 80:24 84:11 94:19,20
 96:1,14 97:22 102:19
 102:24 103:19
coffees 98:1
cold 201:7
colleagues 125:11

Columbia 1:1 36:14
 99:7,9 226:13 228:11
combine 15:7,10
combined 15:3
come 6:24 11:15,16
 36:25 61:6 64:12,14
 67:13 84:7 93:2 96:1
 104:21 105:3 126:18
 139:13 152:9 155:13
 170:17 206:9 215:14
 215:24 217:3 225:7
comes 16:13 41:1 90:8
 96:5 153:17 173:17
 175:16 191:25 220:6
 223:3
comfort 78:17
comfortable 94:7,21
 95:2 96:16 160:2,3
coming 11:11 69:8,9
 75:18 80:5 81:15
 89:13 133:18 136:4
 155:12 156:1 165:21
 170:15 174:17 195:16
 211:13
comment 14:17 120:12
 133:17 192:13,16
comments 28:4,18 74:6
 78:2 104:3 112:7
 117:17 127:14,15
 208:9 224:3
commercial 32:24
 65:23 66:7 146:24
 150:23,25
Commissioner 195:19
 208:23 209:23 210:14
 210:16 213:22,25
 214:3,4
commissioners 78:10
committee 109:20
 110:15 119:10
common 70:8
communal 221:1
communicate 35:5
 145:15
communication 111:6
Communications 70:16
communities 109:16
community 26:22 28:15
 28:23 29:9 67:12,19
 73:24 75:3 78:1,25
 79:11,17,20,25 80:2
 81:5,7,20 82:9,10,15
 84:1,3,5 89:13 95:7
 97:14 108:17 109:1
 109:20 111:1 113:9
 113:25 114:7,15
 118:4,19,22 120:24
 121:4,5 122:9,11,17

123:6 124:8 129:15
 129:15,23,23 131:19
 133:21,22 134:12,18
 134:21,21,25 135:6,8
 135:11,11 136:19
 142:25 143:6 145:18
 145:20,22 146:6
 162:9 201:11 209:25
 211:7,21 213:5
 219:13 220:15,17
 221:7 222:1,2,4 223:4
 224:4
community's 28:19
community-oriented
 84:1,2
company 90:6
compare 34:15,20
 170:5
comparison 34:21
compelling 166:16
complain 201:21
complaining 200:18
complaints 34:24 77:23
complement 74:1 80:23
 123:3
completely 95:21,22
 99:16 157:1 187:11
 187:18 206:25
complimented 123:7
computer 168:5 216:9
concept 26:16 143:19
 220:20
concern 70:8 172:10
 175:3,24 186:21
 190:25 201:14
concerned 94:17
 153:15 174:7 175:21
 177:21 178:9 184:8
concerning 34:25
 228:16
concerns 7:5 28:4,9
 40:23 41:10 78:9,11
 114:9,14 134:17
 143:10 186:21 187:17
 199:17 201:10 202:10
conclude 33:10 35:6
concludes 114:12
conclusion 84:23
 146:11 147:12 223:6
 224:15 225:2
conditions 30:25 34:25
 144:23
conductive 141:12
 162:16
conduct 36:12
conducted 195:22
 196:13
confident 101:3

confused 102:12,20
confuses 104:10
confusion 20:12
connect 80:15,18
 155:16,17 187:24
 220:14
consequence 78:2
 118:24,25 219:24
conservative 27:9
consider 63:1 67:11
 164:10 225:1
consideration 149:4
 152:17
considering 67:5
 201:12
consistently 95:19
consists 210:20
constantly 88:20 121:8
 121:8
constituent 211:23
constituents 82:24,25
 83:25 118:23 119:4,5
 119:24 176:16 212:10
 212:13
constitute 206:11
contact 7:19
contacted 39:3 110:1
contacting 95:14
contents 13:1,4 203:9
context 161:16
continually 111:4
continuation 55:13,14
 163:3
continue 34:2 109:4
 113:5 124:9 192:8
 207:17
continued 192:11
continuing 34:1 146:2
 162:24
contractors 93:12
contrary 77:19
contribute 82:22 83:1
 134:8 161:21 162:15
 183:10
contributes 152:14
control 1:2,13 29:18
 30:6 153:3,8,12,14
 154:25 155:2 174:5
 191:4 201:18 226:12
 228:10
controlled 154:23
 163:11
controls 146:14
convenience 33:13,15
 146:4
conversation 38:7
 52:25 53:5,19 54:2,14
conversations 58:12

93:12 171:14
convey 95:7
convinced 221:19
cooking 121:24
coordinated 18:16
cops 152:1
core 133:11
corner 31:15 32:19
 65:18,19,19 80:5
 81:16 113:21 130:6
 130:22 140:17,23
 157:16 165:13 166:5
 166:10 169:21 175:25
 177:7 180:11
corners 181:18
correct 10:6 12:17
 17:25 21:16 23:8
 48:14 52:2,3 57:10
 59:20 60:22 67:20
 71:7,8 85:15 124:7
 128:8 129:21 144:11
 151:5 158:19 173:6
 183:1 223:13 225:16
corrections 101:13,15
 101:23
correctly 49:6,10 96:18
 146:9
corridor 48:2 170:11
 174:22
counsel 2:3,4 226:17
 228:19
couple 10:18 74:20
 98:11 148:15 171:6
 181:14 187:20 190:22
 191:3
course 41:7 45:4
 125:20 132:2 160:16
 162:19 190:15 194:20
 222:16
Court 131:8
covered 214:15
crashed 74:21
create 175:24
created 30:18 110:20
 119:11
crime 41:5 74:16 78:6
 80:8 133:8 134:2,7,9
 149:23 151:9 154:3,7
 175:19 219:25
criminal 42:12 44:16
 47:10 228:17
critical 92:2,3 93:11
 94:19 115:6
Crockett 1:20 22:6,7,7
 124:15,17,18,22
 125:23 126:1,21
 127:8,9,14,24 128:6,9
 128:13 130:12,16

226:25,25 227:5,12
 227:13,13 228:24,24
 229:1,11,12,12
cross 68:5 137:12
cross- 25:12
cross-examination
 25:20 70:5 79:7
 115:21 147:17 164:1
 172:21 204:16
cross-examine 13:15
 15:20,22 16:3,8 73:19
 106:4,5 203:4
cross-examined 203:4
 203:11
cross-examining 6:20
 25:16 155:25
cross-hairs 182:7
crossing 181:14
crosswalk 182:15
crosswalks 171:16
crowd 161:11
crowds 161:7 185:22
cultural 97:24
curious 88:1,2
current 34:25 55:11
 88:6 94:11 108:18
 143:24 163:6 164:5
 169:17 179:21 183:21
 190:4
currently 22:23 28:11
 36:1,2 52:6 53:4
 113:8 123:22,23
 126:4 171:13 185:22
 210:12
customer 121:14,16
customers 205:3
cut 152:22

D

D-I-A-N-N-E 210:7
D-I-N-E-S-H 17:8
D.C 124:3 171:15 185:7
 205:8,14 226:13,19
 226:22 228:12,22
 230:2
daily 32:20 58:16 180:5
 190:20
dangerous 170:14
 171:9 172:8 174:23
 178:23
Danny 7:15
date 62:1,3
dated 32:16 35:1
day 70:12 76:1 86:5
 89:3,3 108:20 141:6
 148:14 158:2 161:1
 162:2 181:22 182:4
 193:9 200:11 220:3

228:9 230:4
daylight 70:10
days 10:2 203:22 228:3
 228:3
DC 2:2,7 70:15 74:17
 77:21 97:18
DCRA 76:5 88:20
DDOT 88:23
dead 141:13 144:21
deal 16:10 192:9
dealing 94:11 96:25
 97:16 146:21
dealt 92:21 94:14 99:22
death 171:11
decades 144:1,2 155:7
December 119:12,15
 194:25
decide 206:9
decided 6:12 31:8
 32:14 89:4
decision 16:18 22:19
 25:10 156:21 224:17
 225:3,5,15,20 228:3,4
 228:6
decisions 94:15
decrease 75:22
dedicated 75:7 89:25
 219:19 220:15
defaults 77:18
define 126:3
definitely 96:4 98:3
 122:16 140:4 163:25
 192:19 206:2 220:5
degrading 41:5
delayed 14:11
delays 94:18
delegated 114:4
deli 45:21 80:24 84:11
 130:24
deliberate 226:21
deliver 180:19 182:1
delivered 125:17
deliveries 60:22 61:1,3
 180:12,17,17
delivery 61:21,24 63:17
 180:18 181:25
democratically 222:19
demonstrable 33:16
demonstrably 29:24
demonstrate 134:12
demonstration 33:20
denied 74:14
Denish 26:3
density 146:23
Department 165:12
 171:15
depending 13:22
derelict 34:25

describe 28:6 29:15
 59:9 84:22 138:7
 139:4 190:3 191:18
 194:5 212:17
described 29:23 75:17
 161:18
describes 140:24
describing 50:3
description 30:24
 126:12 145:24 163:2
desert 197:14,15
 205:20,23 206:3,10
 206:11,19
deserts 205:19
designated 13:8 27:18
 72:15
designation 59:13
desire 6:18
despite 74:11
detail 117:22
detailed 195:23
details 29:3 31:19
 196:7
determination 25:22
 79:19
determine 58:12
develop 130:23
development 120:9,9
 230:13
device 7:10 131:21
Diane 210:7,7
Dianne 2:3 3:13 18:22
 19:2 38:4 208:24
 209:15,22
die 214:7
died 181:20
difference 154:14,18,18
differences 115:11
different 6:16 8:10
 53:11 98:1 116:7,10
 116:17 128:4 129:7
 134:5 137:6,14
 143:12 187:11,18
 198:4 202:7 223:24
differently 116:12
differing 31:18
difficult 16:7 139:12
 201:18,22
Dinesh 2:3 3:9 4:5,11
 7:9,21 17:7
dinner 74:23
direct 25:15 73:21
 107:4 138:24 159:12
 169:6 189:24 194:2
 209:21 230:11
directing 6:19
direction 54:9 55:23
directions 33:8

directly 66:10 115:2
 134:6 169:19,23
 181:10 224:3
Director 27:15
disagree 122:18 123:12
 220:18
disappointed 199:20
discard 224:11
disclosed 203:8,21
 204:1 215:21
disclosure 202:25
 203:7,21
discriminatory 74:6,11
 78:8 219:17
discussed 119:10
 126:7 201:10
discussing 120:13
 206:18 228:15
discussion 16:13
 198:19,22 200:21
discussions 20:17
dismiss 72:11,17
dismissed 22:17,18
 224:12
dismisses 21:20
disposal 186:10
dispose 112:25
disrepair 51:10,24 52:2
 52:16 54:5
disruptions 163:8
distance 33:14 47:14
 47:23 48:11
distribution 211:11,22
 211:24
district 1:1 18:11 19:6
 23:2 27:23 36:14
 75:11 78:4 95:10 99:6
 99:9 195:12,20 196:1
 197:25 210:20 212:16
 212:18 213:9,11,12
 226:12 228:11
districts 210:19
disturbing 185:17
division 122:6
document 203:3,3,5,9
 205:9
documents 12:12,13
 50:2 215:20,21
 223:12 224:6,7,9,11
dog 160:25,25 161:1,10
doing 7:17 10:23 40:20
 42:1 47:11 51:7 54:12
 80:13 84:10 104:14
 110:20 115:24 143:21
 147:24 153:19 171:20
 173:1 191:1 201:8,19
 211:16 216:2
Donovan 1:14,18 23:23

door 50:19,20 51:1
 110:24,25 111:1
 125:17 137:9,9,11
 143:8,8,8 155:3
 200:13 201:22
door-to-door 211:23
doors 185:23
double 141:15 144:20
 144:21 147:23
doubt 190:25
downside 146:5,7
dozen 121:20
drag 170:12
draw 181:13
dreams 78:22 221:4
drink 150:13,16 192:14
 192:15,17,18 202:8
drinking 29:6 139:25
 140:12 141:24 144:16
 148:24 151:10 185:24
 185:24 186:8 191:11
 202:3 206:24 207:6
drinks 173:18 187:20
 206:24
drive 61:22 148:8 177:6
driver 171:12 177:19
 178:2,8
drivers 177:18 181:18
drives 175:15
driving 141:20 173:8
dropped 214:14
dropping 45:1
drug 29:6,10 33:6
 112:17,21 134:3
 139:25 140:13 141:11
 149:22 156:9 166:7
 185:23
drugs 47:11 148:25
drunk 140:20 148:8
 154:22 172:1 173:8
 174:10 177:6,19
 178:2,8
dry 144:24
due 29:4
duly 10:1 106:25
 138:15 159:7 169:2
 189:20 193:23 209:17
duties 36:10
duty 78:15
dying 178:13

E

E-V-E-L-Y-N 159:19
earlier 4:5 202:14
 205:11
earliest 14:2,13 214:22
early 14:23 54:11
ease 198:9

