

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
:
Nunez's Property :
Management, LLC, :
t/a Buho's Restaurant :
3521 14th Street NW : Protest Hearing
License #115711 :
Retailer CT - ANC 1B :
Case #23-PRO-00020 :
:
(Application to Renew :
the License) :
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Tuesday
May 23, 2023

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

PRESENT:

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

ALSO PRESENT:

TIMOTHY BROOKINS, Witness
KIARA EARLE, Witness
JESSICA MAI, Protestant
GLADYS NUNEZ, Applicant
JOSE ORELLANA, DC ABRA Staff
JANET RAMOS, Applicant
MARK RUIZ, DC ABCA Investigator
MARK RUSSELL, Protestant
SARINAH SAMSUDIN, Witness

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

2 10:38 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is case number 23-PRO-00020,
5 Buho's Restaurant, license number 115711.

6 Good morning, Mr. Orellana. Can you
7 please elevate the rights of the Licensee and the
8 Protestant in this case, please.

9 MR. ORELLANA: Good morning. Gladys
10 Nunez, your access has been elevated. Jessica
11 Mai, your access has been elevated. Mark
12 Russell, your access has been elevated.

13 Sarinah Samsudin, your access has been
14 elevated. Tim Brookins, your access has been
15 elevated.

16 Investigator Mark Ruiz, your access
17 has been elevated. And Kiara Earle, your access
18 has been elevated. That appears to be all,
19 Chairman.

20 CHAIRPERSON ANDERSON: Thank you so
21 much. Can everyone please turn their cameras on,
22 please?

23 MR. RUSSELL: Hi, there, this is Mark
24 Russell.

25 CHAIRPERSON ANDERSON: Hold on a

1 minute please, sir. Can someone please show
2 Ms. Nunez how to turn her camera on, please?
3 Okay.

4 Good morning, everyone. I would like
5 the parties to introduce themselves for the
6 record. Let's start with the Licensee.

7 Ms. Nunez, you're on mute, ma'am. So,
8 I need you to unmute the phone.

9 MS. NUNEZ: Gladys Nunez, present for
10 the Buho's Restaurant.

11 CHAIRPERSON ANDERSON: Can you please
12 spell your name for the record, please, ma'am.

13 MS. NUNEZ: It's Gladys, G-L-A-D-Y-S,
14 last name Nunez, is N as in Nancy, U-N, E as in
15 Edward, Z as in Zebra.

16 CHAIRPERSON ANDERSON: And who's that
17 with you, ma'am?

18 MS. NUNEZ: It is Janet Ramos.

19 CHAIRPERSON ANDERSON: Can you spell
20 her name for the record, please?

21 MS. NUNEZ: It's J-A-N-E-T, Ramos is
22 R-A-M-O-S.

23 CHAIRPERSON ANDERSON: All right,
24 thank you. All right, I need the representative
25 to be on camera. The witnesses do not need to be

1 on camera, but I need the designated
2 representative of the Protestant group, I need
3 them to be on camera.

4 And I need you to be on camera.
5 Either one or both of you have to be on camera
6 the entire time for this proceedings. The
7 witnesses do not need to be on camera if they're
8 not speaking. But I need to see the
9 representative on camera.

10 All right, so Mr. Russell, can you
11 please spell and state your name for the record,
12 please. And I need you to be on camera, sir.

13 I see you're walking, Mr. Russell, and
14 I need you to be in a stationary location to
15 participate in this hearing. So, I need you,
16 sir, can you please spell and state your name for
17 the record, please?

18 MR. RUSSELL: Yes, I apologize. I'm
19 still, like, at work right now, so I have to make
20 kind of movements around the neighborhood for my
21 job. But I'll be stationary in about five
22 minutes. My name is Mark Russell.

23 CHAIRPERSON ANDERSON: Spell your name
24 for the record, please, sir.

25 MR. RUSSELL: M-A-R-K R-U-S-S-E-L-L.

1 CHAIRPERSON ANDERSON: Thank you.

2 Ms. Jessica Mai.

3 MS. MAI: Yes, good morning. This is
4 Jessica Mai, J-E-S-S-I-C-A M-A-I.

5 CHAIRPERSON ANDERSON: I need to see
6 you, ma'am. Ms. Mai, I need to see you. I need
7 you to turn your camera on.

8 MS. MAI: Yes, my camera is on at the
9 moment. Let me try to go ahead and troubleshoot
10 what the issue is. But the WebEx pane on the
11 right side shows that my camera's on.

12 CHAIRPERSON ANDERSON: All right,
13 ma'am. All right, spell your first and last
14 name, please, ma'am.

15 MS. MAI: Jessica, J-E-S-S-I-C-A, last
16 name is Mai, M-A-I.

17 CHAIRPERSON ANDERSON: Thank you.
18 Mr. Ruiz, can you please spell and state your
19 name for the record, please.

20 INVESTIGATOR RUIZ: The name's Mark,
21 M-A-R-K, last name's Ruiz, R-U-I-Z.

22 CHAIRPERSON ANDERSON: Mr. Ruiz, your
23 volume is weak. So, maybe you can work on your
24 volume, because I can hardly hear you.

25 INVESTIGATOR RUIZ: Okay.

1 CHAIRPERSON ANDERSON: All right, are
2 there any preliminary matters in this case?
3 Ms. Nunez, are there any preliminary matters in
4 this case? Meaning that before we start
5 substantive, do you have any preliminary matters
6 you want to address with the Board?

7 MS. NUNEZ: Not at this moment.

8 CHAIRPERSON ANDERSON: Mr. Russell,
9 are there any preliminary matters that you wish
10 to discuss with the Board before we start?

11 MR. RUSSELL: No, I do not. But
12 Jessica, did you have any?

13 MS. MAI: This is Jessica Mai. I
14 don't have any matters to discuss before we
15 begin. Thank you, everybody, for your time
16 today.

17 CHAIRPERSON ANDERSON: All right,
18 ma'am. And I need you to, because you're the
19 designated representative, I need to know -- you
20 said you have a camera, so maybe you can log off
21 and log back on, because I'm still not seeing
22 you, ma'am.

23 And I see that Mr. Russell, he's
24 walking, but when I'm doing these hearings, and I
25 don't necessarily need to have the witnesses

1 online for me to see them, but when I'm dealing
2 with the designated representative, I need to see
3 who I'm talking to.

4 And one of the reasons why I always
5 ask that you be on camera, is if your camera's
6 on, I can tell that you are there. If you're not
7 on camera, and if you're not there, or for some
8 reason your wi-fi or technology fails, and then
9 you're not here, I do not know that.

10 So, that's one of the reasons why I'm
11 requesting and demanding that the designated
12 representative be on camera the entire time, so I
13 can tell and see that they are actively
14 participating in this hearing.

15 All right, so this is a protest
16 hearing for the renewal of this Licensee.

17 The process moving forward is that the
18 Licensee will have five minutes to do an opening
19 statement, then the Protestants will have five
20 minutes to do an opening statement.

21 The Board will call its witness, which
22 is our investigator. The Board members will then
23 ask the investigator about his report.

24 Once all the Board members ask the
25 investigators questions about his report, then

1 the Licensee will have an opportunity to question
2 the investigator.

3 Once the Licensee has questioned the
4 investigator about his report, the Protestants
5 will have an opportunity to question the
6 investigator about the contents of his report.

7 Once the investigator has testified,
8 then the Licensee will call its first witness.
9 Once they call its first witness, then the
10 Protestor will have an opportunity to cross-
11 examine the witness of the Licensee, and then the
12 Board will have an opportunity to ask questions.

13 Once the Licensee has presented its
14 case, then the Protestants will call its
15 witnesses, and once the Protestants have called
16 its witnesses, the Licensee will have an
17 opportunity to cross-examine the witness.

18 Once the Licensee has cross-examined
19 the witness, the Board will have an opportunity
20 to cross-examine its witness. Then we'll have
21 closing arguments and I'll read some statements,
22 and then the Board will take this matter under
23 advisement and issue a decision in 90 days,
24 whether or not we will renew the license without
25 conditions, or renew the license with conditions,

1 as per the request of the Protestants.

2 Any questions by anyone before we
3 start? Any questions before we start?

4 MS. NUNEZ: Yes, I have a question.

5 CHAIRPERSON ANDERSON: Yes, ma'am.

6 MS. NUNEZ: Ms. Ramos is supposed to
7 have a Spanish interpreter here this morning.

8 CHAIRPERSON ANDERSON: Ma'am, who is
9 she?

10 MS. NUNEZ: Ms. Ramos.

11 CHAIRPERSON ANDERSON: Who is she?

12 MS. NUNEZ: She's the tenant of Buho's
13 Restaurant.

14 CHAIRPERSON ANDERSON: Is she the
15 Licensee?

16 MS. NUNEZ: I am.

17 CHAIRPERSON ANDERSON: And when was
18 the request made that she needed an interpreter?

19 MS. NUNEZ: It was before the meeting
20 was to be conducted today.

21 CHAIRPERSON ANDERSON: I was told that
22 we did not need the translator this morning.

23 MS. NUNEZ: We requested a translator
24 when we had the last meeting that we had that we
25 rescheduled for today, May 23rd at 1:30. And

1 then, for some reason, the time was changed from
2 1:30 to 10:30 this morning. And we did request
3 an interpreter then.

4 CHAIRPERSON ANDERSON: All right, you
5 stay right there. The Board will go into
6 executive session. The Board will go into
7 executive session and we will be right back, so I
8 don't want anyone to log off. I'm asking all
9 Board members to log off and go to executive
10 session. All right, thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:50 a.m. and
13 resumed at 11:00 a.m.)

14 CHAIRPERSON ANDERSON: All right,
15 we're back on the record. Mr. Russell, Ms. Mai,
16 are you there?

17 All right, I need to correct the
18 record. This morning, after calling the case,
19 the Licensee had raised a preliminary motion.
20 And based on the motion that was raised by the
21 Licensee, I determined that I needed to go into
22 executive session with our legal counsel to
23 address the issue.

24 However, prior to going into executive
25 session, I needed to alert the public that the

1 Board would be going into executive session. So,
2 in order to correct the error that I made this
3 morning, I need to have alerted the public that
4 we're going to go into executive session before
5 we went into executive session.

6 So, what I am going to do is to make
7 a motion for the Board to go into executive
8 session. This is just to correct the legal
9 record, the public record, to reflect my error in
10 going to executive session without alerting the
11 public.

12 So, this is what I'm going to do is
13 just to correct the record of the procedures I
14 should have followed prior to going into
15 executive session a couple of minutes ago.

16 All right, so as Chairperson of the
17 Alcohol Beverage Cannabis Board for the District
18 of Columbia, and in accordance with DC Official
19 Code, Section 2575 of the Open Meetings Act, I
20 move that the ABC Board hold a closed meeting for
21 the purpose of seeking legal advice from our
22 counsel on case number 25-PRO-00020, Buho's
23 Restaurant, pursuant to DC Official Code,
24 Section 2575(b)(4)(a) of the Open Meetings Act.
25 Is there a second?

1 MEMBER GRANDIS: I second.

2 CHAIRPERSON ANDERSON: Mr. Short and
3 Mr. Grandis has seconded the motion. We will now
4 have a roll call vote. Mr. Short?

5 MEMBER SHORT: Mr. Short, I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 MEMBER CATO: Bobby Cato, I agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?
9 Mr. Grandis?

10 MEMBER GRANDIS: Edward Grandis, I
11 agree.

12 CHAIRPERSON ANDERSON: And
13 Mr. Anderson, I agree. The motion passes 5-0-0.
14 So, the Board is not going to go into executive
15 session at this moment because we went into
16 executive session. I did take the motion. I did
17 announce to the public that we were going to go
18 into executive session. However, I was supposed
19 to read that reading before going into executive
20 session.

21 All right, so we're back. All right,
22 the issue that Ms. Nunez has basically just
23 stated on the record, was that she had requested
24 a translator for Ms. Ramos.

25 Ms. Nunez, who is Ms. Ramos?

1 MS. NUNEZ: Is the tenant of Buho's
2 Restaurant.

3 CHAIRPERSON ANDERSON: Is she on the
4 license, ma'am?

5 MS. NUNEZ: No, she's an officer of
6 the license.

7 CHAIRPERSON ANDERSON: I'm sorry, is
8 she on the license? Or what is she? Is she an
9 owner, or is she your tenant?

10 MS. NUNEZ: She is owner and tenant,
11 because I own the property.

12 CHAIRPERSON ANDERSON: But I thought
13 that you were the 100 percent owner of the
14 property. I'm sorry, the license.

15 MS. NUNEZ: I am.

16 CHAIRPERSON ANDERSON: So, you are
17 100 percent the owner of the license. Is that
18 correct, ma'am?

19 MS. NUNEZ: That's correct,
20 Mr. Anderson.

21 CHAIRPERSON ANDERSON: All right,
22 fine. All right, at the protest hearing status,
23 ma'am, that we had, I think -- when did we have
24 the protest hearing?

25 I believe we had the protest hearing

1 status on May 10th. And you did not appear on
2 May 10th because you asked us to -- you advised
3 the Board that you would not be available on
4 May 10th, and that you want Ms. Ramos to appear
5 in your stead because you're going to go out of
6 the country. Is that correct, ma'am?

7 MS. NUNEZ: I was out of the country
8 in the Dominican Republic.

9 CHAIRPERSON ANDERSON: I'm just
10 saying, so it's correct you were out of the
11 country, and so you asked the Board to have
12 Ms. Ramos in your stead. Is that correct?

13 MS. NUNEZ: That is correct, but I
14 also was told that it was going to be put on
15 hold, the meeting, until I got back to the U.S.
16 I came back in May 4th, which is prior to the
17 hearing.

18 I believe that when we had the last
19 hearing that we had, we had problem with the
20 audio --

21 CHAIRPERSON ANDERSON: No, hold on.
22 Hold on one minute, ma'am. Hold on. Hold on one
23 minute, ma'am. I want the record to be correct,
24 so let me get back to -- let me do this correct,
25 okay? Let me get the transcript from the last

1 hearing.

2 I'm sorry, the protest hearing status.
3 I'm sorry. So, let me go back to the transcript.
4 This is very important, so I want to make sure
5 that the record is correct. So, let me get to
6 the transcript on the protest hearing status.
7 Hold on, please.

8 I apologize for this, but I need to
9 make sure that I -- all right. I'm trying to
10 research the transcript.

11 MS. NUNEZ: Mr. Anderson, take your
12 time. I was present at the last hearing, but we
13 had problems --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: No, I know,
16 ma'am. I know you were present at the last
17 hearing.

18 MS. NUNEZ: Okay.

19 CHAIRPERSON ANDERSON: Okay? I'm
20 going back to the status hearing. The status
21 hearing that we had. Maybe my date was wrong.
22 We had the status hearing, which I read the
23 transcript in preparing for this case, but that's
24 why I was looking for my computer on it.

25 So, yes, you were not there.

1 Ms. Ramos testified in your behalf. You
2 requested from the Agency that the Board provide
3 a translator for Ms. Ramos.

4 The Board did provide a translator for
5 Ms. Ramos at the status hearing. This matter was
6 scheduled for a protest hearing, I believe, I
7 think last week, or maybe two weeks ago. I
8 forget the dates.

9 MS. NUNEZ: Two weeks ago.

10 CHAIRPERSON ANDERSON: Two weeks ago
11 it was scheduled for the hearing. You had
12 technical difficulties.

13 MS. NUNEZ: Correct.

14 CHAIRPERSON ANDERSON: You were unable
15 to get online either virtually or on the
16 telephone. So, you had technical difficulties.
17 So, what I did, because I was unable to
18 communicate with you, I requested that this
19 Agency provide you the ability to participate in
20 this here virtually. So, therefore, I instructed
21 the director to contact you to have you come to
22 the ABRA office and provide you with the
23 technology so you would not be prejudiced because
24 you were having technical difficulties. Okay?

25 MS. NUNEZ: Yes, sir, and I thank you.

1 And that's exactly where we are right this
2 morning, at the ABRA office. Thank you for that.

3 CHAIRPERSON ANDERSON: All right, in
4 consulting with our legal office, it's my
5 understanding, by speaking to our legal office,
6 that you, Ms. Nunez, advised our legal office
7 that you did not need a translator to participate
8 in this hearing today. That is what I was told,
9 that you told the Agency that -- you specifically
10 told the Agency that you did not need a
11 translator to participate in this hearing today.

12 And so, because you did not inform the
13 Agency -- so, because you informed the Agency
14 that you personally did not require a translator
15 to participate in the hearing, the Agency
16 canceled the translator for you.

17 Now, the larger issue is that you do
18 not require a translator. However, Ms. Ramos
19 requires a translator. Is that correct?

20 MS. NUNEZ: Yes.

21 CHAIRPERSON ANDERSON: And at the
22 protest hearing status, and also at the hearing
23 last week, I advised both parties of basically a
24 status hearing, I told all parties that they were
25 supposed to submit a PIF. Is that correct?

1 MS. NUNEZ: Yes, Mr. Anderson.

2 CHAIRPERSON ANDERSON: Meaning that
3 you were supposed to let us know of the documents
4 and witnesses that you were going to rely on at
5 the hearing. Is that correct?

6 MS. NUNEZ: That is correct,
7 Mr. Anderson.

8 CHAIRPERSON ANDERSON: And it's also
9 correct that you never filed a PIF for the first
10 hearing, and you also did not file a PIF for this
11 hearing. Is that correct?

12 MS. NUNEZ: That's correct,
13 Mr. Anderson.

14 CHAIRPERSON ANDERSON: Now, since you
15 informed the Agency that you did not require a
16 PIF -- I'm sorry, a translator -- and you did not
17 file a PIF to say that you're going to call a
18 witness, and Ms. Ramos is going to be the witness
19 that you're going to call, and that Ms. Ramos
20 required a translator, how do you believe the
21 Agency would be on notice that a translator is
22 required for Ms. Ramos?

23 MS. NUNEZ: Can you rephrase that
24 question again, please?

25 CHAIRPERSON ANDERSON: All right,

1 Ms. Ramos is not the Licensee. Is that correct?

2 You are the Licensee.

3 MS. NUNEZ: That is correct,

4 Mr. Anderson.

5 CHAIRPERSON ANDERSON: And is it
6 correct that you, Ms. Nunez, informed the Agency
7 that you did not require a translator for
8 yourself. Is that correct?

9 MS. NUNEZ: That is correct, I did not
10 require a translator.

11 CHAIRPERSON ANDERSON: You only
12 required a translator for your witness,
13 Ms. Ramos. Is that correct?

14 MS. NUNEZ: That is correct,
15 Mr. Anderson.

16 CHAIRPERSON ANDERSON: And it is also
17 correct that you have had two opportunities to
18 file a PIF to list the witnesses that you'd be
19 relying on the hearing, and it's correct today
20 that you did not file a PIF with the Agency, to
21 alert the Agency that you'll be calling witnesses
22 for this hearing. Is that correct, ma'am?

23 MS. NUNEZ: That is correct.

24 CHAIRPERSON ANDERSON: And so,
25 therefore, Ms. Ramos is your witness. You did

1 not tell the Agency that your witness required a
2 translator, and the only way the Agency would
3 have known is if you requested it for her, and if
4 you submitted a PIF seven days before the
5 hearing.

6 So, my issue, ma'am, is that the
7 Agency was not aware that you'll be calling
8 Ms. Ramos as a witness today at this hearing, and
9 that she requires a translator.

10 MS. NUNEZ: That was a mistake,
11 Mr. Anderson, on my part, to assume that a
12 translator would have been provided for
13 Ms. Ramos, since she had a translator at the last
14 hearing that she attended.

15 CHAIRPERSON ANDERSON: But Ms. Nunez,
16 this Board was not aware that you are calling
17 witnesses at this hearing today.

18 In looking at the PIF that have been
19 disclosed for this hearing, you did not disclose
20 one.

21 So, because you did not disclose one,
22 at this moment the only witness who will be
23 testifying at the hearing this morning, is you.

24 MS. NUNEZ: I was not aware of that.

25 CHAIRPERSON ANDERSON: At no point did

1 anyone -- did Ms. Ramos share it with you that
2 seven days before the hearing both parties were
3 required to submit a PIF?

4 MS. NUNEZ: She did not communicate
5 that to me. In fact, if I would have been aware
6 that that needed to be done, it was not at the
7 hearing, since communication was so bad that we
8 couldn't communicate directly, I was not aware
9 after I came from my trip that I needed to do
10 that. Otherwise, I would have done that. But
11 the communication was really bad.

12 CHAIRPERSON ANDERSON: I'm not talking
13 about the last hearing, ma'am. The last hearing
14 is irrelevant.

15 The hearing that we were supposed to
16 have had, you did not disclose a PIF for that
17 hearing. The one where the communication was
18 poor, you never disclosed a PIF. You never did.

19 You never -- and you know what? I
20 need to find -- I have the transcript from our
21 status hearing. Okay?

22 MS. NUNEZ: Okay.

23 CHAIRPERSON ANDERSON: So, I need to
24 find that. When Ms. Ramos filled in for you, I
25 have the transcript from that hearing. So, let

1 me find this transcript on my computer, because
2 it was sent to me by our legal office.

3 So, let me find that. And I'm going
4 to read the instructions that were given
5 specifically at that hearing, when Ms. Ramos
6 filled in for you. So, give me a minute, please.

