

ALSO PRESENT:

TIMOTHY BEIRNE, DC MPD
DESMOND BLAKE, Protestant
BRIAN BUCKSELL, Private Investigator
EDWARD CAMACHO, Licensee
GLENN ENGLEMAN, DCCA
ROSEMERI ESPINOZA, Licensee
FARID FAWZI, DC MPD
DAISY GARCIA, Protestant
RHODA GLASGOW, DC ABCA Investigator
NICOLE GUAGENTI, Protestant
NOLAN GUAGENTI, Protestant
ANDREW KLINE, Licensee Counsel
ANN NAVARO, Protestant
DOUGLAS MELCHER, Protestant Counsel
CAMERON MIXON, Licensee Counsel
JOSE ORELLANA, DC ABCA Staff
MEG ROGGENSACK, ANC 2B01
EDUARDO SEVILLA, Protestant
BARBARA WAHL, Protestant

C-O-N-T-E-N-T-S

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

2 1:30 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon
4 everyone. My name is Donovan Anderson. I'm
5 Chairman of the ABC Board. Joining me this
6 afternoon are four other Board members: Mr. James
7 Short, Mr. Bobby Cato, Ms. Jeni Hansen, and Mr.
8 Edward Grandis. The Board has five members in
9 attendance for the conduct of business today and
10 that constitutes a quorum.

11 This afternoon we have one case on our
12 calendar and should you have any questions or
13 require technical assistance during the hearing,
14 please submit them using the Question and Answer
15 feature.

16 All right, so we're back on the record
17 and good afternoon, Mr. Orellana. The next case
18 on our calendar, the one and only case that we
19 have on our calendar this afternoon is Case
20 Numbers 22-PRO-00138 and 22-PRO-00142.
21 Rosemarino D'Italia, License Number 109613. Good
22 afternoon, Mr. Orellana, can you please elevate
23 the parties in this case?

24 MR. ORELLANA: Mr. Kline, your access
25 has been elevated. Ann Navaro, your access has

1 been elevated. Brian Bucksell, your access has
2 been elevated. Cameron Mixon, your access has
3 been elevated. Desmond, your access has been
4 elevated. Douglas Melcher, your access has been
5 elevated. Farid Fawzi, your access has been
6 elevated. Glenn Englemann, your access has been
7 elevated. Nicole Guagenti, your access has been
8 elevated. Nolan Guagenti, your access has been
9 elevated. Investigator Rhoda Glasgow, your
10 access has been elevated. Rosemeri Espinoza,
11 your access has been elevated. And, Spanish
12 interpreter, Adriana Torassian, your access has
13 been elevated.

14 That is all, Chairman.

15 CHAIRPERSON ANDERSON: I would like
16 everyone to turn their camera on if possible.
17 I'm sorry, who's the interpreter? Can that
18 person please identify themselves, I don't see
19 them. Who's the interpreter?

20 MR. ORELLANA: It's Adriana Torassian.
21 I'm having a challenge adding her. I don't know
22 if it's potentially a limit that we've met with
23 the amount of attendees joining.

24 CHAIRPERSON ANDERSON: I didn't
25 realize that we had those concerns.

1 MR. ORELLANA: That's just
2 speculation.

3 CHAIRPERSON ANDERSON: Well, see what
4 you can do to add this person, please.

5 MR. ORELLANA: Sure. I think we're
6 good now.

7 CHAIRPERSON ANDERSON: Yes.

8 MS. TORASSIAN: I have access now,
9 Your Honor, thank you.

10 CHAIRPERSON ANDERSON: All right,
11 ma'am. So, let's start with the interpreter.
12 What's your ma'am? Can you please identify
13 yourself for the record?

14 MS. TORASSIAN: My name is Adriana
15 Torassian.

16 CHAIRPERSON ANDERSON: Can you spell
17 that for the record, please?

18 MS. TORASSIAN: Yes, it's A-D-R-I-A-N-
19 A Adriana and Torassian, T-O-R-O-S-S-I-A-N.

20 CHAIRPERSON ANDERSON: Can you raise
21 your right hand please, ma'am? Do you swear or
22 affirm that you will you faithfully translate
23 these proceedings from English into Spanish and
24 from Spanish into English?

25 MS. TORASSIAN: Yes, I do.

1 CHAIRPERSON ANDERSON: All right,
2 ma'am. Ma'am, do you have any time constraints
3 today?

4 MS. TORASSIAN: I'm sorry?

5 CHAIRPERSON ANDERSON: Do you have any
6 time constraints today?

7 MS. TORASSIAN: No.

8 CHAIRPERSON ANDERSON: All right,
9 because I do not know how long this hearing is
10 going to be, so that's one of the reasons why I'm
11 letting you know from jumpstart so if there's an
12 issue then we need to make some accommodations.

13 MS. TORASSIAN: I understand. No, I'm
14 okay. I understand.

15 CHAIRPERSON ANDERSON: All right,
16 thank you, ma'am. All right, so let's have the
17 party and -- I'm sorry, who needs translation
18 services?

19 Tell them to unmute themselves.

20 MS. TORASSIAN: I think Ms. Espinoza
21 is moving her lips.

22 CHAIRPERSON ANDERSON: All right, so
23 I need the parties to introduce themselves for
24 the record and so let me start with the
25 representative of the licensee. Is that you, Mr.

1 Kline?

2 MR. KLINE: Yes, good afternoon,
3 Chairman and other seven members of the Board.
4 Andrew Kline on behalf of --

5 CHAIRPERSON ANDERSON: I've lost you,
6 Mr. Kline.

7 MR. KLINE: You've lost me?

8 CHAIRPERSON ANDERSON: You said,
9 Andrew Kline, I heard nothing else after that,
10 sir.

11 MR. KLINE: Do you hear me now, sir?

12 CHAIRPERSON ANDERSON: Yes, sir.

13 MR. KLINE: Okay, Andrew Kline here on
14 behalf of the applicant.

15 CHAIRPERSON ANDERSON: All right, so,
16 Ms. Torassian, I need you to interpret everything
17 that is being said, ma'am.

18 MS. TORASSIAN: Okay.

19 CHAIRPERSON ANDERSON: Can we have the
20 licensee introduce herself for the record and I
21 need everyone to spell their name also when they
22 introduce themselves.

23 MS. ESPINOZA: My name is Rosemeri
24 Espinoza, R-O-S-E-M-E-R-I E-S-P-I-N-O-Z-A.

25 CHAIRPERSON ANDERSON: And, who is

1 she, ma'am?

2 MS. ESPINOZA: I am the owner of
3 Rosemarino D'Italia.

4 CHAIRPERSON ANDERSON: And, who is
5 with her? Who's with the owner? Can that person
6 identify themselves for the record?

7 MR. CAMACHO: Oh, sorry about that.
8 My name is Edward Camacho, E-D-W-A-R-D last name
9 is Camacho, C-A-M-A-C-H-O.

10 MS. TORASSIAN: My name is Eduardo
11 Camacho and my name is spelled E-D-U-A-R-D-O
12 Camacho, C-A-M-A-C-H-O.

13 CHAIRPERSON ANDERSON: And who are
14 you, sir?

15 MR. CAMACHO: I am the manager of
16 Rosemarino D'Italia and the son of Rosemeri
17 Espinoza.

18 CHAIRPERSON ANDERSON: So, I'm asking
19 everyone to tell me their name and their role,
20 okay, so that's why I'm doing this. Okay, who is
21 the representative of the protestant?

22 MR. MELCHER: My name is Douglas
23 Melcher, D-O-U-G-L-A-S, M-E-L-C-H-E-R. I'm an
24 attorney retained by the group of five or more
25 and I've been asked to provide coordinated

1 representation for all of the protestants. The
2 other protestants include ANC2B and DCCA, Dupont
3 Circle Citizens Association. Mr. Glenn Englemann
4 is on the line. He represents Dupont Circle
5 Citizens Association. I believe Meg Roggensack,
6 who is the ANC, is not with us right now. She's
7 dealing with a family issue and is out of town,
8 but hopefully will be able to join us soon.

9 CHAIRPERSON ANDERSON: All right, let
10 me go back to Mr. Kline. Mr. Kline, there's a
11 whole lot of people on the line, so can you
12 identify them on your side and so I'll have them
13 identify themselves for the record.

14 MS. TORASSIAN: Your Honor, I will
15 need everybody to pause so I can interpret
16 because there's no way that I can retain all
17 these details if there is no pause.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: Hold on, ma'am.
20 All right, I'm aware of that and so, therefore,
21 okay that's fine.

22 MS. TORASSIAN: Is that possible? I
23 don't want to interrupt.

24 CHAIRPERSON ANDERSON: Of course,
25 ma'am.

1 MS. TORASSIAN: Thank you.

2 CHAIRPERSON ANDERSON: All right, so,
3 Mr. Kline, who else is there on line for your
4 side?

5 MR. KLINE: Mr. Chairman, the only
6 person that I know of that's currently on line
7 from our side, I believe, is Mr. Mixon from our
8 firm, the Veritas Law Firm. In looking at the
9 list of participants, I do not see any of our
10 witnesses there. So, I believe that the rest of
11 the list of participants are either Board members
12 or here on the protestant side.

13 CHAIRPERSON ANDERSON: Mr. Englemann,
14 can you please identify yourself for the record,
15 please?

16 MR. ENGLEMAN: Chairman and members
17 of the Board, my name is Glenn Englemann, first
18 name's spelled G-L-E-N-N last name's spelled E-N-
19 G-L-E-M-A-N-N and I am here representing the
20 Dupont Circle Citizens Association today.

21 CHAIRPERSON ANDERSON: Ms. Navaro, can
22 you identify yourself for the record, please?

23 MS. NAVARO: Yes, good afternoon. My
24 name is Ann Navaro, A-N-N A-V-A-R-O, and I'm
25 here as a representative of the group of five or

1 more, a group of 70, approximately 70 neighbors
2 represented by Mr. Melcher.

3 MS. TORASSIAN: I'm sorry, I have to
4 interrupt. I cannot hear very clearly. Can you
5 repeat?

6 MS. NAVARO: I'm sorry. Can you hear
7 better now?

8 MS. TORASSIAN: Yes, it's better, I
9 think. I lost you after five or more.

10 MS. NAVARO: Okay, I'm here on behalf
11 of the group of five or more, represented by Mr.
12 Melcher.

13 CHAIRPERSON ANDERSON: Ms. Roggensack,
14 can you please identify yourself for the record?
15 You're on mute, ma'am.

16 MS. ROGGENSACK: Good afternoon
17 everyone. My name is Meg Roggensack, M-E-G R-O-
18 G-G-E-N-S -- Circle Advisory Neighborhood
19 Commission 2B, and I represent Single Member
20 District 2B01, in which this establishment is
21 located.

22 CHAIRPERSON ANDERSON: Ms. Glasgow,
23 can you please identify yourself for the record,
24 please?

25 MS. GLASGOW: My name is Investigator

1 Rhoda Glasgow, R-H-O-D-A G-L-A-S-G-O-W.

2 CHAIRPERSON ANDERSON: All right, all
3 I'm doing right now is just to identify all the
4 parties in this case that's what I'm doing. All
5 right, this is a protest hearing regarding the
6 renewal of this license and for a substantial
7 change, I think the substantial change is for an
8 entertainment endorsement and cover charge.

9 Some preliminary matters, Mr. Kline,
10 how many witnesses do you have?

11 MR. KLINE: I believe I will have
12 five.

13 CHAIRPERSON ANDERSON: Mr. Melcher,
14 how many witnesses do you have?

15 MR. MELCHER: Ten on my list or maybe
16 one more than that, but I'm only going to call
17 the nine permitted pursuant to the Board's
18 decision to grant our request for more time.

19 CHAIRPERSON ANDERSON: Thank you. I
20 was going to remind you that you were only
21 limited to nine witnesses. Are there any
22 preliminary matters, Mr. Kline?

23 MR. KLINE: Yes. We are going to
24 amend our request for approval of the
25 entertainment endorsement and cover charge,

1 limiting the request for Saturday until the hours
2 of 3:00 a.m. and Sunday until the hour of
3 midnight, which is a significant reduction from
4 what was sought in the initial application for
5 approval of entertainment endorsement, which
6 sought approval of entertainment for all seven
7 days maximum hours.

8 CHAIRPERSON ANDERSON: Mr. Melcher,
9 any preliminary motions on your part?

10 MR. MELCHER: Motions? I think we
11 have a couple of procedural items I'd like to
12 mention.

13 CHAIRPERSON ANDERSON: What are they,
14 sir?

15 MR. MELCHER: First of all, thank you
16 very much for granting the motion for more time
17 and witnesses. At the time that we requested
18 additional time, we believed we were going to be
19 pressed for time getting nine witnesses in. I
20 see that we now have a translator and, to be
21 frank, I think that's going to double the time.
22 I know you're very, very busy, but it just
23 duplicates, doubles the amount of time, but I
24 want you to be aware of that and provide
25 additional time accordingly. We will avoid

1 duplicative testimony and do our best to expedite
2 things.

3 CHAIRPERSON ANDERSON: Anything else,
4 sir?

5 MR. MELCHER: Just one little
6 ministerial item. I noticed that the applicant's
7 list of witnesses for some reason says
8 protestant's list of witnesses at the top. I
9 just want to make certain no one's confused by
10 that.

11 CHAIRPERSON ANDERSON: And that's it,
12 sir?

13 MR. MELCHER: That's it. Thank you.

14 CHAIRPERSON ANDERSON: Are there any
15 stipulations that the parties can agree to prior
16 to us starting the hearing that is for renewal of
17 the license and also for a substantial change,
18 now I guess to add an entertainment endorsement
19 and cover charge? I guess the entertainment
20 endorsement and coverage charge is only then for
21 Saturday until 3:00 a.m. and Sunday until
22 midnight?

23 MR. KLINE: Correct.

24 CHAIRPERSON ANDERSON: And I guess
25 preliminarily, I'm asking the parties are they

1 protesting the renewal of the license or would
2 the protestants agree that the license can be
3 renewed?

4 MR. MELCHER: The protestants are
5 protesting both of the pending applications.

6 CHAIRPERSON ANDERSON: I'm aware --
7 (Simultaneous speaking.)

8 CHAIRPERSON ANDERSON: No, I was
9 asking whether or not the protestants, if they
10 were in agreement that the license could be
11 renewed with conditions or are they saying that
12 the license should not be renewed? I'll just --

13 MS. TORASSIAN: I'm sorry, I couldn't
14 hear that completely.

15 CHAIRPERSON ANDERSON: I need you to
16 turn up your volume, ma'am, okay?

17 MS. TORASSIAN: I'm at maximum.

18 CHAIRPERSON ANDERSON: Well, I think
19 you're the only one who is having problems
20 hearing today, ma'am. However, I'm asking the
21 protestants if the protestants, would they agree
22 to renew the license or are they saying that the
23 license should not be renewed?

24 MR. MELCHER: The protestants do not
25 want the license renewed.

1 CHAIRPERSON ANDERSON: All right, the
2 way the process works is that the applicant will
3 make an opening statement and the applicant will
4 have five minutes to make an opening statement.

5 Once the applicant makes an opening
6 statement, the protestants will have five minutes
7 to make an opening statement. The Board's
8 investigator will review her report and the Board
9 will ask questions of the Board's investigator.

10 Once the Board has had an opportunity
11 to ask questions of its investigator, then the
12 licensee's representative will have an
13 opportunity to ask questions of the investigator
14 and then the protestant will have an opportunity
15 to ask questions of the Board's agent.

16 Once the Board has presented its case,
17 the licensee will have an opportunity to present
18 its case. Once the licensee has presented its
19 case, then the protestants will have an
20 opportunity to present its case.

21 As you stated before, there are nine,
22 so we're talking about 14 witnesses. We have a
23 translator, therefore, if I hear redundant
24 testimony, I'm going to cut you off because I'm
25 not going to do that this afternoon.

1 We have two learned attorneys who are
2 presenting today and I expect you to be attorneys
3 today. Any questions before we start?

4 MR. KLINE: None from the applicant.

5 CHAIRPERSON ANDERSON: Mr. Melcher?

6 MR. MOORE: None from the protestants.

7 CHAIRPERSON ANDERSON: All right, the
8 Board will call its first, I'm sorry, Mr. Kline,
9 you can make your opening statement.

10 MR. KLINE: Yes, thank you, Mr.
11 Chairman. Good afternoon, Chairman Anderson and
12 members of the Board. I'm Andrew Kline. I'm
13 here on behalf of the applicant. The applicant
14 seeks two things today. One is renewal of its
15 license and it also seeks an entertainment
16 endorsement.

17 The evidence will show that this is a
18 small Italian restaurant on Connecticut Avenue in
19 the Dupont Circle area and that the owner of the
20 restaurant, Rosemeri Espinoza, is an experienced
21 restaurateur with over 20 years of experience in
22 the restaurant industry operating Italian
23 restaurants.

24 The evidence will further show that
25 this restaurant has operated for approximately

1 five years and that there has been no issue with
2 the operation of the facility for dining and food
3 service. The evidence will demonstrate that
4 there is no reason that the renewal application
5 should not be granted.

6 The evidence with further show that
7 the licensee, because of the devastation of the
8 closures from the pandemic, sought additional
9 sources of revenue and in doing that began
10 instituting more late night activities. Those
11 were organized by Edward Camacho, the principal
12 applicant's son. The evidence will show that Mr.
13 Camacho was unaware of the requirements for an
14 entertainment endorsement and upon learning of
15 the requirement, immediately ceased any activity
16 which might be classified as entertainment.

17 The establishment then proceeded to
18 seek permission for entertainment, but given
19 opposition from the community, withdrew the
20 initial request for an entertainment endorsement
21 to demonstrate to the community that it could be
22 a good actor. The evidence will show that the
23 applicant thought through measures that could be
24 taken to potentially mitigate the perceived
25 effects from it offering entertainment and

1 refiled its request for entertainment
2 endorsement, which is before you today.

3 In addition, the evidence will show
4 that there's no negative effect of this
5 establishment on real property values whether the
6 license is renewed as is or whether the limited
7 request for entertainment endorsement is granted.

8 At the conclusion of the hearing,
9 given the evidence that will have been presented
10 to the Board, we will request that the license be
11 renewed without further condition and that the
12 limited request for entertainment endorsement be
13 granted with whatever conditions the Board deems
14 appropriate. Thank you.

15 CHAIRPERSON ANDERSON: Mr. Melcher?

16 MR. MELCHER: Chairman and members of
17 the Board, this licensee has a track record of
18 transforming itself from having respectable
19 restaurant operations into a late night party
20 scene that is wild and out of control and, as a
21 result, has had serious adverse impacts on the
22 surrounding community.

23 The situation is so concerning that a
24 group of more than 70 residents signed up to
25 protest as a group and they are joined in

1 protesting by Dupont Circle Citizens Association
2 and Advisory Neighborhood Commission 2B.

3 The evidence will show numerous
4 violations of law, repeated instances of fights,
5 incidents involving firearms and numerous other
6 late night disturbances such as public urination,
7 public intoxication, rowdy and loud behavior on
8 the streets. Resulting in these sorts of
9 problems clearly are not appropriate for the
10 area, which is mixed use, but predominantly
11 residential and includes single family townhomes.
12 The problems were rooted in the provisioning of
13 live entertainment and the use of coverage
14 charges and other nightclub-like activity.

15 Given this history, the licensee
16 should not be granted additional discretion with
17 respect to its operations to provide live
18 entertainment and coverage charges. Live
19 entertainment will only exacerbate the problem.
20 As Mr. Kline indicated, Edward Camacho was
21 involved in these late night activities and the
22 community believes that he will continue to be
23 the individual responsible for those activities.

24 The protestants also believe that
25 renewal is inappropriate given the adverse

1 impacts on the community and the licensee's track
2 record. The protestants are therefore protesting
3 on the grounds of peace, order and quiet and also
4 protesting on the grounds of litter, adverse
5 impacts on real property, parking and pedestrian
6 and vehicular safety.

7 MS. TORASSIAN: I'm sorry, can I ask
8 for repetition of the last part?

9 MR. MELCHER: Pedestrian and vehicular
10 safety.

11 MS. TORASSIAN: Oh, okay. Thank you.

12 MR. MELCHER: You will hear testimony
13 from multiple residents as to what they have
14 witnessed and the impacts on themselves and their
15 families. You will hear testimony from a private
16 investigator who found and documented illegal and
17 other disturbing activities that have caused
18 chaos on nights when the establishment is
19 operating essentially as a nightclub.

20 CHAIRPERSON ANDERSON: Mr. Melcher,
21 I'm sorry to interrupt. We are translating for
22 Ms. Espinoza. She needs to be on camera so I
23 know that she's always there because it doesn't
24 make sense we're translating for someone who is
25 not on camera. Go ahead, Mr. Melcher.

1 MR. MELCHER: You will hear testimony
2 from representatives of the Metropolitan Police
3 Department, and you will hear testimony from
4 others, time permitting. In sum, the evidence
5 will show that the application should be denied.

6 That's it for my opening statement.
7 I would like to offer a comment or suggestion
8 regarding translation.

9 CHAIRPERSON ANDERSON: What is that,
10 sir?

11 MR. MELCHER: I would ask Mr. Kline if
12 we could focus translation on specific parts of
13 today's hearing as opposed to translating
14 everything. It's his client's right, I guess, to
15 translate, but --

16 CHAIRPERSON ANDERSON: I'm not going
17 to agree to that Mr. Melcher. The licensee has
18 requested a translator and so because the
19 licensee has requested a translator, we are
20 providing a translator. The attorney cannot
21 speak for the licensee.

22 MR. MELCHER: I didn't know the
23 attorney couldn't speak for the licensee on that
24 issue. Thank you.

25 CHAIRPERSON ANDERSON: I have had a

1 case where the licensee went to court on this
2 matter, okay?

3 MR. MELCHER: Okay.

4 CHAIRPERSON ANDERSON: So, unless the
5 licensee specifically informs us what she
6 requires regarding translation, everything has to
7 be translated.

8 MR. MELCHER: Thank you for
9 clarifying.

10 MS. TORASSIAN: I'm sorry, President,
11 I know we have shortage of time, but I would like
12 to remind everybody I know that we are pressured
13 with time, but I need everybody to pause because
14 we don't want to miss any detail. Otherwise, I
15 will have to interrupt and I don't want to do
16 that. I appreciate your patience. Please speak
17 close to the microphone so I don't have to ask
18 for repetition. Thank you.

19 CHAIRPERSON ANDERSON: Thank you and
20 I'm going to advise the parties that I'm going to
21 take a scheduled break every two hours for about
22 10 minutes, okay. All right, so the Board will
23 call its first witness, Rhonda Glasgow.

24 Ms. Glasgow, can you raise your right
25 hand, please? Do you swear or affirm to tell the

1 truth and nothing but the truth?

2 MS. GLASGOW: I do.

3 CHAIRPERSON ANDERSON: You can put
4 your hand down, ma'am. Where do you currently
5 work, ma'am?

6 MS. GLASGOW: Alcoholic Beverage and
7 Cannabis Administration.

8 CHAIRPERSON ANDERSON: And what is
9 your current role and duties and responsibility
10 at the agency?

11 MS. GLASGOW: I am an investigator.
12 I conduct inspections and investigations of
13 licensed ABC establishments in the District of
14 Columbia.

15 CHAIRPERSON ANDERSON: And how long
16 have you worked for the agency, ma'am?

17 MS. GLASGOW: Approximately four
18 years.

19 CHAIRPERSON ANDERSON: Are you
20 familiar with this establishment, ma'am?

21 MS. GLASGOW: I am.

22 CHAIRPERSON ANDERSON: And how did you
23 become familiar with this establishment?

24 MS. GLASGOW: I was reassigned this
25 investigation.

1 CHAIRPERSON ANDERSON: Now, did you
2 write a report on this case, ma'am?

3 MS. GLASGOW: I did not. Investigator
4 Donnell Butler did that.

5 CHAIRPERSON ANDERSON: All right, do
6 you have a copy of the report?

7 MS. GLASGOW: I do.

8 CHAIRPERSON ANDERSON: So, can you
9 just summarize what the issues are as far as the
10 protestants are concerned in the report? Did
11 someone have a question?

12 MR. KLINE: Yes, Mr. Chairman, if I
13 may. In the interest of time, given that she is
14 not the investigator that prepared the report,
15 why don't we just move the report and we can all
16 read it. I'm not sure, and again, I leave it to
17 the Board, but it looks like we have a long
18 hearing and it would seem to expedite matters
19 given that I don't believe Investigator Glasgow
20 has any, and she may, but I don't know that she
21 has any first-hand knowledge of the investigation
22 or the case and to have her recite what's already
23 been written doesn't seem to be a very productive
24 use of time, but I leave that to you, Mr.
25 Chairman. Thank you.

1 CHAIRPERSON ANDERSON: Mr. Melcher, do
2 you agree?

3 MR. MELCHER: I agree subject to just
4 one qualification. I would like the investigator
5 to provide whatever supplement or clarification
6 she has with respect to the report, if any.

7 CHAIRPERSON ANDERSON: Ms. Glasgow,
8 did you do an independent investigation of this
9 facility?

10 MS. GLASGOW: I monitored the
11 establishment.

12 CHAIRPERSON ANDERSON: All right, so
13 could you just talk about your specific -- when
14 did you monitor the establishment and what did
15 you find? Is that in the report?

16 MS. GLASGOW: I would like to address
17 some discrepancies that were not in the report
18 that I think the attorney was referring to.
19 Basically, the substantial change was not added
20 to the exhibits in the original report. I was
21 asked to reference that. I was also asked to
22 note that as the report stated, Ms. Navaro is
23 part of the Dupont Citizens Associations and she
24 is not. She is actually a member of the group of
25 five. And that's about it.

1 CHAIRPERSON ANDERSON: You stated, Ms.
2 Glasgow, that you monitored the establishment.
3 Is you --

4 MS. GLASGOW: Yes, sir.

5 CHAIRPERSON ANDERSON: Is your
6 monitoring, is that in the report?

7 MS. GLASGOW: No it's not.

8 CHAIRPERSON ANDERSON: And how many
9 times did you monitor this establishment?

10 MS. GLASGOW: I monitored the
11 establishment on four occasions.

12 CHAIRPERSON ANDERSON: So that --

13 MS. GLASGOW: June 30th, I'm sorry.

14 CHAIRPERSON ANDERSON: I'm sorry. Did
15 you monitor this establishment as part of this
16 protest or was it separate?

17 MS. GLASGOW: Part of the protest.

18 CHAIRPERSON ANDERSON: The parties can
19 tell me, she's going to testify and you guys do
20 not have any knowledge, because an addendum to
21 the report was not done and so, I'm not quite
22 sure if it's fair to the parties to have her
23 testify on her monitoring of the establishment
24 that neither party has notice of when these
25 monitoring activities occurred.

1 MR. KLINE: The applicant has no
2 objection. It's an unusual situation in which
3 the parties would know precisely what any witness
4 is going to testify to and to the extent that
5 it's relevant to this proceeding, which it seems
6 it very well is, it was an investigation
7 conducted in connection with the applications and
8 the protests, I don't see any issue as to why the
9 investigator would not testify concerning her
10 knowledge and results of her investigation.

11 CHAIRPERSON ANDERSON: Do you have a
12 position, Mr. Melcher?

13 MR. MELCHER: Mr. Chairman, I think
14 you're correct that the parties haven't had
15 notice and believe the written investigative
16 report is supposed to be provided two days in
17 advance. We didn't receive that. I think we
18 should just move on.

19 CHAIRPERSON ANDERSON: All right, the
20 case report is a matter of record and so
21 therefore, as basically agreed to by the parties,
22 we're not going to have the Board's witness
23 testify. All right, so we can move -- well, I
24 think I can still give the parties an
25 opportunity, if the parties want to ask questions

1 of the investigator of any portion of her report
2 that's in the record, then I can give the
3 applicant an opportunity to ask questions, well
4 no, but the investigator did not -- this is not
5 her report so, all right, it doesn't. I
6 withdraw.

7 MR. KLINE: Mr. Chairman, I would like
8 to ask her about --

9 (Simultaneous speaking.)

10 MS. TORASSIAN: Sorry.

11 CHAIRPERSON ANDERSON: I will allow
12 the applicant and the protestants to ask any
13 questions that they desire from this investigator
14 regarding the contents of the report. Okay? Go
15 ahead, Mr. Kline.

16 MR. KLINE: Mr. Chairman, I'd like to
17 ask her about the other visits. I mean it seems
18 to me relevant testimony and I don't know why we
19 wouldn't hear about it given that the
20 investigator apparently made four visits to the
21 establishment in addition to what's contained in
22 the report.

23 MR. MELCHER: Mr. Chairman, I don't
24 want to just repeat myself, I think you can make
25 a decision based upon what you've already heard.

1 MR. KLINE: But I don't know who is
2 prejudiced by hearing -- I don't know why we
3 don't hear all the facts. I'm not sure what the
4 protestants are afraid of hearing from an
5 investigator who is an impartial witness and
6 conducted an investigation. Let's hear it.

7 MR. MELCHER: Mr. Chairman, I'm trying
8 to get us moving along.

9 CHAIRPERSON ANDERSON: I'm trying to
10 (audio interference). Let's go off the record
11 for three minutes, okay?

12 (Whereupon, the above-entitled matter
13 went off the record at 2:32 p.m. and resumed at
14 2:35 p.m.)

15 CHAIRPERSON ANDERSON: All right, in
16 the ideal situation, the investigator would have
17 written an amended report to add her observation,
18 so ideally that's what I would have wanted and
19 expected. Ma'am, you're on mute.

20 MS. TORASSIAN: Oh, I apologize.

21 CHAIRPERSON ANDERSON: And the parties
22 have been on notice that Ms. Glasgow, who was not
23 the individual who wrote the report, that she was
24 going to testify today. And the parties are also
25 on notice that an investigator will go out and

1 observe, make independent investigations of the
2 establishment as part of their duties and
3 responsibilities. So, I will allow the
4 investigator to talk about her investigations and
5 both parties will have an opportunity to ask
6 questions. Go ahead, Mr. Kline.

7 MR. KLINE: You want me to -- you're
8 not going to have her testify, you want me to
9 just ask her questions at this point?

10 CHAIRPERSON ANDERSON: I'm not going
11 to ask any questions. I don't know what --

12 MR. KLINE: Got it.

13 CHAIRPERSON ANDERSON: Questions to
14 ask.

15 DIRECT EXAMINATION

16 BY MR. KLINE: All right. Thank you,
17 Mr. Chairman.

18 Q Investigator Glasgow, you indicated
19 that you had made visits to the establishment in
20 preparation for today's hearing?

21 A That is correct.

22 Q How many visits did you make to the
23 establishment?

24 A Four.

25 Q I'm sorry, did I get an answer?

1 A Four.

2 Q What was the date of the first visit?

3 A June 30th.

4 CHAIRPERSON ANDERSON: Ms. Glasgow,
5 please do --

6 MS. GLASGOW: June 30th.

7 CHAIRPERSON ANDERSON: Not respond --
8 please do not respond until the translator
9 translates the question.

10 BY MR. KLINE:

11 Q What time were you there and observing
12 the premises?

13 A On June 30th, at 10:30 p.m.

14 Q And for what time?

15 A 10:45 p.m.

16 Q What did you observe?

17 A There were no ABRA violations found.

18 Q Was there any activity that, in your
19 opinion, would have a negative effect on peace,
20 order and quiet?

21 A Not on the days of my monitoring
22 visits.

23 Q What were the other dates and times of
24 your monitoring visits?

25 A June 1st around 11:00 p.m., July 14

1 around 11:00 p.m. and July 23rd 7:00 p.m.

2 Q Was the establishment open during the
3 times of your visits?

4 A On June 11, they were actually closing
5 at that time, I'm sorry, June 1st they were
6 closing at that time.

7 Q And what about the other days?

8 A July 14, there were people inside, but
9 not a lot and July 23rd, they were just getting
10 the evening rush in when I was there.

11 Q On June 1st, when you witnessed the
12 establishment closing, you witnessed patrons
13 exiting the establishment?

14 A When I was there, I saw no one
15 actually walking out.

16 Q During your four visits, did you
17 witness anything that would lead you to believe
18 that the establishment had an effect on
19 residential parking needs, vehicular and
20 pedestrian safety?

21 A Where the establishment is located,
22 it's quite a busy area so, there's a lot of
23 traffic and parking around there that doesn't
24 necessarily have to reflect the establishment,
25 but there is a vast -- there's a lot of traffic

1 around there.

2 Q During your visits, were there a
3 number of other businesses that were open in
4 proximity of the establishment?

5 A Yes, on July 23rd.

6 Q Are any of those establishments ABC
7 licensed establishments?

8 A Yes.

9 Q And what was that establishment? What
10 are those establishments?

11 A We have taverns. We have restaurants.
12 ABC liquor stores, hotels.

13 Q Though I asked you whether this
14 establishment had an effect on parking and
15 residential and vehicular safety, you said
16 there's quite a bit of activity, but does this
17 establishment, in and of itself, have such an
18 effect?

19 A I can't answer that. I'm not sure
20 the area.

21 MR. KLINE: Thank you. I have no
22 further questions for this witness.

23 CHAIRPERSON ANDERSON: Mr. Melcher?

24 CROSS EXAMINATION

25 BY MR. MELCHER:

1 Q Hello, Ms. Glasgow. Were all of your
2 visits to the establishment in 2023?

3 A Yes.

4 Q Okay, so I'm confused about one item.
5 Today is July 20 and you referenced a date of
6 inspection of July 23. Can you clarify?

7 A I'm sorry, let me get the right date.
8 That was the wrong date. July 7th.

9 Q So, am I correct that you did not
10 visit the establishment on a Saturday?

11 A No. I'm sorry, I'm sorry, June 1st
12 was a Saturday. July 1st.

13 CHAIRPERSON ANDERSON: Ms. Glasgow,
14 did you visit the establishment June 1st or July
15 1st, which date?

16 MS. GLASGOW: July 1st.

17 CHAIRPERSON ANDERSON: So, I just want
18 to clarify the record one more time and I'm sorry
19 to do this Mr. Melcher, because I'm writing stuff
20 down also. So, what were the four dates you
21 visited this establishment?

22 MS. GLASGOW: June 30th, July 1st,
23 July 14th and July 7th.

24 CHAIRPERSON ANDERSON: I'm sorry, Mr.
25 Melcher, go ahead.

1 BY MR. MELCHER:

2 Q Okay, so all of the visits were over
3 a period of approximately two weeks, essentially
4 on the eve of this protest hearing, correct?

5 A Yes.

6 Q Okay and are you familiar with
7 Investigator Butler's report?

8 A Yes.

9 Q My understanding is that Investigator
10 Butler only visited the establishment in 2023.
11 Is that correct?

12 A Yes.

13 Q Investigator Butler's report provides
14 police record searches, was that just for calls
15 to the licensee's address?

16 MR. KLINE: Objection. This
17 investigator, as we've already determined, didn't
18 prepare this report. She doesn't testify to it.
19 The Board has accepted it. I don't see where
20 it's appropriate to examine her on it.

21 MR. MELCHER: I can rephrase the
22 question.

23 CHAIRPERSON ANDERSON: Yes, go ahead,
24 sir.

25 BY MR. MELCHER:

1 Q Okay, Investigator Glasgow, in
2 conducting a police records search for an
3 investigative report, is it the practice of
4 investigators to use the licensee's address?

5 MR. KLINE: Objection, same objection.

6 MS. TORASSIAN: I'm not being allowed
7 to interpret.

8 MR. KLINE: Oh, I'm sorry.

9 MS. TORASSIAN: There were like four
10 or five questions.

11 CHAIRPERSON ANDERSON: Just interpret
12 the last question, ma'am.

13 MS. TORASSIAN: Okay.

14 MS. GLASGOW: Yes, we request a
15 records --

16 MR. KLINE: Objection. Objection.

17 CHAIRPERSON ANDERSON: Sir, I'm going
18 to overrule the objection.

19 MR. KLINE: Got it.

20 CHAIRPERSON ANDERSON: You can answer
21 the question.

22 MS. GLASGOW: We conduct record search
23 according to the address.

24 BY MR. MELCHER:

25 Q Exclude police calls to other

1 addresses in the surrounding area?

2 A Yes, it would exclude anything that's
3 not related to that particular address.

4 Q When you visited the premises, did it
5 appear to be operating more or less as a
6 restaurant?

7 A At the time of my visits, they were
8 operating as a restaurant, yes.

9 Q I don't have any further questions.

10 CHAIRPERSON ANDERSON: I didn't ask
11 any questions and I'm not comfortable with having
12 Board members asking questions because we're
13 going to go back through. I will have to have
14 the other parties ask questions too, so, all
15 right. Thank you, Ms. Glasgow, for your
16 testimony. Mr. Kline, your first witness,
17 please.

18 MR. KLINE: Yes, before I get to my
19 first witness, I have something that I would ask
20 that the Board take administrative note of. I
21 would ask the Board to allow Mr. Mixon, my
22 associate, to share his screen.

23 CHAIRPERSON ANDERSON: Mr. Mixon at
24 first needs to be on camera, so I'm not sure how
25 he's going to share his screen if he's not on

1 camera.

2 MR. MIXON: Chair Anderson, members of
3 the Board, I apologize my camera does not seem to
4 be cooperating right now, but I do have the
5 capacity to share a screen if you'll so allow me.

6 CHAIRPERSON ANDERSON: I'm confused.
7 If I can't see you, how am I going to see your
8 screen? I'm just asking.

9 MR. MIXON: They run through different
10 parts of the technology.

11 CHAIRPERSON ANDERSON: All right, Mr.
12 Orellana, if you're able to allow Mr. Mixon to
13 share his screen, please do that. I'm curious,
14 okay. Mr. Mixon, you can share your screen.

15 MR. KLINE: I would ask that the Board
16 take administrative notice of the Notice of
17 Public Hearing, which reflects the ad and that
18 the application is for hours until 3:00 a.m.
19 rather than midnight as stated in the report.

20 CHAIRPERSON ANDERSON: I mean, yes,
21 we'll take public notice of the notice. It's
22 already noted, yes.

23 MR. KLINE: Great, all right, we can
24 stop sharing now and I would call to the stand,
25 Eduardo Sevilla.

1 CHAIRPERSON ANDERSON: Where is Mr.
2 Eduardo Sevilla?

3 MR. KLINE: He probably needs to be
4 elevated.

5 CHAIRPERSON ANDERSON: No, he's on the
6 screen, so, if Mr. Sevilla, can you turn your
7 camera on, please?

8 MR. SEVILLA: My camera is on. There
9 we are.

10 CHAIRPERSON ANDERSON: I can't see
11 you.

12 MR. KLINE: There he is.

13 CHAIRPERSON ANDERSON: I can't see
14 you. I don't want anyone to tell me that your
15 camera is on. If I say I can't see you, I cannot
16 see you, okay? Mr. Sevilla, can you raise your
17 right hand, please? Do you swear or affirm to
18 tell the truth and nothing but the truth?

19 MR. SEVILLA: I do.

20 CHAIRPERSON ANDERSON: Can you spell
21 your name for the record, please?

22 MR. SEVILLA: Eduardo E-D-U-A-R-D-O
23 the last name is S-E-V-I-L-L-A.

24 CHAIRPERSON ANDERSON: Your witness,
25 Mr. Kline.

1 DIRECT EXAMINATION

2 BY MR. KLINE: Thank you, Mr.
3 Chairman.

4 Q Mr. Sevilla, what is your occupation?

5 A I am a real estate agent in
6 Washington, D.C.

7 Q And how long have you been a real
8 estate agent in Washington, D.C.?

9 A Since March of 2018.

10 CHAIRPERSON ANDERSON: Hold on one
11 minute, Mr. Kline. Mr. Sevilla, Mr. Kline will
12 ask you a question. The question will be
13 translated, so please do not respond until the
14 translator is done.

15 MR. SEVILLA: Sorry, forgive me.

16 BY MR. KLINE:

17 Q Since you've been a real estate agent,
18 how many transactions have you been involved in?

19 A Between buyer and seller side, over
20 103 or 104 at this point.

21 Q And do you have a particular -- well,
22 first of all, where are you licensed?

23 A I'm licensed in Washington, D.C.

24 Q Anywhere else?

25 A My partners are licensed in Maryland

1 and Virginia, so we do a little bit of business
2 out there, but primarily my work is in
3 Washington.

4 Q And the transactions that you
5 mentioned, were most of those in Washington,
6 D.C.?

7 A The entirety of them, yes.

8 Q All right, is there a particular area
9 in which you specialize?

10 A Absolutely, having been born and
11 raised in Georgetown, all of my business stems
12 from Dupont Circle and Logan Circle and some in
13 Columbia Heights.

14 Q What are your duties? What do you do
15 as a real estate agent?

16 A It's a really two-prong situation.
17 Primarily, I assist buyers in selecting homes. I
18 guide them through the process and I help them
19 with financing and, of course, locating
20 neighborhoods that they want to isolate. From a
21 seller perspective, I prepare homes in certain
22 markets in certain spots for sale to best present
23 them to the market at large and get them the
24 highest price possible.

25 Q Do you make determinations of market

1 value?

2 A All the time. It's a huge percentage
3 of what we do.

4 Q Do you analyze trends of factors that
5 influence market value?

6 A All day long.

7 Q And in determining value, how do you
8 determine value?

9 A It's difficult to determine value as
10 an individual person. I do not determine value,
11 the market determines value. The sales price we
12 achieve and the sales prices of a certain area or
13 zone is what determines value. We analyze it and
14 we analyze the factors that contribute to that
15 final number.

