

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

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 IN THE MATTER OF: :
 : :
 M Street Entertainment, :
 LLC :
 t/a To Be Determined :
 3123-3125 M Street NW : Protest
 Retailer CR - ANC 2E : Hearing
 License No. 119608 :
 Case #22-PRO-00024 :
 : :
 (Substantial Change - :
 Sports Wagering :
 Endorsement) :
 -----=

Wednesday
 July 13, 2022

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

PRESENT:

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

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff
BILL DEAN, Applicant
MANALLE MAHMOUD, Applicant Counsel
STEPHEN O'BRIEN, Applicant Counsel
LISA PALMER, Protestant
TARA PARKER, Protestant
TAVRIL PROUT, Witness
TOM ELMORE, Witness
DAVID DUNNING, Witness
KEITH HUDOLIN, Witness
CATHY BEEDING, Witness

I-N-D-E-X

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W-I-T-N-E-S-S-E-S

Name	Dir	Cross	Redir	Recross
Tavril Prout	42	46		
William Dean	57	64		
Thomas Elmore	83	89		
David Dunning	98	100		
Keith Hudolin	106	119	131	
Cathy Beeding	132	138	153	

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Applicant Exhibit Nos.		Mark'd	Rec'd
1	Proposed Floor Plan, Georgetown Sports and Social	109	119
2	Bethesda Sports and Social Menu	110	119
3	Photographs of Bethesda Sports and Social	108	119

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

2 (1:52 p.m.)

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is No. 22-PRO-00024, M Street
5 Entertainment, LLC, trade name to be determined,
6 License No. 119608. This is a protest hearing
7 for substantial change application sports
8 wagering endorsement.

9 Ms. Fashbaugh, can you please elevate
10 the rights of the parties in this case, please?
11 We're going to start -- if you have a camera, I
12 would like to go on to turn the cameras off --
13 I'm sorry, turn the cameras on.

14 What I'm going to do now, I'm going to
15 ask all the parties to identify themselves for
16 the record by spelling and stating your name.
17 Let's start with the representative of the
18 Licensee.

19 MR. O'BRIEN: Good afternoon, Mr.
20 Chair, Stephen O'Brien for the Applicant. I'm
21 accompanied by my colleague, Manalle Mahmoud.
22 Stephen, S-T-E-P-H-E-N, O'Brien, O apostrophe
23 B-R-I-E-N.

24 MS. MAHMOUD: Good afternoon, Chair,
25 Manalle Mahmoud, M-A-N-A-L-L-E M-A-H-M-O-U-D.

1 CHAIRPERSON ANDERSON: Good afternoon.
2 Is your client here, Mr. O'Brien? Can you please
3 identify them, and then they can spell and state
4 their name for the record, please.

5 MR. O'BRIEN: Yes. The client is
6 William Dean, D-E-A-N, who was scheduled to be
7 our first witness, but if the Board wants to
8 elevate Mr. Dean now, we can --

9 CHAIRPERSON ANDERSON: Yes, I would
10 like all the parties to be elevated so they can
11 identify themselves, so they can be identified
12 for the public record prior to their testimony.
13 I would like the client to identify themselves.

14 MR. DEAN: Okay, thank you, sir. I'm
15 Bill Dean.

16 CHAIRPERSON ANDERSON: What's your
17 relationship, sir?

18 MR. DEAN: I'm the owner of the
19 property.

20 CHAIRPERSON ANDERSON: You're the --
21 (Simultaneous speaking.)

22 MR. DEAN: I'm the owner of the
23 property.

24 CHAIRPERSON ANDERSON: You're the
25 owner of the property, and you're the one who

1 currently has the license, sir.

2 MR. DEAN: Yes.

3 MR. O'BRIEN: Yes, Mr. Dean is the
4 manager of M Street Entertainment, LLC, which is
5 the Licensee.

6 CHAIRPERSON ANDERSON: Let's start with
7 the -- I'm sorry, if you're not speaking, please
8 -- I would ask everyone if they're not speaking,
9 please mute your phone. Let's start with the
10 protestants. I'll have Ms. Palmer, can you
11 please pronounce your name for the record and
12 your relationship?

13 MS. PALMER: Yes, thank you, Mr.
14 Chair. My name is Lisa, L-I-S-A, Palmer,
15 P-A-L-M-E-R. I'm the vice chair of ANC 2E. My
16 Single Member District 05 is where the proposed
17 establishment is located.

18 CHAIRPERSON ANDERSON: Do we have --
19 is Ms. Cruse on the line? Is she supposed to be
20 here?

21 MS. PARKER: Hi. My name is Tara
22 Sakraida Parker. I'm the president of the
23 Citizens Association of Georgetown. Ms. Cruse
24 has had a medical procedure and is unable to join
25 today, but we did alert Counsel that I would be

1 substituted in her place.

2 CHAIRPERSON ANDERSON: I'm sorry;
3 what's your relationship, again, ma'am?

4 MS. PARKER: I am the president of the
5 Citizens Association of Georgetown, CAG. Ms.
6 Cruse is the chair of one of our committees, the
7 ABC Committee.

8 CHAIRPERSON ANDERSON: Can you tell me
9 who else is here with you, ma'am, and then you
10 can call their names. Then once you call their
11 name, then I'll have the person spell and state
12 their name for the record.

13 MS. PARKER: I'm the only one that's
14 representing the Citizens Association of
15 Georgetown today. There's no one else with me.

16 CHAIRPERSON ANDERSON: I see a whole
17 lot of names. Are they with ANC? Let me ask the
18 question. Mr. O'Brien, who are the protestants
19 in this case, please?

20 MR. O'BRIEN: The protestants are the
21 ANC and the Citizens Association of Georgetown.
22 Some of the names, Mr. Chair, that you see are
23 our witnesses. I can have them all elevated now,
24 identify themselves, or we can deal with this one
25 by one as they're called to testify.

1 CHAIRPERSON ANDERSON: We can do that
2 one by one, then. I just want to make sure all
3 the parties are elevated. I have Ms. Palmer,
4 then I have Ms. Parker. Is there any other
5 person that is a party that needs to be
6 identified for the record at this time?

7 MS. PARKER: No, sir.

8 CHAIRPERSON ANDERSON: I'll wait later
9 on to have you -- I'll wait for the Board's
10 witness later on to identify themselves. This
11 matter, we have a protest hearing for M Street
12 Entertainment, trade name to be determined.

13 This is an application of substantial
14 change. They're requesting a sports wagering
15 endorsement. This has nothing to do with their
16 license. It's whether or not the Board should
17 agree or disagree to provide this endorsement on
18 their license.

19 I want to make sure that we're talking
20 about the appropriateness of granting or denying
21 this endorsement on the application. I want to
22 make sure that all the parties are keenly aware
23 that the only issue we're talking about is
24 whether or not it's appropriate for the Board to
25 issue a sports wagering endorsement to this

1 license application. The way the process will
2 work is that we will have -- the Licensee will do
3 an opening statement. Both the protestants will
4 do an opening statement. The Board will call its
5 first witness. The protestant will have an
6 opportunity after the Board calls its witness and
7 asks questions of the witness, then the
8 protestants will have an opportunity to
9 cross-examine the witness.

10 Then once the protestants have
11 cross-examined the witness, then we'll have the
12 Applicant put its case on. Depending on how long
13 by the amount of questions that are asked during
14 the presentation of the Board's case and the
15 presentation of the Applicant's case -- it's
16 2:00, so depending on how fast we move, I just
17 want to alert the protestants that they will not
18 put their case on until about 4:00, depending on
19 how fast we move through this process.

20 If there are protestants' witnesses
21 that are waiting, I just want to alert the
22 protestants that it's 2:00. We're not going to
23 call you until maybe for another two hours or so.
24 Just wanted the protestants to be aware of that.
25 There are two protestants. Are the protestants

1 just preliminary? There are two protestants, the
2 ANC and the Citizens Association. Who is taking
3 the lead in presenting this case?

4 MS. PALMER: ANC 2E will be taking the
5 lead.

6 CHAIRPERSON ANDERSON: All right,
7 thank you, Ms. Palmer. Are there any preliminary
8 matters that need to be addressed prior to us
9 starting the hearing?

10 MR. O'BRIEN: No, sir.

11 CHAIRPERSON ANDERSON: From the
12 protestants, any?

13 MS. PALMER: No, sir.

14 CHAIRPERSON ANDERSON: I'm going to
15 give each side -- and as the instructions that
16 were given previously, you have an hour to
17 present your case. Let us use that hour
18 judiciously.

19 I prefer that you spend most of your
20 time doing direct questioning, rather than
21 cross-examining a witness, because I prefer
22 asking that you'll get more when you call your
23 own witness into that direct questioning, rather
24 than cross-examining the witness. I just want to
25 alert you to make sure that you spend more of

1 your time doing that. Again, I just want to
2 remind the parties to be focused on the issue.
3 The issue is whether or not it's appropriate for
4 the community -- it's an appropriate standard
5 regarding whether or not we should grant this
6 endorsement on this license.

7 We're not going to address any other
8 issue about the license, itself. It should only
9 deal with the endorsement that they are
10 requesting. Mr. O'Brien, you have five minutes
11 to do an opening statement if you so desire, sir.

12 OPENING STATEMENTS

13 MR. O'BRIEN: I'll take a lot less
14 than five minutes, Mr. Chair. I appreciate the
15 Chair setting the table for what is and is not at
16 issue in this case. The license is presently in
17 safekeeping.

18 The owner has been searching for some
19 time for an appropriate tenant. The property is
20 at 3123-3125 M Street, a little less than a half
21 a block from Wisconsin Ave. The landlord, Mr.
22 Dean, searched high and low and identified what
23 he believes to be a good quality tenant to bring
24 to this location and help alleviate the spate of
25 vacant storefronts in Georgetown. The tenant, as

1 you will find out, the prospective tenant is
2 experienced and highly reputable in gaming, but
3 the prospective tenant doesn't want to go forward
4 with this lease unless it can add sports wagering
5 to its sports bar concept. You'll hear about
6 that concept.

7 The Council of the District of
8 Columbia has determined that sports wagering is
9 desirable in the District of Columbia and has
10 enacted statutes and regulations governing it.

11 The evidence will show, again, that
12 this prospective tenant is fully capable of
13 adhering to those statutes and regulations and
14 that there is no reason that the sports wagering
15 endorsement application should be denied. Thank
16 you.

17 CHAIRPERSON ANDERSON: Thank you. Ms.
18 Palmer.

19 MS. PALMER: Yes, thank you. ANC 2E
20 welcomes M Street Entertainment to our
21 neighborhood. We are delighted to have a new
22 sports bar and restaurant serving the D.C.
23 community in our backyard. We believe that the
24 food and beverage element will be a wonderful
25 addition to our recovering retail community.

1 Additionally, ANC 2E supports their hours of food
2 and beverage service with no requests for change
3 to their existing license. However, ANC 2E is
4 very concerned about the impact on peace and
5 order should the restaurant receive the requested
6 gambling endorsement.

7 To be clear, we welcome the opening of
8 a new restaurant. Our concerns around peace and
9 order is unrelated to any of the services
10 typically considered by ABRA. We are concerned
11 only about the sports wagering endorsements, with
12 no conditions.

13 Criminology is the study of crime and
14 criminal behavior. In criminological theory
15 there exists a paradigm referred to as the
16 problem analysis triangle or crime triangle,
17 which provides a way of thinking about recurring
18 problems of crime and disorder, offering an easy
19 way to visualize and understand crime problems.

20 The concept of the crime prevention
21 triangle simply states that in order for a crime
22 to occur, all three elements of the triangle must
23 exist. These elements include an offender, the
24 victim, and a location. If we strategically
25 eliminate one leg of the triangle, we also

1 eliminate the crime. It is at this point that we
2 can take the appropriate action to prevent crime.
3 The crime triangle allows lawmakers, licensors
4 and neighbors to have some level of control
5 within their own communities over where and when
6 crime occurs.

7 Today, we review the appropriateness
8 of the sports wagering endorsement. M Street
9 Entertainment, owned, in part, by the
10 organization that has opened live casinos all
11 over the country, from Baltimore to Arlington,
12 Texas.

13 They seek to open a sports bar with
14 ten betting kiosks and one betting window.
15 Notably, while the block where the restaurant
16 seeks to open is considered mixed use,
17 immediately around the corner of this location is
18 residential zoning.

19 There's almost no parking available
20 immediately in the area of this mixed use space.
21 It is primarily located in the residential zone.
22 While M Street, i.e. the commercial corridor, is
23 well lit, the residential neighborhood is dark.
24 Overnight, Georgetown has only two Metropolitan
25 Police Department officers assigned to the entire

1 neighborhood, PSA 206, which runs from K and
2 Water Street to the south, Whitehaven Parkway to
3 the north, approximately 44th Street to the west
4 and Rock Creek Park to the east. If you are
5 unfamiliar with this landscape, this is a large
6 swath of land.

7 When issues arise in other areas of
8 the Second District, including the entertainment
9 district on 18th Street or Adams Morgan, the two
10 officers are pulled from PSA 206 and deployed
11 where needed, leaving Georgetown with zero MPD
12 coverage.

13 While Georgetown has fortunately
14 experienced relatively low levels of crime, we
15 are not immune. Since January 2022, MPD has
16 recovered 11 guns in our police service area, PSA
17 206, nine of which were recovered on M Street or
18 within one block of M Street, 133 thefts, 22
19 motor vehicle thefts, 45 thefts from auto, 13
20 burglaries and one homicide.

21 Patrons of this proposed gambling
22 operation are likely to be paid out as various
23 sports games finish over the course of the night.
24 There are no maximum bets and no maximum cash
25 payouts. According to the operators, themselves,

1 the fun of placing the bet is to get the cash in
2 your pocket when you win. There are no
3 limitations on the time that payouts are made.
4 ANC 2E takes no position on the morality or
5 appropriateness of gambling in and of itself. In
6 fact, we understand that sports betting happens
7 on phones anywhere and everywhere.

8 And we have supported other
9 restaurants who have requested a small number of
10 kiosks in their establishments elsewhere in the
11 neighborhood. But here, we have ten kiosks, plus
12 a window, with no maximum betting, no maximum
13 payouts, and a closing that is later than almost
14 every other establishment within Georgetown.

15 While the Office of Lottery and Gaming
16 will require a security plan on the inside of the
17 establishment should this endorsement be issued,
18 there are no requirements for securing the safety
19 of patrons or other residents from the vicinity
20 of patrons once leaving the establishment.

21 We have serious concerns about patrons
22 leaving late at night, well after almost every
23 other bar and restaurant is closed in the area,
24 with large sums of cash in their pockets, and
25 then walking through the dark neighborhood to

1 either get home or to their cars. We asked the
2 Applicant if they could pay out over a certain
3 dollar amount via electronic payment, i.e. direct
4 deposit, debit cards, etc., in order to --

5 MR. O'BRIEN: Mr. Chair, I'm going to
6 have to object because I think what Ms. Palmer's
7 going to be getting into now is settlement
8 negotiations.

9 CHAIRPERSON ANDERSON: I appreciate
10 that, Mr. O'Brien, but she's a lay person. I
11 mean she said that she's giving her opening.

12 (Simultaneous speaking.)

13 MR. O'BRIEN: -- lay person.

14 CHAIRPERSON ANDERSON: Sorry for the
15 interruption, Ms. Palmer, but as I said you're
16 giving an opening, and please don't talk about
17 settlement discussion if you're heading there.

18 MS. PALMER: Okay. I'm not. Thank
19 you, though. I'll just move on. Furthermore,
20 the establishment has stated that they will
21 prepare an internal security plan for the Office
22 of Lottery and Gaming application, but it is not
23 prepared at this time. As a result, the
24 community cannot review or make suggestions to
25 ensure that security is adequate for our

1 neighborhood. By all means, we assume and expect
2 that the operator of this business will conduct
3 the business in a manner consistent with all
4 applicable statutes and regulations. However,
5 those statutes and regulations do not protect the
6 safety of patrons once they leave the
7 establishment, even when the conditions that put
8 patrons in harm's way are a direct result of the
9 operations of this proposed endorsement.

10 ANC 2E knows that there are, indeed,
11 a handful of other locations across the District
12 that allow for sports betting. Most of these
13 establishments are located in or near sports
14 arenas and/or stadiums and capitalize on the
15 entertainment district where they are located.

16 Only one establishment with this level
17 of endorsement, as far as ANC 2E was able to
18 ascertain, is currently operating outside of a
19 stadium/arena neighborhood, which is located in
20 Adams Morgan.

21 They are currently operating four
22 kiosks, one window, and take bets seven days a
23 week, only from 11:00 a.m. to 11:30 p.m. ANC 2E
24 further calls to your attention that the night
25 life seen in Adams Morgan is quite different than

1 that in Georgetown. Restaurants and bars are
2 open late, and there is quite a bit of foot
3 traffic until late at night in that community.
4 We, on the other hand, for better or for worse,
5 are quiet as the night goes later.

6 Some note that ATMs are open late as
7 reasoning for why this endorsement should be
8 allowed. Why would it seem more dangerous than
9 people withdrawing money from an ATM? According
10 to Forbes, the average maximum ATM withdrawal is
11 between \$300 to \$1,000 a day.

12 By comparison, there are no maximum
13 bets at this location, so it is more than
14 probable that patrons will be leaving with far
15 more than \$300 or \$1,000. Furthermore, I expect
16 that few people are walking up to the ATM,
17 particularly while inebriated, at 2:00 a.m. and
18 withdrawing \$1,000.

19 Now, back to the crime triangle. As
20 a reminder, the crime triangle notes that the
21 presence of a victim, a location, and an offender
22 are all necessary for a crime to occur.
23 According to Glen Kitteringham, from the Handbook
24 of Loss Prevention and Crime Prevention, Fifth
25 Edition, crime does not occur randomly in time or

1 place and offenders do not wander aimlessly
2 across the landscape. One could imagine that a
3 person leaving a sports bar where they could have
4 won significant sums of cash to go home or to
5 their car in the dark and could be interpreted to
6 be a victim or suitable target of criminal
7 victimization.

8 The area in the residential
9 neighborhood between the sports bar and the
10 patron's destination once leaving, where there
11 are no adequate guardians or protections would be
12 the location in this paradigm.

13 A person who was looking to rob
14 someone who had or could have cash would be the
15 offender. In this case, we have created a crime
16 triangle with three clear legs. Indicators are
17 that you could predict that this new betting
18 operation would drive new crime in our
19 neighborhood at a time when our policing is
20 stretched thin.

21 Finally, as I mentioned in the
22 beginning of my statement, the partners in this
23 operation have owned a number of other locations
24 nationwide and presumably run their businesses
25 well. Their own website states Sports and Social

1 can be found at the front door of professional
2 sports stadiums around the country and list those
3 stadiums. Sports and social is experiencing
4 significant growth and continues to expand
5 nationwide. The concept will soon open at
6 several major casino resort destinations in the
7 mid-Atlantic region.

8 Nowhere do you hear, on their website,
9 that they have safely opened in a highly
10 residential area and remained open after the rest
11 of the establishments in the area have closed.
12 Even their suburban Bethesda location is not in
13 an urban neighborhood like Georgetown, and they
14 close at midnight and 2:00 a.m. on Friday and
15 Saturday.

16 The ANC 2E community is simply not
17 like the other locations where Sports and Social
18 operates. Today, we have the opportunity to
19 exert control over one of the legs of the crime
20 triangle, whether or not we allow a gambling
21 operation to open where people leave a bar with
22 significant sums of cash in their pockets and
23 become attractive targets for criminal
24 victimization. We call upon the ABRA Board to
25 eliminate one of the legs of the crime triangle

1 and preserve peace and order in our community by
2 not granting the proposed sports wagering
3 endorsement at 3125 M Street, Northwest. Thank
4 you for your attention.

5 CHAIRPERSON ANDERSON: Thank you, Ms.
6 Palmer. Ms. Parker, I know that you're not going
7 to present any evidence, but since you were
8 granted standing, if you want to have an opening
9 or closing statement -- if you want to do an
10 opening, I'll give you the opportunity to do
11 that. If you just want to do a closing to state
12 what your position is, I'll give you an
13 opportunity later on to do that.

14 MS. PARKER: Thank you so much. I'll
15 reserve the right to do a closing statement. I
16 appreciate that. Thank you.

17 CHAIRPERSON ANDERSON: All right,
18 thank you. The Board will call its first
19 witness. I will call Mr. Prout. Mr. Prout, can
20 you raise your right hand, please? Do you swear
21 or affirm to tell the truth and nothing but the
22 truth?

23 MR. PROUT: I do, Mr. Chair.

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

1 MR. PROUT: Yes, my name is ABRA
2 Investigator Tavril Prout, T-A-V-R-I-L, last name
3 Prout, P-R-O-U-T.

4 CHAIRPERSON ANDERSON: I know, Mr.
5 Prout, you stated that you're an ABRA
6 investigator. Can you tell us how long you've
7 been working for the Agency, sir?

8 MR. PROUT: Yes, sir, I have been
9 working for ABRA for three years and six months.

10 CHAIRPERSON ANDERSON: What are your
11 duties as an ABRA investigator, sir?

12 MR. PROUT: My duties as an ABRA
13 investigator are very diverse. We are tasked
14 with performing regulatory inspections, as well
15 as conducting covert investigations on behalf of
16 the Agency, as well as performance and compliance
17 checks on behalf of the Agency local ABRA
18 establishments across the District of Columbia.

19 CHAIRPERSON ANDERSON: Are you
20 familiar with this establishment?

21 MR. PROUT: Yes, I am familiar with M
22 Street Entertainment. I was assigned the protest
23 hearing on approximately May 31, 2022.

24 CHAIRPERSON ANDERSON: Did there come
25 a time, sir, that you wrote a case report?

1 MR. PROUT: Yes, that case report was
2 drafted on behalf of M Street Entertainment, LLC,
3 located at 3123 to 3125 M Street, for a
4 substantial change application, Case No.
5 22-PRO-00024.

6 CHAIRPERSON ANDERSON: I would like
7 you to share your screen and share with us your
8 report, please.

9 MR. PROUT: Yes, sir.

10 CHAIRPERSON ANDERSON: Can you please
11 identify the document that we're looking at, sir?

12 MR. PROUT: Yes, give me one moment.
13 The document that we are looking at at this
14 current time is the protest report that was
15 conducted on behalf of M Street Entertainment,
16 LLC, trading as PVD, located at 3123 to 3125 M
17 Street, License Class CR for ABRA License 119608,
18 substantial change application, Case No.
19 22-PRO-00024.