7 MS. NUNEZ: Thank you.

8 CHAIRPERSON ANDERSON: Give me a
9 minute, please.

10 Okay, I apologize. All right, on
11 Wednesday, April 5th, was when we had the protest
12 status hearing. And at the protest status
13 hearing on April 5th, that is when Ms. Ramos
14 appeared on your behalf, ma'am.

15 Now, in that hearing I specifically
16 told Ms. Ramos, through the interpreter, because
17 Ms. Ramos went through and was trying to explain
18 to me about the case, and I told her this is not
19 the case, I was just asking if she had any
20 preliminary issues.

21 And I specifically -- I'm looking at
22 the transcript -- I'm going through the
23 transcript where I specifically told Ms. Ramos
24 that she had to do the PIF seven days before the
25 hearing, where she had to submit documents and

1 witnesses.

2 And she specifically told me that
3 she -- I said you will have one hour to present
4 your case, and you'll be only allowed to call
5 five witnesses. And I specifically stated that
6 you had seven days before the hearing to do this.

7 And she also told me that she
8 understood what I stated, and she didn't have any
9 problems. She understood what I stated, and that
10 the documents were due five days before.

11 So, I'm not sure if you sent someone,
12 ma'am, to represent you. I'm not sure why it
13 seems that your agent did not provide to you what
14 was necessary.

15 All right, if you decide to call a
16 witness, and if the Protestant does not object to
17 your calling a witness because you did not submit
18 a PIF, we will try to see what can be done to get
19 an interpreter for your witness, ma'am.

20 But what we're going to do, the Board
21 is going to present its case, and once the Board
22 has presented its case, for us to call in our
23 investigator.

24 Once you decide to present your case,
25 and if you decide to call a witness, and if

1 there's no objection by the Protestant, then we
2 will address that issue at that time.

3 But we're going to move on because
4 you're the Licensee, you have specifically
5 informed the Agency that you do not require an
6 interpreter.

7 And so, because as the Licensee, you
8 specifically informed the Agency that you did not
9 require an interpreter, and before that you did
10 not inform the Agency through a PIF that you
11 would be calling a witness, and that this witness
12 will require an interpreter, so we're going to
13 move on.

14 So, we'll address that issue later on
15 in the hearing this morning, ma'am, if you decide
16 to call Ms. Ramos as a witness. Okay?

17 MS. NUNEZ: Mr. Anderson, I believe
18 there's a lot of mis-confusion and
19 misunderstanding by Ms. Ramos. Ms. Ramos
20 understood when she had the translator, and also
21 by an email that she received from the Board here
22 from ABRA, that she was under the impression that
23 she was going to bring a list to the hearing
24 today physically, of the witnesses that she had.
25 And she has the emails and the contact phone

1 number for those witnesses that she has.

2 She has five witnesses that she was
3 under the assumption that she was to bring that
4 to the hearing today.

5 CHAIRPERSON ANDERSON: But she did not
6 bring that to the hearing the last time though.
7 Well, I don't know if she did the last time, but
8 I can hear you, and I'm not sure if you could
9 hear me. We tried to get you on the call
10 virtually. We tried to get you on the telephone,
11 and neither worked.

12 So, the Board was never alerted that
13 you had even planned to call witnesses, because
14 you never filed a PIF for us to know that you
15 were planning to call witnesses the last time.

16 And I'm not sure -- did you hear
17 anything that was stated last week, ma'am?

18 MS. NUNEZ: The last?

19 CHAIRPERSON ANDERSON: I'm sorry, when
20 we had that last hearing that you were unable to
21 participate in. Did you hear anything that I
22 stated, ma'am?

23 MS. NUNEZ: The communication was so
24 poor and it was in and out. It's difficult for
25 me to acknowledge what transpired in that hearing

1 on the date that we had that miscommunication
2 with the microphone and with the camera that we,
3 myself -- I was very frustrated because I
4 couldn't connect and I was talking with the web
5 assistant, and there was a lot of back and forth.

6 So, no, I do not recall, Mr. Anderson.
7 With all due respect.

8 CHAIRPERSON ANDERSON: The
9 communication was not our part, ma'am. The
10 communication was on your part.

11 MS. NUNEZ: That's correct.

12 CHAIRPERSON ANDERSON: I do not
13 understand, ma'am, how is it that -- I understand
14 that you did not have a video. I can understand
15 if there was no video. I can understand that we
16 didn't have an Internet, and so we cannot get
17 through.

18 But I do not understand, ma'am, how
19 the communication could have been so poor that
20 you were unable to speak on the telephone. I
21 couldn't even hear you on the telephone.

22 And the telephone, ma'am, you don't
23 need Internet. And so, I don't understand why is
24 it where you were that day, that I could not even
25 have a telephone conversation with you, ma'am.

1 So, that's not on the part of the
2 Agency. If we're doing this hearing and someone
3 says to me that, you know, I don't understand how
4 to do virtual, or my Internet connection is poor,
5 so I will tell folks, turn your video off.

6 And we have had hearings where
7 witnesses testify on the telephone, because we've
8 never had -- at least I've never had -- a problem
9 listening to someone on the telephone.

10 But I do not understand, ma'am, where
11 I was unable to have a conversation with you even
12 on the telephone.

13 So, that one, I can't address that,
14 ma'am, if I was unable to speak to you on the
15 telephone. Because what I did was that I said,
16 can she call in? Let's do the call-in.

17 And I couldn't even have a
18 conversation with you on the telephone, ma'am.

19 MS. NUNEZ: Mr. Anderson, I apologize
20 for all that confusion. I am not computer-savvy.
21 And me personally myself, I don't know how to
22 connect to this hearings through video.

23 CHAIRPERSON ANDERSON: That's what I
24 said, ma'am. I've moved beyond the video.

25 MS. NUNEZ: It's very difficult

1 because -- hear me out, Mr. Anderson, please.
2 And I'm sorry to interrupt, to keep interrupting
3 you.

4 What I'm trying to say, that
5 particular day that we could not connect through
6 the video camera, I know there were so many
7 people, I didn't know who was who on the line or
8 the phone, up until today.

9 And the fact that Ms. Ramos was given
10 instruction on what to do on the prior hearing,
11 and she got all the information mixed up and she
12 did not bring the PIF to ABRA with the witnesses
13 that we were to have today, she was under the
14 assumption that she did everything correctly, and
15 that she was to bring that to the hearing today,
16 which is what she did.

17 She brought a list with emails and
18 phone numbers of who the witnesses are going to
19 be. So, she was under the assumption that she
20 was to bring that to the hearing today.

21 And she even received an email to
22 confirm that she was to bring that to ABRA. But
23 she was under the assumption that she was going
24 to bring it at the hearing date, not seven days
25 prior, like I'm hearing today.

1 CHAIRPERSON ANDERSON: Ma'am, I sorry,
2 I'm reading the transcript. That's why I went
3 back to the transcript.

4 We have a transcript of the status
5 hearing in April. You sent a representative to
6 represent you. I specifically gave the
7 instructions that were required. Okay?

8 I'm sorry, ma'am, but there's nothing
9 I can do at this juncture. I mean, I think the
10 issue that we're having right now is with the
11 translator.

12 And at this juncture, the
13 communication that you have had with the Agency,
14 is that you do not require a translator to move
15 forward with this hearing. That is what you told
16 us.

17 MS. NUNEZ: That's correct.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: And so,
20 therefore, we are moving forward with that. Once
21 it's time for you to present your case, if you
22 want to call a witness -- because I also stated
23 that the Board will, if the party, unless you can
24 show good cause why you did not do a PIF, the
25 Board will prohibit the introduction of witnesses

1 and documents.

2 So, when it's time for you to present
3 your case, if you want to call witnesses, then
4 we'll address that issue, and then we will figure
5 out where we're going to go from there.

6 But we're going to start this hearing.
7 Where we'll start is that we're going to do
8 opening statements, and so you have five minutes
9 to give an opening statement. Then the
10 Protestant will have five minutes to give an
11 opening statement.

12 And so, the opening statement's like,
13 why is it that we're here, and what is it that
14 you ask the Board to do.

15 So, we're going to do the opening
16 statements, then the Board will call its
17 witnesses, and then you will have an opportunity.
18 The Board will cross-examine its witnesses, and
19 then you'll have an opportunity to ask questions
20 of the witness. Okay?

21 MS. NUNEZ: Yes, sir. Thank you.

22 CHAIRPERSON ANDERSON: So, you can
23 give an opening statement, ma'am. I'm not sure
24 if you have watched any court cases on TV. An
25 opening statement is that you just talk about why

1 we're here and what is it that you're seeking
2 from the Agency today.

3 MS. NUNEZ: You want me to make my
4 opening statement right now?

5 CHAIRPERSON ANDERSON: Yes, ma'am.

6 MS. NUNEZ: Okay. I'm going to
7 introduce myself again. My name is Gladys Nunez,
8 and I represent the license for Buho's
9 Restaurant. I would like for the Board to renew
10 the liquor license for the business.

11 I have been a resident of the District
12 of Columbia for 50-plus years, and I have had
13 several restaurants in the Columbia Heights area.

14 I do believe that we provide
15 employment opportunity. We provide development,
16 and also with the culture, we have a lot to
17 provide and to give to the community.

18 And based on that, I would like the
19 opportunity for the people that are protesting
20 the liquor license, to come forward and explain
21 what is it that is being conducted at Buho that
22 is damaging the people that are protesting for
23 the liquor license.

24 What is it that we are doing wrong
25 that we can change, and that will make everyone

1 happy, in order to continue with the business?

2 Like I said, I've had several
3 restaurants in Columbia Heights, one in Spring
4 Road, one on Park Road, and one on Randolph, and
5 this one on Perry Place.

6 CHAIRPERSON ANDERSON: All right,
7 thank you. Who's going to do the opening?
8 Mr. Russell or Ms. Mai?

9 MS. MAI: Mr. Anderson, Jessica Mai
10 here. I'll be providing our opening statement
11 for the Board this morning.

12 CHAIRPERSON ANDERSON: Go ahead,
13 Ms. Mai.

14 MS. MAI: Great. Good morning,
15 everyone. This is Jessica Mai, and I'm providing
16 the opening statement on behalf of the
17 protestees.

18 We thank the ABCA Board and the staff
19 for their time, and request that the Board
20 establish enforceable action items outlined in
21 the letter we submitted twice to the Board with
22 our PIF, to ensure that Buho's Restaurant
23 operations cease to adversely affect our
24 community, before any license renewal can be
25 considered.

1 We understand that a preexisting
2 settlement agreement, order number 2017-066,
3 dated on 8 February 2017, with the same Licensee
4 present here today, has been actively ignored,
5 resulting in the continued disruption and
6 degradation of our community's quality of life,
7 despite the settlement agreement being
8 established.

9 Additionally, we understand that this
10 area is a mixed-use zone. However, this
11 establishment is the only tavern within the
12 surrounding area, that is located in the
13 immediate vicinity of multiple multi-unit
14 residential buildings, and additional measures
15 must be made to ensure our rights as residents to
16 a safe and peaceful community are established.

17 As communicated several times
18 previously throughout the few years, our primary
19 concerns orbit around the establishment's
20 disruptive indoor music and live events, several
21 nights a week, resulting in safety concerns and
22 noise that can be heard from both adjacent
23 residential properties, on multiple floors.

24 The establishment, despite multiple
25 visits and counseling by the ABRA Noise Task

1 Force investigators, continues to intentionally
2 disrupt our day-to-day well-being as residents,
3 with their activity.

4 And this activity by Buho's Restaurant
5 and, by association, the Licensee, often
6 continues past the establishment's publicly
7 posted operating hours.

8 We also highlight the intentional
9 neglect and failure of the building property
10 owner, the Licensee, who claims to be a
11 longstanding member of our community, to
12 effectively respond to our safety and well-being
13 concerns, which have also been directly
14 communicated to the Licensee and Buho's managers,
15 via MPD, the ABRA Noise Task Force investigators,
16 DCRA, and District Bridges.

17 Finally, to close the opening
18 statement, we look forward to working with the
19 Board and the establishment on a concrete,
20 actionable, and enforceable way to improve our
21 community's quality of life. That's all for me.

22 CHAIRPERSON ANDERSON: All right,
23 thank you. I just want to advise that this is a
24 protest hearing. So, one of the things I had
25 expressed during the status hearing, and during

1 this process after roll call, that the Agency
2 provided a mechanism for mediation where the
3 parties can sit and discuss and see if they can
4 settle this matter.

5 However, that was not successful in
6 that case. So the Board is now left with a
7 decision. And the decision the Board will make
8 at the end of this hearing is whether we're going
9 to renew this license without conditions and
10 whether -- or we're not going to renew it. I'm
11 not sure what the Protestant is asking for, or
12 the Protestant is asking us to renew the license,
13 but these are the conditions that they're asking,
14 that if the Board is going to renew the license,
15 these are the conditions that the Board should
16 impose on the license.

17 This is not a discussion. All right?
18 We're past the discussion stage. If the parties
19 believe that they want to settle this matter, or
20 it can be settled, I'll be willing to put the
21 settlement terms in a Board order.

22 But we're at a hearing. It's a
23 contested hearing. This is not a matter of we're
24 going to have conversations. So, the Licensee
25 has to give us reasons why we should renew the

1 license without conditions, without imposing
2 additional conditions, and the Protestants, if
3 they want conditions on the license, then they
4 need to give reasons through the testimony today,
5 why is it that the Board should impose conditions
6 on the license.

7 We're not having that discussion.
8 We're not having a conversation. We're past that
9 stage. You've had an opportunity to sit down and
10 hash this out between the parties, to find a
11 settlement agreement, and you did not do that.

12 So, because you were unable to come to
13 an agreement, the Board will now make the
14 decision. Based on what we hear today, the Board
15 will make a determination whether or not the
16 license is going to be renewed with conditions,
17 without conditions, or not renewed at all. Okay?

18 Does everyone understand the posture
19 of this case?

20 MS. MAI: Yes, Mr. Anderson.

21 MS. NUNEZ: Yes, Mr. Anderson, I
22 understand. And I also understand that with any
23 decision, and with all due respect to the Board,
24 we are providing employment opportunities here at
25 Buho's Restaurant.

1 And whatever decision the Board makes
2 is going to affect my employees.

3 CHAIRPERSON ANDERSON: You can build
4 a argument that you make when you present your
5 case. I'm just saying, procedurally, just
6 letting people know where we are.

7 The arguments that -- what you're
8 stating now, when you present your case you can
9 present whatever arguments you need. You can do
10 that, that's what -- but, I'm just saying, I just
11 want to clarify to the parties where we are.
12 Because I'm listening to the opening statements
13 --

14 (Simultaneous speaking.)

15 MS. NUNEZ: I do not disagree with --
16 Mr. Anderson -- with Mai. I believe that
17 everybody can come to an agreement where everyone
18 can work in the community together.

19 CHAIRPERSON ANDERSON: But, what I'm
20 saying, ma'am, this is -- both parties have had
21 an opportunity to sit down and try to resolve
22 this. And so, we're here today because the
23 parties haven't been able to resolve it. That's
24 all I'm trying to say to the parties.

25 So, this is not a -- we're having a

1 hearing, and you're going to put evidence and
2 you're going to testify, you're going to put -- I
3 assume you're going to put evidence, and you're
4 going to testify, and we're going to get the same
5 thing from the Protestant.

6 And based on what's presented today
7 the Board will make a decision. That's all I'm
8 saying, I'm not -- I'm just saying -- excuse me.
9 This is not a negotiation, we're no longer in
10 negotiation. If the parties believe that they --
11 say, for example, if you want to say, give us
12 half an hour, we believe that we can come up to
13 an agreement. I'm willing to entertain that, if
14 the parties want to talk.

15 If the parties want to call each other
16 and see if they can negotiate a settlement, I'm
17 in favor of doing that. So, we can pause this
18 for if the parties believe that they can discuss
19 settlement terms today. But, outside of that,
20 we're moving forward with the hearing.

21 So, that's -- I just want to clarify
22 the posture of the cases, and that's all I'm
23 doing, okay?

24 So, there's no agreement -- are there
25 agreements and the party can agree, and we can

1 say, okay, these are the agreements and the Board
2 will memorialize that in a Board Order. Do we
3 have that or do we not have that?

4 (No audible response.)

5 CHAIRPERSON ANDERSON: I guess since
6 I'm not hearing anything from anyone, I'm going
7 to move on with the hearing.

8 All right. The Board will call its
9 first witness, Mr. Mark Ruiz.

10 Mr. Ruiz, can you raise your right
11 hand, please? Do you swear or affirm to tell the
12 truth and nothing but the truth?

13 INVESTIGATOR RUIZ: I do.

14 CHAIRPERSON ANDERSON: Can you state
15 your name for the record, sir?

16 INVESTIGATOR RUIZ: Mark Ruiz.

17 CHAIRPERSON ANDERSON: Mr. Ruiz, where
18 are you currently employed, sir?

19 INVESTIGATOR RUIZ: The Alcoholic
20 Beverage and Cannabis Administration.

21 CHAIRPERSON ANDERSON: And how long
22 have you worked for the Agency, sir?

23 INVESTIGATOR RUIZ: Four years.

24 CHAIRPERSON ANDERSON: And what are
25 your duties and responsibilities?

1 INVESTIGATOR RUIZ: To inspect and
2 investigate alcoholic license establishments
3 located within the District of Columbia.

4 CHAIRPERSON ANDERSON: And are you
5 familiar with Buho's Restaurant, sir?

6 INVESTIGATOR RUIZ: Yes.

7 CHAIRPERSON ANDERSON: And how did you
8 become familiar with this restaurant -- with this
9 establishment?

10 INVESTIGATOR RUIZ: I was assigned a
11 protest investigation for this establishment, as
12 well as visited prior occasions.

13 CHAIRPERSON ANDERSON: Did there come
14 a time that you compiled a case report, sir?

15 INVESTIGATOR RUIZ: Yes.

16 CHAIRPERSON ANDERSON: Can you share
17 your screen -- that case report with us?

18 Mr. Orellana, can you please give Mr.
19 Ruiz the opportunity to share his screen, please?

20 Mr. Ruiz, can you identify the
21 document on the screen?

22 INVESTIGATOR RUIZ: This document is
23 a protest report for Nunez Property Management,
24 LLC, trading as Buho's Restaurant. Located at
25 3521 14 Street Northwest, with a license Class CT

1 for renewal.

2 CHAIRPERSON ANDERSON: Were you able
3 to speak to the parties in this case, sir?

4 INVESTIGATOR RUIZ: I was able to,
5 yes.

6 CHAIRPERSON ANDERSON: So, can you
7 just briefly summarize, who did you speak to --
8 from the Protestant side, who did you speak to,
9 and what is it that they had to say?

10 INVESTIGATOR RUIZ: I spoke with both,
11 Mark Russell and Jessica Mai as Protestant's
12 representatives. Both basically discussed the
13 noise coming from the establishment being
14 disruptive. As well as the level of intoxication
15 of the patrons exiting and entering the
16 establishment causing disturbances within their
17 neighborhood and with their buildings, in
18 addition to trash in the rear, as well.

19 And I also spoke with another
20 Protestant -- Ms. Lin Lawson -- who concurred
21 with the same statement, and added the issue with
22 intoxicated individuals parking on her street,
23 and causing loud music from the vehicles that she
24 believes comes from this establishment.

25 CHAIRPERSON ANDERSON: All right. So,

1 who did you speak to, as far as the Applicant?

2 INVESTIGATOR RUIZ: For the Applicant
3 side, I spoke with Ms. Elvira Ramos and Fernando
4 Santos due to Ms. Nunez's absence, she was unable
5 to communicate with me. Ms. Ramos and Mr. Santos
6 own the business and run the operations of the
7 business.

8 CHAIRPERSON ANDERSON: And what
9 information were you able to gather from them?

10 INVESTIGATOR RUIZ: After discussing
11 with the Protestant's issues were raised, they
12 responded basically of this disagreement, dispute
13 originating from a tree in the rear that they
14 could not take down, although it was agreed to be
15 removed.

16 And they believe, ever since then
17 complaints have come from the neighbors, more or
18 less with the intention to go out of business and
19 close the -- from that neighborhood.

20 CHAIRPERSON ANDERSON: So, tell me a
21 little bit about the neighborhood where this
22 establishment is located.

23 INVESTIGATOR RUIZ: This establishment
24 is along the 14 Street corridor Northwest, it's
25 located in a multi-use zone for mixed

1 developments, and broad range of commercial
2 institution, and multiple dwelling units.

3 On this particular block, there are
4 several condo buildings that surround this
5 establishment. This establishment is the only
6 ABC licensed establishment on that block, with a
7 few other establishments located just down the
8 street.

9 It's a commercial corridor with mix-
10 use apartment buildings, and residential
11 neighborhoods located behind the establishment,
12 as well.

13 CHAIRPERSON ANDERSON: Do you think
14 this is the only alcohol licensed establishment
15 on this block?

16 INVESTIGATOR RUIZ: This particular
17 block, yes. The next block starts where most of
18 our ABC establishments are concentrated.

19 CHAIRPERSON ANDERSON: So,
20 approximately how many establishments that you
21 have within the range --

22 INVESTIGATOR RUIZ: Within the 1,200
23 feet radius, our GIS system returned 23
24 establishments that are licensed within that
25 area. Twenty-three establishments licensed with

1 that area, that'd also include entertainment
2 endorsements as well.

3 CHAIRPERSON ANDERSON: All right. Go
4 ahead, please. Move along in your report, I'm
5 looking (audio interference).

6 INVESTIGATOR RUIZ: A GIS search was
7 also included for any schools, libraries,
8 recreation centers, or daycare centers in which
9 none were identified within 400 feet of the
10 establishment.