16 Q And it's true that the attitudes of
17 buyers impact value directly?

18 A 100 percent.

19 Q And are you aware of the factors which
20 influence buyers?

21 A Yes, I work with buyers all day and
22 all week. I am very versed in the wants and
23 desires and what makes something valuable to
24 them.

25 Q And do you also have other business

1 interests?

2 A Yes, I'm an investor and a managing
3 partner in a bar/tavern here in Washington, D.C.

4 Q Do you believe that gives you any
5 special perspective concerning the effect of a
6 particular ABC-licensed establishment on value?

7 A Yes, anecdotally and both with data
8 that exists. Yes.

9 MR. KLINE: Mr. Chairman, I would ask
10 that Mr. Sevilla be accepted as qualified as an
11 expert to speak to the effect of an ABC-licensed
12 establishment on real estate values.

13 CHAIRPERSON ANDERSON: Mr. Melcher?

14 MR. MELCHER: We're in agreement that
15 a real estate professional, such as Mr. Sevilla,
16 is qualified, that's fine, but I didn't hear
17 anything special in his qualifications with
18 respect to night clubs.

19 MS. TORASSIAN: I'm sorry?

20 CHAIRPERSON ANDERSON: I'm trying to
21 figure out what is it? Do you agree or do you
22 disagree? That's what I'm trying to find out.

23 MS. TORASSIAN: Hello? I'm having
24 some kind of interference here. Can you hear me,
25 Mr. President?

1 CHAIRPERSON ANDERSON: Yes, ma'am. I
2 can hear you.

3 MS. TORASSIAN: I mean Chairman.
4 Okay, yes, sorry, Mr. Chairman. Okay.

5 CHAIRPERSON ANDERSON: I can hear you.
6 I guess what I'm trying to find out, Mr. Melcher,
7 I see Mr. Sevilla's resume is in the Board's
8 disclose. So, do you agree that he's an expert -
9 -

10 MS. TORASSIAN: I'm sorry, can you
11 speak to the microphone because I can't hear you.

12 CHAIRPERSON ANDERSON: All right, I'm
13 sorry. I see that Mr. Sevilla's resume is
14 included in the PIP. Do you agree or do you want
15 an opportunity to voir dire the witness?

16 MR. MELCHER: I don't need to ask
17 questions. My objection is the description of
18 his real estate experience, his area of
19 expertise, that's the issue. I mean I don't
20 doubt he is a real estate professional with
21 expertise in real estate, in pricing. I don't
22 believe he has any particular expertise regarding
23 the valuation of real estate based on effects of
24 liquor licensees.

25 CHAIRPERSON ANDERSON: And, Mr. Kline,

1 you want him to be considered an expert in what
2 area again?

3 MR. KLINE: An expert concerning real
4 estate values and the effect of an ABC licensed
5 establishment on real estate values and what he's
6 testified to already just to be clear is that the
7 attitudes of buyers affect value and that he
8 understands what motivates buyers in making such
9 decisions. I'm paraphrasing that's not directly
10 what he said, but that's what he's said so far.
11 If he's qualified as an expert, we'll explore it
12 further. Right now, the question is whether he's
13 qualified to give such testimony and I believe
14 based upon the examination that's been done, we
15 have shown that he is qualified to do so.

16 CHAIRPERSON ANDERSON: Mr. Melcher,
17 I'll give you another opportunity, do you want an
18 opportunity to voir dire him?

19 BY MR. MELCHER: Okay, I'll take the
20 opportunity.

21 Q Mr. Sevilla, what training do you have
22 in the area of how an ABC licensee affects the
23 value of residential property?

24 A The specific training that's offered
25 in that field that I have and could testify to,

1 of course, is how much a buyer is interested in
2 living next to, adjacent to or in a neighborhood
3 where there's a vibrant nightlife community and
4 that would include businesses obviously that sell
5 alcohol, food and have entertainment activity
6 going on around them. I can testify the increase
7 in price per footage adjacent to nightlife
8 centers and those that are further outside of a
9 tight knit radius.

10 Q What is your experience or training
11 beyond that of a real estate agent?

12 A I would consider myself a local
13 expert.

14 Q What do you mean by a local expert?

15 A I mean that we do extensive amounts of
16 comparative market analysis in Dupont Circle and
17 Logan Circle, where this concern is focused. An
18 aphorism has always been that all real estate is
19 local and that's why I assumed I was here.

20 MR. MELCHER: Mr. Chairman, I don't
21 have any additional questions. The objection is
22 only with respect to this individual claiming
23 expertise beyond that of being a real estate
24 agent. He doesn't have expertise specific to
25 valuation of properties based on proximity to

1 properties with ABC licenses.

2 CHAIRPERSON ANDERSON: Mr. Sevilla,
3 I'm looking at your resume and I see that you
4 have the recent transactions that you have had, I
5 guess recent sales that you've had and I see a
6 sale at 1730 Corcoran Street, 1026 16th Street,
7 1530 T Street --

8 MS. TORASSIAN: I'm sorry, can you
9 speak closer to the microphone, Mr. Chairman?

10 CHAIRPERSON ANDERSON: 1530 T Street,
11 1721 P Street, 1701 16th Street, 1731 Willard
12 Street. I guess I'm trying to find out for all
13 these establishments, are you aware how close any
14 of these establishments are to any ABRA licensed
15 establishments?

16 MR. SEVILLA: Yes and all of them do
17 extensively. I prepared that small, short,
18 little snapshot specifically for that purpose.
19 All of those residences are within hundreds of
20 yards of multiple ABC establishment places, from
21 the liquor stores to nightlife venues to
22 restaurants and bars.

23 CHAIRPERSON ANDERSON: I see that your
24 resume also states that you are the founder and
25 managing partner of the Little Gay Pub?

1 MR. SEVILLA: Yes.

2 CHAIRPERSON ANDERSON: Is the Little
3 Gay Pub an ABC licensed establishment?

4 MR. SEVILLA: Yes.

5 CHAIRPERSON ANDERSON: And where is
6 this establishment located?

7 MR. SEVILLA: The Little Gay Pub is
8 about 200 yards from Logan Circle at 1100 P
9 Street, NW.

10 CHAIRPERSON ANDERSON: And what type
11 of establishment is it, sir?

12 MR. SEVILLA: It is a tavern license,
13 but it also has a small restaurant.

14 CHAIRPERSON ANDERSON: I'm going to
15 allow him to testify as per the designation and
16 by Mr. -- go ahead, Mr. Kline.

17 REDIRECT EXAMINATION

18 BY MR. KLINE: Thank you.

19 Q Mr. Sevilla, you testified earlier
20 that you were familiar with what motivates buyers
21 and that buyers are central to establishing
22 market value, correct?

23 A To answer the question, I'm very aware
24 of what buyers want and the only people who
25 determine value of anything are buyers because

1 they're the ones buying it. They're the ones who
2 ultimately pay the price and choose the place and
3 that price determines what a neighborhood's
4 market value becomes and the decide what things
5 are worth.

6 Q Generally, what are the factors that
7 cause buyers to put value on a particular piece
8 of property?

9 A Beyond the long established
10 neighborhood reputations and architecture of the
11 specific building, the old adage location,
12 location, location remains true. Buyers want
13 access to walkability to grocery stores,
14 restaurants, nightlife venues, parks and
15 convenience to general transportation.

16 Q Okay and besides location, aren't
17 there also other factors, such as size of the
18 unit, age of the unit, the layout, the potential
19 obsolescence of the unit and factors concerning
20 the individual property?

21 A Of course, 100 percent, but those are
22 factors which are established prior to the search
23 for the property. If a buyer is looking for a
24 one bedroom in a pre-war building, that is
25 achievable anywhere in the city. At that point,

1 we take the buyers' needs and then put them
2 through the lens of what area they'd like to be
3 in and what other factors from a neighborhood
4 perspective are important to them.

5 Q So, if I'm understanding you, first as
6 a pre-screening, the buyer selects what they want
7 in physical characteristics and in terms of size
8 and amenities and age generally. Is that
9 correct?

10 CHAIRPERSON ANDERSON: Hold on, Mr.
11 Sevilla. Mr. Melcher, what's the nature of your
12 --

13 MR. MELCHER: Objection, leading.

14 CHAIRPERSON ANDERSON: I'm sorry, sir?

15 MR. MELCHER: The objection is it's
16 leading. A leading question.

17 CHAIRPERSON ANDERSON: Rephrase your
18 question, Mr. Kline.

19 BY MR. KLINE:

20 Q Once a buyer establishes what they
21 want from a physical standpoint, is that the
22 first part of the search?

23 A Yes, so I was maybe unclear. A buyer
24 needs certain things. There are needs where a
25 buyers needs two bedrooms and a buyer needs a

1 bathroom. These are needs, but the wants that
2 determine value is where those needs and those
3 characteristics of that unit's needs are in
4 proximity to the other vibrant elements of a city
5 that make that unit more valuable than a unit
6 three blocks away or in a different part of town.

7 Q Are you familiar with the premises at
8 issue before the Board today, 1714 Connecticut
9 Avenue?

10 A Yes, I believe so.

11 Q Do you have an opinion as to whether
12 an Italian restaurant operating at that location
13 would have an effect on real property values?

14 A Yes.

15 Q What is that opinion?

16 A My opinion is that it would be a
17 positive impact on property values in so far as
18 it would be something which I would market along
19 with other parts of Connecticut Avenue's business
20 district as a reason to live in the area, as a
21 reason to want to drive buyers to that area.

22 In every single piece of marketing
23 real estate that's done in every single listing,
24 the photographs that are offered for sale of
25 every property, there are 10 to 20 photographs at

1 the end of each of the homes photographs, which
2 are called the neighborhood shots. They're often
3 stock photos and they always include the bars,
4 restaurants and nightlife, grocery stores and
5 parks which surround a specific property. That
6 is meant 100 percent to add value to the property
7 we are selling.

8 Q Do you have an opinion as to whether
9 an Italian restaurant operating with an
10 entertainment endorsement and cover charge until
11 3:00 a.m. on Saturdays and midnight on Sundays,
12 would have an effect at that location on real
13 property values?

14 A Not in a meaningful way, not in a way
15 that would be either extremely positive or in any
16 way negative. It would be one of many places
17 operating on a commercial street that we would
18 otherwise promote. I mean if you were talking
19 about a placing to say the Verizon Center on
20 Connecticut Avenue, a 20,000-seat arena, then we
21 might have a different conversation, but it's --

22 Q So the consideration then is the size
23 of the particular ABC licensed establishment?

24 MS. TORASSIAN: I'm sorry, can you
25 repeat that question?

1 BY MR. KLINE:

2 Q Is a consideration in terms of effect
3 on value, the size of a particular ABC licensed
4 establishment?

5 A Sure, I mean reasonably one wouldn't
6 want to live next to a gigantic music venue, but
7 another place on another street that fits in with
8 the neighborhood's existing vibe, I can't imagine
9 would have a negative impact whatsoever.

10 Q Let me give you a hypothetical, let's
11 assume that we have an establishment of about 125
12 people that has an entertainment endorsement, but
13 it's not very well run. There are people coming
14 out late at night, disturbing neighbors, being in
15 the alley, engaging in bad behavior. If that
16 were the case, in that situation, would that in
17 any way change your opinion as to whether an
18 establishment like that would have an effect on
19 real property values in the neighborhood where it
20 might be located?

21 A I don't know if a hypothetical is the
22 right way to ask this because I think that while
23 I might be somewhat reluctant to live there
24 myself, I think situations like this, for
25 example, the entirety of Adams Morgan, which I

1 think would fit under that description in some
2 cases, has increased in value dramatically over
3 the last 20 years. I don't know how well versed
4 everyone is on all of H Street, but all of H
5 Street fits that description and it's tripled in
6 price over the last six years.

7 So, I'm sure while there are
8 individual cases that could be made, the vast
9 majority of property prices in and around
10 nightlife venues in the District of Columbia from
11 actual data, not even my opinion, have increased.

12 Q In preparation for this hearing, did
13 you do an analysis of values in the area around
14 1714 Connecticut Avenue, NW?

15 A Yes, I did and it's a very common
16 search for me to do continuously because I have a
17 lot of clients in and around that area.

18 Q And what did that disclose? What did
19 that reveal?

20 A Well, just taking simple numbers
21 aside, in 10 years, from 2012 to 2022, the median
22 price per square foot within a half-mile radius
23 of 1714 Connecticut Avenue was \$545. In 2022,
24 that increased to \$685 per square foot. Now, if
25 you take that and shrink it to a quarter mile

1 radius in the same 10-year span, the price per
2 square foot increased from the same 545.58 a
3 square foot to \$751 a square foot.

4 So, speaking on all properties of all
5 sizes simply by radius closer to commercial
6 vibrancy increases price more than not.

7 Q And has that been coincident with a
8 growth in ABC licensed establishments in those
9 radii?

10 A Yes.

11 MR. KLINE: No further questions of
12 the witness at this time.

13 CHAIRPERSON ANDERSON: Mr. Melcher?

14 CROSS-EXAMINATION

15 BY MR. MELCHER:

16 Q Do you agree that crime in a
17 neighborhood can adversely affect real property
18 values in a neighborhood?

19 A It depends on the crime, but of
20 course.

21 Q How about repeated instances of
22 gunshots in a neighborhood?

23 A As real estate agents, we're not
24 permitted to discuss specific crimes. We direct
25 clients to several District websites and the

1 police to make those determinations themselves.

2 However, of course repeated gun
3 violence would eventually trickle down to impact
4 the price of a neighborhood. Yes.

5 Q And how about activities such as
6 public drunkenness, fights, people taking drugs
7 or engaging in sex acts on the streets?

8 A I can't answer them all as if they
9 were all looped together in one pile. I can,
10 though, say that if we were to take H Street as
11 an example, then no. In fact, they've doubled
12 property values and there's all of that going on.

13 Q In your opinion, would the values on
14 H Street be higher if there weren't problems with
15 crime, public drunkenness, and other illegal
16 behaviors?

17 A It might open up the buyer pool and
18 that might increase prices there.

19 Q In your experience, do potential
20 buyers of single-family town homes want an
21 environment that is peaceful and quiet?

22 A Everybody has a different definition
23 on what is peaceful and quiet and has different
24 thresholds for city living.

25 Q Would a lack of peace and quiet reduce

1 the buyer pool for single-family town homes in a
2 neighborhood?

3 A In my experience -- I know what you're
4 getting at. In my experience, buyers are still
5 looking for a vibrant city life when they move in
6 to buy.

7 My last clients were at 1730 Corcoran
8 Street and it was a \$3.4 million home. I had
9 offered them a home in Kalorama Park, which is
10 arguably by every definition slower, quieter, and
11 doesn't have a vibrant nightlife whatsoever.
12 They refused.

13 And just in this case -- I'm speaking
14 just in this case -- they insisted on making an
15 offer on 1730 Corcoran, which is arguably off
16 17th Street by 500 yards, where it is not quiet.
17 It is vibrant and it is full of city living.

18 Q What kind of potential buyers are
19 searching for a single-family town house, in your
20 experience?

21 MS. TOROASSIAN: I'm sorry. Can you
22 repeat that?

23 BY MR. MELCHER:

24 Q What kind of potential buyer is
25 searching for a single-family town house, in your

1 experience?

2 A Speaking on just these clients, we
3 have a lot of baby boomers that are coming back
4 into the city because they're quite sick of their
5 suburban lives. We have a lot of new minted
6 millionaires that are interested in buying these
7 old, historic gems and rehabilitating them.

8 There are a lot of developers who,
9 frankly, would like to chop up these old town
10 houses that have been sitting there for 30 years.
11 Their buyers bought them when the city was a lot
12 more dangerous in the '80s. And they're going to
13 turn them into condos. Those condos are going to
14 become vibrant condominium units in these places.

15 So the idea that the property value of
16 a \$2 million house isn't going to rise
17 precipitously because there's a nightlife venue
18 nearby is laughable. It's not proven by any
19 single metric, and not a single number has ever
20 shown that.

21 Q Is it your opinion then that proximity
22 to a nightclub or other location where there are
23 late-night events would never adversely impact
24 property values?

25 A It's my opinion that the facts are

1 that over the last decade, properties that are
2 closer to nightlife venues where there is music,
3 food, and entertainment have increased in value
4 greater than those further away from those
5 nightlife venues.

6 Q Did you study the effects of any
7 particular establishment on a neighborhood?

8 A No. Ironically, the only ones I would
9 have knowledge of is my very own.

10 Q Okay. Well, I suppose you aren't
11 going to tell us that your establishment
12 adversely affected property value.

13 MR. KLINE: Objection, argumentative
14 and irrelevant.

15 CHAIRPERSON ANDERSON: I'm going to
16 sustain the objection. If you want to rephrase
17 the question, you can.

18 (Simultaneous speaking.)

19 MR. MELCHER: -- the effect on
20 property values of your establishment?

21 THE WITNESS: Yes.

22 BY MR. MELCHER:

23 Q When did you do that?

24 A In the preceding month, I had two
25 clients who became interested in specifically

1 living in the area south of 1100 P Street.

2 There is mountains of data -- I would
3 be happy to provide it if you needed an addendum
4 -- where when a place opens, when there is new
5 nightlife, when there is a void filled of an
6 empty establishment, prices increase. They do so
7 because demand increases.

8 Q Okay. So you're basically saying that
9 any time you have new establishments, that
10 increases property value, correct?

11 A No. That's a strong argument and one
12 I didn't make. It's far too general.

13 Q Okay. Let's make it more granular.
14 You said that, in your opinion, operating until
15 3:00 a.m. with an entertainment endorsement would
16 not affect property values. Doesn't that depend
17 upon the proximity to the establishment?

18 A Of course. I'm sure if there was a
19 home on top of this fictitious establishment or
20 adjacent, next door, that place might have less
21 of a buyer pool because someone might not want to
22 live right next to a club. But I don't think the
23 data that is generalized that speaks to radiuses
24 and neighborhoods proves that out.

25 Q Does it also depend on the kind of

1 entertainment activity?

2 A I can't speak to individual, specific
3 entertainment activities or styles of music. I
4 don't know.

5 Q I believe you said or at least it's
6 well-known that realtors like to say that --

7 CHAIRPERSON ANDERSON: Mr. Melcher?

8 MS. TOROASSIAN: He's breaking up for
9 me.

10 CHAIRPERSON ANDERSON: Mr. Melcher?

11 Mr. Melcher?

12 MR. ORELLANA: He dropped.

13 CHAIRPERSON ANDERSON: Okay. Thank
14 you. We're going to take a break after this
15 witness completes his testimony.

16 MS. TOROASSIAN: Somebody is saying
17 technical difficulty in the chat.

18 CHAIRPERSON ANDERSON: I think we have
19 realized that Mr. Melcher is having some
20 technical difficulties.

21 MS. TOROASSIAN: No. Mr. Guagenti is
22 saying that.

23 MR. GUAGENTI: I'm working with Mr.
24 Melcher to get his computer back up.

25 CHAIRPERSON ANDERSON: Thank you.

1 MR. GUAGENTI: Could we do the 15-
2 minute break now?

3 CHAIRPERSON ANDERSON: I don't want to
4 break up the cross-examination. I mean, if it's
5 significant, yes. I was trying not to take a
6 break in the middle of the cross-examination.

7 MR. GUAGENTI: Chairman, can he use
8 this communication?

9 CHAIRPERSON ANDERSON: Yes, he can.

10 MR. GUAGENTI: Okay.

11 MR. MELCHER: Sorry, Mr. Chairman. My
12 computer just completely froze up.

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

15 MR. MELCHER: Okay.

16 BY MR. MELCHER:

17 Q So the question was, you testified
18 earlier that property values depend upon
19 location, location, location, correct?

20 A Yes, deeply.

21 Q Okay. So to determine the impact of
22 a potential establishment on new property values,
23 don't we have to talk about a particular
24 establishment?

25 MS. TOROASSIAN: I'm sorry. You're

1 breaking up a little bit.

2 BY MR. MELCHER:

3 Q To determine the impact of real
4 property values, don't we have to talk about a
5 particular establishment?

6 A I don't know. In general, we speak in
7 terms of commercial districts. Especially in
8 Dupont Circle, it's very rare to have a specific
9 business appear in the middle of a residential
10 street. That's forbade as far as I know.

11 A specific business rarely, if ever,
12 is a specific consideration in whether it
13 increases or decreases property value. It
14 doesn't work in that -- no, I don't think that's
15 correct.

16 Q Well, doesn't that mean that your
17 testimony is that a particular licensee is never
18 going to adversely impact property value?

19 A I'm speaking solely as a realtor who
20 would promote a new business to my clients. I
21 can't speak to the quality of businesses that
22 they run or how well they adhere to whatever
23 voluntary agreement is made.

24 That's not my expertise. My expertise
25 is whether or not a new business comes in and

1 that increases property value. And my answer to
2 that is yes.

3 Q Your study compared property values in
4 2012 with those in 2022; is that correct?

5 A Yes.

6 MS. TOROASSIAN: I'm sorry. I didn't
7 hear that very well. Could you please speak
8 closer to the microphone? Thank you.

9 BY MR. MELCHER:

10 Q Your study compared property values in
11 2012 with those in 2022, correct?

12 A Yes.

13 Q Why did you choose property values for
14 2012 as a comparison point?

15 A A ten-year span is a common
16 measurement we use.

17 Q What was the beginning date
18 specifically in 2012?

19 A It's the entire year. So it takes the
20 average value from January 1, 2012 until December
21 31, 2012. We use complete years.

22 Q You mentioned something about the
23 number of ABC licensees. Did you determine the
24 number of ABC licensees in the area in 2012?

25 A Yes.

1 Q How --

2 A I'm sorry. I didn't hear.

3 Q Was the answer to my question yes?

4 A I didn't hear a question.

5 CHAIRPERSON ANDERSON: He did not hear
6 the question, sir.

7 BY MR. MELCHER:

8 Q How did you determine the number of
9 ABC licensees in the area in 2012?

10 A We use the District data. We've
11 always relied on the ABRA website.

12 Q Okay. So how many were there in 2012
13 in the area?

14 A That I don't have in front of me.

15 Q And in 2012?

16 A That data I do not have.

17 Q What part of the website did you look
18 at?

19 A I'm not sure, but there has been an
20 increase in ABRA-licensed businesses in the zone.

21 MS. TOROASSIAN: I'm sorry. Can you
22 repeat that? Can you repeat that?

23 CHAIRPERSON ANDERSON: Can you repeat
24 your answer, sir?

25 THE WITNESS: Yes. I'm not sure. I'm

1 not sure at this time. It was done last week,
2 but there was an increase obviously in that
3 period of time. I didn't do a study on how many
4 ABRA licenses increased in the same radius. I
5 don't know how to do that.

6 BY MR. MELCHER:

7 Q Is there any neighborhood in
8 Washington, DC where the property values have
9 declined from 2012 to 2022?

10 A Regrettably, in Wards 7 and 8 there
11 are some isolated areas where they have in fact
12 lost some commercial locations and there has been
13 a slight drop in value. For the most part,
14 Washington, DC's home prices have increased over
15 the last decade.

16 MR. MELCHER: I don't have further
17 questions at this time.

18 CHAIRPERSON ANDERSON: Thank you, sir.

19 Any questions by the Board members?

20 I'll offer you a brief redirect, Mr.
21 Kline, very brief.

22 REDIRECT EXAMINATION

23 BY MR. KLINE:

24 Q Mr. Sevilla, you were asked if there
25 was a decrease on H Street with fights, drug use,

1 sex, and other potentially negative activity,
2 whether that would increase the buyer pool. I
3 believe you said it would, correct?

4 A My response to the H Street question,
5 I believe, was that if that were the case there
6 where those things have occurred -- I don't know
7 if it's street sex. I don't know what he's
8 thinking here. These have all increased on H
9 Street along with a gigantic increase in property
10 value over the course of the last six or seven
11 years there.

12 Q Okay. If a decrease in such activity
13 would increase a buyer pool, might that be
14 potentially offset by a corresponding decrease in
15 the number of nightlife establishments in the
16 neighborhood?

17 MS. TOROASSIAN: I'm sorry. Can you
18 repeat that question?

19 MR. KLINE: Yes.

20 BY MR. KLINE:

21 Q If a decrease in such negative
22 activity would potentially increase the buyer
23 pool, wouldn't a corresponding decrease in the
24 number of nightlife establishments change that
25 scenario?

1 A Of course. The goal is to have a
2 vibrant neighborhood with a well-run nightlife
3 community. My testimony has never been that it's
4 a free-for-all, that we're supposed to have
5 street prostitution and people screaming all
6 night long. That's not helpful to anybody. The
7 fact of the matter is that more nightlife venues
8 increase property values anywhere that they are.

9 Q Might there be a sleepy street in
10 Logan Circle where a nightclub opened up at the
11 end of the street and in that situation, property
12 values might be negatively affected?

13 A That might happen. Or a business like
14 mine could open up on P Street at the end of a
15 sleepy block where there was nothing going on,
16 and now we've seen people moving in around us in
17 droves.

18 So it depends on how well something is
19 run and it depends on the neighborhood appetite
20 for it, but the vast majority of new buyers, new
21 renters, and people looking to move into an area
22 want nightlife venues within walking distance.

23 MR. KLINE: Thank you, Mr. Sevilla.
24 I have no further questions.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Sevilla, for your testimony today.

2 All right. It's 4:12. We're going to
3 go off the record until 4:30. I need everybody
4 to be back here. Please do not sign off. Just
5 mute your phone and mute your video; 4:30.

6 (Whereupon, the above-entitled matter
7 went off the record at 4:12 p.m. and resumed at
8 4:33 p.m.)

9 CHAIRPERSON ANDERSON: We are back on
10 the record. I need all Board members back.

11 Mr. Orellana, can you please elevate
12 the rights of Mr. Melcher?

13 MR. ORELLANA: No problem.

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

16 Mr. Kline, do you have another
17 witness?

18 MR. KLINE: Yes. I do, Mr. Chair.
19 Calling Rosemeri Espinoza.

20 CHAIRPERSON ANDERSON: Hold on. I'm
21 going to have her raise her right hand. Ask her
22 to raise her right hand, please.

23 Do you swear or affirm to tell the
24 truth and nothing but the truth?

25 MS. ESPINOZA: Yes.

1 CHAIRPERSON ANDERSON: Your witness,
2 Mr. Kline.

3 MR. KLINE: Thank you.

4 WHEREUPON,

5 ROSEMERI ESPINOZA

6 was called for examination by Counsel for the
7 Licensee and, having been first duly sworn,
8 assumed the witness stand, was examined and
9 testified as follows: NOTE: UNLESS OTHERWISE
10 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE
11 TRANSLATOR, ADRIANA TOROASSIAN, WHO WAS ALSO
12 FIRST DULY SWORN.

13 DIRECT EXAMINATION

14 BY MR. KLINE:

15 Q Ms. Espinoza, what is your connection
16 to Rosemarino D'Italia?

17 A I'm the owner.

18 Q Are you 100 percent owner?

19 A Yes.

20 Q And what is this business?

21 A So this is a restaurant where you can
22 buy Italian food from the North and South.

23 Q How long has the restaurant been open?

24 A Almost five years now.

25 Q Did you have experience in the

1 restaurant industry before you opened this
2 location?

3 A Yes.

4 Q What was that experience?

5 A I was a chef for Italian food. I'm
6 currently a chef too.

7 Q Have you been involved as an owner of
8 many other restaurants?

9 A Yes.

10 Q And what would that be?

11 MS. TOROASSIAN: Can I ask for a
12 repetition?

13 MR. KLINE: I beg your pardon?

14 MS. TOROASSIAN: Can I ask for a
15 repetition, Chairman?

16 CHAIRPERSON ANDERSON: I'm sorry.
17 What do you want to repeat?

18 MS. TOROASSIAN: I'm asking you if I
19 can ask for a repetition because she said two
20 names and I didn't get them.

21 CHAIRPERSON ANDERSON: Yes. You can
22 always ask if you don't understand what she said.
23 Yes, ma'am.

24 MS. TOROASSIAN: Okay.

25 THE WITNESS: As an owner I was

1 involved with Rosemarino D'Italia.

2 BY MR. KLINE:

3 Q Okay. There's another location
4 besides this one?

5 A Yes, as a worker.

6 Q Okay. Don't you own a restaurant in
7 Northern Virginia as well, in Del Ray?

8 A Yes.

9 Q Okay. How long have you owned that
10 restaurant?

11 A Eight years.

12 Q So is it fair to say that you've been
13 in the industry about 20 years?

14 A Correct.

15 MR. KLINE: All right. I'd ask that
16 Mr. Mixon have rights and show Exhibit No. 1.

17 CHAIRPERSON ANDERSON: Mr. Orellana,
18 can you allow Mr. Mixon to share his screen?

19 MR. ORELLANA: Rights have been
20 elevated.

21 CHAIRPERSON ANDERSON: Go ahead, sir.

22 MR. KLINE: Does he have sharing
23 privileges?

24 CHAIRPERSON ANDERSON: I was told that
25 he does.

1 Do you, Mr. Mixon? You're on mute,
2 sir. I can't hear you.

3 MR. MIXON: Apologies. I'm pulling it
4 up.

5 (Pause.)

6 MR. KLINE: I'll move on while he's
7 doing that.

8 BY MR. KLINE:

9 Q How many floors in your restaurant?

10 A Two levels.

11 Q What's the approximate capacity of the
12 restaurant?

13 A One hundred and fifteen.

14 Q How many on the first floor and how
15 many on the second floor?

16 A Seventy-five on the first level and 15
17 on the second level -- pardon me -- 75 on the
18 first level, 45 on the second level.

19 Q Okay. And you serve food throughout
20 that area?

21 A Yes.

22 Q All right. Now, during the first few
23 years that you operated the restaurant, it was
24 strictly a sit-down Italian dining establishment;
25 is that correct?

1 A Correct.

2 Q And was there a time that you felt
3 like you needed to make some changes?

4 A Yes.

5 Q And why was that?

6 A So ever since I started the business
7 in May the 1st of 2019 until 2021, everything was
8 pretty much fine. It was looking good because we
9 were getting all the clients from Dupont Circle
10 and surrounding areas.

11 And then when the pandemic hit, that
12 was a big problem. I would say it affected 100
13 percent of our normal clientele. We were about
14 to close.

15 Q Okay. So what did you feel you needed
16 to do as a result of that?

17 A Okay. So I decided to resort to my
18 son to see if we could get any new ideas to
19 generate money to pay rent. And so we decided to
20 reopen with new ideas to see if we could get more
21 money to continue the activity.

22 Q What were the new ideas?

23 A Well, the idea was to open some nights
24 as an entertainment venue and the rest of the
25 days to continue the activity as a restaurant.

1 Q Were you aware that in order to offer
2 entertainment, you needed an entertainment
3 endorsement?

4 A Unfortunately, I didn't.

5 Q Okay. What did you do with the
6 business when you learned that you did need an
7 entertainment endorsement?

8 A Well, we stopped the activities. And
9 then we consulted with the attorney that we hired
10 so that we could be advised appropriately.

11 Q Okay. Now, before there was any
12 activity that might be described as
13 entertainment, did you hear of any complaints
14 concerning the operation of your restaurant?

15 A Yes. We were getting involved as we
16 heard with my son to see how we could solve the
17 situation. He was very aware of everything
18 surrounding the restaurant activities.

19 Q Right. But my question to you is
20 before you did anything with entertainment, when
21 you were operating the sit-down Italian
22 restaurant, were there any complaints concerning
23 your operation of which you were aware?

24 A No.

25 MR. KLINE: All right. I have no

1 further questions of this witness.

2 CHAIRPERSON ANDERSON: Mr. Melcher?

3 CROSS-EXAMINATION

4 BY MR. MELCHER:

5 Q Ms. Espinoza, you mentioned that Eddie
6 is not an owner of the establishment; is that
7 correct?

8 A He is the owner. I never said he is
9 not the owner.

10 Q Okay. So Edward Camacho is one of the
11 owners of the establishment?

12 A Yes.

13 Q What portion of the establishment does
14 he own?

15 A In general?

16 Q Let me ask this. Your business is
17 organized as an LLC, correct?

18 A Correct.

19 Q Who are the owners of the LLC?

20 A Myself and my son.

21 Q What percentage does your son own?

22 A I would consider 100 percent as well.

23 Q I'm not understanding. You're saying
24 each of you owns 100 percent?

25 A Fifty-fifty. I'm sorry.

1 Q Does the LLC have a managing member?

2 A Yes.

3 Q And who is the managing member?

4 A My son and myself.

5 Q Were you at the premises when your son
6 was having the nightlife events that resulted in
7 complaints?

8 MR. KLINE: Objection, assumes facts
9 not in evidence. We don't have that yet.

10 CHAIRPERSON ANDERSON: Rephrase the
11 question, sir.

12 MR. MELCHER: I thought we did hear
13 that there were problems associated with events.

14 CHAIRPERSON ANDERSON: Who did we hear
15 that from, sir?

16 MS. TOROASSIAN: I'm sorry. You're
17 fading out.

18 MR. MELCHER: I thought we heard that
19 from witness.

20 CHAIRPERSON ANDERSON: What witness?
21 We've only had one witness who testified and
22 that's a real estate agent. She's the first
23 witness to testify, sir. So I don't know. Maybe
24 I missed something, but I have not heard any
25 witness testify. This is the second witness that

1 has testified today.

2 BY MR. MELCHER:

3 Q How often are you at the premises at
4 night?

5 A I am there every single day.

6 Q Until how late?

7 A Sometimes I have to say 24 hours. It
8 depends on the kind of the problem that the
9 restaurant has.

10 Q And there were nightlife events at the
11 premises involving DJs?

12 MR. KLINE: Objection. Go ahead
13 translating. I'm sorry.

14 THE WITNESS: Yes.

15 CHAIRPERSON ANDERSON: Is there an
16 objection, Mr. Kline?

17 MR. KLINE: Yes. That seemed to be a
18 statement, not a question.

19 CHAIRPERSON ANDERSON: Mr. Melcher,
20 are you asking her a question?

21 MR. MELCHER: She said yes. But if I
22 have to rephrase it, I will.

23 CHAIRPERSON ANDERSON: All right. She
24 answered. Let's move on.

25 MR. KLINE: I'll withdraw it. She

1 answered it.

2 CHAIRPERSON ANDERSON: Gentlemen, this
3 is going to be a long night and I need us to just
4 stay on point. All right. Go ahead, sir.

5 BY MR. MELCHER:

6 Q Did there come a time when your son
7 was organizing nighttime events at the
8 establishment?

9 MS. TOROASSIAN: The witness is asking
10 me to repeat. Shall I repeat?

11 CHAIRPERSON ANDERSON: Can you repeat
12 your question, Mr. Melcher?

13 BY MR. MELCHER:

14 Q Did your son organize nightlife events
15 at Rosemarino for a period of time?

16 A Yes, but always asking me first.

17 Q What is your understanding of what
18 those nightlife events involved?

19 A I'll let my son answer that question.

20 CHAIRPERSON ANDERSON: All right.
21 Tell her that her son can't answer for her. If
22 she does not know and she cannot answer a
23 question, say I don't have an answer, but she has
24 to answer the question.

25 THE WITNESS: Okay, perfect.

1 BY MR. MELCHER:

2 Q So what is your understanding of the
3 nightlife events that your son was organizing?

4 A I'm not going to answer that.

5 CHAIRPERSON ANDERSON: Ma'am, you need
6 to answer the question. If you cannot answer the
7 question, say I cannot answer, but you cannot
8 state that I'm not going to answer the question
9 now. You're being asked a question -- hold on.

10 Tell her I don't want her to look at
11 her son -- I'm sorry -- the person sitting next
12 to her. I don't want her to look at that person.
13 And I do not want her to have any conversation
14 with the person next to her.

15 THE WITNESS: Okay. I'm sorry.

16 BY MR. MELCHER:

17 Q What was going on during the nightlife
18 events that your son was organizing?

19 A I don't know.

20 Q Were you physically present for any of
21 those events?

22 A Yes.

23 Q Okay. Can you describe for me those
24 events?

25 A To me, the events are mainly dancing,

1 getting entertained, and that's it.

2 Q Were there DJs?

3 A Yes.

4 Q Did you use promoters?

5 A Yes.

6 Q Did you require cover charges?

7 A Yes.

8 Q Did you give free drinks to people,
9 pouring liquor directly into people's mouths from
10 bottles?

11 MS. TOROASSIAN: I'm sorry. Can you
12 repeat that question?

13 BY MR. MELCHER:

14 Q Did your establishment give free
15 liquor to people, pouring drinks directly into
16 their mouths from bottles?

17 A No, never.

18 Q Did you ever see drugs being used at
19 the establishment during those events?

20 A No.

21 Q Approximately how many times did the
22 establishment have DJs; how many nights?

23 A I don't remember.

24 Q Did you receive neighbor complaints
25 regarding the operations of the establishment?

1 A Yes.

2 Q Okay. Was that while Rosemarino was
3 having these nighttime events?

4 A Yes.

5 Q Okay. Did the complaints occur before
6 Rosemarino started having those events?

7 A No.

8 MR. MELCHER: I don't have any further
9 questions.

10 CHAIRPERSON ANDERSON: Board members?

11 I need to get off the record for a
12 minute. My screen -- I need to call my IT
13 person. I'm not sure.

14 (Whereupon, the above-entitled matter
15 went off the record at 5:00 p.m. and resumed at
16 5:05 p.m.)

17 CHAIRPERSON ANDERSON: We're back on
18 the record. Let me apologize. I had no idea
19 what was going on so I did not want in the middle
20 of the hearing that you'd lose me. That's why I
21 decided to call our IT person. Something is
22 going on with this laptop.

23 All right. So we're back on the
24 record. I think where we are -- are there any
25 questions by any Board members of this witness?

1 I saw you, Mr. Short. Hold on one
2 minute. I'm trying to make sure all the other
3 Board members are here. All right. Mr. Short
4 has some questions. Go ahead, Mr. Short.

5 MEMBER SHORT: Yes. I'd just like to
6 ask Ms. Espinoza -- please forgive me for
7 butchering your name -- were you aware that there
8 were violations issued to your business regarding
9 nightlife?

10 THE WITNESS: No.

11 MEMBER SHORT: You were not aware ever
12 of any violations that your restaurant received
13 from this agency, the ABCA Agency? You are
14 unaware of any violations ever?

15 THE WITNESS: Unfortunately, I didn't
16 know.

17 MEMBER SHORT: Can I ask her what she
18 didn't know?

19 THE WITNESS: I didn't know what risks
20 we had when we were operating the entertainment
21 part of the business.

22 MEMBER SHORT: Can you repeat that,
23 Ms. Interpreter?

24 THE WITNESS: I didn't know what part
25 of the business we were violating when operating

1 the entertainment.

2 MEMBER SHORT: Can you ask her does
3 she remember how much fines she had to pay?

4 THE WITNESS: Not exactly.

5 MEMBER SHORT: Did she pay all of her
6 fines?

7 THE WITNESS: Yes.

8 MEMBER SHORT: Thank you. That's all
9 I have, Mr. Chair.

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

12 Mr. Melcher, do you have any questions
13 of the witness based on the questions that were
14 asked by Mr. Short?

15 MR. MELCHER: I'm not 100 percent
16 certain it's in scope. I'd like to ask the Board
17 to take judicial notice of the Applicant's
18 substantial change application and I'd like to
19 show it on the screen.

20 CHAIRPERSON ANDERSON: What's the
21 relevance at this juncture?

22 MR. MELCHER: Okay. I'll just put my
23 cards on the table. The substantial change
24 application has a question number 16. It says,
25 has there been any administrative adjudicatory

1 action taken against you regarding ABC violations
2 in the District of Columbia?

3 The box is checked off no. The
4 investigative report says that there were
5 violations. So I want to understand whether she
6 answered that question truthfully and honestly,
7 and I think that goes to the question that you
8 just heard from Mr. Short.

9 CHAIRPERSON ANDERSON: As part of the
10 -- I'm sorry. She needs to translate.

11 MS. TOROASSIAN: I lost track because
12 it was too long. Can you please divide it into
13 two? What is the violation? I didn't get that
14 part.

15 MR. MELCHER: I wasn't asking a
16 question to the witness. I was explaining to the
17 Chairman that what I want to ask about is a
18 response on the entertainment endorsement
19 application to question number 16, which asks,
20 has there been any administrative adjudicatory
21 action taken against you regarding ABC violations
22 in the District of Columbia?

23 MS. TOROASSIAN: Okay, one second.
24 One moment, please. I don't have it in front of
25 me. If you read it that fast, I'm not going to

1 remember all the details. I asked to divide it
2 into chunks so I don't miss any detail. That's
3 what I'm asking, please.

4 MR. MELCHER: Okay.

5 MS. TOROASSIAN: Okay.

6 MR. MELCHER: I was asking the
7 Chairman to allow me to take judicial notice of
8 the entertainment endorsement application.

9 CHAIRPERSON ANDERSON: I will take
10 judicial notice of that factor. I'm looking at
11 our case report. And the case report that's in
12 this record, it has investigative history. There
13 are four events that are listed.

14 So whatever the application states,
15 whether it's correct or not, as part of her
16 determination we'll look at the investigative
17 history of this case to make whatever decision we
18 need to make, okay? So yes.

19 MR. MELCHER: Okay. I'd like to show
20 the application.

21 CHAIRPERSON ANDERSON: Mr. Orellana,
22 can you allow Mr. Melcher to share his screen?

23 MR. KLINE: Mr. Chairman, I object on
24 two bases. Number one, this is beyond the scope
25 of direct. Number two, it is his case where he

1 would ask that judicial notice or administrative
2 notice be taken, not in our case.