20 CHAIRPERSON ANDERSON: Mr. Prout, did
21 you have an opportunity to speak to the
22 protestants in this case?

23 MR. PROUT: Yes, I had the opportunity
24 to speak with Ms. Palmer for the ANC, as well as
25 I got an opportunity to speak with Mr. Stephen

1 O'Brien, who is the representative on behalf of
2 the Licensee. I did not have an opportunity to
3 speak with any representatives from the Citizens
4 Association of Georgetown.

5 CHAIRPERSON ANDERSON: What is the
6 result of your conversation with Ms. Palmer, from
7 the ANC? What information were you able to
8 gather?

9 MR. PROUT: A mediation was attempted
10 to be conducted between the protestant and the
11 Licensee. However, it did not resort in a
12 positive mediation outcome. At this time, the
13 protestant is in agreeance of the ABRA license as
14 it stands.

15 However, the protestants are concerned
16 in reference to the sports wagering endorsement,
17 which the Licensee is soliciting from the Board
18 at this current time. The major concerns were
19 highlighted in Ms. Palmer's opening statements,
20 in reference to the establishment having ten
21 sports wagering kiosks and one operating window
22 on the premises and there being an unlimited
23 amount of sports wagers to be performed at the
24 establishment without a close-off time in which
25 the prospective hours for the sports wagering to

1 be conducted at the establishment is to run
2 anywhere from 8:00 a.m. to 2:00 a.m., Sunday
3 through Thursday, and on Friday through Saturday,
4 it's supposed to be from 8:00 a.m. to 3:00 a.m.
5 In reference to the -- how the establishment will
6 run, there will be cash cashouts on the sports
7 wagers on bets that they have actually won.

8 The concern is for the propensity for
9 crime to uptick in the Georgetown community as a
10 result of the establishment paying out large
11 amounts of sports bets at the end of the evening,
12 going into the early morning hours of 2:00 a.m.
13 and/or 3:00 a.m., seven days per week.

14 CHAIRPERSON ANDERSON: Did you have an
15 opportunity to speak to the Licensee?

16 MR. PROUT: Yes, I did have an
17 opportunity to speak with the Licensee, sir.

18 CHAIRPERSON ANDERSON: What
19 information if any were you able to gather from
20 your conversation with the Licensee or the
21 Licensee's representative?

22 MR. PROUT: The information that I
23 have been able to gather from the Licensee, I was
24 able to ascertain the affirmed prospective hours
25 for the sports wagering to be conducted, as

1 stated previously, to be performed between 8:00
2 a.m. and 2:00 a.m., between Sunday and Thursday
3 throughout the week, and on Fridays through
4 Saturdays, it would be from approximately 8:00
5 a.m. to 3:00 a.m. at this current time.

6 The Licensee has assured that the
7 prospective holder of the license is a
8 well-versed person, who is very experienced in
9 the world of sports wagering at this current
10 time.

11 They are able to -- they have provided
12 all of the requirements to lotto, in order for
13 them to be able to successfully receive the
14 sports wagering endorsement to include a security
15 application, which is a part of Lotto and
16 Gaming's requirements, in order for them to
17 attain the sports wagering endorsement. That is
18 pretty much the outcome of what the conversation
19 was with the Licensee at this current time.

20 CHAIRPERSON ANDERSON: Tell us about
21 what type of -- tell me what the neighborhood --
22 the characteristics of the neighborhood that this
23 endorsement has been requested.

24 MR. PROUT: The zoning of the
25 neighborhood is considered mixed use, in which

1 there are residential and non-residential
2 buildings, which are able to operate in a mixed
3 use zone. There are shopfront buildings, which
4 may include vertical mixture of residential and
5 non-residential uses, buildings made up entirely
6 of residential uses and buildings made up
7 entirely of non-residential uses.

8 The reason for the mixed use is an
9 effort to preserve and enhance existing
10 commercial rows and surroundings by providing an
11 appropriate scale of development and range of
12 shopping and service opportunities, while being
13 able to also maintain a residential community, as
14 well.

15 The buildings and developments in the
16 area are fixed with rail stations, transit hubs
17 and streetcar lines, in order to provide support
18 for public transportation and safety of public
19 spaces.

20 The nearby establishments -- so there
21 are no schools, libraries, college and/or
22 universities, as well as daycare centers, within
23 a 400-foot radius of M Street Entertainment, in
24 accordance to the District of Columbia geographic
25 information system at this current time.

1 According to the District of Columbia GIS, there
2 are approximately 37 licensed ABC establishments
3 operating within a 1,200-foot radius of M Street
4 Entertainment, LLC. The area consists of four
5 Class CH hotels, one Class B establishment, one
6 Class CT establishment, which is a tavern, and 31
7 Class CR, which are restaurants that hold a Class
8 C license.

9 Then for my report, there are numerous
10 establishments, as stated, that represent those
11 37 ABRA serving establishments. The
12 establishments that have the asterisk next to
13 them are establishments that currently have
14 settlement agreements within the area at this
15 current time. Moving forward, in reference to
16 parking, as --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: Hold on a
19 minute, Mr. Prout. So these 37 establishments
20 within, I think, a 1,200-foot radius, do any of
21 these establishments have a sports wagering
22 endorsement?

23 MR. PROUT: There are no sports
24 wagering establishments within a 1,200-foot
25 radius at this current time.

1 CHAIRPERSON ANDERSON: Is this license
2 -- I think it was stated that the license is
3 currently in safekeeping at that operation. Is
4 that correct?

5 MR. PROUT: Yes, sir.

6 CHAIRPERSON ANDERSON: Tell us about
7 what you observed, what parking if any that's in
8 the vicinity.

9 MR. PROUT: The parking that is in the
10 vicinity at this current time, sir, on M Street,
11 it's very limited parking with COVID and the
12 sidewalk streeteries that have come into the area
13 as a result of COVID-19 allows the parking that
14 was once there, prior to COVID.

15 These sidewalk streeteries, being on
16 the streets, have soaked up a lot of the parking
17 that's in this area at this time. However, there
18 is residential parking.

19 These surrounding community area on
20 the side streets of the 2100 Block of 31st
21 Street, the 3100 Block of N Street, those are the
22 two streets that have residential parking and/or
23 parking for possible patrons of the
24 establishment. Wisconsin Avenue has very limited
25 parking. However, there are parking lots for

1 patrons to be able to utilize, such as a PNC Bank
2 on the corner of M Street and Wisconsin Avenue,
3 which are pay for a fee parking lots that are
4 able to be accessed by patrons. There is public
5 transportation that's able to be offered, as
6 well.

7 There are bus stops, as well as a --
8 there are bus stops, in which the 31, the 33, the
9 38B metro operates, as well, which operates to
10 and from Georgetown. There are no Metro trains
11 that run within a close proximity to the
12 establishment at this current time.

13 CHAIRPERSON ANDERSON: Let me ask you
14 a question, Mr. Prout. Do you know what a sports
15 wagering endorsement is?

16 MR. PROUT: Yes, a sports wagering
17 endorsement is an endorsement in which ABRA
18 establishments and/or Game and Lottery
19 establishments are able to provide betting kiosks
20 and/or use a betting platform in order for
21 patrons to be able to bet on various athletic
22 games, to include basketball games, football
23 games, soccer games, and then kiosks, such as
24 game of skill kiosks, in order for patrons to be
25 able to bet. That is my understanding of what

1 the sports wagering endorsement is. Based on the
2 outcome of the game, if a sports better was to
3 win the actual game, they're able to receive a
4 payout based on if the odds work out in their
5 favor. That is my understanding of the sports
6 wagering endorsement at the current time.

7 CHAIRPERSON ANDERSON: I know that the
8 license is currently in safekeeping, but what are
9 the approved hours of operation for the
10 establishment?

11 MR. PROUT: The approved hours of
12 operations for the establishment for sales and
13 entertainment, from Sunday through Thursday, it's
14 able to operate between 7:00 a.m. and 2:00 a.m.,
15 and the alcohol sales are from 8:00 a.m. to 2:00
16 a.m.

17 On Friday through Saturday, the
18 operation of sales for Friday, it's from 7:00
19 a.m. to 3:00 a.m., and hours of alcohol sales are
20 from 8:00 a.m. to 3:00 a.m. Then Saturday, the
21 operations are from 8:00 a.m. to 3:00 a.m., and
22 then the alcohol would mirror the hours of
23 operation, as well.

24 CHAIRPERSON ANDERSON: Are these the
25 same hours that they propose to have the sports

1 waging occur?

2 MR. PROUT: The sports waging is a
3 tad bit different. The sports waging would be
4 from 7:00 a.m. to 2:00 a.m. from Sunday through
5 Thursday, which would mirror the hours of
6 operation, as well as the alcohol sales.

7 However, the hours of operation on
8 Friday would also be from 7:00 a.m. to 2:00 a.m.,
9 and the hours of the alcohol sales -- sorry, the
10 hours of the sports waging would be from 7:00
11 a.m. to 3:00 a.m.

12 Then for Saturday, it would be from
13 6:00 a.m. to -- sorry. Saturday, it would be
14 from 6:00 a.m. -- I believe that is a mistype,
15 sir. It would be from 7:00 a.m. to 3:00 a.m. for
16 the hours of operation, and then the hours of
17 sports waging would mirror from 7:00 a.m. to
18 3:00 a.m., as well, for the sports waging and
19 sales of the establishment. Those are the
20 proposed hours.

21 CHAIRPERSON ANDERSON: They're asking
22 to have the endorsement during their hours of
23 their current hours. Is that correct?

24 MR. PROUT: Yes, Mr. Chair.

25 CHAIRPERSON ANDERSON: I know that the

1 license is in safekeeping, so you can't be --
2 you're unable to do a direct observation of the
3 business, itself, but I see in your report that
4 you visited the premises. Tell me what was the
5 nature of these visits?

6 MR. PROUT: Those businesses operating
7 at 3123 to 3125 are not currently operating at
8 this time. There is an Urban Outfitters on the
9 left-hand side. Then on the opposite side of
10 3125 is an alley.

11 There is -- the surrounding area is
12 more so retail and/or ice creameries and/or a
13 bank at the corner. It's a variety of retailers
14 in the area. The general area, I would say,
15 closes down, I would say, around -- I want to say
16 9:30.

17 The Haagen-Dazs does operate until
18 12:00 a.m. across the street, but for the most
19 part, the area becomes very desolate at
20 approximately 9:00 a.m. to 9:30 a.m., during the
21 days and hours I work, which are from Sunday to
22 Thursday, from 7:30 p.m. to 4:00 a.m.

23 That has been my observation. I'm not
24 aware of how the Friday and Saturday evenings
25 operate, which that's the weekend. But in my

1 observations, between Sunday through Thursday, I
2 would say that the area generally closes down --
3 most of your retailers close down around 7:00
4 p.m. A lot of your restaurants will close around
5 -- between 9:00-9:30. The latest is possibly
6 10:00 on a Thursday night. That is my general
7 observation of the area. It's a very quiet area,
8 and it does become very desolate at approximately
9 9:30 p.m.

10 CHAIRPERSON ANDERSON: Let's go back
11 through the list of establishments. What's the
12 closest ABC licensed establishment to this
13 Licensee?

14 MR. PROUT: You have a variety. You
15 have --

16 CHAIRPERSON ANDERSON: What's closest?
17 On the list, is there another establishment
18 that's on the same block? Do you have any other
19 ABC licensed establishment on that same block
20 where this facility would be?

21 MR. PROUT: There is a We the Pizza
22 Express, which is 3237 M Street. You have a
23 Harmony Caf,, which is 3287 M Street, Northwest.
24 On the M Street corridor in the 1200 block
25 radius, that is about it. On Wisconsin -- I'm

1 sorry; there's one more. At 3282, there is a
2 Pizzeria Paradiso at 3282. In reference to
3 Wisconsin Avenue, there are a variety of ABRA
4 serving establishments, to include the Donahue,
5 which is 1338. You have the Georgetown and 1310
6 Kitchen Area Bar, which is about two to three
7 blocks up, which is 1310 Wisconsin Avenue,
8 Northwest.

9 You have a Caf, Georgetown, which
10 operates at 3141. I would say that your
11 establishments that operate at a later time would
12 be Caf, Milano, which is around the corner and
13 approximately one block up.

14 They operate until approximately about
15 10:00-10:30, possibly last call may be 11:00 p.m.
16 Then Pinstripes, which is located at 1054
17 Wisconsin Avenue. That is more so a bowling area
18 -- a bowling and bar/restaurant establishment.

19 They operate until approximately 10:00
20 to 10:30 p.m., as well as Blues Alley Jazz, which
21 only has a select days out of the week in which
22 they really operate, which is Thursday, Friday,
23 Saturday and some Sundays. Then that is the
24 majority of the establishments that operate in
25 close proximity to M Street Entertainment, LLC,

1 Mr. Chair.

2 CHAIRPERSON ANDERSON: Thank you, sir.
3 Are there any exhibits attached to your report?

4 MR. PROUT: Yes, sir.

5 CHAIRPERSON ANDERSON: What are these
6 exhibits? Can you identify them for the record,
7 please?

8 MR. PROUT: Yes. Exhibit No. 1 is a
9 copy of the protest letter from the ANC, which is
10 dated March 4, 2022, which highlights the
11 protestants and the case. Exhibit No. 2 is the
12 docket, which was provided by Citizens
13 Association of Georgetown, notifying that it
14 would be protestants in the corresponding
15 protest, in reference to the substantial change
16 for the request of the sports wagering
17 endorsement and the cause of it was the negative
18 impact of peace, order and quiet in the
19 surrounding area.

20 The Board's indulgence while I change
21 the view of this document. The next document is
22 the list of, as stated earlier, schools,
23 recreation centers, public libraries, daycare
24 centers within a 400-foot radius, in which there
25 are zero of the corresponding establishments,

1 such as schools, rec centers, public libraries
2 and daycare centers. Exhibit No. 4 is the list
3 of ABRA establishments within a 1200 block
4 radius. This document actually has 39
5 ABRA-serving establishments. However, two of
6 those retailers, after performing extensive
7 research, are no longer in operation at this
8 current time.

9 Board's indulgence. The next document
10 is the storefront of 3123 M Street, which would
11 be the future sports wagering bar and restaurant
12 for M Street Entertainment, LLC. Board's
13 indulgence.

14 The next establishment is 3125, which
15 is previously known as the Irish Pub. That is
16 the future second location of M Street
17 Entertainment, LLC, in which the storefront would
18 offer sports wagering, bar and a restaurant, as
19 well.

20 My next exhibit is the Urban
21 Outfitters, which, was stated earlier, is the
22 retailer that is immediately adjacent to M Street
23 Entertainment, LLC. Board's indulgence. This
24 documentation is an email solicitation for the
25 calls for service in reference to 3123 and 3125 M

1 Street, LLC, in which I was not able to receive a
2 response for the calls for service from Office of
3 Unified Communication up to the day in which this
4 report was submitted on July 8th. That completes
5 my report, Mr. Chair. Thank you for your time.

6 CHAIRPERSON ANDERSON: Thank you, sir.
7 Any questions by -- you can close your -- any
8 questions by the Board members?

9 MEMBER GRANDIS: Mr. Chair?

10 CHAIRPERSON ANDERSON: Yes, Mr.
11 Grandis.

12 MEMBER GRANDIS: Thank you.
13 Investigator Palmer, thank you for your
14 presentation. Just to help me further understand
15 and get some clarification and, perhaps, for the
16 public record, we heard terms such as kiosk and
17 open window. Can you help us understand what,
18 under the current endorsement, what a kiosk is
19 and how that is distinguished from an open
20 window?

21 MR. PROUT: Yes. My understanding --
22 because sports wagering is something that is not
23 necessarily in the purview of an ABRA
24 investigator, but my understanding of a kiosk is
25 that it is a game of some sort, such as a game of

1 skill, in which monies are entered into the
2 machine in an effort to either place a bet on a
3 certain team that a person wishes to bet on or
4 bet against and/or a kiosk, such as a game of
5 skill, in which it may be you're betting on a
6 certain number or card game.

7 Then based on the outcome, if the game
8 went in your favor, then there would be an actual
9 payout. The window is an area, to my
10 understanding, it is a place where a physical
11 person would be there, in which the winning
12 patron would be able to provide a stub or a
13 ticket stating that they won.

14 The window is where the payout would
15 actually be -- the transaction of the payout
16 would be performed between the establishment and
17 the winning patron. That is my understanding of
18 how the kiosk works, as well as the window that
19 will be on premises, Mr. Grandis.

20 MEMBER GRANDIS: Thank you with that.
21 During your investigation of this application or
22 your investigation generally, as an ABC
23 investigator, have you been to an establishment
24 in D.C. that has such a type of endorsement and
25 has such a type of kiosk and open window?

1 MR. PROUT: In my experience, I have
2 not seen a window on premises at an ABRA serving
3 establishment. Due to the newness of the sports
4 wagering being brought into the District, I have
5 seen kiosks, such as a game of skill, at other
6 local ABRA-serving establishments. However, I
7 have not seen an operating window at any
8 ABRA-serving establishment to date, at this
9 current time, Mr. Grandis.

10 MEMBER GRANDIS: Would you also have
11 had experience on whether any of the
12 establishments in D.C. that has a sports wagering
13 endorsement that has similar kiosks that payouts
14 are able to be done or available to be done
15 transactionally, such as through a debit card or
16 a credit card, as opposed to handing patrons sums
17 of cash, let's say, at 2:00 or 3:00 in the
18 morning?

19 MR. PROUT: From what I've seen, in my
20 experience, with the game of skill kiosks, money
21 is able to be placed into the kiosk. I have not
22 seen transactions on how patrons have been paid
23 out by the establishment. I have not observed
24 that in my investigations over the last three
25 years and six months, at this current time, sir,

1 so I'm not able to answer that question
2 affirmatively at this time, sir. I have to be
3 honest and transparent.

4 MEMBER GRANDIS: I want to thank you
5 for your research and your testimony today. Mr.
6 Chairman, thank you.

7 CHAIRPERSON ANDERSON: Thank you, Mr.
8 Grandis. Any other questions by any other Board
9 members?

10 Hearing none, Mr. O'Brien.

11 DIRECT EXAMINATION OF TAVRIL PROUT

12 MR. O'BRIEN: Thank you, Mr. Chair.
13 Investigator, is it possible that you are
14 conflating two different things, sports wagering
15 endorsements and game of skill endorsements?

16 MR. PROUT: No, I don't believe that
17 I am conflating. I believe that the game of
18 skill endorsement -- sorry, the game of skill
19 kiosk is able to be provided to an ABRA-serving
20 establishment with having the sports wagering
21 endorsement and the actual ABRA establishment.

22 MR. O'BRIEN: If I were to tell you
23 that a sports wagering endorsement is entirely
24 different than a game of skill endorsement, would
25 that be consistent with your understanding?

1 MR. PROUT: I'm sorry?

2 MR. O'BRIEN: If I were to tell you
3 that a sports wagering endorsement is an entirely
4 different thing than a game of skill endorsement,
5 would that be consistent with your understanding?

6 MR. PROUT: My understanding is that
7 the game of skill endorsement will fall under the
8 endorsement of a sports wagering endorsement,
9 sir.

10 MR. O'BRIEN: Thank you. You say that
11 you've been an investigator for three years and
12 six months. Is that correct?

13 MR. PROUT: Yes, sir.

14 MR. O'BRIEN: How long have you been
15 in D.C.?

16 MR. PROUT: I grew up here, so
17 approximately 32 years, sir. Other than me going
18 away to college.

19 MR. O'BRIEN: Is it fair to say you're
20 quite familiar with Georgetown?

21 MR. PROUT: Yes.

22 MR. O'BRIEN: Would you agree -- first
23 of all, the bank that you referenced at the
24 corner of Wisconsin and M --

25 MR. PROUT: Yes.

1 MR. O'BRIEN: That's now PNC. It's
2 got a gold dome. Some remember it as a branch of
3 Riggs Bank.

4 MR. PROUT: Yes.

5 MR. O'BRIEN: The subject buildings
6 are about four storefronts from that corner of
7 Wisconsin and M. Is that correct?

8 MR. PROUT: Approximately so.

9 MR. O'BRIEN: Would you agree that
10 Wisconsin and M is dead center -- the dead center
11 of the Georgetown commercial district?

12 MR. PROUT: I would say so.

13 MR. O'BRIEN: Are you a professional
14 basketball fan, by any chance?

15 MR. PROUT: I wouldn't consider myself
16 that, but I do watch professional basketball from
17 time to time.

18 MR. O'BRIEN: Do you ever watch games
19 from the West Coast that start at 9:00 p.m.?

20 MR. PROUT: Every so often.

21 MR. O'BRIEN: You would agree that
22 9:00 p.m. is midnight here, would you not?

23 MR. PROUT: Yes.

24 MR. O'BRIEN: A basketball game lasts
25 a couple hours, does it not?

1 MR. PROUT: Approximately anywhere
2 from an hour 30 to about two hours in length.

3 MR. O'BRIEN: One would not know the
4 outcome of an NBA game that started at 9:00
5 Pacific Time until about 2:00 a.m. Eastern Time.
6 Would you agree?

7 MR. PROUT: Yes.

8 MR. O'BRIEN: Are you familiar with
9 World Cup?

10 MR. PROUT: Not really familiar with
11 World Cup, but I do understand that it is in
12 regards to soccer.

13 MR. O'BRIEN: Do you understand that
14 it's --

15 (Simultaneous speaking.)

16 MR. PROUT: I'm sorry; that's
17 baseball. I apologize.

18 MR. O'BRIEN: Actually, I think you're
19 correct; it's soccer.

20 MR. PROUT: Okay.

21 MR. O'BRIEN: Are you aware that the
22 World Cup is held at different places around the
23 globe?

24 MR. PROUT: Yes.

25 MR. O'BRIEN: I'll leave it at that.

1 In your description of ABC uses surrounding the
2 subject location, you did not mention Clyde's, at
3 3236 M Street. Are you familiar with that
4 establishment?