- easier** 10:24 148:7
 149:2
east 31:12 32:4
easy 141:14
eclectic 29:8
editorializing 179:5
Edward 1:21 22:12
 227:18 229:17
effects 133:20
effort 145:9,15 197:1
efforts 74:12
eggs 121:20
eight 46:21,24
either 14:4 26:18 30:11
 60:4 90:14 133:15
 134:16 175:10 180:24
 192:14
elaborate 109:10 150:2
elderly 181:14
electric 230:1
electronic 137:10
element 97:23 154:20
elements 97:24 146:22
elevate 3:7 5:1 6:6 12:4
 12:9,18 188:21,22
 217:5
elevated 3:10,11,13,14
 3:16,17,19,20,22,23
 3:25 4:11 6:5 7:22
 12:9,19 14:16 18:23
 23:19 167:22 168:20
 188:15 189:2
email 6:7 9:3,7,8,20
 35:2 86:13 111:1
 125:16 126:10 137:10
 145:12 211:22 212:7
emailed 143:7
emails 80:17 81:8,10
 211:22
emergency 15:1 66:19
 66:20 182:25
empathize 164:4
 219:14
emphasized 82:11
employed 36:1,3,6
empty 54:5
encourage 30:15
encouraging 78:6
ended 171:11
ends 29:5
enforces 97:10
engaged 198:12 210:1
 211:1,6
enjoy 33:12
enjoying 74:22 201:7
ensure 78:16,19
entire 32:5 57:9 77:1
 127:5 132:2 135:8
 136:19
entirely 31:4
entrance 64:10,14
entrances 31:20
entrepreneurship
 74:13 75:7
environment 30:17
equally 190:14,17
equipment 8:10,14
era 31:16
Eric 20:24 21:11,12,14
 21:18,19,22
especially 115:10
 139:10 143:3 170:14
 199:21
essence 33:20
essentially 170:12,23
established 113:17,19
 119:9 176:10,18
establishment 26:9
 36:16,20 41:2 42:2,5
 42:9,12 43:9 45:8,11
 45:15,25 46:5,16,16
 46:25 47:23 48:6,14
 50:20 51:8,10 52:19
 53:4,12,13,14,16,21
 54:25 56:3,7 57:9
 59:8,15 60:9 67:4,8
 70:24,25 71:24 74:22
 76:12 77:13 93:10
 120:24 121:1,14
 130:25 139:18 157:5
 164:8 185:4,14 202:8
 220:16
establishments 36:13
 45:7 47:14 48:2,8
 65:23 75:8 84:16
 156:3 164:5 176:10
 176:12,14 206:10
 219:20
estimate 135:10
estimation 214:23
et 29:10
evaluate 41:9 92:6
evaluating 195:15
Evelyn 2:6 3:18 76:10
 158:17,21,22 159:5
 159:13,18 164:2,25
evening 70:11 106:18
 116:1
everybody 83:5,6,7,8
 135:24 137:23 220:1
 221:10
everyday 141:2
evidence 12:13 25:15
 34:20 122:5
evident 74:16
exacerbate 150:9
 156:10 161:21 162:7
 174:11 178:25
exacerbated 140:10,15
 144:23
exact 154:4 190:2
exactly 39:22 42:1
 146:13 148:4 190:5
exaggerations 163:16
examination 25:13 68:5
 73:21 107:4 120:18
 132:24 136:16 138:24
 156:18 159:12 164:24
 169:6 179:14 184:25
 189:24 194:2
examine 137:12
examined 107:1 138:16
 159:8 169:3 189:21
 193:24 209:18
example 30:5,13 34:24
 191:20
examples 33:25 171:6
exasperate 172:7
Excel 125:6 127:5
exception 26:11
excluded 218:1
exclusive 80:6,20 81:14
excuse 38:3 47:5,25
 49:3,11 52:13,19
 56:17 60:5 66:2 131:6
executive 110:16
 230:12
exhibit 30:13 31:9,21
 32:6 34:3 35:1,1 49:1
 50:3,6,9,9,10,16,22
 50:25 51:3,14,17
 52:12,17 54:21,21
 55:9,10,11,18,20,25
 56:4,11,15,18,20
 64:19 66:6 112:5
 114:10 126:24,24
 130:13,13,20 144:8
 144:11,19 171:11
 173:1 178:9 181:5
exhibits 11:23,24 27:25
 30:23 37:11,12 43:23
 44:2 48:24 55:4,8
 79:13 112:6 126:22
 141:1 171:5 174:14
 223:21 226:2
existing 26:8,14 30:25
 149:5 150:3,9 156:9
 156:10 157:1 190:14
exists 155:5
exit 64:4 114:10
expect 84:4 155:17
expected 88:16
experience 28:16,19
 97:6,15 159:24 164:4
 185:3,12,13,13,18,21
 187:2,23 192:15
 200:9,13 221:2
experienced 145:25
 160:22,24 202:10
experiences 84:14,16
 186:13
experiencing 200:17
explain 82:17 161:15
 195:3
explained 195:15
 219:24
explaining 143:18
express 136:20
expressing 201:4
expression 220:14
extensive 76:4
extent 163:10,11
exterior 43:11 44:23
 48:24 49:5,19 50:13
 50:23 55:2 121:2
extravagant 45:2
extreme 32:9 76:14
-
- F**
- facility** 48:4
fact 15:5 75:20 82:12
 86:13 112:16 175:13
 197:14 201:4 202:5
 222:24 224:15 225:1
factor 62:10
facts 25:9 77:15 176:21
 224:20 225:8
fair 63:14 136:22 139:5
 145:5,14 146:11
 172:12,14,15
fairly 222:6
faith 197:1
falls 93:18 98:25 124:11
familiar 36:16,20 66:3
 66:22 151:13,20
 160:12 190:14,17
families 113:10
family 77:20 114:20,25
 121:6,6 129:8 139:13
 147:3 160:6 165:8
far 35:4 40:5 43:7,9
 44:23 54:11,25 56:6
 71:24 78:13 102:6,24
 113:8 137:9 148:11
 159:22 182:16 192:3
Fashbaugh 2:2 3:7,9
 4:8,10,13,22,24 5:4,7
 5:10 6:4,6 7:8,21
 48:17,19 188:16,20
 188:22,24 189:1
 217:3
fashion 77:7

fast 13:22
faster 140:20 154:22
favor 160:21
favorite 77:25
feedback 8:9 137:23
 185:12
feel 68:13,21 81:18
 113:4 114:1 123:13
 134:6 143:15 145:9
 145:19 146:13 150:6
 171:22 172:3 175:18
 191:21,22 219:14,15
feet 92:25 93:14
fell 4:12
felt 135:15 143:2,20
 196:16
figure 35:16 168:12,16
file 49:10 75:9 224:14
 225:6
final 104:3 208:22
find 4:16 40:21 58:8
 129:14
finding 27:15 107:10
 225:1
findings 40:19 224:15
fine 11:18,18 12:5
 148:11 157:1 167:18
 191:22
finger 209:12
finish 118:15 148:12
fire 144:25 175:2
 178:11 181:16
fired 74:25
first 17:21 23:17 34:11
 35:9 49:5 64:5 68:10
 79:25 100:14 106:10
 106:11,24 138:14
 139:8 159:6 160:15
 164:3 169:1 189:19
 193:22 199:19 209:16
 215:11 219:9 221:18
fit 53:12 79:11,19 81:19
 81:19 100:23,24
fits 84:8
five 18:14 19:21 20:14
 20:15 21:1,2,16,21
 22:16,21 24:18 147:7
 161:1 167:17 198:4
 198:13 200:4 215:9
 215:11,12,15,17,19
 216:1 221:14 224:10
five-day 203:7
fix 189:8
Flaggler 48:10 66:1,4
flexible 24:21
floor 52:15,17 59:23,24
 64:4,5,10 92:14
floors 51:18

Florida 170:11,15 198:6
flow 41:9
fly 171:1
focus 28:18 103:2,9
focused 77:4 95:21,22
folding 141:17
folks 137:24 139:9
 157:14 200:25 201:21
 218:1 219:2
follow 78:15 136:12
 153:18 188:3,6
follow-up 101:9
following 32:15 77:17
 114:9 145:16 222:22
follows 107:1 138:16
 159:8 169:3 189:21
 193:24 209:18
food 187:9 192:7
foods 121:25
foot 45:8 92:17 147:5
footage 62:23 63:16
 92:10,15
force 111:4
foremost 199:20
forget 104:14 184:11
forgetting 102:11
forgot 193:13
form 11:22 12:17 37:6
 75:17 76:11,22 77:9
 83:10 106:8
formally 11:23
format 125:6 214:21
 215:3 223:24
forms 106:14
formulate 107:23
forth 173:21
fortunate 164:10
forward 104:11 105:7
 173:22
found 44:10 211:8
 222:3
foundation 85:21
founding 222:24
four 18:9 27:18 44:19
 114:5 136:3 190:9
 210:18
fourth 18:13
free 72:21 154:7,8
freezer 51:2 54:23
frequency 34:21
frequent 222:25
frequented 160:10
frequently 30:12 71:19
friendly 121:7
friends 141:16 201:7
front 50:19 51:1 64:13
 89:24 125:4 126:9,13
 126:17 127:23 155:1

157:13 158:3 171:7,8
 181:11
frozen 77:2
frustrating 189:13
fuel 175:2
fuelled 29:24
full 45:21 54:13 58:15
 77:21 171:3 197:1
full-blown 83:17 197:22
further 32:22 33:7 38:8
 44:17 67:24 72:8
 79:14 84:25 89:19
 128:10 158:12 163:21
 170:21 195:9 230:12
Furthermore 55:15

G

game 83:16
garden 178:10
gas 33:6
gated 50:20
gates 90:6,9
gather 37:25 38:6 41:22
 53:24
gathered 141:6 144:12
gathering 39:8 40:5
gatherings 142:6 162:4
gatherers 161:13
general 29:22 51:5,9
 107:18 143:22
generalize 155:11
generalizing 173:20,20
generally 29:16 30:3
 155:11 201:17
getting 104:15 148:20
 166:8 172:1 173:25
 182:10 187:19 214:7
give 15:13 37:7 39:24
 48:17 71:1 89:23 92:5
 94:4 107:20 108:7,11
 110:13 111:11 142:16
 145:10,21,21 159:24
 205:10 225:24 227:22
 228:8 229:21
given 27:9 80:12
 118:25 136:19 145:12
gives 16:4 97:7
giving 90:11 91:25
 114:8 145:5 151:15
gonna 26:21
goods 32:25 60:22
Google 126:12 205:15
governing 29:20
grab 125:12
graciously 117:1
Grandis 1:21 21:23,24
 21:25 22:11,12,12
 56:25 57:2,3,12,16,24

58:7,17 91:20,22,23
 92:18,23 93:2,5,20
 94:6 95:1,4 96:16,21
 97:4,10,20 98:5,8
 103:23,25 104:8
 227:17,18,18 229:16
 229:17,17
grant 222:8 228:5
granted 60:21
granting 28:23 29:2
 113:11,14
gravitate 220:11
greater 154:22
green 121:21 182:16,18
greeted 51:1
greeting 121:9
grew 185:6
grits 121:23
groceries 27:1 58:11
 89:6 94:10 96:3,13
 102:25 103:19 113:6
 118:7 121:20 123:25
 124:10 140:18 157:24
 160:11
grocery 26:14 33:6
 45:20,21 53:25 54:13
 58:15 73:25 80:23
 84:11 87:15 89:10,22
 90:1 93:6,18 102:19
 117:14,21 122:8
 123:1 131:3,9 146:16
 185:6
ground 50:13 64:7,9
group 18:14 19:19,19
 19:20,21,22 20:8,13
 20:13,14,15 21:1,2,5
 21:16,18,19,21 22:16
 22:21 28:1 161:13
 198:13 224:10
groups 24:22 27:19
 28:6 37:22 105:13
 141:6 172:1,4 173:24
 173:25 177:13 222:3
 226:3
growing 50:14
guess 20:11 23:1 44:18
 51:3 53:11 64:17
 65:17 87:3 93:12
 100:20 106:3 129:13
 157:5 166:2 203:13
 204:7,25 205:1,4,5
guest 221:21 223:1
gun 149:23 150:10
 156:10 176:15
gunshots 140:1