3 So I think this is premature. And I
4 also think that this is beyond the scope of
5 direct. That's my objection.

6 CHAIRPERSON ANDERSON: Mr. Kline, I'm
7 going to overrule the objection. This is cross-
8 examination. He's attempting to impeach the
9 credibility of the witness by using this document
10 that, in his view, he states that based on the
11 investigative history of the establishment, the
12 form that the Licensee submitted to the agency is
13 incorrect.

14 MR. MELCHER: Do we need to catch up
15 on the translating, Mr. Chairman?

16 CHAIRPERSON ANDERSON: I stopped for
17 her to translate.

18 MS. TOROASSIAN: Yes, but there were
19 four other people talking. I am afraid I cannot
20 do my job correctly if you don't pause and wait
21 before another speaker.

22 CHAIRPERSON ANDERSON: All right.
23 Ma'am, listen. This is what I need you to just
24 tell her.

25 MS. TOROASSIAN: Okay.

1 CHAIRPERSON ANDERSON: There was an
2 objection by the attorney.

3 MS. TOROASSIAN: Okay.

4 CHAIRPERSON ANDERSON: I overruled the
5 objection. And that's all. That's all that
6 occurred. Let's move on.

7 MS. TOROASSIAN: Please, I don't want
8 to interrupt, but please pause every other
9 speaker because I can't keep up otherwise.

10 CHAIRPERSON ANDERSON: Yes, ma'am.
11 All right.

12 MS. TOROASSIAN: Thank you.

13 CHAIRPERSON ANDERSON: Mr. Melcher,
14 let's move on. Let's move on.

15 BY MR. MELCHER:

16 Q Ms. Espinoza, did you sign the
17 application for entertainment endorsement, which
18 is the subject of this hearing?

19 A Yes.

20 Q Are you able to see the document on
21 the screen saying Entertainment Endorsement
22 Application?

23 MR. CAMACHO: Give me one moment. I'm
24 zooming in for my mother.

25 CHAIRPERSON ANDERSON: Mr. Melcher is

1 the one who needs to zoom it in for us to see.

2 Not you, sir.

3 MR. CAMACHO: I'm sorry.

4 MR. MELCHER: Is there a particular
5 part that you would like me to zoom in on?

6 CHAIRPERSON ANDERSON: We can't see
7 the form, sir. Yes. You need to zoom it in so
8 we can see it because it's very small.

9 MR. MELCHER: Okay. This is the first
10 attempt to share something.

11 CHAIRPERSON ANDERSON: Let's stop a
12 minute. I thought you just wanted me to take
13 administrative notice. Why are we going through
14 the form with this witness, sir?

15 MR. MELCHER: Okay. I'll just ask
16 questions.

17 BY MR. MELCHER:

18 Q Ms. Espinoza, did you disclose in your
19 application for entertainment endorsement that
20 there were prior violations for your
21 establishment?

22 CHAIRPERSON ANDERSON: Let's move on
23 from this issue. Let's move on from here, sir.
24 In our investigative history it clearly states
25 that there are violations.

1 MR. KLINE: Mr. Chairman, if I may --
2 oh, the translator. I'm sorry.

3 CHAIRPERSON ANDERSON: Let's move on.

4 MR. MELCHER: Mr. Chairman, I haven't
5 heard an explanation for the discrepancy.

6 MR. KLINE: I had an objection.
7 What's the discrepancy? It assumes facts that
8 are not in evidence.

9 MR. MELCHER: The discrepancy is that
10 the entertainment endorsement application says
11 that there were no violations, but the
12 investigative report says that there were.

13 CHAIRPERSON ANDERSON: Mr. Melcher,
14 you have made your point.

15 MR. MELCHER: Okay.

16 CHAIRPERSON ANDERSON: Let's move on
17 from this.

18 MR. MELCHER: Okay.

19 CHAIRPERSON ANDERSON: We have 13 or
20 14 more witnesses.

21 MR. MELCHER: I appreciate that.
22 Thank you.

23 CHAIRPERSON ANDERSON: Do you have
24 another question, sir?

25 MR. MELCHER: No.

1 CHAIRPERSON ANDERSON: Mr. Kline, do
2 you have any redirect?

3 MR. KLINE: I do not.

4 CHAIRPERSON ANDERSON: Thank you, Ms.
5 Espinoza, for your testimony. You, however, have
6 to stay for the duration of this hearing.

7 Do you have another witness, Mr.
8 Kline?

9 MR. KLINE: I do. But before I do
10 that, I would request that the Board take
11 administrative notice. I did not object to Mr.
12 Short's questions, but if one looks at the
13 investigative report, there's no mention of a
14 violation involving entertainment.

15 And I would ask that the Board take
16 judicial administrative notice of that fact. I'm
17 sure the question was --

18 MS. TOROASSIAN: I'm sorry to
19 interrupt, but please pause.

20 MR. KLINE: I'll call the next
21 witness. We call Edward Camacho.

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

1 MR. CAMACHO: Yes.

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

4 MR. CAMACHO: My name is Edward
5 Camacho, E-D-W-A-R-D, last name --

6 CHAIRPERSON ANDERSON: I think you
7 need to wait for him to finish spelling his name,
8 ma'am, before you start to translate.

9 MR. CAMACHO: It's okay.

10 CHAIRPERSON ANDERSON: He wasn't done
11 spelling his name. I think that part is easy.

12 MS. TOROASSIAN: It is very easy but
13 whenever there is a pause, I seize the
14 opportunity to interpret because nobody is
15 pausing. I apologize.

16 CHAIRPERSON ANDERSON: All right. One
17 of the reasons why I ask this is because of the
18 court reporter.

19 So Mr. Camacho, just spell your name.

20 MS. TOROASSIAN: I understand. I
21 don't want to make anybody's job difficult but
22 I'm trying to do mine. That's all. I'm sorry.

23 MR. CAMACHO: I'll start again. My
24 name is Edward Camacho, E-D-W-A-R-D, last name is
25 Camacho, C-A-M-A-C-H-O.

1 CHAIRPERSON ANDERSON: Thank you, sir.

2 Your witness, Mr. Kline.

3 MR. KLINE: Thank you.

4 WHEREUPON,

5 EDWARD CAMACHO

6 was called for examination by Counsel for the
7 Licensee, having been first duly sworn, assumed
8 the witness stand, was examined and testified as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. KLINE:

12 Q Mr. Camacho, what is your involvement
13 with this business?

14 A I am the general manager. And I also
15 seek out more interest in the restaurant with my
16 mother.

17 Q And how long have you been involved in
18 the restaurant?

19 A For about eight years.

20 Q But this restaurant has only been open
21 five, correct?

22 A Correct.

23 Q So when you say eight years, what are
24 you talking about?

25 A I was working with my mother at the

1 other restaurant in Del Ray at 1905.

2 MR. KLINE: I believe Mr. Mixon has
3 fixed his sharing problem, and I would ask that
4 he be given privileges so that we can post an
5 exhibit.

6 CHAIRPERSON ANDERSON: Mr. Orellana,
7 can you please allow Mr. Mixon to share his
8 screen, please?

9 MR. MIXON: The menu exhibit is
10 entered.

11 CHAIRPERSON ANDERSON: What are we
12 looking at?

13 THE WITNESS: You are looking at our
14 menu. So we have a combination of 20 different
15 regions' dishes from northern and southern
16 regions of Italy.

17 BY MR. KLINE:

18 Q And is this menu available on a
19 consistent basis?

20 A Yes.

21 Q Is this menu or something like it
22 what's been offered in the restaurant since its
23 opening?

24 A Yes.

25 MR. KLINE: Mr. Chair, I'd move

1 Applicant's Exhibit 1.

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

5 CHAIRPERSON ANDERSON: Any objection,
6 Mr. Melcher?

7 MR. MELCHER: No.

8 CHAIRPERSON ANDERSON: So moved
9 Exhibit 1.

10 (Whereupon, the above-referred to
11 document was received into evidence as
12 Applicant Exhibit 1.)

13 MR. KLINE: As long as we're doing
14 this, Mr. Mixon, will you put up Exhibit 4,
15 please?

16 (Pause.)

17 BY MR. KLINE:

18 Q Mr. Camacho, can you tell the Board
19 what's depicted in that video, Exhibit 4?

20 A That is our dinner rush on a Saturday.

21 MR. KLINE: And Mr. Mixon, if you
22 could put up Exhibit 5?

23 CHAIRPERSON ANDERSON: We saw what it
24 was. You just didn't play it.

25 (Pause.)

1 BY MR. KLINE:

2 Q Mr. Camacho, can you tell the Board
3 what's depicted in Exhibit 5?

4 A That is also our dinner rush as well.

5 Q Were these videos taken the same
6 night?

7 A Yes.

8 MR. KLINE: Mr. Mixon, you can stop
9 sharing now.

10 BY MR. KLINE:

11 Q Approximately when were they taken?

12 A I want to say between 8:00 -- 7:30
13 between 9:00.

14 Q When in terms of time period and in
15 terms of what month; approximately how long ago
16 were they taken?

17 A That was taken in October.

18 Q Of what year?

19 A 2023 -- give me a second. I'm sorry,
20 2022. Excuse me. I got the year wrong, sorry.

21 Q And what night of the week?

22 A It was a Saturday.

23 Q Is that typical and representative as
24 to what dinner service looks like on a Saturday
25 night at Rosemarino D'Italia?

1 A Yes. For Fridays, Saturdays, Sundays
2 as well when it comes to dinner services, yes.

3 MR. KLINE: I would move Applicant
4 Exhibits 4 and 5.

5 (Whereupon, the above-referred to
6 documents were marked as Applicant
7 Exhibits 4 and 5 for identification.)

8 CHAIRPERSON ANDERSON: Objection?

9 MR. MELCHER: No.

10 CHAIRPERSON ANDERSON: So moved.

11 (Whereupon, the above-referred to
12 documents were received into evidence
13 as Applicant Exhibits 4 and 5.)

14 BY MR. KLINE:

15 Q Mr. Camacho, prior to any changes in
16 format, is that how the business operated on a
17 regular basis?

18 A Yes.

19 Q Did there come a time that you felt
20 that there needed to be certain changes?

21 A Yes.

22 Q When was that and why was that?

23 A This happened when COVID hit. This
24 was the most crucial moment that me and my mother
25 had to go through. We had to come to a point to

1 decide closing the restaurant.

2 Q So what did you do in the face of
3 that?

4 A Me and my mother were trying to figure
5 out some alternatives to attract foot traffic
6 because it was a very empty ghost place on
7 Connecticut Avenue. So me and my mother were
8 thinking about doing one day out of the week,
9 which was a Sunday, to bring some entertainment
10 in, some enlightening to our place.

11 Q I think you weren't done. So I'll ask
12 another question, but I don't think you finished
13 your answer.

14 A No, I didn't finish. I was just
15 waiting for her to finish translating. I know
16 it's a lot.

17 MS. TOROASSIAN: Thank you for
18 pausing.

19 THE WITNESS: You're welcome. It's
20 just a very emotional speech.

21 We had to come up with some ideas to
22 keep afloat because we had to let go of a lot of
23 people. And it was just me and my mother inside
24 the business. So to create only the weekends,
25 which was just the Sunday at first, is how we

1 started off with the entertainment.

2 And then gradually, a few months
3 afterwards we started with Saturday, but we
4 didn't want to exercise any more days because our
5 focus was more the restaurant. This was just an
6 add-on to pay our dues and pay our debts to what
7 we owed for that place.

8 BY MR. KLINE:

9 Q What was the nature of the
10 entertainment that you began offering?

11 A Can you repeat your question? I'm
12 sorry. It was going in and out.

13 Q What was the nature of the
14 entertainment that you began offering?

15 A The idea was for us to bring music,
16 bring a DJ onboard. But during that period of
17 time, that was the only thing for the clients to
18 know that it was a night of enjoyment, to come
19 inside the venue. So that was our proposed idea.

20 Q Were you aware when you did that that
21 you were required to have an entertainment
22 endorsement approved by this Board?

23 A No. During that time I wasn't aware.
24 I had to seek out some support to figure out what
25 is the proper way for us to continue on.

1 Q What did you do with respect to
2 offering entertainment when you learned that the
3 restaurant was required to have an entertainment
4 endorsement to offer such entertainment?

5 A We immediately stopped. And me and my
6 mother spoke about it and tried to go based upon
7 what our license was, the requirements for us to
8 continue on.

9 Q And did the restaurant apply for an
10 entertainment endorsement?

11 A Yes. As soon as we found out, we
12 immediately went through the process of applying.

13 Q Now, that initial application was
14 withdrawn on the eve of the hearing; is that
15 correct?

16 A That is correct.

17 Q And why was that done?

18 A From that timely manner when we first
19 applied, we had no knowledge from the neighbors
20 of a message made with complaints. And me and my
21 mother spoke and we decided to say, hey, we
22 believe that we need to continue on and stop what
23 we have to do to make sure that we are fully
24 preparing ourselves for the next time we continue
25 to do this.

1 Q If the restaurant is granted an
2 entertainment endorsement, will your program of
3 entertainment differ in any way from what you
4 were offering before?

5 A Yes, most definitely.

6 Q And how will it differ? What will be
7 different?

8 A With the opportunity of taking a year
9 of not doing any entertainment and withdrawing
10 our application due to our counsel providing us
11 some great ideas, we decided to take the
12 opportunity to grasp ourselves and make sure that
13 we're going to properly train our staff.

14 And we have the recommendations to now
15 move forward with NSC, which is Robert Smith's
16 program for alcohol and service rules and
17 regulations, alcohol service and liabilities,
18 Security Guard Initial Training 2023 for them to
19 be in top protocol to make sure that we are
20 recruiting people to work with us in the field
21 that DC --

22 MS. TOROASSIAN: One moment, please.

23 THE WITNESS: Sorry.

24 BY MR. KLINE:

25 Q All right. You were continuing.

1 A I was continuing. We're not seeking
2 for any further days to do entertainment. We're
3 only looking to do a Saturday and a Sunday.
4 Saturday from 11:00 to 3:00, Sunday from 6:00 to
5 midnight, even though our license requires us
6 until 2:00, but we're not seeking for any further
7 hours. We're only going to be utilizing those
8 two days after our services from the restaurant.

9 And those services would be bringing
10 a DJ onboard to play all genres of music on the
11 mezzanine. That's our second floor that could
12 hold up to a capacity of 40 people. And that
13 will allow people to sit down and grab a cocktail
14 because we have a bar on our second floor as
15 well.

16 And to the main floor, we will have a
17 standing bar and a few tables for people to buy
18 drinks, as well for the bottle service if they
19 want with big groups only.

20 We have our limitations policy for
21 people to come in dress code, attire appropriate.
22 Physical IDs are going to be checked. We are
23 also working with our new POS system to scan IDs
24 as well.

25 CHAIRPERSON ANDERSON: Could I ask a

1 question? I know that this is her son and it's
2 her business partner. Is it that Ms. Espinoza -
3 - this is her call that we translate the question
4 that's been asked by the attorney, but do we need
5 to translate the response that's given by her
6 son?

7 MS. ESPINOZA: No. I'm okay if you
8 want to move on.

9 CHAIRPERSON ANDERSON: All right.
10 What we'll do, we'll translate the question
11 that's been asked of the son, but you don't have
12 to translate his answers.

13 MS. TOROASSIAN: Understood.

14 CHAIRPERSON ANDERSON: Go ahead.

15 MS. ESPINOZA: Okay.

16 BY MR. KLINE:

17 Q All right. Mr. Camacho, if an
18 entertainment endorsement is granted to allow
19 entertainment Sunday nights until midnight, what
20 will be the plan of entertainment? What are the
21 thoughts? What do you intend to do on Sunday
22 nights?

23 A So we always have a last call 30
24 minutes before closings, so that's one thing that
25 we're looking to establish as well. We have also

1 given a one-hour limit policy for people that
2 after an hour before closings, they cannot come
3 inside the venue due to not giving them the
4 misconception that they can stay a little bit
5 longer if we're closing in 30 minutes. I don't
6 want to get them feeling that they're limited to
7 a certain time.

8 Q Okay. That's great but that's not my
9 question.

10 A I'm sorry.

11 Q My question to you is if you're going
12 to offer entertainment on Sunday night, if the
13 Board decides to grant an entertainment
14 endorsement and allow entertainment in Rosemarino
15 D'Italia on Sunday nights until midnight, what
16 entertainment are you going to offer? What's
17 going to be the program? What are you going to
18 do?

19 A We're going to be playing music --

20 CHAIRPERSON ANDERSON: Mr. Camacho?

21 THE WITNESS: Yes.

22 CHAIRPERSON ANDERSON: We're still
23 having the question being translated, not the
24 answer.

25 THE WITNESS: Sorry. The program

1 would be for Sunday is to allow the DJ to play
2 all types of music during rush. We are also
3 requesting for a full security detail to be
4 present at both sections of the layout of the
5 venue, the first and second floor.

6 We will also be requesting for RDO as
7 well. That's part of the license for us to
8 continue to move forward. And we are requesting
9 for Saturday and Sunday as well.

10 BY MR. KLINE:

11 Q All right. We'll move on to that
12 then.

13 A Okay.

14 Q In terms of the measures that you will
15 put in place if you're granted an entertainment
16 endorsement, you've mentioned RDO.

17 A Yes.

18 Q And RDO is reimbursable detail, just
19 so we're all clear for the record?

20 A Yes.

21 Q And you will have security staff?

22 A Yes.

23 Q And how many security staff will you
24 have on the nights that RDO is there?

25 A Eight.

1 Q And you're aware there have sometimes
2 been difficulty staffing RDO?

3 A I am aware.

4 Q Will you make any changes with respect
5 to security staffing on those nights when you
6 might be unable to get RDO despite timely
7 requests?

8 A I will add two additional security
9 guards on top of the eight.

10 Q And in terms of training, do you plan
11 to have the security personnel trained in any
12 specific way?

13 A Yes. All security guards will be
14 trained under NSC, which is Robert Smith's
15 program. It's called Security Guard Initial
16 Training.

17 Q And have you identified someone to
18 head up the security staff?

19 A Yes. He is also the gentleman that's
20 on the calling list. His name is Devon Blake.

21 Q Okay. So we will be hearing from him
22 later?

23 A Yes.

24 Q Okay. On Saturday nights will the
25 program of entertainment be any different?

1 A No. It will be the same.

2 Q All right. And you're not planning on
3 offering any dancing at this point; is that
4 correct?

5 A Correct.

6 Q Is there anything else that I may have
7 missed that you plan to do with respect to
8 policing your establishment or making sure that
9 the offering of entertainment does not create a
10 disturbance in the neighborhood?

11 A Our biggest encounter was last year
12 when me and my mother first started this off. We
13 had not much information, no guidance of how we
14 were supposed to operate this.

15 So during that period of time, yes, we
16 did utilize DJs without the awareness that we
17 need a license. We utilized promoters that we
18 thought to ourselves it also impacted our
19 restaurant and our reputation as well of what we
20 want to conduct.

21 So going forward, when we withdrew our
22 license, one year going forward of timing for us
23 to create the intentions of reapplying for our
24 entertainment, those are the guidelines that we
25 want to move forward. We're not going to utilize

1 promoters.

2 Q All right. So you're not going to use
3 promoters. What about pat-downs or searching for
4 weapons? Are you going to implement any
5 procedure to make sure that weapons do not enter
6 your establishment?

7 A Yes. We do pat-downs. That is one
8 thing we've always done prior to, so that is one
9 thing. And we've also purchased security guards
10 for us to be embedded in their ear, for walkie-
11 talkies to get in contact with the bartenders,
12 management, and me and my mother as well since
13 we're in the office conducting and going over the
14 cameras.

15 Our bar manager reports to us any
16 inconvenience or if there's any encounters with
17 any clientele that we report to everyone in that
18 walkie. And then we also have a metal detector
19 wand as well in case for future purposes, if we
20 needed it.

21 Q And you'd be willing to institute that
22 if necessary or if required by this Board?

23 A Yes.

24 THE WITNESS: Sorry. You can
25 translate that if you want. Sorry.

1 BY MR. KLINE:

2 Q During the course of the last -- I
3 don't know -- year or year and a half, you've had
4 some interaction with the community concerning
5 the establishment and issues perceived by the
6 community; is that correct?

7 MS. TOROASSIAN: I'm sorry. Can you
8 repeat the last part? I couldn't hear it.

9 MR. KLINE: Okay.

10 BY MR. KLINE:

11 Q My question was, during the course of
12 the last year and a half, have you had occasion
13 to interact with the community concerning the
14 establishment and the issues that they have
15 raised concerning the establishment?

16 A Yes.

17 Q Were you at one time asked to monitor
18 the racial makeup of those entering your
19 establishment?

20 A Yes.

21 Q And what was the context of that
22 request?

23 CHAIRPERSON ANDERSON: Hold on,
24 please. Is there an objection, Mr. Melcher?

25 MR. MELCHER: Yes. The objection is

1 hearsay. This is going to spiral out of control
2 into accusing people of being racist. Who are
3 the people --

4 CHAIRPERSON ANDERSON: I don't know
5 where we're going.

6 MR. MELCHER: The objection is
7 hearsay.

8 CHAIRPERSON ANDERSON: I don't know
9 where we're going. I want to tread lightly. So
10 I don't know where he's going. Let me see. I
11 know you have an objection, so let me see where
12 we're going with this.

13 MR. MELCHER: Okay.

14 BY MR. KLINE:

15 Q What was the context of that request?

16 A This was about a year and half when it
17 was just me and my mother without the support or
18 knowledge of who we were supposed to reach or get
19 in contact with. My go-to person from the Dupont
20 Association was for me to get in contact with Meg
21 Roggensack, Mike Silverstein, and another
22 gentleman.

23 During that time, there was some
24 altercations between the three for another venue
25 that's in front of me. That's the Signature

1 Lounge. They contacted me in a private
2 discussion to have me sign a settlement
3 agreement.

4 They were discussing about who comes
5 inside the venue, what's the percentile of the
6 people that come inside the venue. This was now
7 about -- I don't know how to respond to that, in
8 my opinion. So that was a little difficult
9 moment for me to go forward with.

10 As soon as that was held, I told my
11 mother about it. I didn't know how to respond to
12 that question. So we continued on with the
13 discussion about them offering me a settlement
14 agreement, and them reassuring that they're not
15 going to allow Signature Lounge to be open.

16 MR. KLINE: All right. I think you've
17 answered the question.

18 I don't have any further questions of
19 the witness at this time.

20 CHAIRPERSON ANDERSON: We're going to
21 go back to our traditional -- I need you to
22 translate what was the question and the answer,
23 please.

24 MS. TOROASSIAN: Okay. Thank you.

25 CHAIRPERSON ANDERSON: Go ahead, Mr.

1 Melcher.

2 MR. MELCHER: Thank you, Mr. Chairman.

3 CROSS-EXAMINATION

4 BY MR. MELCHER:

5 Q Mr. Camacho, when did you become aware
6 of the need for an entertainment endorsement?

7 A I have my emails that I associated
8 when I got in contact with Meg Roggensack. But
9 the person who sent me that information was Bill
10 McLeod, who was part of the Dupont Association
11 from that period. And then that's when I asked
12 how does the process work for us to get
13 entertainment.

14 And then that's when I realized we
15 cannot continue with the DJs. And so we had to
16 stop that and then continue with what we had
17 already with our license, which is a tavern C.

18 Q Okay, but I asked when. I didn't hear
19 the answer to that. So when?

20 A This was when we first started off.
21 I want to say three, four months, a few months
22 afterwards. I would have to check my emails but
23 I could provide it to you later, if you'd like.

24 Q Okay. So you don't know; is that
25 correct?

1 A At the current moment, I don't have
2 the date in front of me since I'm looking at the
3 screen. Like I said, I could send you the emails
4 that were exchanged between me and Meg Roggensack
5 when we first interacted about getting the
6 entertainment.

7 Q When is the last time you used DJs at
8 the establishment?

9 A Like I said, this was when we first
10 started, me and my mother, by bringing DJs
11 onboard without the recognition that we needed
12 this license. As soon as I found out, by me
13 asking neighbors who is the person who is
14 involved with the business association, they got
15 me in contact with Meg Roggensack.

16 So this was three, four months when we
17 found out that we needed entertainment
18 endorsements. And that's where we stopped.

19 From that point on, we were told an
20 ABRA inspector -- we were told that they were
21 going to come visit us. And from that point on,
22 we gave them a full tour of the restaurant. They
23 did indicate to fine any DJs going forward.

24 Q Okay. So again, I just asked when.
25 If you don't know, you don't know.

1 A I don't have the date in front of me,
2 no. Like I said, once we're done I could send
3 you the emails that we were exchanging. And then
4 that's when we took forward --

5 Q Did you use DJs in early 2022?

6 A Did I use DJs in early 2022? No
7 because once we started -- when COVID really
8 started happening and we were able to get foot
9 traffic come in our doors, like I said, this was
10 a few months after I got in contact with Meg
11 Roggensack.

12 So I'd have to double check. The
13 moment when we found out that we needed
14 entertainment, that's where we took a pause
15 immediately without DJs.

16 And then we did have a few ANC
17 neighbors send phone calls for inspectors to come
18 inside our venue to look for DJs. We showed them
19 an iPad playing music. They have pictures of it
20 as well. They took a few snaps of photos and
21 videos of it as well.

22 Q Did you continue having these
23 nighttime events after stopping using DJs?

24 A Yes. We followed the exact protocol,
25 what the tavern C license required us to do,

1 which was play a pre-recorded mix for the hours
2 that they provided to us. And so we just took
3 the initiative of doing that. And we only did it
4 for Saturday and Sunday. We didn't push for any
5 other days. We didn't seek to --

6 Q Did there come a time when you stopped
7 having the nighttime events?

8 A Yes. And that happened when -- and
9 this was very upsetting because it took a lot of
10 neighbors to think that what we were doing for
11 the nights was a scandal or was fictitious for
12 the restaurant.

13 And it was very insulting to me and my
14 mom because our first passion was the Italian
15 cuisine. It took my mom 20 years to study under
16 an Italian chef to work --

17 MR. MELCHER: Okay. Can I cut the
18 witness off, Mr. Chairman? I just asked did
19 there come a time.

20 CHAIRPERSON ANDERSON: Mr. Melcher,
21 you asked him a question. If you want him to
22 answer yes or no, you need to ask him that, but
23 you can't cut him off from responding. This is
24 cross-examination, sir. You need to ask him
25 questions where you put him in a box.

1 MR. MELCHER: Well, I just asked did
2 there come a time. That's it. I was just asking
3 did there come a time.

4 THE WITNESS: Can you repeat your
5 question one more time so I can give you a
6 shorter answer?

7 BY MR. MELCHER:

8 Q Did there come a time when you stopped
9 having the nighttime events?

10 A Yes.

11 Q Why did you stop having the nighttime
12 --

13 MS. TOROASSIAN: I'm sorry. I cannot
14 translate like this. You have to pause.

15 CHAIRPERSON ANDERSON: Hold on. I
16 need to remind -- Mr. Melcher, you ask a
17 question. Mr. -- I'm sorry. Your name again,
18 sir?

19 THE WITNESS: Edward. Sorry about
20 that.

21 CHAIRPERSON ANDERSON: You need to
22 wait for it to be translated. And, please, in
23 giving your response, allow the translator an
24 opportunity to translate for your mother.

25 THE WITNESS: Yes, sir.

1 CHAIRPERSON ANDERSON: She made it
2 known to us that you needed a translator. And
3 so, this is why we're going through this
4 exercise.

5 THE WITNESS: Yes, sir.

6 CHAIRPERSON ANDERSON: All right, go
7 ahead, Mr. Melcher.

8 THE INTERPRETER: Thank you.

9 BY MR. MELCHER:

10 Q Okay, I'll ask one more time, did
11 there come a time when you stopped having
12 nighttime events? Yes, or no?

13 A We stopped doing the nighttime once we
14 found out that we would withdraw entertainment
15 application. And that's what --

16 Q Why did you stop having the nighttime
17 events?

18 A As I responded to the first response
19 there was very insulting when a lot of neighbors
20 were trying to attack us that the nighttime was a
21 scandal, and the restaurant was fictitious, and
22 it wasn't real. And we -- sorry, go ahead.

23 THE INTERPRETER: Please pause.

24 THE WITNESS: We had a neighbor tell
25 us that we are bringing the ghetto and we are

1 devaluing property. And me and my mother, we
2 have a very strong heart and strong heads. So we
3 told ourselves that we needed this opportunity of
4 the night when it came to COVID. And we had
5 support for it.

6 But our restaurant continued going
7 every day. Which never stopped, me and my mother
8 continued on doing. Which is why we still have
9 our other restaurants. Which is why we still
10 love what we do.

11 BY MR. MELCHER:

12 Q Did anyone in the neighborhood
13 complain about Rosemarino having restaurant
14 operation?

15 A A few neighbors did, actually. When
16 we first came on Board, we were the first
17 business to come in. And there's other
18 competitive Italian restaurant cuisines.

19 And I came, when I came from the other
20 restaurants, to find out who is the neighbors,
21 greet the neighbors. And we didn't get the same
22 treatment in return.

23 But we continued to work on our
24 passion. We continued to market ourselves to
25 attract other clients in the radius of D.C. to

1 come support our business, and which is why we're
2 still here five years later.

3 Q What is the capacity of your
4 restaurant?

5 A I'm sorry, 115 people.

6 Q I believe I heard you testify that
7 you're planning to have security details of eight
8 security personnel on nights when there are no
9 recent, when there are reimbursable details? Is
10 that correct?

11 A Correct.

12 Q All right. And you're planning to ten
13 when there are no RDOs available?

14 A Correct.

15 Q Why do you need ten security officers
16 when you have a capacity of only 115?

17 A I think this question falls under the
18 person who is in operation of security guards.
19 And then from the research and the gatherings of
20 other business owners that's the recommendations
21 that they gave me.

22 Q What is your understanding of the
23 basis for that recommendation?

24 A I guess when you're in the business
25 with family, and it's your mother, particularly,

1 you want the best for everything else. So I took
2 the opportunity to ask around to other business
3 owners.

4 And sometimes they would reject you
5 and say good luck. But there was other, a few
6 owners that would give you some guidance and some
7 recommendations.

8 So luckily, I got the opportunity to
9 collaborate and ask those questions when needed.
10 To see, hey, how can I support and how can I fix
11 my business of what I did last year to do here
12 today.

13 Q Do you intend to have a Board approved
14 security plan?

15 A Yes.

16 Q I believe you said that you're not
17 going to use promoters? Are you --why do you not
18 want to use promoters?

19 A Can you repeat your question one more
20 time?

21 Q Why are you committing not to using
22 promoters?

23 A Sorry, my internet connection is not
24 working very well. Your -- can you just repeat
25 your question one more time for me, please?

1 Q I'll break it down. My understanding
2 is that you do not intend to use promoters. Is
3 that correct?

4 A Correct.

5 Q Why not?

6 A I realized when we first started off,
7 me and my mother, with ideas of trying to get
8 support from fellow people to bring customers,
9 foot traffic, get on Board and that we thought
10 that that was initial right thing to do.

11 And we didn't know that there was
12 regulations or rulings that we were not supposed
13 to do those. And so, from that -- sorry.

14 THE INTERPRETER: I'm sorry.

15 THE WITNESS: Go ahead. Go ahead.

16 BY MR. MELCHER:

17 Q How many times did you have DJs at the
18 establishment?

19 A We only had DJs for the days of the
20 events, which was just a Saturday and a Sunday.

21 Q So it was every week, twice per week?

22 A Once we learned that we needed
23 entertainment endorsement we stopped, but, yes,
24 to answer your question from the beginning, yes.

25 Q So how many weeks did that continue?

1 A I think you're repeating the same
2 question you asked about how many months, but
3 once we learned that we needed the entertainment
4 endorsement, we stopped.

5 But I could go back to my emails that
6 I spoke with Meg Roggensack, so I can own the
7 exchange and I could own the exchange and I could
8 send that to you.

9 Q Okay, I'm asking you something
10 different, which is for how many weeks did you
11 continue using DJs, twice per week?

12 CHAIRPERSON ANDERSON: Mr. Melcher,
13 all right. I've heard enough of this line of
14 questioning. You still have your nine witnesses.
15 It's 6:16, and you have nine witnesses.

16 Now, I think it's well established
17 that they testified that they had entertainment.
18 They were told that they weren't supposed to have
19 entertainment and they stopped.

20 I don't think it's, it's no longer
21 relevant how long they did it. I think it's
22 established that they broke the law. They stated
23 that they broke the law and they stopped.

24 I'm not quite sure how many times
25 you're going to ask the same question, sir. This

1 is not helpful for the Board. It's they're --
2 it's clearly established.

3 They've stated, we had entertainment,
4 we had DJ, we had all these things wrong, and we
5 did it. Once we were told, we stopped, and we
6 fully complied with the law.

7 I'm not quite sure what else we can
8 get out of the fact, sir, that wasn't that they
9 did it 20 times or 30 times. They stated, we are
10 guilty of violating the process.

11 MR. MELCHER: Okay.

12 CHAIRPERSON ANDERSON: Can we move on
13 from there, sir? I'm not --

14 MR. MELCHER: Does that need to be
15 translated before I can respond? So I asked a
16 really simple question, which is how many times
17 have you used DJs?

18 And I didn't get an answer. So I
19 asked different ways. I'm trying to still find
20 that out. I think it's relevant whether they did
21 this once, versus 20 times, versus 40 times.
22 Each time as a separate violation.

23 And so, I do think it's relevant, if
24 the witness would just answer the question about
25 how many weeks, they continued having DJs twice

1 per week, it would be done, a matter of math. So
2 we could have already gotten over that.

3 MR. KLINE: He's attempted to answer
4 the question to the best of his ability. Mr.
5 Melcher doesn't like the answer. That's
6 unfortunate, but I don't think that merits
7 repeating the same question over and over again.

8 MR. MELCHER: He didn't answer.

9 CHAIRPERSON ANDERSON: I think we need
10 to move on from this. We have already beaten
11 this horse. I think we need to move on, sir.
12 Let's move on.

13 BY MR. MELCHER:

14 Q Okay. Was your establishment
15 affiliated with a promoter known as Allen DMV?

16 A So Allen Nunez was a friend of mine
17 before I even joined the restaurant. And prior,
18 afterwards, once I created the concept of the
19 nightlife for the weekend, I did ask for his
20 support to be a part of the venue, as an
21 acknowledgement for him to get the credibility of
22 us moving forward for the night concept.

23 But once, later down the line, I
24 realized that me and my mother did not like the
25 reputation that it was bringing on Board to the

1 restaurant. So that's where we cut ties, and we
2 realized we did not need any promoters going
3 forward.

4 Q Was there a specific event that caused
5 you to stop affiliating with him?

6 A Yes.

7 Q Can you describe the event?

8 A So in my side, me my mother were
9 talking about this, is that there's an enjoiment
10 for us to do this. There's an enjoiment for
11 people to come inside.

12 And then, for him to voluntarily put
13 himself in a position to get intoxicated, it's
14 not a well representation of what the restaurant
15 looks like.

16 So I think there's a, I think they,
17 they showed me earlier today with what was going
18 on, but, eventually, I asked the security guards
19 to place him inside my vehicle. And then, I
20 would have dropped him off at home. But he was
21 well intoxicated, so he got out of my vehicle and
22 walked away.

23 But from that moment on, it's not my
24 responsibility to take care of another human
25 being who is an adult. And me and my mother

1 realized that that's not the reputation we want
2 for our restaurant.

3 Q Did you continue using promoters after
4 that incident?

5 A Yes, I got the opportunity to work
6 with a few people. And then afterwards, it just
7 went from there, what me and my mother decided.
8 It's not the best fit.

9 We thought it was just one individual
10 that was acting inappropriately by doing
11 something that we should not be handling
12 ourselves.

13 But we realized that some of our clients for
14 the restaurant do come to support our night
15 venues, as well. So we want to give the
16 attention as if we are here too. Give you both
17 doors open for you to come during dinner service,
18 lunch, and then at as well as night.

19 THE INTERPRETER: I'm sorry, you're
20 picking up a little bit for me. The last part,
21 again?

22 THE WITNESS: What was the last part
23 that you heard?

24 THE INTERPRETER: I mean, the last
25 sentence or two, you were breaking up.

1 THE WITNESS: okay. The last sentence
2 was, we utilized promoters afterwards thinking
3 that that was no part of, you know, a rule that
4 we weren't supposed to.

5 THE INTERPRETER: Okay, okay.

6 BY MR. MELCHER:

7 Q During the events that you hosted did
8 you provide alcohol to patrons?

9 A Yes, we did. And we provided free
10 mixed beverages, but it was designed as in a
11 mixer in a bottle, which was designed for Tequila
12 Sunrise, and two other cocktails that were inside
13 a bottle.

14 So we weren't pouring just pure
15 liquor, we were pouring mixed beverages into
16 people, as a way of gratitude of thank you for
17 coming inside the venue.

18 Q And were these beverages being poured
19 directly into people's mouths by your staff?

20 A So we asked each patron that came in,
21 it's either in a shot glass, or we could pour it,
22 but with a count of three seconds which equals to
23 one ounce.

24 THE INTERPRETER: I'm sorry can you
25 repeat that?

1 THE WITNESS: Yes, we asked if the
2 patrons wanted the beverage on us, with the
3 purchase that they, purchased at the restaurant,
4 they buy a cocktail or a few. And then, we
5 either ask them if they want them to be in a
6 serving size of a shot cup, or a per size of one
7 ounce.

8 THE INTERPRETER: Okay, yes.

9 BY MR. MELCHER:

10 Q Did you use bottles with labels?

11 A Yes, when we first realized, we
12 weren't supposed to do that, and you're supposed
13 to rip the label off. So yes, that was the
14 biggest concern that we realized that we weren't
15 supposed to do that.

16 Q How were the bottles labeled?

17 A I'm sorry, can you? Labeled as in?

18 Q Before you took off the labels, how
19 were the bottles labeled that you used to pour
20 liquor into patron's mouths?

21 A As any kitchen or front staff, they
22 will grab a yellow tape, write the label,
23 Sunrise, Hibiscus Sour, and other cocktails.
24 It'll be taped on the side of the bottle.

25 You may see the label of the bottle of

1 the brand, which it was sometimes difficult for
2 us to peel off, but we put yellow tape around it
3 that indicated what was that bottle that being
4 poured out.

5 Q Okay, I'm showing to you a bottle, I
6 don't know if you can see it. Is this the type
7 of bottle that you used for that purpose?

8 A That is an Espolon Reposado, partnered
9 with Southern Glazer's. So there was an image
10 that we put on social media for a program where
11 we will get a sponsorship of --

12 CHAIRPERSON ANDERSON: I'm sorry, hold
13 on, hold on, hold on a minute.

14 THE WITNESS: Sorry.

15 CHAIRPERSON ANDERSON: Mr. Kline is
16 missing. I see --

17 THE WITNESS: I think he lost
18 connection or something.

19 CHAIRPERSON ANDERSON: All right. It
20 says, I see, Mr. Kline is objecting. I don't
21 know. What's going on? Where's Mr. Kline? I see
22 something in the chat. He says, and I'm --

23 MR. MIXON: It would seem to be that
24 he's, sorry, can you hear me?

25 CHAIRPERSON ANDERSON: Yes, Mr. Mixon?

1 MR. KLINE: Can you hear me? This is
2 Kline.

3 CHAIRPERSON ANDERSON: All right, Mr.
4 Kline, okay.

5 MR. KLINE: Thank you. So I'm sorry.
6 My computer decided in the middle of the hearing
7 that it needed to reboot.

8 CHAIRPERSON ANDERSON: And you see,
9 that's one of the reasons why I stopped earlier
10 with my computer. Okay, that's all right.

11 MR. KLINE: So I'm on my iPad. My
12 objection is this is well beyond the scope of
13 direct.

14 CHAIRPERSON ANDERSON: Sustained.

15 MR. KLINE: We are way afield.

16 CHAIRPERSON ANDERSON: Let's, let's
17 move on. Let's, we need to move on, sustained.

18 MR. MELCHER: I'm done Mr. Chairman.

19 THE WITNESS: Thank you. Okay, do I
20 have to mute myself now?

21 CHAIRPERSON ANDERSON: Hold on. Did
22 I? All right, so this was, all right, I'm sorry.
23 Any questions by any Board members? Go ahead,
24 Mr. Grandis.

25 MEMBER GRANDIS: I want to welcome

1 Edward and his mother for the hearing today.
2 Thank you for being here and answering questions.
3 It is a lengthy hearing, but we all are in it
4 together.

5 THE WITNESS: Yes.

6 MEMBER GRANDIS: Just, just for
7 background for you all, I moved on Swann Street
8 on 1800 nlock in 1981. And my law office is on
9 20th Street, which backs up to the Connecticut
10 Avenue block that your building is on.

11 So I just have a few questions about
12 security. Can you, to the Board, let us know
13 that, how many floors will you have an ABC
14 license on?

15 THE WITNESS: So we have three ABRA
16 managers. Two of them that are in here. One is
17 Daisy Garcia, the other one is Alexandra Mejia.
18 And then the third one is our chef, Judy
19 Chrisespirito, who is onboard.

20 THE INTERPRETER: Just a second,
21 please.

22 THE WITNESS: Sorry.

23 THE INTERPRETER: Can you repeat the
24 names.

25 THE WITNESS: Daisy Garcia, Alexander

1 Mejia, and Judy Chriespirito.

2 MEMBER GRANDIS: Thank you. Are they
3 coming through --

4 THE INTERPRETER: One second please.
5 Daisy Garcia, Alexander?

6 THE WITNESS: Mejia.

7 THE INTERPRETER: Okay, and the last
8 one?

9 THE WITNESS: Judy Chriespirito.

10 THE INTERPRETER: Okay.

11 THE WITNESS: To answer your question
12 there's going to be -- so there's two bars. One
13 in the main level and then one on the second
14 level. There's going to be one, up each, on each
15 on each bar, where they're going to be serving
16 alcoholic beverages.