5 MR. PROUT: Clyde's is listed on my
6 report, yes.

7 MR. O'BRIEN: Are you aware that
8 Clyde's has maximum legal hours?

9 MR. PROUT: I'm sorry?

10 MR. O'BRIEN: Are you aware that
11 Clyde's has maximum legal hours? Clyde's can
12 stay open to 2:00 and 3:00 in the morning.

13 MR. PROUT: Yes.

14 MR. O'BRIEN: Thank you, Investigator.
15 Thank you, Mr. Chair.

16 MR. PROUT: You're welcome, sir.

17 CHAIRPERSON ANDERSON: Ms. Palmer, any
18 questions for Mr. Prout?

19 CROSS-EXAMINATION OF TAVRIL PROUT

20 MS. PALMER: Sorry. I was trying to
21 unmute myself. Inspector, thank you so much for
22 your thorough review. I do have a couple of
23 questions and clarifications in the report. Mr.
24 O'Brien just noted that Clyde's has maximum
25 hours. Are you familiar with what time they

1 actually close?

2 MR. PROUT: I'm not sure exactly what
3 time they close. What I do know is that ABRA
4 establishments have pulled back a lot of their
5 operating hours based on how -- the level of
6 traffic of patrons coming into the city may vary
7 on a day-to-day basis.

8 There are some days in which ABRA
9 serving establishments may close at 7:00, 8:00 or
10 9:00 p.m., in which they might have maximum hours
11 of 2:00 a.m. for that day. To my understanding,
12 for what I've seen post-COVID, I would say that
13 hours fluctuate on a day-to-day basis, based on
14 how well an ABRA serving establishment is
15 operating on that current day.

16 It may vary from as early as 8:00 or
17 9:00 p.m. on a Friday or Saturday. I would go on
18 the limb to say that I believe an establishment
19 such as Clyde's may be able to operate until 3:00
20 a.m. due to the heightened volume of patrons in
21 that area due to it being a weekend night versus
22 a weekday night.

23 MS. PALMER: Would it surprise you if
24 I shared that the Clyde's website noted that the
25 kitchen closes at -- sorry, my dog was joining us

1 -- Sunday through Thursday at noon, and the bar
2 closes at 1:00. On Friday and Saturday, the
3 kitchen closes at 1:00. The kitchen closes at
4 2:00. So not open until 3:00 in the morning.

5 MR. PROUT: In accordance with ABRA
6 regulations, the kitchen is able to stay open up
7 until an hour before the ABRA establishment
8 closes. If the kitchen closes at 1:00 on a
9 Thursday night, they're able to still serve and
10 consume alcohol on the premises until 2:00 a.m.,
11 as well as on a Saturday, if the kitchen closes
12 at 2:00 a.m., they're still able to serve,
13 consume and sell alcohol on the premises until
14 3:00 a.m.

15 MS. PALMER: Just to clarify, I think
16 you noted that the proposed hours of operation
17 here are that alcohol would be served until 2:00
18 a.m. -- from 8:00 a.m. to 2:00 a.m., Sunday
19 through Thursday, Friday and Saturday, 8:00 a.m.
20 to 3:00 a.m. The hours of sports wagering would
21 be 7:00 a.m. to 2:00 a.m., and 3:00 a.m. on
22 Friday and Saturday. Is that correct?

23 MR. PROUT: Yes, ma'am.

24 MS. PALMER: A couple of other
25 questions for you. Your report states that there

1 are no schools or daycare centers located within
2 400 feet of the establishment. Are you aware
3 that In-Town Play Group, a pre-nursery school
4 program is located at 1334 29th Street,
5 Northwest, and the Georgetown Montessori
6 Preschool is located at 1041 Wisconsin Avenue,
7 both apparently within 400 feet of the
8 establishment?

9 MR. PROUT: I'm only able to go off of
10 the information which was provided internally by
11 the Agency, which the GIS does not reflect two of
12 those schools being within a 400-foot radius of
13 the establishment.

14 MS. PALMER: Okay, thank you. I
15 imagine that this would probably be the same
16 answer, but are you aware that there are many
17 other schools just outside of that 400-foot
18 border?

19 MR. PROUT: Yes, I'm very aware that
20 there are several schools and universities
21 outside the 400-foot parameter of the GIS model,
22 yes, ma'am.

23 MS. PALMER: Okay, thank you. In your
24 capacity as an inspector for ABRA, do you think
25 that a gambling establishment opening with hours

1 from 7:00 a.m. to 3:00 a.m. could have negative
2 impacts on children and families?

3 MR. PROUT: As an alcohol
4 investigator, I believe that --

5 MR. O'BRIEN: Mr. Chair, objection to
6 the question calling for speculation without a
7 foundation.

8 CHAIRPERSON ANDERSON: Sustained.

9 MS. PALMER: Okay.

10 CHAIRPERSON ANDERSON: What that
11 means, Ms. Palmer, you need to lay a better
12 foundation for it. It's asking him to speculate.
13 You could ask the question, but you have to build
14 that up to get him there, ma'am.

15 MS. PALMER: Sure. Do you know why,
16 Inspector, you're asked to determine whether or
17 not there are schools within that 400-foot
18 parameter of the establishment?

19 MR. PROUT: Yes. We're asked on
20 schools, daycare centers, public libraries,
21 recreation centers, we're asked those questions
22 in lieu of our protest report in an effort that
23 crime and/or alcohol may play a negative impact
24 on that particular population of people in the
25 community at large nearby.

1 MS. PALMER: I think what I'm hearing
2 -- and you can correct me if I'm wrong -- is that
3 within that 400-foot radius, it is deemed by
4 ABRA, perhaps, that folks within that radius are
5 the most likely to be impacted by an
6 establishment and that children at school would
7 be considered worthy of pulling out specifically
8 in your report.

9 MR. O'BRIEN: Mr. Chair, I'm going to
10 object to the question. As the Chair noted at
11 the beginning of this proceeding, the existence
12 of this ABC license is not at issue in this
13 hearing.

14 (Simultaneous speaking.)

15 MS. PALMER: I'm not asking about --

16 (Simultaneous speaking.)

17 MR. O'BRIEN: -- it exists. The only
18 issue, Mr. Chair, is whether a sports wagering
19 endorsement should be added.

20 CHAIRPERSON ANDERSON: The purpose of
21 whether or not the endorsement should be granted,
22 the establishment is there. Whether or not they
23 -- we can say irrespective of whether or not the
24 endorsement is issued, the establishment is going
25 to be there. Those hours are going to be there

1 because those are not the purpose of this
2 hearing.

3 MS. PALMER: Sure, but could the
4 inspector answer that question relative only to
5 the endorsement, since he pulled that information
6 out specifically for his report?

7 CHAIRPERSON ANDERSON: Then you need
8 to ask him about the endorsement.

9 MS. PALMER: Would it be fair to
10 assume that those located within the 400-foot
11 radius would be specifically relevant to the
12 endorsement being sought?

13 MR. O'BRIEN: Same objection, Mr.
14 Chair, calling for speculation without any
15 foundation.

16 MS. PALMER: Okay.

17 CHAIRPERSON ANDERSON: Sustained. All
18 right, go ahead, Ms. Palmer.

19 MS. PALMER: Section 3 of the report
20 notes that this property is located in a
21 mixed-use zone. Are you aware that the R20 Zone,
22 a purely residential zone, is less than one block
23 away from the establishment?

24 MR. PROUT: I wasn't aware, but now
25 that you mentioned it, I am aware, at this time.

1 But in performing my report, that wasn't one of
2 the focal points while performing my
3 investigations.

4 MS. PALMER: Oh, absolutely. Your
5 description of the parking situation is
6 particularly relevant, so thank you for pulling
7 that out so specifically. Based on your review
8 of parking and the way you included that so
9 thoroughly in your report, would it surprise you
10 to note that the street parking for patrons at
11 this location is primarily located within the
12 residential zone, not mixed-use zone?

13 MR. PROUT: Yes, most definitely. I
14 would definitely say that the parking available
15 to prospective patrons of the establishment would
16 be inside of the residential zones on M Street
17 and on the side streets of Wisconsin and M
18 Street, so yes, ma'am.

19 MS. PALMER: Okay, thank you.

20 MR. PROUT: You're welcome.

21 MS. PALMER: Just for clarity's sake,
22 you note in the report the 2100 block of 31st
23 Street. For the record, I believe that's a typo.
24 It should be the 1200 block of 31st Street, in
25 case folks are looking at that. In the report,

1 it is noted that ANC 2E shares that it's
2 concerned about the uniqueness of this
3 establishment. I'd like to clarify that ANC 2E
4 is not concerned about the uniqueness of the
5 establishment in and of itself.

6 We certainly welcome ingenuity in the
7 neighborhood. But with that said, can you
8 identify other gambling establishments in
9 Washington, D.C. like the one proposed here?

10 MR. PROUT: There are other gambling
11 entities in the District, such as the Washington
12 Convention Center, where the Washington Wizards
13 play. That is the other -- that's really the
14 only other main sports wagering area that I can
15 really speak to that is -- that's an actual
16 sports wagering hub which mirrors the nature of
17 what M Street Entertainment, LLC would offer in
18 the District at this current time.

19 MS. PALMER: Since, as far as you
20 know, a gambling establishment has not been
21 located adjacent to a residential use, like being
22 proposed here, it appears to me that you wouldn't
23 have evidence to show what happened when patrons
24 walked in the dark to their cars or to their
25 homes with large sums of money in their pockets,

1 becoming potentially easy targets for those who
2 wish to rob people. Does that sound right to
3 you? There just isn't -- it doesn't exist.

4 MR. PROUT: I don't have any evidence,
5 per se. Due to the uniqueness of the sports
6 wagering endorsement being offered to the
7 Licensee and due to the newness of the sports
8 wagering being re-inserted into the nightlife of
9 the District of Columbia, I don't believe that
10 there is any evidence to support whether or not
11 sports wagering could possibly create an uptick
12 in crime in surrounding areas.

13 I don't believe that there's any
14 supportive statistical data to be able to provide
15 a substantial answer to the nature of your
16 question at this time, Ms. Palmer. I apologize.

17 MS. PALMER: Oh, no, that's fine.
18 Because this is all new in the District, right?
19 I know that there is something similar in Adams
20 Morgan, but do you ever work in Adams Morgan?

21 MR. PROUT: I do work in Adams Morgan.
22 I am familiar with a few entities that offer a
23 game of skill. I'm not familiar with any entity
24 that particularly offers sports wagering, per se.

25 MS. PALMER: If you were to describe

1 activity in Adams Morgan, on the street, at, say,
2 midnight, 1:00 a.m., 2:00 a.m., how would you
3 describe that activity?

4 MR. PROUT: I think it depends on the
5 day of the week. I think Georgetown can mirror
6 Adams Morgan area on a Friday or Saturday night.
7 On a Tuesday night in Georgetown and/or Adams
8 Morgan, both areas can be very, very desolate.

9 MS. PALMER: Okay. That is it for me.
10 Thank you so much for your great investigation
11 here. I appreciate it.

12 MR. PROUT: You're welcome, Ms.
13 Palmer. Thank you.

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Prout, for your testimony. You're free.

16 MS. PALMER: May I just ask -- I'm
17 sorry, is it --

18 CHAIRPERSON ANDERSON: I'm sorry.

19 MS. PALMER: -- too late to ask one
20 more question. That's fine, thank you.

21 CHAIRPERSON ANDERSON: All right,
22 thank you, Mr. Prout. Mr. O'Brien, what I'm
23 going to do -- and I'm not going to do that now.
24 I should let the parties know that as this matter
25 progresses, I will take a scheduled break every

1 two hours. I just want to let the parties know.
2 I will find an appropriate time to take the break
3 since we're doing this virtually. Do you have a
4 witness that you wish to call, Mr. O'Brien?

5 MR. O'BRIEN: Yes, the first witness
6 is William Dean, who has already been elevated,
7 Mr. Chair.

8 CHAIRPERSON ANDERSON: Mr. Dean, can
9 you raise your right hand, please? Do you swear
10 or affirm to tell the truth and nothing but the
11 truth?

12 MR. DEAN: Yes.

13 CHAIRPERSON ANDERSON: All right, your
14 witness, sir.

15 DIRECT EXAMINATION OF WILLIAM DEAN

16 MR. O'BRIEN: Mr. Dean, state your
17 full name and spell your first and last name for
18 the reporter, please.

19 MR. DEAN: Sure, William Herbert Dean,
20 William, W-I-L-L-I-A-M, and last name D-E-A-N.

21 MR. O'BRIEN: Mr. Dean, where do you
22 reside?

23 MR. DEAN: I reside at 2819 P Street,
24 in Georgetown.

25 MR. O'BRIEN: How long have you lived

1 in Georgetown?

2 MR. DEAN: I have lived there since
3 2006, so a little over 16 years.

4 MR. O'BRIEN: What's your relationship
5 with the buildings at 3123 and 3125 M Street,
6 Northwest?

7 MR. DEAN: I purchased those buildings
8 last summer.

9 MR. O'BRIEN: Historically, have those
10 buildings housed separate businesses or a single
11 unified business?

12 MR. DEAN: I've only seen them operate
13 as a single, unified business.

14 MR. O'BRIEN: How far back does that
15 go, all 16 years?

16 MR. DEAN: Yes, pretty much.

17 MR. O'BRIEN: Do you remember the most
18 recent business that was in there?

19 MR. DEAN: Yes, Ri Ra. It's an Irish
20 pub.

21 MR. O'BRIEN: That was in both
22 buildings, correct?

23 MR. DEAN: Yes.

24 MR. O'BRIEN: How about before Ri Ra?

25 MR. DEAN: It may have been Mie N Yu,

1 but it was -- I think it was Mie N Yu was before
2 Ri Ra. It may have been something in between.

3 MR. O'BRIEN: But did Mie N Yu operate
4 as a single, unified business in both buildings?

5 MR. DEAN: Yes, it did, all 11,000
6 square feet.

7 MR. O'BRIEN: What motivated you to
8 purchase these two buildings?

9 MR. DEAN: I actually sold a piece of
10 property in Virginia, so I had a like kind
11 opportunity. It was in the middle of COVID and
12 things were pretty bleak, certainly in the
13 neighborhood and around the city.

14 A lot of restaurants and a lot of pubs
15 and things like that were closing. A lot of
16 retail establishments were closing in Washington.
17 I wanted to invest in my community.

18 MR. O'BRIEN: At the time of purchase,
19 were the buildings vacant?

20 MR. DEAN: They were.

21 MR. O'BRIEN: How did the vacancy of
22 these buildings impact your decision to buy?

23 MR. DEAN: I thought -- I don't know.
24 I thought it was pretty important to open
25 something in this neighborhood. The fact they

1 were vacant certainly gave me the opportunity.
2 So in that respect, I made an offer.

3 MR. O'BRIEN: What is your impression
4 as to the overall status of commercial occupancy
5 in Georgetown?

6 MR. DEAN: It doesn't appear to be
7 good, relative to my life experience. I think a
8 lot of vacant storefronts, a lot of very
9 under-utilized spaces that I believe are waiting
10 to become vacant.

11 That's a little bit troublesome from
12 a neighborhood perspective, from my perspective.
13 I think it's important to have thriving
14 businesses in the neighborhood, so it's important
15 to me.

16 MR. O'BRIEN: When you purchased the
17 buildings last year, what was your intention at
18 that time?

19 MR. DEAN: Probably top of mind was a
20 sports bar with sports wagering. That was top of
21 mind.

22 MR. O'BRIEN: Did you have a
23 particular tenant in mind at that time?

24 MR. DEAN: I didn't. We'd had a lot
25 of closures of establishments in the

1 neighborhood. We didn't have something I
2 considered a large scale sports bar. The sports
3 wagering endorsement was available, so
4 realistically, that was top of mind, but we
5 didn't have a tenant in mind, no.

6 MR. O'BRIEN: Did you ever consider
7 operating a sports bar there yourself?

8 MR. DEAN: I did consider it, sure.

9 MR. O'BRIEN: But you chose not to do
10 it.

11 MR. DEAN: Yes. I have a full-time
12 job. Yes, I did choose not to do it. It's a
13 large place. It's a professional outfit. It
14 would require me to establish another business.
15 It was a lot better if I could find a very
16 high-quality tenant, undoubtedly, a lot better.

17 MR. O'BRIEN: Did you put the
18 buildings on the market for lease?

19 MR. DEAN: I did.

20 MR. O'BRIEN: What sort of response
21 did you get from the market?

22 MR. DEAN: We had a pretty good
23 response. We had a lot of people interested. We
24 had a good level of interest.

25 MR. O'BRIEN: Did you choose the first

1 party that was interested?

2 MR. DEAN: We did not.

3 MR. O'BRIEN: How about the second?

4 MR. DEAN: Or the second or the third,
5 no. It was very important --

6 (Simultaneous speaking.)

7 MR. DEAN: Sorry, go ahead.

8 MR. O'BRIEN: Please describe the
9 process as you evaluated potential tenants.

10 MR. DEAN: It was very important to me
11 to have a high-quality tenant. That was
12 absolutely the No. 1 priority. In evaluating
13 offers, potential offers -- and also to have a
14 high-quality space. Okay, there's a high-quality
15 tenant and a high-quality space and environment
16 that I think would be great for the community.

17 MR. O'BRIEN: All right.

18 (Simultaneous speaking.)

19 MR. DEAN: We had a good offer. We
20 had -- anyway, sorry.

21 MR. O'BRIEN: No, please continue.

22 MR. DEAN: No, I was just going to say
23 we turned down offers at a substantially higher
24 base rent because of -- I didn't want another --
25 personally, I felt another, for lack of a better

1 thing, high-quality, public venue, even if it
2 paid us more money. We were kind of looking for
3 something, and we got pretty lucky, I think.

4 MR. O'BRIEN: Who did you get lucky
5 with?

6 MR. DEAN: We got lucky with Cordish
7 companies.

8 MR. O'BRIEN: What concept have they
9 proposed to put into your buildings?

10 MR. DEAN: Cordish, the concept is a
11 sports bar and restaurant, a very, very
12 high-quality operation, and obviously with sports
13 wagering. It's perfect for today. In speaking
14 -- actually, going to visit their facilities in
15 Maryland -- they're a large, local company.

16 They're in Maryland. Obviously, they
17 have offices all around the country. They have a
18 pretty strong local presence. The other things,
19 they actually -- it was interesting; they have a
20 partnership with the Prime Rib, so we had -- it
21 was fascinating seeing this, kind of an iconic
22 Washington brand license -- I guess it's
23 licensed. I'm not sure. The absolute quality of
24 the operation was first class. I suspect they'll
25 present later and you'll be able to see that.

1 (Simultaneous speaking.)

2 MR. DEAN: -- be great, yes.

3 MR. O'BRIEN: As landlord, will you
4 exercise some control over the nature of the
5 business?

6 MR. DEAN: Oh, yes, as landlord, sure.

7 MR. O'BRIEN: Will the business appear
8 to be like a casino?

9 MR. DEAN: No, it will not --

10 (Simultaneous speaking.)

11 MR. O'BRIEN: How about a gambling
12 decommission?

13 MR. DEAN: Neither. It'll be a very
14 high quality, properly operating version of the
15 sports wagering and sports restaurant environment
16 passed by the City Council.

17 MR. O'BRIEN: Thank you, Mr. Dean.
18 Thank you, Mr. Chair.

19 CHAIRPERSON ANDERSON: Thank you. Ms.
20 Palmer, any questions?

21 CROSS-EXAMINATION OF WILLIAM DEAN

22 MS. PALMER: Yes, thank you. Thank
23 you for joining us today, Mr. Dean, and for your
24 commitment to our neighborhood and community.
25 Can you please differentiate the purposes of

1 kiosks and windows?

2 MR. DEAN: I would generally -- I'd be
3 generalizing, but as I understand it, you can
4 actually place a bet and talk to a person at a
5 window. That is a certain amount of, for lack of
6 a better way to describe it, comfortable
7 transaction for a lot of people. That's what I
8 would describe the window as. Then the kiosk is
9 a computer version of the same thing.

10 MS. PALMER: Just for our own
11 edification, is there a different level of
12 betting in kiosks versus windows?

13 MR. DEAN: I would imagine it would
14 depend on the windows and the kiosks, themselves.
15 I imagine you could make it the same. You could
16 make them different. I would imagine, not being
17 an expert in either one, but --

18 MS. PALMER: Okay, but you're not
19 entirely sure beyond one you would interface with
20 a person versus a computer. You're not entirely
21 sure what the difference is. Is that correct?

22 MR. DEAN: Correct.

23 MS. PALMER: This business is seeking
24 to employ more kiosks than any other business in
25 D.C. that is not associated with a stadium or

1 arena. Is that correct?

2 MR. DEAN: I don't know if that's
3 correct. I don't know.

4 MS. PALMER: As far as you know, what
5 experience does your tenant have in running
6 sports wagering businesses in an urban, yet
7 residential neighborhood?

8 MR. DEAN: As far as I know, they're
9 one of the premier companies in the country
10 operating high-quality -- they operate
11 high-quality food service establishments combined
12 with sports wagering. As far as I know, they're
13 the best, if not -- or one of the two or three
14 best in America.

15 MS. PALMER: Okay. The inspector's
16 report notes that the prospective tenant will
17 conduct the sports wagering operation, quote,
18 consistent with all applicable statutes and
19 regulations, unquote. You don't identify which
20 statutes or regulations actually address our
21 concerns about peace and order, correct?

22 MR. DEAN: I'm not exactly following
23 the question.

24 MS. PALMER: The ANC and the Citizens
25 Association protested the endorsement on the

1 grounds of peace and order and, technically,
2 quiet. The inspector report notes that -- and I
3 believe Mr. O'Brien mentioned this earlier, in
4 his opening statement -- that the tenant will
5 conduct the sports wagering operation consistent
6 with all applicable statutes and regulations,
7 yes? Is that true?

8 MR. DEAN: That's correct.

9 MS. PALMER: But we haven't heard any
10 statutes or regulations that address concerns
11 about peace and order. I think that's correct.
12 Is that right? We haven't heard about --

13 MR. DEAN: I would say whatever
14 statute/regulation we're required to operate
15 with, we will absolutely operate in full
16 compliance with those statutes and regulations.

17 MS. PALMER: It's my understanding
18 that there aren't any statutes or regulations
19 that address peace and order within the adjacent
20 residential zoned neighborhood, that most of
21 those regulations are -- if not all of those
22 regulations, are related to what happens inside
23 the establishment. Are you familiar with that?