11 The area immediately surrounding,
12 located at 3521 14 Street, again, is a mix
13 commercial establishments and residential
14 buildings, and is bounded by the 14 and Parkway
15 Place Northwest Streets.

16 CHAIRPERSON ANDERSON: What are the
17 hours that are listed on the placard?

18 INVESTIGATOR RUIZ: Their current
19 hours of operation are from 7:00 a.m. to 3:00
20 a.m., the hours of sells 8:00 a.m. to 2:00 a.m.,
21 Sunday through Thursday until 3:00 a.m. Friday
22 and Saturday. Additionally, they also have
23 entertainment hours on Sunday from 7:00 p.m. to
24 11:00 p.m., and Thursday from 7:00 p.m. to 2:00
25 a.m., and Friday and Saturday from 7:00 p.m. to

1 2:45 a.m.

2 CHAIRPERSON ANDERSON: All right. So,
3 during your investigation, were there any visits
4 by other investigators? And can you tell us how
5 many visits, and what occurred on each visit?

6 INVESTIGATOR RUIZ: Yes, a total of
7 nine visits for me to the establishment. I'd
8 just like to make a correction, where the report
9 states three between March 9 and March 14, the
10 correct times is, nine times between April 7,
11 2023 and April 30, 2023.

12 I myself have visited the
13 establishment eight of those times during that
14 period. During my visits no ABC -- a ABC manager
15 was not available, which they received a warning.

16 I also was able to, during the visits,
17 abled by the Protestants in order to understand
18 the disturbance that they were experiencing,
19 requested to enter their apartments to listen to
20 the noise on three occasions, between 3519 14
21 Street and 3523 14 Street Northwest.

22 During those times, the noise that I
23 was able to hear was very minimal, almost faint -
24 - I had to concentrate enough to actually listen
25 to it. And then --

1 CHAIRPERSON ANDERSON: So, let me ask
2 a question, Mr. -- so, how did you arrange with
3 the Protestants to go into their apartments?
4 Were these pre-planned visits, or were these --
5 tell me a little bit more about -- you said that
6 at least three times you went to visit, you were
7 able to go into the Protestant's apartment to try
8 to see if you can substantiate the noise.

9 So, explain to me how did that occur,
10 and when did you go, and what occurred during
11 each visit.

12 INVESTIGATOR RUIZ: So, during their
13 initial conversations I asked that, any
14 Protestant that wanted me to listen to the volume
15 of the noise coming from the establishment -- to
16 be able to document that for the investigation,
17 to understand what the level disruptances [sic]
18 they were -- it was planned for when the noise
19 was heard, that they heard the noise in the
20 apartment. And then, we scheduled a time to go
21 out there and meet with them.

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: So, tell me
24 about the -- so, when was the first visit, and
25 tell me specifically, when was the first visit,

1 what time, and what did you hear?

2 INVESTIGATOR RUIZ: So, the first
3 visit occurred on Saturday April 15, 2023 between
4 10:45 p.m. and 11:50 p.m. I was first contacted
5 by Ms. Kiara Earle who resides in the 3519 14
6 Street building, adjacent with the
7 establishment's second level. The noise could be
8 heard, the noise was faint during that time --

9 CHAIRPERSON ANDERSON: What do you
10 mean by -- I guess, what do you mean, the noise
11 was faint? Tell me what that --

12 (Simultaneous speaking.)

13 INVESTIGATOR RUIZ: So, it was tough
14 to -- I mean, you could hear some kind of sound
15 possibly coming from the bass vibration by the
16 wall. Other than that, I couldn't make out
17 exactly what the music was playing or what not,
18 it was just very -- almost very distant. So, you
19 can hear some kind of noise but not tell what
20 exactly it was.

21 CHAIRPERSON ANDERSON: In that visit
22 was a noise violation substantiated?

23 INVESTIGATOR RUIZ: No, there was not.
24 With the buildings being located in a multi-use
25 zone, we're unable substantiate any noise

1 violations from those premises.

2 CHAIRPERSON ANDERSON: All right.

3 What was the next time you went into the
4 Protestants apartment, when was that?

5 INVESTIGATOR RUIZ: So, shortly after
6 that I also went Mr. Russell's apartment in the
7 3523 building, which his apartment is adjacent to
8 the first level of the establishment. And again,
9 very minimal sound possibly coming from the bass
10 of the establishment, but very minimal.

11 CHAIRPERSON ANDERSON: So, also on
12 this occasion, was the Agency able to sustain a
13 noise complaint and an ABRA violation?

14 INVESTIGATOR RUIZ: No, we were not.
15 Again, the building is a multi-use zoned
16 building.

17 CHAIRPERSON ANDERSON: You keep on
18 saying it's a building for multi-use. Explain to
19 me, why is that relevant? Why do you keep on --
20 yeah, why is that relevant, or is that --

21 INVESTIGATOR RUIZ: Because it's
22 considered a commercial dwelling, and our
23 regulations only allow us to substantiate noise
24 violations from a residential zoned premises.

25 CHAIRPERSON ANDERSON: Explain that

1 one more time, sir, I didn't quite understand.
2 Please.

3 INVESTIGATOR RUIZ: So, our
4 regulations require us to be able to substantiate
5 a violation from a premises if it is zoned
6 residential, not commercial. Commercial is part
7 of a multi-use zone.

8 CHAIRPERSON ANDERSON: And this area
9 is zoned what?

10 INVESTIGATOR RUIZ: Multi-use for.

11 CHAIRPERSON ANDERSON: All right.

12 When, again, did you enter the Protestant's --
13 any of the Protestant's apartments for noise
14 violation?

15 INVESTIGATOR RUIZ: We were contacted
16 on Sunday, April 16, 2023, again, to Mr.
17 Russell's apartment with a complaint of the
18 noise. Upon my arrival he stated that it was
19 turned down, and it was no longer heard. And I
20 did verify that it was no longer heard.

21 CHAIRPERSON ANDERSON: Did the
22 Licensee know that you were appearing that day?

23 INVESTIGATOR RUIZ: Not prior to the
24 fact. Each day I did visit the establishment
25 afterwards, to assess the level of noise coming

1 inside the establishment, and to notify them of
2 the noise complaint.

3 Yeah, so they were notified after my
4 visits.

5 CHAIRPERSON ANDERSON: But, I see --
6 the reason I'm asking the question is because you
7 said that Mr. Russell's statement, it was turned
8 down 50 percent. What does that mean, though?

9 INVESTIGATOR RUIZ: It means prior to
10 my arrival the music was lowered, and I couldn't
11 hear it. So, I don't know if it was an issue,
12 whether the DJ that was playing stopped playing -
13 - usually with DJ noise, that amplifies the
14 music, which is a possibility because it's around
15 11:00 p.m. and that is when the DJ hours should
16 be stopped.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. So, any of the visits that were made by
19 either, yourself or another investigator, that
20 any other violations were evident?

21 INVESTIGATOR RUIZ: No. All the other
22 visits did not result in any ABRA -- ABCA
23 violations, from those visits.

24 CHAIRPERSON ANDERSON: Now, what about
25 calls for service, were you able to gather any

1 information regarding calls for service regarding
2 noise complaints?

3 INVESTIGATOR RUIZ: Yeah. So, I was
4 able to obtain the calls for service from the
5 Office of Unified Communications for the District
6 of Columbia, for a period between April 7, 2022
7 and April 7, 2023. Which, after review of those
8 documents, no ABCA violations were substantiated
9 through any of the identified incidents.

10 But, I was able to observe a note that
11 the establishment did receive 136 noise
12 complaints.

13 CHAIRPERSON ANDERSON: All right.
14 Now, are there any exhibits to your report?

15 INVESTIGATOR RUIZ: Yes.

16 CHAIRPERSON ANDERSON: And what are
17 these exhibits?

18 INVESTIGATOR RUIZ: Exhibit Number One
19 is a copy of the Protestant Letter containing the
20 issues that they are having with the
21 establishment.

22 (Whereupon, the above-referred to
23 document was marked as Hearing Exhibit No. 1 for
24 identification.)

25 INVESTIGATOR RUIZ: Exhibit Number Two

1 is actually a video file. This was a video
2 provided by the establishment of them installing
3 soundproofing, of the measures that they were
4 taken to assist with any noise issues.

5 (Whereupon, the above-referred to
6 document was marked as Hearing Exhibit No. 2 for
7 identification.)

8 INVESTIGATOR RUIZ: Exhibit Number
9 Three is a photo provided by the establishment of
10 them installing soundproofing on the second
11 level, that abuts 3519 Northwest -- 14 Street
12 Northwest.

13 (Whereupon, the above-referred to
14 document was marked as Hearing Exhibit No. 3 for
15 identification.)

16 INVESTIGATOR RUIZ: Exhibit Number
17 Four is a D.C. zoning map that identifies the
18 zoning for that area in that location.

19 (Whereupon, the above-referred to
20 document was marked as Hearing Exhibit No. 4 for
21 identification.)

22 INVESTIGATOR RUIZ: Exhibit Number
23 Five is the 1,200 foot ABC establishment's GIS
24 map that was provided.

25 (Whereupon, the above-referred to

1 document was marked as Hearing Exhibit No. 5 for
2 identification.)

3 INVESTIGATOR RUIZ: Exhibit Number Six
4 and Exhibit Number Seven are alternative use,
5 with a zoomed in -- or cluster of ABC -- to
6 identify clusters of ABC establishment.

7 (Whereupon, the above-referred to
8 documents were marked as Hearing Exhibit No. 6
9 and 7 for identification.)

10 INVESTIGATOR RUIZ: Exhibit Number
11 Eight is a 400 foot GIS map for any schools, rec
12 centers, libraries.

13 (Whereupon, the above-referred to
14 document was marked as Hearing Exhibit No. 8 for
15 identification.)

16 INVESTIGATOR RUIZ: Exhibit Number
17 Nine is a photo to the left of the establishment,
18 these are neighboring condo buildings as well as
19 non-ABC commercial establishments, towards the
20 end of the block.

21 (Whereupon, the above-referred to
22 document was marked as Hearing Exhibit No. 9 for
23 identification.)

24 INVESTIGATOR RUIZ: Exhibit Number One
25 is a view from the establishment, across the

1 street, northbound --

2 CHAIRPERSON ANDERSON: Is it number
3 one or number 11? What exhibit --

4 INVESTIGATOR RUIZ: Oh, I'm sorry.
5 This would be Number 10, my apologies.

6 Exhibit Number 10 is from the
7 establishment across the street, going northbound
8 to 14 Street, of commercial establishments.

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

12 INVESTIGATOR RUIZ: Exhibit Number 11
13 is a southbound of 14 Street from in front of the
14 establishment, includes the residential building
15 and commercial establishments.

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

19 INVESTIGATOR RUIZ: And then, directly
20 across the street from the establishment, which
21 is a gas station, for Exhibit Number 12.

22 (Whereupon, the above-referred to
23 document was marked as Hearing Exhibit No. 12 for
24 identification.)

25 INVESTIGATOR RUIZ: Exhibit Number 13

1 is photograph of the establishment, located with
2 the orange and black District of Columbia flag
3 decoration -- with 3523 being to your left and
4 3519 being to your right of the condo buildings.

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

8 INVESTIGATOR RUIZ: Exhibit Number 14
9 is a photo of the first level as you enter the
10 establishment, with the bar to the right.

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

14 INVESTIGATOR RUIZ: Exhibit Number 15
15 is a photo of the bar area.

16 (Whereupon, the above-referred to
17 document was marked as Hearing Exhibit No. 15 for
18 identification.)

19 INVESTIGATOR RUIZ: Exhibit Number 16
20 is the rear of the first-floor area that leads to
21 the kitchen.

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

25 INVESTIGATOR RUIZ: Exhibit Number 17

1 is a behind the bar photo, with the large speaker
2 that was being utilized during the complaints.

3 (Whereupon, the above-referred to
4 document was marked as Hearing Exhibit No. 17 for
5 identification.)

6 INVESTIGATOR RUIZ: Exhibit Number 18
7 is a second-floor area.

8 (Whereupon, the above-referred to
9 document was marked as Hearing Exhibit No. 18 for
10 identification.)

11 INVESTIGATOR RUIZ: Exhibit Number 19
12 is another view from the second floor of the
13 establishment.

14 (Whereupon, the above-referred to
15 document was marked as Hearing Exhibit No. 19 for
16 identification.)

17 INVESTIGATOR RUIZ: Exhibit Number 20
18 is another view of the second floor of the
19 establishment, as well as Exhibit Number 21,
20 second floor of the establishment.

21 (Whereupon, the above-referred to
22 documents were marked as Hearing Exhibit No. 20
23 and 21 for identification.)

24 INVESTIGATOR RUIZ: Exhibit Number 22
25 shows the kitchen area.

1 (Whereupon, the above-referred to
2 document was marked as Hearing Exhibit No. 22 for
3 identification.)

4 INVESTIGATOR RUIZ: Exhibit Number 23,
5 additional kitchen area.

6 (Whereupon, the above-referred to
7 document was marked as Hearing Exhibit No. 23 for
8 identification.)

9 INVESTIGATOR RUIZ: Exhibit Number 24,
10 kitchen and storage area off from the kitchen.

11 (Whereupon, the above-referred to
12 document was marked as Hearing Exhibit No. 24 for
13 identification.)

14 INVESTIGATOR RUIZ: Exhibit Number 25
15 is additional storage area.

16 (Whereupon, the above-referred to
17 document was marked as Hearing Exhibit No. 25 for
18 identification.)

19 INVESTIGATOR RUIZ: Exhibit Number 26
20 is another storage area.

21 (Whereupon, the above-referred to
22 document was marked as Hearing Exhibit No. 26 for
23 identification.)

24 INVESTIGATOR RUIZ: Exhibit Number 27
25 is the rear of the kitchen area that leads to the

1 rear of the property.

2 (Whereupon, the above-referred to
3 document was marked as Hearing Exhibit No. 27 for
4 identification.)

5 INVESTIGATOR RUIZ: Exhibit Number 28
6 is a photo of the trash area that is located
7 directly behind the establishment.

8 (Whereupon, the above-referred to
9 document was marked as Hearing Exhibit No. 28 for
10 identification.)

11 INVESTIGATOR RUIZ: Exhibit Number 29
12 is additional expanded view of the trash area of
13 the rear of the property.

14 (Whereupon, the above-referred to
15 document was marked as Hearing Exhibit No. 29 for
16 identification.)

17 INVESTIGATOR RUIZ: Exhibit Number 30
18 will be the calls for service that were provided
19 it by the Office of Unified Communications.

20 (Whereupon, the above-referred to
21 document was marked as Hearing Exhibit No. 30 for
22 identification.)

23 INVESTIGATOR RUIZ: Exhibit Number 31
24 is a copy of the settlement agreement that's
25 currently with the establishment.

1 (Whereupon, the above-referred to
2 document was marked as Hearing Exhibit No. 31 for
3 identification.)

4 INVESTIGATOR RUIZ: Exhibit Number 32
5 would be a video file.

6 (Whereupon, the above-referred to
7 document was marked as Hearing Exhibit No. 32 for
8 identification.)

9 CHAIRPERSON ANDERSON: What's that
10 video file?

11 INVESTIGATOR RUIZ: Thirty-two is a
12 video file that includes one of the management
13 members -- Mr. Santos -- in front of the
14 establishment, displaying intoxicated behavior
15 and falling over.

16 Exhibit Number 33 is a video of a
17 patron urinating on 3519 property, appeared to
18 come from Buho's Restaurant.

19 (Whereupon, the above-referred to
20 document was marked as Hearing Exhibit No. 33 for
21 identification.)

22 INVESTIGATOR RUIZ: Exhibit Number 34
23 is another video file of a early morning trash
24 pickup

25 (Whereupon, the above-referred to

1 document was marked as Hearing Exhibit No. 34 for
2 identification.)

3 INVESTIGATOR RUIZ: Exhibit Number 35
4 is a video from March 18, during the
5 establishment's closing time.

6 (Whereupon, the above-referred to
7 document was marked as Hearing Exhibit No. 35 for
8 identification.)

9 INVESTIGATOR RUIZ: Exhibit Number 36
10 is a video of March 24, 2023's closing time, and
11 Exhibit Number 37 is a video April 1 closing
12 time.

13 (Whereupon, the above-referred to
14 documents were marked as Hearing Exhibit No. 36
15 and 37 for identification.)

16 INVESTIGATOR RUIZ: And that's
17 complete of the exhibits available.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you, sir. You can close your screen now.

20 Any questions by any Board members?

21 (No audible response.)

22 CHAIRPERSON ANDERSON: Go ahead, Mr.
23 Short.

24 MEMBER SHORT: Thank you, Mr. Chair.
25 Good afternoon, Investigator Ruiz.

1 INVESTIGATOR RUIZ: Good afternoon,
2 Mr. Short.

3 MEMBER SHORT: Will you pull up from
4 your report Exhibit 27 again, please?

5 INVESTIGATOR RUIZ: Yes. Exhibit
6 Number 27, yes -- oh, I'm sorry, that's page
7 seven. Twenty-five, 26, 27.

8 MEMBER SHORT: Okay. So, is that a
9 rear exit door?

10 INVESTIGATOR RUIZ: That is.

11 MEMBER SHORT: So, is that the way
12 patrons would have to leave there if there was
13 something that happened on the 14 entrance side?

14 INVESTIGATOR RUIZ: If there was an
15 emergency and they had to exit, yes, that would
16 be the way to get out of the building through the
17 rear.

18 MEMBER SHORT: So, am I seeing
19 something directly in front of that door? And
20 can you tell me, if I do, what is that?

21 INVESTIGATOR RUIZ: Those are some
22 kind of cans. Yeah, some kind of possibly trash
23 or recycle cans from inside.

24 MEMBER SHORT: Was the club open, or
25 was the restaurant open when these pictures were

1 taken?

2 INVESTIGATOR RUIZ: No, they were
3 closed for business at that time.

4 MEMBER SHORT: Have you ever been into
5 the restaurant when they were open?

6 INVESTIGATOR RUIZ: I have.

7 MEMBER SHORT: Did you happen to go
8 back in this area or see anything in the rear of
9 the area of the restaurant?

10 INVESTIGATOR RUIZ: Yeah, I've made
11 multiple trips back and forth through the rear,
12 yes. And no, I haven't seen this area blocked up
13 like this before.

14 MEMBER SHORT: Did you take this
15 picture?

16 INVESTIGATOR RUIZ: I took this
17 picture, yes.

18 MEMBER SHORT: Okay. Also, you said
19 that you visited a residence and you heard faint
20 noise inside, correct?

21 INVESTIGATOR RUIZ: Yes.

22 MEMBER SHORT: And according to our
23 code, Section 25-725, you said you heard a faint
24 noise inside -- faint, correct?

25 INVESTIGATOR RUIZ: Yes.

1 MEMBER SHORT: But, you also testified
2 that, if it's residential -- or, if it's not
3 residential, then it doesn't matter whether it
4 was faint or not. Is that correct?

5 INVESTIGATOR RUIZ: Correct.

6 MEMBER SHORT: All right. Mr. Ruiz,
7 we've established that this is a multi-use zone,
8 and that you had nine -- there were nine visits,
9 of which you did eight?

10 INVESTIGATOR RUIZ: Correct.

11 MEMBER SHORT: And on those eight
12 visits did you ever observe any violations of
13 ABRA codes, or ARCA codes?

14 INVESTIGATOR RUIZ: No.

15 MEMBER SHORT: All right.

16 (Simultaneous speaking.)

17 INVESTIGATOR RUIZ: No, sir.

18 MEMBER SHORT: My last question is, on
19 14 Street itself you showed us several pictures.
20 You showed the gas station directly across the
21 street, and then I guess about half a block down
22 from that is a fire station. Were you aware of
23 that?

24 INVESTIGATOR RUIZ: Yes.

25 MEMBER SHORT: So, it can be kind of

1 noisy in the neighborhood with a fire station on
2 14 Street, would that be correct to say?

3 INVESTIGATOR RUIZ: That would be
4 expected, yes.

5 MEMBER SHORT: Okay. Saturday, April
6 16, you made some testimony about someone
7 visiting a residence on that date. Were you
8 there on that particular date?

9 INVESTIGATOR RUIZ: Yes, I was. I did
10 make that visit, yes.

11 MEMBER SHORT: And just for the
12 record, again, will you tell us exactly what you
13 observed or what you heard on Saturday, April 16?

14 INVESTIGATOR RUIZ: I'm sorry, let me
15 just refer back to that to make sure. April 16,
16 yeah. So, Mr. Russell contacted for a noise
17 complaint, stating that he heard loud bass coming
18 from the establishment through his wall. At
19 which I then responded to his apartment to
20 understand what he was hearing.

21 Upon my arrival, as he stated that he
22 could no longer hear the noise, as well as I
23 could not hear the noise, as well.

24 MEMBER SHORT: Okay. Now --

25 INVESTIGATOR RUIZ: And then I did

1 enter -- after that I did go to the establishment
2 to notify them of the complaint, and on the
3 interior of the establishment I was able to hear
4 minimal music, bass-free, at a conversational
5 level.

6 MEMBER SHORT: And then, last -- my
7 last question would be, will you please state
8 again the hours of operations where they can sell
9 alcohol when the restaurant is open?

10 INVESTIGATOR RUIZ: Right. So, for
11 the sell of alcohol, it's 8 a.m. to 2:00 a.m. on
12 Sundays through Thursday, and 8:00 a.m. to 3:00
13 a.m. on Fridays and Saturdays.