17 MEMBER GRANDIS: So for clarification,
18 I believe it's a multi-story building? And that
19 you referenced, I think you referenced the ground
20 floor and the floor above that, which will have
21 ABC service. Are those the only two floors that
22 will have an ABC license?

23 THE WITNESS: Those are the only two
24 floors that we have for service wise. Oh, I'm so
25 sorry, I'm so sorry. I forgot.

1 MEMBER GRANDIS: So where's the
2 kitchen? On which floor?

3 THE WITNESS: In the main level, going
4 down the hallway.

5 MEMBER GRANDIS: Is there any entrance
6 or exit that would be letting people in or out on
7 20th Street?

8 THE WITNESS: You had me confused a
9 little bit. I said to myself, is the restaurant
10 on 20th Street? It's on Connecticut. No,
11 there's only entry way for clients and customers
12 to come into the front.

13 We have a kitchen entrance, as well,
14 for employees to come in as well or our kitchen
15 staff. But no clients or patrons are allowed to
16 come in through the kitchen because health coded
17 reasons. And, you know, our chef is very mean,
18 and he doesn't want anybody to be in his kitchen.

19 MEMBER GRANDIS: And the reason I
20 raised this, I appreciate your answers that will
21 help us, because on Connecticut it's primarily
22 all commercial and maybe a few residents, but
23 it's primarily commercial.

24 However, you back up on 20th Street
25 and most of that, across the street is mostly

1 residential. So you're, you are saying none of
2 your patrons will be able to enter or exit on
3 20th Street, and that you all, have all your
4 entrance only on Connecticut Avenue and exit?

5 THE WITNESS: That is correct.

6 MEMBER GRANDIS: Will you be having
7 signage that will let your patrons know that as
8 they exit late in the evening, that they are
9 exiting, even if it's Connecticut, in a
10 residential area, and to be respectful of the
11 neighbors?

12 THE WITNESS: Yes, I would love to put
13 a sign. And I would also ask the security guard
14 that's in front of the place to let all the
15 patrons know that, hey, these are the residential
16 streets, let's be respectful and mindful.

17 MEMBER GRANDIS: Also, regarding
18 parking, on Connecticut, of course that's, that
19 should be available. But we hope that you do not
20 encourage parking on 20th Street or in the
21 neighborhood itself.

22 THE WITNESS: Yes, I agree with you,
23 100 percent. I think the neighbors also reached
24 out to me about trying to have their residential
25 parking be limited to only residential zoning.

1 And I agree 100 percent.

2 MEMBER GRANDIS: Okay. And also, I
3 just want to thank you for making a presentation
4 that, that you understand the necessity of a
5 security plan which you would work with with your
6 attorney to give to the Agency.

7 THE WITNESS: Yes. I'm sorry, go
8 ahead.

9 MEMBER GRANDIS: And that, on the
10 nights that you have entertainment, which I
11 understand you're not having dancing, but you're
12 going to have a DJ, that you would have the
13 reimbursable detail, and the security that you
14 have already discussed.

15 THE WITNESS: Yes.

16 MEMBER GRANDIS: Thank you for your
17 patience and thank you for all the time you're
18 giving us so that we can have a better
19 understanding and act on your application
20 appropriately.

21 THE WITNESS: Thank you. We really do
22 appreciate your time. I understand my mother is
23 not very great at English nor a tech savvy
24 person, so I'm here to help her through that
25 process.

1 MEMBER GRANDIS: Mr. Chairman, I am
2 done. I want to thank you. I know we're having
3 a long evening. But I want to thank you for your
4 patience to let me ask the security questions,
5 thank you.

6 CHAIRPERSON ANDERSON: Mr. Short?

7 MEMBER SHORT: This question is for
8 Mr. Camacho, well, Eduardo Camacho. I have five
9 questions to ask you and they all yes and no.
10 One, do you agree that you do have audio and
11 security plans which are legally compliant with
12 our Agency?

13 THE WITNESS: Yes. Yes, sir.

14 MEMBER SHORT: Two, training. Your
15 security staff and having Robert Smith to assist
16 you in that? Yes, or no?

17 THE WITNESS: Yes, sir.

18 MEMBER SHORT: Three, no dancing, or
19 DJs? Yes, or no?

20 THE WITNESS: No, I, we, entertainment
21 requires DJ. So --

22 MEMBER SHORT: No dancing, yes or no

23 THE WITNESS: Oh, no dancing. No.

24 MEMBER SHORT: Four, no promoters?

25 Yes, or no?

1 THE WITNESS: Yes, sir. No promoters

2 MEMBER SHORT: And finally, you are
3 going to commit to work with the community on
4 these promises that you make, not promises, with
5 this testimony you're giving before the Board
6 with those four questions that I asked you? Yes,
7 or no?

8 THE WITNESS: Yes, sir.

9 MEMBER SHORT: Thank you, Eduardo.
10 One of my best friends in life was named Eduardo.

11 THE WITNESS: Thank you, sir. I
12 really do appreciate your time in asking the
13 questions of me.

14 CHAIRPERSON ANDERSON: Any other
15 questions by any of the Board members? Mr.
16 Melcher, any?

17 BY MR. MELCHER:

18 Q Mr. Camacho you said there will be no
19 dancing, correct?

20 A Correct. Due to our space, I don't
21 think there's enough space for dancing.

22 Q Don't you expect your patrons to dance
23 if you have a DJ?

24 MR. KLINE: We all know the state of
25 the law, the issue is offering facilities for

1 dancing. We're not talking about somebody
2 wiggling their butt at the bar. Can we move on?

3 CHAIRPERSON ANDERSON: Mr. Melcher?

4 MR. MELCHER: I don't even understand
5 what the objection is. It sounds like it's --

6 CHAIRPERSON ANDERSON: All right.

7 Let's move on please.

8 MR. MELCHER: What? What is the
9 ruling on the objection, Mr. Chairman?

10 CHAIRPERSON ANDERSON: I'll sustain
11 the objection.

12 MR. MELCHER: Okay, no further
13 questions.

14 CHAIRPERSON ANDERSON: Do you have a
15 short redirect, Mr. Kline?

16 MR. KLINE: Very short.

17 REDIRECT EXAMINATION

18 BY MR. KLINE:

19 Q Mr. Camacho, just to correct the
20 record, you had indicated that there was no
21 dancing, I'm sorry, no entertainment, after it
22 stopped. Wasn't there a time, at one event,
23 where you did get permission from the Board to
24 offer entertainment?

25 A Yes, we, we did an event on October,

1 we did it for one night. Me and my mother spoke
2 about, we were requested RDO, two weeks prior.
3 If we didn't have it on Board, we already had two
4 people on Board to jump in and clock into work as
5 a security staff to equal to ten.

6 We didn't have DJs, we just played
7 everything as a pre-recorded mix. We didn't want
8 to, you know, startle or having neighbors file
9 more complaints or, you know, call the police to
10 make us believe because we had incidents happen
11 to us previously, so.

12 Q And --

13 THE INTERPRETER: Okay. I'm sorry.
14 I'm kind of confused. Should I interpret the
15 answers or not, given that Mr. Kline is asking?

16 CHAIRPERSON ANDERSON: All right, you
17 don't have to interpret the answer, but the
18 questions, please.

19 THE INTERPRETER: Okay, again.

20 BY MR. KLINE:

21 Q And in that event, so what was the
22 event? What was it? That, you pulled a one day,
23 is that correct?

24 A Correct. It was just one day one
25 night. We followed up. We also checked full

1 staff and we hadn't received any complaints.

2 Q What was the event? What did you do?

3 A We were playing pre-recorded mix to
4 both levels at a set volume, that doesn't disturb
5 the peace outside. We did physical ID checks.
6 We had ten men on Board that we --

7 Q No. I'm asking me about the event.
8 I didn't ask the security. What was the event?
9 Okay.

10 A Sorry.

11 Q And was there any issue? Was there
12 any complaints with respect to that?

13 A No. No, I didn't receive any phone
14 calls, or no issues or disturbance at all.

15 Q Okay, great.

16 MR. MELCHER: That's all I have.

17 CHAIRPERSON ANDERSON: Thank you, for
18 testifying, sir. How many more witnesses do you
19 have Mr. Kline?

20 MR. KLINE: Two. They'll be brief.

21 MR. MELCHER: Can I ask a question?

22 CHAIRPERSON ANDERSON: Yes, Mr.

23 Melcher?

24 MR. MELCHER: What is the anticipated
25 schedule because I have witnesses who have no

1 idea that this would be running so late.

2 CHAIRPERSON ANDERSON: Mr. Kline has
3 two more witnesses. Unfortunately, we have a
4 translator in this, so it's going to, it's going
5 to run until it's over.

6 MR. MELCHER: So is your intention to
7 run as late as we need to today or continue?

8 CHAIRPERSON ANDERSON: We will run
9 until we, until it's over. So if this runs until
10 2:00 a.m., this morning, we are going to do it.
11 We are going to finish this hearing today.

12 MR. MELCHER: Thank you for the
13 clarification.

14 CHAIRPERSON ANDERSON: That's one of
15 the reasons why I initially asked the translator
16 if she had time constraints, so we could have
17 made, but we're finishing this hearing today.

18 THE INTERPRETER: No, I don't have any
19 time constraints. But I will need a break at
20 some point.

21 CHAIRPERSON ANDERSON: We're at the
22 two-hour break. That's what, that's one of the
23 reasons why I've been taking a break every two
24 hours. And so, we're at the two-hour break. And
25 so, we're going to take a break now. It's 6:48.

1 We'll come back at 7:00. Mr. Kline has two more
2 witnesses. And after, so my assumption is that
3 depending on how long your cross-examination is,
4 Mr. Melcher, we probably can start your case no
5 later than 8:00.

6 MR. MELCHER: Thank you.

7 CHAIRPERSON ANDERSON: All right, so
8 it is, so we're taking a -- it's 6:49, so let's
9 come back at 7 o'clock.

10 (Whereupon, the above-entitled matter
11 went off the record at 6:49 p.m. and resumed at
12 7:00 p.m.)

13 CHAIRPERSON ANDERSON: All right we're
14 back on the record. I see you're with us, Mr.
15 Kline.

16 MR. KLINE: Yes, I am. Thank you.

17 CHAIRPERSON ANDERSON: We have we do
18 have a quorum. So we have, always have to make
19 sure, so we do have a quorum. As all three Board
20 members are online, we do have a quorum to move
21 forward. All right, Mr. Kline, do you have
22 another witness?

23 MR. KLINE: Yes. I'm calling Desmond
24 Blake please.

25 CHAIRPERSON ANDERSON: Mr. Blake, do

1 you have a camera to turn on? I know, I know you
2 did earlier. Mr. Blake, can you raise your right
3 hand please?

4 WHEREUPON,

5 DESMOND BLAKE

6 was called as a witness by Counsel for the
7 Petitioner and, having been first duly sworn,
8 assumed the witness stand, was examined, and
9 testified as follows:

10 CHAIRPERSON ANDERSON: All right,
11 speak up, Mr. Blake, I'm not sure. So and before
12 you start, yes, can you make sure that your
13 camera is in a stationary position, sir? Because
14 I think it's going to make us dizzy if, if you
15 keep on moving, okay?

16 THE WITNESS: Okay, thank you.

17 CHAIRPERSON ANDERSON: Your witness
18 Mr. Kline.

19 DIRECT EXAMINATION

20 MR. KLINE: Good evening, Mr. Blake.

21 THE WITNESS: Good evening.

22 CHAIRPERSON ANDERSON: I'm sorry. I
23 can't hear you, Mr. Blake. And they have a court
24 reporter, and I have to make sure that the court
25 reporter can hear you to capture your, your --

1 so, I need your volume to be elevated some.

2 MR BLAKE: Okay, can you hear me
3 better now?

4 CHAIRPERSON ANDERSON: That's a little
5 better, yes.

6 THE WITNESS: Okay, great.

7 BY MR. KLINE:

8 Q All right. Mr. Blake what's your
9 what's your connection to the nightlife industry?

10 CHAIRPERSON ANDERSON: And I'm sorry,
11 Mr. Blake, Mr. Kline is going to ask a question,
12 it's going to be translated. You're going to
13 respond and please keep your, please give short,
14 I'm sorry. Give a break for the translator to
15 translate, so, okay please?

16 THE WITNESS: Yes, I am the security
17 for Rosemarino. I'm one of the security people
18 for it.

19 BY MR. KLINE:

20 Q All right and you'll be head of
21 security, is that right?

22 A Yes.

23 Q And what is your background? What
24 qualifies you to do that?

25 A I've been working the nightlife for 18

1 years.

2 Q And what have you done? You've been
3 working in nightlife. What have you done in
4 nightlife over the past 18 years?

5 A I've worked in security, event
6 coordination, and operation management.

7 Q And do you have any particular
8 training with respect to security?

9 A Yes, I was in the Marine Corps for
10 eight years and I've also done security officer
11 training.

12 THE INTERPRETER: I'm sorry, how many
13 years were you in the Marines?

14 THE WITNESS: Eight years.

15 BY MR. KLINE:

16 Q And in the industry in D.C., what are,
17 what kind of places, what are some of the places
18 that you've worked at?

19 A I've worked in probably about 20
20 nightclubs in D.C. total, maybe more.

21 Q And you worked security in many of
22 these nightclubs?

23 A Yes, I've worked as security, and I've
24 worked as a security manager.

25 Q And where have you worked as a

1 security manager?

2 A I've worked at a restaurant called
3 801. It's on Florida Avenue in D.C. I've worked
4 at Mad Hatter. And I'm currently working at
5 Phantom Nightclub.

6 Q You worked with this venue for one
7 night event in October, is that correct?

8 A Yes, that is correct.

9 Q And in connection with that event, did
10 you make and implement certain recommendations
11 concerning how the venue would operate that
12 evening?

13 A Yes.

14 Q And what were those recommendations?

15 A I recommended that we have eight to
16 ten security total. That we do searches out the
17 door to check if they have any, if they try to
18 sneak in any little bottles of alcohol.

19 And then, also make sure there was no
20 weapons on anyone. And then, also, to make sure
21 that we didn't go over our capacity, I had
22 clickers up front so I can count the number of
23 people going in. And a separate clicker, a
24 second one, to count people going out of the
25 club, or excuse me.

1 Q Anything else?

2 A I'm sorry?

3 Q Was there anything else? Were there
4 other recommendations? Or is there, is that what
5 you can think of right now?

6 A That's what I could think off the top
7 of my head. I'm sorry.

8 Q And are these measures that you would
9 implement on nights of entertainment, if this
10 establishment is granted an entertainment
11 endorsement?

12 A Yes.

13 Q And do you have a team of people that
14 you typically work with and will work with at
15 this venue?

16 A Yes.

17 Q And who? Who are those people? What
18 is their background? How do you know them?

19 A Yes. We have a team of qualified
20 security officers. Some of them are, actually
21 two of them, I believe are off duty officers and
22 one's a private investigator.

23 Q Okay. And have the individuals on
24 your team worked in other establishments?

25 A Yes, they've all worked in different

1 nightlife and security, in the security field,
2 basically. They've worked in hotels and clubs,
3 bars, restaurants.

4 Q And have they received any particular
5 type of training in working in nightlife venues?

6 A Yes, some of them have. Well,
7 obviously all of them have done on the job
8 training working in different venues doing
9 security, but most of them are already security
10 officers certified.

11 Q Now what about policing the
12 neighborhood in terms of patrons exiting and
13 potentially causing disturbances in the
14 neighborhood? Is that part of your
15 responsibility as well?

16 A No we don't follow them down the
17 street. But we do let them know not to walk into
18 other neighborhoods or anything like that.

19 Q Do you have security personnel
20 stationed in front of the establishment?

21 A Yes, there's two, there'll be two
22 guards out front checking IDs and searching
23 personnel.

24 Q Will they also be in that vicinity at
25 closing when people are exiting the

1 establishment?

2 A Yes, the security, the entire security
3 staff will be there until after the club, or
4 excuse me, after the venue is closed. And to
5 make sure that no one is in there after closing
6 and out front.

7 Q And in your work in various venues
8 around town, have you had occasion to work in
9 establishments where reimbursable detail officers
10 were present outside the establishment?

11 THE INTERPRETER: I'm sorry, can you
12 repeat that please?

13 BY MR. KLINE:

14 Q In your work in nightlife
15 establishments, have you had occasion to work at
16 places that had reimbursable detail officers?

17 A Yes.

18 Q And in fact, were reimbursable detail
19 officers there at the event in October?

20 A Yes.

21 Q And how do you and your team interact
22 with reimbursable detail officers?

23 A When you say the RDOs, you're talking
24 about the people that are on the staff that are
25 added on to our security?

1 Q No, I'm talking about reimbursable
2 detail officers. I'm sorry, go ahead. I'm
3 talking about officers who are Metropolitan
4 Police Officers who were on site because the
5 establishment paid money to MPD for those
6 officers to be available in the vicinity of the
7 establishment.

8 A Yes, there has been officers outside
9 in vehicles.

10 Q Okay. And in some of the places that
11 you've been, they're there on a regular basis?

12 A Yes.

13 Q Okay, so how did your team interact
14 with them in doing your duties? In assuring the
15 safety of the patrons of the establishment?

16 A We utilized them as an extra support
17 element. As far as if we needed to have an ID
18 scanned or if the people, if someone was too
19 rowdy out front. I mean, I don't really think
20 anyone's going to be rowdy with the police right
21 out front.

22 Q Will your team also monitor over
23 consumption and over service?

24 A Yes, that was one of the reasons I
25 suggested that we do either eight to ten security

1 guards per night.

2 Q So when you say that was one of the
3 reasons what's, what's your thinking and in terms
4 of eight to ten with respect to the
5 overconsumption issue?

6 A Well, if you have eight security
7 guards that's two at the door, and then it would
8 be four on the inside on the main floor and then
9 two upstairs.

10 Q Got it. And you said at the outset
11 that you were eight years in the Marines, is that
12 correct? You were eight years in the Marines, is
13 that correct?

14 A Yes.

15 MR. KLINE: I neglected to thank you
16 for your service. Thank you. And that's all
17 that I have.

18 CHAIRPERSON ANDERSON: Any questions,
19 Mr. Melcher?

20 MR. MELCHER: No thank you.

21 CHAIRPERSON ANDERSON: Mr. Short?

22 MEMBER SHORT: Thank you, Mr. Chair.
23 Mr. Blake, how are you this evening?

24 THE WITNESS: Hello, I'm doing well
25 thank you.

1 MEMBER SHORT: Besides your training
2 with the Marines after eight years, what training
3 have you had in private industry when it comes to
4 nightlife?

5 THE WITNESS: Yes, I've had on the job
6 training at multiple venues. I've also worked
7 for three different security companies, which I
8 can list if I need to.

9 MEMBER SHORT: If you can, will you
10 please explain to this Board what RDO stands for
11 and how it came to be about with the Metropolitan
12 Police Department?

13 THE WITNESS: I personally don't know
14 the full history of how it came to be in the D.C.
15 area. But I know from working in multiple
16 nightclubs here in the DMV area that they sit
17 outside of certain clubs, and they basically help
18 and support the security staff and the venue.

19 MEMBER SHORT: Mr. Camacho, who's here
20 today in regards to his business, who's hired you
21 as security, has said he will have Robert Smith
22 to train and certify all the people that you've
23 hired. Do you know who Robert Smith is?

24 THE WITNESS: I've not personally met
25 Robert Smith.

1 MEMBER SHORT: Are you familiar that
2 the person who's hired you to take care to take
3 care of his business regarding this hearing, has
4 said he's going to have you and all of the
5 security people trained and certified by Robert
6 Smith?

7 THE WITNESS: Yes.

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

10 CHAIRPERSON ANDERSON: Thank you, Mr.
11 Short. Any other questions, by any of the Board
12 members? Hearing none. Mr. Melcher any, any
13 recross based on the questions that were asked by
14 the Board? Yes? Yes, or no, sir. I can't hear
15 you.

16 MR. MELCHER: No.

17 CHAIRPERSON ANDERSON: Thank you. Mr.
18 Kline, any recross? Mr. Kline?

19 MR. KLINE: No, Mr. Chairman.

20 CHAIRPERSON ANDERSON: All right, Mr.
21 Blake, thank you very much for your testimony.
22 You're free to go, sir. Thank you.

23 MR. KLINE: Thank you, Mr. Blake.

24 CHAIRPERSON ANDERSON: Mr. Kline. You
25 said you had one more witness, is that what it

1 is? One more?

2 MR. KLINE: One more. Calling Daisy
3 Garcia.

4 CHAIRPERSON ANDERSON: Daisy Garcia.
5 Ms. Garcia, can you raise your hand, your right
6 hand please?

7 WHEREUPON,

8 DAISY GARCIA

9 was called as a witness by Counsel for the
10 Petitioner and, having been first duly sworn,
11 assumed the witness stand, was examined, and
12 testified as follows:

13 CHAIRPERSON ANDERSON: Mr. Kline, your
14 witness. You can put your hand down ma'am.

15 DIRECT EXAMINATION

16 BY MR. KLINE:

17 Q Ms. Garcia, are you employed at
18 Rosemarino Italia?

19 A Yes.

20 CHAIRPERSON ANDERSON: Hold on, one
21 minute, Ms. Garcia, you've been here. The
22 attorney is going to ask you a question, before
23 you respond, it needs to be translated.

24 THE WITNESS: Okay, sorry.

25 BY MR. KLINE:

1 Q In what capacity are you employed at
2 Rosemarino d'Italia?

3 A What do you mean by capacity? I'm
4 sorry, I don't understand.

5 Q What do you do? What's your position?

6 A I'm a server and bartender.

7 Q And how long have you worked there?

8 A At Rosemarino D.C. location for, since
9 they opened, four years. But I've been with them
10 for about six years.

11 Q You previously worked in the Del Rey
12 location before coming to the D.C. location?

13 A Correct.

14 Q And what percentage of your time do
15 you act as a server as opposed to a bartender?

16 A About 50/50, half and half.

17 Q Have you received any training with
18 respect to the sale and service of alcoholic
19 beverages?

20 A Yes, I have my ABRA manager license.

21 Q So that means you've completed alcohol
22 awareness training?

23 A Yes.

24 Q And do you monitor the over service or
25 over consumption of alcoholic beverages?

1 A Yes.

2 Q How do you do that?

3 A Well it depends. We definitely don't
4 try to overconsume customers. We watch how they
5 are behaving. We watch surrounding customers as
6 well.

7 Q Were you present for the nightlife
8 events that occurred before the establishment had
9 an entertainment endorsement?

10 A Yes.

11 Q And were you -- did you monitor over
12 service on those nights?

13 A Yes.

14 MR. KLINE: All right. I have no
15 further questions of this witness at this time.
16 Thank you.

17 CHAIRPERSON ANDERSON: Mr. Melcher?
18 Any questions Mr. Melcher.

19 CROSS-EXAMINATION

20 BY MR. MELCHER:

21 Q When did you complete your training?

22 A I don't have an exact date on me,
23 actually. I can't tell that.

24 Q Was it this year?

25 A No.

1 Q Can you give me an approximate year?

2 A I want to say, I think, I believe 2020
3 or 2021.

4 Q Are you familiar with the nighttime
5 events that occurred on Saturdays and Sundays?

6 A Yes.

7 Q Were you personally present at those
8 events?

9 A Yes.

10 Q And did you observe any
11 overconsumption of alcohol during those events?

12 A If anything occurred of any over
13 consumption, I would speak to my, like, my
14 colleagues or I would also talk to their friends
15 about overconsumption for their following friend.
16 I would talk to them.

17 THE INTERPRETER: Sorry.

18 CHAIRPERSON ANDERSON: I'm not sure
19 she understood the question because she's not
20 been responsive to the question.

21 BY MR. MELCHER:

22 Q I'll ask the question again. I'm not
23 asking for a hypothetical. I'm asking whether
24 you personally observed any overconsumption of
25 alcohol during any of those events.

1 A Yes.

2 Q And how often was that?

3 A I can't give you a direct answer.

4 Q Was it every time there was an event?

5 A I wouldn't say so, yes.

6 THE INTERPRETER: I'm sorry, I would
7 say so or I wouldn't say so?

8 MR. GARCIA: No.

9 THE INTERPRETER: Okay.

10 BY MR. MELCHER:

11 Q Was it at most events?

12 A No.

13 Q Do you remember a person who referred
14 to himself as Allen DMV?

15 MR. KLINE: Objection.

16 CHAIRPERSON ANDERSON: Nature of the
17 objection, sir?

18 MR. KLINE: Beyond the scope of
19 direct.

20 CHAIRPERSON ANDERSON: Mr. Melcher, I
21 am going to sustain the objection. It's beyond
22 the scope. There were no questions asked about
23 promoters by, at least, to this witness.

24 MR. MELCHER: Well, it's more
25 efficient for me to just ask a question than to

1 recall the witness. It would be more efficient
2 just to finish. The objection's taken longer
3 than the question.

4 CHAIRPERSON ANDERSON: Sustained.
5 Let's move on first. There's, your cross
6 examination is beyond the scope. Let's move on.

7 MR. MELCHER: I think it's not beyond
8 the scope because we already established through
9 the testimony of Mr. Camacho that this individual
10 Allen DMV was over consuming alcohol and it was
11 within the scope of the direct, the subject of
12 overconsumption.

13 CHAIRPERSON ANDERSON: I sustained the
14 objection. Let's move on.

15 MR. MELCHER: I don't have any further
16 questions.

17 CHAIRPERSON ANDERSON: Any questions
18 of this witness by any Board members? Any
19 redirect, Mr. Kline?

20 MR. KLINE: No other questions.

21 CHAIRPERSON ANDERSON: Thank you very
22 much for your testimony. You're free to go. Do
23 you have another witness, Mr. Kline?

24 MR. KLINE: Nothing else. Applicant
25 rests.

1 CHAIRPERSON ANDERSON: Thank you.

2 Well, I said 8 o'clock. It's 7:37.

3 MR. KLINE: I'm efficient, Mr. Chair.

4 CHAIRPERSON ANDERSON: Half an hour,
5 okay. Mr. Melcher, do you have a witness there?

6 THE INTERPRETER: I can't hear Mr.
7 Melcher. I don't know if it's me.

8 CHAIRPERSON ANDERSON: Mr. Melcher, do
9 you have another?

10 MR. MELCHER: Brian Bucksell.

11 MR. BUCKSELL: Yes?

12 CHAIRPERSON ANDERSON: Mr. Bucksell,
13 can you raise your right hand, please?

14 WHEREUPON,

15 BRIAN BUCKSELL

16 was called as a witness by Counsel for the
17 Protestants and, having been first duly sworn,
18 assumed the witness stand, was examined, and
19 testified as follows:

20 CHAIRPERSON ANDERSON: And just for
21 the record, Mr. Bucksell, can you spell your
22 name, please?

23 THE WITNESS: My first name is Brian,
24 I'm sorry. Go ahead.

25 CHAIRPERSON ANDERSON: Yes, I want you

1 to spell your name.

2 THE WITNESS: B-R-I-A-N first name.

3 Last name Bucksell, B-U-C-K-S-E-L-L.

4 CHAIRPERSON ANDERSON: Thank you, sir.

5 Your witness, Mr. Melcher.

6 DIRECT EXAMINATION

7 BY MR. MELCHER:

8 Q Mr. Bucksell, thank you for being here
9 tonight. What is your occupation?

10 A I'm a private investigator. Private
11 investigator.

12 Q Who is your employer?

13 A The Bucksell Group.

14 Q What kind of work does the Bucksell
15 group do?

16 A We conduct background investigations,
17 corporate investigations, domestic investigations
18 along with business investigations where law
19 firms, to various different law firms.

20 Q Are you familiar with the licensee in
21 this case, Rosemarino d'Italia?

22 A Yes.

23 Q How did you come to be involved with
24 this matter?

25 A My firm was hired by Nolan Guagenti,

1 and he wanted to basically monitor the operations
2 in and outside Rosemarino.

3 Q Did you conduct your investigations on
4 the nights of March 12 and 13th of 2022?

5 A Yes, we did.

6 Q And did you conduct your
7 investigations on the nights of March 26 and 27
8 of 2022?

9 A Yes, we did.

10 Q And did you conduct your
11 investigations on October 22 of 2022?

12 A Yes, we did.

13 Q Okay, I'm going to go through those
14 chronologically starting with March 12, 2022.
15 Now starting with that day, tell me when you
16 began the investigation and when it ended.

17 A Starting with March 12, I believe it
18 was about quarter of 11:00 p.m. I believe we
19 held it through about 4:30 a.m. through the next
20 morning.

21 Q Did you go inside the establishment?

22 A My colleague went inside and observed
23 inside as I observed outside.

24 Q Okay, what did you observe with
25 respect to entering the establishment?

1 A We were given a ticket to enter the
2 establishment by the client of which they never
3 collected. We also observed about four security
4 guards, I want to say, that were working the
5 establishment at the time.

6 There was severe overcrowding inside.
7 And believe we were asked if there was a DJ.
8 There was not a DJ at the time when we entered
9 the establishment.

10 THE INTERPRETER: And I will ask for
11 a repetition, please, because that was too long
12 for me.

13 THE WITNESS: So as I stated, when we
14 went, entered the establishment, there was a
15 ticket that the client gave us. Do you want to
16 go?

17 THE INTERPRETER: I mean, you can, you
18 can finish an idea. But no, not --

19 THE WITNESS: So we were given a
20 ticket --

21 THE INTERPRETER: -- every word but
22 thank you.

23 THE WITNESS: Okay. We were given a
24 ticket to go to enter the establishment.
25 However, they did not collect that. And we

1 observe how many security guards were there.

2 MR. MELCHER: Okay, let's take a look
3 at Exhibit 4.

4 BY MR. MELCHER:

5 Q Mr. Bucksell, are you familiar with
6 the photographs in this exhibit?

7 A Yes.

8 Q Okay. And were these photographs that
9 were taken as part of your investigation?

10 A Yes.

11 Q Okay. And up here in the upper right
12 corner of the photographs, are these date stamps,
13 time, and date stamps?

14 A Yes.

15 Q Okay. Let's take a look at the photo
16 on page 4 of 5, which is bates-stamped March 13
17 at 12:34 a.m. That would be this photo here, the
18 one on the left. What does this show?

19 A That shows the severe overcrowding on
20 the upstairs level.

21 Q All right, were any other observations
22 made inside of the establishment besides the
23 overcrowding?

24 A Yes, there were sexual acts. There
25 was drug use and drug sales near the bathroom.

1 Q Okay, were there, was there any
2 fighting?

3 A Yes.

4 Q Okay. Let's take a look at another
5 exhibit. This a video, Protestant's Exhibit 4B.
6 Okay, does that video accurately reflect the
7 scene and the establishment at the time that you
8 were there?

9 A Yes.

10 Q And what does it show?

11 A There was a fight being broken up by
12 security.

13 Q And what location was the fighting?

14 A That was on the upstairs level.

15 Q Okay, part of the investigation, were
16 there observations of the fight outside the
17 establishment?

18 A Yes, just outside the front door as
19 they walk down the street there was a fight
20 observed and that evening, that night, that
21 morning.

22 Q Okay, let's take a look at
23 Protestant's Exhibit 4 again, your photos in the
24 investigation, again, on page 4 of 5 which we're
25 at. Let's take a look at the photo stamped March

1 13, 2022, at 1:22 a.m. That's the photo in the
2 middle. Can you tell me, what does this photo
3 show?

4 A Yes, that was the onset of a fight
5 that began outside of the club.

6 Q Let's take a look at Exhibit 4C which
7 is another video. Sorry, I have to change which
8 application I'm sharing. Okay, was this video
9 made as part of your investigation?

10 A Yes.

11 Q And what does it show?

12 A The fight right outside the club.

13 Q Did you make any observations at
14 closing time on this night?

15 A Yes, people were very ameliorated if
16 you walk into their vehicles and some were being
17 helped, being carried, walking, or going to their
18 vehicle because they couldn't walk on their own.

19 Q Okay, let's take a look at Exhibit 4
20 again. All right, now we're going to go to page
21 5 of 5. Please take a look at the photo, March
22 13, 2022, at 3:56 a.m. What does this photo
23 show?

24 A That was people outside of the club
25 after it was over with kind of loitering a little

1 bit. Pretty much for an extended period after
2 the club had shut down there was also some other
3 altercation that happened onto the right side of
4 this photograph.

5 As if a fight was about to begin on
6 that side. The first fight was to the left.
7 This was something else that was going on the
8 right-hand side.

9 Q But did the establishment close at
10 3:00 a.m. that evening?

11 A Yes.

12 Q And this photo was taken approximately
13 an hour after closing?

14 A Yes.

15 Q Did you observe patrons as they were
16 leaving the establishment?

17 A Yes.

18 Q What did you observe?

19 A Once the patrons left the
20 establishment, they were gathering outside. Some
21 were horse playing a little bit, a few fights.
22 They also gathered on R Street which is at the
23 corner of Connecticut Avenue and walked to their
24 vehicles. Some, like I said, were inebriated and
25 needed help getting to their vehicles.

1 Q And did you observe patrons walking
2 down R Street?

3 A Yes.

4 Q Let's continue with this exhibit and
5 go to page 3 of five looking at the photo March
6 13, 2022, at 4:06 a.m. What does this photograph
7 show?

8 A I believe that was someone vomiting at
9 the time if I'm not mistaken. I believe that was
10 the photo.

11 Q Okay, and the photo right next to it?

12 A It's kind of hard to see that one. If
13 I recall correctly, I believe that somebody's
14 being assisted if I'm not mistaken. I can't
15 really make it out. There's a blur on that
16 photo. Yes, I believe that's someone being
17 assisted if I'm not mistaken. I believe so.

18 Q Okay and when you said one of the
19 photos showed an individual vomiting, were you
20 referring to the one on the right or the one on
21 the left?

22 A The one on the right was the
23 individual vomiting and being assisted. The one
24 on the left, someone looks like they were being
25 carried, or helped if I'm not mistaken. That's

1 what it appears.

2 Q Okay, so let's talk about March 13,
3 2022. And did you conduct an investigation of
4 Rosemarino on that night?

5 A Yes.

6 Q Okay. And tell me about when you
7 arrived and how long you remained in the area
8 with the investigation.

9 A About 7:30 p.m. and we remained I
10 believe until about 1:30 a.m.

11 Q Was a cover charge required to enter
12 the establishment that night?

13 A Yes, it was a \$20 cover charge to be
14 paid either in cash or electronically.

15 Q And was that collected at the front
16 door?

17 A Yes.

18 Q Did you observe any security guards?

19 A Yes, we counted about six in total.

20 Q Did they search patrons prior to
21 allowing them to enter?

22 A Yes.

23 Q On this evening did you observe a
24 fight outside the establishment?

25 A Yes.

1 Q And where exactly was the fight?

2 A Outside the club on, I'm sorry,
3 outside Rosemarino on the street of Connecticut
4 Avenue.

5 Q Let's take a look again at Exhibit 4,
6 specifically the photo stamped March 13, 2022, at
7 11:00 p.m. Do you see the photo?

8 A Yes.

9 Q What does this photo show?

10 A That photo shows the onset of a
11 physical altercation that was set to begin.

12 Q On this evening, did you observe
13 overcrowding?

14 A Yes.

15 Q How excessive?

16 A Severely.

17 Q Okay, let's take a look at the video
18 now, Exhibit 4G. Okay, I'm playing it for you,
19 Protestant's Exhibit 4G. Okay, so this video is
20 stamped March 13 at 11:34 p.m.?

21 A Yes.

22 Q Was this video recorded as part of
23 your investigation?

24 A Yes.

25 Q And what does it show?

1 A Patrons overcrowding in their club
2 inside of Rosemarino.

3 Q On this evening, did you make any
4 observations regarding patrons leaving the
5 establishment?

6 A Yes.

7 Q What did you observe?

8 A Pretty much the same behavior as
9 before with respect to fights and people being
10 inebriated to the point where they could not walk
11 on their own.

12 And loud noises in the neighborhood.
13 There were groups of people walking to their
14 vehicles, sort of arguing and shouting back and
15 forth. You know, kind of disturbing the R Street
16 quarter.

17 Q And did you see patrons walking down
18 R Street?

19 A Yes.

20 Q Let's take a look again at Exhibit 4,
21 specifically photos stamped March 13, 2022,
22 11:44. It's on page 5 of 5. What does this
23 photo show?

24 A Someone being assisted to the vehicle
25 because they could not walk on their own.

1 Q What other observations, if any, did
2 he make?

3 A There were alcohol bottles left on the
4 curb inside the neighborhood on the corner. And
5 there were cars kind of racing to Connecticut
6 Avenue as well as R Street. When I say racing,
7 revving their engines, you know, kind of loud as
8 they pulled off.

9 Q Okay, let's take a look again at
10 Exhibit 4, specifically the photo stamped March
11 13, 2022, 11:45. That is the one with right hand
12 side, the right most photo. Now, what does this
13 photo show?

14 A The photo shows someone being carried
15 to their vehicle because of the --

16 Q Okay, did you make any other
17 observations on this night?

18 A With respect to fights and
19 inebriation? What night was that? March 13?
20 Yes, there was a gentleman who left the club and
21 got in his vehicle. There was some kind of
22 altercation, and he pulled a weapon out of his
23 trunk.

24 Q Can you describe what kind of firearm
25 you observed?

1 A It was a short barrel kind of, almost
2 like an assault style weapon.

3 Q Were people nearby scared?

4 MR. KLINE: Objection.

5 CHAIRPERSON ANDERSON: What's the
6 objection, what's the grounds?

7 MR. KLINE: He can't testify as to
8 what other people were. He can testify as to
9 what he observed but in terms of other people's
10 state of mind, he's not qualified to do that.

11 MR. MELCHER: I think I already
12 corrected the question by saying were people in
13 the crowd visibly scared? So it's his
14 observation as to whether he thinks they were
15 scared.

16 CHAIRPERSON ANDERSON: All right, I'm
17 just going to overrule the objection. Let's move
18 on. He answered the question so let's move on.

19 THE WITNESS: Appeared to run and I
20 saw them ducking behind cars when the gentleman
21 pulled the weapon out.

22 BY MR. MELCHER:

23 Q So let's take a look again at Exhibit
24 4, which should already be on your screen. There
25 are three photos here. Can you, are these photos

1 of the scene from that incident that you just
2 described?

3 A Yes.

4 Q Can you walk us through these photos
5 left to right explaining what they show?

6 A So from the left photo, that's when
7 the pushing began with a few gentlemen who got
8 into an altercation as they started walking down
9 the street.

10 The second photo is when the gentleman
11 got out of the vehicle and stood on top of a car
12 waving the firearm at the crowd of people. The
13 photograph to my right is when someone stepped in
14 and tried to get the guy to put the firearm back
15 in the car and leave.

16 Q All right, let's take a look at
17 Exhibit 4A. Was this video made as part of your
18 investigation?

19 A Yes.

20 Q What does this show?

21 A It shows us the gentleman in question
22 getting out of the vehicle with the gun, I mean
23 retrieving it from his trunk and then getting
24 back into the vehicle and pulling off.

25 Q Let's take a look at Exhibit 4H. Was

1 this video made part of your investigation? Part
2 of your investigation.

3 A Yes.

4 Q And what does it show?

5 A It shows the individual who had the
6 firearm leaving the area in his vehicle. It
7 could also show the people running from that
8 section, that area where the gentleman was with
9 the firearm.

10 Q Did the vehicle leave that a high rate
11 of speed?

12 A Yes.

13 Q Here on the screen do we see the
14 awning for Rosemarino d'Italia?

15 THE INTERPRETER: The what? I'm
16 sorry.

17 MR. MELCHER: Awning.

18 THE WITNESS: Yes.

19 BY MR. MELCHER:

20 Q Did you make any other observations
21 outside of the establishment?

22 A Again, pretty much the same behavior
23 with respect to loud noises in the neighborhood
24 along with crowds walking to and through R Street
25 to their vehicles.

1 Q Let's take a look at Exhibit 4 again
2 and we'll go to page 4 of 5. All right, so the
3 right-hand photo, does this also reflect an
4 observation you made outside that night?

5 A Yes, a person being carried from, I
6 mean from the Rosemarino to the vehicle and a
7 person vomiting also at the corner and that
8 individual being carried assisted because they
9 could not walk on their own.

10 Q Okay, let's take a look at Exhibit 4D.
11 This is a video stamped March 13, 2022, at 11:57
12 p.m. Was this video recorded as part of your
13 investigation?

14 A Yes.

15 Q And what does it show?

16 A An individual being carried from
17 Rosemarino to the vehicle.

18 Q Okay, and is this the same incident is
19 incident that we saw in one of the photos?

20 A Yes.

21 Q Did you observe any public urination
22 by patrons leaving the establishment?

23 A Yes.

24 Q Where?

25 A Right outside on Connecticut Avenue.

1 Q Anywhere else?

2 A There was, are we speaking of the same
3 day?

4 Q Yes.

5 A On R Street as well.

6 Q Did you observe any crowds on the
7 street at closing?

8 A Yes, R Street and as well as the
9 middle of Connecticut Avenue as they crossed the
10 street to their vehicles, yes.

11 Q Okay, let's take a look at Exhibit 4
12 again, this time page 5 of 5. We're looking at
13 the photo stamp March 13, 2022, at I think we
14 already covered that. Let's take a look at the
15 video. Was this video recorded as part of your
16 investigation?

