

ALSO PRESENT:**SALIM ADOFO, ANC 8C****SIMONE ANDREWS, DC ABRA Staff****MIKEL BARNES, Witness****LAUREN CATALANO, Witness; Principal, KIPP DC
Legacy College Prep****CHRISTOPHER CONRAD, Representative for
Protestants and ANC 8C****EARL JONES, DC ABRA Investigator****JONG KIM, Licensee****KYONGSOOK KIM, Korean Language Interpreter****KYUNGHWAN LEE, Licensee's Counsel****CARMEN McCALL, Witness****SUN PAK, Witness****SANDRA SEEGARS, Witness**

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

2 2:04 p.m.

3 CHAIRPERSON ANDERSON: Alight. So, our
4 next case -- our next and only case this
5 afternoon is a protest hearing. Case No. 21-PRO-
6 00025. Holiday Liquors. License No. 091095.

7 Ms. Andrews, can you please elevate
8 the rights of the parties in this case, please.

9 MS. ANDREWS: Sure. Stand by.

10 (Pause.)

11 MS. ANDREWS: Ms. McCall, your rights
12 have been elevated. Mr. Conrad, your rights have
13 been elevated.

14 Investigator Jones, your rights have
15 been elevated. Mr. Kim, your rights have been
16 elevated.

17 Mr. Lee, your rights have been
18 elevated. Ms. Catalano, your rights have been
19 elevated and, Ms. Seegars, your rights have been
20 elevated.

21 That's all, Mr. Chair.

22 CHAIRPERSON ANDERSON: Alright. Thank
23 you.

24 (Pause.)

25 CHAIRPERSON ANDERSON: Alright. Good

1 afternoon, everyone. If you have a camera, let's
2 -- I need everyone to elevate, to turn their
3 cameras on.

4 Who is -- Ms. Kim, do you have a
5 camera? Yes. Ms. Kim, can you raise your right
6 hand, please.

7 Do you solemnly affirm that you will
8 fully and accurately interpret these proceedings
9 in this matter from English to Korean, and from
10 Korean into English, to the best of your
11 abilities?

12 THE INTERPRETER: I do.

13 CHAIRPERSON ANDERSON: Alright. Thank
14 you. Alright. Do we have Ms. -- who is the
15 owner of -- so, the owner of the establishment is
16 Ms. or Mr. Kim. Is that the owner of the
17 establishment, Mr. Lee?

18 MR. LEE: Yes, it is Mr. Kim. That's
19 Jong Keon Kim.

20 CHAIRPERSON ANDERSON: Alright. Does
21 Mr. Kim have a camera he can turn on?

22 THE INTERPRETER: This is the Korean
23 interpreter speaking. Mr. Kim is trying to turn
24 his camera on.

25 CHAIRPERSON ANDERSON: Alright. Thank

1 you.

2 MR. KIM: It seems like my camera is
3 not working.

4 MR. CONRAD: Mr. Chair, I have a quick
5 question while we work through technical
6 difficulties.

7 CHAIRPERSON ANDERSON: Yes, Mr. Conrad.

8 MR. CONRAD: Will there be an extension
9 on the time? We requested two hours, but we had
10 a little bit of a late start because of the
11 executive meeting.

12 CHAIRPERSON ANDERSON: Mr. Conrad,
13 we're having a hearing today, sir. It doesn't
14 matter what time we start, it's what time we
15 finish, sir.

16 We're having this hearing today. The
17 Board agreed to give -- to extend the time, so
18 we're having the hearing today. So, don't worry
19 about what time we start.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Okay. Thank
22 you. Ms. Kim, the translator, do you have any
23 idea what's -- one of the problems is that since
24 you're translating for Mr. Kim, I need to see
25 what's going on with the person.

1 So, can we figure out do they have a
2 camera and how can they turn on their camera?

3 MR. KIM: So, I do see here the video
4 button and we -- I have pressed it, but, for some
5 reason, with my PC, it doesn't seem to work so
6 far.