H

half 56:9 65:24 89:24

90:1 146:24 173:25
174:6 175:3 177:14
186:18,19
halfway 139:17 190:5
hand 6:22 7:12 35:12
73:14 83:20 106:21
125:17 138:10 158:24
159:3 168:22 182:13
189:15 193:19 209:6
handled 121:9
handling 187:2
handy 87:8
hang 141:15 144:22
155:8 157:15,17,20
177:13
hanging 144:16,18
148:19 151:10 153:10
158:3 177:22 191:12
191:12 200:25
hangout 112:17,20
141:10 148:6,23
191:10
Hansen 1:22 22:9,10,10
227:15,16,16 229:14
229:15,15
happen 24:10 43:1
155:2 178:16 180:7
happened 4:15 5:13
151:11 165:17 181:12
happening 43:5 75:12
136:1 140:14 141:21
151:24,24 155:15,19
155:19 175:22 186:8
186:20
happens 5:24 133:9
153:4,16,25 155:1
162:10 174:6 175:9
happy 83:5,7,7,8 139:7
192:10
harassment 200:19
201:5
hard 30:10,11 74:13
75:7 86:1 100:20
115:11 139:14 176:11
176:20 185:10 219:19
220:15
harm 133:10
head 21:2 63:11
health 162:10
hear 33:10 60:6 114:5
155:23 161:24 162:1
180:4,4 181:21 189:4
189:6,10 198:21
201:19 226:5
heard 14:16 20:19,21
82:19 93:5 96:17
97:21 129:5 139:2
140:3 142:14 160:15

161:14 191:18 195:6
195:7,9 196:18,19
197:15 200:21 205:10
206:7 211:3 214:13
215:1 221:18 223:6
hearing 1:7 3:6 9:10
10:2,8,23 11:4,5,9
14:10 24:9 38:24
72:20 94:7 108:21
125:8 137:23 186:4
198:23 203:22 206:13
211:10 214:18 215:3
215:8 218:2 228:16
229:25 230:6
hearings 224:21 230:8
heart 80:15 197:22
heavily 34:8 77:4
heavy 148:6
heck 180:1
held 103:11
Hello 169:11 193:17
help 25:17 30:20 144:1
181:18 191:16
helpful 25:21 192:6
helping 172:13
helps 10:20
Hi 19:11
high 146:23 172:2
high-end 140:24
highly 74:10 78:8
Highview 226:17,21
Hillview 1:6,6 3:4 17:10
26:6,6,17 36:17,22
47:24 48:25 49:5,19
50:11 55:21 56:17
65:1 71:1,5 75:13,16
75:25 76:3 77:5 78:12
80:1 99:12 109:22
110:6 111:13 118:6
119:9 120:14 125:8
131:4 142:12 153:16
154:6,6 155:14,18,20
159:23 160:2,6
169:17,20 171:8
172:3,4 174:2,13,20
175:23 177:4 178:19
181:9 190:5,8,12
210:14
Hillview's 154:5
hired 76:16
history 27:7 42:6 77:18
77:23
hit 170:25 171:12
177:17,18 182:10
hits 173:18 177:7
181:14
hold 24:12 43:23 44:6
88:8 108:4 117:6

138:8,9,9 149:10
175:11 194:6,6
198:18 210:3 225:23
226:15 227:23 228:14
229:22
holder 186:7
holders 135:25 149:24
home 15:5,12 45:22
114:23 129:8 175:15
homeless 44:18,21
homeowners 137:5
homes 65:3 66:7
hope 78:21 79:2 102:8
192:7 197:6 221:3,9
hoped 34:20
hopeful 86:14
hoping 214:8
hose 178:10
Hospital 182:23,23,24
host 6:2 199:21
hot 121:24
hour 24:20 47:3
hours 45:24 46:4,5,8,10
67:20 70:10 104:14
104:16 148:15 162:3
200:3,5 215:1
house 65:21 157:18
160:6,7 165:8 171:7
176:1 177:22 185:23
191:10 198:3
houses 31:16,18,19
65:2,21 100:22
145:10 190:9 212:21
housing 66:14
Houston 185:7
hyperbolic 76:11
hypothetical 78:12
164:14,16 177:1,3,8
179:3 186:13 187:5
206:22
hypothetically 75:24

I

I-N-D-I-A 24:1
I-N-G 18:8
ice 77:2,5
idea 54:3 81:16 83:10
89:23 90:11,12 97:25
118:25 119:3 120:10
135:24 184:4
identical 31:17
identified 34:11 228:20
identify 16:21
idle 191:12
illegal 99:15 201:2
202:5 206:25
illegally 157:21
illustrate 171:9
illustrates 186:16
imagine 92:8
immediate 153:24
221:24 222:17
immediately 155:1
222:22
impact 67:4 175:14
impediments 171:4
implication 102:15
implications 207:4
important 25:9 26:22
108:20 113:5 195:25
200:20,24
impressions 159:24
improve 42:4 122:14
improvements 122:15
inappropriate 198:17
incentivize 74:12
incident 74:21 75:12,15
incidents 34:10
include 163:1 223:25
included 126:25 204:3
204:5 211:25 212:5
224:1
includes 89:2 212:19
including 160:18 170:5
220:22
inclusion 163:15
income 26:22
incorrect 125:9 205:10
increase 163:17 164:14
164:15
incredibly 189:12
index 209:12
India 3:15 23:19,21,23
24:1 106:12,14,23
107:5 108:16 115:22
120:19 121:4 130:4
132:25 136:17 139:19
149:19
Indian 90:22 187:9
indicate 32:11 180:15
Indigo 91:1,2,5,13
219:22 220:4,5
indirectly 29:13,25
33:21
individually 134:16,16
inferred 88:4
influence 74:12
inform 9:21 211:11
214:19 215:2
information 34:9,16,17
34:18 37:25 38:6,9,10
38:16,16,23 39:6,9,19
40:5,17 41:12,22 43:6
58:4 91:25 92:4 102:2
104:10 162:8 224:23
informed 10:1,7 14:22

79:22 209:3
informing 8:9 9:9 33:2
inherited 131:4
INIDA 2:5
initial 20:16
initially 94:1,23 198:12
input 153:24 196:19
inquire 61:3
inside 50:22 51:3 53:13
 63:15,23 85:21,22,24
 86:7 89:24 202:1
 207:23
insight 196:14
insisting 75:6 76:13
inspections 36:13
 68:21 97:11
instances 33:17 68:12
 75:2
instruction 199:2
intend 24:23 96:8,11
 103:5
intended 195:4
intends 26:10
intention 27:3 73:22
 83:6,10,11,23 103:5
intentions 79:3 221:9
interest 16:19 95:24
 97:22,23
interesting 97:5 183:6
interference 219:18
interior 43:11 48:24
 50:25 51:6,10,15,17
 51:21,23 52:12 53:14
 54:18 55:2 62:23,24
 63:6
internet 137:1
interpretation 67:10
interpreting 146:9
interruptions 161:24
intersection 69:7
 171:10,18,21,24
 174:2,9,11,22 177:16
 177:18 178:22 180:7
 182:17 190:10
intersections 170:13
intro 109:2 125:2,3
introduce 17:6 73:23
 105:12
introduced 152:19
 202:20
introduces 154:20
introducing 74:3 149:7
 191:15
introduction 30:22
 140:10,18 143:23
 145:1 146:18 147:9
 148:5,22 156:8 162:6
introductory 124:24

inventory 58:9 86:4
investigate 35:3 59:23
investigated 35:4 57:10
investigation 36:22
 40:13,18,20 41:13
 48:3 228:17
investigations 36:12
Investigative 228:21
investigators 36:12
 97:16
invite 110:3 111:8
 112:22
invited 118:22 196:21
involved 22:19
involves 156:9
iPad 214:7 216:6 217:7
iron 142:10
irrespective 156:21
issue 61:7,21,24 68:14
 68:14,17 69:5,11,13
 83:13 113:20 115:9
 177:11 191:16 195:20
 202:21 222:11,12
 223:3,5 228:2,4
issued 176:10
issues 83:14,19 84:8,8
 94:14 139:25 140:8
 149:5 156:11 168:14
it'd 105:20
items 45:21 54:22
 58:16 113:6 131:3,9

J

J- 35:23
J-A-N-I-N-E 19:16
 194:11
J-A-S-O-N 138:21
JAMES 1:23
Janine 2:4 3:12 19:11
 193:14,21 194:3,10
 204:17,18
Jason 2:5 3:16 138:3
 138:13,20,25 147:18
 156:19
Jeni 1:22 22:10 227:16
 229:15
job 76:18,21 80:13
 176:20
join 11:15,16 15:8
joined 119:6
joining 10:10 139:11
 190:2 209:24
joins 7:3
Jovan 2:7 3:22 35:10
 35:23
joy 114:24
JR 1:19,23
juice 122:1

July 26:8 62:5 85:11,11
 85:13 86:18 111:24
 112:1 210:9
junction 12:6

K

K-I-R-B-Y 18:7
keep 26:16 103:7
 207:22
keeping 76:21 85:22
kept 121:8 162:23
kidnapped 74:19
kids 147:3
kill 177:25
killing 112:16
kinds 142:13
Kirby 2:4 3:10 18:6 23:7
 27:14 104:22 125:11
 126:17 127:18 144:5
knew 99:19 143:20
knowing 92:22
knowledge 34:8 62:7
 92:9 185:20
knowledgeable 199:17
known 141:10,11
 201:16
knows 95:16

L

L-U-C-K-E-T-T 24:2
label 76:23
laid 102:5
lanes 170:19,20
language 118:10,14,17
 124:25 125:7 126:3
laptop 216:21,21
large 63:2 77:2 94:8
 134:13,22 135:11
 141:6
larger 31:20 32:7
largest 160:17
lastly 195:13
late 14:23 181:23
laughing 209:2
law 152:13 224:15,20
 225:9 228:18
lawn 144:12,16 157:20
laws 99:7 166:2 225:2
lawyers 225:6
lay 80:10
layout 94:22 117:25
lead 122:13 220:9
leads 191:13
learned 58:4 182:14
leaves 144:24 191:5
leeway 107:21
left 5:4 50:11 54:22,23
 167:14 217:7

leftover 54:19
legal 9:9 226:16 228:19
 228:19,20
lengthy 39:24
let's 16:22 18:3 25:24
 38:3 44:6 61:14 94:10
 104:10 106:9 112:4
 120:15 123:23 131:10
 151:21 168:11 199:8
 199:8 222:1
letter 32:11 38:25 39:10
 39:20,22 40:1,7 41:12
 125:7
letters 39:23 40:3
letting 219:11
level 63:20 64:8,9 162:5
licensed 36:13 45:7
 48:6 93:6 123:22
licensee 4:2,3,4,6,7
 6:24 10:15 13:4,7,11
 13:13,14 15:18,24,25
 16:2,5,15,22 17:9,24
 24:11 26:5 52:1 61:1
 62:2
licensee's 10:21 13:16
 13:23 61:16
licenses 28:20 30:18
 32:19 75:5 99:9
 129:14 133:7 176:9
 176:18
Licensing 228:21
licensor 207:19
life 165:20 178:11,12
lifelong 108:17 114:22
light 47:7 182:17,21
lights 182:15,15
likes 81:16
limited 59:11,14,14
 93:24,24,24
limiting 96:22
line 4:2,9 137:21,25
 218:23 219:1
linked 75:4,15
lips 168:1
Liquors 32:10,13
list 11:22 126:15 211:11
listed 12:4 126:12
 203:23
listen 12:5
listened 195:17
lists 214:15
literally 200:12
litter 30:12 76:20
 150:11
littering 29:4,10 30:16
 41:4 42:11 44:25 47:7
 71:25 80:7 133:8
 134:2 140:9,14 151:9

152:22,25 154:3,9,13
 164:15 176:15 186:8
 219:25
little 39:23 43:10 50:14
 50:17,18 62:12 69:9
 74:2 77:4 89:23 92:22
 99:23 102:12,20
 103:12,15 140:2
 142:7 160:25 171:18
 180:6 190:7,11
 196:13 209:11 225:24
live 67:19 139:16
 159:22 160:4 163:19
 164:7 169:15 182:12
 183:16 191:8 195:8
 196:14 199:23 200:8
 200:12 204:21 210:9
lived 142:5 160:7 195:6
 210:8
lives 138:4
living 139:20 155:6
 157:4 183:9
LLC 1:6
load 63:22
local 33:15
located 32:8,22 63:8
 115:8 146:25 150:23
 169:18,19 195:12
location 8:11 28:14
 33:19 34:4 46:14
 47:15 62:2 70:7 71:13
 99:25 100:13 112:15
 112:17 114:21 129:4
 133:15 143:23 146:19
 151:14 156:24 162:25
 169:16 181:7 190:2,4
 190:17 206:17 208:3
locations 137:6 155:8
lock 50:21
log 4:21,25,25 5:15,16
 5:23 6:8 7:9 11:7
 104:18 216:5
logged 8:2,2,10,11,13
logo 49:8
loitering 29:4,10 41:3,4
 42:10,11 47:11 71:24
 76:7 80:7 113:21
 134:2 139:24 140:8
 147:23 149:6 150:10
 151:9 152:10,22,24
 154:3,8,8,13 155:13
 156:4,9 157:9,13
 160:23 161:9,22
 162:2,13,15 163:8
 164:15 166:2 172:2
 175:19,20 176:15
 185:15,23 186:7
 200:19,22,25 201:1