14 MEMBER SHORT: Thank you very much for
15 your testimony, and thank you for a excellent
16 report, Investigative Ruiz.

17 Thank you. That's all I have, Mr.
18 Chair.

19 INVESTIGATOR RUIZ: Thank you, Mr.
20 Short.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Short.

23 Any other questions by any of the
24 Board members?

25 MEMBER GRANDIS: May I comment?

1 CHAIRPERSON ANDERSON: Yes, Mr.
2 Grandis.

3 MEMBER GRANDIS: Well, thank you.
4 Investigator, thank you for your
5 presentation and your report today.

6 But our questions, under Paragraph C,
7 it says, Licensee interview.

8 Did you actually interview the
9 Licensee during this period?

10 INVESTIGATOR RUIZ: I wasn't able to.
11 I interviewed their representative.

12 MEMBER GRANDIS: So, under Licensee
13 interview, there was no -- during this period,
14 you did not interview the Licensee at all?

15 So, you mentioned that there's a Mr.
16 Santos and Ms. Ramos that you met when you went
17 to the establishment.

18 Did either one of them present a
19 manager's license to you?

20 INVESTIGATOR RUIZ: Yes, Ms. Elvira
21 Janet Ramos, she is the ABC manager.

22 MEMBER GRANDIS: Ms. Ramos is an ABC
23 manager?

24 INVESTIGATOR RUIZ: That's correct.

25 MEMBER GRANDIS: Mr. Santos?

1 INVESTIGATOR RUIZ: He is not.

2 MEMBER GRANDIS: So, is the -- is it
3 your understanding that the license is actually
4 owned by an individual and not an entity like an
5 LLC or a corp., just so I can understand what the
6 true ownership is?

7 INVESTIGATOR RUIZ: I understand the
8 license to be owned by Gladys Nunez and Francisco
9 Nunez under the -- with the LLC.

10 MEMBER GRANDIS: But --

11 INVESTIGATOR RUIZ: They are listed as
12 the owners.

13 MEMBER GRANDIS: Along with the LLC or
14 are they individually listed as the owners?

15 INVESTIGATOR RUIZ: They're
16 individually listed.

17 MEMBER GRANDIS: So, it's your
18 understanding that there is more than one owner
19 of this establishment?

20 CHAIRPERSON ANDERSON: Mr. Grandis,
21 there's only one owner of this establishment. We
22 have established that at the beginning.

23 MEMBER GRANDIS: I think Mr. Ruiz --
24 Investigator Ruiz, I think, is saying he -- on
25 this, there are two owners.

1 CHAIRPERSON ANDERSON: It's -- all
2 right, I'm sorry, go ahead.

3 MEMBER GRANDIS: Investigator Ruiz?

4 INVESTIGATOR RUIZ: Yes?

5 MEMBER GRANDIS: Am I incorrect? I
6 thought from reading your report that you were
7 made under the impression that there were more
8 than one owner of the establishment.

9 CHAIRPERSON ANDERSON: Are we talking
10 about the establishment or the license? It's two
11 different -- remember, in this particular case,
12 there is the license owner and then, there's a
13 different person who runs the restaurant.

14 MEMBER GRANDIS: I'm reading the
15 report and the report, at least from my reading,
16 it says that, the ownership is with Mr. Santos as
17 well?

18 INVESTIGATOR RUIZ: No, Ms. Ramos and
19 Mr. Santos own the business. Ms. Gladys Nunez is
20 who -- a licensed owner who submitted that
21 application.

22 MEMBER GRANDIS: Well, thank you for
23 that, thank you.

24 INVESTIGATOR RUIZ: You're welcome.

25 MEMBER GRANDIS: Thank you, Mr.

1 Chairman.

2 CHAIRPERSON ANDERSON: Any other
3 questions by any other Board members?

4 (No audible response.)

5 CHAIRPERSON ANDERSON: Mr. Ruiz, I'm
6 sorry, who did you speak to again as part of the
7 investigation? Who did you speak to?

8 INVESTIGATOR RUIZ: I spoke with
9 Elvira Ramos and Mr. Fernando Santos who run the
10 business on the applicant side.

11 CHAIRPERSON ANDERSON: All right, so,
12 when you went there, you spoke to -- how do you
13 know that they ran the business?

14 INVESTIGATOR RUIZ: They told me.

15 CHAIRPERSON ANDERSON: And what
16 language did you use to -- what language did you
17 use to speak to the folks who ran the business?

18 INVESTIGATOR RUIZ: English.

19 CHAIRPERSON ANDERSON: All right.

20 Ms. Nunez, do you have any questions
21 you want to ask Mr. Ruiz about his testimony?

22 MS. NUNEZ: No, I don't have any
23 questions. I believe that I'm on board with the
24 presentation that he made because we have been --

25 CHAIRPERSON ANDERSON: Ma'am, ma'am,

1 ma'am, you can't -- this is not the time for
2 explanations.

3 If you have a question, you ask a
4 question. If you don't have any questions, you
5 have no questions with his presentation.

6 CROSS EXAMINATION

7 BY MS. NUNEZ:

8 Q Okay. The questions that I have for
9 Mr. Ruiz, having 23 establishments that have
10 liquor license in the area, how can anyone
11 determine who is urinating in the streets and
12 where that patron is coming out of?

13 A During my review of the video, the
14 patron who -- or the individual observed is
15 observed going back to Buho's. So, they've had
16 to enter your front patio area and were going
17 towards the front of the building.

18 MS. NUNEZ: The reasons that I ask
19 that question, because in that particular area,
20 you would have patrons who would walk from one
21 establishment to the other. And sometimes, they
22 go to one establishment, get intoxicated at that
23 establishment, and they won't serve them any
24 alcohol.

25 So, they cross the street to go to a

1 different establishment to order alcohol.

2 It is very difficult to determine
3 where they're coming from and when they urinate
4 in the street, why they urinate in the street
5 when we have provided for the customers, the
6 patrons, two bathrooms within the establishment.

7 CHAIRPERSON ANDERSON: Are you asking
8 a -- are you asking Mr. Ruiz a question?

9 MS. NUNEZ: Yes, I am, I am.

10 CHAIRPERSON ANDERSON: Are you able to
11 answer the question, sir?

12 INVESTIGATOR RUIZ: What is the
13 question?

14 MS. NUNEZ: The question is, with the
15 patrons that do business in that area, they walk
16 from one establishment to the other, they walk --
17 they're so close to one another that they walk to
18 each establishment.

19 And sometimes, when they are denied
20 service in one establishment because they're
21 intoxicated, they will cross to the other
22 establishment to see if they can order alcohol.

23 How can you determine where they're
24 coming from?

25 INVESTIGATOR RUIZ: Just from the

1 direction that the individual was coming from on
2 the video.

3 I recall at the beginning, maybe,
4 perhaps, I would have to re-review the video in
5 the beginning to see where he came from again.

6 BY MS. NUNEZ:

7 Q My next question, with the 136
8 complaints that you received about the noise,
9 where exactly is the complainer complaining that
10 the noise is coming from?

11 A Those particular complaints are from
12 the Office of Unified Communications. We did not
13 response to all of those.

14 We, at the agency, received 58
15 complaints. During those complaints, it has said
16 the noise is coming from the establishment.

17 Q That's not possible. When these new
18 buildings were built around the establishment,
19 the establishment has been there for years, since
20 the 90s. The establishment has been there with
21 the liquor license.

22 The new buildings, they're supposed to
23 be building them up to code, but they're not
24 soundproof. They're not noise proof.

25 We have endured the --

1 CHAIRPERSON ANDERSON: Ma'am, you have
2 to ask him a question. You're more so -- I'm not
3 trying to interrupt, but I need you to ask him a
4 question. I'm not necessarily saying -- you can
5 give that during your testimony.

6 Now you're asking him questions.
7 Please ask him a direct question.

8 MS. NUNEZ: I'm now --

9 CHAIRPERSON ANDERSON: I'm sorry,
10 ma'am. I'm not trying to cut you off, I just
11 want to make sure you're asking him questions and
12 not testifying. You'll get an opportunity to do
13 that.

14 I can't hear you, ma'am. What
15 happened? Something happened to your -- I can't
16 hear you.

17 Hold on, hold on. Something is going
18 on with her sound.

19 Speak again, Ms. Nunez.

20 MS. NUNEZ: My question for Mr. Ruiz,
21 how --

22 CHAIRPERSON ANDERSON: Is it -- hold
23 on. Can folks hear her or is it just me not
24 hearing?

25 INVESTIGATOR RUIZ: I have a -- it's

1 really hard.

2 CHAIRPERSON ANDERSON: All right, Ms.
3 Nunez, something is going on with your volume.

4 MS. NUNEZ: Let me get help, hold on.

5 CHAIRPERSON ANDERSON: Yes, we can
6 hear you now.

7 INVESTIGATOR RUIZ: There you go,
8 there you go.

9 CHAIRPERSON ANDERSON: Go ahead,
10 ma'am.

11 MS. NUNEZ: Mr. Ruiz, how can you
12 determine where the noise is coming from when you
13 have 23 establishments in the area and it's a
14 mixed use neighborhood where you have residential
15 and commercial establishments?

16 There's 23 liquor licenses in that
17 vicinity.

18 INVESTIGATOR RUIZ: I understand.

19 MS. NUNEZ: Very close to one another.

20 INVESTIGATOR RUIZ: The closest
21 establishment to your establishment is across the
22 street at the end of the block.

23 The noise being supposedly heard is
24 coming through the wall of your establishment.
25 And your establishment is the only establishment

1 within those couple of buildings right there.

2 BY MS. NUNEZ:

3 Q But we soundproofed the walls after
4 the fact to be able to mitigate the noise.

5 A What's your question?

6 Q Is the sound still going through the
7 wall after the walls were soundproofed? That's
8 my question.

9 A The complainants state that there's
10 noise coming through the wall and I heard very
11 little noise.

12 MS. NUNEZ: It's not possible if you
13 soundproof a wall to hear noise through the wall
14 once the wall has been soundproofed.

15 CHAIRPERSON ANDERSON: Ma'am, ma'am --

16 MS. NUNEZ: Is it?

17 CHAIRPERSON ANDERSON: Can you answer
18 the question? Are you able to answer the
19 question, sir?

20 INVESTIGATOR RUIZ: I believe I
21 answered it. I mean, noise will -- there was
22 some sort of noise heard through the wall from
23 where the establishment is located.

24 MS. NUNEZ: Was that music, Mr. Ruiz?

25 INVESTIGATOR RUIZ: Sounded like

1 music, but I couldn't tell you what was playing
2 at the time.

3 BY MS. NUNEZ:

4 Q Could she hear individuals talk on the
5 other side?

6 A No.

7 Q Can you hear them make any sort of
8 noise? Loud noise?

9 A I could not.

10 Q Do you think it would disrupt the
11 neighbors, the noise that you hear, would disrupt
12 the neighbors? It was out of context?

13 A I can't say what would disrupt the
14 neighbors, no.

15 Q Thank you, Mr. Ruiz.

16 A You're welcome.

17 MS. NUNEZ: That's all.

18 CHAIRPERSON ANDERSON: All right.

19 Who is going to cross examine the
20 witness? Is that you, Ms. Mai or Mr. Russell,
21 who is going to cross examine the witness? Has
22 to be one person, who is going to do it?

23 There's a process that's been
24 established. Do you have any questions for the
25 witness?

1 MS. MAI: Yes, I will go ahead and
2 provide some questions to the witness.

3 CHAIRPERSON ANDERSON: Then you're up.
4 It's only one person can cross examine. Each
5 time we have a witness, only one person can
6 question. So, you and Mr. Russell need to
7 coordinate.

8 RECROSS EXAMINATION

9 BY MS. MAI:

10 Q So, Mr. Ruiz, can you go ahead and
11 confirm for the group one more time whether or
12 not you were able to confirm that any sound has
13 been coming through the walls during the times
14 you visited the residence?

15 A Yes, yes.

16 Q Great, thank you.

17 Additionally, can you go ahead and
18 walk us through again the number of noise
19 complaints that you have received?

20 We understand that you said there were
21 136. And how many, out of those 136, did you
22 personally field?

23 A One hundred and thirty-six calls were
24 taken from the Office of Unified Communications.

25 I do not know the exact amount that I

1 personally fielded. A majority of those calls
2 get routed to the police department. So, a
3 police officer would have, more than likely, went
4 there.

5 Our agency directly took in 58 calls
6 for noise complaints. And again, I can't recall
7 the exact amount that I personally fielded.

8 Q Okay, great, thanks.

9 So, you can only basically speak to
10 your specific experience addressing the noise
11 complaints that you received.

12 But the remaining body of noise
13 complaints, can you tell us like what the results
14 of those were or do you not know?

15 A I do not know.

16 Q Okay, great, thanks.

17 We also have a question regarding your
18 interaction with Mr. Fernando Santos. Was there
19 a conversation that occurred with him during the
20 period of time that you were assigned to perform
21 the investigation?

22 A Yes.

23 Q Can you provide us context as to what
24 you and Mr. Santos discussed during that time?

25 A I discussed the noise, the steps that

1 he took with the soundproofing, and, you know, he
2 expressed that these issues, again, seem to stem
3 from a dispute over a tree in the rear, and that
4 he just believed that the neighbors do not want
5 the business in the neighborhood. That was
6 roughly our conversation with him.

7 And then, multiple other conversations
8 in response to the level of noise and noise
9 complaints from the establishment that have been
10 made about the establishment.

11 Q Thank you, Mr. Ruiz.

12 Do you have any data or any
13 documentation from the Licensee or Buho's staff
14 or operations that specifically document any of
15 the situations that they've discussed with you?

16 A Documentation, no.

17 Q So, everything that you are stating to
18 us is basically their recount of what they have
19 experienced, but there is no actual reporting or
20 documentation similar to the 136 noise complaints
21 that have been reported to the city?

22 A No.

23 Q Mr. Ruiz, can you also detail to us
24 any interactions that you had with Buho's staff
25 members or managers during the evenings that you

1 conducted visits to the residents' units?

2 A The conversation was about a complaint
3 being made and the level of music.

4 Q Great, thank you.

5 Once again, so, can you go ahead and
6 confirm that there is still actual noise coming
7 from the establishment itself from your
8 observation standing inside of the units of the
9 residents on both sides of Buho's, namely, the
10 3519 and 3523 residential properties?

11 A Sound was heard coming from that
12 direction, yes.

13 MS. MAI: Great, thank you.

14 That concludes the questions from us.

15 CHAIRPERSON ANDERSON: Thank you.

16 Mr. Ruiz, I need you -- I want you to
17 go back to your report. I need to upload your
18 report --

19 INVESTIGATOR RUIZ: You want me to
20 share it?

21 CHAIRPERSON ANDERSON: Share, yes,
22 share your report, please. Yes.

23 I need you to go to the investigative
24 history.

25 I need to find out, are there --

1 INVESTIGATOR RUIZ: Oh, I think I --
2 hold on one second. Can you -- do you see it?

3 CHAIRPERSON ANDERSON: Yes, I can see
4 your --

5 INVESTIGATOR RUIZ: Okay.

6 CHAIRPERSON ANDERSON: I need you to
7 go to the investigative history and I'm trying to
8 find out whether or not are there any other noise
9 violations in their investigative history.

10 INVESTIGATOR RUIZ: This is their
11 investigative history.

12 CHAIRPERSON ANDERSON: Are there any
13 ABRA noise violations in their investigative
14 history?

15 INVESTIGATOR RUIZ: No.

16 CHAIRPERSON ANDERSON: And the history
17 extends from what period to what period is the
18 history?

19 INVESTIGATOR RUIZ: It extends from
20 10/18/2020 to April 11, 2023.

21 CHAIRPERSON ANDERSON: All right.

22 All right, thank you.

23 All right, all right, thank you, Mr.
24 Ruiz, for your testimony today.

25 All right, it's 12:36. And I

1 apologize that I am going to do this, but the
2 bottom line is that we have been doing this since
3 9:30 today. And so, that's over three hours and
4 it's time for -- I need to take a lunch break.

5 So, when we come back from lunch, the
6 Licensee will put their case on.

7 And let me do this before we go to
8 lunch.

9 Ms. Nunez, do you have witnesses that
10 you plan call?

11 MS. NUNEZ: Yes, Mr. Anderson, I have
12 Ms. Ramos here. And like I said, we have a list
13 of witnesses that Ms. Ramos brought with her that
14 I would like --

15 CHAIRPERSON ANDERSON: I still haven't
16 seen this list of witnesses.

17 So, she's here. So, you're -- you
18 want to call her the witness and she has a list
19 of how many people?

20 MS. NUNEZ: It's a total of five
21 people.

22 CHAIRPERSON ANDERSON: So, you -- all
23 right, you want to call six witnesses, but you
24 never submitted a PIF. So, why should the
25 agency, since it's their --

1 I guess what -- all right, all right.

2 So --

3 MS. NUNEZ: Mr. Anderson?

4 CHAIRPERSON ANDERSON: Yes, ma'am?

5 MS. NUNEZ: I'm on board with you. I
6 don't have a problem, I'm going to present Ms.
7 Ramos today and we'll leave it at that.

8 CHAIRPERSON ANDERSON: All right.

9 And I guess, are they --

10 MS. NUNEZ: With all the confusion
11 with Ms. Ramos and the list she was supposed to
12 submit in the time frame and what she was
13 supposed to submit and that she didn't submit, we
14 don't have time to actually present any witnesses
15 today except for her.

16 CHAIRPERSON ANDERSON: Ms. Mai or Mr.
17 Russell?

18 MS. MAI: Mr. Anderson, we
19 respectfully reject or object to the Licensee's
20 request to have witnesses testify during this
21 time due to the unfairness and the disadvantages
22 that it places it us at due to their untimely
23 request to do this.

24 Everybody had the same amount of time
25 to show up and prepare the documents and

1 coordinate and they didn't do that.

2 CHAIRPERSON ANDERSON: All right, Ms.
3 Nunez, any response?

4 MS. NUNEZ: I'm on board with Ms. Mai,
5 I don't have any disagreement --

6 CHAIRPERSON ANDERSON: I can't hear
7 you, ma'am. I can't hear you, ma'am.

8 MS. NUNEZ: I haven't touched
9 anything. Can you hear me now?

10 CHAIRPERSON ANDERSON: I can hear you
11 now, yes, ma'am.

12 MS. NUNEZ: Okay.

13 I'm on board with Ms. Mai. We're here
14 to find a solution to be able to move forward
15 with the liquor license.

16 We don't have to call anyone today.
17 I'm on board with what she said.

18 CHAIRPERSON ANDERSON: All right, all
19 right.

20 So, what we will do is, okay, we're
21 going to go to lunch. We're going to take a half
22 an hour lunch break.

23 It is -- what time is it -- it's
24 12:40. We'll be back to continue our case at
25 1:10. And I need everyone to come directly back

1 to --

2 You can't -- you don't necessarily
3 have -- you don't have to log off. You can just,
4 if you want, you can put your line on mute. You
5 can turn your camera off.

6 But we will be back on the record at
7 1:20 where the Protestant -- I'm sorry, the
8 Licensee will put its case on.

9 So, we're off the record until 1:20
10 because we're at lunch. Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 12:39 p.m. and resumed at
13 1:20 p.m.)

14 CHAIRPERSON ANDERSON: Good afternoon,
15 everyone. We're back on the record.

16 MS. MAI: Good afternoon, Mr.
17 Anderson. We have a request for accommodation to
18 submit to you on the record when you have a
19 moment.

20 CHAIRPERSON ANDERSON: Yes, hold on,
21 please, I need to make sure all the parties are
22 back.

23 MS. NUNEZ: Mr. Anderson, thank you so
24 much. I appreciate you being on --

25 CHAIRPERSON ANDERSON: I will have --

1 I'll have our IT person place -- I see Mr.
2 Russell is trying to log in, so I'll have the log
3 in information to participate by phone to be
4 placed shortly in the chat.

5 Well, I see he's on. Let's see, all
6 right.

7 We only need three Board members
8 because three Board members is a quorum, but I'm
9 waiting for the others to join. So, we do have a
10 quorum to start.

11 All right, so, all right.

12 Yes, ma'am, Ms. Mai, you said you had
13 an issue that you wanted to discuss.

14 We're back on the record.

15 MS. MAI: Yes, hi, Mr. Anderson, hi,
16 everybody.

17 We are requesting to have our
18 witnesses go first before the Licensee due to
19 time constraints and the delays in getting the
20 hearing started this morning.

21 We have multiple residents who have
22 been diligently waiting to provide their witness
23 testimony to everybody. And unfortunately, they
24 just can't stay for the entire duration of the
25 hearing because of the time changes and trying to

1 shuffle personal schedules around.

2 We hope that you guys will understand
3 and provide us these accommodations.

4 But we can ensure that all of the
5 witnesses get a chance to provide you their
6 experience.

7 CHAIRPERSON ANDERSON: Do you have an
8 objection to that, Ms. Nunez?

9 MS. NUNEZ: I do not.

10 CHAIRPERSON ANDERSON: And how many
11 witnesses do you have, ma'am, do you wish to
12 call? How many witnesses do you plan to call
13 exactly, ma'am? Ms. Mai?

14 MS. MAI: Ms. Anderson, we have on the
15 call -- hold on, let me make sure that we have
16 everybody with us presently on the chat and via
17 video -- we have Ms. Kiara Earle as a witness,
18 Mr. Tim Brookins as a witness as well, Ms.
19 Sarinah Samsudin.