7 CHAIRPERSON ANDERSON: Ms. Andrews, can
8 you give any assistance to anyone, please. Maybe
9 you can talk to -- if not, we'll go forward.

10 But since we're having the translator,
11 I want to make sure I see who we're translating
12 for. That's why I'm insisting on having a
13 camera.

14 MS. ANDREWS: Mr. Chair, I -- one
15 second.

16 (Pause.)

17 MS. ANDREWS: Yes, he has been able to
18 start video. It should come through. I just may
19 be a delay.

20 If that doesn't work, then I think we
21 should proceed because I can't see his screen.

22 CHAIRPERSON ANDERSON: Okay. Ms. Kim,
23 can you explain that to him, please.

24 MR. KIM: Should I connect myself over
25 the phone then?

1 CHAIRPERSON ANDERSON: Well, if he does
2 it over the phone, then we're not going to see
3 him.

4 (Pause.)

5 CHAIRPERSON ANDERSON: Alright. His
6 camera is not working; is that correct? Then
7 we're going to start. Just give him some
8 clarification before we start, please.

9 MR. KIM: So, with the camera, we
10 thought it would work, but it doesn't seem to
11 work. The audio works, but not the camera.

12 CHAIRPERSON ANDERSON: Alright. That's
13 fine. Okay. Alright. Good afternoon, everyone.
14 We're having this protest hearing, so let
15 everyone introduce themselves.

16 I need you to state and spell your
17 name for the record.

18 MR. LEE: Good afternoon, Board
19 Members. My name is KyungHwan Lee. K-Y-U-N-G-H-
20 W-A-N, L-E-E, representing Holiday Liquors in the
21 matter of the protest hearing.

22 CHAIRPERSON ANDERSON: Good afternoon,
23 Mr. Lee.

24 MR. LEE: Thank you.

25 CHAIRPERSON ANDERSON: And who do we

1 have -- who is your client, sir? Who is your
2 client, Mr. Lee?

3 MR. LEE: Yeah, it's -- my client Mr.
4 Jong Kim. He's the owner of Holiday Liquors.

5 CHAIRPERSON ANDERSON: Ms. Kim, can you
6 ask the owner to spell and state his name for the
7 record, please.

8 MR. KIM: My full name is Jong Keon
9 Kim. J-O-N-G, K-E-O-N. Last name Kim, K-I-M.

10 CHAIRPERSON ANDERSON: And, Ms. Kim,
11 who is he? What's his relationship to the
12 establishment?

13 MR. KIM: I am the owner of the
14 business.

15 CHAIRPERSON ANDERSON: Alright. Ms.
16 Kim, can you please let Mr. Kim know that because
17 I cannot see him; however, while we are -- while
18 the hearing is going on, he should not be
19 speaking to anyone, I should not be hearing any
20 other voice but his voice, please. Okay?

21 MR. KIM: Okay. Understood.

22 CHAIRPERSON ANDERSON: And also to let
23 him know that if he's not speaking, his
24 microphone should be on mute.

25 MR. KIM: I don't know how to --

1 CHAIRPERSON ANDERSON: He just did, but
2 he took it off -- right, it's not on mute.
3 That's fine. All parties -- tell him to mute his
4 microphone, please.

5 MR. KIM: Okay.

6 CHAIRPERSON ANDERSON: I need --
7 everyone, your microphone needs to be on mute
8 with the -- if you're not speaking, your
9 microphone needs to be on mute.

10 Okay. Mr. Lee, what other witnesses
11 are you calling today? Are they --

12 MR. LEE: I put the four people for our
13 witness. The first one is Jong Kim, the owner of
14 the business.

15 And the second one is Mikel Barnes,
16 security company owner. And third one is Ms.
17 Sandra Seegars. That's a former ANC
18 commissioner.

19 The last one is Ms. Carmen McCall.
20 She is the CRAV associate.

21 CHAIRPERSON ANDERSON: Are those people
22 currently online? Alright. So, Ms. McCall, can
23 you please spell and state your name for the
24 record, please.