201:17 219:25
long 36:5 91:14 109:4
 114:6,20 156:15
 202:12
long-time 222:23
look 4:14 5:6 21:13
 32:18 71:20 151:2
 155:20 162:7 176:21
 182:20 217:4,9
 220:21
looking 35:15 49:13,17
 67:1 92:9 131:20
 152:17,18
looks 85:23 87:5 121:2
 121:2 144:14 179:25
Lopez 76:17 77:7
lose 86:2
losing 81:16
lot 27:6 41:8 44:16
 85:24 88:14,15 92:1,3
 141:21 147:5 149:11
 152:10 162:16 165:16
 165:23 182:24 191:10
 197:11 200:21 208:8
lots 44:24
lottery 124:3
louder 140:22
love 187:8 192:4
lower 63:20

M

M-I-L-L-E-R 35:24
ma'am 19:4,15 23:25
 24:4,8 116:3 119:22
 127:21 158:25 164:6
 167:25 168:4 203:16
 209:11 214:10 216:11
 217:9 218:5,24
MacMillan 120:8,8
main 41:10 103:2 124:1
maintaining 129:19
maintenance 50:18
major 172:10
majority 28:25 30:21
 132:3 137:7
making 177:2,3,10
 179:3 208:9
man 166:3
managing 201:22 202:1
 202:2
manner 230:2
map 31:21 32:2,5,6,9
 32:24 33:1
maps 33:9
March 35:1 70:17
marijuana 30:5,7
marked 31:23 32:10,23
 33:1

market 1:6,6 3:4 17:10
 26:6,7 36:17,23 45:13
 47:20,22,24,24,25
 48:10,10,25 49:5,19
 49:20 50:11 55:21
 56:18 65:1 66:1,1
 71:1,13,15,16 75:16
 75:25 76:2,3 77:5,11
 77:12,17 78:12 79:22
 80:1 95:25,25 96:2
 99:12 109:23 110:7
 111:13 118:6 119:10
 120:14,21 125:8
 130:21,24 131:1
 141:11 142:12 146:2
 153:16 154:6,6
 155:14,18,20 159:23
 159:25 160:6,9 161:2
 169:17,20,25 170:1
 171:8 174:2,13,20
 177:4 178:19 181:9
 190:6,6,21 210:15
 223:18 226:18,22
Market's 71:5 75:14
 175:23
markets 166:7
Mart 141:3 175:23
Maryland 141:20 151:7
 151:16
match 144:25 145:1
matched 135:2
matter 1:5 11:19 16:12
 22:15 24:25 35:3
 104:24 107:11 109:14
 156:16 162:5 195:16
 202:12,14 217:13
 222:24 223:5 230:15
matters 7:2 29:9 171:23
 228:20
mayor's 74:11
mean 10:21 12:3 15:10
 16:9 69:3,4,16 84:12
 87:3,20 89:4 98:25
 104:7 116:13 121:12
 122:5 134:19 143:7
 145:8 154:5 157:9
 163:7 175:7 181:19
 182:20 184:3,4
 186:15 191:25 199:1
 201:15 203:6,18
 205:6 206:16 207:23
 215:12
means 65:9 67:17
 96:21 143:22 164:13
 224:16
media 111:1
mediation 20:16
medium 63:2

mediums 154:13
meet 116:1 119:15
meeting 1:3 109:21,21
 110:4,17 111:11,16
 119:12 126:8 194:24
 194:24 195:2 196:16
 196:20 226:15 227:24
 228:14 229:22
meetings 111:9 116:23
 118:21,22 119:4,8
 143:16 194:23 195:20
 226:14,20,23 227:25
 228:13 229:23
members 56:24 58:23
 68:3 72:12,17,18 74:7
 80:2 91:19 98:10
 101:8,25 113:24
 116:25 124:14 128:16
 132:8 158:5 164:23
 166:19 179:13 184:20
 193:4 195:8 196:6,8
 208:17 214:3 220:14
 222:24 230:7,9,11
membership 223:4
memorized 195:24
memory 63:9
mention 175:20
mentioned 76:23 87:24
 113:22 115:3 117:18
 117:22 126:7 183:15
 205:18
menu 29:8
mess 175:25
met 1:14 110:17 119:10
Metropolitan 165:12
Michigan 170:11
 213:13
microphone 158:25
middle 32:2 100:20
 114:11 210:6
midway 190:10
mile 146:24
milk 121:25
Miller's 115:3
Mills 2:7 3:19 167:20,21
 167:23 168:8,12
 188:19,21,23 189:3,4
 189:8,12,16,18,25
 190:1,7,19,25 191:22
 192:17,24 193:1,4,5,7
mind 61:7 63:9 93:9
minimum 13:20
minute 24:12,25 104:18
 108:5 210:4 215:13
 215:17,19 225:23
 228:8
minutes 10:18 24:18
 149:10 198:5 214:8

215:9,12,12,15 216:1
221:14
misconduct 228:18
misinterpreting 192:16
misrepresents 76:12
missed 195:18
misspoke 193:11
mistaken 61:9
misunderstanding
223:17
mix 172:13 201:24,25
mixed 146:5
model 89:16,20 96:6
100:24 161:15,18
163:2 170:4 178:1
190:15 191:19 195:4
modern 220:3
moment 6:9 51:19
54:10 161:23
moments 43:7
Monday 46:11 66:21
monitor 47:13
monitored 44:14 71:23
month 119:9,15,16
monthly 109:21 119:8
126:8
months 34:11 70:20,21
74:20 108:24 119:16
morning 14:24 182:4
motion 21:20 22:1,2
119:13 227:5,6,21
229:2,3,20
motorists 171:21
motto 108:25
move 12:12 13:23
55:17 61:14 104:9,10
105:7,11 120:15
151:21 199:9 218:15
223:10,12 224:6
226:15 228:13
moved 52:1 226:2
movement 88:13,15,15
88:18
moving 88:23 89:12
multiple 171:14
mute 5:11 7:6 19:1
104:19 137:21 167:25
168:3,5,6 172:20
218:23,23
muted 144:6

N

N-G-U-Y-E-N 169:13
N-I-T-H-I 9:17 17:21
N.W 1:7
name 9:16,18 17:4,7,8
17:12,18,19,20,21,21
17:24 18:4,6,7 19:15

21:1,3 23:12,25 26:3
35:21,24 51:5 90:24
91:1,9,10,10,12 99:11
99:12 102:11 108:14
138:18,20 157:5
159:17,17,18,19
169:9,12 188:17
194:8 210:5,6 217:24
naturally 220:9,11
nature 36:16 41:2 58:16
near 29:16 55:20 65:1
204:9 205:12 210:23
nearby 71:20 149:6
nearest 32:7
nearly 31:17
necessarily 25:21 83:1
142:16
necessary 12:6
necessities 32:20
need 4:20,21 5:19,20
5:22 6:23 7:4 9:6
11:23 14:6 21:13
25:19 40:16 43:11
52:22 69:21 104:18
104:19 113:15,16
120:1,3 137:23,25
138:1 149:11 155:23
155:24 178:8 206:18
207:17 209:10 215:21
217:1
needed 136:12
needs 11:1 39:16 50:18
52:19 67:5,11 85:24
86:20 102:7 113:10
220:22
negative 74:6 77:23
185:15 219:17 220:11
negatively 116:13
negotiation 198:20
neighbor 154:19 175:4
175:6 183:8 186:17
187:22
neighborhood's 31:1
neighborhoods 28:5
211:18
neighbors 28:7 30:14
30:18 32:17 33:12
78:10 79:21 113:7
114:14 127:17 136:1
137:4 141:19 143:25
153:9 155:6 176:22
181:17 182:12 184:9
186:3 187:24 195:6
196:8,14 200:8 201:3
207:24 211:12 220:2
neither 21:15
neutral 143:4
neutrally 221:23

never 95:17,21 96:8
103:20 133:12,13
151:8,11 154:8
222:17
new 28:16 79:3 102:2
109:22 110:2 129:19
132:20 146:20 152:19
154:20 159:23 165:17
187:23,23 211:12
224:23
Nguyen 2:6 3:21 168:18
168:22,25 169:5,7,8
169:11,12,19 170:9
172:15,19,22,24,25
173:6,9,23 174:21
175:11 176:2,4,19
177:10 178:4,7,14,15
178:17,18,21 179:11
179:15,18,19,22
180:3,18,21 181:3,8
181:13,23 182:3,8,12
183:2,13,24 184:3,13
184:17,18,21 185:1,2
185:5,21 186:9,15
187:3,7,22 188:1,4,9
nice 103:8 151:18
night 14:23 25:2,3,4
70:13 182:5 230:13
nightly 144:13
nine 77:22 91:16 187:1
Nithi 2:2 4:2,8 9:17
17:20 26:4
noise 200:14,17 207:23
207:23
noises 162:1
noisy 29:5
NoMa 91:2,4,7 98:19
219:22
non- 94:10
non-alcohol 92:24,25
93:14 94:24
normal 78:1 157:2
183:15
normally 15:17,19
105:25
north 1:7 31:6,25 32:3
34:14 40:24 44:17
45:4 49:25 56:2,5,16
59:18 60:14 63:22
68:22 69:5 70:18
71:13 75:1,13 76:8
77:14 112:19,19
130:22 133:16,16
142:1 154:11 160:5
169:21 170:10,10,22
170:22 174:18 179:25
180:13,19,21,25
182:1,14 183:22

190:8,9 212:2,3
213:11
Northbound 170:15
northeast 31:6,25
77:13,21 115:1,6
151:17 161:5
northern 210:17 213:2
213:20
northwest 89:8,9 115:7
130:23 157:16 160:5
161:4 210:10
notation 217:2
notch 140:19
Note 33:4
noted 48:3 139:22
195:19
notice 32:23 108:21
125:7 211:10 218:24
227:22 229:21,24
noticeable 142:5
noticed 196:21
November 86:22
110:17 111:15,15,15
119:7,9 194:24
nuisance 175:22
number 3:4,5 50:9 55:9
64:19 66:6 76:5
102:21 103:11 134:20
135:12 205:7,11
212:11 218:14 226:17
226:21
numbers 81:6 102:13
102:22 127:19 135:1
numerous 41:3

O

o'clock 13:21 14:3,6,13
214:19,22,24
O-R-F-A-N-O-N 138:21
O-V-A-N 35:24
oath 94:22
objection 16:16
objectionable 29:23
30:3 33:18
objections 74:10
objects 15:25
observations 71:14,17
169:24
observe 46:17,24,25
72:1 112:18 179:24
observed 47:1 48:11
72:4 162:13 164:11
obsessive 134:8
obtain 57:25 131:5
obviously 182:20
occasion 158:3
occasional 45:1 157:13
occasionally 44:20

occupancies 60:9
occur 16:1 71:3 105:17
 181:22
occurs 161:22
October 34:5 86:22
 109:19,25 111:25
 112:1,1
offer 34:19
offered 157:6
Office 70:15
officer 221:20
officers 221:25
Official 226:13,19,22
 228:12
officially 228:9
old 54:19 123:20 146:1
 159:23 162:22 169:17
 169:25 170:1,6 171:8
 172:3
on- 29:20
once 12:1,7 13:7,11,14
 16:10 24:19 38:23
 68:22 83:16 85:25
 100:14 175:7 180:11
 191:5 211:9 215:24
 217:3
one-stop 26:25 89:5
 220:20
one-third 213:4
one-year 34:4
ones 128:4 135:14,23
 137:25 211:15
ongoing 171:14 228:16
onions 121:22
online 7:15 21:14
 126:19 167:21 188:11
 212:7
open 34:23 46:1 52:8
 71:11 85:18 92:11
 105:20 112:4 115:10
 115:13 141:11,16
 166:7 186:1,1 187:10
 187:14,16 220:7
 226:14,20,23 227:25
 228:13 229:23
opened 219:22
opening 6:17 12:15
 18:8 24:13,16,19
 25:24 26:1 28:3 35:6
 79:9 208:2
openly 222:19
operate 11:2 27:10
 78:22 88:9 185:4
 221:4
operated 77:21 121:7
operating 11:1 53:6
operation 45:24 46:4,8
 46:17 69:9 76:1 78:13

85:18 153:17 157:11
 160:10 162:1 202:7
operational 157:6
 161:8 163:7
operators 134:1
opinion 67:13 134:12
 136:20 137:3 176:23
 183:8 184:2
opinions 133:19 135:21
 176:22
opportunity 13:5,9,15
 13:19 15:20 16:2,3
 24:16 37:21 47:13
 69:17 73:18 108:10
 136:20 145:6,11
 195:3 200:9 208:13
oppose 28:23 82:16
 110:23 113:10,13
 118:11 120:10 125:10
 125:13 131:22 132:4
opposed 219:15
opposite 7:12 173:18
opposition 29:12 77:9
 135:3 137:15 212:11
 212:14
option 89:1
oranges 115:12
order 32:15 161:12
 180:9 183:7,11,14
 184:11
ordering 187:19
Orfanon 2:5 3:16 138:4
 138:6,9,13,20,21,25
 139:1,6,7 144:7,11
 145:3,8 146:13
 147:13,16,18,20
 148:4,10,13,17 150:1
 150:8,14,17,22 151:2
 151:13 152:6 153:2
 154:16 156:6,19,21
 156:25 157:7,12
 158:6,10,15 183:14
Orfanon's 171:25
organization 80:3
 222:21
organizations 79:15
 82:9 221:16,25 222:5
 222:18 223:4,8
 225:14
organized 51:19 152:24
 154:2 156:15
originally 31:14
outdated 43:10
outdoor 201:13,25
outdoors 148:24
outlined 27:25
outlook 220:12
outrageous 76:24