20 Unfortunately, we had another witness,
21 Ms. Lynn Lawson, but she couldn't attend today
22 due to a personal appointment.

23 CHAIRPERSON ANDERSON: All right, all
24 right.

25 You wish to call your first witness?

1 Who's your first witness? Who's your first
2 witness, ma'am?

3 MS. MAI: Sure, can we go ahead and
4 call Ms. Sarinah Samsudin as our first witness?

5 CHAIRPERSON ANDERSON: Ms. Samsudin,
6 you may turn your video on, please.

7 Ms. Samsudin, can you raise your right
8 hand, please?

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

11 MS. SAMSUDIN: I do.

12 CHAIRPERSON ANDERSON: Can you spell
13 and state your name for the record, please?

14 MS. SAMSUDIN: Sarinah Samsudin, S-A-
15 R-I-N-A-H-S-A-M-S-U-D-I-N.

16 CHAIRPERSON ANDERSON: Thank you.
17 Go ahead, ma'am, your witness.

18
19 MS. SAMSUDIN: I -- good afternoon,
20 everybody.

21 I am a resident that is on 3519 14th
22 Street, right next to Buho's and I'm in Unit 1
23 which is on the ground floor.

24 CHAIRPERSON ANDERSON: Hold on, hold
25 on, hold on. Ma'am, Ms. Samsudin.

1 Ms. Mai, you have to ask her questions
2 and she needs to respond to the questions. She
3 just can't talk.

4 MS. MAI: Okay, sorry.

5 CHAIRPERSON ANDERSON: So, you need to
6 ask her questions and answers your questions.
7 And then, once you ask her questions, then Ms.
8 Nunez will have an opportunity to ask her
9 questions. And then, the Board will ask specific
10 questions and she will respond to the questions.

11 MS. MAI: Perfect, okay, great. I'll
12 go ahead and start with the first question.

13 Hey, good afternoon, Ms. Samsudin,
14 thanks for meeting with us today.

15 Can you go ahead and provide us
16 details on where you currently live? And also,
17 can you go ahead and detail for us the experience
18 that you've had so far with regard to living in
19 the neighborhood, and any of -- and can you also
20 provide us your concerns as well?

21 CHAIRPERSON ANDERSON: All right, all
22 right, I need you to ask her one question at a
23 time.

24 So, I know you're not an attorney, so,
25 I don't expect you to play that role.

1 But just ask her specific questions.
2 Ask her one question at a time and when she has
3 answered that question, you can ask her another
4 question.

5 MS. MAI: Sure, I can do that.

6 CHAIRPERSON ANDERSON: She can --

7 MS. MAI: Perfect.

8 CHAIRPERSON ANDERSON: Fine.

9 WHEREUPON,

10 SARINAH SAMSUDIN

11 was called as a witness by the Protestant and,
12 having been first duly sworn, was examined and
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MAI:

16 Q Okay, good afternoon, Sarinah.

17 Can you provide us details of your
18 experience and your concerns today?

19 A Yes. I reside right next to Buho's.
20 Basically, my wall, it shares the same wall as
21 Buho's on my side.

22 And from Monday to Wednesday, it's
23 okay, I don't hear any noise.

24 From Thursday to Sunday, there is
25 noise every day and it keeps getting worse as the

1 weekend goes by. On Sunday, it is especially is
2 bad because I can hear it when I'm in bed and I
3 can't go to sleep.

4 And then, at 5:00 a.m. in the morning,
5 there's another noise that comes with the
6 recycling or whatever bottles they have in the
7 back.

8 My unit also has a patio that shares
9 Buho's parking area in the back.

10 Q Hey, Sarinah, thanks for that
11 information.

12 Can you also give us additional
13 details about the loudness of noise? Can you
14 describe what type of noise it is, as well?

15 A It's music. On Sunday, I think
16 there's a DJ. And I'm not sure whether Friday or
17 Thursday, they have karaoke. So, sometimes I
18 hear people singing, and sometimes, it's just
19 loud music.

20 And on Sunday, it is disco kind of
21 music, DJ kind of music.

22 Q Great, thank you for that information.

23 Can you also provide us information
24 about noise outside of your unit emanating from
25 the Buho's property?

1 A I don't have like front door -- I
2 don't really hear. But if I'm on the sidewalk, I
3 can hear.

4 Q Can you tell us about any security
5 concerns that you've had in terms of like your
6 personal safety?

7 A Oh yes, I have come home and have like
8 people that's loitering in front of Buho's, some
9 of the guys that are drunk. They would cat call
10 or try to talk to me. And I try to just stay
11 away and run into my front door.

12 Because my front door is directly
13 beside Buho's.

14 Q Thanks for telling us about your
15 experience.

16 Can you also tell us about the
17 customers? Like are they -- like are you able to
18 confirm that these people that are safety
19 concerns, are they Buho's customers? Are they
20 regulars? Can you describe them?

21 A They're -- the one that I've
22 encountered are men. I cannot really pick them
23 out or say for sure that I see the same person.

24 Q So, in terms of like your experience,
25 is there anything else that you'd like to share

1 in terms of your concerns about the establishment
2 and any interactions that you've had with the
3 staff or the managers there?

4 A There was a time where a person that
5 works in Buho's, I'm not sure his name nor his
6 title, however, he had us -- I could hear music
7 from my unit that was about two weeks ago.

8 And I told him that I just got in.
9 So, like, currently, I cannot hear. But later
10 on, when I'm inside the house, I can let him
11 know.

12 And he said he's going to knock on my
13 door and check the sound levels in Buho's to see
14 if he can in my place, but he never did show up.

15 Q Can you describe what types of
16 mitigation measures, if any, you have personally
17 taken for yourself to, you know, deal with the
18 noise that you hear from your unit?

19 A Once -- I usually use ear plugs to
20 sleep. I've never used ear plugs until I lived
21 there.

22 And I had an important meeting one day
23 and I knew I had to be awake for on Monday. And
24 because of the Sunday DJ music that happens and
25 it ends really late, usually 3:00 a.m. or so, I

1 actually slept over at a friend's house because I
2 wanted a good night sleep before my presentation.

3 Q Thanks, Sarinah.

4 One last question from me, if you
5 could describe or characterize the type of
6 influence that Buho's restaurant has on our
7 community, how would you describe it?

8 A I would say, there are a lot of people
9 that come out of there drunk and they loiter.

10 I have two gentlemen that has -- and
11 I can't -- I cannot confirm if they came from
12 Buho's, it was late at night. I just opened my
13 door and they will sleep in front of my door in
14 my like, in my property area.

15 On those two instances, I have called
16 the MPD.

17 Q Great, thank you.

18 Is there anything else you'd like to
19 share with us today about your experience?

20 A No, I think I've stated everything.

21 Thank you.

22 MS. MAI: Great, thank you.

23 That concludes our questions for you.

24 CHAIRPERSON ANDERSON: Ms. Nunez, do
25 you have any questions for her?

1 CROSS EXAMINATION

2 BY MS. NUNEZ:

3 Q Before purchasing the unit at 3519,
4 did you take it upon yourself to talk a walk
5 through the neighborhood during the daytime?
6 Nighttime? In the afternoon, to observe the
7 activity around the neighborhood before
8 purchasing this unit?

9 A I did.

10 Q And what did you think of that then
11 when you did that? Did you think it was the
12 proper decision to buy a unit right next to a
13 restaurant that's been there for years?

14 A Yes.

15 Q What changed?

16 A I've lived beside -- I've lived beside
17 a bar and a restaurant before, Ms. Nunez. So,
18 yes, I've never had any problems.

19 CHAIRPERSON ANDERSON: Ms. Nunez, get
20 closer to the microphone. I don't know why
21 you're -- I can't hear you now.

22 MS. NUNEZ: Sarinah, are you aware
23 that there are a lot of homeless people that live
24 in that area? In that area?

25 MS. SAMSUDIN: Yes.

1 BY MS. NUNEZ:

2 Q Are you aware that there is a problem
3 with the homeless in that area sleeping and
4 littering in the streets?

5 A Yes.

6 Q Please excuse my phone, I have to turn
7 it back off.

8 Are you aware that these people have
9 a problem that they come from Third World
10 countries, leaving a lot of problems behind? And
11 when they come to this land, they drink and they
12 entertain a lot of bad behavior in terms of
13 living on the streets and drinking and their
14 hygiene is not up to par, and littering in that
15 specific area where you bought your unit? Are
16 you aware of that?

17 A I don't know where they come from, Ms.
18 Nunez. I'm not aware of where they come from.

19 Q You should if you said you looked at
20 the area before you purchased the unit.

21 I've lived in the neighborhood --

22 A Is that a question? Is that a
23 question?

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Ladies, hold

1 on, ladies. Ladies, I'm sorry, I'm sorry.

2 MS. NUNEZ: It's a question.

3 CHAIRPERSON ANDERSON: Hold on, Ms.
4 Nunez, hold on a minute, please.

5 Ms. Nunez, I need you to ask a
6 question.

7 Ms. Samsudin, I need you to listen to
8 the question and answer it if you can.

9 I do not need you have -- both of you
10 to have to speak at each other. One person asks
11 a question, the other person answers. That's
12 what we're going to have today.

13 Go ahead, so, repeat the question that
14 you're asking, Ms. Nunez. And Ms. Samsudin, if
15 you're able to answer the question, you can. If
16 not, just say you can't.

17 So, please repeat the question, ma'am,
18 that you asked.

19 MS. NUNEZ: Are you aware that there
20 are a lot of homeless in that area?

21 MS. SAMSUDIN: Yes.

22 BY MS. NUNEZ:

23 Q Why would you purchase a unit in an
24 area where there is a lot of homeless and there
25 are a lot of --

1 A Ms. Nunez --

2 Q -- places with liquor licenses?

3 A It's none of your business.

4 MS. NUNEZ: Thank you, Sarinah.

5 No further questions.

6 CHAIRPERSON ANDERSON: Any questions

7 by the Board members? By any Board member?

8 Go ahead, Mr. Short.

9 MEMBER SHORT: Thank you, Ms.

10 Samsudin.

11 For the record, please give your
12 address.

13 MS. SAMSUDIN: 3519 14th Street,
14 Northwest, Unit 1.

15 MEMBER SHORT: 39 --

16 MS. SAMSUDIN: 3519.

17 MEMBER SHORT: 3519, okay.

18 How many years --

19 MS. SAMSUDIN: 14th Street.

20 MEMBER SHORT: How many years have you
21 been there?

22 MS. SAMSUDIN: One and a half years.

23 MEMBER SHORT: Excuse me?

24 MS. SAMSUDIN: One and a half.

25 MEMBER SHORT: And does your wall abut

1 the restaurant?

2 MS. SAMSUDIN: Yes, sir.

3 MEMBER SHORT: How has your life been
4 since moving there a year and a half ago?

5 MS. SAMSUDIN: Can you repeat that
6 question, sir?

7 MEMBER SHORT: How has your life at
8 home been since moving next door with a wall
9 adjoining a restaurant?

10 MS. SAMSUDIN: It was okay until at
11 night. During the day, it's fine. And some
12 days, are better than others.

13 So, I say Mondays are always tough at
14 work because Sunday, the loud music is pretty
15 loud. It usually disturbs me sleeping. But any
16 other day, it's not so bad with ear plugs.

17 MEMBER SHORT: Are you aware of any
18 noise mitigation, soundproofing being done by the
19 restaurant on your wall?

20 MS. SAMSUDIN: No, sir.

21 MEMBER SHORT: Thank you very much.

22 That's all I have for this witness,
23 Mr. Chair.

24 CHAIRPERSON ANDERSON: Any other
25 questions by any Board members?

1 Go ahead, Mr. Grandis.

2 MEMBER GRANDIS: Good afternoon, Ms.
3 Samsudin.

4 I just want clarification from your
5 testimony.

6 You mentioned that on one occasion,
7 there was individuals sleeping inside of the
8 building or inside of the floor where you live.
9 I'm just trying to get a better sense of what you
10 were testifying to.

11 MS. SAMSUDIN: Oh, it's not inside the
12 building. However, it's inside the fence.
13 There's a walkway to my door, to my front door.
14 So, in, yes, right there.

15 MEMBER GRANDIS: And are you
16 testifying that these individuals came from this
17 establishment? I'm just trying to, once again,
18 understand why it's part of your testimony here.

19 MS. SAMSUDIN: I can't, no, I can't
20 confirm that the person came from the
21 establishment.

22 MEMBER GRANDIS: Thank you, thank you
23 very much for that clarification.

24 Thank you, Mr. Chair.

25 MS. SAMSUDIN: Thank you.

1 CHAIRPERSON ANDERSON: Any other
2 questions -- excuse me -- any other questions by
3 any Board members?

4 (No audible response.)

5 CHAIRPERSON ANDERSON: Ms. Nunez, do
6 you have any other questions you want to ask her
7 based on the questions that were just asked by
8 the Board?

9 Your questions have to be based on the
10 questions that the Board members just asked,
11 ma'am.

12 Ms. Nunez, do you have any questions
13 to ask her based on the questions that the Board
14 members just asked, ma'am?

15 MS. NUNEZ: No, thank you.

16 CHAIRPERSON ANDERSON: All right.

17 Ms. Mai, do you have any redirect of
18 the witness?

19 MS. MAI: No, sir, we have no redirect
20 questions for the first witness.

21 And we're prepared for the second.

22 CHAIRPERSON ANDERSON: All right.

23 Ms. Samsudin, thank you very much for
24 your testimony today. You are free to go.

25 Thank you very much.

1 All right, who's your next witness,
2 ma'am?

3 MS. MAI: Mr. Anderson, we'd like to
4 call on Kiara Earle to provide her witness
5 testimony this afternoon.

6 CHAIRPERSON ANDERSON: Ms. Earle, can
7 you raise your right hand, please?

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

10 MS. EARLE: I do.

11 CHAIRPERSON ANDERSON: Can you please
12 spell and state your name for the record, please?

13 MS. EARLE: Yes, first name is Kiara,
14 K-I-A-R-A. Last name is Earle, E-A-R-L-E.

15 CHAIRPERSON ANDERSON: Thank you very
16 much.

17 Your witness, ma'am.

18 WHEREUPON,

19 KIARA EARLE

20 was called as a witness by the Protestant and,
21 having been first duly sworn, was examined and
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MS. MAI:

25 Q Hey, Kiara, thanks for joining us this

1 afternoon.

2 Can you also confirm for us your
3 current address?

4 A Yes, I reside at 3519 14th Street,
5 Northwest, Unit 2, Washington, D.C. 20010.

6 Q Perfect, thank you.

7 So, Kiara, can you go ahead and
8 provide us some background on how long you've
9 lived at 3519 and characterize for us your
10 experience?

11 A Yes, I first moved into Unit 2, the
12 residence, December 2022.

13 I reside there full-time -- and, oh
14 sorry, yes, so I've lived there since December
15 2022.

16 Oh, I'm sorry, did you ask me to
17 characterize my experience as well?

18 Q Yes, what have been your observations
19 about Buho's Restaurant operations since your
20 time moving in there?

21 A My first impression was that their
22 hours are really long.

23 The first thing I noticed is that well
24 into 2:00 to 3:00 a.m. on weekdays, I can still
25 hear music coming from the restaurant as well as

1 vibrations from the wall, which I share with
2 restaurant.

3 Given the nature and size of the room,
4 my bed has to make contact with the wall. So,
5 it's constantly there.

6 Some nights are better than others.
7 However, consistently, I'd say, maybe once a
8 week, I hear music and it is music coming from
9 the restaurant at 2:00 to 3:00 a.m. And this has
10 been on a Tuesday or Wednesday night.

11 The weekends, loud music as well. But
12 I've lived in D.C. for a number of years, so I
13 expected that.

14 My problem has mostly been Sundays and
15 weekdays when it's well into the morning where
16 music has woken me up out of my sleep.

17 Q Thanks for that information in
18 detailing us your experience so far.

19 You mentioned that you have been a
20 D.C. resident for a while. How has your
21 experience living next to Buho's been different
22 from other experiences in D.C.?

23 Can you speak to like the noise and
24 any security concerns specifically?

25 A Sure thing.

1 So, I previously lived in Dupont
2 Circle, about five minutes from the station
3 around a number of other restaurants and bars.

4 I have never heard their music as
5 early as 2:00 to 3:00 a.m. on weekdays. And I've
6 been in D.C. and I've walked the neighborhood.
7 So, I am familiar with, you know, living on a
8 busy street.

9 Specifically, I've never had a
10 business's music or noise level enter my
11 residential unit at those hours.

12 Q Thanks for that information.

13 So, regarding the noise that is
14 entering your residential unit, what types of
15 mitigation measures have you personally taken to,
16 you know, deal with the noise? And how has that
17 impacted your well-being?

18 A Yes, so, I have severe sinus issues
19 and have been experiencing vertigo lately. So, I
20 don't feel comfortable using ear buds, they mess
21 with my ears.

22 So, my roommate and I have kind of
23 resorted to putting on fans to try to drown out
24 the noise to make white noise. That is the best
25 we can do.

1 But in terms of the vibrations
2 themselves, I can't really figure out a way to
3 mitigate against those -- against that issue.

4 Q Got you.

5 Okay, my next question for you really
6 has to do with characterizing the observed
7 vibrations that you discussed and also the nature
8 of the noise.

9 Can you tell us like if it's live
10 music or if it's recorded music or if it's a DJ?
11 Like can you tell us more about it and also the
12 vibrations themselves?

13 A Yes, so, on days where there's live
14 music, which I believe is sometime during the
15 weekend, that can be heard in the front of the
16 unit.

17 The unit is basically one rectangle
18 with both bedrooms at the back of the unit
19 towards the alley. And then, the common space in
20 the front of the unit.

21 When live music is playing, we can
22 definitely tell. We can sometimes even feel
23 vibrations in the front of our unit.

24 It is not as bad in the back.
25 However, in the bedrooms, we can definitely hear

1 recorded music or a DJ, I'm not sure which. But
2 I do know that it is consistent music that's
3 playing from some sort of speaker.

4 It is noticeable because other street
5 noise from our unit cannot be heard really,
6 especially in the front of the unit. We have a
7 bus stop there; I don't hear that.

8 We have, you know, other just street
9 noise that's not noticeable.

10 Like I said, in the hours of past
11 midnight well into 2:00 to 3:00, I can hear
12 specifically music and music only coming from
13 that wall that is shared with the restaurant.

14 Q Thank you, Kiara.

15 Regarding the times that you can hear
16 noise, can you detail for us like the latest
17 hours into the morning that you can hear music
18 and other disruptive types of activity?

19 A Yes, so, there was that one time that
20 I invited the Inspector Ruiz into the unit, into
21 the bedroom, to come hear the noise.

22 A separate time, I want to say about
23 a week after his visit, around April 25th, I was
24 woken up at 2:00 a.m. due to the noise and
25 vibrations as well. And I believe that was a

1 Tuesday or Wednesday morning technically.

2 It is very inconsistent. Some nights
3 it's fine, some nights, it's harder to really
4 ignore. But that's been going on and off for the
5 past couple of months now.

6 Q Thank you.

7 My next question for you has to do
8 with the surrounding area.

9 Can you describe to us what the
10 exterior looks like outside of your building
11 neighboring Buho's Restaurant?

12 A Yes, so, Unit 2, there are steps
13 leading up to the unit, sorry, exterior steps
14 before you get to the building that has a locked
15 door. That space, a thin or metal railing
16 separates that space from Buho's Restaurant.

17 I am a coach at a small business down
18 on U Street. I coach mornings and I coach
19 evenings. And there is always someone outside of
20 Buho's when I am coming and going.

21 The back area, we have a garage that
22 -- a garage door that separates our parking
23 spaces from the alleyway. And we share a fence
24 with the Buho's.

25 I can hear people taking out trash and

1 bottles at different hours from the exterior.

2 I haven't noticed anyone in our
3 particular property area, but the sensor lights
4 for our security flood lights are regularly going
5 off from movement in the back area at various
6 times.

7 Q Great, thanks for the details.

8 Another question from me is, tell us
9 about how the activity at Buho's inside and
10 outside of the establishment makes you feel?

11 A Generally, I feel uncomfortable with
12 strangers and people knowing exactly where I
13 live. And a number of times, the individuals,
14 usually men that are standing outside of the
15 Buho's Restaurant on the fence, watch me come and
16 go. So, it just makes me feel uneasy.

17 They haven't said anything to me in
18 particular. It is nothing that I've noticed.
19 But generally, people coming in and out, I feel
20 like it's there. They're always there. There's
21 always someone there.

22 And at times, I do, you know, I do
23 keep my windows shut because I don't want the
24 noise coming or I don't want people peering into
25 my unit.

1 But generally, that's how it makes me
2 feel.

3 Q Do you feel safe when you're entering
4 and exiting the house?

5 A I feel relatively safe, as safe as I
6 did living in Dupont. But I feel watched all the
7 time.

8 Q And by feeling watched, you mean you
9 feel like you're being watched by the Buho's
10 patrons and staff?

11 A I'm not sure who outside is staff or
12 patron, but there are individuals outside of
13 Buho's who do watch me go in and out. And they
14 specifically do watch me because, as I'm turning
15 to close the door, they're still looking up at me
16 conversing with each other.