24 MR. DEAN: Not really. But again,
25 I'll just say every single regulation, every

1 requirement, we will fully comply with and we're
2 -- whatever -- yes.

3 MS. PALMER: Okay. Going back to your
4 tenant's experience, do you know what time -- for
5 instance in Louisville or Allentown -- the
6 organization shuts down the betting operations?

7 MR. DEAN: I don't.

8 MS. PALMER: Would it surprise you if
9 I told you that in Louisville stays open on
10 Friday and Saturday only until 1:00, Sunday only
11 until 9:00, and on Tuesday, Wednesday and
12 Thursday until 11:00?

13 MR. DEAN: I wouldn't necessarily be
14 surprised. I don't know if that's a constraint
15 by the license or if that's just when they
16 decided to shut down. It's a good question.

17 MS. PALMER: Some of the other
18 locations that they operate -- I'm sorry.
19 According to their website, the other locations
20 where they operate or Atlanta Braves Park, St.
21 Louis Cardinals Stadium, Texas Rangers Park,
22 Maryland -- Live! Casino, Pittsburgh, Live!
23 Casino, Maryland, in an outlet mall in Miami,
24 anchoring 150,000 square foot retail complex in
25 Chicago. Could you share where they operate that

1 is like Georgetown?

2 MR. DEAN: I have -- they're the third
3 -- they have, I believe, approaching half a
4 billion dollars of restaurant sales that they
5 personally manage and operate. So one of the
6 largest restaurant owners in the United States,
7 and they're the third-largest gaming owner.

8 But I have not shredded everywhere
9 they are. I just know they're at that level of
10 quality, and they're local, which is also rare.
11 You have people who have a real commitment stake
12 in the community, at least from a reasonable
13 perspective.

14 MS. PALMER: Yes, based in Baltimore,
15 absolutely. We can agree that the proposed
16 establishment is less than one block from a
17 residential zone. Is that right?

18 MR. DEAN: I don't know. I know where
19 it is. I've not looked at the zoning, but I know
20 the community. If you say so, I'll go with that.

21 MS. PALMER: Okay. Let's talk about
22 practicalities. It's a hot summer night, 3:00 in
23 the morning, people have been drinking and many
24 patrons have significant amounts of cash that
25 they won in their purses or pockets, at least

1 that's what the patrons hope, of course. They
2 leave the establishment.

3 According to the inspector's report,
4 there's no on-site or on-street parking on the
5 3100 block of M Street, where the proposed
6 establishment is located. Is that right? That's
7 what the -- I believe that's what the inspector
8 said.

9 MR. DEAN: Correct. By the way, I
10 don't think there ever was any for any of the
11 other prior establishments.

12 MS. PALMER: I think that's correct.
13 We can agree that many patrons who have just
14 recently won cash, again, at least they hope so,
15 will be walking home to their college dorms and
16 residences, or their parked cars within the quiet
17 residential neighborhood at, say, 3:00 in the
18 morning, when it closes. Does that sound
19 possible or correct?

20 MR. DEAN: It's certainly possible,
21 but the general principle of a casino is less
22 cash leaves than comes in. In the general
23 principle of any wagering environment is the same
24 thing, so I would presume the same things here.
25 Whatever cash people have, they're going to spend

1 it on food and beverage, and some of them may
2 walk out with more. I guess that's a
3 hypothetical. It should happen, sure.

4 MS. PALMER: When those people walk
5 around in the neighborhood with all that extra
6 cash in their pocket, coming from a place that is
7 known to be, on a good night for a patron,
8 distributing cash, even though, of course, we all
9 understand how gambling works.

10 (Simultaneous speaking.)

11 MS. PALMER: Out walking around in a
12 dark neighborhood with extra cash in your pocket,
13 coming from a place that's known to distribute
14 cash, could be seen as a recipe for crime and
15 possible violence. Would you agree?

16 MR. O'BRIEN: Objection, Mr. Chair,
17 calling for speculation. This sounds more like
18 closing argument than cross-examination.

19 CHAIRPERSON ANDERSON: I'm going to
20 sustain the objection. I still -- as I said,
21 I'll sustain the objection.

22 MS. PALMER: Okay. Then just one more
23 question. Has a security plan been submitted for
24 this establishment?

25 MR. DEAN: I don't know, necessarily,

1 but certainly, if one's required, one will be
2 submitted.

3 MS. PALMER: Asking the Board to
4 contemplate -- the ANC and CAG are, as we've
5 noted, concerned about security. Asking us to
6 think through the impacts of public safety
7 without a security plan -- no doubt, a security
8 plan would be material. Would you agree?

9 MR. DEAN: Ms. Palmer, I'm an
10 electrical engineer. I, personally, would not do
11 something in my own neighborhood that I felt
12 decreases security of the community one scrap.
13 It is very important to me. The causality of --
14 if a security plan's required, we will absolutely
15 submit a security plan. I presume --

16 (Simultaneous speaking.)

17 MS. PALMER: -- we don't have one for
18 you today. Is that correct?

19 MR. DEAN: I don't know.

20 MS. PALMER: All right. I'm done.

21 Thank you so much.

22 MR. DEAN: Okay, thank you.

23 CHAIRPERSON ANDERSON: Any questions
24 by the Board members?

25 MEMBER GRANDIS: Mr. Chairman.

1 CHAIRPERSON ANDERSON: Yes, Mr.
2 Grandis.

3 MEMBER GRANDIS: Mr. Dean, thank you
4 for being here today.

5 MR. DEAN: My pleasure.

6 MEMBER GRANDIS: I'm trying to get my
7 head around all of this. I found that Mr.
8 O'Brien, in his opening, was very helpful in me
9 getting better understanding, and what you've
10 said and what the ANC has said has helped me.
11 It's my understanding that M Street
12 Entertainment, LLC purchased the buildings, or
13 was there another entity?

14 MR. DEAN: Correct.

15 MEMBER GRANDIS: You are a principal
16 of M Street Entertainment, LLC.

17 MR. DEAN: I control it, yes.

18 MEMBER GRANDIS: It may have been
19 mentioned, but I've been looking through
20 documents. Who is the tenant that's going to
21 operate the sports bar? Is that M Street
22 Entertainment, LLC?

23 MR. DEAN: The Cordish Companies. I
24 apologize, Mr. Grandis. I don't know the exact
25 name, but it is controlled completely by the

1 Cordish Companies, just like M Street
2 Entertainment, LLC, the properties are controlled
3 by me. The specific name of the tenant is -- I
4 don't have on the top of my head.

5 MEMBER GRANDIS: But M Street
6 Entertainment --

7 MR. DEAN: It is the Cordish
8 Companies. M Street Entertainment -- I do
9 apologize, Mr. Grandis. I have a number of
10 different businesses, and I can't remember the
11 exact name.

12 But these two buildings, I bought a
13 special purpose real estate LLC, and I control
14 that entity. I believe M Street Entertainment,
15 LLC is the operation -- is the entity that was
16 formerly Ri Ra, that was the prior license
17 holder.

18 We also control that. I control both
19 of those things, the real estate, and I also
20 control the -- we're the successor entity, I
21 believe. I'm sure --

22 (Simultaneous speaking.)

23 MEMBER GRANDIS: That's helpful, Mr.
24 Dean. Let's move forward. That's helpful. It's
25 my understanding, listening to your description,

1 that M Street Entertainment, LLC is the property
2 owner, but also going to have the ownership of
3 the ABC license.

4 MR. DEAN: We do, yes.

5 MEMBER GRANDIS: However, the
6 day-to-day operations in the building, for the
7 sports bar, is not going to be run by M Street
8 Entertainment, LLC, but by this entity called
9 Cordish.

10 MR. DEAN: The Cordish Companies is a
11 very large real estate and retail company. I'm
12 not exactly sure of the mechanics of how that
13 license gets, for lack of another word to use,
14 transitioned for use by the tenant, but I know
15 it's a pretty common occurrence in the city. The
16 mechanics of that, I'm not exactly sure. There's
17 stuff all over Washington that runs the same way.

18 MEMBER GRANDIS: Will M Street
19 Entertainment, LLC have any employees working
20 either as a consultant day to day or in the
21 building day to day or is Cordish responsible for
22 the meals and things like that? I'm not going to
23 get --

24 (Simultaneous speaking.)

25 MR. DEAN: No, it's a great question.

1 Cordish is turnkey. They're the tenant, and
2 they're responsible.

3 MEMBER GRANDIS: Why aren't they here
4 today? You don't have to answer that.

5 MR. DEAN: They are, I believe.

6 MEMBER GRANDIS: They're here to
7 testify, Mr. O'Brien.

8 MR. O'BRIEN: No. Mr. Grandis, I just
9 wanted to let you know that we do have additional
10 witnesses from the prospective tenant.

11 MEMBER GRANDIS: From the tenant.

12 MR. O'BRIEN: Yes.

13 MEMBER GRANDIS: Thank you. I can
14 move on, then. Thank you very much.

15 (Simultaneous speaking.)

16 MR. O'BRIEN: Mr. Grandis, may I make
17 one point for clarification?

18 MEMBER GRANDIS: Yes.

19 MR. O'BRIEN: Upon approval of the
20 sports wagering endorsement, an application will
21 be filed to transfer the license from industry to
22 entertainment to the Cordish entity.

23 MEMBER GRANDIS: Okay. We'll get to
24 that when that happens.

25 MR. O'BRIEN: Exactly.

1 MEMBER GRANDIS: Mr. O'Brien, I'm sure
2 you understand why I sort of was trying to peel
3 the onion back a bit because if there was a
4 situation when one of our investigators goes into
5 this wonderful sports bar, which I believe the
6 ANC and CAG has already said that they're glad to
7 see life back after 2020, in their neighborhood.

8 But if there's a concern or violation,
9 they're not going to be putting -- at this point,
10 do you know, right now, the violation would go
11 against M Street Entertainment, LLC. Am I
12 correct, Mr. O'Brien?

13 MR. O'BRIEN: M Street Entertainment,
14 LLC will never operate the business. It will
15 transfer the license to the incoming tenant.

16 MEMBER GRANDIS: But that's up to the
17 Board, right?

18 CHAIRPERSON ANDERSON: As I understand
19 it, Mr. Grandis, is that an application will be
20 made to the Board. If this endorsement is
21 granted, an application will be made to the Board
22 at some later part to transfer the license from
23 the landlord to the tenant.

24 MEMBER GRANDIS: At this moment, the
25 license is owned by M Street Entertainment. I

1 just want to make sure Mr. Dean is aware that
2 until any transfer occurs, M Street
3 Entertainment, LLC is who the Agency and the
4 Board's going to be looking at.

5 CHAIRPERSON ANDERSON: Remember, Mr.
6 Grandis, the license is still in -- the license
7 is not operating. It is in safekeeping.

8 MEMBER GRANDIS: Mr. Chairman,
9 currently the license is owned by M Street
10 Entertainment, LLC. That's who I think we have
11 before us today. Moving on. This Cordish entity
12 that's going to run it, have you been to any of
13 their facilities in a residential neighborhood
14 such as this, that has a window, Mr. Dean?

15 MR. DEAN: I haven't done an extensive
16 investigation. I do believe -- honestly, I'd be
17 speculating. I've been to their facilities in
18 Kansas City. I think that's right in the middle
19 of the city.

20 Maybe I'm getting the confused.
21 They're going to be testifying, so you can
22 certainly ask them all the questions you want.
23 But like I said, they're the absolute -- they're
24 one of the largest operators in the country.
25 They self-operate the food and beverage. They

1 self-operate the sports wagering in these
2 facilities. That's really hard to find, that
3 level of both quality and commitment and direct
4 performance. Anyway.

5 MEMBER GRANDIS: I'm going to save my
6 other questions for the tenant. My last
7 question, I heard you mention something that you
8 would be very concerned about safety in your
9 neighborhood, which I think we all would agree
10 with.

11 MR. DEAN: Yes, absolutely.

12 MEMBER GRANDIS: Is Georgetown your
13 neighborhood?

14 MR. DEAN: Yes.

15 MEMBER GRANDIS: You live in
16 Georgetown. I didn't see that in the materials.

17 MR. DEAN: Yes, I apologize.

18 MEMBER GRANDIS: You don't need to
19 apologize. It's just helpful.

20 MR. DEAN: Yes.

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Hold on, Mr.
23 Grandis. When he was called, he provided us his
24 record. At the beginning of his testimony on the
25 direct, he provided his address. Mr. O'Brien, he

1 gave us more information than more people do on
2 the public record. He told us exactly where he
3 lived.

4 MEMBER GRANDIS: Thank you very much.
5 Mr. Dean, take you for taking time to listen to
6 my questions. Thank you very much.

7 MR. DEAN: My pleasure, thank you.

8 MEMBER GRANDIS: Thank you, Mr.
9 O'Brien.

10 CHAIRPERSON ANDERSON: Any other
11 questions by any of the Board members?

12 MEMBER SHORT: Mr. Chair, I have one,
13 please.

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

16 MEMBER SHORT: Thank you. Thank you,
17 Mr. Dean, for your testimony today. As the
18 Chairman just mentioned, according to the record,
19 you are a D.C. resident, correct?

20 MR. DEAN: I am.

21 MEMBER SHORT: And a member of the
22 Georgetown community.

23 MR. DEAN: I am.

24 MEMBER SHORT: You have just as much
25 interest as a person who lives in the residential

1 area, and then there are the other Georgetown
2 residents would have. Is that correct?

3 MR. DEAN: Very much so.

4 MEMBER SHORT: Are you familiar with
5 the history of Georgetown and business?

6 MR. DEAN: I'm sure there's varying
7 perspectives of it, but not entirely. There's a
8 whole long history of Georgetown with various
9 chapters. No, I'm not an expert in it. Without
10 going into great detail, I've been here for 75
11 years.

12 My father worked at Georgetown, right
13 in that same neighborhood where you lived for 50
14 years, and I was a firefighter here in
15 Washington, D.C. for 33 years, so I have a lot of
16 knowledge about Georgetown.

17 I really think that basically, the
18 information that has been provided to this Board
19 today has been very helpful to me and the other
20 Board members. As the Chairman said, not many
21 people give their addresses out in public record,
22 as you have done. At any rate, welcome to
23 Washington, D.C., and we wish you well. That's
24 all I have to say, Chair.

25 CHAIRPERSON ANDERSON: I appreciate

1 that, Mr. Short, thank you. Any other questions
2 by any of the Board members? Ms. Palmer, do you
3 wish to ask any questions based on the questions
4 that were asked by the Board members? They have
5 to be limited to the questions that were asked by
6 the Board members.

7 MS. PALMER: I understand. No
8 questions, thank you.

9 CHAIRPERSON ANDERSON: Any redirect,
10 Mr. O'Brien?

11 MR. O'BRIEN: No, sir.

12 CHAIRPERSON ANDERSON: Thank you very
13 much, Mr. Dean, for your testimony. Normally, I
14 would say you're free to go, but you are --
15 you're no longer --

16 MR. DEAN: I'm free to mute. Thank
17 you, sir.

18 CHAIRPERSON ANDERSON: All right,
19 thank you. Do you have another witness, Mr.
20 O'Brien?

21 MR. O'BRIEN: Yes, J. Thomas Elmore.

22 CHAIRPERSON ANDERSON: Has that person
23 been -- rights been elevated?

24 MR. O'BRIEN: Not yet.

25 CHAIRPERSON ANDERSON: Ms. Fashbaugh,

1 is Mr. Thomas Elmore, is he in the room? Okay, I
2 see his name, so please elevate his rights, Ms.
3 Fashbaugh. Mr. Elmore. I'm not sure if he has
4 been -- Mr. Elmore.

5 MR. ELMORE: Yes.

6 CHAIRPERSON ANDERSON: Do you have a
7 camera, sir?

8 MR. ELMORE: I do.

9 CHAIRPERSON ANDERSON: Now, I can see
10 you. Mr. Elmore, can you continue raising your
11 right hand, please? Do you swear or affirm to
12 tell the truth and nothing but the truth?

13 MR. ELMORE: I do.

14 CHAIRPERSON ANDERSON: Your witness,
15 Mr. O'Brien.

16 DIRECT EXAMINATION OF THOMAS ELMORE

17 MR. O'BRIEN: Spell your full name for
18 the reporter, please.

19 MR. ELMORE: Jack, J-A-C-K, Thomas,
20 T-H-O-M-A-S, Elmore, E-L-M-O-R-E.

21 MR. O'BRIEN: Where do you reside, Mr.
22 Elmore?

23 MR. ELMORE: 2811 P Street, Northwest,
24 Washington, D.C.

25 MR. O'BRIEN: What neighborhood of the

1 city is that address?

2 MR. ELMORE: Georgetown.

3 MR. O'BRIEN: How long have you lived
4 in Georgetown?

5 MR. ELMORE: Since 1975.

6 MR. O'BRIEN: How do you happen to
7 come here today to testify?

8 MR. ELMORE: I was in conversation
9 with building. At the time, I actually
10 volunteered to testify on behalf of his venture
11 if he so choose to invite me.

12 MR. O'BRIEN: What do you understand
13 his venture to be?

14 MR. ELMORE: A sports bar with an
15 endorsement to have sports betting.

16 MR. O'BRIEN: What is your position on
17 a sports wagering endorsement at this location?

18 MR. ELMORE: I support it.

19 MR. O'BRIEN: Why do you support it?

20 MR. ELMORE: I moved to Georgetown 40
21 plus years ago, almost 50. Georgetown was a
22 dining, shopping, entertainment destination.
23 That is no longer the case. We all know that
24 there are 40 plus storefronts boarded up. It's
25 probably even worse than that because many of the

1 tenants who are there now are popup type
2 establishments. Even the ones who have long-term
3 leases are tending to close up after two years
4 and go away.

5 I think the outlook is very negative
6 for the Georgetown business community. Just this
7 last week, my barber, of all people, is closing
8 up his building. He's been there for decades and
9 moving out of Georgetown, not a good thing.

10 He has a short-term lease for his
11 building, but you don't expect the tenant to be
12 there for more than a year. I kind of got away.
13 What was the question, again, sir?

14 MR. O'BRIEN: It's why do you support
15 the sports wagering endorsement?

16 CHAIRPERSON ANDERSON: I'm sorry, Mr.
17 O'Brien. Mr. Elmore, I would hope that you're
18 not testifying from a prepared document.

19 MR. ELMORE: No. I've got some notes,
20 but no.

21 CHAIRPERSON ANDERSON: When you
22 testify, you can't look at your notes, okay, sir.

23 MR. ELMORE: Okay. The Georgetown
24 business community has been in decline for the
25 past 30 years. I think what's being proposed by

1 Mr. Dean could be the spark that helps a
2 re-ignite a revitalization of the -- or at least
3 help do that -- of the Georgetown business
4 community.

5 I think we ought to take this
6 opportunity -- and I think this is an
7 opportunity, to use the resources of building and
8 this team and the synergy that this would bring
9 to help revitalize Georgetown. It's a necessity.
10 I moved to Georgetown because there was --

11 MS. PALMER: I object. That's
12 speculation.

13 CHAIRPERSON ANDERSON: Ms. Palmer, you
14 can only object to a question that's been asked.
15 I'm not sure of the nature of your objection,
16 ma'am.

17 MS. PALMER: Go ahead, continue.

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

20 MR. ELMORE: I moved to Georgetown
21 because there was an entertainment segment to the
22 community. I think Bill Dean is passionate about
23 Georgetown. I've known him to be that. I think
24 that sports betting is going to come to
25 Georgetown, if it's not already there in an

1 informal way. If it's coming, we might as well
2 have someone -- a local person be in charge of
3 the property, for that matter. I think that if
4 anything goes astray, we all know where to find
5 Bill Dean.

6 He's at Rose Park or walking Shredder,
7 his dog, on the streets of Georgetown. I support
8 this. I support it for a whole lot of reasons.
9 One, the business community needs it.

10 Two, I think Bill Dean is the right
11 person, with his business acumen, his success
12 that he's demonstrated in the past in making
13 things work will all be a very positive element
14 for both the business community and the
15 residents.

16 MR. O'BRIEN: Mr. Elmore, I think you
17 said there are approximately 40 vacant
18 storefronts in Georgetown.

19 MR. ELMORE: Yes, that's right.

20 MR. O'BRIEN: How will filling this
21 one or two adjacent storefronts change the
22 situation?

23 MR. ELMORE: I think we heard someone
24 testify that the streets roll up in Georgetown at
25 9:30. We don't need to have the streets rolled

1 up in Georgetown at 9:30. When I moved here 47
2 years ago, it might have closed up at 9:30 in the
3 morning, but I think it would add to it. I think
4 the cigar store across the street will sell more
5 cigars.

6 The existing businesses will stay open
7 longer. They'll have a better chance of
8 surviving. I think if every resident is there,
9 not only for the very nice residential aspects of
10 it, but also for the ease of living that goes
11 along with being able to walk to your barber
12 shop, being able to walk to shopping, being able
13 to walk to dining. Those places are closing
14 down. They're closing down fast. We need to do
15 something. We need to support this.

16 MR. O'BRIEN: Do you bet on sports
17 yourself?

18 MR. ELMORE: No.

19 MR. O'BRIEN: Do you envision that you
20 would be making sports wagering bets if the board
21 grants this endorsement?

22 MR. ELMORE: Probably not. I would go
23 there for dinner.

24 MR. O'BRIEN: All right, those are my
25 questions, Mr. Chair.

1 CHAIRPERSON ANDERSON: Ms. Palmer.

2 CROSS-EXAMINATION OF THOMAS ELMORE

3 MS. PALMER: Yes, thank you so much.

4 It's nice to meet you, neighbor.

5 MR. ELMORE: Thank you. The same,
6 otherwise.

7 MS. PALMER: You noted in your
8 comments that you believe that this could spur
9 the economy. How do you know that?

10 Hello? Mr. Elmore?

11 CHAIRPERSON ANDERSON: Mr. Elmore?

12 MS. PALMER: I do have a number of
13 questions for him --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: I think they're
16 trying to call him to find out what happened.

17 MR. O'BRIEN: Yes, we're trying to
18 call him. I'm speculating, which, of course, I
19 always object to --

20 (Simultaneous speaking.)