205:11
outreach 211:17,21
outside 38:17,24 40:7
 42:11 45:2 46:14 47:5
 47:6 62:20 65:25 77:5
 81:22,23 84:9 85:23
 151:10 153:16,25
 155:13 161:9 173:4
 201:21 206:24 207:5
overall 44:21 47:9
overconcentration
 39:17
overstatement 76:15
Overuse 134:7
owned 73:23 77:20
 121:6 185:6
owner 29:19 32:13
 34:12 54:19,23 58:10
 92:19 93:8 99:20
 110:3 163:12 174:5
 180:12 185:8 207:2
 207:19 220:23
owners 71:6 85:21
 109:22 129:7,9,19
 139:14 157:22 220:25

P

P 67:3
P-1 112:6 114:10
 126:24
P-11 144:20
P-15 171:5 173:1,10
 178:9,12 181:4
P-16 171:5 173:1
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 3:2 46:9,11,11
 104:25 105:1 217:14
 217:15 230:16
P10 35:1
P3 31:21
P4 32:6
P6 34:3
P9 35:1
pack 121:21
pain 145:20
paper 30:8 37:6 57:22
 143:9 145:12
papers 30:4,6
Paragraph 70:14
parallel 71:19 115:11
parent 185:5
parents 185:6
park 67:20 120:8
 141:14,15 144:21
 157:21
parked 68:22 144:20
parking 39:16 41:7,8

56:1,5,14,18,20 59:7
 59:9,10,13,14 65:1
 66:15,16,20,21 67:5,6
 67:7,11,17 68:14,14
 68:24 69:2,4,11,12,12
 70:8 71:21,25 115:4,5
 115:9 147:23 180:23
part 20:22 22:22 26:23
 37:12 40:13 47:2 57:5
 57:16 58:18 80:22
 87:18 89:16 92:12
 97:25 103:11 104:2
 126:22,23,24 136:24
 137:19 202:24,24
 203:6,20,22 204:1
 212:25 223:7,22
participate 14:24 197:5
participated 110:7
 230:5,7
participating 139:10
 195:2
participation 113:23
 230:11
particular 133:9 154:9
 175:25 197:19 201:3
particularly 195:25
 197:8
parties 3:8 16:21 27:24
 28:5 30:24 37:14
 174:25 175:2 214:20
 224:14,22 230:5
partly 12:5 196:1,2
parts 16:20
party 142:3 144:14
pass 170:18
passed 227:22 229:21
passengers 171:12
 181:19
passes 22:15
passion 155:24
patch 77:5
patches 77:2
patrolling 147:7
Patron 141:23 177:6
patrons 47:5 74:22 90:9
 153:19
patrons' 78:16
pays 156:11
peace 39:15 79:1
 161:24 162:17 180:9
 183:7,11,14 184:10
 185:16,17 221:7
peaceful 44:14
peddling 112:18,21
pedestrian 39:16
pedestrians 47:5,10
 171:10,22 178:23
 182:9,10

- people** 6:12 42:8 44:18
44:21 45:1 69:10 80:8
82:23 83:9 95:25
100:25 112:24 121:3
134:11 135:10 136:22
140:20,21 141:17,20
141:23,24,25 143:5,7
143:9 144:3,12,15,17
144:20 145:11 147:23
148:7,19,24 151:9
154:21 155:7 157:17
157:19,19,21 158:2
165:13,17,18,23
166:3 172:1 173:25
173:25 174:8,23
177:21 178:2,12
183:21 199:23 201:19
202:2 204:21 205:2
205:12 213:5
- pepper** 121:22
- perceive** 162:6
- percent** 58:15 93:4,7,17
93:17,18,21 94:3,3,4
94:5,10,10,24 96:12
96:14,17,19,19,22,25
102:14,14,22,23
207:19 217:7
- percentage** 58:9,13
92:24 103:14 212:23
- percentages** 116:22
- period** 34:5 71:5
- permission** 11:24 109:3
- permit** 26:14 111:19
186:6
- permits** 76:5 86:12,15
86:19,23 88:16,21
- permitted** 15:7
- person** 11:7 14:25 15:6
15:8,14 72:13 82:3
99:25 155:13 203:10
220:21
- person's** 15:2
- personal** 86:17 102:21
133:19,25 135:21
- personally** 76:16 92:21
99:8 150:16
- persons** 15:11 18:14
20:16
- perspective** 199:24
- pertaining** 74:8 210:22
- petition** 126:14,14,25
- petron** 140:22
- phone** 7:10 104:19
137:21 168:6 209:11
218:14,23
- photo** 144:13,19
- photographs** 52:12,18
54:18 55:1 59:17
- photos** 52:21,22
- pick** 142:2 148:9
- picking** 112:23
- picture** 81:24 160:17
- pictures** 66:5,11 173:3
180:15
- pieces** 143:9
- PIF** 28:1
- pile** 144:24
- piles** 76:14
- Pine** 68:23 77:1,1
- pints** 103:6
- PIP** 106:13 203:22
204:1 223:10,13
224:6
- place** 66:4 74:2,3,4
78:25 80:25 81:2,22
83:24 85:20,22 86:6,6
86:11 87:5 89:3 92:3
96:14 102:19 150:20
173:4 174:2 175:8
180:12 220:6 221:7
- placed** 84:2 229:25
- places** 89:7
- plan** 80:10,11,19,20,21
80:21 81:1 82:8,13,25
83:7,12,21,21 84:7,7
86:5,21 87:1,13 89:2
89:16 90:12 93:17
94:1 95:3,6,17,20
96:5,9,11,12 97:2
102:6,6,9,9,24 103:20
118:5 119:1,1,24
152:5 222:11
- planned** 228:16
- planning** 54:12 94:1
105:7
- plans** 54:3 74:1 76:4
79:10 87:4 110:6
111:12,18 129:24,25
130:23
- platform** 111:2 137:11
- playing** 83:15
- please** 3:7,8,9 4:9,15
7:7 11:15 17:4 18:4
19:15 25:11 35:12,21
35:22 48:18 50:4 55:8
55:9 57:1 59:6 66:17
68:1 70:6 73:14 79:8
81:2,23 82:17 106:15
106:21 108:12,15
118:3,16 138:10,18
138:19 148:12 149:10
149:19 150:5 158:24
158:25 159:3,14,23
167:25 168:6,22
169:9,10 179:4,5,7
188:18,21,22,22,23
- 188:24 189:15,15
193:19 194:7,8 208:6
209:5,11,11,24 210:4
210:4 211:7 212:17
217:4,5,12 218:16,23
218:24 223:14 225:24
- plus** 26:18 91:16 96:2
- point** 37:9 84:24 105:21
112:17 126:2,3
149:15 170:9 171:25
175:15,16 176:7
183:3 187:7,8 198:8
201:11
- pointed** 149:12,13
- Pointing** 171:25
- points** 220:19
- police** 34:3,14,22 147:6
152:7 165:11,12
166:4
- poll** 222:4
- pondering** 61:15
- pop** 141:16 144:21
- population** 82:23
204:23
- portion** 213:2,20
- posed** 124:23
- position** 15:23 29:4
106:13 107:11 109:13
109:18 117:4 194:16
199:10,11 222:2,21
- positions** 225:14
- positive** 81:5,11 97:13
97:14 220:6,17 221:1
- possible** 4:25 7:9 143:4
143:6 197:2
- possibly** 137:5,5
- posted** 143:8 229:24
- posture** 175:17
- potential** 113:21 152:3
175:4 186:17
- potentially** 6:8 196:15
- power** 78:18 220:24,25
- practical** 230:3
- practice** 70:19
- prefer** 25:14 123:25
- preferred** 123:21
- preliminary** 7:1 11:19
16:20 202:14
- premise** 29:21
- premises** 29:16 202:4,9
- premium** 103:7
- prep** 11:21 12:17
- prepare** 110:10
- prepared** 15:12 104:22
147:21 160:22 225:25
- presence** 29:13 33:15
- presences** 29:25
- present** 1:16 2:1 4:11
12:7 13:12,19 14:12
16:19 18:8 24:20
27:24 28:4 30:3 38:10
39:6 69:17,23 73:3
80:12 81:2,4 105:8
112:21 114:21 195:1
199:24 208:13 214:21
214:25 215:15
- presentation** 12:11
25:19 57:4 58:20
91:24 105:19 110:5,8
111:12,17 116:6,7,18
116:20 117:13 119:2
120:3 122:13 195:9
215:17,19 221:11
224:18 228:2,7
- presentations** 116:14
117:13,24
- presented** 13:14 30:23
78:3 79:16 80:1,14
82:1,5,7,8,13 118:10
119:3,24 122:25
123:7 222:6 224:24
- presenting** 13:20 25:15
27:17 81:3
- presents** 16:10
- present** 19:12 23:11
23:18 24:5 108:18
193:13 194:12 195:14
- presiding** 1:14
- press** 168:3,3,5 216:19
- presume** 220:8
- pretext** 99:22
- pretty** 44:22,24 85:20
99:8 100:21 135:2
137:11 147:20,21
160:12 163:13,13
179:25 190:7
- previous** 34:12 54:14
54:19,22 71:6 85:21
99:19 116:18 120:22
120:22 130:25 163:11
180:11 188:10 191:3
- previously** 61:3 113:12
- primarily** 192:7
- primary** 95:24
- principle** 20:25
- prior** 10:2 24:8 58:10
92:19 93:8 110:9
203:22 215:7
- private** 67:6
- pro-business** 184:6
185:9
- probably** 16:1 37:10
44:19 66:24 81:15
83:4,9 84:15 90:3
95:16 97:11 135:23
148:2,14 150:19

158:1 174:3 180:5
187:13,14 204:21,25
problem 10:11 15:23
69:4 72:6 129:15,16
129:17,19,24 155:5
155:10 166:9 174:11
175:5 177:25 178:25
problems 43:4 112:14
112:23 133:3 191:13
procedural 202:12
procedurally 14:12
procedure 223:17
proceed 107:8 110:18
119:17
proceedings 227:23
process 12:21 14:9
26:9 88:5 105:12
108:23 143:1 173:21
195:15 196:25 197:5
198:21,24 199:3
produce 52:5
product 134:7
products 53:20 63:17
63:17
profile 41:5
project 120:9
promising 35:2
promote 201:17
promoting 134:1
proof 120:7
proper 26:19 196:20
properly 196:20 227:7
properties 31:13
property 26:7 39:15
42:16,19 43:8,21 76:8
76:18,19 86:17,19
191:6
proposal 160:15 191:21
proposed 28:16 45:24
46:4 61:16 152:5
181:11 224:15
proposing 208:1
protest 1:7 3:6 6:14
14:15 20:22 21:21
22:17,18 24:4 25:18
25:20 27:7,8,19 30:23
36:22,23 38:17,24,25
39:10,10,19,22,23
40:1,2,7,21 41:12
43:3 53:11 75:9,17
76:11,22 77:10
110:18 112:6 114:9
119:13,18 126:25
142:20 195:16 196:24
196:24 197:11 198:22
223:18,21 224:10,12
224:21
protestant 2:4,4,5,5,6,6

2:7 14:12 18:3 102:12
214:20,25 215:18,25
216:1
protestants 24:15
82:21 91:25 94:7
207:22 215:4 223:11
protested 194:22
protester 111:5
protesting 20:2 28:5
36:17 37:15 39:12
42:8 132:4 221:16
protestor 18:14
protestors 18:9 22:23
23:8 27:20 37:14
38:22 40:23 43:4 74:8
84:21
protestors' 75:24
protests 19:25 28:8
105:7
protocols 78:16
proud 223:2,7
prove 27:10 200:5
provide 38:23
provided 29:3 39:19
43:7 143:18 157:23
162:8
providing 54:13 113:6
proving 25:9
proximity 33:13
public 29:6 40:17 78:7
92:5,11 94:8 108:21
125:8 140:9 143:16
148:24 150:11 191:11
211:10 230:7
published 228:22 230:2
pull 59:7 64:19 66:16
125:11 126:18
purchase 85:5,9 92:15
111:24 172:5 177:16
192:1
purchased 62:2 85:6,14
85:14
purchasing 28:12
160:11
pure 79:2 221:9
purpose 113:23 206:13
226:16 228:15
pursuant 226:19
227:24 229:23
push 216:17
put 26:12 27:4 30:14
62:11 96:10 104:19
152:3 161:15 171:15
173:21 174:21 178:10
202:25 215:21
putting 53:15