17 A Yes.

18 Q What does it show?

19 A An individual being assisted while
20 walking to their vehicle.

21 Q All right let's take a look at Exhibit
22 4J. Was this video recorded as part of your
23 investigation?

24 A Yes.

25 Q And what does it show?

1 A a person being led away into another
2 vehicle because they couldn't drive. I believe
3 that they were trying to take the keys and, on
4 that case, in that situation. I believe that was
5 the case and they put her in the vehicle so that
6 she could be driven instead of driving herself.

7 Q Let's talk about your investigation on
8 Saturday, March 26, 2022. Tell me about when you
9 arrived and how long do you stay at or about the
10 establishment?

11 A I want to say it was about, close to
12 11 o'clock p.m. that night that we arrived. And
13 I want to say we were there probably until after
14 four, I want to say. I want to say, it was, yes,
15 20 after four. Yes, about 4 a.m.

16 Q Did you attempt to enter the
17 establishment?

18 A My colleague, yes.

19 Q Were patrons required to pay a cover
20 charge on this night?

21 A Yes.

22 Q How much was the cover charge?

23 A The cover charge was \$20.

24 Q Did you make any observations about
25 security guards checking patrons for

1 identification?

2 A Yes, they were checking for
3 identification.

4 Q And did you make any observations
5 about the number of security guards?

6 A Yes, it was a six-security detail that
7 night.

8 Q And were they searching patrons for
9 weapons prior to entry?

10 A Yes.

11 Q How?

12 A Use of physical pat down, physical
13 search of all individuals and I believe they
14 searched handbags of women coming in.

15 Q Did you observe any inebriated
16 patrons?

17 A Yes.

18 Q did any of them appear to need
19 assistance walking?

20 A Yes.

21 Q Did you observe loitering outside the
22 establishment?

23 A Yes.

24 Q Was that after closing?

25 A Yes.

1 Q Did your investigation on this night
2 reveal any drug related activity inside the
3 establishment?

4 A Yes, there was drug sales at the, near
5 the bathrooms, the restrooms upstairs and there
6 was use inside the bathroom.

7 Q Were there any fights inside the
8 establishment?

9 THE INTERPRETER: I'm sorry? Can you
10 repeat that?

11 BY MR. MELCHER:

12 Q Were there any fights inside the
13 establishment?

14 A Yes.

15 Q Were there any sexual acts inside the
16 establishment?

17 A Yes, near the bathrooms again.

18 Q Regarding the drug related activity,
19 did that involve the sale of drugs as far as you
20 could tell?

21 A That's what it appeared to be. Yes.

22 Q And what is your understanding about
23 who was involved in selling the drugs?

24 A Well, there was one security personnel
25 right there kind of blocking the patron who was

1 involved in a drug sale near the bathroom as if
2 they knew what was going on.

3 Q Okay, did you observe patients leaving
4 the establishment?

5 A Yes.

6 Q And what did you observe as they were
7 leaving?

8 A Loitering outside of the club, outside
9 of, sorry, Rosemarino. Also inebriated patrons
10 leaving unable to walk on their own and there was
11 also I want to say it was an altercation, a
12 physical altercation, a fight that also broke out
13 as well.

14 Q Okay, let's take a look again at
15 Exhibit 4 and this time, looking at the photo
16 here in the middle, March 27, 2022, at 2:51, and
17 let's also take a look at the one that says the
18 same date at 2:51 but a few seconds later. Can
19 you tell me what these two photos show?

20 A That was an altercation that ended up
21 down to R Street from Rosemarino. People were
22 gathering. It was two different crowds that were
23 together at first and then they broke off and
24 began kind of shouting at each other and then
25 took it around to R Street.

1 Q Okay, I'm moving my cursor on the
2 middle photo. Is that R Street over there?

3 A Yes.

4 Q And this is the establishment Teaism?

5 THE INTERPRETER: I'm sorry?

6 BY MR. MELCHER:

7 Q Is this the establishment Teaism that
8 I'm indicating with the cursor?

9 A When you say Teaism, is that, refer
10 refresh my memory on that one. I'm not familiar
11 with that.

12 Q It's just a restaurant. It's not
13 important. Let's continue, let's continue to
14 Exhibit 4E. Okay, so this video is stamped March
15 27, 2022, at 2:51 a.m. Was this video made as
16 part of your investigation?

17 A Yes, it was.

18 Q And what does it show?

19 A It shows an altercation that was
20 dissipating, and they also walk into the
21 neighborhood around to R Street.

22 Q Okay, let's take a look at Exhibit 4F.
23 This is the video stamped March 27, 2022, at 2:59
24 a.m. Was this video made as part of your
25 investigation?

1 A Yes.

2 Q Okay, what does this show?

3 A It shows the same crowd kind of
4 shouting back and forth to other patrons that
5 were across the street and then they eventually
6 got in their vehicle and left on R Street.

7 Q Let's talk about your investigation on
8 Sunday, March 27, 2022. Tell me about when you
9 arrived and how long you stayed in the area.

10 A You said March 27?

11 Q Yes.

12 A March 27. Can I refer to my notes for
13 a moment? Because I don't, I thought we had --

14 Q 10:30 p.m.?

15 MR. KLINE: Mr. Chairman, if we're
16 going to testify from notes, then I think it's
17 appropriate that the needs be entered into
18 evidence. He's either here to testify from his
19 memory and personal observations and experience
20 or he's got a book for us to read.

21 CHAIRPERSON ANDERSON: Sustained. Mr.
22 Melcher, Mr. Bucksell needs to testify either
23 from his memory or from documents that have been
24 disclosed. It cannot disclose, he cannot have
25 documents that he is referring to, but has not

1 been disclosed.

2 MR. MELCHER: Understood.

3 BY MR. MELCHER:

4 Q Do you think you stayed at the
5 establishment at least four hours on that night?

6 A Yes.

7 Q On that night, did you observe patrons
8 being required to pay a cover charge?

9 MR. KLINE: Objection, leading.

10 CHAIRPERSON ANDERSON: Hold on.
11 Sustained. Rephrase the question, sir.

12 MR. MELCHER: Did you make any
13 observations about the collection of cover
14 charges on that night?

15 MR. KLINE: Objection. Same
16 objection. What did he observe? Misleading.

17 CHAIRPERSON ANDERSON: Sustained, Mr.
18 Melcher.

19 MR. MELCHER: I don't believe that's
20 leading.

21 CHAIRPERSON ANDERSON: Well if I
22 remember what a leading question is to direct. I
23 mean, you have already provided him the answer in
24 your question, sir.

25 MR. MELCHER: Well, he could answer

1 no.

2 CHAIRPERSON ANDERSON: That not, you
3 do not frame direct examination questions, sir,
4 that are yes or no. That's done on cross
5 examination. So please rephrase the question,
6 sir.

7 BY MR. MELCHER:

8 Q Did you make any observations while
9 entering the establishment?

10 A There was a cover, in fact, of \$20
11 that that night as well as a security team of
12 about, I think it was about six or eight,
13 approximately six or eight throughout the
14 establishment that night.

15 Q Did you observe any fighting on this
16 night?

17 MR. KLINE: Objection.

18 CHAIRPERSON ANDERSON: Sustained.
19 Please rephrase the question.

20 MR. MELCHER: Mr. Chairman, that is
21 not a leading question. I don't understand the
22 analysis for how that is a leading question. I'm
23 just asking whether he observed fights.

24 MR. KLINE: Well, he was asking him
25 what he observed and that wouldn't be leading.

1 You're giving them the answer. Did you observe
2 this? Did you observe that? That's leading.

3 MR. MELCHER: But Chairman, leading
4 would be, you observed fighting, didn't you?

5 CHAIRPERSON ANDERSON: Mr. Melcher, I
6 don't want to I don't want to go out and read
7 what are leading questions again, okay? I don't
8 want to do that. Please do not let me do that,
9 okay?

10 Okay. All right, let me say this, Mr.
11 Melcher. Leading, defined. Asking a question on
12 direct examination that suggests the particular
13 answer or contains the information the examiner
14 is looking for to confirm.

15 That is what a leading question is.
16 That is the John Marshall, so I'm, okay? That's
17 what a leading question is, sir. The question
18 is, please do not ask any questions that are
19 asked in a question on direct examination that
20 suggests the particular answer or contains the
21 information the examiner is looking for to be
22 confirmed.

23 That is a leading question, sir. So
24 let's, let's move on. Okay, so now that we all
25 agree what a leading question is, I hope it, I'm

1 hoping that we don't have any of these other
2 questions moving forward, sir, okay?

3 BY MR. MELCHER:

4 Q Okay. What other observations did you
5 make on Sunday, March 27, 2022?

6 A There were a few altercations. I want
7 to say maybe two altercations that I recall
8 correctly. There were also inebriated patrons
9 leaving the club.

10 There was, alongside R Street again,
11 there was crowding inside the neighborhood where
12 people were shouting back and forth to each other
13 and an onset of another altercation.

14 And vehicles heard leaving the
15 neighborhood with loud mufflers, systems and
16 speeding through the residential areas.

17 Q Did you make observations on October
18 22, 2022?

19 A Yes, I did.

20 Q All right, tell me about when you
21 arrived and how long you stayed in the area.

22 A Approximately 10:30 that night until
23 about probably 3 a.m. maybe. Yes, about 3 a.m.

24 Q And from what vantage points did you
25 conduct your surveillance?

1 THE INTERPRETER: I'm sorry, can you
2 repeat that?

3 BY MR. MELCHER:

4 Q From what vantage point did you
5 conduct your surveillance?

6 A So we had inside and outside
7 surveillance.

8 Q Did you observe security personnel in
9 front of the establishment?

10 A Yes, there were two or three outside
11 and a few inside.

12 Q Did you make any other observations?

13 A Yes, there was a cover charge again
14 for \$20 made by cash or electronic.

15 Q Did you make any observations about
16 the area outside the establishment?

17 A Yes. Yes, there were, again,
18 altercations not necessarily physical that night,
19 if I recall correctly, but there were
20 altercations and arguing.

21 Like I said the onset of what a fight
22 would look like to begin, and crowds of people
23 being inebriated walking their vehicles, leaving
24 beer bottles, alcoholic bottles on the street, on
25 the curb, along with public urination.

1 And crowds inside your neighborhood of
2 R Street as well.

3 Q All right, let's take a look at
4 Exhibit 5B.

5 THE INTERPRETER: Your Honor, can I
6 have a break?

7 CHAIRPERSON ANDERSON: Ma'am --

8 THE INTERPRETER: I need to take some
9 water and I need a bathroom break?

10 CHAIRPERSON ANDERSON: I'm sorry,
11 ma'am?

12 THE INTERPRETER: It's been two hours.
13 I need to take some water and --

14 CHAIRPERSON ANDERSON: Ma'am, it's not
15 been two hours, ma'am. Ma'am, I understand it's
16 very difficult for you. I cannot take a break in
17 the middle of his cross examination.

18 THE INTERPRETER: Sorry, we came back
19 at seven. I thought you said every two hours.
20 It's 8:47.

21 CHAIRPERSON ANDERSON: Then then
22 seven, from 8:47 is not two hours, ma'am and I
23 cannot take a break in the middle of his cross
24 examination.

25 THE INTERPRETER: Well, I will have to

1 take some water.

2 CHAIRPERSON ANDERSON: Then fine,
3 ma'am, if you need to get some water, get some
4 water.

5 THE INTERPRETER: Okay.

6 CHAIRPERSON ANDERSON: I've already
7 established I'm going to have a break for two
8 hours. But I cannot take a break in the middle
9 the --

10 THE INTERPRETER: I'm trying to be as
11 flexible as possible. I am feeling a lot of
12 dryness in my throat, and I need the water
13 otherwise I will start coughing any minute.

14 CHAIRPERSON ANDERSON: And then,
15 ma'am, get some water as you need some water. I
16 have some water here at my, next to my computer.

17 THE INTERPRETER: I've already
18 finished two bottles. That's why I don't have
19 anymore. If you allow me one minute, I can get
20 some water and come back.

21 CHAIRPERSON ANDERSON: Go get some
22 water, but I can't, I'm not going to take a break
23 in the middle of cross of this person testifying,
24 ma'am.

25 THE INTERPRETER: Well, then I will

1 take one minute, please.

2 CHAIRPERSON ANDERSON: Yes ma'am.

3 We're off the record for one minute.

4 THE INTERPRETER: Thank you.

5 (Pause.)

6 THE INTERPRETER: I'm back. Thank
7 you.

8 CHAIRPERSON ANDERSON: We're back on
9 the record.

10 BY MR. MELCHER:

11 Q Okay, let's take a look at Exhibit 5B.
12 This is a video stamped October 23, 2022, at
13 2:36, no, I'm sorry. This is October 23, 2022,
14 to 3:34 a.m. Was this video recorded as part of
15 your investigation?

16 A Yes.

17 Q What does it show?

18 A A patron that came out of the club
19 severely inebriated needing help.

20 Q Okay, let's take a look at Exhibit 5C.
21 This is a video stamped October 23, 2022, at 2:36
22 a.m. And was this video recorded as part of your
23 investigation?

24 A Yes.

25 Q And what does it show?

1 A An individual inebriated needing
2 assistance walking to their vehicle.

3 Q Did you make any observation about
4 where they were coming from?

5 A Yes, Rosemarino d'Italia.

6 Q Okay, so earlier, I showed you Exhibit
7 4. Are the photos in that exhibit true and
8 correct images of the scenes that were observed
9 as part of your investigation?

10 A Yes.

11 Q Okay. During your testimony we've
12 looked at videos 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H,
13 4I --

14 THE INTERPRETER: One moment, please.
15 Can you repeat me the numbers?

16 MR. MELCHER: It's 4A all the way
17 through 4J.

18 THE INTERPRETER: Okay.

19 MR. MELCHER: And we looked at the
20 videos marked --

21 THE INTERPRETER: Hold on.

22 BY MR. MELCHER:

23 Q And we looked at the videos 5B and 5C.

24 A Are those videos true and correct
25 images of scenes from your surveillance on the

1 nights reflected in your testimony?

2 A Yes.

3 MR. MELCHER: So, Mr. Chairman, I ask
4 to move into evidence Exhibit 4 and Exhibits 4A
5 all the way through 4J, 5B and 5C.

6 CHAIRPERSON ANDERSON: What, sir? You
7 said 4A through, I'm sorry.

8 MR. MELCHER: Through J, 4J. So it's
9 all of the ones beginning with the number four.

10 CHAIRPERSON ANDERSON: 4A through J
11 and 5 what?

12 MR. MELCHER: B and C.

13 CHAIRPERSON ANDERSON: Mr. Kline?

14 MR. KLINE: No objection.

15 CHAIRPERSON ANDERSON: Without
16 objection.

17 (Whereupon, the
18 above-referred to documents
19 were marked for
20 identification and received
21 into evidence as
22 Protestants' Exhibit Nos. 4,
23 4A through 4H, 4J, 5B and
24 5C.)

25 MR. MELCHER: Okay. And just so

1 there's no confusion, that's 13 exhibits if I
2 count, correct?

3 CHAIRPERSON ANDERSON: The record, the
4 record reflects what documents were moved into
5 evidence. That's why ask you to repeat it. When
6 you read the transcript, you will, the transcript
7 will reflect that.

8 MR. MELCHER: Okay. I apologize for
9 taking time, but I just want to make sure the
10 record is clear when I say 4A through 4J, it's
11 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J.

12 CHAIRPERSON ANDERSON: Exhibit 4A
13 through 4J inclusive are on the record.

14 MR. MELCHER: Okay, thank you. That's
15 all I have for direct.

16 CHAIRPERSON ANDERSON: Thank you, Mr.
17 Melcher. I know that it's almost two hours.
18 However, I cannot take a break in the middle of
19 cross examination.

20 So once this witness is done, we will
21 take a break. If you need to get some more
22 water, ma'am, you can get some more water, but I
23 will take a formal break once this witness is
24 done.

25 THE INTERPRETER: That's fine. I

1 already have three bottles with me. I appreciate
2 it though.

3 CHAIRPERSON ANDERSON: All right.

4 Your witness, Mr. Kline?

5 CROSS-EXAMINATION

6 BY MR. KLINE:

7 Q Yes. Good evening, Mr. Bucksell.

8 A You were hired to investigate this
9 establishment, correct?

10 A Yes.

11 Q And you were hired to support
12 conclusions that this establishment should not be
13 granted an entertainment endorsement and its
14 license should not be renewed, correct?

15 A We were hired to observe the
16 operations in and outside of this establishment
17 to determine the activities of the patrons when
18 they went inside and when they left the
19 establishment.

20 Q But it's true, isn't it, that if your
21 testimony results in it adverse action to this
22 applicant, that that would be a success for your
23 client, wouldn't it?

24 A One would assume so but I think that's
25 more of a question directed towards my client.

1 It should be.

2 CHAIRPERSON ANDERSON: Mr. Bucksell,
3 you're on cross-examination, sir. If you're
4 asked a question, please answer the question.
5 Your job is not to ask him questions.

6 If you cannot answer the question, say
7 you can answer the question, sir, or you don't
8 have an answer. But please answer the questions
9 that are being directed to you. Go ahead, Mr.
10 Kline.

11 BY MR. KLINE:

12 Q So I mean, to be clear, you're not an
13 uninterested unbiased observer. Isn't that
14 correct?

15 A My interest is to make sure that my
16 client gets the service that they hired us to do.

17 Q I'll try one more. But it's your
18 client's interest to see these two applications
19 denied, isn't it?

20 A Yes.

21 Q All right. Now just to, for an
22 example, in Exhibit 4, the person being carried,
23 you didn't observe this person consume alcohol in
24 the establishment, did you?

25 A No.

1 Q So you don't know if she was being
2 carried because she was inebriated or there might
3 have been some other issue that affected her
4 ability to walk to a car, do you?

5 A No.

6 Q And on March 13, you testified
7 establishment close to 3 o'clock, correct?

8 A I believe so, yes.

9 Q Yet it's your testimony that people
10 were observed an hour later hanging out in front
11 of the establishment and vomiting and engaged in
12 all other sorts of activity?

13 A Yes.

14 Q And it's your conclusion that this
15 individual was vomiting an hour after the
16 establishment closed because of beverages
17 consumed in the establishment?

18 A I can't recall if that was an hour,
19 exactly an hour after the establishment closed
20 that individual was vomiting but it was after the
21 establishment closed that that person was
22 vomiting.

23 Q Are the timestamps and the video
24 stamps and the, I'm sorry. Are the timestamps on
25 your photographs and videos, correct?

1 A Yes, I believe one night we had a
2 hiccup with respect to the time adjustment for us
3 going into, around March the beginning of March.
4 We had a hiccup with one of the times. I think
5 it was off by one hour I want to say.

6 Q Well, are the address location stamps
7 on your photos and videos, correct?

8 A Yes, for the most part. Every now and
9 then you'll be off by latitude longitude with
10 respect to location, but it was Connecticut
11 Avenue that it's stipulated. The address could
12 be a little bit off for location but typically
13 okay.

14 Q And when you say off by a little,
15 meaning it could be next door rather than the
16 location shown on the stamp?

17 THE INTERPRETER: I'm sorry, can you
18 repeat that?

19 BY MR. KLINE:

20 Q When you say off by a little, you mean
21 it could be perhaps next door from the stamp
22 that's shown on the photo or video?

23 A With respect to the location, it's
24 going to give you the exact location of the
25 device, the camera and with respect to zoom, we

1 were not directly in front of the Rosemarino,
2 that establishment, when taking any photographs
3 or video. Unless we were coming out of
4 Rosemarino. So with respect to the location --

5 THE INTERPRETER: I'm sorry. It's
6 very confusing. Can you repeat that, please?

7 THE WITNESS: Sure. With respect to
8 the location, it's going to be the location of
9 the device, the camera.

10 BY MR. KLINE:

11 Q So where were the photos and videos
12 taken from?

13 A From various positions inside the
14 club, yes. The time and date stamp and the
15 location is accurate. Outside Rosemarino it's
16 going to be across the street or at the end of
17 the corner. So again, the address will be a
18 little off, but the street is correct.

19 MR. KLINE: Okay. I don't have any
20 further questions of this witness.

21 CHAIRPERSON ANDERSON: I have a
22 question that I want to ask you, Mr. Bucksell.
23 These are videos, were taken approximately over a
24 year, maybe a year and four months ago. Is that
25 correct?

1 THE WITNESS: Yes.

2 CHAIRPERSON ANDERSON: Why has this
3 video -- once you took the video, who did you
4 share these videos with?

5 THE WITNESS: With the attorney
6 Douglas Melcher, as well as the client.

7 CHAIRPERSON ANDERSON: Now, I'm
8 looking at the investigative history for this
9 establishment. And I, it appears that there's
10 just three or four incidents at least on their
11 investigative history. Did you or, do you know
12 whether or not yourself or anyone provided this
13 information to ABCA for them to do an
14 investigation?

15 THE WITNESS: No, we did not. I
16 believe during the investigation we did see, I
17 want to say it may have been ABCA who came to
18 check the establishment one night while we were
19 in conducting an investigation.

20 CHAIRPERSON ANDERSON: Do you recall
21 what date you saw an ABCA investigator at the
22 location?

23 THE WITNESS: I do not off the top of
24 my head, no.

25 CHAIRPERSON ANDERSON: Are you

1 familiar with RDOs?

2 THE INTERPRETER: You said RDOs?

3 CHAIRPERSON ANDERSON: RDO, yes. Is
4 he familiar with it?

5 THE WITNESS: No.

6 CHAIRPERSON ANDERSON: During the time
7 of your investigation, did you, were there, did
8 you notice any police officers in the area?

9 THE WITNESS: None other than going on
10 a call. And when you say notice in the area,
11 they drove by periodically, but I've never
12 noticed or observed any vehicles being parked.
13 And basically any surveillance of any sort.

14 CHAIRPERSON ANDERSON: All right,
15 thank you. Any other questions by any Board
16 members? Mr. Kline, any questions based on the
17 questions that were asked by the Board?

18 MR. KLINE: No, Mr. Chair.

19 CHAIRPERSON ANDERSON: You said no Mr.
20 Kline?

21 MR. KLINE: No questions, thank you.

22 CHAIRPERSON ANDERSON: Mr. Melcher,
23 you are able, do you have any redirect? And
24 please be brief.

25 REDIRECT EXAMINATION

1 BY MR. MELCHER:

2 Q Did you provide information regarding
3 your investigation to any representatives of the
4 Metropolitan Police Department?

5 A Yes.

6 Q All right, more follow up. What
7 information did you provide?

8 A We had someone report the gun incident
9 during that night the guy pulled the weapon out.

10 MR. MELCHER: Nothing further, thank
11 you.

12 CHAIRPERSON ANDERSON: All right, Mr.
13 Bucksell, thank you very much for your testimony,
14 sir. You're free now to go.

15 THE WITNESS: Thank you.

16 CHAIRPERSON ANDERSON: It's 9:11.
17 We're going to we're going to take another
18 ten-minute break, and we'll be back at 9:21.

19 (Whereupon, the above-entitled matter
20 went off the record at 9:12 p.m. and resumed at
21 9:24 p.m.)

22 CHAIRPERSON ANDERSON: We're back on
23 the record. Mr. Melcher, do you have another
24 witness?

25 MR. MELCHER: Yes, I would like to

1 call Ann Navaro.

2 CHAIRPERSON ANDERSON: All right, Ms.
3 Navaro, can you raise your right hand, please?

4 WHEREUPON,

5 ANN NAVARO

6 was called as a witness by Counsel for the
7 Protestants and, having been first duly sworn,
8 assumed the witness stand, was examined, and
9 testified as follows:

10 CHAIRPERSON ANDERSON: Thank you. All
11 right, your witness.

12 DIRECT EXAMINATION

13 BY MR. MELCHER:

14 Q Good evening Ms. Navaro. What is your
15 address?

16 A My address is 2023 R Street.

17 Q And where is that in relation to
18 Rosemarino?

19 A It's just around the corner in
20 essentially the same block as Rosemarino. I
21 share an alley with Rosemarino.

22 Q How long have you lived there?

23 A About 11 years.

24 Q So, what is your role in the group of
25 Five or More?

1 A I'm one of the designated
2 representatives of the group.

3 Q How many people are in the group?

4 A More than 70.

5 Q Okay, so the group is protesting two
6 applications. Why is it protesting the two
7 applications?

8 A The group is protesting the two
9 applications because of the really serious
10 negative impacts that Rosemarino's nightclub-type
11 operations cause to the neighborhood.

12 Q There was really just a remarkable
13 difference in the neighborhood between the nights
14 when Rosemarino was just operating as a
15 restaurant and the nights where they were running
16 these nightclub operations. It was really chaos.
17 So that's why the group is protesting.

18 I don't, I think speaking for myself,
19 I love living in a lively urban neighborhood and
20 that's why I moved there. But this is a totally
21 different thing.

22 Q Let's take a look at Protestant's
23 Exhibit 1.

24 (Whereupon, the above-referred to
25 document was marked as Protestants' Exhibit No. 1

1 for identification.)

2 Q Can you tell me what this exhibit
3 shows?

4 A Well, these exhibits show Rosemarino,
5 which is the black dot on Connecticut Avenue.
6 And the red dots are all the houses where people
7 who are signatories to the protest live.

8 Q Were you involved in creating this
9 exhibit?

10 A Yes, I was involved. One of our
11 neighbors who has good skills with this kind of
12 thing created the map working with me and others
13 based on the addresses of our signatories.

14 Q Is this, is this map and what it
15 depicts an accurate depiction?

16 A Yes.

17 MR. MELCHER: I move Exhibit 1 into
18 evidence.

19 CHAIRPERSON ANDERSON: Mr. Kline?

20 MR. KLINE: Just to relevance, we once
21 had a time where residents could register their
22 objection by petition to a particular license and
23 that license would be denied if the requisite
24 number of signatures were obtained, but that law
25 was repealed.

1 And where are these, you know, how
2 many protestants there are and where they live is
3 completely irrelevant to the Board's decision as
4 to whether this establishment has a negative
5 effect on peace, order, and quiet or a negative
6 effect on real property values or vehicular and
7 pedestrian safety.

8 CHAIRPERSON ANDERSON: I'm going to
9 admit this over your objection, Mr. Kline.

10 (Whereupon, the above-referred to
11 document was received into evidence as
12 Protestants' Exhibit No. 1.)

13 BY MR. MELCHER:

14 Q Okay, Ms. Navaro, you said you live on
15 R Street, correct?

16 A That's correct. I'm the red dot
17 closest to the corner of R and 21st on the north
18 side.

19 Q Were you involved in a prior protest
20 for a substantial change application submitted by
21 Rosemarino?

22 A Yes, I was.

23 Q Are you aware that the licensee
24 subsequently withdrew its application?

25 A Yes, and there was really a dramatic

1 difference after that period when Rosemarino
2 stopped the nightclub type operations. We got
3 back the peace and quiet we had in the
4 neighborhood.

5 Q So the establishment Rosemarino is
6 located on Connecticut Avenue. Do you perceive
7 there's any problem in the adjacent residential
8 areas associated with the establishment?

9 A Well yes, I mean, that's why we're
10 protesting. Rosemarino's operations caused a lot
11 of problems directly in front of my house. I'm
12 going to pause just so she can translate but I
13 have a longer answer.

14 So after closing time, crowds of
15 people who apparently had been parking on the
16 neighborhood streets would go down the street. I
17 called the police a couple of times due to fairly
18 violent fights in front of my house. I saw
19 people rolling in the street.

20 THE INTERPRETER: I'm sorry, what was
21 the last action? I saw people on the street?

22 THE WITNESS: Rolling in the street.

23 THE INTERPRETER: Okay, thank you.

24 THE WITNESS: And you know, there were
25 empty alcohol bottles all over the place. Just a

1 little more than a year ago I guess in early 2022
2 there was a shooting between two moving cars or
3 like one moving car going the wrong way down one
4 street after Rosemarino had closed for the
5 evening.

6 BY MR. MELCHER:

7 Q Have you finished your answer?

8 A Yes.

9 Q Do you recall an incident that
10 occurred on February 6, 2022?

11 A Yes, I think that was the shooting
12 that I referred to. So that evening, again,
13 there were crowds of very noisy people and loud
14 music coming down R Street which woke me up.

15 I don't recall what time, but it was
16 often I think around 3:00 a.m. I heard shots and
17 I went to my window and saw individuals kind of
18 milling about right in front of my house near a
19 vehicle.

20 And then I saw an SUV come speeding
21 the wrong way down our street. And there may
22 have been another shot and I called the police.
23 And nothing like these things had ever happened
24 before Rosemarino has started these nightclub
25 nights.

1 Q And have there been problems that
2 you've observed since Rosemarino stopped having
3 these nightclub-like events?

4 A No. I have I have not observed any
5 problems like this when Rosemarino doesn't have
6 these events. I understand there are other
7 licensees in the same block and across
8 Connecticut that are wanting to do similar
9 things.

10 And that there have been a lot of
11 gunshots in the area, but I have not observed
12 them because they haven't happened in front of my
13 house. Given the chaos that Rosemarino caused
14 previously, I'm very concerned about it starting
15 up again and just compounding problems.

16 MR. MELCHER: All right, that's all I
17 have on direct.

18 CHAIRPERSON ANDERSON: Mr. Kline?

19 CROSS EXAMINATION

20 BY MR. KLINE:

21 Q Ms. Navaro, do you currently live at
22 2023 R Street Northwest? And you refer to that
23 as quote, my house, close quote, right?

24 A I did refer to it as my house as a --

25 Q Thank you. Isn't a fact that on June

1 30 of 2023, a few weeks ago, you sold that
2 property for \$3.1 million?

3 THE INTERPRETER: I'm sorry, can you
4 repeat the date?

5 BY MR. KLINE:

6 Q June 30, 2023.

7 A Yes, that's correct. I sold it and
8 I'm continuing to live in it until August 29.

9 Q All right.

10 A So I still think of it as my house,
11 obviously.

12 Q But you're moving out in August?

13 A Correct.

14 Q And you purchased it in 2011 for
15 \$2,325,000?

16 A Yes, that's correct.

17 Q Is it your contention that Rosemarino
18 in any way affected the value of your property
19 that you sold for \$3.1 million?

20 A I've never made that claim.

21 Q Didn't, aren't you part of the group
22 that protested the license on the grounds that
23 this establishment has an effect on real property
24 values?

25 A Yes, I'm part of that group.

1 Q So you, in fact, did make that claim,
2 didn't you?

3 A No, I did not make that claim.

4 MR. KLINE: No further questions of
5 the witness.

6 CHAIRPERSON ANDERSON: I have a
7 question, Ms. Navaro. How long was your
8 property, how long was your property on the
9 market for?

10 THE WITNESS: It was never officially
11 on the market. It was sold just prior to
12 official listing.

13 CHAIRPERSON ANDERSON: Now did you
14 get, the price that you were seeking or was that
15 a lower price you got for the property?

16 THE WITNESS: I got a little bit more
17 than the free listing price that was publicly
18 available.

19 CHAIRPERSON ANDERSON: Any questions
20 by any Board members? Mr. Kline, any follow up?

21 MR. KLINE: Yes, just one. When you
22 say a little bit more --

23 CHAIRPERSON ANDERSON: Mr. Kline,
24 remember.

25 BY MR. KLINE:

1 Q When you say a little bit more, you
2 mean \$100,000 more?

3 A I honestly don't remember exactly what
4 it was posted at. My realtors and I were having
5 some back and forth about the final price and
6 because the listing never went live, I don't
7 recall. I do recall that there is a number on
8 the pre-listing version that was publicly
9 available.

10 Q I would say it was not 3.1. It was
11 lower than 3.1?

12 A Right.

13 Q And if I told you that Long & Foster,
14 Long and Foster were your agents, correct?

15 A Correct.

16 Q And if I told you that Long & Foster
17 records indicated that it was listed at
18 \$2,999,500, you wouldn't dispute that would you?

19 A That's probably correct.

20 MR. KLINE: Thank you. I have nothing
21 further.

22 CHAIRPERSON ANDERSON: Redirect?

23 REDIRECT EXAMINATION

24 BY MR. MELCHER:

25 Q At the time of the sale of your home,

1 for how long had Rosemarino's nightclub events
2 been bought?

3 THE INTERPRETER: I'm sorry, can you
4 repeat that?

5 MR. MELCHER: At the time of the sale,
6 for how long had Rosemarino's nighttime events
7 been paused?

8 THE INTERPRETER: On you said?

9 MR. MELCHER: Paused.

10 THE INTERPRETER: Paused, okay.
11 Sorry.

12 THE WITNESS: All right, and the last
13 event they had was in October of 2022 that I'm
14 aware of. The real chaos had been over a year,
15 and we signed the protest letter in November of
16 2022. I hadn't even thought about selling my
17 house until April or May of this year.

18 BY MR. MELCHER:

19 Q At the time of the sale, were there
20 any ongoing disturbances that you were concerned
21 about?

22 A No.

23 Q Is the Group of Five more concerned
24 about the potential impact of Rosemarino's
25 lifetime events if it gets an entertainment

1 endorsement?

2 Let me withdraw that question. I
3 didn't ask it properly. Is the Group of Five
4 more concerned about the potential impact of
5 Rosemarino's activities on property values in the
6 future if it obtains an entertainment?

7 MR. KLINE: Objection.

8 CHAIRPERSON ANDERSON: What's the
9 nature of your objection, Mr. Klein?

10 MR. KLINE: Just a representative
11 member of the Group of Five is leaving, out of
12 the neighborhood in the month. Like what
13 relevance is her testimony concerning what she
14 feels about property values when she's already
15 sold her house for \$100,000 then they were listed
16 at \$3.1 million?

17 CHAIRPERSON ANDERSON: Mr. Melcher?

18 MR. MELCHER: She's currently a
19 resident. She's a member of the group. Her
20 standings been recognized and if you let me ask
21 her one more question, I can point out where
22 she's moving.

23 CHAIRPERSON ANDERSON: I'm going to
24 sustain the objection. If you have another
25 question, you can ask it, sir.

1 BY MR. MELCHER:

2 Q Well, where did you move to, Ms.
3 Navaro?

4 A So I purchased a house on Hillyer
5 Place, which is half a block from my current
6 house. I remain very invested in the
7 neighborhood. I'm very committed to living in
8 the city. Excited about the opportunities and
9 diversity in the city. But very -- continue to
10 be very concerned about the impact that
11 Rosemarino's operations could have in the future
12 on the neighborhood as a whole.

13 MR. MELCHER: Mr. Chairman, she's
14 continuing to live in the neighborhood. I don't
15 understand the objection to the prior question.
16 I want to ask my question again.

17 CHAIRPERSON ANDERSON: I am -- at the
18 time, I sustained the objection. You ask the
19 follow up, you asked the follow up question. So
20 you're free to ask whatever questions you want to
21 ask her.

22 MR. MELCHER: Thank you.

23 BY MR. MELCHER:

24 Q Ms. Navaro, as the designated
25 representative of the Group of Five or More, is

1 one of the group's concerns about the potential
2 impact of Rosemarino's activities on future
3 property values if it resumes nightclub
4 operations?

5 A Yes, I mean, we're all concerned about
6 the future. We're concerned about Rosemarino
7 continuing its irresponsible operations and that
8 having a depressing effect on the neighborhood.

9 MR. MELCHER: No further questions.

10 CHAIRPERSON ANDERSON: Thank you for
11 your testimony, Ms. Navaro. Mr. Melcher, do you
12 have another witness?

13 MR. MELCHER: Yes, Nicole Guagenti.

14 CHAIRPERSON ANDERSON: All right. Ms.
15 Guagenti, can you raise your right hand, please?
16 WHEREUPON,

17 NICOLE GUAGENTI

18 was called as a witness by Counsel for the
19 Protestants and, having been first duly sworn,
20 was examined and testified as follows:

21 CHAIRPERSON ANDERSON: Can you spell
22 and state your name for the record, please,
23 ma'am?

24 THE WITNESS: Nicole N-I-C-O-L-E,
25 Guagenti G-U-A-G-E-N-T-I.

1 CHAIRPERSON ANDERSON: Thank you.
2 Your witness, Mr. Kline. Sorry. Your witness,
3 Mr. Melcher.

4 DIRECT EXAMINATION

5 BY MR. MELCHER:

6 Q Ms. Guagenti, are you related to Nolan
7 Guagenti?

8 A Yes, he's my husband.

9 Q Do you have children?

10 A Yes, we have three.

11 Q Do you have a home for your family on
12 R Street or do you have a home for your family on
13 R Street?

14 A Yes, we live on R Street.

15 Q I apologize. I'm getting very tired.
16 Are you a participant in the group of 70 or more
17 individuals who are protesting the applications
18 filed by Rosemarino?

19 A Yes, I am.

20 Q Do you recall an incident relating to
21 Rosemarino, which occurred on February 6, 2022?

22 A Yes, I do.

23 CHAIRPERSON ANDERSON: I'm sorry.
24 Hold on, ma'am. Hold on. Remember, the question
25 is asked. It needs to be translated. That's

1 when you respond, ma'am. And then help the
2 translator by maybe giving her a break to
3 translate before you move on, okay? All right.
4 So ma'am --

5 THE INTERPRETER: Thank you. I
6 appreciate it.

7 BY MR. MELCHER:

8 Q Do you recall an incident relating to
9 Rosemarino which occurred on Sunday, February 6,
10 2022?

11 A I can answer?

12 CHAIRPERSON ANDERSON: Yes, ma'am.
13 You can answer now.

14 THE INTERPRETER: If it helps, I can
15 tell you go ahead after I'm done.

16 THE WITNESS: My daughter was up late,
17 and she ran down to say, mom I think I heard a
18 gunshot.

19 THE INTERPRETER: Go ahead.

20 THE WITNESS: And I told her just
21 instantly, it's probably just a car backfiring.
22 You know just go back upstairs. And, yes, I'll
23 pause.

24 THE INTERPRETER: Go ahead.

25 THE WITNESS: To reassure her I went

1 upstairs. Her bedroom is facing the street, R
2 Street. And so, we looked out her window and we
3 noticed a black car with lights and a grill
4 revving its engine.

5 And so, I was like okay, Bella, I
6 think it was just the car backfiring. And I
7 looked down on my phone and noticed that there
8 was activity on our doorbell.

9 And there were people actually
10 stooping in our door, in our doorway, hiding from
11 something. And so, at that point, I knew that it
12 was serious.

13 And so we ran down and woke up my
14 husband and that's when we realized that there
15 was a shooting right in front of the house. And
16 so, yes, there was, my husband called the police.

17 He was able to pull several videos
18 from our main camera, our doorbell and it showed
19 the people hiding. They were clearly very
20 scared, and we were scared as well.

21 Yes, it created a lot of fear within
22 our household. My husband was out talking to the
23 police. He was they gave information so they
24 could call us if they found something.

25 My husband actually scoured the videos

1 and was actually able to recover, he didn't pick
2 him up, but he was able to find the shells
3 outside that morning. He called again.

4 Yes, and I just like to say that, you
5 know, it caused my kids, they were 16, 14 and 10
6 at the time, it caused, you know, my son didn't
7 want to sit in front of the house. He was afraid
8 anytime he hears anything. We had to reassure
9 him that it's okay.

10 And you know my daughter didn't sleep
11 that night. I stayed up with my husband, and if
12 there was a lot of activity. We were out
13 watching, seeing if anything was happening so
14 that's what happened that night.

15 Q Do you recall an incident relating to
16 Rosemarino which occurred on Sunday March 20,
17 2022?

18 A Yes, I do. My husband and my
19 daughter, yes. And he wanted to take them to
20 Michoacan on Connecticut. And they left out and
21 my husband let me know that there were people
22 congregating out front of our house sitting on
23 our brick.

24 And he didn't say anything to them,
25 which was perfectly fine. They stayed. They

1 were smoking. We could smell the weed in the
2 house.

3 And it very loud but I didn't say
4 anything for a while. And I eventually went out
5 and I asked them to leave. I asked them to
6 please not sit on our wall and to just kind of
7 leave our property. When they had --

8 THE INTERPRETER: One moment, please.

9 THE WITNESS: Where, I'm sorry, I have
10 to ask the clarifying question because I didn't
11 understand what she said. Can I?

12 CHAIRPERSON ANDERSON: Go ahead.

13 THE INTERPRETER: What is the name
14 that she mentioned at the beginning that the
15 husband and the daughter went to?

16 THE WITNESS: My husband and my
17 daughter went to Michoacan which --

18 THE INTERPRETER: Michoacan, okay.
19 Thank you.

20 THE WITNESS: I called him to let him
21 know that I confronted them, and he stepped out
22 of the restaurant. And he said that the same
23 people that he walked by went into Rosemarino.

24 BY MR. MELCHER:

25 Q Anything else, Ms. Guagenti?

1 A No, nothing pertaining to that
2 incident.

3 MR. MELCHER: Okay, let's take a look
4 at Exhibit 6.

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

8 BY MR. MELCHER:

9 Q Okay, do you recognize this photo?

10 A I do.

11 Q Do you know how it was taken?

12 A Yes. It's from one of our cameras
13 from the door.

14 Q Okay, and what does it show?

15 A It shows a group of people
16 congregating in front of our home.

17 Q Is this the same congregation of
18 people that you were telling us about a little
19 bit earlier?

20 A Yes, it is.

21 Q And is this a correct, is this a true
22 and correct image of what the scene looked like?

23 A Yes.

24 MR. MELCHER: I move for Exhibit 6 to
25 be admitted into evidence.

1 CHAIRPERSON ANDERSON: Mr. Kline?

2 MR. KLINE: No objection.

3 CHAIRPERSON ANDERSON: Without
4 objection.

5 (Whereupon, the above-referred to
6 document was received into evidence as Protestant
7 Exhibit No. 6.)