21 MS. PARKER: Find a different word.

22 MR. O'BRIEN: When I said thank you,
23 I'm speculating he may have inferred he was
24 finished. Mr. Chair, we've reached Mr. Elmore by
25 phone and apparently he's lost his Internet

1 connection. He's trying to re-establish it.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. O'BRIEN: Mr. Chair, Mr. Elmore
4 tells us it's reloading right now.

5 CHAIRPERSON ANDERSON: All right,
6 thank you. Ms. Fashbaugh, once he comes back
7 online, can you please re-elevate his rights,
8 please?

9 MS. PALMER: Mr. Anderson, just out of
10 curiosity, will this meeting -- will this hearing
11 continue until it's complete or --

12 CHAIRPERSON ANDERSON: Yes.

13 MS. PALMER: Okay.

14 CHAIRPERSON ANDERSON: We are
15 completing this hearing today.

16 MS. PALMER: I just need to arrange
17 childcare, so thank you.

18 MS. MAHMOUD: You're back up.

19 CHAIRPERSON ANDERSON: Mr. Elmore.

20 MR. O'BRIEN: Perhaps if we remind Mr.
21 Elmore that he has to unmute himself.

22 CHAIRPERSON ANDERSON: Mr. Elmore, can
23 you --

24 MR. ELMORE: I'm unmuted. Can you
25 hear me?

1 CHAIRPERSON ANDERSON: Yes, I can't
2 see you, but I can hear. Fine. Go ahead. I'm
3 sorry; I will prefer if you -- okay, good. Go
4 ahead, Ms. -- okay, Mr. Elmore, what's going to
5 happen now, Ms. Palmer's going to ask you some
6 questions, then the Board might ask you some
7 questions, then Mr. O'Brien and Ms. Palmer might
8 ask questions again, okay?

9 MR. ELMORE: Very good, thank you.

10 CHAIRPERSON ANDERSON: Go ahead, Ms.
11 Palmer.

12 MS. PALMER: Okay, thank you. I
13 listened very intently to your comments. You
14 shared how important this business could be to
15 the neighborhood. Are you suggesting that the
16 business community needs a sports wagering
17 endorsement specifically? In other words, this
18 type of endorsement is critical to our business
19 community?

20 MR. ELMORE: I don't think that's the
21 -- it's not critical, but it's helpful. If
22 you've got something better, I think everyone
23 would listen to it, but right now, it's one of
24 the better suggestions that I've heard.

25 MS. PALMER: That would be preferable

1 -- that would be more critical to you than a
2 restaurant or a retailer that opened in that
3 space. Is that correct?

4 MR. ELMORE: We've had many retailers
5 open and go away in a couple of weeks or a year.
6 We need something solid there. We need an
7 investment there that I suggested.

8 (Simultaneous speaking.)

9 MS. PALMER: You noted that you
10 believe that this specific endorsement could
11 actually spur the economy in Georgetown. Or you
12 an economist or another sort of expert in this
13 field?

14 MR. ELMORE: I'm not an economist.

15 MS. PALMER: Are you familiar with
16 Georgetown's --

17 MR. ELMORE: I said I believed --

18 (Simultaneous speaking.)

19 MS. PALMER: That's your speculation,
20 that this would be a good thing.

21 MR. ELMORE: Yes, that's --

22 MS. PALMER: Okay. Are you familiar
23 with the Georgetown Business Improvement
24 District?

25 MR. ELMORE: I am, yes.

1 MS. PALMER: I sit on the board of the
2 Georgetown Business Improvement District, as does
3 Tara Sakraida Parker, who is also here today.
4 Are you aware that the outlook from the
5 Georgetown Business Improvement District on
6 leasing in Georgetown is quite positive and that
7 leasing activity is up significantly in the area?

8 MR. O'BRIEN: Objection. Objection,
9 Mr. Chair, this is testimony.

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: I guess she
12 could ask him if he's aware. I'm going to
13 overrule the objection. She can ask him if he's
14 aware. The answer is yes or no. She stated I'm
15 on the Board and is he aware. He can say yes or
16 no. I'm going to overrule the objection, allow
17 him to answer it if he can answer it.

18 MR. O'BRIEN: You can answer it.

19 CHAIRPERSON ANDERSON: Go ahead, sir.

20 MR. ELMORE: I'm aware that most of
21 the tenants or the businesses that I know aren't
22 very fond of the BID, the Business Improvement
23 District.

24 MS. PALMER: That may be so, but the

25 --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Hold on, hold
3 on, hold on. Ms. Palmer, you asked him a
4 question. Please allow him to answer the
5 question.

6 MS. PALMER: But that wasn't an answer
7 to my question. That was --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: Ms. Palmer, you
10 asked him if he is aware. He's answering the
11 question to the best of his ability. If you want
12 to ask him a question, then you have to more
13 tighten your questions so it doesn't give him a
14 leeway that he can answer yes or no.

15 But if you ask a broad enough
16 question, then you're giving him an opportunity
17 to expound on his answer, and that's all he's
18 doing. You have to allow him to answer the
19 question. Go ahead, sir. You can finish your
20 answer to the question, sir.

21 MR. ELMORE: What I am aware of is
22 that there are various opinions of the BID with
23 the Georgetown businesses, particularly the
24 smaller businesses. Have if I lost connection
25 here again?

1 CHAIRPERSON ANDERSON: No, we can hear
2 you, sir.

3 MR. ELMORE: Is that an appropriate
4 answer, Ms. Palmer, or have I answered your
5 question?

6 MS. PALMER: No, I just asked yes or
7 no, are you aware that the Georgetown BID, who
8 sort of keeps an eye -- a bird's eye view on
9 leasing patterns in the community, has shared
10 that leasing activity is robust at this moment in
11 time? Are you aware that is the BID's report and
12 they are experts on this?

13 MR. ELMORE: No, I am not, but I also
14 have been a student of business and have
15 opinions, as well.

16 MS. PALMER: How do you know that
17 there are 40 to 50 vacancies? I think that was
18 the number you noted.

19 MR. ELMORE: Yes, three sources, two
20 businesses who recently closed and the
21 proprietors of those businesses were trying to
22 lease their properties. They made a survey.

23 I, a couple of weekends ago, also
24 noted that from down at the river, up to the
25 library, over to Rock Creek and over to the

1 university that there was a number in that amount
2 of -- 47 was the exact number I found.

3 MS. PALMER: Are you familiar with
4 which of those storefronts that appear vacant to
5 you are actively being leased? In other words,
6 there are leases in process or signs that have
7 not yet opened?

8 (Simultaneous speaking.)

9 MR. ELMORE: No, I don't. I don't
10 think anyone else does, either.

11 MS. PALMER: Okay. My final question,
12 I believe you noted that the streets currently
13 roll up at 9:30. That's a disappointment, right?
14 We would love for the neighborhood to be more
15 vibrant. Is that correct?

16 MR. ELMORE: I noted that the
17 investigator said that in a little different
18 words.

19 MS. PALMER: All right. That is it
20 for me. Thank you very much.

21 MR. ELMORE: You're welcome. Thank
22 you.

23 CHAIRPERSON ANDERSON: Any questions
24 by the Board members?

25 No questions, all right. I just want

1 to emphasize, Mr. Elmore. Mr. Elmore, do you
2 have any ownership -- do you have a business
3 relationship with Mr. Dean?

4 MR. ELMORE: I do not.

5 CHAIRPERSON ANDERSON: Ms. Palmer, any
6 questions of Mr. Elmore based on the questions I
7 asked?

8 MS. PALMER: No, thank you.

9 CHAIRPERSON ANDERSON: Mr. O'Brien,
10 any redirect?

11 MR. O'BRIEN: No, sir.

12 CHAIRPERSON ANDERSON: Thank you, Mr.
13 Elmore. You have now concluded your testimony,
14 so you can either sit back and relax, or you can
15 go on with your life, sir.

16 MR. ELMORE: Thank you, Mr. Chairman,
17 and other members of the Board.

18 CHAIRPERSON ANDERSON: How many other
19 witnesses do you have, Mr. O'Brien?

20 MR. O'BRIEN: Three.

21 CHAIRPERSON ANDERSON: Let's take a --

22 MR. O'BRIEN: The next witness should
23 be brief.

24 CHAIRPERSON ANDERSON: All right. I
25 said I wanted to take a break in two hours, but

1 if it's a very short witness, then we can have
2 one other witness and we'll take a break.

3 MR. O'BRIEN: Very well, we'll call
4 David Dunning.

5 CHAIRPERSON ANDERSON: David Dunning,
6 where's Mr. Dunning? Okay, I see Mr. Dunning.
7 Mr. Dunning, are you there, sir?

8 MR. DUNNING: I'm here.

9 CHAIRPERSON ANDERSON: Can I see you,
10 sir, if that's possible? If that's not possible,
11 we'll move on.

12 MR. DUNNING: I think something's gone
13 on the battery, but I'm here. I'm listening.

14 CHAIRPERSON ANDERSON: I see you right
15 there, right now, Mr. Dunning. Do you swear or
16 affirm to tell the truth and nothing but the
17 truth?

18 MR. DUNNING: I swear to tell the
19 truth.

20 CHAIRPERSON ANDERSON: All right,
21 thank you. Your witness, Mr. O'Brien.

22 MR. O'BRIEN: Ms. Mahmoud will
23 examine, Mr. Chair.

24 CHAIRPERSON ANDERSON: Go ahead, Ms.
25 Mahmoud.

1 DIRECT EXAMINATION OF DAVID DUNNING

2 MS. MAHMOUD: Thank you, Mr. Chair.

3 Mr. Dunning, may you please spell your full name
4 for the record?

5 MR. DUNNING: David, D-A-V-I-D,
6 Dunning, D-U-N-N-I-N-G, like running, Dunning.

7 MS. MAHMOUD: That's good. Where do
8 you reside, Mr. Dunning?

9 MR. DUNNING: 1357 28th Street,
10 Northwest, in Georgetown.

11 MS. MAHMOUD: How long have you lived
12 in Georgetown?

13 MR. DUNNING: Thirty-two years.

14 MS. MAHMOUD: How did you come to be
15 here today to testify?

16 MR. DUNNING: I'm involved in Rose
17 Park. Bill Dean is a very big supporter of Rose
18 Park. He asked me to testify.

19 MS. MAHMOUD: Are you aware of what
20 the business was?

21 MR. DUNNING: I used to frequent the
22 other previous restaurants, yes. I support a lot
23 of restaurants on M Street.

24 MS. MAHMOUD: Do you support Mr.
25 Dean's sports wagering endorsement application?

1 MR. DUNNING: I do.

2 MS. MAHMOUD: Why do you support the
3 application?

4 MR. DUNNING: I think it's a diverse
5 business. Being the people that he's teamed
6 with, it's very impressive. We need to see more
7 restaurants opening, not closing, and more
8 vibrancy in our community.

9 MS. MAHMOUD: Are you going to be
10 making sports bets?

11 MR. DUNNING: No, I'm not a better;
12 I'm a tennis player.

13 MS. MAHMOUD: The fact that you're not
14 personally interested in sports wagering, you
15 still think this is a good thing for the
16 neighborhood.

17 MR. DUNNING: I think it's a
18 generator. It's a needed boost of enthusiasm and
19 business support from a very vital member of our
20 community.

21 MS. MAHMOUD: Thank you, Mr. Dunning.

22 MR. DUNNING: Thank you.

23 CHAIRPERSON ANDERSON: Ms. Palmer, do
24 you have any questions for Mr. Dunning?

25 CROSS-EXAMINATION OF DAVID DUNNING

1 MS. PALMER: Yes, thank you. You
2 noted that you know Mr. Dean from Rose Park and
3 the neighborhood. Is that correct?

4 MR. DUNNING: Correct.

5 MS. PALMER: How else might you
6 describe your relationship with Mr. Dean?

7 MR. DUNNING: Taught him to play
8 tennis.

9 MS. PALMER: I'm sorry; what did you
10 just say? Could you repeat that?

11 MR. DUNNING: I taught him to play
12 tennis --

13 (Simultaneous speaking.)

14 MS. PALMER: You tell him to play
15 tennis.

16 MR. DUNNING: I taught him to play
17 tennis.

18 MS. PALMER: Oh, you taught him. I'm
19 sorry; I couldn't hear you. Would it be fair to
20 say that you are friends with Mr. Dean or you're
21 social with Mr. Dean?

22 MR. DUNNING: We're friends.

23 MS. PALMER: I believe you mentioned
24 that he asked -- when you spoke to him, he asked
25 you to testify about this. Is that correct?

1 MR. DUNNING: Yes.

2 MS. PALMER: How do you know that
3 sports -- how do you know, for a fact, that
4 sports wagering would be a, quote, generator for
5 this community?

6 MR. DUNNING: It's a business
7 activity. It's a unique one. I'm not an
8 economist. I do think that the business
9 activities -- I went to the Southwest Waterfront
10 last week and it is dismaying to see that
11 waterfront and our waterfront, in Georgetown.

12 The comparison of the two, it's just
13 -- I don't know the exact figures of the
14 restaurants and businesses that have closed, but
15 we have to start somewhere. This is a good
16 start.

17 MS. PALMER: Okay. Why do you think
18 that sports wagering, specifically, would be the
19 generator, as opposed to any other kind of
20 business operating in that space?

21 MR. DUNNING: The establishment, if
22 it's going to be, it's going to be, apparently, a
23 prime restaurant. I am unfamiliar with how the
24 sports wagering -- it's an activity not unlike
25 lotteries, which are in 40 or 50 states. I think

1 sports wagering, if I'm not incorrect, has been
2 approved in 30 states and the District of
3 Columbia. Ms. Palmer, I'm not an expert on
4 sports wagering, I just know that it's an
5 increment of good business activity in
6 Georgetown.

7 MS. PALMER: Would it be fair to say
8 that it's important to have something open in
9 this business? You mentioned going to the wharf,
10 you saw a lot of things open. Would, for
11 instance, one of the businesses that you saw
12 there, in this space, also be a generator? Could
13 that be the case?

14 MR. DUNNING: I suppose a kiosk like
15 that would be or could be opened there. They
16 have very diverse -- Williams and Connolly, law
17 firms, restaurants. They've opened lots of
18 things. I think we need to look at a diversity
19 of businesses that are here.

20 MS. PALMER: Yes, the wharf --
21 (Simultaneous speaking.)

22 MS. PALMER: The wharf certainly is
23 popping, certainly. All right, I'm finished.
24 Thank you.

25 MR. DUNNING: Thank you.

1 CHAIRPERSON ANDERSON: Questions by
2 any Board members?

3 Mr. Dunning, I just have one question
4 for you. Are you in -- do you have any business
5 relationships with Mr. Dean?

6 MR. DUNNING: No, just that he's a
7 supporter of the park and I am the president.

8 CHAIRPERSON ANDERSON: What park? Can
9 you explain? Just explain to me. I don't
10 understand what park you're talking about.

11 MR. DUNNING: It's called Rose Park.
12 It's on M Street and P Street. It's operated by
13 the D.C. Department of Parks and Rec and the U.S.
14 Park Service. It's a very popular park in
15 Georgetown. There's Volta Park and Rose Park
16 and, of course, the beautiful park on the
17 waterfront.

18 CHAIRPERSON ANDERSON: Okay, thank
19 you, sir. Ms. Palmer, any questions in light of
20 the questions I asked?

21 MS. PALMER: No, thank you.

22 CHAIRPERSON ANDERSON: Ms. Mahmoud,
23 any redirect?

24 MS. MAHMOUD: No thank you, Mr. Chair.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Dunning. Thank you very much for your testimony.
2 All right. It's 4:14, and we're going to take a
3 ten-minute break until 4:25. Just put your
4 camera on mute -- mute your phone, turn your
5 camera off, and we'll come back on the record at
6 4:25. Thank you.

7 (Whereupon, the above entitled matter
8 went off the record at 4:13 p.m. and resumed at
9 4:25 p.m.)

10 CHAIRPERSON ANDERSON: All right, Mr.
11 O'Brien, do you have another witness?

12 MR. O'BRIEN: Yes, but before we do,
13 I think that Ms. Fashbaugh can un-elevate Mr.
14 Dunning, at this point.

15 CHAIRPERSON ANDERSON: I don't see him
16 on our screen. Oh. Normally, what happens is
17 that the person can leave if they want to leave,
18 so we don't need to do anything.

19 MR. O'BRIEN: All right, our next
20 witness is Keith Hudolin.

21 CHAIRPERSON ANDERSON: Mr. Hudolin,
22 can you please -- can you raise your right hand,
23 please? Do you swear or affirm to tell the truth
24 and nothing but the truth?

25 MR. HUDOLIN: I do.

1 CHAIRPERSON ANDERSON: Your witness,
2 sir.

3 DIRECT EXAMINATION OF KEITH HUDOLIN

4 MR. O'BRIEN: Would you spell your
5 first and last names for the reporter, please?

6 MR. HUDOLIN: Sure. Keith, K-E-I-T-H,
7 Hudolin, H-U-D-O-L-I-N.

8 MR. O'BRIEN: Mr. Hudolin, how are you
9 employed?

10 MR. HUDOLIN: I am the vice president
11 and general counsel of Entertainment Consulting
12 International.

13 MR. O'BRIEN: What is Entertainment
14 Consulting International?

15 MR. HUDOLIN: It is an affiliate of
16 the Cordish Companies. We help to oversee the
17 operations of bars and restaurants around the
18 country, including the Sports and Social
19 locations.

20 MR. O'BRIEN: What is Sports and
21 Social? Describe the concept if you will,
22 please.

23 MR. HUDOLIN: Sports and Social, we
24 call it an elevated sports bar. The tag line we
25 often use in our marketing is raising the sports

1 bar. What that means is it's meant to be a
2 high-end sports bar concept. You think of the
3 neighborhood sports bars people are familiar
4 with; often they're a little more of a dive bar
5 feel. We're going for something higher end.
6 That's everything from the food to the service to
7 the entertainment to the whole offering.

8 MR. O'BRIEN: I'm going to ask Ms.
9 Mahmoud to put up on the screen -- or do we need
10 to have the coordination to elevate an exhibit?
11 You can do it?

12 CHAIRPERSON ANDERSON: This is your --
13 okay, go ahead.

14 MR. O'BRIEN: First thing I'm asking
15 you to look at, Mr. Hudolin, is what's been
16 identified on our protest information form as
17 Exhibit No. 3. It's several pages.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Mr. O'Brien.
20 Nothing has been identified, as yet, so have him
21 now identify the document that we're looking at.
22 Remember, you have not moved to bring it to the
23 record, so it's just a document that you have.

24 MR. O'BRIEN: Yes, I'm going to ask
25 Ms. Mahmoud to scroll down so that Mr. Hudolin

1 can see what it is I'm asking him to identify.
2 Continue scrolling. Now, go back to the top,
3 please. Mr. Hudolin, this is what we are
4 referring to, for identification purposes, as
5 Applicant's Exhibit No. 3. Can you tell me what
6 it is?

7 (Whereupon, the above-referred to
8 document was marked as Applicant
9 Exhibit 3 for identification.)

10 MR. HUDOLIN: This exhibit is a
11 collection of photos from the Bethesda location
12 of Sports and Social.

13 MR. O'BRIEN: Do you want to describe
14 any particular frames?

15 MR. HUDOLIN: Looking at this picture
16 here, you're looking, right now, into the main
17 dining room of Sports and Social. This, I think,
18 captures the look and feel that we would have at
19 the proposed Georgetown location.

20 Hopefully, this captures what I'm
21 talking about with providing a slightly elevated
22 or significantly elevated experience over your
23 traditional sports bar.

24 MR. O'BRIEN: I'm going to ask Ms.
25 Mahmoud to display what is identified on the

1 protest information form as Exhibit No. 1. This
2 is a two-page document.

3 (Whereupon, the above-referred to
4 document was marked as Applicant
5 Exhibit 1 for identification.)

6 MR. O'BRIEN: Ms. Mahmoud, could you
7 show those two pages to Mr. Hudolin so I can ask
8 him what they are? Mr. Hudolin, what is this
9 two-page document that we've displayed for you?

10 MR. HUDOLIN: This is a preliminary
11 floor plan for the proposed Georgetown location
12 of Sports and Social.

13 CHAIRPERSON ANDERSON: Hold on, Ms.
14 Mahmoud, can you turn the page, please? Are you
15 able to do that?

16 MS. MAHMOUD: Absolutely.

17 CHAIRPERSON ANDERSON: Yes, thank you.
18 Go ahead.

19 MR. O'BRIEN: I see a lot of tables
20 and chairs, and I see a bar with barstools, but I
21 do see some yellow shading. Can you tell us what
22 that yellow shading depicts?

23 MR. HUDOLIN: The yellow shading is
24 four of the sports betting kiosks that would be
25 located in the venue.

1 MR. O'BRIEN: Okay. Then if we go to
2 the next page, Ms. Mahmoud, and we'll flip that.
3 This page reads second-floor plan. Can you
4 describe that, please?

5 MR. HUDOLIN: Yes, this is the plan
6 for -- it's a two-floor space. This would be the
7 plan for the second floor. It also depicts, in
8 the yellow highlighting, the location of three
9 additional kiosks for placing sports bets.

10 MR. O'BRIEN: Ms. Mahmoud, could you
11 go back to the first page, please, which is
12 labeled ground floor? Will there be a window, a
13 sports wagering window, at this location?

14 MR. HUDOLIN: Yes, there would be a
15 single sports wagering window. That is toward
16 the bottom left-hand side of the floorplan. It
17 looks like it's -- there's a measurement marking
18 in red, pointing to a black box. That black box
19 is the preliminary location of the sports betting
20 window.

21 MR. O'BRIEN: Thank you, Ms. Mahmoud.
22 Can we show, now, what's labeled as Exhibit No. 2
23 on our protest information form?

24 (Whereupon, the above-referred to
25 document was marked as Applicant

1 Exhibit 2 for identification.)

2 MR. O'BRIEN: I will tell you, Mr.
3 Hudolin, this is a multi-page document. Ms.
4 Mahmoud's going to just scroll gently through it,
5 and then I will ask you if you can identify what
6 it is.

7 MS. PALMER: I might be doing this
8 incorrectly. As a lay person, I don't know. Is
9 this required to be relevant to the wagering
10 endorsement, this exhibit?

11 MR. O'BRIEN: If the Chair wishes to
12 characterize that as an objection, I'll respond.

13 MS. PALMER: Yes, thank you. I'd like
14 to be characterized --

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: It's an
17 objection because you're saying it's not
18 relevant. That's the objection that you raised.