Q

Q-U-I-N-N 19:17 194:11
Q&A 143:17
question 9:6 13:1 28:22
39:2 60:25 68:11
69:16 82:14 87:11
101:16 104:5,6 106:1
109:9 119:20,21
120:1,13 122:17
125:10 126:16 132:15
132:17,22 134:6
139:6 149:18,19
154:17,17 155:23
156:2 158:7 160:3
163:4 179:6 180:9
203:18 206:16 208:6
221:23
questioned 223:20
questionnaire 124:25
quick 96:1,1
quickly 182:19
quiet 39:15 45:5,5 47:2
47:9 62:10,12,13,17
161:24 162:17 180:9
183:7,12,14 184:12
184:13 185:16,17
Quinn 2:4 3:12 19:11
19:12,16 21:5,6,8
95:12 193:14,16,17
193:21 194:3,4,7,10
194:10,21 198:16,18
198:25 199:6,9,12,13
199:19 202:13,22
203:15,17,23 204:2,8
204:14,17,19,19,20
204:20,24 205:4,9,16
205:21,25 206:4,21
208:17,19 209:2
quite 7:16 62:16 71:10
93:17 125:22 223:2

R

R3 31:11
Rachel 3:24
Rafi 1:20 22:7 124:17
227:13 229:12
raise 35:12 73:13
106:20 138:10 158:24
159:3 168:22 189:15
193:18 208:9 209:6
raised 114:23 129:7
raising 6:22
ran 181:18
rate 66:4,25 196:10
ratio 143:13,13
RE-CROSS 132:24
reach 81:7 84:23 110:2
110:12,12 143:5
145:10 146:12
reached 137:8 152:7
221:10
reaction 139:2
read 40:15 66:17
107:22 112:9 123:10
124:22 126:9 128:3,4
130:17 168:1
reading 67:9 77:15
123:21 127:13,17
reads 67:3
ready 214:7 218:15,20
real 39:15 97:22
realize 199:11
rear 60:4 61:16,17 90:1
rearview 79:24
reason 9:23 11:5,6
20:12 25:20 133:7,11
134:1 135:25 146:17
149:6 150:6 156:3
175:18 196:7
reasons 113:12 142:13
226:22
Rebecca 2:7 3:19
167:20,21 188:19
189:18,25
recall 21:13 133:14
receipt 16:24
receive 125:21 127:12
received 35:5 74:18
111:3 136:21 143:14
211:9 212:9,12
recess 227:23
recommend 152:8
reconstruction 94:22
record 9:6 10:13,13
16:5,24 17:4,13 18:5
19:15 23:25 35:22
40:17 50:3 57:6 58:18
66:18 101:24 104:21
104:25 105:3 108:15
111:21 112:9 128:2
132:2 138:18 159:15
159:16 169:9,10
171:20 174:22 179:1
187:1 194:8 202:20
202:25 203:1 204:7
204:10 205:8 210:5
214:18 215:6,14,22
215:23 217:14,17
223:13 224:13 225:12
226:4 228:9 230:16
records 205:15
RECROSS 184:25
rectangle 32:1
red 31:23 182:21
216:18
redacted 34:8,18
REDIRECT 136:16

reduce 152:24
reduction 154:2
redundant 24:24 25:6
refer 223:15,15
referencing 112:5
 206:23
referred 149:23
referring 40:1 144:8
 150:22 173:2
reflect 214:18 215:6
reflected 132:3
reflective 131:18
reflects 196:11
regarding 22:20 33:14
 40:10 44:10 93:22
regards 70:23
Register 228:22 230:2
regretting 202:17
regular 119:4 221:21
Regulation 36:3
regulations 29:20,21
 94:9 97:8 228:18
rejected 142:22
rejoin 188:14
related 29:13 76:8
 94:20 132:18
relates 116:21 117:20
 124:9 133:20 135:2
relation 132:22
relationship 17:5 24:4
relevance 174:13 210:1
relevant 224:3
remaining 52:21 54:17
 167:10
remark 35:6 146:12
remarks 15:16
remember 151:3 166:1
remind 137:20 217:12
 217:12,23
remodify 53:13
removed 34:9
renew 32:14
renovate 86:6
renovated 86:20
renovation 76:4 86:9
 88:3 130:4
renovations 42:2 53:17
 130:5
renters 137:5
reopened 111:25
repairs 52:22 53:9 54:8
repetitive 24:23 25:6
replete 225:13
report 12:25 13:2,4
 34:3,7,13,18 36:25
 37:3,6,7,12 38:17
 40:9,9,11,12,12 44:3
 55:4 57:5,16,22,23

67:23 68:10 69:25
 70:15 115:3 212:6
reports 154:8 228:16
represent 9:4,10 10:13
 18:5 20:13 134:21
 135:11 219:11 220:24
representation 13:9
 16:25 207:10,16
representative 6:13,21
 19:6 27:18 31:1 41:19
 42:15 46:14 53:1
 72:15 195:10 207:12
representatives 37:21
represented 145:20
representing 6:13 9:21
 10:7,14 16:25 17:9
 18:13,17 19:7 23:7
 24:22 26:4 121:5
 207:14,17
represents 135:6,7
request 11:23 12:15
 34:16 70:22 74:8 79:4
 119:14 162:20 170:2
 170:7 206:17 211:12
 221:11 222:8
requested 34:13
requesting 9:4
requests 108:22
require 131:8
required 94:9 131:2
requirements 67:3
 97:17
research 58:2 79:22
 93:22 162:8,9
reserved 92:25
reside 136:25
resided 179:20
residence 147:2,4
resident 31:4 108:17
 113:3 114:23 125:18
residential 31:11 39:16
 59:9,13 60:1,12,13,16
 65:20 66:13 67:5,17
 67:18 71:25 86:11
 112:13 115:4,5
 139:22 142:15,15,18
 147:1,9 150:25 151:1
 152:20
residents 28:7 29:1
 74:17 110:25 112:8
 112:10 113:25 114:6
 123:21 125:20 131:25
 133:18 134:15 144:10
 145:6 210:21,22
respect 112:25 169:16
respectfully 118:3
respective 33:2 78:7
respond 81:5 127:16,21

136:23 145:6,11
 163:4
responded 29:1 116:23
 119:7 135:13
respondents 222:14
responding 7:19
response 16:17 34:16
 35:5 80:18 81:11
 160:15,19,20 170:6
 190:23 194:5 217:18
 218:11,17 221:24
 229:6
responses 82:19 108:2
 110:13 111:3 112:8
 123:9,21 125:19,21
 125:22 126:15 127:1
 127:11,12,25 128:7
 131:13,15,22 134:15
 136:21 143:13,14
 145:17 170:2 212:7,9
 212:12 222:7
responsibilities 36:10
responsibility 29:19
 71:6 153:21 175:9
responsible 175:12
 176:8
rest 94:4 191:18 193:9
 208:20,21 214:15
restaurant 10:3 17:17
 51:21 77:21,24 90:23
 90:25 91:6,9,14 97:6
 97:12 98:24 139:14
 187:9,10,19 202:6
restaurants 99:5
rests 104:4
result 28:8 38:7 40:20
results 84:20 137:13
 211:20 222:7
resumed 104:25 217:14
retail 31:5 130:24
 146:23 185:8
Retailer 1:8 108:22,23
retailer's 125:13
retainers 78:5
return 110:11 230:12
revenue 86:2 96:5
review 110:10
reviewed 42:21
revision 145:19
RF1 31:12
ridiculous 205:13
rights 3:7,10,11,12,13
 3:15,16,18,19,21,22
 3:24 6:5 12:5,9,19
 188:21,23 189:1
ring 32:21
rise 74:16
road 175:10

roaring 170:17
robbery 112:16
Rodriguez 202:16
role 108:14
roll 22:1 30:7 227:6
 229:2
rolling 30:4,6
room 4:12 5:4 229:25
rough 90:11
route 55:23 66:20
rowdier 140:21
rowdy 173:25 185:22
 185:22
rules 77:17 78:15
run 27:10 28:17 83:25
 118:1 154:1 157:22
 176:12 178:3 182:21
 183:22,23 184:1
 185:3,10 207:2
rundown 85:21 86:6
running 139:13
runs 213:13
rush 47:3

S

S 1:21
S-C-O-T-T 169:12
safe 178:2
safer 171:18,21
safety 39:17 78:16
sale 46:10 52:5,9 54:24
 62:1,3 90:8 111:23
 122:18 123:11 131:2
 131:6 146:14,15
sales 33:22,23,24 34:2
 46:5 90:4 124:10
 147:9 191:2,15 220:9
sample 135:5,10
SARAH 2:2
satisfied 145:4
Saturday 46:8,11 66:24
sauce 121:25
save 178:11,12
saw 4:5 5:20 43:1,17
 151:9 165:21 167:21
 168:19 217:23
saying 11:8,9 16:25
 38:12 39:2 40:3 68:19
 69:21 86:25 88:7,9
 89:20 106:1 135:5,5
 135:16,19 146:22
 148:18 151:23 178:25
 191:8 206:7
says 42:10 67:2 69:10
 109:1 154:10 181:6
scares 186:2,2,2
scenario 177:12 178:18
scenes 96:7

- scheduled** 104:15
school 123:20
scope 70:21
Scott 2:6 3:21 168:18
 168:25 169:7,12
 172:22,23 179:15
 185:1
screen 35:13 37:3,10
 43:20 48:18 49:4
 56:23 68:1 216:11,12
 217:24
Scroll 39:22
se 25:17
seasoning 121:25
seating 201:13,25
secluded 155:8
second 21:22,23 59:23
 59:24 64:14 213:14
 226:24 227:3 228:23
seconded 22:1 227:5,7
 229:2,4
seconds 227:1 228:25
secret 74:15
section 67:1,3 103:12
 103:15,16,17,18
 114:11 117:15 118:7
 172:8 226:14,19,23
 227:24 228:12
sections 181:17
secure 67:7
seeing 49:7
seek 109:16 228:19
seeking 99:25 218:8
 226:16
seeks 131:5
seen 30:12 44:16
 160:24 161:7 182:4
 197:9,10
segment 198:2
selective 73:24,25
 89:17,18,18,21,21,22
 103:3,4
sell 30:5 32:19 60:22
 87:16,19 99:1 103:5,6
 122:6,8 123:1,2 131:3
 131:8 157:25
selling 28:14 30:4
 34:23 124:1 140:17
 154:19
sells 45:20 174:8
send 9:8 80:17 132:1
 217:1
sending 6:7
seniors 136:25
sense 6:19 92:22 97:7
 99:14 214:24
sent 9:3,7,20 11:22
 81:10 110:9 116:25
 118:4 119:8 125:5,15
 125:16 126:11 132:2
 211:10,23
sentiment 196:11
separate 8:13 15:13
separated 161:17
separately 222:3
sequence 173:16
seriously 152:25
serve 63:9 84:8 99:5
 210:12
service 57:13,19,20,25
 58:3,6 70:16 71:2
services 32:25
serving 210:15
session 230:12
set 110:10 141:17
 143:24
settlement 20:18 55:6
 55:12,14,15,16 197:2
 198:14,20
setup 94:23
seven 10:1 126:25
 127:11,25 130:16,17
 131:17,18 179:22,23
 183:10 203:21 205:2
 212:13
share 15:12 37:3,3,10
 38:14 43:20 48:18,22
 49:4,10 53:19 65:14
 80:18 87:1 110:14
 114:13 127:5,10
 131:15,16 135:15,21
 136:4 137:2 142:24
 145:22 219:13
shared 31:1 109:21
 118:18 125:16 127:25
 128:7 130:16,17
 131:17 141:1 143:17
 143:18 145:17 151:3
 199:11 220:2
shares 15:5
sharing 49:6,10 95:17
shelf 26:15
shocked 74:5
shooting 191:14
shootouts 142:7
shop 26:25 74:4 81:21
 89:5 90:9 220:20
Short's 132:22
shorter 228:3
SHOT 180:8
shots 74:24
show 34:21 43:20 48:23
 49:2,5 54:16 112:10
 125:12 174:15
showed 59:17,19 62:22
showing 6:1 31:22 32:6
 50:6,12,16,23 51:6,11
 51:15,18,21 52:15
 63:15 64:19,24,25
 66:5
shown 54:4
shows 30:13 144:12
 205:7
shy 95:17
side 26:18 35:13,14
 49:25 50:6,11 56:15
 56:17 60:4,14,19
 63:23 64:13,13,14,16
 65:4 77:14 81:24
 83:13 102:16,21,21
 115:1,6,7 144:15,17
 146:4 147:4 155:21
 161:4 175:10 201:15
 215:9
sides 6:16,17 215:15,20
 220:18
sidewalk 161:12
sight 130:6
sign 50:17 56:5 181:5
significant 25:12
signs 55:25 56:18
 66:16,16
similar 143:13
Similarly 30:10
simple 28:22
simply 75:24 172:12
 183:5 224:25
Simultaneous 203:14
 227:2
single 18:11 19:6 23:2
 75:11 76:1 78:4 95:9
 195:11 200:11 210:18
 223:15
single-member 27:23
 195:20 196:1 212:16
 212:18 213:9,11,12
site 10:4 43:13,13,16,17
 197:19 199:22
sitting 140:23 144:3
 201:21 207:5
situation 30:20 57:13
 69:14 146:21 149:6
 150:3,10 152:18
 172:11,14 178:6
 201:16 219:22
six 34:11 108:23 131:22
 135:12 200:5 212:10
 215:1
size 135:6,10
Skeirik 3:24
slightly 32:7
slow 170:24 171:17
small 63:2 73:23,23,24
 75:4 80:24 84:11
 117:14 118:7 196:11
SMB 32:6
SMD 208:23 212:24,25
 213:7
snacks 122:3
snow 76:25
so-called 21:14
sober 153:6
social 111:1
sodas 122:1
sold 30:8,10 53:20
 121:18,19 123:23
 133:15 157:25 181:6
 187:11
sole 78:14 82:18
solid 120:7
somebody 69:10 166:5
 173:13,17 177:5
 206:23 207:4
somebody's 173:15
somewhat 14:11 24:21
sorry 5:9 17:14,15 21:5
 21:7 23:14 35:12,16
 45:19 47:21 49:24
 51:23 73:6 74:21 85:8
 85:10 98:24 103:24
 108:6 121:19 122:20
 123:14,16,19 125:3
 126:20,21 127:8,22
 132:8 138:11 168:7
 181:21 188:17,17
 191:7 198:11 207:9
 208:18 209:4 215:25
sort 195:23
sorts 141:12
sounds 93:8,21 94:18
 99:7 145:24 146:5,7
 172:9
south 60:19 174:18
southbound 171:1,12
 181:13
southeast 169:21
space 92:10,11,14
 96:22 130:24
spaces 68:25
speak 6:23 7:7 29:11
 37:21 38:1,13,19
 41:17,19 61:10 114:4
 145:16 149:11,14,14
 187:13
speaking 5:22 41:13
 121:3 137:20,22,24
 194:19 203:14 227:2
speaks 110:11
specific 27:25 87:4
specifically 84:22
 117:13 118:5 160:17
 162:19 170:23 171:11