8 BY MR. MELCHER:

9 Q Did anything happen February 6 in
10 March, prior to those dates? Do you recall?

11 A Are not isolated events.
12 Unfortunately, on the nights that they were able
13 to have the club activity, we expected this to
14 happen.

15 Q Are you concerned that there will be
16 future incidents if Rosemarino's application for
17 entertainment endorsement is granted?

18 MR. KLINE: Objection, leading.

19 CHAIRPERSON ANDERSON: Mr. Melcher?

20 MR. MELCHER: I'll just withdraw and
21 rephrase.

22 BY MR. MELCHER:

23 Q Why are you protesting Rosemarino's
24 application?

25 A The reason is the safety for my

1 family. As a mom, I'm just concerned. I
2 shouldn't have to make up stories, or you know,
3 prepare for noisy weekends, or be afraid of what
4 I'm going to see on the streets. Like we didn't
5 move to this neighborhood expecting we would have
6 to deal with these situations.

7 MR. MELCHER: No further questions.

8 CHAIRPERSON ANDERSON: Mr. Kline?

9 CROSS-EXAMINATION

10 BY MR. KLINE:

11 Q Yes. Good evening, Ms. Guagenti. Ms.
12 Guagenti, are you familiar with the state of gun
13 violence and carjackings that have been
14 experienced across the District of Columbia?

15 A I hear about incidents on this, I
16 guess, just like everyone else does.

17 Q But you don't think it's any worse in
18 the District than it's ever been? Is that what
19 your position is?

20 A My position is I am concerned about
21 it. But what I'm truly concerned about is what's
22 happening in front of my house. That's what --

23 Q Do you think anybody who has moved in
24 the District of Columbia expected the state of
25 gun violence and carjackings that have been

1 experienced the last few years?

2 THE INTERPRETER: I'm sorry, can you
3 repeat that question?

4 MR. KLINE: The question is, do you
5 think anyone who's moved into the District of
6 Columbia expected the state of gun violence, and
7 carjackings, and other violent activity that's
8 occurred in the District of Columbia in the
9 recent year or so?

10 THE WITNESS: Again, I'm only
11 concerned about the violence and the activity
12 that is occurring in front of my house that's
13 affecting my family, where it relates to
14 Rosemarino.

15 MR. KLINE: That was not responsive to
16 the question, but I will move on. No further
17 questions.

18 CHAIRPERSON ANDERSON: Ms. Guagenti,
19 you talked about the shooting on -- I think you
20 said in February? Is that correct?

21 THE WITNESS: Yes.

22 CHAIRPERSON ANDERSON: Did you leave
23 your house on that? The day you heard the
24 shooting, did you leave your house to come
25 outside to investigate?

1 THE WITNESS: I did not.

2 CHAIRPERSON ANDERSON: So how did you
3 know that the shooting was related to this
4 establishment?

5 THE WITNESS: I guess I can't say that
6 the people who came from that club were the ones
7 who were shooting. My husband has additional
8 information that he's willing to share, but I
9 didn't see them come out of the club.

10 CHAIRPERSON ANDERSON: Now you
11 testified that the folks were sitting on your
12 front stoop. Your husband called you later on
13 and told you that after they left your front
14 stoop, they went to the establishment? Is that
15 correct?

16 THE WITNESS: What I said was, my
17 husband left before me. He went to the
18 restaurant, which is pretty much right beside
19 Rosemarino. He did not confront them at all.

20 When I eventually asked them to leave
21 my front steps, my husband, I called him to say,
22 hey, this is what I had to do. I actually had to
23 come out of our house and confront these people.

24 He stepped out of the restaurant to
25 take the call. And he said he saw the same

1 people that he walked by, go into Rosemarino.

2 CHAIRPERSON ANDERSON: So your husband
3 did not see the group sitting on your front
4 stoop? Is that correct?

5 THE INTERPRETER: I'm sorry? I
6 couldn't hear you completely.

7 CHAIRPERSON ANDERSON: Your husband
8 did not see the folks who were sitting on your
9 front stoop? Is that correct?

10 THE WITNESS: That is not correct.
11 Because if he didn't see them, he would not know
12 that it was them that walked into the restaurant.

13 CHAIRPERSON ANDERSON: No, the
14 question I'm asking, did your husband see them?
15 Did your husband see these people sitting in on
16 your front stoop. That's what I'm asking you.

17 THE WITNESS: Maybe I'm missing
18 something. My husband left. He walked past
19 them. He saw them. He did not confront them
20 because he didn't think that it was a good idea
21 for him to confront a bunch of men.

22 They weren't, you know, they were --
23 nobody wants a group of people just lurking in
24 front of their homes. But he didn't think that
25 it would end well if he tried to confront them.

1 CHAIRPERSON ANDERSON: I don't have
2 any further questions. Any questions by any
3 Board members? Go ahead and Mr. Short.

4 MEMBER SHORT: Good evening, Ms.
5 Guagenti. How many years have you lived on R
6 Street?

7 CHAIRPERSON ANDERSON: We lived there
8 for three years.

9 MEMBER SHORT: Prior to the nightlife
10 at the Rosemarino Restaurant, prior to that, were
11 people sitting on your front or were you hearing
12 gunshots? Prior to night activity in that
13 restaurant?

14 THE WITNESS: No. Prior to that, we
15 hadn't had any issues with gunshots, people
16 hiding in our doorway. We've had the occasional
17 people sit on our steps. But if they're not
18 doing anything, it's typically not, we consider
19 it just part of having steps in D.C.

20 MEMBER SHORT: Do you as a citizen
21 homeowner on R street contribute the recent
22 situation you've been having with people smoking
23 on your front, gunshots, people hiding on your,
24 in your -- was that happening before the
25 nightlife started at Rosemarino Restaurant?

1 THE WITNESS: The answer is no. It
2 wasn't happening.

3 MEMBER SHORT: And my final question,
4 in your neighborhood are there carjackings and
5 shootings like there are in the rest of the town?

6 THE WITNESS: On our street, no, I
7 feel relatively safe. There's a police presence.
8 And so, you know, there are things happening. We
9 are trying to be careful, you know. But no, not
10 to the extent of when Rosemarino operates their
11 club.

12 MEMBER SHORT: How many hours did you
13 wait to testify today?

14 THE WITNESS: I've been on the call
15 since 1:30.

16 MEMBER SHORT: 1:30 p.m., today?

17 THE WITNESS: 1:30 p.m.

18 MEMBER SHORT: So this has really got
19 your interest and got you to the point you want
20 to really be an activist in your community?

21 THE WITNESS: Absolutely.

22 MEMBER SHORT: Thank you for your
23 testimony has been quite compelling. That's all
24 I have for this witness, Chairperson.

25 CHAIRPERSON ANDERSON: Any other

1 questions for any Board members? Mr. Kline, any
2 follow up based on the questions that were asked
3 by the Board?

4 (No response.)

5 CHAIRPERSON ANDERSON: Mr. Melcher,
6 any short redirect?

7 MR. MELCHER: No, Mr. Chairman.

8 CHAIRPERSON ANDERSON: Thank you,
9 Miss. By now, I should have figured out how to
10 pronounce your name. I'm poor pronunciation.

11 MR. GUAGENTI: Guagenti.

12 CHAIRPERSON ANDERSON: Guagenti.
13 Thank you for your testimony today, ma'am. All
14 right. Mr. Melcher, how many more witnesses do
15 you have? I'm just trying to gauge this.

16 MR. MELCHER: I'm kind of losing
17 witnesses. But I think five more. I'm losing
18 count. Depends on who's actually still
19 available.

20 I do want to let you know there's a
21 potential rebuttal witness very, very short
22 though. These next couple of witnesses, at least
23 this next witness, is going to be very short.

24 CHAIRPERSON ANDERSON: All right. I'm
25 just asking that. And I'm fine with this. All

1 right. Who is your next witness?

2 MR. MELCHER: Lieutenant Fawzi of the
3 Metropolitan Police Department.

4 CHAIRPERSON ANDERSON: Lieutenant
5 Fawzi, can you raise your right hand please?
6 WHEREUPON,

7 FARID FAWZI
8 was called as a witness by Counsel for the
9 Protestants and, having been first duly sworn,
10 was examined and testified as follows:

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

13 LT FAWZI: Lieutenant Farid Fawzi. My
14 first name is spelled F-A-R-I-D. My last name is
15 spelled F-A-W-Z-I.

16 CHAIRPERSON ANDERSON: Thank you.
17 Your witness, sir.

18 DIRECT EXAMINATION

19 BY MR. MELCHER:

20 Q Lieutenant Fawzi are you employed as
21 a police officer by the Metropolitan Police
22 Department?

23 A Yes, I am.

24 Q And what is your rank?

25 A Currently, Lieutenant.

1 Q And what is your current assignment?

2 MR. MELCHER: I'm sorry.

3 THE INTERPRETER: I'm sorry to
4 interrupt.

5 BY MR. MELCHER:

6 Q Lieutenant Fawzi, what is your current
7 assignment with MPD?

8 A I'm currently assigned to the Internal
9 Affairs Division to the Force Investigation Team?

10 Q Were you previously assigned to the
11 Second District?

12 A Yes, I was.

13 Q And does the Second District include
14 the DuPont Circle area?

15 A Yes, it does. That's PSA 208.

16 Q Are you familiar with an established
17 -- I'm sorry. Are you familiar with an
18 establishment in the area known as Rosemarino
19 d'Italia?

20 A Yes, I am.

21 Q Did there come a time when you
22 investigated an incident that occurred at the
23 establishment?

24 A Yes. And at the beginning of February
25 of 2022, I was contacted by Mrs. Roggensack who

1 is a representative of the ANC neighborhood in
2 the DuPont area.

3 About a concern about a report of an
4 unlawful discharge of a firearm and the belief
5 that that incident came out of an incident that
6 occurred at the Rosemarino night club on February
7 7th, I think it was.

8 Q Did you receive a video of an incident
9 by any chance from a private investigator?

10 A I received a video. I don't recall if
11 it was from a private investigator or Ms.
12 Roggensack. But I received a video of a
13 recording that was taken on March 13th of 2022.

14 Where a gentleman was in front of --
15 well, I'll say suspect was in front of Rosemarino
16 and he had brandished an assault rifle before
17 leaving in a vehicle. And I believe that
18 occurred March 13th of 2022.

19 Q All right. What did you do to
20 investigate these various incidents, if anything?

21 CHAIRPERSON ANDERSON: Okay. Go
22 ahead, sir. Did you hear the question, sir?

23 LT FAWZI: (Audio interference.)

24 CHAIRPERSON ANDERSON: I think you're
25 breaking up, Lieutenant. So did you hear the

1 question that was asked of you, sir?

2 LT FAWZI: Yes, I heard the question,
3 and then you said hold on a minute. So I didn't
4 know if I needed to stand by or answer.

5 CHAIRPERSON ANDERSON: No, I said
6 hold on a minute because you had disappeared from
7 the screen. So go ahead. Okay.

8 LT FAWZI: Well, prior to receiving
9 the video of the suspect brandishing an assault
10 rifle, I was given information of an assault that
11 occurred inside of the Rosemarino when it was
12 operating in the nightclub. And it was a video
13 of, I believe it was one of your exhibits, of
14 some sort of group fight where a female may have
15 been assaulted or injured.

16 And once I received that video -- or
17 that information, I reached out to Mr. Camacho of
18 the nightclub to try and get the nightclub's
19 video footage because, I believe, the footage
20 that I received was from the private
21 investigator.

22 MR. MELCHER: What was the response,
23 if any, that you received?

24 LT FAWZI: So when I phoned the
25 nightclub, I spoke with Mr. Camacho, and I

1 explained to him that there was an incident that
2 occurred inside of the nightclub where somebody
3 was assaulted and that I believed his security
4 system had captured video footage of the assault
5 and that we needed a copy of the video.

6 Through that discussion with him, I
7 believe he told me that the CCTV's retention
8 system was 30 days, so there was a short period
9 of time in which he had to get the video to me.
10 So I sent him an email shortly afterwards,
11 requesting that he send me the video, and in that
12 email, I specifically put that time was of the
13 essence. And he never replied to it.

14 THE INTERPRETER: I'm sorry. You're
15 breaking up a lot. I will try to say everything,
16 but just you will have to pause a little bit if
17 there are too many details, so I don't miss
18 anything. Thank you.

19 MR. MELCHER: Were you concerned by
20 Mr. Camacho's failure to provide the video?

21 MR. KLINE: Objection, leading.

22 MR. MELCHER: All right. I'll just
23 retract the question.

24 CHAIRPERSON ANDERSON: All right. Go
25 ahead.

1 MR. MELCHER: Did you have any thoughts
2 resulting from the fact that you didn't receive a
3 response from Mr. Camacho to your email?

4 LT FAWZI: Usually, when the police
5 contact a business and say -- There's a crime
6 that occurred inside of your business. It was
7 captured by your security footage. We need a
8 copy of it to investigate -- the businesses
9 usually provide us with a video. When a business
10 doesn't provide video footage, it makes it appear
11 as though they're either shielding the suspect or
12 they know who the suspect is and doesn't want the
13 suspect to get caught.

14 So here, in this case, somebody was
15 assaulted. We knew that there was some sort of
16 crime that occurred. We needed to identify the
17 suspects. The nightclub could have helped the
18 police do that. They didn't. The suspect wasn't
19 apprehended.

20 MR. MELCHER: I don't have any further
21 questions.

22 CHAIRPERSON ANDERSON: Mr. Kline.

23 CROSS-EXAMINATION

24 MR. KLINE: Do you have a copy of the
25 video that you sent, requesting -- I'm sorry -- a

1 copy of the email that you sent, requesting the
2 video?

3 LT FAWZI: I don't have a paper copy.
4 However, it is in electronic format.

5 MR. KLINE: But we can't view that
6 tonight?

7 LT FAWZI: I believe that's going to
8 have to be done through a FOIA request and,
9 especially now, because of my current assignment.
10 I may have to contact the general counsel to find
11 out if I can provide a copy of that email or not.

12 MR. KLINE: Did you report the
13 situation to then ABRA, now ABCA?

14 LT FAWZI: Are you referring to the
15 alleged assault inside of the nightclub or the
16 person brandishing the assault rifle incident?

17 MR. KLINE: I'm talking about the
18 failure to turn over the video or the other
19 situations, any of it.

20 LT FAWZI: I had phone conversations
21 with two then ABRA investigators about the
22 nightclub. There was no electronic
23 correspondence between myself and the
24 investigators. I don't recall what exactly we
25 spoke about, but I do recall that the assault

1 incident inside of the nightclub was talked
2 about. I don't recall if we discussed the gun-
3 brandishing incident.

4 MR. KLINE: What about the failure to
5 turn over the videotape? Did you mention that to
6 ABRA, ABCA?

7 LT FAWZI: I don't recall if I
8 mentioned that specifically. However, because we
9 couldn't identify a victim, there was no report
10 taken for the actual assault.

11 MR. KLINE: Well, aren't you supposed
12 to prepare a report when there's an allegation?
13 Aren't you supposed to prepare a report when
14 there's an incident involving an ABC-licensed
15 establishment?

16 LT FAWZI: And that's the point.
17 Because we didn't have a victim, we didn't know
18 if an incident actually occurred, and because
19 Rosemarino just didn't give us a video, we
20 couldn't verify it or not. So we really had no
21 way of reporting to ABRA an incident, other than
22 speaking with the investigator and saying,
23 Something may have happened, but they didn't give
24 us a video, so we can't confirm that.

25 MR. KLINE: But you knew they didn't

1 give you the video. Right?

2 LT FAWZI: That's correct. But it's
3 not exactly a crime just to blow off the police
4 when they call asking for help in terms of video
5 footage, especially when the victim hasn't
6 reported a crime.

7 MR. KLINE: So you're making this
8 serious allegation that this establishment
9 failed, upon your request, to turn over a video.
10 Correct?

11 LT FAWZI: That is, in fact, what
12 happened.

13 MR. KLINE: And you've discussed why
14 that is serious. Right?

15 LT FAWZI: Discussed with who? You
16 mean my --

17 MR. KLINE: Discussed with us here
18 tonight. Didn't you testify as to why it's
19 important that the video be turned over and how
20 serious that is?

21 LT FAWZI: Yes, that was very
22 important.

23 MR. KLINE: But you didn't think it
24 important enough to report that to ABRA?

25 LT FAWZI: Let me explain it another way.

1 MR. KLINE: It's a yes or no question.

2 LT FAWZI: It was reported to ABRA.

3 MR. KLINE: And you didn't think it
4 important enough to bring the email, evidencing
5 that you had reached out to the establishment,
6 asking for this video? Again, yes or no
7 question.

8 LT FAWZI: I can't give you a yes or no
9 answer, but I can refer you to Mr. Melcher to
10 answer that question.

11 CHAIRPERSON ANDERSON: Lieutenant
12 Fawzi, you were asked a question, sir. You
13 either have an answer. You can't tell him to ask
14 someone else, sir, so --

15 LT FAWZI: Could you repeat the question?

16 MR. KLINE: The question is, given
17 this serious situation, you didn't think it
18 important to bring the email and show the email
19 reflecting that you had made this request upon
20 this establishment?

21 THE INTERPRETER: Okay. Can you
22 rephrase it, please, or just repeat it?

23 MR. KLINE: Yes, for the third time.

24 THE INTERPRETER: Yes, because I
25 already were confused.

1 MR. KLINE: I got it.

2 THE INTERPRETER: Sorry.

3 MR. KLINE: Even though you contend
4 this was a serious matter, you didn't think it
5 was important to bring the email, evidencing that
6 you had made this request to this establishment?

7 LT FAWZI: No, I did not think it was
8 important. I thought my testimony enough, would
9 be sufficient.

10 MR. KLINE: Thank you. I have nothing
11 further.

12 CHAIRPERSON ANDERSON: Any questions
13 by any Board members?

14 CHAIRPERSON ANDERSON: Mr. Short.

15 MEMBER SHORT: First and foremost,
16 Lieutenant Fawzi, we thank you for your service
17 and for protecting us citizens of Washington, DC.
18 And thank you for your time tonight. I know
19 you've been sitting here like most of the
20 witnesses, coming up in like 12 hours or maybe a
21 little more. But at any rate, thank you for your
22 service. Lieutenant, when you got the report of
23 a long gun or an assault rifle or saw the video
24 of same, was there any action or any reports
25 generated for that incident?

1 LT FAWZI: Yes. I had a discussion
2 with the officers from our Second District Crime
3 Suppression Team. They initiated an
4 investigation regarding the long gun that was
5 brandished in front of the Rosemarino. They
6 attempted to identify who that subject was and
7 identify the owner of the vehicle, based off of
8 the tag number. There were some investigative
9 hurdles that they couldn't jump over in order to
10 make a connection between the owner of the
11 vehicle and the person who actually brandished
12 the handgun -- or the long rifle.

13 MEMBER SHORT: How many years of
14 service do you have as a MPD officer, Lieutenant?

15 LT FAWZI: Twenty-three.

16 MEMBER SHORT: Again, I thank you very
17 much. We thank you very much for your service,
18 and we know that you've -- Internal Affairs, now,
19 you've got your hands full with that. So that
20 meant that you took some time of your own to go
21 back to the Second District to help out the
22 community, and we do appreciate and thank you for
23 that.

24 LT FAWZI: Thank you.

25 MEMBER SHORT: Lastly, do you have any

1 personal information or any information regarding
2 this establishment while you worked in the Second
3 District or any information you've got since
4 you've been with Internal Affairs that you think
5 would be good for the -- this Board here tonight?

6 LT FAWZI: I apologize. I missed the
7 first part of your question.

8 MEMBER SHORT: Well, the crux of my
9 question was do you have any further information
10 regarding this ABC establishment in question
11 tonight that would be useful for this Board and
12 the community that you would like to give us.

13 LT FAWZI: No, not at this time.

14 MEMBER SHORT: Thank you again for
15 your service, and thank you for your time
16 tonight.

17 LT FAWZI: Thank you.

18 MEMBER SHORT: That's all I have, Mr.
19 Chair.

20 CHAIRPERSON ANDERSON: Thank you, Mr.
21 Short. Any other questions by any other Board
22 members? Mr. Kline, any follow-up based on the
23 questions that were asked by the Board?

24 MR. KLINE: No, thank you.

25 CHAIRPERSON ANDERSON: Mr. Melcher,

1 any short -- you have any redirect?

2 MR. MELCHER: No, Mr. Chair.

3 CHAIRPERSON ANDERSON: Lieutenant,
4 thank you very much for your testimony, sir.
5 Have a great evening.

6 CHAIRPERSON ANDERSON: All right. Mr.
7 Melcher, you have another witness?

8 MR. MELCHER: Mr. Chairman, I believe
9 another MPD officer has joined us, and his rights
10 need to be elevated. His name is Timothy Beirne.

11 CHAIRPERSON ANDERSON: I'm sorry.
12 Who's that?

13 MR. MELCHER: Lieutenant Beirne.

14 CHAIRPERSON ANDERSON: Mr. Orellana,
15 I believe that there's a Lieutenant Beirne, you
16 said?

17 MR. MELCHER: Yes. B-E-I-R-N-E. I
18 now see him on the screen.

19 LT BEIRNE: Can you see and hear me?

20 CHAIRPERSON ANDERSON: Yes. All
21 right. Hold on. All right. Lieutenant, can you
22 raise your right hand, please? Do you swear or
23 affirm to tell the truth and nothing but the
24 truth?

25 LT BEIRNE: I do.

1 CHAIRPERSON ANDERSON: Please spell
2 and state your name for the record, please.

3 LT BEIRNE: My name is Timothy Beirne.
4 That's spelled T-I-M-O-T-H-Y. Last name is B-E-
5 I-R-N-E. And I'm a lieutenant with the
6 Metropolitan Police Department in the Second
7 District.

8 CHAIRPERSON ANDERSON: Thank you, sir.
9 Your witness, sir.

10 DIRECT EXAMINATION

11 MR. MELCHER: Thank you very much,
12 Lieutenant Beirne, for being here and working so
13 late with us.

14 LT BEIRNE: Yes, sir. No problem.

15 MR. MELCHER: Are you employed as a
16 police officer by the Metropolitan Police
17 Department?

18 LT BEIRNE: Yes.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Hold on one
21 minute. Hold on. Lieutenant, you're new to the
22 game. So what's going to happen this afternoon
23 is that the attorney's going to ask you a
24 question. The translator's going to translate,
25 and so, you answer the question after the

1 translator translates. And also, try to keep
2 your -- put a break in your answer so she can
3 translate for the licensee. Okay, sir?

4 LT BEIRNE: Yes, sir. I was waiting
5 for the translator. I've been on -- logged on a
6 few times, so I am familiar. My apologies. I
7 just was testifying -- used to answering right
8 away so my apology.

9 CHAIRPERSON ANDERSON: This is all new
10 for us, at least, today, and we have been here
11 since 10:00 this morning, so we're -- but thank
12 you. Go ahead.

13 THE INTERPRETER: Please go ahead.

14 MR. MELCHER: How long have you been
15 with the MPD?

16 LT BEIRNE: Excuse me, again. It's a
17 little over 15 years, going on 16 years.

18 MR. MELCHER: And what is your rank?

19 LT BEIRNE: Lieutenant.

20 MR. MELCHER: Are you currently
21 assigned to the Second District?

22 LT BEIRNE: Yes.

23 MR. MELCHER: What are your duties as
24 a officer in the Second District?

25 LT BEIRNE: I'm a lieutenant, which is

1 the equivalent of a -- management for the patrol
2 services within the Second District.

3 MR. MELCHER: Based on your experience
4 working in the Second District, are you familiar
5 with staffing issues relating to the assignment
6 of officer?

7 THE INTERPRETER: Stamping issues with
8 -- I lost it.

9 CHAIRPERSON ANDERSON: Staffing,
10 staffing, ma'am. Staffing issues related to the
11 assignment of officer.

12 THE INTERPRETER: Staffing. Okay.
13 Staffing. I couldn't hear you. I'm sorry.

14 LT BEIRNE: Yes.

15 MR. MELCHER: What is the currently
16 staffing goal for officers on patrol in the
17 Second District?

18 LT BEIRNE: So we have three different
19 shifts, covering 24 hours, so we have a daytime,
20 afternoon, and midnight -- go ahead, ma'am, so I
21 can continue.

22 THE INTERPRETER: Thank you.

23 LT BEIRNE: And for each shift, it's
24 the goal to have at least 24 officers per shift.
25 And additionally to that, we have a shift that

1 overlaps the shifts for our Crime Suppression
2 Team. That's separate staffing, and there's also
3 -- during nightlife hours, we have reimbursable
4 or overtime units that are assigned to certain
5 establishment throughout the nightlife.

6 MR. MELCHER: How often is the goal of
7 24 officers on patrol for a shift met?

8 LT BEIRNE: It may be hard to say
9 exactly how often, but frequently, we do -- we
10 make do with less than the 24. And at times, we
11 either have to hold people over from another
12 shift, or sometimes, we just have to make do with
13 slightly less than what we would hope to have.

14 MR. MELCHER: Are there establishments
15 in the Second District that request reimbursable
16 police details?

17 LT BEIRNE: Yes.

18 MR. MELCHER: Are there sufficient
19 officers available to provide coverage for all of
20 those requests?

21 LT BEIRNE: No.

22 MR. MELCHER: Are you able to provide
23 any statistics about the shortfall?

24 LT BEIRNE: Yes. So over -- on
25 weekend nights, there's at least, I'd say, a

1 dozen regular establishments, at least, sometimes
2 more than that. And we -- it's on a volunteer
3 basis for people to work the overtime, but there
4 are a few establishments that we make mandatory
5 coverage, just because of the amount of incidents
6 that happen there. But it is regularly we're not
7 able to fill all of the requests for the
8 reimbursable details.

9 MR. MELCHER: Based on your
10 experience, is the total number of officers
11 available for reimbursable details increasing,
12 stable, or decreasing?

13 LT BEIRNE: It's been decreasing.

14 MR. MELCHER: Based on your
15 experience, is the total number of requests for
16 reimbursable details increasing, stable, or
17 declining?

18 LT BEIRNE: The requests, I would say,
19 are increasing.

20 MR. KLINE: I'll stipulate that there
21 aren't enough reimbursable detail officers. I
22 think we've dealt with it in my client's
23 testimony. How much longer is this going to go
24 on?

25 MR. MELCHER: I have five more

1 questions.

2 MR. KLINE: For what?

3 CHAIRPERSON ANDERSON: I appreciate
4 the fact that the lieutenant is here testifying,
5 and it's late in the night. But we are all aware
6 with the resources. So I need us to move on to -
7 - if it's just about that there's shortage in
8 resources for RDO, I'm not sure how that's
9 helpful for the Board. All right. But go ahead,
10 sir.

11 MR. MELCHER: It's been proposed to
12 have reimbursable details for this licensee to
13 address the issue, and if there aren't sufficient
14 resources, that's not going to address the issue.
15 I want the staffing problems in the record. I
16 don't have any other way of getting it into the
17 record unless --

18 MR. KLINE: I just said I'd stipulate.
19 Isn't that good enough?

20 MR. MELCHER: Well, I think there's
21 more to it. My remaining questions are a little
22 bit different.

23 CHAIRPERSON ANDERSON: Go ahead, sir.

24 MR. MELCHER: Okay. Are on-duty
25 officers sometimes assigned to cover locations

1 where reimbursable details are requested? When
2 that happens, does that result in a reduction in
3 the number of officers available for patrol in
4 the community?

5 LT BEIRNE: Yes.

6 MR. KLINE: Why don't we just put Mr.
7 Melcher on the stand? He can testify. Leading.
8 Leading. Leading. Leading. Leading. Leading.

9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: It's 11:02. I
11 know that folks are -- their tempers are getting
12 to the point, so let's wrap this up, Mr. Melcher.

13 THE INTERPRETER: I'm sorry. Can you
14 repeat that?

15 CHAIRPERSON ANDERSON: We're moving
16 on. We moving on, ma'am.

17 THE INTERPRETER: Okay. I can't
18 understand with them -- when you cover your
19 mouth. I'm sorry.

20 CHAIRPERSON ANDERSON: We're coming to
21 your break shortly, ma'am. Mr. Melcher.

22 THE INTERPRETER: Okay.

23 MR. MELCHER: Are there events or
24 other situations that can result in officers
25 being taken away from reimbursable details?

1 LT BEIRNE: Yes.

2 MR. MELCHER: Last question. Can you
3 provide a few examples of recent incidents that
4 have affected the availability of officers for
5 reimbursable details?

6 LT BEIRNE: Yes. There's First
7 Amendment assemblies. There's been protests or
8 riots, of course, any critical incident, major
9 crash investigation or other Part I offenses or
10 serious crimes, just to name some.

11 MR. MELCHER: That's all I have.

12 CHAIRPERSON ANDERSON: Mr. Kline.

13 MR. KLINE: No.

14 CHAIRPERSON ANDERSON: Any questions
15 by any Board members? All right. Lieutenant,
16 thank you very much for your testimony tonight,
17 sir. You're free to go. Thank you very much,
18 sir.

19 LT BEIRNE: Thank you all for having
20 me. And you're welcome. Have a good night. And
21 ma'am, I give you the most respect. It's very
22 difficult. I've been seeing you throughout the
23 day doing all this translation. That's amazing.
24 Sorry to interrupt.

25 THE INTERPRETER: Thank you.

1 Appreciate it.

2 CHAIRPERSON ANDERSON: All right.

3 LT BEIRNE: Take care.

4 CHAIRPERSON ANDERSON: All right. Do
5 you have another witness, and how long you -- I'm
6 trying to figure out if I should take a break now
7 or wait because, of course, I have to take a
8 break for the translator.

9 THE INTERPRETER: No, I'm fine. I'm
10 fine.

11 CHAIRPERSON ANDERSON: Well, I need to
12 take a break, but it's a matter of -- it's -- I'm
13 taking scheduled two-hour breaks.

14 THE INTERPRETER: Okay.

15 CHAIRPERSON ANDERSON: And so I'm
16 trying to find out should I take the break now or
17 wait for another witness because --

18 THE INTERPRETER: I'm fine. Thank you
19 for taking into account. I am fine now. I was
20 just thirsty before when I asked for a break.
21 It's not bad.

22 CHAIRPERSON ANDERSON: I might want to
23 go to the bathroom.

24 THE INTERPRETER: Okay.

25 CHAIRPERSON ANDERSON: Just remember,

1 I always have to stay on screen. Everyone else
2 can -- they can do whatever they need to do, but
3 I have to stay on screen.

4 THE INTERPRETER: Okay. I understand.

5 CHAIRPERSON ANDERSON: All right. How
6 long of your next witness, Mr. Melcher, how long
7 you believe this witness will last?

8 MR. MELCHER: I believe this next
9 witness will be relatedly short, maybe --

10 CHAIRPERSON ANDERSON: All right. So
11 we'll have -- so call your next witness, and
12 then, we'll take a break after this witness.
13 Who's your next witness, sir?

14 MR. MELCHER: I'm calling Barbara
15 Wahl.

16 CHAIRPERSON ANDERSON: Barbara Wahl.
17 Ms. Wahl.

18 MS. WAHL: Yeah, I'm ready. Yep.
19 Let's see.

20 CHAIRPERSON ANDERSON: All right. I
21 can see you, Ms. Wahl. Now --

22 MS. WAHL: Good because I can't see
23 myself. So thank you.

24 CHAIRPERSON ANDERSON: No, but as soon
25 as I said I can you, you disappeared.

1 MS. WAHL: Okay.

2 CHAIRPERSON ANDERSON: Well, you know,
3 Ms. Wahl, I saw you, so I know there's a real
4 person back there, so --

5 MS. WAHL: I'm here.

6 CHAIRPERSON ANDERSON: Can you --
7 you're raising a -- can you raise your right
8 hand, please?

9 MS. WAHL: Yes.

10 CHAIRPERSON ANDERSON: Do you swear or
11 affirm to tell truth and nothing but the truth?

12 MS. WAHL: I do.

13 CHAIRPERSON ANDERSON: I'm allowing --
14 okay, I can see you.

15 MS. WAHL: There I am.

16 CHAIRPERSON ANDERSON: Okay. Go
17 ahead, Mr. Melcher.

18 DIRECT EXAMINATION

19 BY MR. MELCHER:

20 Q Thank you. Are you one of the
21 residents participating in the group of five or
22 more that's protesting?

23 A Yes.

24 Q Where do you reside?

25 A 1611 21st Street, NW.

1 Q How long have you lived at that
2 address?

3 A Three-quarters time since 2012 and
4 full-time since 2020.

5 Q Do you have any personal knowledge of
6 disturbances in the area around your residence
7 that you believe relate to Rosemarino?

8 A Yes, I do.

9 Q Did you make any observations on
10 Sunday, October 22, 2022?

11 A I did.

12 Q Can you please describe for me what
13 you observed?

14 Q Yes. My husband and I were asleep.
15 About 3:00 in the morning, we were awakened by a
16 loud crash and a lot of noise. We looked out the
17 window and saw that a car, a black SUV, was
18 stalled pretty much in front of our house.
19 Actually, it was between our house and the
20 Moroccan Embassy, which is right next door to us.
21 There were a lot of people streaming in that
22 direction towards -- down 21st Street from our
23 street.

24 We could see them walking from our
25 street and making the left down 21st Street. So

1 this is a Sunday night at 3:00 in the morning.
2 There's not too much else open. In fact, I can't
3 think of any other establishment up and down
4 Connecticut Avenue that is open at 3:00 in the
5 morning on Sunday. So we looked out the window
6 to see if anybody was hurt, and there didn't
7 appear to be anybody who was physically injured
8 by this crash.

9 And I should say when it was a crash,
10 we're up three flights, and we had a white noise
11 machine, so it was a really loud crash for us to
12 be able to hear that. So the woman who was
13 driving the car got out, and she was hysterical,
14 very, very upset. And the people from our street
15 continued to stream down 21st, cars and people on
16 foot. And because there's a streetlight right
17 there, I could see people's faces, and I could
18 see their clothing. They were clearly wearing
19 clubbing clothes and recreational, let's say -- I
20 would call it nightclub attire.

21 So cars started pulling up behind the
22 car that was stalled and honking. People were
23 getting angry, and I thought there was going to
24 be another fight to break out like there had been
25 on many other Sunday nights. Luckily, cars

1 started going off to the left to the alley next
2 to our house and to the right between the
3 Phillips Buildings so that they could get by.

4 And there wasn't -- there was honking
5 horns and angry people but no fights, and cars
6 could move. There was one guy who appeared to be
7 in charge, and he was giving orders to other
8 people, and -- but he couldn't -- various people
9 tried to get the car started, and it didn't move.
10 When it was clear that the car wasn't going to
11 start, we called the police and thought at least
12 they could come and help the situation. And I
13 don't know that any police officers actually
14 came. There was a siren that everybody heard,
15 and the guy who was trying to take control of the
16 situation said very loudly something like, Oh, we
17 don't need that. And everybody scattered. There
18 was nobody in sight.

19 I think it was either right before or
20 right after this that the driver of the car got
21 into another car, and they drove off, leaving the
22 stalled car where it was unmoved. Eventually, I
23 don't know how they managed this, they either
24 started the car, and it stalled again, or they
25 moved it this time a little further down 21st

1 Street so that it was almost to Connecticut.

2 Sorry. Massachusetts Avenue not Connecticut.

3 I should have said that after
4 everybody scattered, they waited a few minutes,
5 and then, they came back. And then, they moved
6 the car. So at this point, I -- it wasn't right
7 in front of the house, but I could see that it
8 looked like an ambulance or an emergency vehicle
9 had stopped and -- on Massachusetts Avenue and
10 was dealing with the car, but I couldn't see
11 exactly what was going on.

12 At that point, I went back to bed.
13 The next morning, one of the neighbors, who gets
14 up early, showed me a -- the front end of the car
15 that had been stalled, and it had a Virginia
16 vanity plate with the names B-R-O-S-E-1 as the
17 license plate. Eventually -- I didn't see the
18 car get towed away, but it's not there now, so I
19 assume it got towed away at some point.

20 That was the night that Rosemarino was
21 trying out a new format, a new lounge format or
22 something to that effect, and they had posted
23 that on Instagram. So I drew the conclusion that
24 there were patrons from Rosemarino who were
25 involved in this incident.

1 CHAIRPERSON ANDERSON: I can't hear
2 you, Mr. Melcher.

3 MR. MELCHER: Did you personally
4 observe any other incidents that you believe are
5 related to Rosemarino?

6 MS. WAHL: Yes, several. I'll
7 highlight one in particular and then others more
8 generally. We've already heard testimony about
9 the gunshots and the altercation between two
10 groups on February 6, 2022. That was another
11 Sunday night. These things seem to happen on
12 Sunday night. I was getting ready for bed, and I
13 heard gunshots. They were clearly gunshots. I
14 looked out the window, which faces 21st Street,
15 in time to see a group of men jump in a car that
16 was parked right in front of my building and take
17 off down 21st Street at -- just as fast as they
18 could. Somebody really put the pedal to the
19 metal.

20 A little while later, I saw that there
21 were police investigating at the corner of R and
22 21st. So whatever had gone on between these two
23 groups had made their way to my building three
24 blocks away from -- three and a half blocks away
25 from Rosemarino. On a more general basis, we can

1 always tell when Rosemarino is open -- or I
2 should say, Was, because they've been very quiet
3 --

4 MR. KLINE: I have to object. We're
5 having a colloquy. There are no questions.
6 They're these long stories. They're not tied to
7 the establishment, other than people are wearing
8 nightclub attire. What are we doing here?

9 CHAIRPERSON ANDERSON: Mr. --

10 MR. MELCHER: Is that an objection?

11 MR. KLINE: That's an objection. It's
12 -- yeah, it's --

13 CHAIRPERSON ANDERSON: Mr. Melcher,
14 please ask pointed questions so we can move this
15 along. I know that -- because the later it gets,
16 people's tempers are getting shorter. So let's
17 try to wrap this up in the spirit that we started
18 at 1:30.

19 MR. KLINE: But Mr. Chairman, we've
20 had 20 minutes of testimony concerning incidents,
21 and none of them are tied to this establishment,
22 other than people were wearing nightclub attire.
23 How long is this going to go on?

24 CHAIRPERSON ANDERSON: And that's why,
25 Mr. Kline, you will have the opportunity to

1 cross-examine the witness, so -- Mr. Melcher.

2 MR. MELCHER: I don't want to cover
3 any territory that we've already gone over. Are
4 there any other incidents that you personally
5 observed or have personal knowledge about which
6 you believe are traceable to Rosemarino?

7 MS. WAHL: I just want to make one
8 point about the February 6th incident that we're
9 talking about.

10 CHAIRPERSON ANDERSON: There's no --

11 MR. KLINE: Unresponsive to the
12 question.

13 CHAIRPERSON ANDERSON: Sustained.
14 Ma'am, you have to answer the question that was
15 asked of you.

16 MS. WAHL: I'd be delighted to do
17 that. I was trying to frame it to make it clear
18 that it related to my February 6th testimony.
19 Should I speak? I don't be accused of giving a
20 narrative. I don't know if Mr. Melcher wants to
21 give me a question.

22 CHAIRPERSON ANDERSON: Ms. Wahl, we
23 need to take a break, and it's getting late, so
24 please answer the question, ma'am.

25 MS. WAHL: Could the question be

1 repeated, please?

2 (Simultaneous speaking.)

3 MR. MELCHER: Are there other
4 incidents which you believe are traceable to
5 Rosemarino that you have personal knowledge
6 about?

7 MS. WAHL: Yes.

8 MR. MELCHER: Please describe --
9 (Simultaneous speaking.)

10 MS. WAHL: There were many Sunday
11 nights where there were fights that broke out
12 from people, again, in the arena, in the location
13 coming from Rosemarino, and on several occasions,
14 we either called the police or called the ABRA
15 hotline, which we were told by the ANC to do, and
16 we were told that there had already been many
17 complaints about this same episode. And just to
18 clarify, when I say, Episode, I meant there were
19 multiple episodes where this happened.

20 MR. MELCHER: Last question. Why are
21 you protesting these applications?

22 MS. WAHL: I have serious concerns
23 about whether the Rosemarino folks are able to
24 control their patrons. What I heard from Desmond
25 Blake, who testified here, was that he was the

1 guy who set up the security system that would --
2 was in place on October 22nd when the stalled car
3 incident happened. And those would be the same
4 security measures that would be in place going
5 forward.

6 It seems like they either can't
7 control their patrons or don't want to. And it's
8 really a concerning thing when you have gunshots,
9 you have children in the neighborhood, you have
10 fights breaking out, you have drug use. It's not
11 appropriate for any place in the District of
12 Columbia, and --

13 CHAIRPERSON ANDERSON: Ms. Wahl

14 MS. WAHL: Yes.

15 CHAIRPERSON ANDERSON: -- remember she
16 needs to translate.

17 MS. WAHL: Sorry. Thank you. And
18 just to finish the thought, there are other
19 establishments, and there haven't -- up and down
20 Connecticut Avenue. There haven't been the same
21 kinds of problems north of Dupont Circle. We
22 really don't want this to turn into the same
23 situation as they have south of Dupont Circle.

24 MR. MELCHER: That's all I have.

25 CHAIRPERSON ANDERSON: Mr. Kline.

1 CROSS-EXAMINATION

2 BY MR. KLINE:

3 Q Sorry. So Ms. Wahl, you're familiar
4 with the area south of Dupont Circle that a
5 former Board member refers to as Club Central?

6 A Well, I'm not familiar with anybody
7 referring to it as Club Central, but I'm
8 generally familiar with the area. Yes.