19 MS. PALMER: Yes, thank you. I
20 appreciate --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: Go ahead, Mr.
23 O'Brien.

24 MR. O'BRIEN: Thank you, sir. What
25 we're demonstrating here is this is not going to

1 be a casino or a gambling emporium. This is
2 going to be, as Mr. Dean has already testified, a
3 sports bar and restaurant, of which sports
4 wagering is only an ancillary part. That's the
5 relevance of it.

6 CHAIRPERSON ANDERSON: I'm going to
7 overrule the objection, so go ahead, Mr. O'Brien.

8 MR. O'BRIEN: Mr. Hudolin, did you
9 have an opportunity to review what was just
10 scrolled?

11 MR. HUDOLIN: I did.

12 MR. O'BRIEN: Taken together, what do
13 these multi-pages consist of?

14 MR. HUDOLIN: These are the current
15 menu at the Bethesda Sports and Social location.

16 MR. O'BRIEN: I'd ask Ms. Mahmoud to
17 scroll down a couple pages. I'll say when to
18 stop, please. This is one page of this exhibit,
19 Mr. Hudolin. Can you tell the Board what that
20 page depicts?

21 MR. HUDOLIN: Yes, this is the kids'
22 menu for our Bethesda location.

23 MR. O'BRIEN: To what extent do you
24 have children patronize Sports and Social?

25 MR. HUDOLIN: It happens all the time.

1 We're in a mixed-use district in Pike and Rose up
2 there.

3 MR. O'BRIEN: Where's Pike and Rose?

4 MR. HUDOLIN: It's in North Bethesda,
5 Maryland.

6 MR. O'BRIEN: Okay, continue.

7 MR. HUDOLIN: In that neighborhood,
8 there are shops. There are restaurants. There's
9 a movie theater. There's a bowling alley.
10 There's residential. We have families all the
11 time who are out shopping.

12 They are in the neighborhood. They
13 want a place where they can come as a whole
14 family, watch the game and have some food. I'll
15 tell you; I have two kids, a 4 year old and an 8
16 year old.

17 I live in Silver Spring. I'm over
18 there all the time. My kids have ordered off of
19 this kids' menu plenty of times. They're not the
20 most adventurous eaters. They typically go with
21 the butter noodles. That's the type of
22 environment we are going for at Sports and
23 Social. It's a place the whole family can come.

24 MR. O'BRIEN: Do you have any sense of
25 what percentage of revenues that the Sports and

1 Social on M Street, should it be approved by the
2 Board, what percentage of revenues will come from
3 sports wagering, as opposed to food and beverage?

4 MR. HUDOLIN: Sure. The sports
5 wagering piece of it is really an ancillary use.
6 Our main business is food and beverage. We're a
7 sports bar, a restaurant. I would anticipate
8 that no more than 10 to 15 percent of the revenue
9 would come from sports betting.

10 MR. O'BRIEN: Do you have any sense,
11 based on your other locations, what percentage of
12 patrons might actually engage in sports wagering?

13 MR. HUDOLIN: It's going to be a
14 minority. We don't have precise calculations
15 that I could share, but based on experience, I
16 would say it's less than 25 percent of our
17 patrons would place a sports bet. I would not be
18 at all surprised if it's significantly less than
19 25 percent of our patrons.

20 MR. O'BRIEN: Do all Sports and
21 Socials -- let me just ask you how many Sports
22 and Socials are there in the U.S. presently?

23 MR. HUDOLIN: We currently have nine
24 locations that are open for business.

25 MR. O'BRIEN: Do all of them have

1 sports wagering?

2 MR. HUDOLIN: No.

3 MR. O'BRIEN: Why do not all have
4 sports wagering? Why do all not have sports
5 wagering?

6 MR. HUDOLIN: Because under current
7 law, we're not permitted to offer it at many of
8 our locations. We're in a number of different
9 jurisdictions. The law of sports betting -- and
10 I think many of us on this meeting know -- are
11 rapidly changing.

12 MR. O'BRIEN: How many of the
13 non-Sports and Social locations do offer sports
14 wagering?

15 MR. HUDOLIN: I'm sorry; could you
16 restate the question? I want to make sure I
17 understand you.

18 MR. O'BRIEN: Of the nine presently
19 open Sports and Social locations, how many of
20 those nine offer sports wagering?

21 MR. HUDOLIN: Three currently offer
22 sports wagering.

23 MR. O'BRIEN: If you can operate six
24 Sports and Social locations without sports
25 wagering, why do you want or need sports wagering

1 at this location?

2 MR. HUDOLIN: Each location is
3 different. The market conditions vary. But I
4 will tell you where we're able to add sports
5 wagering to an existing location, we would seize
6 that opportunity. I think at this location, it's
7 part of the business model. It's one of the many
8 layers.

9 We talk internally about building
10 layers for the guest experience. I think sports
11 wagering is an important layer of the guest
12 experience here.

13 MR. O'BRIEN: In your experience, what
14 effect does the presence of sports wagering have
15 on food and beverage sales at those locations
16 that offer sports wagering?

17 MR. HUDOLIN: It's additive. It
18 increases the food and beverage sales at the
19 location. It's a draw for guests, even if
20 they're only going to place a very small bet.
21 They might -- that gets them in the door, so that
22 then, they can stay and they can enjoy the food.
23 They can enjoy the drinks, and they can watch the
24 game.

25 MR. O'BRIEN: The hours of operation

1 under the present ABC license run to 2:00 and
2 3:00 in the morning, 2:00 on weekends. Would
3 this Sports and Social necessarily be open all
4 such hours?

5 MR. HUDOLIN: Not necessarily. It
6 would depend on market conditions, the day of the
7 week. It would also depend on what's going on in
8 the world of sports, whether there's big events
9 that are happening.

10 MR. O'BRIEN: I will characterize the
11 sidewalk in front of the subject location as
12 relatively narrow. What measures would you take
13 to control queueing in the event that you became
14 -- you reach capacity inside?

15 MR. HUDOLIN: I think that's a very
16 unlikely scenario, based on our experience
17 elsewhere. I think we are very -- I think it
18 would be an extraordinarily rare circumstance,
19 where we have guests lining up out the door and
20 we're over capacity.

21 We've often, in those high-volume
22 days, the Super Bowl, that kind of thing, we're
23 operating based on reservations, which very much
24 helps to control the crowd. But we would also --
25 when we do have those high-volume days, we make

1 sure we have adequate security personnel on hand
2 to control queues, keep folks moving and keep
3 everything safe.

4 MR. O'BRIEN: I'm going to ask the
5 next witness, Ms. Beeding, regarding a security
6 plan, but to what extent will you have cameras
7 installed at this Georgetown location?

8 MR. HUDOLIN: We will have security
9 cameras throughout the venue. I would anticipate
10 that we would have security cameras, also, on the
11 entrance and covering the sidewalk area outside
12 the venue.

13 MR. O'BRIEN: For what period of time
14 would those cameras record before looping over?

15 MR. HUDOLIN: It would be at least 30
16 days, potentially longer.

17 MR. O'BRIEN: Mr. Chair, at this
18 point, I would move our Exhibit 1, which is the
19 two-page floor plan, Exhibit 2 was the multi-page
20 menu, and Exhibit 3 was the rendering of the
21 photographs of the Sports and Social location in
22 Bethesda. I would move those exhibits into
23 evidence.

24 CHAIRPERSON ANDERSON: Ms. Palmer, do
25 you have any objection to Exhibit 1, 2 or 3 being

1 moved into evidence?

2 MS. PALMER: No, thank you.

3 CHAIRPERSON ANDERSON: So moved.

4 Thank you.

5 (Whereupon, the above-referred to
6 documents were received into evidence
7 as Applicant Exhibits 1-3.)

8 MR. O'BRIEN: Those were my questions
9 of Mr. Hudolin.

10 CHAIRPERSON ANDERSON: Thank you. Ms.
11 Palmer, any questions of Mr. Hudolin?

12 CROSS-EXAMINATION OF KEITH HUDOLIN

13 MS. PALMER: Yes, thank you. Who is
14 the owner of this establishment? Are you?

15 MR. HUDOLIN: The owner of the
16 establishment currently is M Street
17 Entertainment.

18 MS. PALMER: You noted that there
19 would be cameras and some sort of security, but
20 you're not the owner, no plan has been submitted,
21 and presumably the owner could make a decision
22 about this that would -- you're not the decision
23 maker on this. Is that correct?

24 MR. O'BRIEN: Objection, decision
25 maker as to what?

1 MS. PALMER: How cameras are set up.
2 The owner is.

3 MR. O'BRIEN: Mr. Chair, it's already
4 been explained that if the Board approves the
5 entertainment endorsement, the tenants will be
6 the Licensee. It will be the tenant who will be
7 responsible for cameras and things like that. I
8 think --

9 (Simultaneous speaking.)

10 MS. PALMER: At the pleasure of the
11 Board, right? Is that correct, at the pleasure
12 of the Board?

13 CHAIRPERSON ANDERSON: This is what's
14 presented to us. Currently, the license is owned
15 by the owner of the building. It's my
16 understanding that if the license -- remember,
17 the business is not in operation.

18 So it's my understanding, if the Board
19 approves the endorsement, then the landlord will
20 transfer -- will submit the license to the ABC
21 Board to transfer it to the licensee. Then,
22 based on their lease agreement, my assumption is
23 that the licensee now owns the business.

24 He or she will do whatever they need
25 to do to provide security. That's not something

1 that the Board, at this juncture, would be
2 involved with that.

3 MS. PALMER: Right. Thank you.
4 That's because no transfer has happened at this
5 time. Is that correct?

6 CHAIRPERSON ANDERSON: Who are you
7 asking? I think it's --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: It's
10 established that the license belongs to the
11 landlord. We're not -- this Board is not making
12 any determination, at this juncture, on the
13 transfer.

14 That's for a different process and
15 proceeding. All the decision that this Board has
16 been asked today is to add an endorsement on the
17 license, the current license that is owned by the
18 landlord.

19 MS. PALMER: The witness, just for
20 clarity's sake, is not the owner. He is a
21 representative of someone who will potentially be
22 the owner at the time that a transfer happens at
23 the pleasure of the Board.

24 CHAIRPERSON ANDERSON: As per the
25 disclosure, the witness is vice president and

1 general counsel of Entertainment Consultant
2 International, LLC, which is an affiliate of the
3 future tenant. So yes, the description of his
4 title is vice president, general counsel of
5 Entertainment. He's an attorney who represents
6 -- it's my understanding, based on the
7 description of what was in the -- that he is an
8 employee of -- he has some type of business
9 relationship, either as a contractor or an
10 employee of the entity.

11 MS. PALMER: Okay, great. I should
12 add, particularly given -- I'm sorry; I don't
13 want to mispronounce your name. Mr. Hudolin, is
14 that correct?

15 MR. HUDOLIN: That's correct.

16 MS. PALMER: Particularly in light of
17 Mr. Hudolin's role, I should say that the
18 neighborhood is really delighted to have a
19 high-end sports bar and restaurant, as you
20 describe it.

21 My guess is that I'll enjoy that menu,
22 as will many of our neighbors. You noted that
23 there is a similar restaurant at Pike and Rose,
24 an ex-urb, so a suburb, if you will, of
25 Washington, D.C., not too far from here.

1 You noted some similarities. There's
2 stuff going on. There's some residences. Are
3 you, in addition to your work as a consultant for
4 hospitality businesses, are you also an urban
5 planner or zoning administrator?

6 MR. HUDOLIN: I am not.

7 MS. PALMER: How qualified are you to
8 compare neighborhood demographics?

9 MR. HUDOLIN: I don't believe I have
10 compared neighborhood demographics. I'm here
11 speaking as a witness to my experience.

12 MS. PALMER: Why do you think
13 communities -- you talked about some Sports and
14 Socials that don't have the sports wagering
15 endorsements. In your experience setting these
16 businesses up, particularly since you noticed
17 that you would seize any opportunity to have
18 sports betting, why do you think some communities
19 don't allow sports betting?

20 MR. HUDOLIN: I would just be
21 speculating.

22 MS. PALMER: Okay. Can a restaurant
23 be successful in this particular location without
24 sports betting? I know you said you would like
25 to have it, but could a restaurant in Georgetown

1 succeed without sports betting based on your
2 entertainment consulting experience?

3 MR. HUDOLIN: I can say that from our
4 perspective, we believe sports betting is an
5 important component of the success of what we are
6 proposing at the location.

7 MS. PALMER: Okay, yes. What you are
8 proposing for this location, you feel like sports
9 wagering is an important element to your concept.
10 Does that sound right?

11 MR. HUDOLIN: I --

12 (Simultaneous speaking.)

13 MS. PALMER: Okay. You talked a
14 little bit about how Georgetown is ripe for its
15 wagering. What research do you have to support
16 --

17 MR. O'BRIEN: Objection, I don't
18 remember the witness testifying to that.

19 CHAIRPERSON ANDERSON: That's correct.
20 What --

21 (Simultaneous speaking.)

22 MS. PALMER: Okay. Would it be safe
23 to say that your role is helping clients reach
24 their business goals related to hospitality? I
25 believe that's what it noted on your website, but

1 in your specific capacity, is that your goal?

2 MR. HUDOLIN: Yes, I'm aware that's a
3 statement that's on our website. I would agree
4 that I'm part of a leadership team at my company
5 that helps our hospitality clients, which
6 includes the Sports and Social locations, to
7 achieve their business goals.

8 MS. PALMER: Also, on the website, it
9 speaks to food and beverage, concept creation,
10 etc. Is that sort of your wheelhouse?

11 MR. HUDOLIN: That is among the
12 services that we provide to the various bars and
13 restaurants.

14 MS. PALMER: What experience do you
15 have opening Sports and Social in an urban
16 neighborhood that's bounded specifically by
17 zoning for residential only?

18 MR. HUDOLIN: I'm not sure I
19 understand. Are you asking my experience opening
20 a Sports and Social in a residentially zoned --
21 in a neighborhood that's zoned exclusively for
22 residential?

23 MS. PALMER: No, opening one -- not
24 one -- one that is bounded by residential only
25 zoning, so within a block, say.

1 MR. HUDOLIN: I can say that there's
2 residential within the Pike and Rose development.

3 MS. PALMER: Yes, but that's not
4 residential only, is that correct? There is
5 businesses there.

6 MR. HUDOLIN: Within that development,
7 that's correct. I believe there's residential
8 within a fairly close radius, but I can't speak
9 specifically.

10 MS. PALMER: I think it's all mixed
11 together. I think that's one of the beauties of
12 Pike and Rose. How does parking work at Pike and
13 Rose?

14 MR. HUDOLIN: At Pike and Rose, the --

15 MR. O'BRIEN: Objection, relevance.

16 MS. PALMER: I think the ANC and the
17 Citizens Association of Georgetown is concerned
18 about people leaving the establishment and
19 walking to their cars and a lack of on-street
20 parking. I think we've already noted that in our
21 comments.

22 CHAIRPERSON ANDERSON: I guess my
23 question to make a ruling, ma'am, Ms. Palmer.
24 They're just asking for an endorsement. Is the
25 allegation that by issuing the endorsement that

1 it will -- it's going to add additional parking
2 woes --

3 MS. PALMER: No, that's not my
4 concern. We really would welcome as many people
5 as the place could fit to the neighborhood. The
6 concern is that when people leave the business
7 with cash in their pocket that they didn't have
8 when they arrived, that they become attractive
9 targets for criminalization.

10 There is no parking immediately on the
11 street by this establishment. The only place to
12 park is with -- for our location -- is within a
13 dark, quiet residential neighborhood. My
14 question was whether or not the conditions are
15 similar or different in Pike and Rose.

16 If they're similar, I would like to
17 hear about his experience in ensuring their
18 safety. If they're different, I would like to
19 note that the conditions are different and it's
20 really not a good comparison, that there is not a
21 lot of experience in supporting patron safety.

22 CHAIRPERSON ANDERSON: That's a very
23 complex and very compound question that you're
24 asking, so why don't you maybe rephrase the
25 question, ask a much shorter question, and then

1 let's get to an answer. Why don't you rephrase
2 the question that you're asking and then --

3 MS. PALMER: Sure. When patrons leave
4 -- where do people park to come to Pike and Rose?

5 MR. O'BRIEN: Same objection, Mr.
6 Chair, relevance.

7 CHAIRPERSON ANDERSON: I'm going to
8 overrule the objection because I think that the
9 -- it was brought in to say that this is a
10 similar facility that we're trying to open in
11 D.C., so I think it's relevant. He can answer
12 the question.

13 MR. O'BRIEN: Very well.

14 MR. HUDOLIN: I'll start by saying
15 that not all patrons do park. I think the Pike
16 and Rose development, like Georgetown, is fairly
17 well served by public transit. There's a Metro
18 station very close by.

19 (Simultaneous speaking.)

20 MS. PALMER: Sorry, go ahead. I don't
21 want to cut you off. Go ahead.

22 MR. HUDOLIN: For those that do, there
23 are some parking garages within the development.
24 None that are directly adjacent with the direct
25 access from our venue to the garage, but they're

1 in the vicinity.

2 MS. PALMER: Are you aware of where
3 the closest Metro station or parking garages are
4 to this particular location in Georgetown?

5 MR. HUDOLIN: The Metro station, I
6 recall from my time living in Arlington, and then
7 I lived in Columbia Heights. I believe Foggy
8 Bottom would be the closest, and then the Roslyn
9 station would be the closest two Metro stations,
10 but there's also Metro bus --

11 (Simultaneous speaking.)

12 MS. PALMER: Do you know how many
13 miles away either of those Metro stations are
14 from this location?

15 MR. HUDOLIN: Let me think about this
16 because I used to walk from my apartment near
17 Roslyn to my office in the West End. I think
18 that was about a two mile walk, so less than
19 that.

20 MS. PALMER: Do you expect that your
21 patrons, at 3:00 in the morning, are going to be
22 using the Metro in Georgetown?

23 MR. HUDOLIN: It's certainly possible.
24 I know in my younger days, I used the Metro at
25 late night hours coming home from some places in

1 Georgetown.

2 MS. PALMER: I guess my final question
3 -- actually, that should be -- oh, this would be
4 helpful. We asked the question to one of the
5 former witnesses, and he wasn't sure, so perhaps
6 you might have the answer to this. What is the
7 maximum size bet that will be allowed? Sorry.
8 We asked the question of the former witness what
9 is the difference between the kiosk and the
10 window, other than there is a human being at the
11 window. Could you share what the answer is, if
12 you know it?

13 MR. HUDOLIN: I think the next witness
14 would be --

15 (Simultaneous speaking.)

16 MS. PALMER: Okay, that's fine.

17 MR. HUDOLIN: I generally use the
18 analogy that it's like the bank. It's the
19 difference between a teller and an ATM. You can
20 obtain service at both, but one is computerized
21 and the other, there's a person servicing you.

22 MS. PALMER: What is the maximum-size
23 bet that would be allowed at this establishment?

24 MR. HUDOLIN: I'm not aware of the
25 answer to that, beyond saying that it would be

1 whatever is allowed by the Office of Lottery and
2 Gaming Regulations.

3 MS. PALMER: You don't know what that
4 amount is.

5 MR. HUDOLIN: No. Again, I think
6 that's a question that the next witness might be
7 better --

8 (Simultaneous speaking.)

9 MS. PALMER: Very good. Thank you.
10 That's all.

11 CHAIRPERSON ANDERSON: Are there any
12 questions by me and the Board members? Any
13 redirect, Mr. O'Brien?

14 REDIRECT EXAMINATION OF KEITH HUDOLIN

15 MR. O'BRIEN: Mr. Hudolin, if the
16 Board were to deny the sports wagering
17 endorsement or severely restrict its operation,
18 would the Sports and Social project at this
19 address go forward?

20 MR. HUDOLIN: It's highly likely that
21 it would not move forward.

22 MR. O'BRIEN: Thank you. Thank you,
23 Mr. Chair.

24 CHAIRPERSON ANDERSON: Thank you, Mr.
25 Hudolin, for your testimony. You have one more

1 witness, sir?

2 MR. O'BRIEN: That's correct, Cathy
3 Beeding.

4 CHAIRPERSON ANDERSON: Cathy Beeding.

5 MR. O'BRIEN: B-E-E-D-E-N. I'm sorry;
6 I misspelled. Beeding. I'm sorry.
7 B-E-E-D-I-N-G. I'll let the witness straighten
8 it out.

9 CHAIRPERSON ANDERSON: Ms. Beeding,
10 can you raise your right hand, please? Do you
11 swear or affirm to tell the truth and nothing but
12 the truth.

13 MS. BEEDING: Yes.

14 CHAIRPERSON ANDERSON: All right.
15 Your witness.

16 DIRECT EXAMINATION OF CATHY BEEDING

17 MR. O'BRIEN: Ms. Beeding, would you
18 spell both your first and last names for the
19 reporter, please?

20 MS. BEEDING: Cathy, C-A-T-H-Y,
21 Beeding, B-E-E-D, as in Delta, I-N-G.

22 MR. O'BRIEN: Ms. Beeding, how are you
23 employed?

24 MS. BEEDING: I am employed as the
25 executive vice president and general counsel for

1 Cordish Gaming Shared Services.

2 MR. O'BRIEN: In that position, what
3 do your duties involve?

4 MS. BEEDING: I provide legal
5 oversight and advice on all operational aspects
6 of the Gaming Division of the Cordish Company.

7 MR. O'BRIEN: Are you personally
8 familiar with D.C. laws and regulations governing
9 sports wagering?

10 MS. BEEDING: I am. I have reviewed
11 D.C. Code 36-621.01 through 621.17, as well as
12 the regulations promulgated by the Office of
13 Lottery and Gaming at 30 DCMR 2100 through 2199.

14 MR. O'BRIEN: Is the Cordish interest,
15 through its Sports and Social concept, prepared
16 to adhere and comply -- adhere to and comply with
17 all the District's statutes and regulations
18 regarding sports wagering?

19 MS. BEEDING: Yes, we are. That's the
20 only way we would be able to obtain a license.

21 MR. O'BRIEN: What's the minimum
22 dollar amount of cash that a sports wagering
23 licensee -- we're talking about a Class B
24 licensee, such as Sports and Social -- what's the
25 minimum amount of cash that would be required to

1 be on hand?