17 Q To your knowledge, do you have any
18 idea if Buho's has any security procedures in
19 place?

20 A I have no knowledge of that.

21 Q Great, Kiara.

22 Do you have any other observations or
23 information, details that you'd like to share
24 with us today?

25 A Nothing at this time.

1 MS. MAI: Great, thank you.

2 That concludes the questions from me.

3 CHAIRPERSON ANDERSON: Thank you.

4 Ms. Nunez, do you have any questions
5 for her? What did you say, ma'am?

6 MS. NUNEZ: Yes.

7 CROSS EXAMINATION

8 BY MS. NUNEZ:

9 Q When you moved in December of 2022,
10 did you walk in the neighborhood before moving
11 into that unit? Are you the owner of that unit?

12 A I am not the owner of the unit. I did
13 walk --

14 Q You're a tenant?

15 A I am a tenant.

16 Q Okay. Did --

17 A I did walk the neighborhood of the
18 unit before I agreed to move in.

19 I work down the street, down 14th
20 Street and I am familiar with Columbia Heights,
21 as I've had a number of friends who live there as
22 well.

23 Q And did you know at the time that you
24 moved in that there would be trash, beer bottles,
25 and other debris that would be taken in and out

1 of the restaurant during business hours? That
2 that was to be expected? Did you know that?

3 A I'm not sure what the operations of
4 the business are and the policies for trash and
5 bottles.

6 Q The trash is not by the hour of
7 operations is, but the volume that you have of
8 trash that you need to take out during business
9 hours.

10 A Once again, I'm not aware of that
11 policy.

12 Q There's no policy in place. You have
13 trash and you take it out.

14 A I don't --

15 CHAIRPERSON ANDERSON: Ms. Nunez, I
16 need you to ask -- just ask her question and if
17 she's able to answer the question, she can. If
18 not, we'll move on.

19 MS. NUNEZ: Kiara, when you moved in,
20 you didn't know that there was trash that was
21 going to be taken out continuously?

22 MS. EARLE: Once again, I'm not sure
23 how your business operates.

24 MS. NUNEZ: Any business that is
25 operating in a multi-use facility would have to

1 take trash out.

2 MS. MAI: Is that a question?

3 CHAIRPERSON ANDERSON: I'm sorry,
4 ladies, I'm sorry. All right, okay, hold on.

5 The only person who can speak is Ms.
6 Mai, if there is an objection she can raise it.

7 No one else can speak.

8 Mr. Orellana, can you please mute
9 everyone else on the call except for Ms. Earle,
10 Ms. Mai, and Ms. Nunez?

11 All right, Ms. Nunez, do you have a
12 question?

13 MS. NUNEZ: Yes.

14 CHAIRPERSON ANDERSON: Ask the
15 question that you have for Ms. Earle.

16 MS. NUNEZ: Ms. Kiara, do you know
17 that when you live next to a restaurant that has
18 an alcohol license, they frequently go out to put
19 the trash out during the night?

20 MS. EARLE: I've lived next to
21 restaurants with alcohol licenses.

22 BY MS. NUNEZ:

23 Q You are the first person that I hear
24 to have concern or that is bothered by the trash
25 being removed from a commercial space that is

1 conducting business.

2 A My observation was not that I have a
3 problem with the trash being removed. I said I
4 can hear it from my unit at various hours,
5 usually 2:00 to 3:00 a.m.

6 Q My next question for you, you
7 complained about the music.

8 A Yes.

9 Q That the music is loud. Before you
10 rented that unit, did you ask the owner of the
11 unit if their wall was soundproof?

12 A Yes, I did walk in the unit. I talked
13 with the owner of the unit to talk about the
14 noise levels. Also, I toured the unit at various
15 times. I did not tour the unit at 2:00 and 3:00
16 in the morning.

17 Q But you said that you hear the music
18 at different hours during the week, not just the
19 weekends, you mentioned the week.

20 A Yes, the weekdays.

21 MS. NUNEZ: And you mentioned noise on
22 the 25th of April, which was a Tuesday.

23 MS. EARLE: Yes. Yes, at 2:00 to 3:00
24 a.m. Tuesday morning.

25 BY MS. NUNEZ:

1 Q The business closed at 2:00 a.m., so
2 how could you hear noise at 3:00 a.m.?

3 A Ma'am, I'm telling you the noises that
4 I've heard coming from that wall of that
5 business.

6 Q Not at 3:00 a.m., you couldn't
7 possibly hear noise at 3:00 a.m., could you, if
8 the business was closed? Could you hear noise?

9 A If the business were closed, no.
10 However, I heard noise at 2:00 and 3:00 a.m.

11 Q How could you hear a noise at 3:00
12 a.m. when the business was closed at 2:00?

13 A Respectfully, I feel like I've
14 answered your question.

15 CHAIRPERSON ANDERSON: Ma'am, ma'am,
16 you can't answer the question.

17 I -- all right -- I need folks to
18 answer questions. The question has been asked,
19 the witness has answered the question. It is not
20 up to the witness to state she has or has not.
21 That is up for Ms. Mai to object if she believes
22 that the question has asked and answered. Okay?

23 But nobody is -- there are no
24 attorneys here. All right? So, that's why I'm
25 giving -- been very flexible with the parties.

1 But I expect the parties -- one party
2 to answer a question, and the other person answer
3 the question if they can. All right?

4 Okay, do you have another question you
5 want to ask, Ms. Nunez?

6 MS. NUNEZ: Yes, Kiara, are you being
7 forced by Mai to complain about the noise,
8 complain about the music being played at
9 different hours like you mentioned?

10 MS. EARLE: No, Jessica Mai has not
11 coerced me to give any testimony today.

12 BY MS. NUNEZ:

13 Q How many parking space are there in
14 your building?

15 A There are currently two parking
16 spaces.

17 Q And how owns those two parking spaces
18 that you know of?

19 A One of the parking spaces is connected
20 with our unit, Unit 2.

21 Q It belongs to who? Who does it belong
22 to?

23 A Jessica Mai, she owns the unit that I
24 reside in.

25 Q And who owns the other parking space?

1 The second parking space, who owns it?

2 A I'm actually not clear on that. I
3 believe Unit 4.

4 MS. MAI: Kiara, I can interject. The
5 --

6 CHAIRPERSON ANDERSON: No, no --
7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: No, ma'am, you
9 can't. You can't. The only two people who are
10 speaking right now, and you are the attorney, so
11 you can only ask questions unless you're going to
12 testify later on, I will swear you in and you can
13 testify.

14 But at this juncture, only two people
15 can speak, Ms. Nunez asks the questions and Ms.
16 Earle answers the questions.

17 MS. NUNEZ: The question is, who owns
18 the second parking space in that unit? That's a
19 small unit, it only has three units. Who owns
20 the second parking space?

21 MS. EARLE: There are four units in
22 our building.

23 BY MS. NUNEZ:

24 Q Okay, who owns the other parking
25 space?

1 A I'm not sure who has ownership, but I
2 believe one of the owners, or sorry, one of the
3 tenants in Unit 4 uses that parking space.

4 Q The owner of Unit 4 owns that parking
5 space?

6 A I'm not sure, I'm giving you what I
7 think. I know that one of the parking spaces --

8 MS. NUNEZ: But I am sure that he owns
9 it.

10 CHAIRPERSON ANDERSON: Ma'am, ma'am,
11 ma'am, ma'am, you asked her a question. She said
12 she's not sure. Let's move on.

13 MS. NUNEZ: You say you can hear the
14 noise from the parking space? You said you
15 shared the fence? Is that correct?

16 MS. EARLE: Yes, there's a fence that
17 separates Buho's from the parking spaces.

18 MS. NUNEZ: Thank you, no further
19 questions.

20 CHAIRPERSON ANDERSON: Thank you.
21 Any questions by the Board members?

22 MEMBER GRANDIS: Mr. Chairman?

23 CHAIRPERSON ANDERSON: Yes, Mr.
24 Grandis?

25 MEMBER GRANDIS: Ma'am, you've

1 testified to being able to hear noise within your
2 unit at 2:00 to 3:00 a.m.

3 The Licensee, I understand, operates
4 seven days a week. Do you hear noise in your
5 unit after 10:00 p.m. on any other night than the
6 weekend that you talk about, that you mentioned?

7 MS. EARLE: Yes, after 10:00 p.m., I
8 can definitely hear noise.

9 MEMBER GRANDIS: So, on the evenings
10 that you hear noise after 10:00 p.m. in your
11 unit, do you continue to hear noise on those
12 evenings to 2:00 and 3:00 in the morning?

13 MS. EARLE: I believe so, but
14 inconsistently.

15 MEMBER GRANDIS: Thank you.

16 Mr. Chairman, thank you very much.

17 CHAIRPERSON ANDERSON: All right, Mr.
18 Short?

19 MEMBER SHORT: Good afternoon, ma'am.
20 You mentioned loitering in front of the
21 restaurant or the tavern.

22 MS. EARLE: Yes.

23 MEMBER SHORT: How often do you see
24 the loitering?

25 MS. EARLE: Almost every night.

1 MEMBER SHORT: Are there any no
2 loitering signs anywhere close to the entrance of
3 the establishment?

4 MS. EARLE: Not that I can recall.

5 MEMBER SHORT: There's a been a
6 question asked, and I don't know if you have the
7 answer, but I'd like to ask the question of you.

8 Do you know or do not know whether
9 these persons loitering are clients or associated
10 with the restaurant or the tavern?

11 MS. EARLE: I do know some of them
12 are. I've seen them go in and out of the
13 restaurant before.

14 MEMBER SHORT: So, the same persons
15 you see loitering, you've identified as persons
16 you've seen come and go from the inside and
17 outside of Buho's?

18 MS. EARLE: Yes, coming and going
19 outside of Buho's.

20 MEMBER SHORT: Thank you.

21 That's all I have, Mr. Chair, thank
22 you very much.

23 CHAIRPERSON ANDERSON: Any other
24 questions from any of the Board members?

25 (No audible response.)

1 CHAIRPERSON ANDERSON: Ms. Nunez, any
2 questions of her based on the questions that were
3 asked by the Board?

4 MS. NUNEZ: Yes, I wanted to ask of
5 Kiara --

6 CHAIRPERSON ANDERSON: Come closer to
7 the -- I don't know why your -- what's going on
8 with your equipment. And I can't blame you
9 because the equipment is owned by the agency.
10 So, just get closer to the equipment, ma'am.

11 RECROSS EXAMINATION

12 BY MS. NUNEZ:

13 Q What encounter, if any, have you had
14 with the homeless people that reside in that
15 area?

16 A I haven't encountered any homeless
17 people in the area. Those that I have, they
18 don't really address me.

19 Q Have you had any problem going into
20 your unit with the homeless people that reside
21 and sleep in that area?

22 A I don't know if these individuals are
23 homeless. However, I have had people standing
24 outside of my gate and have had to ask them to
25 move in order to enter our unit, yes.

1 Q These are homeless people, did you
2 know that --

3 A I don't know that --

4 Q -- aware of that?

5 A I am not sure if they are homeless or
6 not. I see a lot of people. But I have had
7 people standing outside of my gated unit or have
8 to ask them to move to enter.

9 MS. NUNEZ: They stand there all the
10 time. They've been there for years.

11 CHAIRPERSON ANDERSON: Ms. Nunez --

12 MS. NUNEZ: And --

13 CHAIRPERSON ANDERSON: Ms. Nunez --

14 MS. MAI: Ms. Earle's answered the
15 question.

16 CHAIRPERSON ANDERSON: All right, Ms.
17 Nunez, all right, you're asking questions.
18 You're being argumentative.

19 Ask her questions --

20 MS. NUNEZ: The question is --

21 CHAIRPERSON ANDERSON: Hold on, ma'am,
22 hold on. You asked her a question, she's
23 answered to the best of her ability. Okay? So,
24 that's how it goes. You ask her a question, she
25 answers to the best of her abilities. If she

1 doesn't know, she doesn't know. Okay?

2 You can't prove -- you can't convince
3 her who it is if she says she doesn't know.
4 Okay?

5 All right.

6 MS. NUNEZ: The other question that I
7 have for you, would you recognize these people
8 that hang around your front door if you see them
9 again?

10 MS. EARLE: I'm not sure.

11 BY MS. NUNEZ:

12 Q Have you seen any of those people that
13 hang around your door more than once hanging
14 around the door?

15 A I would see a lot of individuals
16 hanging around outside of Buho's and our gated
17 unit.

18 Q Would you recognize them if you saw
19 them again?

20 A As I've answered, I'm not sure.

21 Q You don't know if these people are
22 reoccurring?

23 A I'm not sure. Usually, when I come
24 home, I come home around 8:00 to 10:00 p.m. at
25 night. I coach evenings as well as participate

1 in other activities.

2 When I come home, at times, there are
3 three to seven men standing outside of Buho's and
4 sometimes spilling in front of our gate. It is
5 dark outside. I try to get inside of my unit.

6 MS. NUNEZ: I would agree with you
7 that there were eight to ten men hanging around
8 your door because they live in that neighborhood.
9 And I agree with you on that. They're homeless.

10 CHAIRPERSON ANDERSON: Ms. Nunez, are
11 you asking her a question, ma'am?

12 MS. NUNEZ: I am.

13 CHAIRPERSON ANDERSON: What's your
14 question you're asking her, ma'am?

15 MS. NUNEZ: The question of the eight
16 to ten men that she sees hanging around are
17 homeless, aren't they?

18 MS. EARLE: I do not know whether or
19 not they are homeless.

20 CHAIRPERSON ANDERSON: Do you have
21 another question, ma'am?

22 MS. NUNEZ: No further questions.

23 CHAIRPERSON ANDERSON: Thank you.

24 Ms. Mai, do you have any redirect?

25 MS. MAI: No, sir, no questions from

1 me.

2 CHAIRPERSON ANDERSON: Thank you.

3 Do you have another witness you wish
4 to call, ma'am?

5 MS. EARLE: Thank you all.

6 CHAIRPERSON ANDERSON: Oh, I'm sorry,
7 I'm sorry, Ms. Earle, I apologize. Thank you
8 very much for your testimony today. I do
9 apologize.

10 MS. EARLE: No worries, thanks for
11 your time.

12 CHAIRPERSON ANDERSON: You're free to
13 go, thank you.

14 All right, Ms. Mai, do you have
15 another question -- do you have another witness?

16 MS. MAI: Yes, Mr. Anderson, we have
17 an additional witness today. His name is Tim
18 Brookins.

19 CHAIRPERSON ANDERSON: Mr. Brookins,
20 can you raise your right hand, sir?

21 Do you swear or affirm to tell the
22 truth and nothing but the truth?

23 MR. BROOKINS: I do.

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

1 MR. BROOKINS: Yes, my name is Timothy
2 Brookins, T-I-M-O-T-H-Y, last name is B-R-O-O-K-
3 I-N-S.

4 CHAIRPERSON ANDERSON: Thank you, sir.
5 Your witness, ma'am.

6 WHEREUPON,

7 TIMOTHY BROOKINS

8 was called as a witness by the Protestant and,
9 having been first duly sworn, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MS. MAI:

13 Q Good afternoon, Tim, thank you for
14 joining us this afternoon to provide your
15 testimony.

16 Can you go ahead and provide us your
17 address and how long you have lived at that
18 location as well?

19 A Sure, I am at 3519 14th Street, Unit
20 3. I've been here for just over a year now.

21 Q Great, thank you.

22 Can you go ahead and contextualize for
23 us the noise or any security concerns that you
24 have from your residence?

25 A Yes, so, to start with the noise, I

1 can really confirm some of the things that we've
2 already heard about the music coming through the
3 walls.

4 I'm a level up from Buho's and I'm
5 still hearing the thumping of the music through
6 the walls. So, I can only imagine what that
7 sounds like at the lower levels.

8 Additionally, the glass being dumped
9 at late hours has woken me up on a fairly regular
10 basis. There are times that that has been 3:30,
11 4:00 a.m., just to provide that context.

12 Additionally, on the -- more of the
13 security front, there is certainly a consistent
14 crowd of loiters outside of both our fence and
15 the Buho's establishment on a daily basis.

16 And then, I guess another thing that
17 I would mention is there have been instances of
18 cat calling of people that have been either
19 inside coming out of the Buho's establishment or
20 loitering outside that I witness go back in, that
21 are cat calling both female residents of the
22 building as well as female guests that have
23 visited the building.

24 Q Hey, Tim, so, let's go back to the
25 glass/trash dumping situation. I want to kind of

1 focus on that.

2 Can you describe us, in terms of like
3 the near vicinity of the buildings? Are there
4 any other businesses that serve alcohol? Are
5 there any other bars or restaurants that serve
6 alcohol that you know of that are, you know,
7 within that immediate area of the block?

8 A On the block, no. There's another
9 establishment a block down, but no noise from
10 them ever.

11 Q Great, thank you for that information.
12 And so, can you confirm that the noise that
13 you're hearing in terms of the trash late at
14 night, that's coming from Buho's?

15 A Yes, I'm very confident in that
16 assessment, it is coming from the Buho's
17 establishment when they're dumping bottles in the
18 early hours of the morning.

19 Q Great, thanks for that information.
20 And so, going to the security concerns that you
21 outlined. The people that you have observed
22 outside of the 3519 property, can you confirm or
23 characterize, like are those people that you
24 observe, are they from Buho's or are they from --
25 like are they other non-residents? Or are they,

1 you know, are they other people that might live
2 by or are they homeless associated? Like are
3 they -- where are they coming from that you have
4 observed these concerns?

5 A So, I've seen some loiters going into
6 and out of the Buho's establishment. I'm not
7 sitting out there on a daily basis tracking who's
8 standing outside of my place today.

9 But there are -- very often, there are
10 people, I would assume employees, wearing Buho's
11 shirts that are standing outside having
12 conversations with these broader folks as well.

13 So, I really can't say if those people
14 are homeless and they just happen to have a
15 conversational relationship with them or if they
16 are frequent customers or who those other people
17 are.

18 But I know that there are people
19 outside of the establishment often engaging with
20 Buho's employees.

21 Q Great, thanks for that information.
22 And so, can you describe the state of the people
23 that you're observing? Like for example, are
24 they intoxicated? Are they sober? What types of
25 behavior or activity are they engaging in?

1 A I mean, always people out there having
2 conversations, either among themselves or having
3 phone calls.

4 As far as like state of sobriety, I'm
5 not the best one to assess like a broad group,
6 but I can think of a number of occasions where
7 there have been clearly intoxicated folks out
8 there.

9 Q Great, thanks, Tim. My next question
10 for you as to do with incidents on the property
11 itself. Are you aware of or do you know of any
12 incidents of Buho's customers or staff entering
13 your property without authorization? And what
14 was that activity?

15 A Yes, so, there was an instance where,
16 if I remember correctly, you, Jessica, had a
17 friend that you were with and you were departing
18 the property. And as you were departing, there
19 were some comments made.

20 I mean, I didn't hear exact words
21 coming from the third level, but they -- it
22 sounded like they were like cat calling, that
23 type of engagement.

24 When that did not land with the two
25 folks leaving the building, one of those

1 individuals brought an unopened beer bottle,
2 opened the gate, came in, and poured the beer on
3 our front steps.

4 So, not only did he have alcohol
5 outside of the establishment, but also had an
6 unopened beer that he intentionally cracked in
7 order just to pour on our property.

8 Q Great, thanks, Tim. Is there any
9 other information or observations that you'd like
10 to provide for us today?

11 A I think I'll leave it at that. I
12 mean, I really think all of the witnesses that
13 we've had today have really spoken to the
14 experiences for all of the community.

15 Q Tim, my last question for you is a
16 similar question that I asked Sarinah. In terms
17 of the time that you've spent in our community,
18 how would you characterize Buho's and their
19 impact on our immediate area?

20 A I mean, there are plenty of bars and
21 restaurants on 14th Street area. I don't see
22 like the level of loitering outside of other
23 establishments.

24 I don't see -- walking by any hour of
25 the day, I don't hear the same issues, say,

1 coming back late at night, hearing music
2 elsewhere. This is the one establishment in the
3 entire neighborhood that I've really seen that
4 issue. And being on a residential or being in a
5 mixed use block between two residents, just
6 doesn't feel right.

7 Q I want to go ahead and circle back to
8 the very initial part of our discussion.

9 So, can you confirm that you're on the
10 third floor? You're on the third unit of 3519?

11 A Yes, I'm on the third, yes.

12 Q Okay. So, you are technically two
13 levels above Buho's then?

14 A I believe so.

15 Q What is your assessment in terms of
16 the noise that you hear from Buho's? Can you
17 describe to us the type of noise that you're
18 hearing?

19 A So, like, I'm hearing music. Not --
20 I can't tell you specifically what music is
21 playing, but I can hear -- I can feel the bass.
22 Like there's the thumping that reaches my unit.

23 Q So, just to confirm, is it noise and
24 also like vibrations or is it just noise?

25 A It's the thumping sound of bass from

1 music being played.

2 MS. MAI: Okay, great, thanks.

3 No questions from me, that's it.

4 CHAIRPERSON ANDERSON: Ms. Nunez, any
5 questions for this witness?

6 CROSS EXAMINATION

7 BY MS. NUNEZ:

8 Q Yes, Tim, are you the owner of Unit 3?

9 A I am.

10 Q You are? Do you have cameras outside
11 your building?

12 A We do.

13 Q You do?

14 A There are cameras set up with the
15 building, yes.

16 Q In front of the building?

17 A There are cameras, yes.

18 Q So, if we were to pull those camera
19 recordings, we would know who is loitering in
20 front of your building, correct?