175:21 177:13 218:6
218:7 219:4,7 222:13
speculating 97:21
speed 170:21,23,25
171:15
speeding 174:16
180:14 182:7,11
speeds 174:16
spell 17:4,12,18 18:4
19:14 23:24 35:21
138:18 159:16,17
169:9 194:7,9 210:4
spelled 18:7 159:19
spend 25:12,14
spirit 103:17 172:5
178:24 186:1 220:9
spirits 26:13 27:1 73:24
80:22 84:10 87:14,16
89:2,6,10,17,17,21,25
93:10,22,24 94:1,4
96:3,4,18 103:3,4,11
103:13,16 117:15
118:7 123:3,8,15,16
123:17,22 131:7
133:2,6,14 134:6
140:10,19 142:17
143:23 144:5 145:2
146:14,18 150:21
151:7 154:20,22
157:25 160:18 171:22
172:6 174:8 177:16
191:7,8,15 198:8
201:24 220:22 222:12
spoke 38:1,2,3 42:14
79:10 110:21 117:24
134:16,16
spot 112:21 154:4
191:10
spots 69:2
spreadsheet 125:6
127:6
spurred 142:6
square 62:23 63:15
92:10,14,17 93:13
Staff 2:2
stairway 63:21
Stairwell 63:25
stance 111:5 132:3
stand 3:9 106:25
138:15 159:7 165:13
169:2 189:20 193:23
209:17
standard 70:19
standards 28:2 114:10
standby 14:6 188:24
standing 66:21 114:6
166:5
staple 77:25 113:6

star 31:23
start 5:24 12:1 14:10
16:22 24:19 25:24
37:13 80:9 85:25
86:18,20,21 90:3
152:4 214:24 215:4
215:16
started 86:23 88:3
181:16 214:19
starting 24:9 83:20
state 17:4,18,18 18:4
23:25 25:11 35:21
60:10 96:17 108:14
138:18 159:14 163:6
169:9 171:19 194:8
194:15 210:5
stated 9:7 10:25 16:23
24:9 39:14 41:25 54:7
87:12 90:14 100:3
113:4,12 130:16
191:3 210:21 218:22
statement 12:15 15:22
16:8 18:9 24:14,16
26:1 27:5 28:3 67:9
69:9 76:10,13 79:9,23
100:9,10 102:17
105:20,24 106:9
107:7,9,14,15,17,18
107:22,24 108:12
109:9 111:20 120:2
128:4 136:22 148:12
202:18 203:10 204:1
204:3 206:22,22
208:14 223:19
statements 25:25 54:12
106:2,5 223:23 224:2
225:13
states 66:23 137:6
224:20 225:9
stating 86:19
stations 33:6 55:20
stay 129:25 178:2
199:15 200:4
staying 166:9
stays 76:19
stick 83:21 96:11 102:9
sticker 67:18
stock 86:3
stop 25:7 69:14 74:4
81:21 117:21 144:4,4
153:5,9 179:4 180:21
180:23 181:25 183:22
stoplight 171:16
stopped 4:18
stopping 69:21
storage 63:16,18,20,24
92:13
store's 29:25

stores 26:19 27:2 29:14
29:17 30:2,4,9,11
31:10,14,15,17 32:18
32:19,22,23 33:1,5,6
33:6,12,15 34:22
39:17 41:4,6 63:6
65:17 66:8 113:9,19
145:25 146:1,25
147:2 149:21 162:9
185:7 190:11,14,18
191:9 197:17 198:4
stories 59:20 136:5
straight 96:12
strange 196:7
street 1:7 30:15 31:6,25
32:3 34:1,15 40:24,25
44:20 45:3 49:23,24
56:2,12,15,19 59:12
59:19 65:4,17,18
66:11 67:17 68:23,23
68:24 69:6,6 70:18
75:1,13,16 76:9 77:1
77:1,14 115:2 129:9
130:23 138:4 139:17
139:19 140:6,23
141:5,7,9,15,17 142:8
144:16,17 154:11,12
155:3 157:15,16
160:5 161:3,5,6
169:20,24 173:14
179:25 180:13 181:15
182:1,1,25 183:21
190:9,10 201:5
210:10 211:25 212:1
212:1,2 213:11,14,15
213:15,15,19
streets 113:1 141:13
144:21
strict 29:20 53:25
strictly 97:10 146:15
154:23
strip 170:12
strong 78:24 221:6
Stronghold 18:10,18
20:4 22:23 23:11,15
23:18 24:6 27:15,21
31:11 32:3 37:19
38:19 74:7 75:10,11
75:18,23 77:8 78:3
82:2 95:9 106:12
107:10 108:1,14,17
108:18,25 109:12,17
109:20 110:3 114:6,8
114:14,21,24 116:19
119:2,23 120:7
129:23 130:12,12
133:19 134:25 143:3
143:6,17 145:4,10

146:1 167:8,13
195:14 196:3,5,11
198:11 210:16 211:15
211:18 212:5,7,12,18
212:20,24 213:3,5,6,8
221:16,20 222:5,25
223:21 224:8 226:3
Stronghold's 108:1
struggles 139:24
students 137:5
stuff 50:14 147:24
153:20
subject 31:7
subjective 186:13
submission 225:1
submitted 28:1 75:17
76:11 126:14 203:19
substance 134:8
173:11 198:21,24
substantial 1:10 19:25
37:15 39:12 53:10
140:3,15 142:14
162:20 228:5
succeed 84:4 184:7
successful 77:10 207:2
successfully 77:20
sudden 177:20
suffice 204:8,10
sufficiently 33:11
225:13
suggest 197:16
suggested 192:13
summarize 89:20
131:14
summarized 90:12
summary 37:7 40:15
106:13 124:25 131:11
172:14,15
summer 141:18
sun 49:19 76:2 120:21
130:21 141:3 146:1
159:23,25 160:9
161:25 162:22 169:17
169:25 170:1,6 171:8
172:3 181:8 190:20
190:20 201:7
Sunday 46:7,10
Super 32:10,13
supplied 33:11
supplying 32:25
support 28:23 29:2
82:16 110:22 112:12
113:4,10,18 118:12
125:13 131:16,23,25
135:2 212:11,13
suppose 173:2 206:21
supposed 14:10 191:7
199:7

surprise 195:13
surprised 142:19,19,24
surrounding 29:7 31:3
 44:14 49:23 51:15
 170:1
survey 82:9,10 110:20
 110:21,21,24 112:8
 118:4,18 119:11
 124:23 125:5,24
 126:11,13,22 127:1,3
 127:5,17,18 130:13
 131:11,21 134:11,14
 134:15,23 135:7
 143:1,12,12,14 145:7
 195:22 196:11,12
 209:25 210:1 211:1,6
 211:8,17,21 212:7
 222:7,8,14
surveyed 28:7 196:5
 211:18
surveys 28:8 29:1
 79:16,21 134:20,24
swear 35:17 73:14
 158:18
switch 83:16
switched 35:14
sworn 106:25 138:15
 159:7 169:2 189:20
 193:23 209:17
sympathy 94:13

T

T-A-N-D-O-N 9:18 17:8
 17:22
t-boned 181:16
T-E-R-I 19:16 194:11
t/a 1:6
taken 66:11 77:6 144:9
 145:21 222:21
takes 149:4 152:16
talk 42:25 79:14 107:17
 108:10 139:1 140:2
 198:23 199:7,16
 211:1
talked 43:2 211:14
talking 14:2 102:10
 147:22 177:13 181:1
 191:24 192:3 198:20
 200:25 207:22
Tandon's 84:20 163:1
 170:2 187:8
Tandons 139:10 191:1
 191:4
technically 198:5
telephone 7:6
Telephonic 219:18
tell 25:19 35:17,18
 40:11 42:18,23,24

43:16 44:7,8,9 50:2
 65:22 73:15 80:4,11
 94:12 104:7 105:6,8
 108:1,9 109:12
 115:11 118:5 120:21
 120:23 157:10 159:21
 166:4 169:14 173:16
 186:25 197:20 198:14
 209:25 211:7 218:7
 219:1,2,4,8
telling 93:9 95:20
 119:22 165:23
tells 58:7
temporary 76:17
ten 55:22 207:3 214:8
 215:13
tend 77:3
Teri 2:4 3:12 19:11
 95:12 193:14,21
 194:3,10 204:17
terms 160:9,10 162:13
 191:1 196:14 200:14
 200:14
testified 46:13 93:23
 107:1 120:4 138:16
 159:8 169:3 189:21
 193:24 209:18
testify 114:8 203:2,8
testifying 73:11 94:21
testimony 6:20 15:3,13
 15:16 16:3,4 24:24
 25:6 33:9 62:10 79:16
 98:6 99:19 101:13
 109:5 114:5,12
 158:15 160:22 166:14
 166:16 167:4 183:5
 184:17 188:9 193:5
 196:18,18 197:15
 203:19 208:19 209:21
 214:5
Texas 185:7
Thanks 163:20
things 10:22 27:8 45:2
 45:22 58:16 86:11
 89:12 92:13 94:20
 97:24 98:2 102:8
 104:9 110:22 130:1
 136:1 147:22 151:23
 152:1 155:11 156:16
 157:22 162:14 164:10
 177:1 180:15 185:15
 186:20 196:25 200:20
 222:15
thinks 135:24
third 113:13 160:5
 184:11
Thirty 135:12
thorough 145:5
thought 10:24 89:15
 107:7 164:19,19
 166:3 209:2
thoughts 43:3 134:17
 160:1 161:16 162:24
thousand 205:2
three 7:1 18:9,18 24:22
 27:18,20 28:5 30:23
 36:8 38:21 44:19
 55:23 70:20,21 79:15
 82:9 84:21 105:12
 116:6 128:3,4 129:9
 130:17 142:8 153:14
 161:1 170:19 198:4
 221:16 222:3,5,21
 225:14 226:3
threw 102:22
throttle 171:3
throwing 102:13 144:25
thwarted 82:25
tickets 181:6
timeframe 70:25
timely 77:7 230:2
times 46:19,22,24
 68:20 100:5 112:3
 113:22 116:6,14
 142:8 152:8 161:1,8
 182:3 183:1 190:22
tire 142:10
today 9:2,23,24 10:8,10
 10:14,14 17:1 20:22
 27:17 28:8 31:2 40:13
 54:12 86:13 94:22
 96:17 98:6 108:20
 116:6,8,18 137:11
 156:22 158:16 162:19
 170:8 188:9 193:6
 197:15 199:14 200:20
 200:22 202:17 207:15
 208:19 210:2 214:5
 224:18,24 228:2,7
 230:6,8
told 7:11 19:21 34:7,17
 43:6 51:7 81:13,14
 104:15 120:6 152:12
 212:21
tolerable 162:5 163:7
 166:12
tolerate 163:13
Tomassi 20:24 21:11
 21:12,14,18,19,22
 22:22
top 30:14 63:11 100:22
total 46:22 212:4,9,11
totally 116:12 127:16
touch 95:8
Tow 66:20
town 89:7,9