9 Q Okay. And you're aware that there are
10 a number of nightclubs there. Correct?

11 A Yes.

12 Q And the incident that you described
13 concerning the stalled car where people were
14 wearing, quote, Nightclub attire, closed quote.
15 Those people just could have easily come from any
16 one of those clubs south of the Circle

17 A Absolutely not.

18 Q And why couldn't they have come from
19 one of those other clubs?

20 A Because I saw them coming from our
21 street, which is north of Dupont Circle.

22 Q Okay. But just because they were
23 coming from our street, there are streets that
24 connect to our street where they could have come
25 from any of the clubs south of the Circle.

1 Correct?

2 A No. I'll tell you why. Because if
3 they were south of Dupont Circle, they would come
4 around the Circle up Mass. Ave. and come up. If
5 they -- it would only be to go way out of their
6 way. They'd have to go up another mile up
7 Connecticut Avenue, hang a left on our street,
8 and then make another left. That just doesn't
9 make any sense. And I know you're trying to cast
10 shadows on it, but it's just illogical. And
11 nobody would do that, especially at 3:00 in the
12 morning.

13 Q But you never saw these people come
14 out of Rosemarino D'Italia, did you? It's a yes
15 or no question.

16 A Well, I'm going to answer it this
17 way, which is not yes or no. It was 3:00 in the
18 morning, and I was in bed, so no. So I didn't
19 see them leave Rosemarino. In fact, Rosemarino,
20 I guess, would have been closed, but Rosemarino
21 had a special --

22 A Thank you. You answered my question.
23 That's what I asked you, whether you had any
24 evidence that they came out of --

25 MR. MELCHER: Mr. Chairman, she should

1 be permitted to finish her answer.

2 MR. KLINE: Mr. Chairman, she should
3 be directed to answer the question that's asked.

4 CHAIRPERSON ANDERSON: Please answer
5 the question that's asked, Ms. Wahl.

6 MS. WAHL: I believe I already did.
7 But I'll do it again, if Mr. Kline didn't hear me
8 for some reason. And that is that if he had
9 listened to my testimony --

10 MR. KLINE: Is there a question
11 pending at this moment?

12 CHAIRPERSON ANDERSON: Please. Ms.
13 Wahl, please listen to the question. Please
14 respond. No commentary, please.

15 MS. WAHL: My apologies. I thought I
16 was asked to answer the question that he had
17 already said.

18 BY MR. KLINE:

19 Q You didn't see the people involved in
20 this auto accident come out of Rosemarino
21 D'Italia, did you?

22 MR. MELCHER: Asked and answered.

23 CHAIRPERSON ANDERSON: Answer the
24 question, if you can, ma'am.

25 MS. WAHL: Sure. As I said, I was in

1 bed asleep. It was 3:00 in the morning. I did
2 not see them leave Rosemarino.

3 MR. KLINE: Yes or no is the question.
4 The question is yes or no. Can you answer, Yes,
5 or, No?

6 MS. WAHL: Mr. Chairman, may I ask
7 that Mr. Kline stop being rude. I've been here
8 since 1:30, listening carefully, and I've tried
9 very hard to answer his questions. He's just
10 being mean, and frankly, you know, I understand
11 everybody's tired, but it's not appropriate to
12 just say, yes or no, yes or no. I understand
13 that he's trying to make a point. I've testified
14 as -- to the best of my ability what the answer
15 is.

16 CHAIRPERSON ANDERSON: And Ms. Wahl,
17 on cross-examination, that is what an attorney
18 does, ma'am. They ask you yes or no questions.
19 Your attorney gives you explanation. When you
20 have been cross-examined, they do not want an
21 explanation, ma'am. They want, Yes, or, No.
22 That's what they do. All right. Any other
23 questions?

24 MR. KLINE: No, Mr. Chair. Thank you.

25 CHAIRPERSON ANDERSON: Mr. Short? You

1 are on mute, sir.

2 MEMBER SHORT: Thank you. Ms. Barbara
3 Wahl, thank you for staying up so late with us
4 and coming in and testifying as a community
5 person who is concerned about their community.
6 If you think back on earlier testimony today,
7 since you say you've been online with us, the
8 owners of this restaurant said, because of COVID,
9 they changed their business model. When they
10 changed their business model and started acting
11 like a nightclub, which would have been early in
12 2022, complaints started coming in in February,
13 March. They were written by ANC. Before March
14 of 2022, in your memory as a resident, did these
15 kind of incidents occur? Let the interpreter --

16 MS. WAHL: Sorry. Yes, sir.

17 MEMBER SHORT: Thank you for your
18 patience.

19 MS. WAHL: Thank you, sir.

20 MEMBER SHORT: Thank you for your
21 patience, and thank you for staying with us so
22 long. Concerned citizens like you make great
23 cities greater. Washington, DC, has always been
24 a great city, and regardless of whatever happened
25 with some of these businesses that come or go, we

1 are not going to allow our community to be ruined
2 for money. Thank you very much for your
3 testimony.

4 MS. WAHL: If I can only thank you,
5 sir, I was born in Washington, DC.

6 MEMBER SHORT: Oh, you too?

7 MS. WAHL: Most people can't say that.
8 Yup. I was born in Columbia Hospital. I had all
9 my kids at Columbia Hospital, and I'm very
10 committed to the community and making it a good
11 city. So thank you for recognizing my
12 contributions. I appreciate your kindness.

13 MEMBER SHORT: I have two daughters
14 that born at Columbia Hospital. And I was born
15 there in 1946. Thank you again.

16 CHAIRPERSON ANDERSON: Any other Board
17 members have a question to ask? Mr. Kline, any
18 redirect? Any -- I'm sorry -- recross based on
19 the question that was asked?

20 MR. KLINE: No, Mr. Chair.

21 CHAIRPERSON ANDERSON: Mr. Melcher,
22 any short -- do you wish to do a short redirect,
23 sir?

24 MR. MELCHER: No, Mr. Chair.

25 CHAIRPERSON ANDERSON: Ms. Wahl, thank

1 you very much for your --

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: All right. We
4 said -- thank you very much. Okay. We're going
5 to take another break again. It is 11:43. I
6 hope nobody goes to bed, because we're going to
7 complete this tonight. And you said there are
8 three more witnesses, sir?

9 MR. MELCHER: I have two more on the
10 witness list and then one very short rebuttal
11 witness. His name is Mike Silverstein, and if
12 his rights could be elevated, I'd appreciate it.

13 MR. KLINE: He doesn't get rebuttal.
14 I do. He's -- this is his case, and he's not
15 listed as a witness.

16 CHAIRPERSON ANDERSON: All right. It
17 is -- it's -- you have two more witnesses. We'll
18 discuss -- yes, Mr. Silverstein is not on the
19 list. And Applicant can have a rebuttal witness,
20 and the Protestant can also have a rebuttal
21 witness, and the Board can have a rebuttal
22 witness. However, we will discuss what is it
23 that this witness was -- is going to rebut to see
24 whether or not we need to even call a witness.
25 Okay?

1 MR. KLINE: But Mr. Chair, it's a
2 matter of process. We put on our case. We're
3 the Movant. The Protestants put on their case
4 with the witnesses that they've listed. We put
5 on our case with the witnesses that we've listed.
6 They put on their case with the witnesses that
7 they've listed. And then, as the Movant, we have
8 the right of rebuttal.

9 CHAIRPERSON ANDERSON: Well, I'm
10 looking at -- the cheat sheet was provided to me,
11 Mr. Kline, and on the cheat -- the order of
12 procedure that was provided to me by our legal
13 office, it says, Rebuttal: Applicant's rebuttal
14 witness, Protestant's rebuttal witness, Board's
15 rebuttal witness, if any. But I -- it's 11:45.
16 We haven't gotten to rebuttal yet. It's 11:45.
17 It's 11:45. Twelve o'clock, everyone here is to
18 come back at 12:00 because we're going to wrap
19 this up at 12:00. All right. Okay. We're off
20 the record until 12:00.

21 (Whereupon, the above-entitled matter
22 went off the record at 11:46 p.m. and resumed at
23 12:01 a.m.)

24 CHAIRPERSON ANDERSON: We are back on
25 the record. It is twelve midnight.

1 All right. All right, Mr. Kline,
2 pursuant to 1714.1, a party in any proceeding
3 before the Board, each party shall have the right
4 to present, in person or by counsel or designated
5 representative, the party's case or defense,
6 including oral and documentary evidence, to
7 submit rebuttal evidence.

8 It's 12 o'clock. You're going to have
9 nine witnesses, and if you have a rebuttal,
10 that's going to be ten witnesses, sir.

11 I need us to wrap this up. So unless
12 it's critical that you need to call a rebuttal
13 witness, which it is your right, I just want to
14 keep that in mind, because it's 12 o'clock.

15 From the translator, we have a court
16 reporter, there are people working. The court
17 reporter, who's working behind, that we don't
18 see. And sometimes I forget he or she is even
19 there. I leave the translators in front of my
20 face so I can react to her. But we also have a
21 court reporter who I don't see, so I don't even
22 know what is going on with that person, okay.

23 All right, who's your next witness,
24 sir?

25 MR. MELCHER: Okay, our next witness

1 is Meg Roggensack.

2 CHAIRPERSON ANDERSON: Ms.

3 Roggensack, can you turn your camera on please,
4 ma'am? Ms. Roggensack, can you please raise your
5 right hand, please?

6 WHEREUPON,

7 MEG ROGGENSACK

8 was called for examination by Counsel for the
9 Agency, having been first duly sworn, assumed
10 the witness stand, was examined and testified as
11 follows:

12 THE WITNESS: Yes.

13 CHAIRPERSON ANDERSON: Your witness,
14 sir.

15 DIRECT EXAMINATION

16 MR. MELCHER: Ms. Roggensack, where do
17 you reside?

18 THE WITNESS: Dupont Circle.

19 MR. MELCHER: Do you currently serve
20 on Advisory Neighborhood Commission 2B?

21 THE WITNESS: Yes.

22 CHAIRPERSON ANDERSON: Hold on. Ms.
23 Roggensack, I know that you were with us, you
24 took a break, and now you're back. So I think
25 you forgot about the rules. Mr. Melcher will ask

1 a question. The translator will then interpret
2 the question before you respond, okay? And when
3 you respond, give her an opportunity to also
4 translate, ma'am. Okay?

5 THE WITNESS: Yes, please forgive me.
6 Thank you.

7 CHAIRPERSON ANDERSON: I know you took
8 a break. We've all been here, so that's why I
9 think you forgot the rules, okay. It's all
10 right.

11 MR. MELCHER: Ms. Roggensack, what is
12 your role in ANC 2B?

13 THE WITNESS: I am the chair of the
14 commission, and I also represent the single
15 member district 2B-01 in which Rosemarino is
16 located.

17 BY MR. MELCHER:

18 Q What are the main concerns that you
19 have as the ANC's representative in this matter?

20 A The use of promoters which is directly
21 related to over-service of alcohol and security
22 risk to both residents and adjacent businesses.

23 Q Does the ANC have any policies
24 relating to promoters?

25 A Yes, it is our policy to discourage

1 the use of promoters, and we support the
2 regulation of promoters.

3 CHAIRPERSON ANDERSON: Mr. Melcher, I
4 don't mean to butt in, but this Licensee is not
5 requesting promoters. The promoter is not on the
6 table. So we shouldn't be having any testimony
7 on promoters, because they are not requesting
8 promoters.

9 MR. MELCHER: Okay. I wasn't aware
10 that an application needed to request using
11 promoters. If what you're saying is that the
12 Applicant has stipulated that in order, if any
13 exists, granting a license will explicitly say
14 that it shall not use promoters, then I certainly
15 agree that I don't need to pursue these
16 questions.

17 CHAIRPERSON ANDERSON: Panel?

18 MR. KLINE: So stipulated.

19 CHAIRPERSON ANDERSON: Okay, thank
20 you.

21 MR. MELCHER: What is your
22 understanding of the Licensee's business model
23 with respect to these night time events?

24 THE WITNESS: Much alcohol, for as
25 much money, to the most people in the space in

1 which they're open, with as few restrictions as
2 possible, a come and get wild, no consequences
3 atmosphere that leads to violence and associated
4 public security risks to the neighborhood.

5 BY MR. MELCHER:

6 Q Okay. What led you to reach those
7 conclusions?

8 A We considered this application on two
9 successive meetings in January and February of
10 2022.

11 Q And contrary to the Applicant's
12 representation, he was under a restaurant license
13 holding special events that were associated with
14 violence, fighting, over-service, and associated
15 public nuisance to adjacent businesses and
16 residences.

17 A And he did not tell me any of this, in
18 fact, quite the opposite. I learned of this
19 hours before our February meeting from the
20 Captain of the relevant district who said get
21 your house in order. We cannot continue stopgap
22 policing of this activity.

23 She sent two police officers to our
24 meeting. I asked Mr. Camacho to attend. He
25 chose not to attend, instead, asserted that we

1 had an agreement, which we did not have. So that
2 was very frustrating. Not only was he not
3 forthcoming, he was evasive about what he had
4 been doing, and untruthful.

5 We heard from residents at that
6 February meeting and from several police officers
7 who attended to brief us about incidents,
8 including an incident of gunfire in the early
9 morning of February 7th on our street, associated
10 with patrons of Rosemarino.

11 We voted to protest, having received
12 no clarification from Mr. Camacho. His response
13 to this was to send me a request that I sign a
14 non-disclosure agreement in order to discuss
15 further with him what his security arrangements
16 might be.

17 That's simply inappropriate, and I
18 forwarded the matter directly to ABRA for their
19 own information.

20 Mr. Camacho then wrote to the entire
21 ANC and a number of ABRA officials complaining
22 about over-policing. And at that point, we
23 ceased further communication except in the
24 context of this protest.

25 And as the Board has heard, there were

1 continuing incidents of violence and public
2 nuisance associated with his establishment in
3 the subsequent weeks and months.

4 I continued to hear from adjacent
5 businesses and residents over those subsequent
6 months, to go out on the street at odd hours, to
7 hear from the police about their concerns.

8 This is, of course, within the scope
9 of an ANC commissioner's duties. But the amount
10 of time and the amount of attention required is
11 well beyond the bounds of what you normally
12 experience.

13 I also want to note that at the same
14 time I was co-chairing our COVID task force with
15 fellow Commissioner Mike Silverstein. And we
16 were working to support all the businesses in the
17 neighborhood with appropriate connection to
18 financial resources and supports as were
19 available to programs in Spanish, Vietnamese,
20 Mandarin, Korean, and additional supports for
21 properties affected by hate crimes, particularly
22 Asian American businesses.

23 And this is a --

24 MR. KLINE: I'm confused as to what
25 question is pending at this point. We seem to be

1 having these long colloquies, but I don't know
2 what question is being answered. We had one a
3 long time ago. It's been quite some time.

4 CHAIRPERSON ANDERSON: He asked her a
5 very broad question about what were her concerns
6 as the ANC. I mean, maybe we can have more
7 pointed questions rather than this broad based
8 question, because I know that the representative
9 can speak.

10 So what I'll ask you to do, Mr.
11 Melcher, just please ask a more direct question
12 so we can -- sorry.

13 MR. MELCHER: You've already covered
14 -- as an ANC commissioner, have you been
15 supportive of businesses in Dupont Circle?

16 THE WITNESS: Yes.

17 BY MR. MELCHER:

18 Q Can you provide a few examples?

19 A Yes. We held ten webinars to help
20 businesses connect with resources during the
21 pandemic. We sponsored legal support for rent
22 abatement strategies affecting businesses within
23 the Dupont Circle, but across the city. And we
24 also supported businesses with take-out Tuesday
25 and similar promotions during the pandemic,

1 spotlighting different businesses each week.

2 Q Has the ANC historically had a policy
3 of supporting night life in certain parts of
4 Dupont Circle but not others?

5 A Yes. As was noted, we prioritized
6 support for night clubs and taverns with live
7 entertainment south of Dupont Circle with
8 associated supports, including the task force and
9 Night Mayor initiatives, while at the same time
10 maintaining moratoria in east and west Dupont.

11 Q Why is there a distinction between
12 north of Dupont and south of Dupont?

13 A Because South Dupont is predominately
14 commercial. And North Dupont has residential
15 properties right by commercial properties
16 adjacent or behind.

17 Q And did that approach historically
18 work for the surrounding community?

19 A Yes.

20 Q How often do the ANC protest liquor
21 license applications?

22 A Pardon me?

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: And why is that
25 relevant, Mr. Melcher.

1 MR. MELCHER: Well, there's a
2 suggestion that there is some animosity towards
3 business in the area. And I believe the answer
4 is that the ANC doesn't frequently protest. It's
5 a simple question, simple answer, and then I can
6 move on.

7 CHAIRPERSON ANDERSON: I'll overrule
8 the objection.

9 Answer the question, ma'am, if you
10 can.

11 THE INTERPRETER: I need a repetition
12 of the question, please.

13 CHAIRPERSON ANDERSON: Why does the
14 ANC --

15 MR. MELCHER: How often does the ANC
16 protest liquor license applications?

17 The establishment is seeking
18 endorsement for live entertainment and cover
19 charges. Why is that a problem?

20 THE WITNESS: Because as implemented
21 by this management, it led to numerous,
22 troubling, violent incidences and public
23 disservice, gun fire, over-service, overcrowding,
24 public nuisance on and adjacent to the
25 establishment.

1 And this was without any authority, so
2 the expectation is this will only become more out
3 of control and wind up --

4 BY MR. MELCHER:

5 Q In your opinion what, if anything,
6 should the Board do with respect to the
7 application for substantial change?

8 A This application is not an
9 entitlement, and the Applicant does not earn the
10 right to this authority. We think it's a danger
11 to the community, and that the Board should
12 exercise its discretion and deny it.

13 (Simultaneous Speaking.)

14 Q What is your opinion what, if
15 anything, should the Board do with respect to the
16 Application for renewal.

17 A The Board should deny it for the same
18 reasons.

19 MR. MELCHER: That's all I have for
20 questions on direct, Your Honor.

21 CHAIRPERSON ANDERSON: Mr. Kline.

22 CROSS EXAMINATION

23 MR. KLINE: Good morning, Commissioner
24 Roggensack. Have you been here for most of this
25 hearing?

1 THE WITNESS: No, I am attending to a
2 family child emergency, and I had ANC duties that
3 required me to be elsewhere.

4 MR. KLINE: I'm sorry to hear that.

5 But you were otherwise familiar with
6 the case that was intended to be put on today
7 with respect to this application, correct?

8 THE WITNESS: Yes.

9 MR. KLINE: Can you point to one piece
10 of evidence that supports denial of the renewal
11 application for a restaurant given the evidence
12 that's been introduced at this hearing concerning
13 restaurant operations?

14 MR. MELCHER: She just testified that
15 she wasn't here.

16 MR. KLINE: Well, she also testified
17 she --

18 THE INTERPRETER: One moment, please.

19 MR. KLINE: I'll withdraw it. I'll go
20 at it a different way, Mr. Chair.

21 CHAIRPERSON ANDERSON: Okay.

22 MR. KLINE: Commissioner Roggensack,
23 prior to the institution of entertainment
24 activities at this establishment, was there any
25 difficulty in your community with the operation

1 of Rosemarino D'Italia?

2 THE WITNESS: I was made aware of
3 multiple incidents, as I mentioned, in February
4 of 2022 that arose from, I believe, around
5 November of 2021 forward within -- that were
6 outside the scope of this license, special events
7 involving the use of promoters, entertainment,
8 and related that led to at least one episode of
9 gun fire as reported to me by the police, and
10 multiple calls to this establishment reported to
11 me by the police in excess of what they would
12 regard as normal.

13 BY MR. KLINE:

14 Q All of those incidents that you
15 described -- sorry, Ms. --

16 All of the incidents that you've just
17 described related to the offering of
18 entertainment though, didn't they?

19 A All I know is that the police reported
20 gun fire, public nuisance activities, including
21 a variety of disturbances. So I don't know. I
22 guess I don't understand the question.

23 Q But that's not all you know, is it?
24 Because you've already said that those incidents
25 involved the use of promoters, correct?

1 THE INTERPRETER: I'm sorry, can you
2 repeat that question?

3 MR. KLINE: But that is not all you
4 know, because you've already testified that those
5 incidents involved the use of a promoter, didn't
6 they?

7 THE INTERPRETER: I didn't get the
8 last word, they used a what?

9 MR. KLINE: Promoters.

10 THE INTERPRETER: Oh, promoter. Okay.

11 THE WITNESS: Actually, I don't know
12 what was happening. And I asked Mr. Camacho for
13 clarification. All I know is that Mr. Camacho
14 was offering special events from late fall into
15 early 2022 that resulted in a number of call outs
16 from the police because of public security
17 concerns and one specific incident of gun fire.

18 We actually did attempt, Mr. Kline, to
19 get clarification from him. And I specifically
20 did note our own policy and our own concerns
21 about promoters.

22 And Mr. Camacho told me they weren't
23 using promoters. He repeated that in our January
24 2022 meeting.

25 I said his business model did not

1 involve the use of promoters. So, you know, we
2 did attempt to get clarification from him, but we
3 did also indicate our own policy and our own
4 concerns.

5 MR. KLINE: This business opened in
6 2018, didn't it?

7 CHAIRPERSON ANDERSON: Mr. Kline, Mr.
8 Kline.

9 MR. KLINE: Oh, sorry. So sorry.

10 THE INTERPRETER: It's okay.

11 MR. KLINE: This business opened in
12 2018, correct?

13 THE WITNESS: I'm sorry, I don't know.

14 BY MR. KLINE:

15 Q About then, if you know?

16 A I don't know. I don't know.

17 Q Have you ever eaten in the restaurant?

18 A No.

19 Q The incidents that you described, the
20 special events, the supposed incident linked to
21 gun fire, those all involved the offering of
22 entertainment, didn't they?

23 A All I know is that we sought
24 clarification from Mr. Camacho. I got this
25 information after the fact. We're talking about

1 what happened at the end of 2021 into early 2022.
2 I got this information in February of 2022. So
3 I don't know what happened.

4 I sought clarification from Mr.
5 Camacho. I did not receive it. The only
6 concrete information I have was from the police
7 regarding the number of call outs and then
8 specifically the episode of gun fire immediately
9 prior to our February meeting. But what was
10 characterized to me was that he was holding
11 special events.)

12 Q Have there been any incidents of which
13 you are aware related to this establishment since
14 January of 2023, since the first of this year?

15 A Yes.

16 Q And as it related to -- oh, sorry.
17 And as it related to the operation of this
18 business as a restaurant?

19 A No.

20 Q So isn't it true that your real
21 objection to the two applications that are
22 pending is to the entertainment endorsement?

23 A I think it's more fundamental than
24 that. I was, as you point out, I was not able to
25 attend a good portion of this hearing due to

1 family emergency. However, my constituents did
2 alert me to the various episodes that they have
3 testified to before the Board and have provided
4 evidence on.

5 In addition, adjacent businesses have
6 also raised their own concerns about the effects
7 of this lack of management acumen, or
8 professionalism, and attentiveness to security,
9 and how it affects their own business, not only
10 their staff but their patrons.

11 MR. KLINE: Mr. Chair, I would --

12 CHAIRPERSON ANDERSON: What's your
13 concern, Mr. --

14 MR. KLINE: Mr. Chair, I would ask
15 that the testimony be stricken as completely
16 unresponsive to the question that was asked.

17 CHAIRPERSON ANDERSON: Can you
18 rephrase your question --

19 MR. KLINE: Commissioner Roggensack,
20 isn't it true that just refuse to admit that none
21 of the issues that have been described relate in
22 any way to the service of Italian food in a sit
23 down restaurant in this establishment known as
24 Rosemarino D'Italia?

25 THE WITNESS: I don't know how to

1 answer such an antagonistic question here. I
2 know it's late.

3 MR. KLINE: It's pretty simple.

4 THE WITNESS: I know it's late, and I
5 know that tempers are flaring, but, Mr. Kline, I
6 have been up night after night after night, late
7 hours, and have listened to complaints from
8 adjacent businesses and neighbors about this
9 business for a very long time.

10 And it's only when he is basically
11 sitting tight that I don't get those calls. And
12 his really utter disregard for how his decisions
13 and choices affect the neighboring businesses and
14 residents is a matter of concern for this Board
15 to consider in determining whether or not he
16 should have -- be entitled to a license or not.
17 This is entitlement, not a right.

18 And I have a duty as a commissioner to
19 represent all --

20 MR. KLINE: Mr. Chair, please, Mr.
21 Chair, this is so unresponsive to what's been
22 asked. I have to object.

23 THE INTERPRETER: I'm sorry. Can I
24 interpret first?

25 (Simultaneous speaking.)

1 CHAIRPERSON ANDERSON: We're toward
2 the end. Do you have another question you want
3 to ask, Mr. Kline. I --

4 MR. KLINE: Sure, I'll just go through
5 it.

6 With respect to the renewal of the
7 restaurant license, is it the service of pasta
8 that you find objectionable? It's a yes or no
9 question.

10 THE WITNESS: Mr. Kline, it's a tavern
11 license, not a restaurant license.

12 CHAIRPERSON ANDERSON: Ms. Roggensack,
13 I need you to answer the question. I need you to
14 answer the question, ma'am.

15 THE WITNESS: I already answered --
16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: What is your
18 objection, sir? What's your objection?

19 MR. MELCHER: This is badgering. This
20 isn't about pasta. She's provided answers
21 before, and this question is getting back to what
22 happened with the prior witness, where a witness
23 is basically being insulted. That was not an
24 appropriate question.

25 CHAIRPERSON ANDERSON: All right.

1 We're not going to --

2 MR. KLINE: The Witness won't answer
3 my question.

4 CHAIRPERSON ANDERSON: I'm sorry --

5 MR. KLINE: The Witness will not
6 answer my question.

7 CHAIRPERSON ANDERSON: All right, hold
8 on.

9 MR. KLINE: -- as to what is
10 objectionable to the renewal of this base license
11 for the service of Italian food.

12 And if I have to go through every
13 aspect of the service of Italian food, and the
14 dining of an Italian restaurant, because this
15 witness will not answer my questions, I'll do it,
16 if we have to be here all night.

17 CHAIRPERSON ANDERSON: Ms. Roggensack,
18 the questions that he's asking you, you can
19 answer yes or no.

20 Mr. Melcher, it's his job to get
21 explanations from you. So please answer to the
22 best of your ability, ma'am --

23 MR. MELCHER: Mr. Chairman? Mr.
24 Chairman, he's threatening to go through the
25 entire menu. This is badgering and it's and it's

1 truly a waste of time. It's 1:00 in the morning.

2 CHAIRPERSON ANDERSON: Hang on. This
3 is the question that's been asked. There are two
4 protests, the protest on a substantial change and
5 the protest on the renewal.

6 The question he's asking are all the
7 concerns that the community has been having, is
8 it against the restaurant or, I'm sorry, the food
9 portion or when they have entertainment. And I
10 think the simple question has been asked. And I
11 --

12 CHAIRPERSON ANDERSON: When this
13 hearing started one of the questions asked was
14 what's being protested. The Protestant made it
15 clear that they do not want us to issue the
16 substantial change, and they do not want us to
17 renew the license. That's what the Protestant
18 said.

19 I don't think it's difficult for the
20 question to be answered at the end of the
21 hearing. We have been doing wonderful. And I
22 think this is a simple question that can be
23 answered.

24 MS. ROGGENSACK: Chair, the way that
25 I would answer that is our ANC is on record, and

1 I think I've said this multiple times, as voting
2 to protest both the license renewal and the
3 substantial change application on the grounds of
4 peace, order, and quiet. We're on public record
5 on that. And I have testified as to the reasons
6 for that.

7 CHAIRPERSON ANDERSON: Okay.

8 MS. ROGGENSACK: I don't think I have
9 anything further that I can usefully add.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. KLINE: I am done with this
12 Witness, thank you.

13 CHAIRPERSON ANDERSON: Any questions
14 by any Board members? Mr. Short?

15 MEMBER SHORT: Thank you, Mr. Chair.
16 And hopefully we can get out of here sometime
17 soon. But, at any rate, I'd just like to add
18 some perspective, as I thought I've been trying
19 to do all day, or all morning now.

20 Good morning, Commissioner. Forgive
21 me. The question, well, before I give you the
22 question, the perspective I'm trying to bring is
23 prior to February 27th, 2022, when this
24 CT/restaurant was functioning solely as a
25 restaurant, or CT, it was the testimony of the

1 Licensee today, Mr. Camacho, that he changed his
2 business model because they were losing money.

3 The business model turned more for --
4 some kind of way wound up getting an
5 entertainment action within this business without
6 getting permission from the community or from
7 ABCA. He did this all on his own, and it started
8 a down spiral.

9 During that same period of time, our
10 investigator cited Mr. Camacho for operating
11 outside of his license in several other incidents
12 which he wound up getting an OIC, and paying
13 fines, and being sanctioned by this Board for
14 doing -- okay, I'll ask the question now, Mr.
15 Chair.

16 Now that I've given that perspective,
17 do you agree or don't you agree --

18 THE INTERPRETER: I need the pause, I
19 cannot --

20 MEMBER SHORT: Okay.

21 THE INTERPRETER: -- hold all this
22 information.

23 MEMBER SHORT: Well Mr. Chair, cut me
24 off before I got a chance to stop and let you do
25 what you had to do. But go ahead.

1 THE INTERPRETER: But you went too
2 far.

3 MEMBER SHORT: I understand, go ahead.
4 I understand. So perspective is, and this is
5 what I'd like for you to give back in your
6 interpretation.

7 THE INTERPRETER: Okay, thank you.

8 MEMBER SHORT: Thank you. The
9 perspective is very clear. Before February 27th,
10 2022, when this licensee was operating within his
11 license, there was no problems between he and the
12 community.

13 THE INTERPRETER: Okay.

14 MEMBER SHORT: Okay, go ahead.

15 After February 27th -- 22nd the
16 Licensee was found to be in violation of ABRA
17 codes and D.C. law.

18 One of my key objectives as a Board
19 member is for us to have thriving businesses and
20 wonderful communities side by side.

21 My question is, and yes or no, Madam
22 ANC Commissioner, had this business not been
23 fined on February 22nd, 2022, for breaking the
24 rules and regulations of the community and this
25 Board, we probably would not be here today with

1 protests. Is that a yes or no, in your opinion?

2 THE WITNESS: I want to make sure I'm
3 not misunderstood. There were incidents prior to
4 that date.

5 MEMBER SHORT: I'm not going to go
6 prior to that date. Just answer my question.

7 The question is prior to this Licensee
8 who is requesting to have entertainment
9 endorsement and his license renewed, and cover
10 charge, which he did illegally on February 27th,
11 2022, which he admitted to here in his testimony,
12 we would not be right now arguing about any of
13 this had not this Licensee broke the rules, yes
14 or no?

15 THE WITNESS: There were three months
16 prior to that that were causing community
17 concerns, of which I'm aware. So --

18 MEMBER SHORT: I'll still ask the
19 question. Will you answer it yes or no?

20 On February the 27th, oh, forgive me,
21 yes, February the 27th of 2022, when this agency
22 and this Board fined and sanctioned this licensee
23 for breaking the rules by having or acting as an
24 entertainment endorsement, we would not be here
25 today had he not done that. Is that yes or no?

1 THE WITNESS: That's a no --

2 (Simultaneous speaking.)

3 THE INTERPRETER: Sorry.

4 THE WITNESS: Sorry.

5 MEMBER SHORT: Mr. Chairman, that's
6 all I have for this witness. Thank you very
7 much.

8 THE WITNESS: And our protest vote was
9 February 9th, just for reference.

10 MEMBER SHORT: Mr. Chair, that's all
11 the questions I have for this -- that's all the
12 questions I have at this time.

13 Thank you very much, ma'am.

14 CHAIRPERSON ANDERSON: All right. Any
15 other questions by any of the Board members?

16 I'm sorry, who is that? Go ahead, Mr.
17 Grandis.

18 MEMBER GRANDIS: I have one question.
19 Thank you.

20 Chairman Roggensack, thank you very
21 much for coming in this evening. We understand
22 what you've said, that you had family and ANC
23 responsibilities. So thank you for coming in and
24 giving us some insight from your perspective with
25 the ANC.

1 Today we saw a number of exhibits that
2 dealt with videos of the neighborhood. And also
3 we had numerous photos of the neighborhood.

4 What I am trying to get information on
5 is whether all the activity, which seemed to show
6 each side of Connecticut Avenue at R Street, it
7 showed crowds of people on both sides of that
8 block.

9 I think there's another CT that is
10 across the street that I think also has
11 entertainment. From your knowledge of testimony
12 that's come before the ANC regarding this
13 application, are all of these activities related
14 just to this establishment from your knowledge?
15 Or is the other CT possibly also having
16 challenges for the neighborhood?

17 THE WITNESS: The Rosemarino incidents
18 were reported. The other taverns were not open.
19 Those taverns also operate under different
20 business models than this one that do not pose
21 the same peace, order, and quiet concerns that
22 have been cited here.

23 MEMBER GRANDIS: Thank you for your
24 statement.

25 And, Mr. Chairman, I thank you for the

1 time.

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

4 Mr. Kline, any recross based on the
5 questions that the Board asked?

6 RECROSS-EXAMINATION

7 BY MR. KLINE:

8 Q Chairman Roggensack, is it your
9 testimony that the ANC has had no issues and no
10 problems with Signature Lounge located directly
11 across the street?

12 A Mr. Grandis asked me related to the
13 adjacent corners and I responded to his question.

14 Q I believe he referenced an
15 establishment across the street so let's explore
16 that. There have been issues with Signature
17 Lounge. Correct?

18 A Signature Lounge is on North and on
19 the opposite side of the street so it's on the
20 opposite end of the block. 1727 --

21 Q I didn't ask for a lesson in
22 geography. I just asked you whether there were
23 problems with Signature Lounge. It's a really
24 simple question.

25 A The Board has issued an order on

1 Signature Lounge relating to the concerns
2 expressed by the community.

3 Q So do I take that to mean that there
4 have been issues with Signature Lounge which is
5 my really simple question?

6 A The ANC voted to protest Signature
7 Lounge's application. It went to protest. The
8 ABCA Board issued an order.

9 Q So is that an affirmative there have
10 been issues with Signature Lounge?

11 A The ANC did protest that application,
12 yes.

13 Q Thank you.

14 MR. KLINE: Nothing further.

15 CHAIRPERSON ANDERSON: Any redirect,
16 Mr. Melcher?

17 MR. MELCHER: Thank you.

18 REDIRECT EXAMINATION

19 BY MR. MELCHER:

20 Q In early 2022 was Signature Lounge
21 operating?

22 A I believe so but I don't recall.

23 Q Do you recall any complaints about
24 Signature Lounge from that time period?

25 A I'm trying to remember the time frame.

1 I'm sorry, I don't.

2 Q In deciding whether to grant the
3 renewal application, do you want the Board to
4 consider the licensee's prior failures to comply
5 with the law?

6 A Yes. And I did check. The Signature
7 was not open at that time. I'm sorry, it's late.
8 I just did not immediately recall. They were
9 not, to my knowledge, open at that time.

10 MR. MELCHER: That's all I have.

11 CHAIRPERSON ANDERSON: Thank you,
12 ma'am, for your testimony.

13 Do you have another witness, Mr.
14 Melcher?

15 MR. MELCHER: Yes. I would like to
16 call Nolan Guagenti.

17 CHAIRPERSON ANDERSON: I know that --
18 I was told that his wife testified earlier. I
19 hope that we are not having redundant testimony
20 at this late hour in the morning because I will
21 object if Mr. Kline doesn't object. Okay? All
22 right.

23 Can you raise your right hand, sir,
24 please?

25 WHEREUPON,

1 NOLAN GUAGENTI

2 was called for examination by Counsel for the
3 Protestants and, after having been first duly
4 sworn, was examined and testified as follows:

5 CHAIRPERSON ANDERSON: Can you spell
6 and state your name for the record, please, sir.

7 MR. GUAGENTI: Nolan Guagenti, N-O-L-
8 A-N G-U-A-G-E-N-T-I.

9 CHAIRPERSON ANDERSON: Your witness,
10 sir.

11 MR. MELCHER: Before I begin, Mr.
12 Chairman, I want you to be aware that I
13 completely reordered my witnesses because people
14 were disappearing on me due to the late night.
15 Mr. Guagenti is a star witness that I have.

16 CHAIRPERSON ANDERSON: As I said, his
17 wife testified. I just want to make sure that
18 it's not duplicative. That's all I'm saying,
19 sir. All right.

20 DIRECT EXAMINATION

21 BY MR. MELCHER:

22 Q Mr. Guagenti, you have a home in
23 Washington, D.C.?

24 A Yes.

25 Q Where is that located?

1 A 2019 R Street, N.W.

2 Q Can you describe where that is in
3 relation to Rosemarino?

4 A I couldn't hear that.

5 CHAIRPERSON ANDERSON: Where is your
6 house in comparison to Rosemarino?

7 THE WITNESS: Oh, sorry. We share an
8 alley. We are about two houses away.

9 BY MR. MELCHER:

10 Q And you have family?

11 A Yes.

12 Q Kids?

13 A Wife and three kids.

14 Q Do you recall a neighborhood
15 disturbance on the night of February 6, 2022?

16 A Yes.

17 Q Were you at home on that night?

18 A I was asleep at the time of the
19 incident and I was woken up.

20 Q Would you please describe for me what
21 happened on the night of February 6th upon your
22 observation?

23 A Yes. So --

24 MR. KLINE: You invited me to -- we've
25 had lots of testimony about February 6th. How

1 much testimony do we need to hear about the same
2 date and presumably the same incident?

3 CHAIRPERSON ANDERSON: If this is the
4 same incident where there is a gunshot, the wife
5 woke up, calmed the children, I do not want to
6 hear anymore testimony regarding that. If this
7 is a different incident, yes, but if that's the
8 same incident, we've heard enough testimony.

9 THE WITNESS: Mr. Chairman, for the
10 sake of time and not repeating testimony, the
11 specific thing that I can add is the correlation
12 to the nightclub and what occurred before and
13 after. I think there was some question as to
14 whether or not these people actually attended the
15 nightclub.

16 CHAIRPERSON ANDERSON: But I think
17 that there was testimony that you -- I'm sorry.
18 These are not the folks who were sitting on your
19 stoop, right?

20 THE WITNESS: The folks from the
21 shooting were not sitting on our stoop.

22 CHAIRPERSON ANDERSON: Okay. All
23 right. Go ahead. I'm sorry.

24 Go ahead, ma'am.

25 CHAIRPERSON ANDERSON: Go ahead.

1 THE WITNESS: Yes, sorry. So there
2 were four gentlemen that were talking about the
3 shooting before and then they went to the club
4 and then they came back. They pulled the gun
5 from the car and then walked around the block,
6 fired two shots, dove in the bushes next to our
7 house.

8 As the other car came up, then they
9 jumped into the car, pulled around. The two cars
10 got close to each other and then the car sped 60
11 miles down -- 60 miles an hour down the road.
12 Then the third gunshot was fired.

13 BY MR. MELCHER:

14 Q Let's take a look at Exhibit No. 3.
15 Mr. Guagenti, can you tell me what these
16 photographs show?

17 A Could you go back up to the top one?
18 The one on the left is the four people that were
19 involved in the shooting talking about it. My
20 camera has both audio and video so that's how I
21 was able to piece together where they were going
22 as well as what they were talking about doing.

23 The one on the right occurred after
24 the club ended and everybody left. They talk
25 about getting the gun. They say, "Give me that

1 shit." They were kind of arguing who was going
2 to get the run. They walked around the corner
3 and that's when the gunshots occurred.

4 And then these are other club-goers as
5 they are running. They are screaming they just
6 want to get home. You guys are stupid, you know,
7 yelling, talking to the people that they were
8 associating with just moments before at the club.

9 Q And these photos on the last page,
10 what do they show?

11 A That's a description that my wife was
12 given about the people in front of our porch so
13 that's redundant.

14 Q And are all of these photos from your
15 video surveillance system?

16 A Yes, that's correct. And the reason
17 I became involved was because of my special
18 skills being an enlisted Marine and working at
19 the Pentagon and other government agencies.

20 Q Do these photos appear to be true and
21 correct images of scenes out in front of your
22 home on the night you indicated?

23 A Yes.

24 Q I'm going to show you what is Exhibit
25 3a.

1 A Doug, there's no sound so I don't know
2 that this is going to be useful, but in here
3 they're discussing what they're going to do and
4 they say, "We didn't start it but we know how to
5 finished it." Then they walk towards the club.

6 Q Okay. Take a look at Exhibit 3b.

7 A Yes, there were two shots fired and
8 they are running around the corner screaming and
9 this is --

10 Q Did the police arrive after the shots?

11 A It took about 10 or 15 minutes after.

12 Q And did you speak with the responding
13 officer?

14 A I did. It was a sergeant and he had
15 mentioned a few times -- he mentioned about a few
16 incidents that had occurred and I provided him
17 all of the, you know, video evidence and we
18 opened -- there was a case that was open related
19 to it.

20 Q Are the two videos that we saw true
21 and correct images of the front of your house on
22 February 6, 2022?

23 A Yes. They are severely shortened.
24 The incident that actually occurred was about
25 five to six minutes long so it was shortened for

1 the sake of the Board.

2 MR. MELCHER: I move Exhibit 3, 3A,
3 and 3B into evidence.

4 MR. KLINE: No objection.

5 CHAIRPERSON ANDERSON: Without
6 objection.

7 (Whereupon, the above-
8 referred to documents were
9 marked as Protestant
10 Exhibits 3, 3A, and 3B and
11 admitted into evidence.)