25 MR. BARNES: Mikel Barnes, Metropolitan

1 --

2 MS. MCCALL: Carmen --

3 MR. BARNES: Tactical Elite Protective
4 Service.

5 CHAIRPERSON ANDERSON: I'm sorry, I
6 don't know who's speaking. I can't see.

7 MR. BARNES: How are you? This is
8 Mikel Barnes, the owner of the security company,
9 Metropolitan Tactical Elite Protective Service.

10 CHAIRPERSON ANDERSON: Spell your name,
11 sir.

12 MR. BARNES: M-I-K-E-L, first name.
13 Last name is B-A-R-N-E-S.

14 CHAIRPERSON ANDERSON: Alright. Go
15 ahead, Ms. McCall.

16 MS. MCCALL: Carmen McCall, C-A-R-M-E-
17 N, capital M, small C, C-A-L-L.

18 CHAIRPERSON ANDERSON: Ms. Seegars, can
19 you please identify yourself, please.

20 MS. SEEGARS: Yes. I'm Sandra S.S.
21 Seegars. S-A-N-D-R-A, Sandra. Seegars, S-E-E-G-
22 A-R-S.

23 CHAIRPERSON ANDERSON: Mr. Adofo, can
24 you please turn your video -- your camera on,
25 sir, please, and please identify yourself for the

1 record?

2 MR. ADOFO: Greetings. I am Salim
3 Adofo, chairperson of ANC 8C. My name is spelled
4 S-A-L-I-M, A-D-O-F-O.

5 CHAIRPERSON ANDERSON: And who is here
6 with you this afternoon, Mr. Adofo?

7 MR. ADOFO: We have Christopher Conrad,
8 Lauren Catalano, and Christopher Conrad is
9 actually representing the ANC.

10 CHAIRPERSON ANDERSON: Alright. I
11 apologize. Okay.

12 MR. ADOFO: Yes, sir.

13 CHAIRPERSON ANDERSON: I apologize.
14 Mr. Conrad, I'm sorry --

15 MR. CONRAD: Yes, sir.

16 CHAIRPERSON ANDERSON: -- would you
17 please spell and state your name for the record,
18 please.

19 MR. CONRAD: Yes. My name is
20 Christopher Conrad, C-H-R-I-S-T-O-P-H-E-R, C-O-N-
21 R-A-D. And with us today, we have five
22 witnesses.

23 We have Ms. Catalano, Lauren Catalano,
24 who is present on video. We have Mr. Adofo, who
25 will speak in his capacity as chairman -- I'm

1 sorry, in his capacity as commissioner.

2 And then we have three hostile
3 witnesses that were subpoenaed pursuant to board
4 subpoena.

5 I know one will make an appearance and
6 is available on request. This is Sun Cho Pak.
7 The other two, Ming Chang and Yeung Gee, have
8 both been subpoenaed.

9 I have tried to contact them. They
10 have received the subpoenas from the email
11 addresses that were provided by the owner, but
12 they appear to be disobeying the court subpoenas.

13 CHAIRPERSON ANDERSON: Alright. Just
14 for my own edification, are you an attorney, Mr.
15 Conrad?

16 MR. CONRAD: I'm sorry, can you say
17 that one more time?

18 CHAIRPERSON ANDERSON: I said, are you
19 an attorney, sir?

20 MR. CONRAD: Yes. Yes, sir. I'm an
21 attorney barred in Maryland with bar applications
22 pending in D.C. and in New York.

23 CHAIRPERSON ANDERSON: So, are you --

24 MR. CONRAD: Actually, I live here, so
25 I was ahead of the group of five.

1 CHAIRPERSON ANDERSON: No, I'm asking
2 a different question, sir.

3 MR. CONRAD: Sure.

4 CHAIRPERSON ANDERSON: When I do this,
5 I ask people if they're attorneys so, therefore,
6 I have expectations for attorneys that are not
7 the same expectations for laypeople.