2 MS. BEEDING: There's a reserve
3 requirement in the regulations. It's the greater
4 of \$25,000 or the amount of the outstanding
5 liability on unpaid wagers or future wagers.

6 MR. O'BRIEN: That money has to be on
7 hand to pay that winning bet, correct?

8 MS. BEEDING: Correct.

9 MR. O'BRIEN: Is it ever --

10 MS. BEEDING: That's the expectation
11 from the customer that we will pay the bet for
12 winning bets.

13 MR. O'BRIEN: Is it ever acceptable to
14 SA to a customer, a winning customer, come back
15 later; we're not going to pay you now?

16 MS. BEEDING: No, that's not
17 acceptable unless there is an issue with the
18 wager, in which case we would have to involve the
19 regulator.

20 MR. O'BRIEN: But assuming that the
21 wager was unquestioned --

22 MS. BEEDING: Assuming the wager is
23 unquestioned, the expectation is that we will pay
24 winning wagers when they are presented by the
25 holder of the bet.

1 MR. O'BRIEN: In what form would you
2 pay the wagers?

3 MS. BEEDING: The expectation is that
4 we would pay the wager in cash.

5 MR. O'BRIEN: What sort of a security
6 plan, if any, will exist with respect to sports
7 wagering at this location.

8 MS. BEEDING: All Class C licensees
9 are required to submit a security plan that
10 complies with the minimum internal control
11 standards set forth at 12.9.1 by the Office of
12 Lottery and Gaming.

13 MR. O'BRIEN: When we say Class B
14 license, we're not talking about an ABC license,
15 are we?

16 MS. BEEDING: No, sir. I'm a gaming
17 attorney, so I speak mostly with regard to gaming
18 licenses. That is a sports wagering license
19 issued by the OLG. There are two types issued in
20 the District, a Class A and a Class B.

21 MR. O'BRIEN: What matters will be
22 covered by a security plan?

23 MS. BEEDING: There are several
24 mandatory topics that are listed in 12.9.1. I
25 can put those into the record if you like.

1 They're designed to ensure that sports wagering
2 conducted in a sports wagering facility is
3 conducted within the site and control of
4 designated employees of the licensee and under
5 continuous observation by security equipment, as
6 required by the OLG. I can list all of these.
7 The licensee shall ensure that all approved
8 designated areas for sports wagering at the
9 sports wagering facility are monitored by
10 designated staff and OLG approved security
11 systems that are operational and regularly
12 maintained in accordance with the regulations.

13 A sport wagering facility shall be
14 designed to promote optimum security of the
15 facility and shall include the installation and
16 maintenance of security and surveillance
17 equipment, including closed-circuit television
18 equipment. Sorry, was there a question?

19 MR. O'BRIEN: No.

20 MS. BEEDING: According to
21 specifications approved by the OLG. The OLG
22 shall have direct access to the system and its
23 transmissions. Nothing in the minimum internal
24 controls will preclude the OLG from permitting a
25 licensee to conduct sports wagering, subject to

1 appropriate terms and conditions in a location
2 other than a sports wagering facility, upon
3 petition of a licensee. The licensee shall also
4 submit a surveillance plan for OLG approval prior
5 to accepting wagers in any approved sports
6 wagering facility. Any changes to that
7 surveillance plan also must be approved by the
8 OLG prior to implementation. Before sports
9 wagering operations are to commence --

10 MS. PALMER: I'd like to object. I'd
11 like to know what the relevance of reading the
12 OLG rules are.

13 CHAIRPERSON ANDERSON: I'm also -- Mr.
14 O'Brien.

15 MR. O'BRIEN: The question was asked
16 earlier about security plans. The witness is
17 testifying to a mandatory security plan.

18 CHAIRPERSON ANDERSON: That's from
19 another agency. I believe that a security plan
20 is required through D.C. Lottery.

21 MR. O'BRIEN: That's actually correct.

22 CHAIRPERSON ANDERSON: So then we can
23 state that a security plan -- if the Board
24 approves a sports wagering endorsement, and if an
25 application is made to D.C. Lottery, then I think

1 as part of their process, a security plan is
2 required. We can put that on the record. We
3 don't need to go any further than that.

4 MR. O'BRIEN: Very well. Ms. Beeding,
5 can a sports wagering licensee in D.C. operate
6 without a window?

7 MS. BEEDING: It is -- all sports
8 wagering facilities in D.C. are required to have
9 a cage. I believe that terminology has been
10 colloquially referred to in this hearing as a
11 window.

12 But it is a requirement under the OLG
13 regulations, to have a cage. Our intention would
14 be for that cage to have a window where people
15 can conduct transactions.

16 MR. O'BRIEN: With a human being.

17 MS. BEEDING: Yes, sir.

18 MR. O'BRIEN: Those are my questions
19 of Ms. Beeding, Mr. Chair.

20 CHAIRPERSON ANDERSON: Thank you. Ms.
21 Palmer, you have any questions for Ms. Beeding?

22 CROSS-EXAMINATION OF CATHY BEEDING

23 MS. PALMER: Thank you. Picking up
24 from where you left off, what is the difference
25 between a cage, as you described it, and a

1 window, as you're requesting?

2 MS. BEEDING: In my mind, they're the
3 same thing is what I was trying to tell you. A
4 cage is a mandatory requirement.

5 MS. PALMER: I think she said a cage
6 is a mandatory requirement, but you would like to
7 add something to the cage, a person taking bets
8 if that's not required.

9 MS. BEEDING: No, that is required as
10 part of the cage function. There's just several
11 functions that a cage performs. Having a person
12 manning the cage is part of it. It's part of the
13 overall functions of a cage.

14 MS. PALMER: That's specific to sports
15 wagering or kiosks and betting, in general?

16 MR. O'BRIEN: Objection. I find the
17 question confusing, Mr. Chair.

18 MS. PALMER: Well --

19 CHAIRPERSON ANDERSON: I'm sorry; I
20 know you have, but if the witness is able to
21 answer the question -- if she's not, then we'll
22 -- does the witness understand the question?

23 MS. BEEDING: I don't understand the
24 question.

25 CHAIRPERSON ANDERSON: Can you

1 rephrase the question?

2 MS. PALMER: As I understand it, and
3 I very well could be wrong, there are kiosks that
4 are related to games of skill, for instance,
5 video games that you can bet on, and there's also
6 sports wagering kiosks. The kiosks may be the
7 same, but the activity is different. Are you
8 suggesting that in order to have any kiosk,
9 regardless of what activity, if you will, is,
10 that there must also be a window?

11 MS. BEEDING: I'm not familiar at all
12 with games of skill in the District and offer no
13 opinions with regard to games of skill. If
14 you're asking me about sports wagering and
15 whether or not a cage is required, my testimony
16 stands that a cage is required by OLG
17 regulations.

18 MS. PALMER: Okay, that's helpful,
19 thank you. Beyond that there is a human being at
20 the window that can speak to a patron, what is
21 the difference between a kiosk and the window?

22 CHAIRPERSON ANDERSON: Let me ask why
23 are we here? I'm not quite sure why is it -- the
24 relevance of us talking about a kiosk, a window,
25 a cage. This hearing's -- I know I've given some

1 leeway, but I'm not quite sure why are we going
2 here.

3 MS. PALMER: My understanding -- and
4 again, I may be wrong, which is partially why I'm
5 asking the question here is that there are
6 different bet sizes allowed at the different
7 facilities, if you will. I would just like to
8 know if that's the case.

9 CHAIRPERSON ANDERSON: Then ask that
10 question because that's a different question.
11 Ask the question. I don't see any reason why we
12 need to be talking about cage and kiosks and all
13 of that -- the Board's making its determination.

14 (Simultaneous speaking.)

15 MS. PALMER: Sure. Could you please
16 share if there are different -- if bets are
17 different sizes or different at kiosks and cages?

18 MS. BEEDING: They can be.

19 MS. PALMER: What is the maximum size
20 proposed for kiosks, and what is the maximum size
21 bets proposed for cages or windows or whatever
22 you want to all them at this particular location?

23 MS. BEEDING: The maximum cash wager
24 that would be accepted at a kiosk is up to
25 \$3,000. Maximums as to all wagering activities

1 are set by the licensee, subject to OLG approval.
2 We have not set those maximums at this time.

3 MS. PALMER: You haven't set the
4 maximum at this time. What is the maximum that
5 OLG allows?

6 MS. BEEDING: The regulations say that
7 it is the position of the licensee to propose
8 minimums and maximums that are subject to OLG
9 approval.

10 MS. PALMER: What you're suggesting is
11 that OLG doesn't specify a maximum and actually
12 leaves that to the licensee. At this time, you
13 have not determined what that maximum is, but
14 that it is within your discretion. Is that
15 correct?

16 MS. BEEDING: I don't believe that's
17 what I testified to.

18 MS. PALMER: Oh, great. Could you
19 please clarify, then?

20 MS. BEEDING: Yes, I'd say that the
21 regulations provide for the licensee to propose
22 minimum and maximum wagers that are subject to
23 approval by OLG.

24 MS. PALMER: You have not specified
25 what that will be at this time. You have not

1 made a request of OLG what that will be at this
2 time.

3 MS. BEEDING: We have not applied for
4 a license yet, no.

5 MS. PALMER: Could it, by law, be \$1
6 million?

7 MS. BEEDING: There's no maximum
8 indicated in the regulations. Reality is that
9 would not happen.

10 MS. PALMER: You noted, in your
11 testimony, that the expectation is that you,
12 quote, pay a wager in cash. Actually you used
13 the term the expectation is that you pay a wager
14 in cash. Whose expectation is that?

15 MS. BEEDING: The patron's
16 expectation.

17 MS. PALMER: Is that a requirement by
18 OLG or ABRA, as far as you know?

19 MS. BEEDING: I can't speak to ABRA
20 requirements. The OLG states that there are
21 other ways to pay wagers. For example, if a
22 patron requested a check, we would entertain such
23 a request.

24 MS. PALMER: Your organization is
25 really very well-known and very well respected,

1 frankly, for running casinos. Certainly, your
2 team has a lot of experience running large gaming
3 operations. In the inspector's report, it notes
4 that the prospective tenant will conduct the
5 sports wagering operation consistent with all
6 applicable statutes and regulations, unquote.
7 You don't identify which statutes or regulations
8 address concerns -- or you haven't, thus far,
9 identified which statutes or regulations address
10 concerns about peace, order and quiet outside of
11 the four walls of your building. Is that
12 correct?

13 MS. BEEDING: I'm confused by that
14 question. Are you asking me about the report, or
15 is there another question that you were asking
16 me? I apologize. I perhaps just misunderstood
17 you.

18 MS. PALMER: Sure. I know I'm long
19 winded. I'm not a very good lawyer because I'm
20 not one. You haven't noted which statutes or
21 regulations in which you will be conducting the
22 sports wagering operation, that address concerns
23 about peace, order and quiet -- or have you
24 addressed it?

25 Let me rephrase. Have you addressed

1 any or shared any ways that you plan to address
2 peace, order and quiet, particularly related to
3 statutes and regulations set forth by the
4 governing bodies here?

5 MS. BEEDING: Yes, I referenced the
6 minimum internal control standards located at
7 12.9.1. I originally began listing those items.
8 I did not get to Item C, Romanette (i), (ii) and
9 (iii).

10 In particular, E says the licensee's
11 security plan shall, at minimum, include
12 Romanette (i), plans to safeguard the employees
13 during critical situations, e.g. active
14 shooter/armed robbery; Romanette (ii), physical
15 security measures to address terror attacks or
16 other threats.

17 (Simultaneous speaking.)

18 MS. BEEDING: Allow me to finish,
19 please. Romanette (iii), a security zone plan
20 for the sports wagering facility and plain fixed
21 security posts and roving security officers
22 designed to ensure the physical safety of
23 employees and invitees to the sports wagering
24 facility.

25 MS. PALMER: Sorry; I don't want to

1 cut you off. Is there anything else you wanted
2 to read?

3 MS. BEEDING: I'm --

4 (Simultaneous speaking.)

5 MS. PALMER: I just didn't want to cut
6 you off. At the end, you noted that they're
7 designed to secure employees and patrons. All of
8 those things that you just noted are relevant
9 inside the building, not -- let me ask you a
10 question.

11 Are the items that you noted
12 previously designed to secure safety or security
13 in the adjacent residential zoned neighborhoods
14 for patrons or employees who need to get to their
15 cars, for instance, or walk home, two blocks
16 away, once they've left the establishment?

17 MS. BEEDING: The minimum internal
18 control standards I just read you are not
19 exclusive to the interior of the sports wagering
20 facility.

21 MS. PALMER: Do they extend -- maybe
22 this is just a nomenclature thing -- minimum
23 internal security. Does that mean -- what does
24 internal mean there?

25 MS. BEEDING: They're minimum internal

1 control standards. If you want to speak with a
2 sports analogy, they're kind of our playbook.
3 What we are required as an operator or a licensee
4 to do is when we have a regulator that publishes
5 -- they're called MICS, minimum internal control
6 standards. We then have to take those minimums
7 and incorporate them into our internal controls,
8 which are all approved by the regulator. Those
9 internal controls set forth, again, our playbook
10 for operations. Those are the standards that we
11 are held to, as operators, by the regulator,
12 through regular audits and their enforcement
13 activity.

14 MS. PALMER: It sounds like you will
15 have great security systems that are as required
16 for the operation of the business, itself. Is
17 that correct?

18 MS. BEEDING: I believe that we will,
19 yes. If you're asking for my opinion --

20 (Simultaneous speaking.)

21 MS. PALMER: Yes, I am.

22 MS. BEEDING: I believe we will have
23 state-of-the-art security and surveillance
24 controlled at this location, as we do at all of
25 our other locations -- gaming activity.

1 (Simultaneous speaking.)

2 MS. PALMER: Thank you very much. I'm
3 finished.

4 CHAIRPERSON ANDERSON: Thank you. Are
5 there any other questions -- any questions by the
6 Board members?

7 MEMBER GRANDIS: Chairman.

8 CHAIRPERSON ANDERSON: Yes, Mr.
9 Grandis.

10 MEMBER GRANDIS: Thank you. Ms.
11 Beeding, thank you for being here today and for
12 your expert testimony. You may have stated this.
13 There's a lot of facts that have been thrown
14 around. Where are you based? Where is your
15 office?

16 MS. BEEDING: Our corporate offices
17 for Cordish Gaming Shared Services are co-located
18 with Maryland Live! Casino in Hanover, Maryland.

19 MEMBER GRANDIS: When we were
20 sheltering in place, that's where your office is.
21 Have you -- you may have also mentioned this.
22 Have you been to this location that's the topic
23 of discussion today?

24 MS. BEEDING: No, I have not, but I
25 have been to Georgetown, and I have been to M

1 Street. I may have passed by its location, but
2 since it's vacant, I can't tell you that I
3 absolutely focused in on it.

4 MEMBER GRANDIS: If all the ducks in
5 a row go forward in the future, will you be
6 involved when they set up operations in helping
7 them set up the operations that you're
8 responsible for, or will that go to somebody
9 internal at that location?

10 MS. BEEDING: No, it would be my team,
11 as the primary liaison with the OLG on all
12 compliance-related matters, an authorization to
13 proceed, in terms of submitting licenses,
14 submitting our internal controls and all of the
15 house rules, the myriad things that come along
16 from a compliance perspective for submission to
17 the regulators. My team heads up all of that,
18 yes. I do a vast majority of that work myself,
19 frankly.

20 MEMBER GRANDIS: Because we've heard
21 that the current owner of the license, which is
22 in safekeeping, has negotiated with your firm to,
23 once it's out of safekeeping, to apply to have
24 that license transferred to your corporation that
25 you work for.

1 MS. BEEDING: I believe that the
2 license would be held at the affiliate, at the --
3 it wouldn't be, necessarily, CG Shared Services,
4 but it would be an affiliate of ours that is
5 related to ECI, which is the company -- all of us
6 are under common ownership, but there's a lot of
7 different silos there. I don't want to
8 misrepresent that the license would be
9 transferred to my company when we will likely do
10 business in a single-purpose entity established
11 for the sports wagering operations in D.C., as I
12 believe ECI will have a special purpose entity to
13 hold and operate the Sports and Social restaurant
14 concept.

15 MEMBER GRANDIS: It's not a franchise.
16 It's more of a subsidiary. I'm just --

17 (Simultaneous speaking.)

18 MS. BEEDING: Right.

19 MEMBER GRANDIS: That's more like --

20 (Simultaneous speaking.)

21 MS. BEEDING: -- companies, yes.

22 MEMBER GRANDIS: But it's not like a
23 franchise.

24 MS. BEEDING: No, it's not a
25 franchise. It's not, no.

1 MEMBER GRANDIS: Thank you for that.
2 I heard that there's discussion about if a patron
3 wishes to get a check, the entity is capable of
4 doing that on the spot.

5 (Simultaneous speaking.)

6 MS. BEEDING: Well it depends on what
7 time it is, and it depends on the amount, for
8 sure. We certainly would always entertain a
9 request for a check, yes. We do that at all of
10 our facilities.

11 MEMBER GRANDIS: You've learned today,
12 basically, how long our hearings take. You've
13 been very patient listening to everyone. In your
14 listening, you have heard how CAG, as an
15 organization, and the ANC, as an organization, is
16 very concerned -- really, offsite, when people --
17 when they close, there's a reputation that
18 someone possibly could have large cash if they're
19 winning that night, walking two or three blocks
20 away.

21 I think we all know, in urban areas,
22 the more residential you get, probably the less
23 coverage you have. The police tend to be in
24 commercial areas. Do you all have history or any
25 knowledge -- it may not be in your path, but

1 working with that security issue in areas that
2 are as residential as this one will be?

3 MS. BEEDING: Maryland Live!, which is
4 one of the most successful regional casinos in
5 the United States, from a gross gaming revenue
6 perspective, is actually co-located with a mall
7 in a suburban area, with a lot of residential
8 infill development around us. We worked very
9 closely with the Anne Arundel County Sheriff's
10 Department. It's not even in a city. We don't
11 even have city police, but we work very closely
12 with the sheriff.

13 Here, we also, of course, have
14 security personnel and a security plan that we
15 abide by, in order to keep -- it's the same duty.
16 We have a duty to ensure the safety of our team
17 members and our patrons.

18 People are getting hurt at our
19 facility, that's not a good look for us, so we do
20 everything we can to make sure that doesn't
21 happen.

22 MEMBER GRANDIS: My last question is
23 do any of your company's facilities around the
24 country -- because I understand you're national
25 -- do any of them allow for electronic payment?

1 MS. BEEDING: We could -- there are --
2 for large casino gaming clients, we would allow
3 for a wire transfer under certain circumstances.
4 It's extremely rare. I can tell you that.

5 (Simultaneous speaking.)

6 MEMBER GRANDIS: I think the takeaway
7 today is that there's a lot of concern about the,
8 quote, perception -- it may not be reality, but
9 the perception that this little eye, so to speak,
10 is going to be active. People are not just
11 leaving intoxicated or happy.

12 They're leaving maybe inebriated
13 somewhat, and also with a lot of cash on them. I
14 think that is something this Board is very
15 concerned about to work with companies like
16 yourself on how do we figure that conundrum out?
17 I want to thank you for your time.

18 MS. BEEDING: Thank you.

19 MEMBER GRANDIS: Thank you very much.

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

22 Hearing none, Ms. Palmer, do you have
23 any questions based on the questions that were
24 asked by the Board?

25 MS. PALMER: No, thank you.

1 CHAIRPERSON ANDERSON: Any redirect
2 Mr. O'Brien?

3 REDIRECT EXAMINATION OF CATHY BEEDING

4 MR. O'BRIEN: Yes, one question. Ms.
5 Beeding, presume that I am a patron and I won big
6 one night. Would you make me leave with cash?

7 MS. BEEDING: No.

8 MR. O'BRIEN: What alternatives could
9 you offer me if I didn't want to have that kind
10 of cash on me?

11 MS. BEEDING: I would offer you a
12 check. We're able to do that right there. I
13 would offer you a check coming from our corporate
14 office. I would offer you the ability to redeem
15 that ticket by mail.

16 So there are other options. The
17 person could also re-wager those winnings.
18 There's a lot of choice here on what could happen
19 with that money.

20 MR. O'BRIEN: But no one's forced out
21 the door with cash against their will.

22 MS. BEEDING: No.

23 MR. O'BRIEN: Thank you.

24 CHAIRPERSON ANDERSON: Thank you, Ms.
25 Beeding, for your testimony today. Mr. O'Brien,

1 do you have any other witnesses?

2 MR. O'BRIEN: No. Applicant rests,
3 Mr. Chair.

4 CHAIRPERSON ANDERSON: Thank you very
5 much. Ms. Palmer, how many witnesses do you
6 have?

7 MS. PALMER: I know that this may not
8 answer your question in the way that you've asked
9 it, so you can tell me so. Ms. Sakraida Parker
10 is listed, and I know she has feedback to share,
11 but I don't know -- is she considered a witness,
12 or will she provide a closing statement?

13 CHAIRPERSON ANDERSON: I think Ms.
14 Parker stated that she represents the Citizens
15 Association of Georgetown, so she said that she
16 would have a closing statement. Therefore, she's
17 not going to testify, so I'll --

18 (Simultaneous speaking.)

19 MS. PALMER: Okay, I just didn't want
20 to misunderstand the question. So no, I have no
21 other witnesses. Thank you.

22 CHAIRPERSON ANDERSON: You don't have
23 a witness?

24 MS. PALMER: No.

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: -- present your
2 case?

3 MS. PALMER: No.

4 CHAIRPERSON ANDERSON: How do you plan
5 to present your case, then?

6 MS. PALMER: I have a closing
7 statement.

8 CHAIRPERSON ANDERSON: You have a
9 closing statement. All right. You're not
10 testifying; you're just -- because if you're
11 testifying, I need to swear you in. You're just
12 giving a closing.

13 That's what I'm trying to find out,
14 what I need to do since -- I know Ms. Parker's
15 going to give a closing statement. I just -- as
16 you know, a closing statement is that this is
17 your case.

18 You're telling us what your case is,
19 and you're going to tell us what it is that you
20 want the Board to do. That's something that I
21 know Ms. Parker's doing. So are you going to do
22 the same, or are you -- hold on, Mr. Short. Are
23 you planning to do the same thing, or are you
24 going to -- I'm trying to figure out how is it
25 you're going to present your case?