12 BY MR. MELCHER:

13 Q Mr. Guagenti, do you have any
14 recollections about what happened the next day?

15 A So I spent that night studying the
16 video and tapes and determined that the gun fire
17 occurred on 21st and R. As I was taking my
18 daughter to school, I went into the area that I
19 thought the gunfire was and noticed two shell
20 casings.

21 I immediately called the police,
22 didn't touch them, and took a photo. I made sure
23 that the officer had arrived before I left and
24 showed them where the shell casings were. And I
25 didn't find the third shell casing.

1 Q Marked as Protestant Exhibit 11 are
2 three photos, Mr. Guagenti. Do you recognize
3 these photos?

4 A Yes.

5 MR. KLINE: Objection to their being
6 admitted.

7 MR. MELCHER: Thank you.

8 BY MR. MELCHER:

9 Q What do these photos show, Mr.
10 Guagenti?

11 A It shows the two shell casings, the
12 one on the left and the one in the middle, and
13 then the one on the right shows the -- that's the
14 street, the intersection of our street and 21st.

15 MR. MELCHER: Based upon Mr. Kline's
16 statement, I ask that the exhibit be moved into
17 evidence without objection.

18 CHAIRPERSON ANDERSON: Exhibit 11 is
19 moved into evidence.

20 (Whereupon, the above-
21 referred to document was
22 marked as Protestant
23 Exhibits 11 and admitted
24 into evidence.)

25 BY MR. MELCHER:

1 Q Mr. Guagenti, did you do anything to
2 investigate Rosemarino after this shooting
3 incident?

4 A Before I got further into that, I
5 actually reached out and was able to -- one of
6 the neighbors was able to set up a meeting with
7 Eddie so that we could talk to him about the
8 incident.

9 CHAIRPERSON ANDERSON: Can you close
10 your screen, please sir.

11 BY MR. MELCHER:

12 Q Did you do some investigating as a
13 consequence of this incident?

14 A Yes.

15 Q What sort of investigation did you
16 conduct?

17 A So I have security cameras that go
18 back 60 days. I reviewed those. I looked at
19 Instagram and other online sources for
20 information, Eventbrite, things like that.

21 Q Were those social media accounts
22 affiliated with Rosemarino?

23 A So Rosemarino had and has two
24 accounts, one associated with the Italian
25 restaurant and one associated with their

1 nightlife. Then from that nightlife account
2 there were numerous other accounts associated
3 with Rosemarino including promoters, DJs, and
4 other patrons that had evidence of what was going
5 on.

6 Q What caused you to do all of this
7 investigating?

8 A Well, as my wife testified, I mean,
9 her and the kids were very disturbed and our
10 security -- you know, their security was
11 threatened. For me, my family is the most
12 important and, you know, I didn't serve my
13 country to have myself or my family get shot in
14 my house, or near my house.

15 You know, those bullets have a lethal
16 distance, far greater than, you know, than the 30
17 feet away from my house that they were fired.
18 And based on Eddie's response to our initial
19 discussion, I didn't feel like he was taking it
20 seriously so I felt like I needed to do something
21 to protect my family.

22 Q Did you speak with the ANC about
23 pursuing the incident?

24 A Yes. I was told by the police officer
25 -- I wasn't very familiar with D.C. politics and

1 such so he told me to talk to ANC and ABRA and I
2 spoke to both.

3 Q Where, if anything, did that lead to?

4 A So that was on February 8th and there
5 was a protest hearing on February 9th for
6 Rosemarino. The incident occurred on the 6th so
7 on the 8th I talked to the ANC and they asked me
8 to come and present. I put a presentation of all
9 the evidence that I gathered and then walked the
10 Board through what I had seen.

11 INTERPRETER: That was too long for
12 me. I'm sorry. I'm very tired and I can't
13 retain that much.

14 THE WITNESS: No problem. I'll
15 repeat. So I spoke to the ANC February 8th and
16 then they asked for me to come on February 9th to
17 their Board meeting. Then I put a presentation,
18 PowerPoint presentation, together documenting
19 everything that I discovered up to that point.

20 BY MR. MELCHER:

21 Q Let's talk about the social media that
22 you reviewed. What types of social media did you
23 review?

24 A The primary one was Instagram, you
25 know, related to what was going on. Eventbrite

1 would provide kind of what was coming up.

2 Q You mentioned that Rosemarino has an
3 account for its restaurant. What does that
4 account show?

5 A Pictures of food, pictures of, you
6 know, patrons eating, things like that.

7 Q And what does the other account show?

8 A Well, before we reported stuff to the
9 Board, there was a lot more stuff and then before
10 the last protest, there was a lot more.

11 Now it's all been stripped out, but
12 what it showed was everything that was going on
13 in the club at the time. Drinking. It showed
14 pouring of that modified alcohol that Eddie
15 acknowledged. It showed -- it showed the DJs, it
16 showed basically the activities that were going
17 on.

18 There was one other incident, too,
19 that it showed. He goes by Alan D.M.V. It
20 showed him getting very drunk and overly
21 intoxicated which led me to another -- to go back
22 and look at the video evidence.

23 Q How many different social media
24 accounts did you review?

25 A There was about somewhere between --

1 I think it was 12 to 14 were public, and then two
2 to three you had to -- it took a little while to
3 get in but they were private accounts which
4 provided the most like treasure trove of
5 information.

6 INTERPRETER: I'm sorry. Can you
7 repeat the dates?

8 THE WITNESS: Twelve to 14 public
9 accounts and then two private accounts that
10 needed to be planted in.

11 MR. MELCHER: Did you draw any
12 conclusions from your research of the social
13 media?

14 THE WITNESS: First was that it had
15 been going on for a lot longer, as early as June
16 of 21. Also, that they were modifying alcohol,
17 so specifically a specific tequila, they were
18 modifying the contents and pouring it down
19 people's throats. Yeah, clearly it was DJ -- and
20 most of the other stuff he's admitted to in the
21 essence of time. It just showed that it was a
22 completely different operation when these things
23 were running.

24 All right, you need me to repeat?

25 MS. TOROASSIAN: No.

1 THE WITNESS: Sorry.

2 MS. TOROASSIAN: I'm sorry, but you
3 have to pause because I'm very tired, I can't
4 retain all that.

5 THE WITNESS: Yeah, I'm very sorry.

6 MS. TOROASSIAN: I'm taking notes but
7 I can't keep up.

8 THE WITNESS: Yeah.

9 MS. TOROASSIAN: I apologize. I don't
10 want to make it longer, but

11 THE WITNESS: No, that's okay.

12 That he was modifying alcohol and
13 pouring it down people's throats, that there were
14 DJ's which he already acknowledged.

15 That it was extremely crowded and that
16 they were operating as a night club.

17 CHAIRPERSON ANDERSON: Mr. Melcher,
18 we're getting to the point where I don't want us
19 to lose anyone, so I need you to be focused on
20 what you're presenting to the Board, sir.

21 MR. MELCHER: I'm focused.

22 Mr. Guagenti, I'm showing you what's
23 been marked as Exhibit 2. Were you involved in
24 preparing this exhibit?

25 THE WITNESS: Yes.

1 MR. MELCHER: Okay. What does this
2 exhibit consist of?

3 THE WITNESS: It consists of all of
4 the stuff, most of it's been covered. The only
5 thing I think worth pointing back out since
6 everything else has kind of been acknowledged
7 already, is just that after February 6th he went
8 from DJ's to using pre-recorded songs, and the
9 same instance it actually got worse. And so the
10 exact same behaviors, everything. And he was
11 fully operating under the rights granted to a
12 tavern license without any endorsements.

13 MR. MELCHER: Okay, investigating
14 Rosemarino following the February 6th shooting,
15 did you look back and review any footage for the
16 early morning hours of January 1, 2022?

17 THE WITNESS: Yes, I did.

18 MR. MELCHER: And I'm sorry; I skipped
19 something.

20 In doing your review of social media,
21 did you examine any videos?

22 THE WITNESS: Yes, about 14 hours of
23 videos.

24 I had told them at the time, so I had
25 a little extra time.

1 MR. MELCHER: Okay, I'm showing what's
2 been marked as Exhibit 2A.

3 The audio cuts out.

4 THE WITNESS: There's no video.

5 MR. MELCHER: Oh, I'm sorry; you can't
6 see video?

7 I was not sharing, sorry. I'm doing
8 the best I can. I'm very tired.

9 THE WITNESS: Yeah, this one just
10 shows the DJ which we can probably skip through.

11 MR. MELCHER: Okay. I'm sorry, Mr.
12 Guagenti, did you say you want to skip through
13 some things?

14 THE WITNESS: Well, some of this has
15 already been acknowledged. So if you play them,
16 that will show the DJ which is already noted.

17 MR. MELCHER: Exhibit 2B.

18 THE WITNESS: So this is them pouring
19 the alcohol, as you can see, briefly. So, and
20 we'll come back to that.

21 Also, it's a different DJ.

22 And that's that upper level that Eddie
23 acknowledges was only for 40 people, but you can
24 see there's substantially more.

25 MR. MELCHER: Exhibit 2C.

1 THE WITNESS: Yeah.

2 CHAIRPERSON ANDERSON: You're not
3 providing -- we've been here, sir, hours ago. I
4 mean, I'm aware that they had a promoter, people
5 are pouring drinks. So why are we revisiting
6 this -- we have already done this, sir.

7 MR. MELCHER: Well, I don't know if
8 you've gotten the perspective on the chaos. I
9 mean, this is wild chaos. I'm just saying while
10 we had promoters, that's not the same as seeing
11 what this wild chaos is like. The reason we're
12 here is the social media they marketed themselves
13 to the world as wild, crazy, party scene and you
14 attract people like that to the neighborhood, and
15 when they spill out afterwards they are wild and
16 crazy and it causes problems for the
17 neighborhood.

18 So if the licensee wants to stipulate
19 that they are having, or they had a wild, crazy,
20 out-of-control party scene, okay I guess we don't
21 need that.

22 CHAIRPERSON ANDERSON: I'm not saying
23 the stipulation, sir. What I said was that we do
24 not need repetitive testimony, sir. I mean,
25 we've been over this area before; that's all I'm

1 saying. All you're doing is by saying it's more
2 -- you're showing it's more graphic.

3 I got it.

4 MR. MELCHER: Okay. Well, I hope your
5 colleagues got it as well.

6 With Mr. Guagenti's permission, I can
7 continue to the next subject?

8 CHAIRPERSON ANDERSON: Yes, it's a
9 quarter to two, sir. So go ahead.

10 THE WITNESS: Yes, that's fine.

11 MR. MELCHER: Okay. So I'd like to
12 get those three videos in.

13 Mr. Guagenti, did you recognize from
14 those videos that they are videos of the interior
15 of Rosemarino?

16 THE WITNESS: Yes.

17 MR. KLINE: No objection.

18 MR. MELCHER: Okay, then I ask for the
19 videos to be moved into evidence. And that's 2A,
20 2B and 3C.

21 No, I'm sorry. I'm sorry. 2A, 2B and
22 2C.

23 CHAIRPERSON ANDERSON: Mr. Kline?

24 MR. KLINE: Yeah, I thought we just
25 did that.

1 No objection.

2 CHAIRPERSON ANDERSON: Without
3 objection.

4 (Whereupon, the above-referred to
5 documents were marked for
6 identification and received into
7 evidence as Exhibits 2A, 2B and 2C.)

8 MR. MELCHER: Okay, so then getting
9 back to you investigating an incident on January
10 1, 2022, I had asked about that when we went back
11 -- did you review any social media to determine
12 whether Rosemarino had an event on New Year's
13 Eve, December 31, 2021?

14 MS. TOROASSIAN: Your Honor, I will
15 need to step out for a second to wash my face
16 because I'm falling asleep. I apologize.

17 CHAIRPERSON ANDERSON: I'm going to
18 break.

19 MS. TOROASSIAN: Thank you.

20 CHAIRPERSON ANDERSON: We're off the
21 record. It's 1:45, so 1:50.

22 (Whereupon, the above-entitled matter
23 went off the record at 1:45 a.m. and resumed at
24 1:52 a.m.)

25 CHAIRPERSON ANDERSON: Mr. Melcher,

1 this is your ninth witness. I appreciate Mr.
2 Guagenti's testimony, but I believe I've heard
3 this before. I've heard this, sir, and I
4 appreciate. But I have heard this. So unless
5 you're offering something new, one of the
6 instructions I gave earlier I gave at the protest
7 hearing status about repetitive and redundant
8 testimony. And I believe we're at that point,
9 sir.

10 I also need to preserve the record and
11 make sure that this matter is appealed, that we
12 have a proper transcript. And I'm not sure where
13 we are, because as I said before, I can see our
14 interpreter so I can take breaks. I don't know
15 what's going on with our court reporter.

16 As I said before, as long as we have
17 three board members, we have a quorum. We now
18 have four, so we're okay. But I -- all right.

19 MR. MELCHER: Mr. Chairman, Mr.
20 Guagenti has information about additional
21 incidents which we have not heard about.

22 CHAIRPERSON ANDERSON: But that's
23 overkill, sir. That's overkill. Yes, it has
24 been presented.

25 MR. MELCHER: We, we --

1 CHAIRPERSON ANDERSON: Hold on, sir.

2 The licensee has testified that I
3 messed up. I was trying to, because of COVID, I
4 was trying to make some money, I did all of those
5 things wrong. However, once I was told what I
6 needed to do, things have stopped. And I think
7 everything I'm hearing today is about what
8 happened in 2022 when the licensee has already
9 stipulated that I messed up, okay?

10 The licensee has stipulated that I
11 messed up. I did all of those things, all the
12 videos you have shown, I did it. I did the
13 alcohol, I had a promoter, all of that the
14 licensee has admitted, and all of these were down
15 in 22. And once I was told if you have this
16 witness to testify to say that in 23 this is
17 what's going on in 23 after he gave the
18 assurance that he was no longer doing this, fine.
19 I do not want to hear anymore testimony about 22
20 where every witness has testified to say that
21 this place was off the chain in 22.

22 So I don't need anymore testimony
23 about 22. Let's talk about 23.

24 So if you cannot talk about 23, then
25 there's no more testimony is required, because we

1 have heard it, sir.

2 You have to provide to us, sir.

3 MR. MELCHER: Mr. Chairman, the
4 licensee, first of all, hasn't been quite as
5 blunt as you have been, but if the licensee wants
6 to admit to that, that would be helpful. But the
7 key thing that the licensee has not admitted to
8 is that these disturbances in the neighborhood
9 are traceable to those activities which the
10 licensee admits were improper.

11 CHAIRPERSON ANDERSON: Whether or not
12 the licensee has admitted to that or not, sir,
13 what I'm saying is that this is redundant, we've
14 heard that. Okay, we've heard it. We've heard
15 everyone testified so far to say that these
16 incidents occurred and they are -- some folks
17 have said, some have not, that they are
18 attributable to this licensee, okay?

19 We've had that. This witness is not
20 providing us any new information. It's overkill,
21 that's what he's doing. We've heard that.
22 Provide us new information, sir. I don't need to
23 hear, I don't need for this to be more graphic.
24 I've got it.

25 THE WITNESS: Sir, would new

1 information be like Mr. Camacho and Daisy
2 stuffing a guy in a trunk? Is that new
3 information or is that overkill?

4 CHAIRPERSON ANDERSON: What does that
5 have to do with anything?

6 I need new information. I don't need
7 how long, okay? I don't. It's 2 o'clock in the
8 morning. And you said you have another witness.
9 And I'm trying to preserve the record here. I do
10 not want to have a record that's redundant.

11 The Board has to make a decision, the
12 lawyers have to read the transcript to make a
13 decision.

14 So what new information do you have to
15 provide, sir?

16 You don't have to translate this,
17 ma'am? I believe everyone has understood where
18 we are.

19 MR. MELCHER: Mr. Chairman, I think
20 you're making an error here. I think we're
21 getting very sloppy towards the end.

22 CHAIRPERSON ANDERSON: Mr. Melcher.

23 Go ahead, Mr. Melcher. Present your
24 case, Mr. Melcher. If everyone falls asleep, if
25 we have no transcript, fine. Go ahead, sir. Go

1 ahead, go ahead. Continue, sir. Continue.

2 MR. MELCHER: I have clients. Can I
3 just talk to Mr. Guagenti for one minute and see
4 what he's going to cut out?

5 CHAIRPERSON ANDERSON: You can't talk
6 to your witness. You can't talk --

7 MR. MELCHER: I've got to go through
8 everything.

9 CHAIRPERSON ANDERSON: Go ahead, sir.

10 MR. MELCHER: I've got to go through
11 this.

12 BY MR. MELCHER:

13 Q Mr. Guagenti, you said you conducted
14 an investigation concerning an early morning
15 incident on January 1, 2022. Is that correct?

16 A Yes.

17 CHAIRPERSON ANDERSON: I don't want to
18 hear that anymore, sir. We've been there.

19 MR. MELCHER: We have not talked about
20 it.

21 CHAIRPERSON ANDERSON: I do not wish
22 to hear anymore testimony about what happened on
23 January 2022. All your eight witnesses testified
24 about that, sir.

25 MR. MELCHER: No, none of them

1 testified about this particular incident.

2 CHAIRPERSON ANDERSON: Mr. Melcher,
3 this is overkill. We're talking about things
4 that happened a year and a half ago that the
5 licensee has testified I did not know I needed a
6 license -- all right, Mr. Melcher. You know
7 what? I'm just going to be quiet, sir, and you
8 present your case the way you need to present
9 your case, sir.

10 Go ahead, sir. Go ahead. Is there a
11 question?

12 MR. MELCHER: Yeah, I just think it's
13 typical protestors are given the short end of the
14 stick.

15 CHAIRPERSON ANDERSON: Mr. Melcher,
16 this is a nice witness that you have had, Mr.
17 Melcher, and it's 2 o'clock in the morning. And
18 under no circumstances am I going to let you put
19 on the record that the protestor is getting the
20 short end of the stick, sir. That is incorrect,
21 sir. I have bent over backwards to allow you to
22 present your case without cutting you off. You
23 asked for two hours to present your case, sir.
24 Two hours, okay? You have a translator.

25 Your first witness, sir, you had your

1 first witness on for an hour and a half. So if
2 I want to use the translator, you had your first
3 witness, that would have been an hour. They take
4 away half with the translation. And so you have
5 for two hours, you used one hour on your first
6 witness and you have eight other witnesses, sir.
7 And I have not stated to you that you're using
8 too much time.

9 So you asked for nine witnesses, you
10 asked for two hours. Your first witness took one
11 and a half hours with interpreter, and so we can
12 say your first witness took one hour.

13 MR. MELCHER: If you're ruling that I
14 can't continue, then I won't continue.

15 CHAIRPERSON ANDERSON: No, sir. I'm
16 not ruling that you can't continue. I'm saying
17 it's redundant. But if you want to continue, go
18 ahead and continue, sir. I will not cut you off.
19 I'm just saying that it's repetitive and
20 redundant, but if you believe that, to preserve
21 the record, you need to put this information on
22 the record, go ahead, sir. Go ahead.

23 MR. KLINE: I'm going jump in, because
24 the rules require that the Board not allow
25 repetitive and redundant testimony. So I don't

1 know why at this point that would be allowed at
2 2 o'clock in the morning. There have been nine
3 witnesses called. We didn't -- certainly when we
4 didn't object to the additional witnesses and the
5 additional time, we didn't expect this. We
6 didn't expect that we would hear the same thing
7 over and over and over again. And I would ask
8 the Board to use its authority under the
9 regulations to prohibit redundant testimony. It
10 seems only reasonable at this hour.

11 CHAIRPERSON ANDERSON: I stated that
12 this testimony is redundant and it's repetitive.
13 And you know what, Mr. Melcher, that is my
14 ruling. This testimony is redundant and
15 repetitive. Unless you have new information that
16 this witness is going to testify to, you need to
17 end this, sir.

18 MR. MELCHER: I've already been
19 providing you new information, so I think we're
20 in disagreement about that. Is the ruling done?

21 CHAIRPERSON ANDERSON: I didn't say
22 that you're done, sir. I said the testimony that
23 -- I did not say you're done, sir. I said what
24 we have heard so far is redundant and repetitive.
25 Unless you have new information to present, then

1 you need to wrap up with this witness.

2 MR. MELCHER: Well, you really threw
3 me off, Mr. Chairman. I probably would have been
4 most of the way through this if we didn't take
5 this digression.

6 CHAIRPERSON ANDERSON: We had to stop
7 for the -- I'm not sure what else to do. If I've
8 said that I've warned the parties about redundant
9 and repetitive testimony, then I'm stating that
10 the testimony I'm hearing right now --

11 Ask your questions, sir.

12 MR. MELCHER: I'm done, made my
13 record.

14 CHAIRPERSON ANDERSON: No, Mr.
15 Melcher. Ask your questions, sir.

16 MR. MELCHER: You've already indicated
17 that your mind is closed on these issues.

18 CHAIRPERSON ANDERSON: I never said
19 that, sir.

20 MR. MELCHER: I heard your speech
21 giving us a conclusion about all of the evidence
22 before the evidence was all in.

23 CHAIRPERSON ANDERSON: Mr. Melcher,
24 what I've said to you, Mr. Melcher, I have not
25 made up my mind. What I've said to you, Mr.

1 Melcher, is that this witness is repetitive and
2 redundant. That's all I've said to you, sir,
3 because we've heard it. So ask the question of
4 the witness, sir.

5 MR. MELCHER: We're done.

6 CHAIRPERSON ANDERSON: Mr. Melcher, if
7 you have a question to ask this witness, ask the
8 witness a question, sir. Because --

9 MR. MELCHER: Lots of questions, Mr.
10 Chair.

11 CHAIRPERSON ANDERSON: I'm not going
12 to have us being here since 1:30, and at the end
13 of the day you're going appeal this matter,
14 whatever decision we make, because you're saying
15 that you, the protestants, were prejudiced
16 because you didn't get an opportunity to present
17 your case, to argue for your client. So
18 therefore I've made my ruling, so --

19 MR. MELCHER: I don't know what the
20 ruling is. I can proceed or I can't proceed?
21 Which is it?

22 CHAIRPERSON ANDERSON: I told you, you
23 can go ahead, sir, unless you waive it. So if you
24 want to go ahead, go ahead, sir.

25 MR. MELCHER: Okay, I'm going to end

1 it and say I think you've disappointed the
2 community. Thank you very much.

3 CHAIRPERSON ANDERSON: No, Mr.
4 Melcher. I am not going to accept that from you
5 at this juncture, sir. No, sir. The only ruling
6 I've sent to you, sir, is that the questions that
7 we've been having so far is redundant and
8 repetitive. If you have new information to
9 present, present it. Do not present information
10 that your other witnesses have offered.

11 So this is the question I'm asking
12 you, sir; are you waiving additional questions of
13 your witness, sir?

14 MR. MELCHER: Okay. Well, I guess so.
15 Yes.

16 CHAIRPERSON ANDERSON: So you are
17 waiving asking your witness additional questions;
18 is that correct?

19 MR. MELCHER: That is correct.

20 CHAIRPERSON ANDERSON: Thank you.

21 Mr. Kline, do you have any questions
22 to ask this witness, sir?

23 MR. KLINE: I do not. Thank you, Mr.
24 Chair.

25 CHAIRPERSON ANDERSON: For the Board

1 -- do you have any questions you'd like to ask
2 this witness?

3 I hear none.

4 Mr. Guagenti, I appreciate your
5 testimony, sir. I know that you have been here
6 since, I believe since 1:30 and it's now 2:00
7 a.m. And the Board appreciates the testimony
8 that you have given.

9 And the Board, we do not take lightly
10 when witnesses who are concerned about their
11 neighborhood who will stay up till 2 o'clock in
12 the morning to testify at a hearing. So I just
13 want to say that to you, sir. Whatever decision
14 is made by the Board, the Board supports the
15 community who cares about what occurs that they
16 participate in this process, sir.

17 It's not about the witness; it's just
18 about the process. Okay?

19 All right. Mr. Melcher -- so thank
20 you very much for your testimony. Mr. Melcher,
21 do you have another witness? I think you stated
22 that you have a rebuttal witness. Do you still
23 have a rebuttal witness that you wish to call,
24 sir?

25 MR. MELCHER: No, I'm not going to

1 call them.

2 CHAIRPERSON ANDERSON: You're not
3 going to call a rebuttal witness?

4 MR. MELCHER: No.

5 CHAIRPERSON ANDERSON: Mr. Kline, are
6 you ready for closing?

7 And for closing what I'm asking, I
8 need the applicant to be specific, what is it the
9 applicant wants to do. The licensee wants --
10 well, the licensee and the applicant have
11 substantial change, so they're two protest cases;
12 the first case is whether or not we should renew
13 the license; and the second, whether or not we
14 should issue a substantial change. So I need the
15 applicant to be specific, the licensee and the
16 applicant to be specific what do they want the
17 Board to do. And I'm asking the protestant to be
18 very specific what is it you're asking the Board
19 to do.

20 MR. KLINE: I appreciate --

21 CHAIRPERSON ANDERSON: You have five
22 minutes to close.

23 MR. KLINE: Thank you. Thank you, Mr.
24 Chairman, members of the Board. Thank you for
25 taking this case on at such a late hour. This

1 may be a new record for me. And I also want to
2 thank Ms. Toroassian. I think we -- I probably
3 butchered her name. But I think we forget that
4 she had to talk more than any of us, several
5 times, any of us, and appreciate her time and her
6 being here to translate.

7 MS. TOROASSIAN: My pleasure. I'll
8 ask you to please pause -- but thank you.

9 MR. KLINE: The applicant made
10 mistakes and it did something that the
11 protestants would not do throughout their entire
12 case from any other witnesses which was concede,
13 when it was appropriate to concede and admit that
14 I made mistakes.

15 There were clearly issues, there were
16 clearly problems, and we certainly respect the
17 community's concern with those problems and agree
18 that they need to be addressed. But somehow it
19 looks like this case turned into a vendetta.

20 We had two trial lawyers, a law
21 professor, all sorts of resources on the other
22 side, an investigator, and throughout it the
23 entire attitude in all of the testimony is that
24 everything that happened in the neighborhood was
25 attributable to this business and Mr. Camacho and

1 Ms. Espinoza did nothing right throughout their
2 operation of this business.

3 I'm not going to try to go through
4 every witness because the hour's late, but I
5 would like to talk for a minute about
6 Investigator Buksell who was hired to testify
7 today.

8 First of all, he wouldn't even admit
9 why he was here. I don't know why when asked he
10 had an agenda, he didn't just say I was paid to
11 find stuff and I found it. Instead, he acted
12 like he was here as an impartial witness. But
13 that certainly was not the case.

14 Most of his testimony consisted of him
15 giving descriptions of what was purportedly
16 depicted in video and in photographs. And I
17 don't know about you, but I looked at those
18 videos and photographs and I didn't see what it
19 was he said that they depicted.

20 And it's important to note that he
21 didn't testify as to what he saw, he testified
22 what was purportedly depicted in these
23 photographs and videos.

24 And many times it was testimony about
25 what was about to happen.

1 For some reason when was about to
2 happen, happened, there was no video of it and no
3 photographs of it.

4 There are other issues but I'll move
5 on in the interest of time.

6 The important point is with all this
7 information, what was done with it? It wasn't
8 turned over to ABCA so it could be investigated
9 and perhaps some of this activity could have been
10 stopped sooner than it did stop.

11 And that's because these community
12 members, many of whom I have a great deal of
13 respect for, seem to lose sight as to what was
14 needed here. And rather than attempting to solve
15 the problem, they wanted to win.

16 And they wanted to win so badly
17 instead of just continuing with a protest of the
18 entertainment endorsement which seemed to be
19 where they believed the real problems arise from.
20 They protested the renewal of the license.

21 So let's deal with the easy issue
22 first. There isn't a shred of evidence or any
23 reason in the world why this establishment should
24 not be renewed for the operation of a tavern
25 license operating as an Italian restaurant.

1 So we are requesting that you approve
2 the renewal of the license without further
3 condition, except as may be related to the
4 approval of an entertainment endorsement, if the
5 Board decides to approve that.

6 We are requesting that the
7 entertainment endorsement be approved subject to
8 the following conditions; number one, the
9 applicant will erect signage near the front of
10 its establishment advising patrons to be
11 respectable of nearby residences and not to park
12 on residential streets.

13 When featuring entertainment the
14 applicant will make best efforts to arrange for
15 reimbursable detail. The applicant will adopt
16 and implement and submit to the Board for
17 approval a security plan compliant with statute
18 regulations and agency procedure.

19 The applicant will during periods of
20 entertainment provide a suitable number of
21 security personnel on the premises taking into
22 account whether reimbursable detail will be
23 available on the particular evening when
24 entertainment is featured.

25 The applicant will require its

1 security personnel to undergo training through
2 Robert Smith's program.

3 The applicant will not provide
4 facilities for dancing, the applicant shall not
5 use promoters in connection with entertainment or
6 activity or otherwise in connection with the
7 operation of its business. And I don't think it
8 can be part of a Board order given Board's past
9 policy, but applicant is encouraged and will work
10 with the community to repair this horrible rift
11 that has occurred between its business and the
12 community in which it operates.

13 Lastly, I just say that, as we said
14 before, these operators make mistakes but they
15 were simply trying to survive in one of the most
16 horrible economic periods that's been experienced
17 by hospitality establishments in our lifetime.

18 We'll offer that as an explanation,
19 not as an excuse. But the applicant has admitted
20 its mistakes and I don't believe that the force
21 that was unleashed upon it in this hearing
22 represented by hired private investigators and
23 lawyers who wouldn't answer simple and
24 straightforward questions was in any way
25 warranted. It seems that the community in this

1 case could have done a better job of conceding
2 certain obvious points, but unfortunately the
3 mentality was about where it was "win" at all
4 costs.

5 Thank you very much, and I bid all you
6 good morning.

7 CHAIRPERSON ANDERSON: Mr. Kline, in
8 your opening you had put some limitation on
9 entertainment. Would you care to say what the
10 hours of entertainment that you're requesting, if
11 the Board was to grant its license, sir?

12 MR. KLINE: I apologize for that. It
13 was --

14 CHAIRPERSON ANDERSON: A few people
15 have been listening.

16 MR. KLINE: Yes, we said at the outset
17 we were only requesting approval for
18 entertainment on Saturday nights until 3:00 a.m.
19 and Sunday until midnight.

20 CHAIRPERSON ANDERSON: Thank you, sir.
21 Mr. Melcher?

22 MR. MELCHER: Good morning, everyone.
23 I want to be clear that this procedural context
24 was the, there are applications before the Board,
25 the burden of proof is on the applicant, it's not

1 on the protestant. So the applicant --

2 The applicant needs to show that its
3 operations will be appropriate for the particular
4 geographical area where it's located. The
5 applicant has not met its burden.

6 MS. TOROASSIAN: I'm sorry?

7 MR. MELCHER: The applicant has not
8 met its burden. Exhibit 1 from the applicant is
9 a menu. And Exhibits 2 and 3 are videos of
10 people sitting at the restaurant eating at
11 tables.

12 Let me be clear, we would not be here
13 if that's how the applicant had been operating.
14 We're only here because the applicant chose to
15 have unpermitted nightlife events that were
16 marketed and did attract wild behavior inside the
17 establishment and out. The evidence shows that
18 the problems that have been experienced in the
19 neighborhood are traceable to the establishment.
20 The problems include gun incidents, fights,
21 public intoxication, sex acts, urination, litter,
22 and more. These incidents justifiably made
23 residents in the area feel extraordinarily unsafe
24 and undermine their right to peaceful and quiet
25 enjoyment of their homes and community.

1 The applicant needs to meet its burden
2 by substantial evidence. It needs to show that
3 its activities are appropriate for the area.

4 Let me be clear; the activities that
5 we've seen aren't appropriate for any area.
6 There are violations shown in investigative
7 report and there are admitted violations on the
8 part of the licensee with the use of promoters,
9 cover charges, live entertainment. And there's
10 conduct that they haven't fully acknowledged,
11 including over-service of alcohol.

12 The licensee tries to give itself a
13 big pat on the back for admitting to some of the
14 violations, but its position is rather
15 disingenuous because it doesn't acknowledge the
16 harm that it caused the community. It casts
17 itself essentially as a victim, which it is not.

18 MS. TOROASSIAN: I'm sorry, cast you
19 said?

20 MR. MELCHER: Cast, yes, what I said.

21 And it belittles the community,
22 including the witnesses.

23 It's not possible for this licensee to
24 show that its operations are going to be
25 appropriate in the future if it doesn't fully

1 recognize the harm that it's caused in the past.
2 The licensee wants you to believe, the applicant
3 wants you to believe that it had a moment where
4 it realized that it needed to comply with the
5 law, and from that point forward it decided it
6 would comply with the law.

7 It's very hard to catch someone not
8 telling the truth, but once in a while you can
9 find something that makes it easy. The applicant
10 filed a substantial change application in
11 October, that was after it supposedly learned its
12 lesson about complying with the law. And that
13 was after it retained counsel and been advised by
14 counsel. Nonetheless, that application denies
15 that there were any prior violations. And that's
16 contradicted by what's in investigative reports
17 which shows that there were prior violations.

18 The licensee essentially wants to be
19 rewarded for merely complying with the law. The
20 licensee hasn't been held accountable under the
21 law. We've heard admissions about numerous
22 violations, we've heard other evidence of
23 violations and no consequences whatsoever have
24 been imposed. In deciding whether or not to
25 grant a renewal application the Board has an

1 obligation by law to consider the applicant's
2 prior compliance or non-compliance with the law.
3 Those prior violations in and of themselves
4 establish an appropriate basis to deny the
5 renewal application. The substantial change
6 application should be granted or denied because
7 if you deny a renewal application there is no
8 point in granting a substantial change
9 application. If this applicant wants to come
10 back in five years after showing after showing a
11 track record of success over five years, so be
12 it. But there's not enough evidence at this
13 point that this licensee has gotten its act
14 together and understands what it needs to do.

15 This licensee is still managed by Mr.
16 Camacho and we've heard a tremendous amount of
17 information calling into question his ability to
18 operate a licensed establishment.

19 Now, the licensee, the applicant has
20 imposed a series of restrictions on its proposed
21 entertainment endorsement. I want the Board to
22 understand that we would have not gotten to the
23 point where the applicant was willing to propose
24 and ask the Board to essentially pose all of
25 those restrictions were it not for the advocacy

1 of people in the community. Some aspects of the
2 plan are not likely to achieve their intended
3 result, including with respect to having
4 reimbursable details, because there's a shortage
5 of reimbursable details. The rest of the plan is
6 in the hands of Mr. Camacho. And so if Mr.
7 Camacho isn't up to the task, the plan isn't any
8 good.

9 There's a cut and dry way to deal with
10 this which is, you know, and the community wants
11 to see the Board say no. No one's opposed to a
12 restaurant.

13 MS. TOROASSIAN: I'm sorry; can you
14 repeat that?

15 MR. MELCHER: Nobody is opposed to a
16 restaurant. People just want peace and quiet in
17 their community. You can help achieve that by not
18 allowing Mr. Camacho to have his wild and crazy
19 events, so the protestants request that the Board
20 deny both applications.

21 CHAIRPERSON ANDERSON: Thank you for
22 your presentation, sir.

23 Do the parties wish to file proposed
24 findings of fact and conclusion of law, or waive
25 their right to do so?

1 MR. MELCHER: Yes, we wish to file.

2 CHAIRPERSON ANDERSON: I'm sorry; you
3 said what, sir?

4 MR. MELCHER: Yes, we wish to file.

5 CHAIRPERSON ANDERSON: You wish to
6 file. All right.

7 The proposed findings of fact of
8 conclusion of law are due 30 days after you
9 receive the transcript. The transcript should
10 hopefully be available within three weeks. Three
11 weeks after receipt of the transcript your
12 proposed findings of fact and conclusion of law
13 are due and the Board will issue its final
14 decision within 90 days after receiving the
15 proposed findings of fact and conclusion of law.

16 The parties are reminded that they can
17 indeed inform the Board if they change their mind
18 and do a proposed findings of fact and conclusion
19 of law.

20 Okay?

21 All right, let me formally close this,
22 please. As Chairperson of the Alcoholic Beverage
23 and Cannabis Board for the District of Columbia
24 and in accordance with D.C. Official Code Section
25 2575 of the Open Meetings Act, I move that ABC

1 Board hold a close meeting for the purpose of
2 seeking legal advice from our counsel on Case
3 No's 22-PRO-00138 and 22-PRO-00142, Rosemarino
4 D'Italia pursuant to D.C. Official Code Section
5 2575-B4(a) of the Open Meetings Act and
6 deliberating upon Case No's 22-PRO-00138 and 22-
7 PRO-00142, Rosemarino D'Italia for the reasons
8 cited in D.C. Official Code Section 2575 B13 of
9 the Open Meetings Act.

10 Is there a second?

11 Ms. Hansen has seconded the motion.

12 We'll now have a roll call vote.

13 Mr. Short?

14 Mr. Short?

15 MEMBER SHORT: Mr. Short, I agree.

16 CHAIRPERSON ANDERSON: Ms. Hansen?

17 MEMBER HANSEN: Jeni Hansen, I agree.

18 CHAIRPERSON ANDERSON: Mr. Grandis?

19 MEMBER GRANDIS: Agree.

20 CHAIRPERSON ANDERSON: And Mr.

21 Anderson, I agree. The matter passes 4-0-0.

22 As it appears the motion has passed,
23 I hereby give notice that ABC Board will recess
24 this meeting to hold a closed meeting pursuant to
25 Section 2575 of the Open Meetings Act.

1 Give me a minute, let me close the
2 record for a day then.

3 As chairperson of the Alcoholic
4 Beverage and Cannabis Board of the District of
5 Columbia and in accordance with Title 3, Chapter
6 4 or 5 Office of Open Government, I move that ABC
7 Board hold a closed meeting on July --

8 MS. TOROASSIAN: 21st.

9 CHAIRPERSON ANDERSON: No, ma'am.

10 MEMBER SHORT: 26th.

11 CHAIRPERSON ANDERSON: On July 26th for
12 the purpose of discussing and hearing reports
13 concerning ongoing or planned investigations or
14 alleged criminal or civil misconduct or
15 violations of the law or regulations and seek
16 legal advice from our legal counsel and Board's
17 investigative agenda, legal agenda and license
18 agenda for July 26th, 2023 as published in the
19 D.C. Register on July 21st, 2023.

20 Is there a second?

21 MEMBER SHORT: Mr. Short, I second.

22 CHAIRPERSON ANDERSON: Mr. Short has
23 seconded the motion. I will take a roll call
24 vote in the motion before it's been noted it's
25 been seconded.

1 Mr. Short?

2 MEMBER SHORT: Mr. Short, I agree.

3 CHAIRPERSON ANDERSON: Ms. Hansen?

4 Mr. Grandis?

5 MEMBER GRANDIS: Edward Grandis, I
6 agree.

7 CHAIRPERSON ANDERSON: And Mr.
8 Anderson, I agree. It appears the motion has
9 passed 4-0-0. I hereby give notice that ABC
10 Board will hold this closed meeting pursuant to
11 Open Meetings Act. Notice will also be posted on
12 the ABC Board bulletin board, placed on
13 electronic calendar on ABCA's website and
14 published on the D.C. Register in as timely a
15 manner as possible.

16 This has been a very long day and the
17 Board has been working since 10 o'clock
18 yesterday. I especially want to thank, the first
19 person I want to thank is our court reporter,
20 because the court reporter has been on since 10
21 o'clock this morning. Although, we do not see
22 the court reporter, I would like to thank the
23 court reporter for his or her work to ensure that
24 we'll have the appropriate transcript that the
25 parties will have. So I want to thank the court

1 reporter for their work. And this is not a
2 matter of that they're going to get paid to do
3 this, this is beyond the call of duty.

4 I especially want to thank Ms.
5 Toroassian for your translation/interpretation
6 this afternoon. You have done a phenomenal job.
7 You have been on since 1:30 and you have done all
8 the talking today, so I want to thank you. This
9 is not a matter of that I'm getting paid to do
10 this; you have been on the clock since 1:30 and
11 it's now 2:53, so I want to thank you for your
12 translation/interpretation today.

13 MS. TOROASSIAN: Thank you for your
14 patience.

15 It's my pleasure, thank you.

16 CHAIRPERSON ANDERSON: I want to thank
17 the members of the community. It shows that the
18 community cares about having a livable D.C. and
19 enjoying peace and quiet, and so the Board takes
20 notice of community members who have stayed up to
21 have their voices made and heard. And so I want
22 to thank the community members who have
23 testified, who have participated in this process
24 because we truly value your input and we will --
25 whatever decision we make today we will listen to

1 your input and make a determination. Also, I
2 want to thank all the Board members who we have
3 been working since 10 o'clock this morning, and
4 so I want to thank you for your dedication to be
5 here to listen intently what is being said.

6 And I can't think of this -- I also
7 want to thank the attorneys for their
8 presentation today. We're all advocates and we
9 are advocating for the rights of our attorney,
10 our clients. We might not agree, we might
11 disagree on process, but I want to thank the
12 attorneys for their presentation today.

13 It was a good presentation for the
14 end, but I just think it's because of it's the
15 lateness of the hour. But there's true work that
16 was put in by both sides to ensure that the Board
17 hears the community and also hears the comments
18 and concerns of the licensee. I want to thank
19 everyone for their presentation.

20 With that, we are now adjourned for
21 the day. I'm going to ask the Board members to
22 return to executive committee. Thank you, have
23 a great day.

24 (Whereupon, the above-entitled matter
25 went off the record at 2:56 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Rosemarino D'Italia

Before: DC ABCA

Date: 07-20-23

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