8 MR. CONRAD: Understood.

9 CHAIRPERSON ANDERSON: So, that's why
10 I ask those questions because I'm an attorney. I
11 expect when we do these hearings, if we have
12 attorneys, attorneys, they know -- although this
13 is an administrative hearing, it is not as formal
14 as a court of law, but I expect attorneys to play
15 their part because they are aware of the rules
16 and regulations of how this works. And so,
17 that's one of the reasons why I ask the question.

18 MR. CONRAD: Understood. Yes, sir.

19 CHAIRPERSON ANDERSON: Alright. Hold
20 on one minute, please.

21 (Pause.)

22 CHAIRPERSON ANDERSON: Alright. Good
23 afternoon again, everyone. This matter comes
24 before the Board as a protest on the application
25 to renew Holiday Liquors' retailer Class A

1 License No. ABRA 091095 located at 3505 Wheeler
2 Road, S.E.

3 By way of background, the Board's
4 records reflect the following: The renewal
5 application was placarded on March 19th, 2021.
6 ANC 8C, represented by Chairperson Salim Adofo,
7 filed a protest on May 18th, 2021.

8 A second protest was filed by a group
9 of five or more individuals, Conrad group, led by
10 Christopher Conrad on May 24th, 2021.

11 ANC 8C was granted standing at the
12 roll call hearing held June 14th 2021, and the
13 Conrad group was granted conditional standing.

14 A status hearing was held on June
15 30th, 2021, and the Conrad group's protest was
16 dismissed for failure to present the remaining
17 number of individuals necessary for being a stand
18 in as a protest group.

19 On July 15th, 2021, after successfully
20 petitioning the Board for reconsideration, the
21 Board granted the Conrad group standing upon a
22 request from Chairperson Adofo to recognize Mr.
23 Conrad as the ANC's representative in this
24 matter.

25 The Board now considers the two

1 protests having been merged for purpose of these
2 proceedings.

3 Before this hearing gets underway,
4 there are a couple of matters the Board wants to
5 address.

6 The Board is aware that protestants
7 have requested subpoenas for three former
8 employees of Holiday Liquors.

9 Notwithstanding the incompleteness of
10 the Protestant's request regarding contact
11 information for these individuals, the Board
12 wants the record to reflect the due diligence
13 undertaken by ABRA legal staff to ensure that
14 current phone numbers, email addresses and
15 mailing addresses were secured for the
16 Protestants and that service was held on three
17 individuals either by email or registered mail.

18 As of late yesterday, Assistant
19 General Counsel Randall was provided the WebEx
20 hearing information to these witnesses.

21 Secondly, the Protestant filed a
22 motion to exclude some of the Applicant's
23 witnesses, which the applicant opposed.

24 I want the parties to know that the
25 Board took these pleadings this morning on our

1 legal agenda and the Board voted on our legal
2 calendar this morning to deny the Protestant's
3 motion.

4 Therefore, the Applicant is welcome to
5 call any witnesses he has listed on the pre-filed
6 witness list -- oh, I'm sorry, I forgot that -- I
7 forgot that I am -- we're being translated. I
8 apologize. Go ahead.

9 (Translator speaking.)

10 CHAIRPERSON ANDERSON: I do apologize
11 to the translator. I had forgotten that we were
12 being translated.

13 Alright. Before I ask if there are
14 any other preliminary matters that needs to be
15 addressed before the commencement of this
16 hearing, I want it perfectly understood that this
17 hearing will be conducted free and with an open
18 mind.

19 It is the Board's expectation that the
20 parties also conduct themselves accordingly.
21 Although the Board granted the Protestant's
22 motion to extend the length of the hearing, which
23 the Board interpreted as a request for more time
24 to present their case in chief, we are hopeful
25 that it will not be a long day and, therefore, we

1 appreciate your efforts to keep your case in
2 chief on a reasonable pace.

3 Alright. Thank you. Are there any
4 other preliminary matters? Go ahead, Mr. Conrad.

5 MR. CONRAD: Sir, I just wanted to ask
6 about the effect of the issued subpoenas at this
7 point if we have no-shows from the witnesses.