1 MS. PALMER: I have a summary of our
2 concerns and -- I have a summary of our concerns
3 that I would like to present. I'm very sorry
4 that as a lay person, I don't have all of the
5 vocabulary in my back pocket for you. However
6 you would like me to proceed, I'm comfortable
7 with proceeding, but I have a prepared statement
8 to summarize our position that I would like to
9 share.

10 CHAIRPERSON ANDERSON: So you have a
11 prepared statement. I just want to -- I'm trying
12 to make sure that you're not testifying. I guess
13 what I'm trying to find out if you're going to
14 testify in closing and I need to swear you in.

15 But if you're just making -- if it's
16 not a testimony, per se, if you're just stating
17 what the ANC's position is, then I'm fine with
18 that. I was just trying to figure out whether or
19 not I need to swear you in and do your
20 presentation.

21 MS. PALMER: To be 100 percent honest,
22 I'm not entirely sure what the difference is
23 between the testifying and the closing statement.

24 CHAIRPERSON ANDERSON: The closing
25 statement is that you're stating this is what we

1 have presented, and this is what we want. The
2 law says this is why the Board should not do
3 that. But if you're going to start giving me
4 facts that have not -- there's been no testimony.
5 This is your -- you start giving your opinion.
6 Because part of where we are, depending on what
7 it is that you're saying, Mr. O'Brien might have
8 an opportunity to cross-examine you. That's why
9 I'm asking how you plan to present yourself. How
10 do you plan to present it?

11 If you're just closing a case to say
12 that this is why we -- if you're going to start
13 giving opinions and stuff, I'm going to swear you
14 in, and then Mr. O'Brien will cross-examine you.
15 If you're just giving a closing statement, like
16 you're wrapping up your case, then there's no
17 need to swear you in or for Mr. O'Brien to
18 cross-examine you.

19 MS. PALMER: I think as long as Ms.
20 Sakraida Parker and I can both close, provide a
21 closing statement, I think we'd like to do so.
22 Is that possible?

23 CHAIRPERSON ANDERSON: Ms. Parker, she
24 has her -- I told her from the beginning that
25 she'd have an opportunity to do a closing

1 statement. She has that because they -- her
2 organization also had standing in this hearing.
3 She elected just to do a closing statement
4 because you were cross-examining the others, so I
5 thought you had witnesses that you might call, or
6 maybe you, yourself, wanted to testify. You see
7 Mr. O'Brien has called witnesses and they all
8 testified. You asked questions. So I was trying
9 to figure out if you're going to do the same
10 thing, then I would have to swear you in, and
11 then Mr. O'Brien would have an opportunity to
12 cross-examine you on what you just testified to.

13 MS. PALMER: I think you've heard most
14 of my opinions. I am comfortable with closing.

15 CHAIRPERSON ANDERSON: All right.
16 Yes, Mr. Short, you had a question.

17 MEMBER SHORT: I was a little confused
18 myself, Mr. Chair, because the Georgetown bid was
19 mentioned, the Civic Association was mentioned,
20 ANCs have been mentioned.

21 There were some questions that I had,
22 but if the person -- if Ms. Parker or Ms. Palmer
23 are not going to be sworn in, I guess I won't get
24 a chance to ask questions, unless --

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: Mr. Short, this
2 hearing was -- I'm sorry. The protest hearing,
3 what was your question about the licensee and the
4 substantial change for the sports wagering
5 endorsement? The substantial change endorsement
6 was protested by the Citizens Association of
7 Georgetown, and also ANC 2E. As you are aware,
8 when we have our hearings, we never have -- the
9 Board has the authority to tell the two
10 protestants that you need to combine.

11 We're not going to have two hearings.
12 Ms. Parker had stated that -- which I told her
13 earlier that she could give an opening statement
14 and also have a closing statement, therefore she
15 would -- on behalf of the Citizens Association of
16 Georgetown, she was not testifying; she was just
17 going to give a closing statement.

18 The ANC decided -- the lead attorney,
19 I'll say, in this case and the lead attorney
20 cross-examined the witnesses from the Applicant.
21 Ms. Palmer, however, stated that she is not
22 calling any witnesses.

23 She's just going to give a closing
24 statement. Therefore, there's no opportunity for
25 questions to be asked by either Mr. O'Brien or by

1 the Board. They're just going to give a closing
2 statement and say this is where we are, and this
3 is what the Board should --

4 MS. PALMER: I would offer that I'm
5 happy to answer questions, so if you would like
6 to swear me in so that Mr. Short or any other
7 members of the Board or Mr. O'Brien would like to
8 ask me questions, I'm more than happy to answer,
9 if that's helpful.

10 CHAIRPERSON ANDERSON: I know you're
11 not a potted plant, Mr. O'Brien. We've been
12 talking around you. Go ahead. Do you have
13 something to say, Mr. O'Brien?

14 MR. O'BRIEN: The only observation I
15 would make is that during argument, meaning
16 closing statements, the Board certainly is
17 entitled to ask questions.

18 MS. PALMER: Yes. I would encourage
19 them to do so. Please do.

20 MR. O'BRIEN: Mm-hm.

21 CHAIRPERSON ANDERSON: I'm from the
22 old school, Mr. O'Brien, that when we do opening
23 and closing arguments, that questions are not
24 asked. These are the opportunities for the
25 lawyers to show off.

1 I try not to allow folks to ask
2 questions to interrupt their flow, but I'm not
3 going to -- if people have pressing questions,
4 then after the end, we'll see.

5 MR. O'BRIEN: I'm of the slightly
6 older school, Mr. Chair. I have been lambasted
7 millions of times by judges during closing
8 argument.

9 MS. PALMER: The good news is, as I
10 demonstrated today, I'm not a lawyer, so you
11 don't even need to --

12 CHAIRPERSON ANDERSON: Ms. Palmer, I
13 am -- I'm not going to allow you to use that
14 badge because you have done an excellent job in
15 perspective today, so I'm not going to allow you
16 to continue saying that you're not a lawyer.

17 (Simultaneous speaking.)

18 MS. PALMER: What can I say?

19 CHAIRPERSON ANDERSON: I think you're
20 trying to put me to be easy on you because you
21 keep on saying I'm not a lawyer, so, therefore, I
22 will give -- I'll usually give leeway to
23 non-attorneys.

24 I'm very strict when it comes to
25 attorneys, but when you're not -- if you don't

1 present yourself as an attorney, I then -- but
2 anyway. Since you're not -- you're just going to
3 do a closing -- normally, what happens is that
4 the Applicant will close, then the protestants
5 will have an opportunity to close, and then I'll
6 give you an opportunity, Mr. O'Brien, to have the
7 last word.

8 MR. O'BRIEN: I'll reserve my
9 arguments, then, for rebuttal.

10 CHAIRPERSON ANDERSON: All right,
11 that's fine. I'll go, then, with -- Ms. Parker,
12 go ahead, please.

13 CLOSING ARGUMENTS

14 MS. PARKER: Thank you so much.
15 Hello, and thank you, again, Mr. Chairman and the
16 Board for allowing me to speak today in trying to
17 replace Ms. Cookie Cruse, who many of you know.
18 My name is Tara Sakraida Parker.

19 I live at 29th and Q Street, so I'm
20 just one block away from Mr. Dean and seven
21 blocks away from the proposed establishment. I
22 am the president of the Citizens Association of
23 Georgetown, the oldest citizens association in
24 the country.

25 We're pretty proud of that. CAG is a

1 membership organization that represents
2 approximately 1,000 households in Georgetown.
3 Its mission is focused on public safety, history
4 preservation, and matters of community interest.
5 Between the ANC and the Citizens Association of
6 Georgetown, we are the eyes, ears and voice of
7 the residents of Georgetown. The Citizens
8 Association of Georgetown is strongly opposed to
9 this sports wagering endorsement for the
10 following three reasons.

11 First, we believe that sports betting,
12 drinking and late night hours, gambling until
13 3:00 a.m. is an attractive nuisance and causes an
14 unreasonable risk of crime, disruption and noise
15 in our neighborhood.

16 This business is seeking more kiosks
17 than any other business in D.C., but we have seen
18 no security plan from the Applicant and no
19 evidence that this unprecedented gambling
20 establishment won't cause harm to an historic
21 residential community, like Georgetown.

22 Georgetown is not a casino.
23 Georgetown is not a stadium or a sports venue.
24 Georgetown is not accustomed to gambling, and
25 certainly not on this scale. We all seem to

1 agree that Georgetown is a community. While
2 business is very important to us, it is
3 essentially a quite village in a large city. In
4 short, a large scale gambling facility does not
5 fit in. Second, we are particularly concerned
6 about the late night hours and gambling until
7 3:00 a.m. According to MPD, as of July 13th,
8 there has been a recent increase of homicide by
9 13 percent, robbery up 25 percent, and violent
10 crime up 7 percent.

11 We have had two gun-related homicides
12 in the past year, on M Street, and the citizens
13 of Georgetown are concerned for their safety.
14 The ABRA inspector stated earlier that Georgetown
15 gets quiet around 9:00 p.m.

16 Having patrons leave a casino six
17 hours later, at 3:00 a.m., with cash winnings,
18 walking in the dark to their cars or to their
19 ride shares, is a perfect setting for dangerous
20 crime.

21 Third, our community has been
22 disturbed and endangered by another late night
23 restaurant that's open until 4:00 a.m., that's
24 located at 28th and M, just three blocks away. I
25 have witnessed disruptive and dangerous conduct,

1 including public urination, fights and brawls,
2 excessive litter, traffic jams and horns blaring
3 until 4:00 a.m. in the morning. Almost 200
4 citizens have signed a petition to try and limit
5 this restaurant's late-night hours as it
6 drastically endangers the peace and order of the
7 neighborhood. Having another late night gambling
8 establishment three blocks away will inevitably
9 compound this problem, and it is a serious one.

10 I am not here to speculate about what
11 might happen. We know what happens with late
12 night venues of any kind in Georgetown, and it's
13 a big problem. Residents live only one block
14 away from this proposed establishment, and we are
15 deeply concerned about its impact on peace, order
16 and quiet in the neighborhood.

17 Based on all the reasons stated above
18 and all of those stated by Commissioner Palmer,
19 the Citizens Association is strongly opposed to
20 the substantial change to the license and we ask
21 that it be flatly denied. Thank you again for
22 your time today.

23 CHAIRPERSON ANDERSON: Ms. Palmer.

24 MS. PALMER: Yes, thank you all for
25 indulging my attempt at portraying a lawyer

1 today. Today, the Applicant has shared a number
2 of reasons why they believe that this specific
3 endorsement should be granted. We heard from
4 residents supportive of opening a sports and
5 entertainment bar and restaurant. We heard from
6 the landlord and why it is important to him for
7 the endorsement to be granted. We've heard from
8 the Applicant, themselves, about the rules they
9 plan to follow and their track record.

10 I am here today as a duly elected
11 representative of the thousands of residents in
12 the vicinity of where this business intends to
13 operate. In that capacity, I submit to the Board
14 the following.

15 It is neither pertinent nor
16 determinative, in your role as an adjudicator in
17 this case, to consider how the granting of this
18 specific endorsement would impact the landlord's
19 business operations.

20 His feedback that it is important to
21 the leasing of this property should not be
22 considered relevant. Two, while we heard from
23 two witnesses today about their speculation that
24 it is important to the community that the space
25 be open and operated, in my capacity as a

1 representative of the community, I've heard
2 overwhelming feedback from the community that
3 this specific endorsement would be inappropriate
4 for our neighborhood. For example, in my
5 conversation with one resident who lives a block
6 and a half from this proposed sports book, the
7 neighbor shared my wife and I are very concerned
8 about this. Betting establishments are more
9 appropriate in entertainment districts or in
10 areas near sports venues, like Chinatown, Nats
11 Park, Navy Yard, Adams Morgan, most of which
12 already have structured or other off-street
13 parking.

14 It's almost certain patrons will park
15 on neighborhood streets, like visitors to other
16 nightlife establishments already do. It will be
17 dangerous for residents to have individuals with
18 large amounts of cash, late at night, in front of
19 our houses.

20 It's easy to assume an armed robbery
21 going bad and one of our houses getting struck
22 with gunfire. It's also likely to attract more
23 crime to the area, which will impact residents.

24 There's also no real reason for an
25 establishment that allows sports gambling to be

1 open and operating with sports gambling that late
2 at night. Except for rare West Coast games,
3 there's no major sporting event that goes to 2:00
4 a.m. or 3:00 a.m. on which to place live bets.
5 Neighbors overwhelmingly support this sentiment.
6 Three, I've spoken to Commander Bedlian
7 (phonetic) from the Metropolitan Police
8 Department, who reiterates his concern about how
9 this new business would play into the crime
10 triangle that I noted earlier.

11 He noted specifically that as a public
12 safety person, I imagine you're going to have
13 challenges. From a policing perspective, I would
14 not want it in my neighborhood. This
15 neighborhood is not a suburb.

16 It's not inside of a mall. We have
17 very limited police coverage, particularly
18 overnight. This neighborhood is full of
19 churches, synagogues, schools, residents and
20 services for homeless individuals.

21 ANC 2E asserts that a business that
22 takes bets from 7:00 a.m. until as late as 3:00
23 a.m., with no maximum bet, is not appropriate in
24 our neighborhood. We strongly urge ABRA to not
25 grant the endorsement being sought today. Thank

1 you.

2 CHAIRPERSON ANDERSON: Thank you, Ms.
3 Palmer. Mr. O'Brien.

4 MR. O'BRIEN: As I observed in my
5 opening statement, the Council of the District of
6 Columbia has made a legislative judgment that
7 sports wagering is desirable in the District of
8 Columbia. Note, please, that there was no
9 specific objection raised, either in the form of
10 cross-examination or in closing statement, to
11 this particular storefront, the 3123 to 3125.

12 The opposition really is we don't want
13 it in Georgetown. But when the Council went
14 ahead and promulgated or adopted the statutes and
15 OLG promulgated regulations, there was not a
16 carve out with Georgetown.

17 We know the Council knows how to go
18 about making special rules for Georgetown. I
19 invite the Board's attention to D.C. Code 25-339,
20 which, until June 30th, limited the number of
21 tavern licenses in Georgetown to six, effective
22 June 30th.

23 It's now a 12. But the Council
24 demonstrated if they feel Georgetown needs
25 special treatment, they'll do it. But when they

1 adopted the sports wagering statute, and when OLG
2 adopted regulations, there's no such carve out.
3 My rhetorical question to the Board is if not
4 here, where? If not in Georgetown, then where?
5 I understand the speculation -- we've established
6 my favorite word -- that people will leave with
7 large sums of cash and be prey to robbers. What
8 square inch of this city could we not say that
9 of?

10 What makes it different in Georgetown
11 than in Adams Morgan, DuPont, Anacostia, Congress
12 Heights? What's the difference? The answer is
13 there is no difference. If you take the
14 opposition to its logical extent, you have to say
15 that there's no place in D.C. that we can have
16 sports wagering for these fears.

17 What comes to mind is an old case
18 called Lejimmy, L-E-J-I-M-M-Y, v. D.C. ABC Board,
19 for the Board's counsel, it's found at 433 A.2d
20 1090. It's a 1981 case. There, the argument was
21 from the protestants of an application.

22 There are too many licenses in
23 Georgetown. We don't need any more licenses in
24 Georgetown. What the Board tells and that the
25 Court of Appeals endorsed, is that's a decision

1 for the Council, not for the Board.

2 In other words, it was not the
3 province of the Board, and the Board did not say
4 that's it, we're declaring no more licenses in
5 Georgetown. Eventually, a moratorium was
6 proposed and approved by the Council. Of course,
7 that moratorium proved, in the long run, ill-
8 advised and contributed to an awful lot of the
9 vacant storefronts we're talking about.

10 It's not, in our view, the province of
11 the Board to impose a quarantine, a sports
12 wagering quarantine on Georgetown. Again, the
13 opposition here is not specific to this location.
14 They're not saying if it's two blocks this way or
15 three blocks up that way, it would be okay.

16 There's no problem with this
17 particular site. It's the fact that it's in
18 Georgetown. There is no evidence of record upon
19 which the Board could condition the granting of
20 this sports wagering endorsement.

21 If the Board is to impose conditions
22 in conjunction with approval of an application,
23 it must be derived from substantial evidence of
24 record.

25 There's just plain no evidence that

1 would allow the board to say well, we think this,
2 or we think that. It would have to be based on
3 evidence, and as we've established, there is no
4 evidence. What's more, for the Board to impose
5 conditions would run afoul of the lesson of
6 Kopff, K-O-P-F-F, v. D.C. ABC Board. That's
7 Kopff II. It's found at 413 A.2d 152. It's a
8 1980 case in which the Court of the Appeals said
9 it is not the job of the ABC Board to act, in
10 essence, as a Court of Appeals or a super
11 approval agency over other coordinate agencies of
12 government.

13 That's why when someone comes in and
14 says to the Board, as they did in Kopff, you
15 should not approve this application because we
16 don't think the certificate of occupancy should
17 have been issued, the Board says, in those cases,
18 correctly, if there's something wrong with the
19 certificate of occupancy, go complain to DCRA
20 about it, but we, the ABC Board, are not going to
21 sit here and rule on certificates of occupancy.

22 The same lesson came up in one of the
23 DuPont Circle v. ABC Board cases, the H.H.
24 Leonards case, which happened to be mine. The
25 protestants complained that it was not being

1 operated as a legitimate non-profit, at which
2 point the Board said, and the Court of Appeals
3 heartily agreed, then go back to the non-profit
4 authorities and complain, but it's not the
5 province of the Board to rule on whether
6 non-profit status is being adhered to.

7 Similarly, in this case, for the Board to impose
8 conditions on wagering above, in addition to,
9 supplemental to the conditions imposed by the
10 statute and regulations adopted by the Council
11 and promulgated by the Office of Lottery and
12 Games would be for the Board to be superimposing
13 regulations on a coordinate agency of government.

14 Finally, I spent a fair amount of time
15 trying to establish, through the testimony of Mr.
16 Hudolin and Ms. Beeding, we're not presenting to
17 the Board amateurs, here, that come in and see if
18 they can learn how to ride the horse.

19 We are showing, through this
20 testimony, that this is going to be responsibly
21 operated and supervised sports wagering
22 operation. It is not, as some have tried to
23 label it, a casino.

24 It is the -- that's the purpose of the
25 exhibits that we showed you: floor plans showing

1 predominantly dining space tables and bar space;
2 menu, including a kids' menu; and the renderings.
3 This is going to be a sports bar and restaurant.
4 As one of the witnesses said, sports wagering is
5 going to be ancillary. But in any event, I harp
6 on the qualifications of the proposed tenant and
7 the proposed transferring of the liquor license
8 because another older case comes to mind. It's
9 Gerber, G-E-R-B-E-R, v. District of Columbia ABC
10 Board, at 499 A.2d 1193.

11 It's a 1985 case. There, the court of
12 appeals endorsed the Board's determination that a
13 particular license applicant was especially
14 qualified for the license which was sought. In
15 that case, it was for a Class D convenience store
16 license, but the owner of the store was a former
17 Maryland State Policeman and could be expected to
18 pay special attention to regulations of alcohol.

19 The parallel I'm drawing here is,
20 again, we're not presenting you with amateurs.
21 We're presenting you with professionals. The
22 Board may take that into account. In sum, I
23 think we've presented a compelling case that the
24 sports wagering here will be operated
25 responsibly. I close with the same question that

1 I posed earlier. If not here, where? Thank you.

2 CHAIRPERSON ANDERSON: Thanks, Mr.
3 O'Brien. All right, I want to thank the parties
4 for their presentation today. Do the parties
5 wish to do proposed finding of fact and
6 conclusion of law?

7 MS. PALMER: No, thank you.

8 MR. O'BRIEN: We'll waive.

9 CHAIRPERSON ANDERSON: Thank you. As
10 Chairperson of the Alcoholic Beverage Control
11 Board for the District of Columbia, in accordance
12 with D.C. Official Code Section 2575 of the Open
13 Meetings Act, I move that the ABC Board hold a
14 closed meeting for the purpose of seeking legal
15 advice from our Counsel on Case No. 22-PRO-00024,
16 M Street Entertainment, LLC, trade name to be
17 determined, pursuant to D.C. Official Code
18 Section 2575(b)(4)(a) of the Open Meetings Act
19 and deliberate upon Case No. 22-PRO-00024, M
20 Street Entertainment, LLC, trade name to be
21 determined, for the reason cited in D.C. Official
22 Code Section 2575(b)(13) of the Open Meetings
23 Act. Is there a second?

24 MEMBER SHORT: Sure, second.

25 CHAIRPERSON ANDERSON: Mr. Short has

1 second the motion. We will now have a roll call
2 vote on the motion. Mr. Short.

3 MEMBER SHORT: Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato.

5 MEMBER CATO: Bobby Cato. I agree.

6 CHAIRPERSON ANDERSON: Crockett.

7 MEMBER CROCKETT: Rafi Crockett. I
8 agree.

9 CHAIRPERSON ANDERSON: Ms. Hansen.

10 Ms. Hansen.

11 Mr. Grandis.

12 MEMBER GRANDIS: Edward Grandis, I
13 agree.

14 CHAIRPERSON ANDERSON: Can you repeat
15 yourself? I can hardly hear you, Mr. Grandis.

16 MEMBER GRANDIS: I agree.

17 CHAIRPERSON ANDERSON: Mr. Grandis
18 says that he agrees. Mr. Anderson, I agree. Ms.
19 Hansen has placed in the chat that she agrees.
20 Having appeared that the motion has passed, I
21 hereby give notice that the ABC Board will recess
22 this proceeding to hold a closed meeting pursuant
23 to Section 2575 of the Open Meetings Act.

24 I want to thank everyone for their
25 participation today. The Board will issue a

1 decision within 90 days. I want to thank
2 everyone for their attention and their
3 participation and their professionalism in
4 presenting the case today. We will issue a
5 decision accordingly. Thank you very much. Have
6 a great day.

7 (Whereupon, the above-entitled matter
8 went off the record at 6:04 p.m.)
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In the matter of: M Street Entertainment

Before: DC ABRA

Date: 07-13-22

Place: teleconference

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Court Reporter

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