21 A I wouldn't be able to identify them,
22 but perhaps you could.

23 Q I'm sure I could, no disrespect. You
24 said you hear both employees talking outside the
25 premises. How often is that?

1 A If I had to put a cadence to it, I
2 would say once a week.

3 Q Once a week?

4 A There are people standing outside on
5 a daily basis loitering and maybe once again, if
6 I, again, if I had to put an estimation on the
7 cadence of Buho's employees engaging with those
8 other folks that are standing out there, I would
9 say once a week.

10 And I'm identifying these people based
11 on their Buho's shirts. So, either it's
12 employees or people that have purchased merch. I
13 don't know how the business operates, but that's
14 what I've seen.

15 Q Can you hear their conversation?

16 A Not from my unit, but when I walk
17 around the neighborhood, coming back to my unit,
18 I have -- I will see them standing out there.

19 Q Normally, you would say a normal
20 conversation, correct?

21 A Yes, I'm not saying it's a
22 particularly loud conversation, but there is a
23 group of loiters that -- and Buho's employees are
24 engaged with those folks.

25 Q It's the business, wouldn't you expect

1 that from a business?

2 A I would expect a business to either
3 tell loiters to come inside to the business or to
4 depart the premises.

5 Q Are you aware that the business has a
6 license for chairs and tables outside that is not
7 in use right now? Are you aware of that?

8 A I am not aware of the license. I know
9 that there are no tables and chairs out there.

10 Q But there could be, there could be if
11 we wanted to.

12 A Is that a question?

13 Q Yes, that's the question, did you know
14 that?

15 A And I answered the question.

16 Q Could you do anything about that or
17 the noise or the loitering, like you said, could
18 you?

19 A Excuse me?

20 CHAIRPERSON ANDERSON: Do you not
21 understand the question, sir?

22 MS. NUNEZ: The question that I'm
23 asking you, you said they're loitering outside.

24 MR. BROOKINS: Okay.

25 BY MS. NUNEZ:

1 Q That they're making noise, that
2 they're out there at least once a week. What if
3 there were tables and chairs placed there? What
4 could you say about that?

5 A There aren't tables and chairs and --

6 Q But we do have a permit for that.

7 A -- and if I can continue my comment
8 here, I believe that any license for outdoor
9 dining would be on that little plot that is
10 elevated, that patio area, if you want to call it
11 that.

12 I don't think that includes out onto
13 the sidewalk and in front of our gate where I've
14 had numerous encounters of having to ask people
15 to move so I can either exit or enter.

16 MS. NUNEZ: I don't disagree with you.
17 There's so many homeless people in that area, I
18 don't disagree with you.

19 I used to push them out all the time
20 because they're --

21 MS. MAI: Objection.

22 MR. BROOKINS: Is that a question?

23 MS. MAI: Ms. Nunez is badgering the
24 witness and also kind of threatening.

25 CHAIRPERSON ANDERSON: Ms. Mai, I'm

1 not going to go that far.

2 MS. NUNEZ: Threatening? Ms. Mai --

3 CHAIRPERSON ANDERSON: Hold on, hold
4 on, hold on, I'm sorry.

5 I don't believe that she's badgering
6 the witness. And I don't believe that she's the
7 witness.

8 However, I don't think she's asking
9 the witness a question.

10 Ms. Nunez, I need you to ask a
11 specific question, ma'am. I don't need you to --
12 you're testifying. So, I need you to ask him a -
13 -

14 Normally, during these type of
15 proceedings, you asked -- at least since you are
16 cross examining the witness, you ask a question
17 that he can answer, he or she can answer yes or
18 no. So, that's usually what it is that we try
19 to.

20 But so, please, ma'am, I need you to
21 ask him a specific question and during this
22 nature of the proceeding.

23 MS. NUNEZ: Tim, I have a question for
24 you.

25 Do you feel that you are being

1 threatened by a 62-year-old woman like me? Am I
2 threatening you? Do you feel threatened by the
3 questions that I'm asking you or disrespected?

4 MR. BROOKINS: There are many ways to
5 threaten a person.

6 BY MS. NUNEZ:

7 Q Have I threatened you today?

8 A Is this relevant to the protest?

9 CHAIRPERSON ANDERSON: Mr. Brookins,
10 I need you to answer the question.

11 And I've given folks flexibility, but,
12 all right.

13 MS. NUNEZ: Are you threatened by the
14 questions that I'm asking you?

15 MR. BROOKINS: I am not directly
16 threatened by any questions that are being asked
17 right now. However, I understand how threats can
18 actually play out beyond just a one on one
19 interaction. So, I'll leave it there.

20 MS. NUNEZ: I'm 62 years old.

21 CHAIRPERSON ANDERSON: Ms. Nunez, Ms.
22 Nunez, all right, we're at a hearing. We're at a
23 protest hearing of whether or not we need to
24 renew your license. Okay?

25 I think we need to move on because

1 we're moving away from the protest issue which is
2 peace, order, and quiet. Okay?

3 Those are the type of issues that we
4 need to talk to. We are not going to be able to
5 address community concerns here that's not
6 relevant to the renewal or non-renewal of this
7 license.

8 So, let's get back to the question of
9 hand. So, all that we need to -- questions you
10 can ask that will advise, provide sufficient
11 information to the Board so we can make a
12 decision on the renewal of your license, ma'am.
13 Okay?

14 All right, so, let's get back. Do you
15 have any other questions for Mr. Brookins?

16 MS. NUNEZ: Yes, when you purchased
17 the unit, did you ask the seller if your wall was
18 proofed sound from the noise that would be coming
19 from next door?

20 MR. BROOKINS: I did not.

21 BY MS. NUNEZ:

22 Q Did you ever ask that question?

23 A I did not have a conversation with the
24 prior owner. I have lived near many restaurants
25 in my time in D.C. and this is the first time

1 that it has been an issue.

2 Q Do you know why?

3 A Because other establishments have done
4 what was needed to make sure that the residential
5 properties abutting them are fine.

6 Q Did you know that the restaurant was
7 there before the residential property? Before
8 you came?

9 A I did know that, but I don't see the
10 relevance.

11 MS. NUNEZ: The relevance is that that
12 building was built after the restaurant was
13 there. So, if the building of that restaurant
14 was -- of the unit was at a later time, it seems
15 to me that you would inquire if the walls were
16 soundproof.

17 Because the building material that
18 they used is a very thin material.

19 MS. MAI: Is there a question?

20 MS. NUNEZ: It's a question, did you
21 know? Did you ask?

22 MR. BROOKINS: I have been to many
23 friends' places in the D.C. area that have been
24 above or next to restaurants and bars that have
25 never had this experience of noise in their

1 units.

2 BY MS. NUNEZ:

3 Q Do you know why?

4 A Based on my experience with newer
5 residences in mixed use permitted areas, I've
6 never seen that as an issue before.

7 My belief is because, all parties
8 involved did their due diligence in soundproofing
9 for the mixed use environment. Specifically, the
10 emitter of such noise.

11 Q But your building is not soundproof,
12 is it? Is it soundproof?

13 A Apparently not because we can --

14 Q It's not?

15 A -- we can hear from you. But I can
16 say, it was built to code or I wouldn't have
17 bought it.

18 MS. NUNEZ: It was not soundproof,
19 otherwise, you would not be having these issues
20 today. Ours is soundproof now because of all the
21 complaints.

22 CHAIRPERSON ANDERSON: Do you have a
23 question you're asking him?

24 MR. BROOKINS: Soundproofing works
25 both ways. Noise does not get out, noise does

1 not come in. If we are hearing noise on our side
2 of the wall, logic tells me your soundproof isn't
3 working.

4 MS. NUNEZ: Yours is not working.

5 CHAIRPERSON ANDERSON: Ms. Nunez, I
6 need you to ask -- I don't need a back and forth
7 between the parties.

8 MS. NUNEZ: Okay, is your soundproof
9 wall working on your side?

10 MR. BROOKINS: Our residence was built
11 to code, regardless of what you have to say here.
12 The noise is being emitted from your building.
13 We are hearing it in our building. That is the
14 challenge and that's why we're here today.

15 MS. NUNEZ: I have no further
16 questions.

17 CHAIRPERSON ANDERSON: Thank you.
18 Any questions by any Board members?
19 All right, Mr. Short?

20 MEMBER SHORT: Mr. Brookins, you have
21 had -- your testimony is that loitering on the
22 property that is owned and operated by the Buho's
23 Restaurant is excessive -- is it excessive in
24 your point of view?

25 MR. BROOKINS: In my point of view, I

1 would say yes.

2 MEMBER SHORT: Why is that?

3 MR. BROOKINS: The regularity of it,
4 the volume of it. The -- regardless of what they
5 may deem as a patio for serving, there are often
6 loiters that are hanging on our side of the
7 fence, which is clearly our property, hanging out
8 in front of our gate. So, I would consider that
9 excessive.

10 MEMBER SHORT: You also mentioned
11 something about someone wearing employee shirts
12 or shirts with the restaurant's name on it, is
13 that your testimony?

14 MR. BROOKINS: Yes, I've seen people
15 out there with black shirts with the Buho's name
16 on the chest on a not infrequent basis.

17 MEMBER SHORT: You might not be aware
18 of this, but there is an ordinance in Washington,
19 D.C. about peace, order, and quiet.

20 In your opinion, is the loitering
21 producing or reducing peace, order, and quiet in
22 the 3500 block of 14th Street, Northwest?

23 MR. BROOKINS: Can you repeat that?

24 MEMBER SHORT: There is a law dealing
25 with peace, order, and quiet in the District of

1 Columbia.

2 The loitering that you are observing
3 in front of Buho's, do you think that's
4 contributing to or is it a part of or is it
5 destroying peace, order, and quiet, in your
6 opinion?

7 MR. BROOKINS: In my opinion, it's
8 destroying it.

9 MEMBER SHORT: You also mentioned the
10 trash dumping. Can you elaborate on trash
11 dumping and the hours that it's dumped?

12 MR. BROOKINS: Yes, so, there are many
13 occasions in the past year that I've lived here
14 that I've been woken up in the middle of the
15 night to trash dumping.

16 By the sound of it, I know it's glass,
17 most likely glass bottles. And that has been --
18 the one time I can recall checking my phone to
19 see what time it was, it was 3:45 a.m.

20 MEMBER SHORT: There are other
21 restaurants and CTs in other areas of the city,
22 especially I would say the Connecticut Avenue
23 area which this Board has heard cases in which
24 this Board has also helped the community and
25 helped the business in regulating or help

1 regulating the hours that they do the dumping of
2 bottles and trash, and not a 3:00 in the morning.

3 Do you think that that would help if
4 that was a part of this license?

5 MR. BROOKINS: I do.

6 MEMBER SHORT: Thank you for your
7 honesty and thank you for your answers.

8 Mr. Chair, that's all I have.

9 CHAIRPERSON ANDERSON: Any other
10 questions by any other Board member?

11 (No audible response.)

12 CHAIRPERSON ANDERSON: I just want to
13 ask you one question then, Mr. Brookins, I
14 thought you mentioned the fact that you said that
15 an individual took a bottle of beer or some
16 spirits that they opened on your front steps.

17 How do you know where this person came
18 from, got that bottle from?

19 MR. BROOKINS: I was not watching
20 where the bottle came from, but they were
21 standing on the Buho's patio, if we're going to
22 call it that, despite no tables and chairs.

23 So, they were either bringing alcohol
24 into an establishment that the establishment can
25 sell them, or it came from the establishment with

1 those bottles unopened and then, proceeded to
2 open them and pour that on our property.

3 CHAIRPERSON ANDERSON: And that's what
4 I'm asking, do you know was that does this
5 establishments sells bottles that are unopened?

6 MR. BROOKINS: I have never been to
7 this establishment to be able to say one way or
8 another.

9 CHAIRPERSON ANDERSON: All right, Ms.
10 Nunez, do you have any question? Do you have any
11 follow up questions for this witness based on the
12 questions that were asked by the Board?

13 RECROSS EXAMINATION

14 BY MS. NUNEZ:

15 Q Yes, Tim, are you aware that you have
16 a liquor store a few feet away from your
17 property?

18 A I do, I am aware.

19 Q Are you also aware that we give out
20 tee-shirts with the Buho's name on the tee-shirts
21 to our clients and friends in the neighborhood?

22 A I did not know that, which is why I
23 stated it the way I did previously.

24 MS. NUNEZ: Okay.

25 CHAIRPERSON ANDERSON: Do you have any

1 other questions?

2 MS. NUNEZ: No further questions.

3 CHAIRPERSON ANDERSON: Ms. Mai, do you
4 have any follow up? Any redirect, ma'am?

5 REDIRECT EXAMINATION

6 BY MS. MAI:

7 Q Yes, sir, thank you, I have just a
8 couple questions for Mr. Brookins.

9 The first one is regarding the beer
10 bottle incident, is there, to your knowledge, any
11 Ring camera footage of the incident that
12 occurred?

13 A I do not recall. There may be.

14 Q Great, thanks.

15 And then, my next question for you is,
16 how long, again, have you lived at 3519?

17 A Just over a year now.

18 Q Great, thanks.

19 And over the course of that past year
20 or so that you've lived at 3519, how many times
21 before today have you seen Ms. Nunez in our
22 community?

23 A I can't recall, it's certainly not an
24 everyday basis.

25 Q My next question for you is, is there

1 still a restaurant next to the liquor store?

2 A There is.

3 Q And do you know if that restaurant
4 also serves alcohol?

5 A They do.

6 Q Have you ever heard any noise or
7 disruptions from that restaurant?

8 A Never.

9 Q How far away would you characterize is
10 the distance from that restaurant to the 3519
11 building?

12 A We'll say 30, 40 yards.

13 MS. MAI: Great, thank you.

14 Those are all the questions from me.

15 CHAIRPERSON ANDERSON: Mr. Brookins,
16 thank you very much for your testimony this
17 afternoon, sir. You are free to go.

18 MR. BROOKINS: Thank you.

19 CHAIRPERSON ANDERSON: Ms. Mai, do you
20 have any other witnesses or do you rest?

21 MS. MAI: Those are all the witnesses
22 that we have today, sir.

23 CHAIRPERSON ANDERSON: All right, do
24 you rest now? Meaning do you rest your case
25 because you have no more witnesses you want to

1 call at this point, right?

2 MS. MAI: Yes, sir, that's correct.

3 CHAIRPERSON ANDERSON: Thank you.

4 All right, Ms. Nunez, it is your
5 opportunity. Do you have a witness you wish to
6 call?

7 MS. NUNEZ: I do, but I'm not going to
8 call her because there is no translator for her
9 here today.

10 CHAIRPERSON ANDERSON: Well, I can --

11 MS. NUNEZ: That's the one.

12 CHAIRPERSON ANDERSON: All right, but
13 I also want -- Ms. Nunez, I want the record to be
14 clear.

15 You did not file a PIF with the
16 agency. And if you had filed a PIF with the
17 agency, you were specifically advised at a
18 protest hearing that both parties are required to
19 file a PIF seven days before the hearing.

20 And we have heard that when this
21 hearing was first scheduled, you did not file a
22 PIF because of technical difficulties that you
23 were also having on your part, I rescheduled this
24 hearing for today to allow you to be in our
25 office to ensure that you didn't have any

1 technical difficulties.

2 And I also informed both parties that
3 they can refile their PIF to make sure that, if
4 they have witnesses and documents that they want
5 to rely upon, they could have that today.

6 You failed to do that. And so,
7 therefore, I do not want -- I want to clarify the
8 record that I do not want it to be stated that
9 the agency did not provide a translator.

10 The agency did not provide a
11 translator because you informed the agency that
12 you personally did not need a translator.

13 And you, further, did not put the
14 agency on notice or the other side on notice,
15 that you are willing to call a witness and that
16 that witness would require translation services.

17 I just wanted to clear the record.

18 Now, ma'am, do you wish to -- in order
19 to defend your license, you are allowed to
20 testify because it is no surprise to the
21 Protestant that you'd be testifying.

22 So, you can have an opportunity today
23 to testify. And what I will do is to swear you
24 in and then you can testify why is it that you
25 believe your license should be renewed.

1 MS. NUNEZ: I will testify.

2 CHAIRPERSON ANDERSON: Can you raise
3 your right hand, please, ma'am?

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

6 MS. NUNEZ: I do.

7 CHAIRPERSON ANDERSON: And so, once --
8 you can put your hand down, ma'am -- once you're
9 done testifying, then Miss -- you can put your
10 hand down, ma'am.

11 Then, Ms. Mai will have an opportunity
12 to cross examine you and the Board will also --
13 Board members will also cross-examine you as well
14 as all other witnesses. Okay?

15 MS. NUNEZ: Thank you.

16 CHAIRPERSON ANDERSON: All right, go
17 ahead, ma'am. This is your opportunity to speak.

18 MS. NUNEZ: Oh, you expect me to
19 speak. I thought I was going to be cross-examed
20 [sic].

21 CHAIRPERSON ANDERSON: No, I -- well,
22 you haven't said anything yet for you to be cross
23 examined.

24 So, you have to say something. So,
25 therefore, you know, this is your opportunity to

1 say whatever you want to day.

2 Once you're done saying whatever you
3 want to say, then the parties will cross examine
4 you.

5 MS. NUNEZ: Okay.

6 CHAIRPERSON ANDERSON: But you have to
7 say something first.

8 MS. NUNEZ: Okay, I believe sincerely
9 that the license should be renewed because this
10 establishment is providing work opportunity for a
11 lot of people.

12 To mention a few, we have a pet rental
13 company that relies on the services that they
14 provide and we pay for the services that they are
15 providing.

16 We have a company that provides
17 services to the kitchen hood. We have the fire
18 extinguisher company that gives us services on
19 our equipment for the restaurant. We have a
20 trash company that rely on our business.

21 We have the brewing company, we have
22 the spirit, we have different companies and
23 providers that we purchase merchandise from them.
24 We have the Restaurant Depot, we have Costco.

25 We have employees that we have to

1 employ that we are providing jobs for them.

2 We have an accountant that has a job
3 because we provide the job for the accounting
4 firm to do the accounting for the business.

5 We pay taxes like everyone else. We
6 pay property taxes. We pay sales taxes on the
7 business, and personal taxes.

8 We are paying for a business license
9 so that there's a lot of people that are employed
10 and rely on our contribution to keep the economy
11 flowing.

12 And I do believe that we have
13 contributed a lot to this community. I will say
14 that because I own -- currently own three
15 restaurants in the Columbia Heights area. We
16 provide employment and a lot of opportunities.
17 And also culturally.

18 And the issues that we're addressing
19 here, loitering, people hanging out, and
20 properties, this is an abhorrent thing here in
21 the metropolitan area, even the White House.
22 This is not news. This is nothing new.

23 And when we hear someone complaining
24 about the noise, I believe it's a joint venture
25 on both parties, the one that have been an

1 establishment for years, and the one that is
2 coming into the neighborhood for the first time
3 should walk through the neighborhood during the
4 morning hours, the daytime hours, the evening
5 hours, the night hours to find out what is going
6 on in that neighborhood.

7 And furthermore, if I'm going to buy
8 a unit next to a commercial space, the first
9 thing that I would do is make sure that I get a
10 certification from the seller of that property
11 that the wall have been soundproof before moving
12 into a unit, to say the least.

13 I am here to work with the neighbors.
14 I believe that it important from Jessica to be
15 happy with the property that she purchased. And
16 I believe that she should embrace what she has in
17 that neighborhood.

18 That neighborhood was a drug-infected
19 neighborhood 50 years ago. No one wanted to live
20 in that area.

21 And I could tell you, I had a business
22 there. And the first day that I opened that
23 business in that Columbia Heights area, the drug
24 dealer, the biggest drug dealer in Washington,
25 D.C. got killed that day in that neighborhood.

1 And it was a drug-infected area. I
2 was in -- I've been in that area when no one
3 wanted to open up a business in that area because
4 it was dangerous, because it was too safe, because
5 it was not clean.

6 We are in an environment where we're
7 going to deal with people trashing, throwing
8 trash, hanging out, sleeping out on the streets.
9 I've been through it all. I encounter many,
10 many, many times different types of people.

11 And because one person is not doing
12 what they're supposed to be doing, it doesn't
13 mean you can blame your neighbor next door for
14 everything that goes on in that neighborhood,
15 especially when you don't have records. You
16 don't have public records. You don't have video
17 surveillance showing this is where it's coming
18 from.

19 You're asking to put a lot of people
20 out of work. You're not taking into
21 consideration that when you came to live in this
22 neighborhood, I was there before you.

23 I've been in that neighborhood, even
24 though you mentioned that you don't see me
25 around. You don't need to see me around to know

1 that I'm there or that I come there. You could
2 be asleep when I come there, either morning or
3 nighttime.

4 I worked by bottoms off in Columbia
5 Heights to see the growth and the development of
6 Columbia Heights.

7 I did not come in yesterday and
8 purchase in Columbia Heights. I've been in
9 Columbia Heights for 40 years owning the
10 property, 40 years I've been in my home.

11 And I purchased it. And I have
12 purchased four properties in Columbia Heights
13 when Columbia Heights was drug-infected. I paid
14 \$86,000 for my home.

15 I paid a little bit over a \$110,000
16 for the pizzeria on 11th and Park Road, the Red
17 Rocks. I paid a little bit over a \$100-and some
18 grand for the property where the Buho's is right
19 now. Where Carolina Bar and Grill is right now,
20 I paid \$100,000 for that property.