8 MS. ANDREWS: Mr. Chair, there is a Sun
9 Pak that just joined. I am trying to elevate his
10 rights, but am unable to.

11 CHAIRPERSON ANDERSON: Alright. So,
12 Mr. Conrad, so you're saying that you -- the
13 Board served the subpoenas on the three
14 individuals. So, we have done our part.

15 So, are you saying that two people are
16 -- based on your conversation with them, they're
17 not appearing today, sir? Is that your position?

18 MR. CONRAD: Alright. Mr. Chair, we
19 both have to get used to the translator here. My
20 understanding is that two will no-show because I
21 have not heard from either one of them.

22 Mr. Pak has made a good-faith effort
23 to arrive, which is fine. So, we know he's going
24 to be there.

25 I've spoken to Mr. Chang's wife who

1 indicated that he would likely not arrive, and I
2 don't believe he will. So, I'm not sure what to
3 do about that.

4 And Ms. Gee, we were provided her
5 contact information by applicant and never heard
6 anything, but I have emailed her asking her any
7 sort of questions and providing assistance if she
8 needed it.

9 CHAIRPERSON ANDERSON: What is it you
10 are requesting, Mr. Conrad?

11 MR. CONRAD: Well, sir, 1704.3 says:
12 Subpoenas issued by the Board shall be enforced
13 by the Board in the manner prescribed by Section
14 25-443 of the D.C. Code.

15 So, these are enforceable subpoenas.
16 We can go to the Superior Court and just get an
17 order for disobedience.

18 I spoke briefly with Mr. Lee, who has
19 been, you know, very collegial in our
20 conversations. We're not going to move for a
21 continuance because it will just -- we're all
22 here and I don't think it would be appropriate.

23 I want to make the best out of
24 everyone's time, but I just have some concern
25 that the Board's subpoenas are effectively

1 toothless if there's no way to enforce them until
2 the day of and then we have no-shows, sir.

3 CHAIRPERSON ANDERSON: So, we're going
4 to proceed with the hearing without -- the Board
5 has served -- we have issued subpoenas and we
6 have served it and we cannot -- we don't have
7 arrest powers to go and arrest the folks for not
8 showing up today, sir.

9 MR. CONRAD: Mr. Chair, can I ask one
10 more thing?

11 CHAIRPERSON ANDERSON: Yes.

12 MR. CONRAD: Is there any way that we
13 could authorize Ms. Kim to do simultaneous
14 translation where Mr. Kim is not testifying so we
15 could maybe expedite the proceedings?

16 It's okay if not, I just thought it
17 might be prudent.

18 CHAIRPERSON ANDERSON: I don't know how
19 we can do that, sir, because they're not in the
20 same location.

21 I'm not seeing Mr. Kim and there is no
22 way she can speak to him without us hearing. So,
23 you'd be -- we have a court reporter who's
24 transcribing the entire hearing, so that would
25 not work.

1 MR. CONRAD: Okay.

2 CHAIRPERSON ANDERSON: Alright. Are
3 there any other preliminary matters?

4 MR. LEE: For the Applicant, there is
5 no -- nothing -- no preliminary matters.

6 CHAIRPERSON ANDERSON: Alright. I
7 believe that Mr. Pak will also be calling in.
8 I'm not sure if that's a new person.

9 Alright. This is the way the process
10 is going to work: The Applicant will make an
11 opening statement. Then the Protestants will
12 make an opening statement. The Board then will
13 call its first witness, which is the
14 investigator.

15 Alright. So, normally each side would
16 have no more than five witnesses and you'd have
17 an hour to present your case.

18 A motion was made by the Protestant to
19 have extra time. The Board has granted that;
20 however, remember this hearing is being done
21 virtually.

22 The hearing will be over when it's
23 over; however, I do not want repetitive or
24 redundant testimony and I want us to move forward
25 as quickly as possible to move this hearing

1 along.