traffic 40:24 41:1,2,9
 47:3 61:12 62:21
 68:16 113:20 147:5
 170:15 171:17 172:11
 175:21 179:24 180:14
transactions 141:21
transcript 224:19 225:7
transferred 52:9
transit 55:20
transition 160:1
transportation 171:15
trash 30:14 75:16,21
 76:7,14 144:9 160:24
 161:23 162:13,15
 163:9
treats 74:4
tried 81:7 151:25
Trinidad 74:25
truck 61:24
trucks 61:21 144:22
 180:18 181:1,25
true 80:14 83:10,11
truly 81:18
trunk 141:16
trust 83:13,19
truth 35:18,18 73:15,15
try 5:16 6:7 16:18 25:7
 30:15 58:12 83:25
 143:4,5 168:15
 171:17 181:18 187:16
 216:15,21
trying 57:17 69:5 75:12
 80:15,17 81:21,25
 84:6,7,10 88:22 95:6
 95:8 105:9 129:14
 143:9,25 144:4 168:2
 173:23 174:15 176:7
 178:22 186:24 187:15
 188:11 198:13
tunnel 182:11
turn 83:17 104:20
 182:15,16
turns 182:17
twice 8:2 48:11 149:7
two 8:10,13 15:8,11,11
 28:19 29:14 31:17
 32:18 33:15 34:22
 55:22 56:12 59:20
 99:8 104:14,16
 110:22 118:11 119:16
 134:24 146:1 153:15
 167:7,13 170:6,19
 171:12 173:2 177:7
 190:11,14,17 191:9
 194:23 197:18 198:5
 199:14 202:16 214:14
type 34:21 45:14 63:6
 131:12

types 57:24 60:8 98:1

U

ultimately 32:13 200:4
unable 6:6 168:9
unanimously 110:18
 119:13
unaware 9:22
undermines 75:6
undermining 176:11
underpass 170:18
 171:3 174:17
understand 14:14
 58:10 75:3 78:9 79:2
 82:20,21 83:3,4 84:13
 88:5,7,8 94:13 99:17
 101:16 104:8 111:23
 119:19 133:24 135:4
 149:3,17 175:13
 176:6 185:9,10
 186:17 187:4 190:2,4
 192:3 193:10 207:4
 207:21,25
understanding 7:15
 20:17 45:25 57:8 92:6
 196:25 207:18
understood 201:11
 203:12
unfamiliar 151:14
unfavorable 146:11
unfortunate 74:21
unfortunately 14:23
 152:11 181:19
unhappy 82:24
Unified 70:15
unit 138:4 139:16 141:7
 210:10 212:1 213:17
 213:18,19
unmute 5:1,8 158:25
 167:24,25 168:4,10
 168:13,16 209:10
unmuted 5:10 137:25
 138:1 219:1
unmuting 168:14
unsavory 29:15
unwanted 75:21 113:21
update 151:16
upgrades 43:8 51:8
 53:12
upstairs 86:11
urination 78:7 134:2
 140:9 148:25 149:22
 150:11 191:11
usable 170:19,20
use 29:6,10 92:10,13
 126:2 134:8 139:25
 140:13 156:10 185:24
usual 119:17

usually 224:21 225:24

V

V-I-N- 18:7
vacant 62:7
valuable 157:23
values 39:15
vantage 170:9
variety 32:20,25 131:3
various 45:21 82:8
 122:1
vast 28:25
vehicle 39:16
vehicles 182:25
venture 220:13 221:1
venues 26:23
verbally 145:12
verbatim 125:9
versus 116:18 118:8
 126:4 183:12
Veterans 182:23
vibrant 26:17 89:13
vice 23:4 210:13
vicinity 59:8,15 153:25
videoconference 1:14
view 29:8 42:16,19
 43:13,17 50:24
 133:25 180:1
views 131:18 219:13
 220:2
Vining's 109:6 218:13
 218:14
violations 42:7 228:18
violence 29:6 142:6
 149:23 150:10 156:10
 176:15 185:16
Virginia 151:4
virtual 11:6,9
virtually 10:23 11:3
vis 169:15,15
vision 110:6 111:12,18
 116:11 117:25 122:24
 145:21
visit 46:15 195:13
visited 112:4
visiting 72:4 192:20
visits 68:19 70:6,9 71:9
 71:22
voice 113:25 142:24
 143:9
voluntary 18:15
vote 22:1 196:20,23,23
 227:6 229:3
voted 110:18 119:13
 132:3
votes 226:5
vouched 114:1

W

W 1:14,18
wait 7:2 12:20 14:5
 224:19 225:7,15
waited 54:11
waiting 6:11,24 53:9,10
 76:4 182:14 188:14
 218:20
waive 224:16 225:2,12
 225:18
waived 224:22
walk 32:21 141:1,25
 142:1 148:7 153:6
 160:25,25 161:2,3,4
 161:11,11,12 174:9
 174:24 182:16 197:21
 198:3 218:19
walking 161:4
walking 47:14,23 48:11
 153:10 161:10 177:15
walks 144:13 177:5
wall 65:14
wanted 11:20 14:18
 54:7 62:1 64:18 89:4
 102:4 135:14 142:24
 166:14 187:10 200:20
 217:24
wants 42:7 82:15
War 31:16
Ward 113:19
warm 121:9
Washington 74:17
 165:19,22 182:24
wasn't 44:24 47:4 57:21
 146:20 192:5
waste 75:21
way 6:1,2,8 12:22 14:9
 54:10 64:1,1 68:22
 75:4,18 81:2,4 137:3
 187:24 197:14 200:16
 205:12 222:4
ways 182:20
WebEx 1:14
website 230:1
Wednesday 1:11
wee 62:12
weeds 50:14
week 36:7 74:24,25
 86:15 88:17 190:22
weekend 144:14 187:10
weekly 180:6
weird 178:5
welcome 122:16 130:3
 136:3 187:14 189:14
 218:4
welcomed 120:25
welcomes 130:4
well-run 75:20 152:21
 152:23 156:15
went 43:12,17 46:13,15
 46:24 70:20 104:25
 107:10 125:1 126:1
 137:8,9,9 143:8 158:1
 198:15 211:8 217:14
 230:16
west 31:12 32:4
whatsoever 206:5
Whining 115:1
wide 61:17
wife 8:25 9:12,16,20
 10:7,15 17:1,5,9,12
 26:4,12 77:19 78:21
 85:9 89:4 90:14 92:2
 97:5,22 207:10,15,17
 207:19 208:1 219:12
 219:22 220:19,24
 221:3
wife's 9:16 73:22 83:11
 91:10 95:24 99:11,12
wind 47:8
window 180:1
windows 31:20
windshield 67:19
wine 26:9,14 27:1 28:11
 32:20 45:20 54:20
 58:11 73:25 80:23
 84:11 87:14 89:6,18
 89:21 90:1 93:24 94:5
 96:3,15 103:3,8,18
 112:24 113:1 122:1,7
 123:12 131:2,7 133:3
 140:18 146:15 150:20
 151:7 154:12,20,24
 158:1
winning 181:6
wintertime 76:25
wish 25:25 73:2,4,7
 87:1 101:13 114:18
 115:19 163:1 224:14
wishes 105:21
witness 12:23 15:19,20
 16:7,12 23:17 24:17
 35:9 73:7,9 79:14
 101:20,22 106:10,11
 106:24,25 138:2,14
 138:15 151:20 155:25
 158:16 159:6,7,9
 166:20,24 167:19
 168:11,17 169:1,2,5
 188:10 189:19,20,23
 193:12,22,23,25
 203:24 208:20,23,24
 209:3,7,16,17,19
witness's 15:16 25:19
witnessed 111:11
 117:24 161:23

witnesses 6:20 11:22
 11:24 12:2,3,8,16
 13:13,16,25 14:2,15
 14:22 15:4,12 23:10
 25:16 27:25 29:11,15
 30:22 33:18 38:10
 39:7,8 40:6 73:3
 84:21 104:23 105:12
 105:16,19,23 136:4
 167:10,12,17 191:4
 193:15 199:14,18
 202:16 204:9 214:11
 214:13,14 215:1,2
 223:19
witnesses' 223:23
woman 73:23
women 74:12
wonderful 139:23
 151:18 166:4
wondering 15:2,14
 79:18
words 195:3
work 6:9 14:25 43:11
 51:25 52:19 57:7 74:3
 75:7 84:5,18 85:24
 88:22 176:11 197:4
 198:13 200:1 219:19
 220:15
workable 146:8
worked 108:21 152:6
working 4:19,19 18:15
 20:18 21:1 74:13
 86:25 88:19,20,24
 97:16 98:3 100:21
 109:1
works 12:21,22 14:9
World 31:16
worn 50:17
worse 29:9 144:5 149:1
 150:4 171:23 219:23
 222:15
worth 203:1
would've 224:1
wouldn't 142:21 165:12
wrapped 102:10
wrappers 30:8
writing 110:14
written 127:11,11,25
 131:11 145:17 202:18
 203:19
wrong 61:10 124:7
 173:16
wrote 36:25 40:8,9
 57:21

X

Y

yard 112:24
year 187:1
years 36:8 77:22 91:16
 99:24 100:4,6 101:1
 129:2,3,3,6 140:6
 155:7 165:8,10,20
 179:22,23 183:10
 190:16 207:3 210:9
 210:14 219:21
younger 165:23

Z

zero 58:6 76:7,7
zoned 31:10 142:15
zoning 31:11,12,21

0

07/21 62:6
079241 32:15

1

1,200 45:8
1,500 92:16,18,25 93:13
1:30 14:10
10 46:10 90:7 219:21
10- 104:17
100 135:14 207:19
 213:16,17
11 46:22 50:11 68:12,19
 68:20
111 127:17 212:8
119160 1:8 3:5
12 50:16 129:6 144:11
12-13 100:3
12-year-old 74:18
13 50:22 100:6
14 30:13 50:25 144:8
148 211:24 212:4
15 51:3 96:22,23 116:25
 119:7 171:11
15th 111:15
16 111:16
16-PRO-00016 31:8
17 51:17
18 52:12
19 52:13
1959 160:8 165:9,11
1974 210:9
1991 109:2
1st 70:17

2

2 130:13,20 214:19
2-575 226:14 227:24
2-575(b) 228:12
2-575(b)(13) 226:23
2-575(b)(14) 228:13
2-575(b)(4)(A) 226:20

2,000 210:20
2:09 3:2
2:30 13:19
20 1:12 52:17 94:4
 210:14
200,000 42:4 53:16
2015 139:21
2016 31:9 77:11 223:17
2021 26:8 32:16 34:5,11
 62:5 85:11,12,14
 109:19 111:15,16,24
2022 1:12 35:1 165:10
 228:15,22,23
21 70:17
22 228:22
22-PRO-00001 1:9 3:4
 226:17,21
221-238 32:16
23 54:21
2300 212:2
2318 160:4
2324 1:7 70:18 76:8

24 54:21
2400 212:3
2407 190:8
25 31:9 55:10 103:15
2501 31:6,25 34:14
 71:21
26 55:11
27 55:20 228:15,21
28 55:25 64:19,22 66:6
282 211:22
29 56:4 66:6

3

3:30 13:21 14:3,5,13
 214:22
30 56:11,15 94:3 96:17
 96:19 101:1 102:14
 102:22 103:15 128:7
 131:12,21
300 125:20,21 212:21
 213:5
300,000 42:4 53:16
31 56:18
32 56:20
35 103:15
36 127:17,24 135:10
 136:21

4

4 13:21 14:3,5,13
 214:22,24
4:25 104:13,17,25
4:35 104:18,21 105:1
40 93:17 101:1 212:13
40-50 93:3
40,000 82:23 205:12

210:22
400 67:1
47 212:11
48 210:9

5

5 113:19
50 58:15 93:7,17,18,21
 94:2,3,9,10,23 96:12
 96:14,19,25 101:1
 102:14,22
50,000 82:23 205:12
5E 1:8 19:7 22:25 23:3
 23:5 37:18 210:13
5E09 2:3 18:12 19:7
 20:5 27:23 32:6
 111:16 195:10 196:13
 208:23 210:15 211:21
 212:10,12

6

6 35:1
6-0-0 22:15
6:36 215:13
6:38 217:14
6:45 215:14,24 217:15
60 82:21,24
63 165:10

7

7 66:21
7,000 204:25 210:24
7:02 230:16
70 82:21,24
75 165:20

8

8,000 210:24
80 55:23,24 144:3
801 151:4
8th 151:6,16

9

9 46:8,8,11,11,11 70:14
 90:7 217:7
9:30 66:21
90 228:3,3
911 152:9

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This is to certify that the foregoing transcript

In the matter of: Hillview Market

Before: DCABRA

Date: 04-20-22

Place: teleconference

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