21 Who will buy a property in that
22 neighborhood today for \$500,000? I'll pay you if
23 you find one. This is a great neighborhood to
24 live in. I have lived it through all and I've
25 been cleaning the neighborhood and I clean up the

1 neighborhood. And I do my diligent duty and I
2 pay my taxes.

3 And I cleaned the front of my
4 property. I want my property to be as great as
5 my neighborhood and I want my neighborhood to be
6 clean and to be pretty.

7 But guess what? I cannot pick up
8 after your dog poop and put the dog in front of
9 my yard to poop and you don't pick up the poop
10 after your dog. And your next door neighbor
11 broke my glass. And I have the video surveilling
12 showing that he broke the glass. Your neighbor,
13 my neighbor, he broke up that glass in my
14 business establishment.

15 I want my neighborhood to be great and
16 I want my neighborhood to be safe. In this
17 Planet Earth, no one is safe, not even our
18 children when they go to school they are safe
19 from a shooting.

20 When you talk about safeness and being
21 afraid of someone who's loitering outside your
22 building, you don't know where they're coming
23 from. You don't know if they're coming from
24 across the street from the liquor store or
25 they're coming across the street from the grocery

1 store or they're coming across the street from
2 the other bar.

3 You're assuming that they're coming
4 from Buho's Restaurant. It is great to assume,
5 but it is further greater for you to assume,
6 where is this lady? Where is she at?

7 You're concerning your problem is that
8 you have never seen my face. But you spoke to me
9 over the phone. And you're concerning your own
10 concerning that the tree on your yard. That tree
11 was born in your yard before you purchased that
12 property. Before you purchased that property,
13 you should have cut that tree down or asked the
14 seller to cut that tree down for you and not lie
15 that responsibility on me to cut the tree for
16 you.

17 You talk to the people at ABRA and
18 they told you that if the tree is bothering you,
19 cut the tree. Cut it, be a good neighbor. Be a
20 decent neighbor. Do what any decent human being
21 would do. Do your part as a good neighbor or the
22 neighborhood or the commonwealth for everyone to
23 live in this earth.

24 I have to think globally in order to
25 live globally. This is a global world. You

1 think before you react. And you think before you
2 fire people. And you measure the consequences.

3 And life, life is a struggle. People
4 are struggling to live. Only those who can think
5 before they react, think. Think of others, don't
6 just think of you and think about the tree that
7 is bothering you. Think about everyone in
8 general.

9 You're not thinking of anyone but
10 yourself. Because it's about you, it's about the
11 tree, it's about your tenant that is paying rent
12 to you and it's what you would like the tenant to
13 contribute to this conversation.

14 Why don't you get the tenant next door
15 to tell you why he broke the glass? He broke
16 that commercial glass and he broke the window.
17 We have a police report and we have a video
18 surveilling and we can't get him to pay.

19 You think that's a good neighbor? You
20 think he's doing something for the neighborhood?
21 No, he's not. He's not doing what he's supposed
22 to do.

23 And when he walk his dog, he's
24 supposed to pick his poop after his dog because
25 it's his neighborhood. It's my neighborhood.

1 That restaurant that you're so
2 complaining about so much, go there and show me
3 what little piece of trash on that premises.
4 There isn't any.

5 Show me who's doing the maintenance in
6 front of your property. You have trash cans in
7 front of your property. I think they look tacky,
8 but I don't go knocking on your door telling you
9 that your trash can in front of the property
10 looks tacky. I think it should be in the back.
11 But who am I to tell you what I think you should
12 do in your property? No one. Should I?

13 Should I tell you that you need to
14 clean the front of your property? Do you pay a
15 condo fee to clean that front?

16 CHAIRPERSON ANDERSON: Ms. Nunez, Ms.
17 Nunez, I know you're testifying and you're going
18 to be -- have an opportunity to be cross
19 examined. But remember, I just need you to focus
20 this about on your license, ma'am. This is --
21 this hearing is about your license, not on her
22 property, but just your license.

23 We're here because you have a license
24 from ABRA and you're asking us to renew your
25 license and their license has been protested.

1 So, I just need you to turn -- to
2 refocus what your testimony, ma'am, about your
3 license.

4 MS. NUNEZ: Mr. Anderson, no
5 disrespect, I'm trying -- I am focused and we're
6 focusing.

7 The issue here is the liquor license,
8 but the reason why it's protest is because of the
9 tree and the tree keeps coming up, the tree
10 conversation.

11 And this is about the liquor license.
12 She was complaining about the noise. There is
13 noise everywhere and there is no more noise on
14 Buho's property than there is in the restaurant
15 next door to the liquor store or the one across
16 the street. The noise is the same or less.
17 There's no more.

18 I don't see that type of noise and we
19 can provide ABRA with records of the noise and
20 the video surveilling outside.

21 CHAIRPERSON ANDERSON: All right.
22 Anything else you want to say at this junction,
23 ma'am, before we do cross examination?

24 MS. NUNEZ: Mai, can you provide video
25 tapes of the noise and the loitering outside your

1 property?

2 CHAIRPERSON ANDERSON: All right, are
3 you done testifying at this junction? You're
4 going to -- you're still going to be given an
5 opportunity to do a closing statement. Both
6 sides will be given an opportunity to do a
7 closing statement to tell the Board what is it
8 that they want the agency to do.

9 But at this juncture, are you done
10 testifying, ma'am?

11 MS. NUNEZ: Yes, I would like for the
12 Board to reconsider --

13 CHAIRPERSON ANDERSON: You're going to
14 get a chance what is it that you want. So,
15 that's not what -- you don't have to do that as
16 this juncture.

17 MS. NUNEZ: I'm done, Mr. Anderson.
18 Thank you so much for your time.

19 CHAIRPERSON ANDERSON: All right,
20 fine.

21 So, all right, Ms. Mai, do you have
22 any questions that you wish to ask her?

23 (No audible response.)

24 CHAIRPERSON ANDERSON: So, you can ask
25 her any questions dealing with what -- based on

1 her testimony, ma'am.

2 MS. MAI: Mr. Anderson, we appreciate
3 her testimony. And we have no questions for her.
4 We would just like to keep the hearing moving
5 along.

6 CHAIRPERSON ANDERSON: All right, well
7 -- all right, thank you. All right, all right,
8 fine.

9 So, the record is now closed. I mean
10 -- I'm sorry, so you have testified -- well, let
11 me -- all right, okay, I'm sorry. I'm sorry.

12 Does the Board have any questions to
13 ask of the -- of Ms. Nunez?

14 All right, hearing none, all right,
15 thank you. All right, so the matter -- so, all
16 right.

17 So, where we are now, we are at the
18 end of the hearing. So, we are -- we have
19 closing statements. Each side will be given five
20 minutes to do a closing statement. What this is
21 -- this is what a closing statement is.

22 This is what was proven today, and I
23 need both sides to be specific, what is it that
24 they're asking the Board to do. Okay?

25 So, this is a protest hearing on

1 whether or not we should renew the license,
2 whether or not we should -- I'm not -- I don't --
3 I didn't look at the PIF to see if the
4 Protestants were asking for conditions.

5 So, basically, I would like the
6 applicant to say specifically what it is that the
7 Board -- it wants the Board to do.

8 And then I want the Protestant to be
9 specific in what is it that -- what decision the
10 Protestant wants the Board to make.

11 So, Ms. Nunez, you have five minutes
12 to close, to sum up your case, and let us know
13 specifically what is it that you want the Board
14 to do.

15 MS. NUNEZ: Mr. Anderson, I would like
16 --

17 CHAIRPERSON ANDERSON: I need you to
18 come closer to the microphone. I don't know they
19 -- and I want to say this, Ms. Nunez, it is not
20 your equipment. The equipment belongs to the
21 agency. So, I don't know why the volume keeps on
22 going in and out.

23 But all right, ma'am, so you can go
24 ahead. I am going to make sure that everybody
25 speaks no longer than five minutes.

1 So, what I'm going to do, I am going
2 to put a timer on. I don't keep time normally,
3 but since I want to make sure that this only goes
4 on for five minutes, there are five minutes to
5 make a closing statement.

6 And go ahead, ma'am.

7 MS. NUNEZ: Mr. Anderson, I would like
8 for the Board to consider the renewal of this
9 business license because it will cause jeopardy
10 to a lot of people that rely and depend on the
11 Buho's operation.

12 There are a lot of families involved
13 that eat off Buho's.

14 I, myself, feel that I have done a lot
15 and bent over backwards over this community to
16 clean up the area, to clean up Columbia Heights,
17 to beautify Columbia Heights, to beautify
18 Columbia Heights, to provide for Columbia
19 Heights.

20 And I think that I have been very
21 active and very productive in the Columbia
22 Heights area and I have made an investment in
23 Columbia Heights. I have made Columbia Heights
24 my home.

25 Therefore, I respectfully ask this

1 Board to reconsider the renewal of the license
2 based on the fact that their presentation was
3 weak, the fact that there was no proof by ABRA's
4 investigator that went to the site eight times
5 and couldn't find noise, couldn't make out the
6 noise that was coming up from next door.

7 In all fairness, I think our license
8 should be renewed based on the fact that there
9 was no noise proven on the times that the
10 investigation was done, nine times out of eight -
11 - the eight times that Mr. Ruiz went through the
12 property, there was no noise that he could really
13 describe that would jeopardize the safeness or
14 the tenants being able to have a peaceful or a
15 restful night.

16 In terms of the trash, we would work
17 with my neighbor next door so that we can limit
18 the number of dumps and the hours that are being
19 dumped because I want the neighbors to be calm
20 and I want them to be able to have a restful
21 night. I will work around that.

22 I'm finished, thank you.

23 CHAIRPERSON ANDERSON: Thank you,
24 ma'am.

25 Ms. Mai, you have five minutes, ma'am.

1 MS. MAI: Great, thank you.

2 I'll go ahead and provide our closing
3 statements.

4 As residents of the Columbia Heights
5 community, we've collectively prepared five
6 minutes of closing statements for you.

7 We also provided our documentation,
8 the testimony, and efforts to protest the license
9 renewal.

10 And delivered you five conditions
11 which I will outline to the Board.

12 Again, we emphasize to the Board that
13 there is a pre-existing settlement agreement that
14 Mr. Ruiz actually flagged for us himself, that
15 the licensee has failed to abide by for over five
16 years.

17 As residents of the community, and as
18 Mr. Short mentioned, we have the right to peace,
19 order, and quiet.

20 Mr. Ruiz, in his testimony and during
21 my cross examination questions to him earlier
22 today, confirmed that he could hear noise in our
23 buildings.

24 Noise is a yes or no situation. There
25 is either noise or not noise. And everybody,

1 except the Licensee, said that there is noise.

2 The Licensee continues to belittle us
3 by claiming we do not conduct -- we didn't
4 conduct due diligence about our neighborhood,
5 which we existentially object to because, unlike
6 her, we live on that block. We walk the streets
7 every day. And we have provided the data, the
8 reporting, before the Board to demonstrate our
9 knowledge and understanding of our community.

10 We also note that, while the Licensee
11 says we don't know what's going on, she fails to
12 acknowledge the numerous outreach efforts we have
13 conducted via email and text messages, which we
14 submitted to the Board as exhibits, to resolve
15 the long-standing security issues with her
16 property.

17 Regarding the beer bottle incident,
18 the building provided Ms. Nunez screen captures
19 from our front door Ring camera of Buho's
20 customers entering our property.

21 We also provided her the police report
22 numbers.

23 Regarding the tree that is on Buho's
24 property, the 14 exhibits we provided to the
25 Board that have not been discussed yet, we

1 offered to split the cost of cutting the tree
2 down.

3 You can look at those text messages we
4 provided in the 14 exhibits where Ms. Nunez
5 acknowledges and she also ignored.

6 The repeated mentions of the tree,
7 honestly, baffle us because we are discussing the
8 conduct of the managers, patrons, and herself as
9 the property owner.

10 This is, again, about the right to
11 peace, order, and quiet, which we have
12 demonstrated as being disrupted because of the
13 emanating noise coming from inside and outside of
14 the Buho's property.

15 I will now provide the five
16 conditions.

17 These conditions are, 1A, limiting the
18 noise to a quantitatively measurable and
19 enforceable levels in decibels, which
20 specifically is professional sound engineer
21 installation and testing of sound suppression
22 materials along all walls and ceilings of the
23 establishment with emphasis on 3519 and 3523.

24 1B, professional sound engineer
25 repositioning of any sound emitting equipment

1 that does not direct noise into the 3519 and 3523
2 residential buildings.

3 This action should include a provision
4 that the equipment cannot be moved to another
5 location inside the establishment unless it is
6 tested and reviewed by the ABRA Noise Task Force
7 personnel.

8 And also, they need to coordinate if
9 the movement of any of this noise emanating
10 equipment affects the residents around them.

11 Number 2, limiting the operating hours
12 to sell alcohol and conduct live entertainment,
13 even more narrowly than what was defined in the
14 February 2017 pre-existing settlement agreement,
15 which I mentioned in my opening statement.

16 Number 3, ceasing the disruptive
17 outdoor dumping of glass bottles in large
18 quantities throughout the night in the back of
19 the property resulting in noise that can be heard
20 across several residential properties along 14th
21 Street and Parkwood Place, Northwest.

22 4A, implementation of a security plan
23 which includes prohibiting the sale of alcohol to
24 intoxicated persons repeatedly entering and
25 exiting the establishment resulting in unlawful

1 behavior such as harassment, trespassing,
2 littering, and defecating on public and private
3 property, and disorderly conduct requiring a
4 police response.

5 4B, the contact of licensed
6 professional security personnel to regularly
7 facilitate the maintenance of peace and order
8 among customers in and outside of the
9 establishment which, specifically, goes to the
10 mandate of a security plan and operable cameras,
11 which we have not discussed during this hearing,
12 either.

13 We do not know what exactly the
14 security plan for Buho's is.

15 Security personnel should be required
16 to be present on site Thursday, Friday, Saturday,
17 and Sunday during all operating hours.

18 4C, securing the back of the Buho's
19 property to deter the trespassing of individuals
20 to conduct unlawful activities such as drug
21 consumption, sales, prostitution, physical
22 defecation, and rummaging through trash,
23 resulting in additional disruptions to residents.

24 5A, implementing daily maintenance of
25 the front and back outdoor areas of the property

1 to include the sidewalk, tree boxes, alley, and
2 abutting public areas, making sure that it is
3 clean and free of trash, debris, and shattered
4 glass bottles, which also result in rodent
5 infestation, vehicle, and pedestrian hazards.

6 5B, maintaining an environment
7 particularly on the first and second level and
8 rear outdoor areas that are free of old trash,
9 which are hazardous to the surrounding area.

10 CHAIRPERSON ANDERSON: Are you done --

11 MS. MIA: Those are the five
12 conditions that we've outlined.

13 We also note for the record, that the
14 Licensee has applied to install multiple gaming
15 machines inside the establishment which emit a
16 substantial amount of noise, according to the
17 technical specifications of the specific machines
18 that they are trying to install.

19 CHAIRPERSON ANDERSON: I'm going to
20 give you --

21 MS. MAI: That concludes our
22 statement.

23 CHAIRPERSON ANDERSON: I was about to
24 say that's -- you've way exceeded your five
25 minutes.

1 All right, in your closing, ma'am, you
2 talked about witness, and you talk about
3 exhibits.

4 Now, you have not moved any of those
5 exhibits into evidence and you have not -- I've
6 not heard any testimony about any of the
7 documents that you've disclosed.

8 So, the documents are not in the
9 record because they have not moved and no witness
10 testified on any of the documents.

11 MS. MAI: There was never a point
12 during the hearing where the Board requested us
13 to show the 14 exhibits that we provided.

14 The submission of the 14 exhibits was
15 confirmed by ABRA staff last week when we
16 submitted them.

17 It includes media, such as text
18 message screen captures, videos, and still shots
19 from our Ring camera.

20 CHAIRPERSON ANDERSON: But -- all
21 right, but you're talking about -- I don't know
22 what 14 because I specifically requested that --
23 and I don't -- the only -- I see that you had
24 submitted documents, I think, on --

25 MS. MAI: Sir, the bottom line is that

1 we provided the five conditions and we look
2 forward to working on a way forward, exhibits or
3 not.

4 CHAIRPERSON ANDERSON: All right, all
5 right.

6 All right, the -- well, you have -- we
7 have had testimony regarding what is it that
8 you're seeking. We have not had any specific
9 testimony or no document has been moved into
10 evidence. So, there are no documents in the
11 evidence.

12 The decision that the Protestant --
13 I'm sorry, the appellant did not -- the Licensee,
14 I'm sorry, did not put in a PIF or there are no
15 documents on behalf of the applicant, and there
16 is also no documents in the record on behalf of
17 the Protestant.

18 But the decision that the Board will
19 make will be based strictly on the evidence
20 presented, the testimony presented by the case
21 investigator, Ms. Nunez, and the four witnesses,
22 I believe the three or four witnesses that went
23 through, and that we have from the Protestant.

24 All right, so, the case is closed.

25 So, do the parties wish to file

1 proposed findings of fact and conclusion of law
2 or waive their right to do so?

3 And basically, that is, do you want to
4 write a brief basically to summarize what the law
5 says and what the evidence was presented today.

6 That is not something that is
7 required, it's just an option and it's basically
8 what that would state is that you would have to -
9 - you would get the transcript, review the
10 transcript stated, and state in a brief, what is
11 it that was presented here today and what the
12 conclusion of law is.

13 But that's, of course, not something
14 is normally required or done in a protest
15 hearing, but it's an option. And both parties
16 can agree to not do it.

17 And we'll make our decision based on
18 the presentation here today.

19 It's not -- you cannot bring in new
20 evidence, you can't bring a new witness, you
21 can't bring a new document.

22 So, it would be listening to the
23 transcript of the entire hearing today and state
24 what the facts were from the transcript and what
25 the law is. The parties can both move to waive

1 it.

2 I'm not hearing any and I'm not
3 hearing a response from either side, then I'm
4 taking it that both parties have agreed to waive
5 that. Is that correct?

6 MS. NUNEZ: Mr. Anderson --

7 MS. MAI: That is correct, sir, thank
8 you.

9 CHAIRPERSON ANDERSON: I can't hear
10 you, ma'am.

11 MS. NUNEZ: I feel that Mr. Ruiz did
12 a wonderful presentation and he covered all the
13 angles that I was not able to cover.

14 CHAIRPERSON ANDERSON: That's fine.

15 MS. NUNEZ: And don't believe that Mai
16 did a very good job proving her case.

17 CHAIRPERSON ANDERSON: Ma'am, ma'am,
18 yes, all right, we don't need to get into that
19 now. I just asked a simple question.

20 Okay, so, this matter then is
21 submitted. So, let me close off this hearing
22 today.

23 All right. As Chairperson of the
24 Alcohol Beverage Control Board for the District
25 of Columbia, and in accordance with DCF Code

1 Section 2575 of the Open Meetings Act, I move
2 that ABC Board hold a closed meeting for the
3 purpose of seeking legal advice from our counsel
4 on Case Number 23-PRO-00020, Buho's Restaurant
5 pursuant to D.C. Official Code Section
6 2575(b)(4)(a) of the Open Meeting Act and
7 deliberating upon Case Number 23-PRO-00020,
8 Buho's Restaurant for the reasons cited in D.C.
9 Official Code Section 2575(b)(13) of the Open
10 Meetings Act.

11 Is there a second?

12 MEMBER CATO: I'll second.

13 MEMBER HANSEN: I'll second.

14 CHAIRPERSON ANDERSON: Mr. Cato and
15 Ms. Hansen have seconded the motion.

16 I will now take a roll call vote on
17 the motion before us that has been properly
18 seconded.

19 Mr. Short:

20 MEMBER SHORT: Mr. Short, I agree.

21 CHAIRPERSON ANDERSON: Mr. Cato?

22 MEMBER CATO: Bobby Cato, I agree.

23 CHAIRPERSON ANDERSON: Ms. Hansen?

24 MEMBER HANSEN: Jeni Hansen, I agree.

25 CHAIRPERSON ANDERSON: Mr. Grandis?

1 Mr. Grandis?

2 (No audible response.)

3 CHAIRPERSON ANDERSON: All right, just
4 put a thumbs up, I cannot hear you, Mr. Grandis.

5 Mr. Grandis agrees, and Mr. Anderson,
6 I agree.

7 As it appears that the motion has
8 passed, I hereby give notice that the ABC Board
9 will recess this proceeding to hold a closed
10 meeting pursuant to Section 2575 of the Open
11 Meetings Act.

12 I want to thank the parties for their
13 flexibility in allowing us to have this hearing
14 today. I know that the -- it was scheduled
15 previously, we were unable to -- we had to
16 reschedule it. It was scheduled this afternoon
17 for 1:30, but we moved the hearing to 10:30,
18 which I'm glad that it was moved to 10:30 rather
19 than 1:30, because we would have stretched into
20 the night.

21 So, I do appreciate the flexibility of
22 the parties to accommodate the schedule, that we
23 did this to accommodate all the parties,
24 especially the Licensee.

25 So, this case has been concluded. The

1 Board -- we will issue a decision in 90 days.

2 Thank you very much, have a great
3 evening. Thank you very much.

4 MS. NUNEZ: Have a safe afternoon.

5 CHAIRPERSON ANDERSON: All right,
6 thank you. All right, we are now adjourned for
7 the day. I now ask all Board members to return
8 to executive session for further developments.

9 Thank you very much, have a great day.

10 (Whereupon, the above-entitled matter
11 went off the record at 3:17 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Buho's

Before: DC ABCA

Date: 05-23-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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