2 Yes, Mr. Conrad?

3 MR. CONRAD: Can we just confirm that
4 Mr. Kim can see the screen so that we can avoid
5 using exhibits over and over again to shorten the
6 examination?

7 CHAIRPERSON ANDERSON: Mr. Conrad,
8 that's one of the reasons why I wanted his
9 camera, but that's not going to happen.

10 So, we're doing the best we can and
11 we're going to move on. So, we'll see where we
12 go, sir.

13 Alright. As I stated before, and it
14 is now on the record, that both Mr. Conrad and
15 Mr. Lee are attorneys.

16 So, I expect both parties, if there
17 are objections to be raised, that we raise
18 objection. I do not expect to have any
19 irrelevant testimony, redundant testimony.

20 And so, that's my expectation and I
21 expect this hearing to move promptly along
22 because it's being conducted by two attorneys.

23 Alright.

24 Alright. Thank you. Ms. Andrews, can
25 you please elevate the rights of Mr. Sun Pak?

1 MS. ANDREWS: Mr. Pak is a call-in.
2 I'm going to go ahead and unmute his line.

3 MR. PAK: Yes, I am here right now.

4 CHAIRPERSON ANDERSON: Mr. Pak, can
5 you please spell and state your name for the
6 record, please.

7 MR. PAK: Yes. My name is Sun, S-U-N.
8 And the last name is P-A-K, Pak.

9 CHAIRPERSON ANDERSON: Mr. Pak, do you
10 require a -- we have a Korean interpreter. Do
11 you require interpretation service, sir?

12 MR. PAK: Not necessarily.

13 CHAIRPERSON ANDERSON: Alright. Thank
14 you, sir. Alright. Okay. Alright. So, each
15 side has five minutes to do an opening statement
16 and so let's start with the Applicant.

17 MR. LEE: Good afternoon, Board
18 Members and everybody. Mr. Kim is the licensee
19 applying for renewal of the current Class A
20 license for the Holiday Liquors, which is being
21 contested by ANC 8C.

22 Mr. Kim has leased and operated a
23 liquor store since 2013.

24 THE INTERPRETER: Mr. Lee, did you say
25 that -- when did you say -- since when? 2013 or

1 2003?

2 MR. KIM: 2013.

3 THE INTERPRETER: Thank you.

4 MR. KIM: According to D.C. Geographic
5 Information System, Holiday Liquors is the only
6 ABRA establishment within a 1200-foot radius that
7 sells beer, wine and spirits in this area.

8 Holiday Liquors is located in a strip
9 mall where there are two other businesses such as
10 a cleaner and a market. The area is under a
11 Voluntary Agreement with the Anacostia
12 Coordinating Council in 2006.

13 This area is densely populated.
14 Majority of customers are from the neighborhood
15 and they travel by foot.

16 People living near the establishment
17 already have access to alcohol, which is legally
18 purchased in D.C.

19 The business employ two local
20 community members to work inside and they keep
21 the property clean.

22 The owner is well aware of the
23 responsibility that comes with ABC license. He
24 has obtained the ABRA training. He is willing to
25 cooperate with the community for the safety

1 issue.

2 So, we strongly believe that granting
3 the renewal application is proper and it will not
4 detrimentally impact the community. Thank you
5 very much.

6 CHAIRPERSON ANDERSON: Mr. Conrad, do
7 you wish to do an opening statement, please.

8 (Pause.)

9 CHAIRPERSON ANDERSON: You're on mute,
10 Mr. Conrad.

11 MR. CONRAD: Ms. Kim, can I break this
12 up by paragraphs for the sake of brevity? Are
13 you able to track that for translation purposes?

14 THE INTERPRETER: I would prefer you
15 pausing maybe every two to three sentences, if
16 that's okay.

17 MR. CONRAD: Okay. I'll try my best.
18 I want to make sure that we have --

19 THE INTERPRETER: Mr. Conrad, I
20 couldn't hear you.

21 CHAIRPERSON ANDERSON: You're on mute,
22 Mr. Conrad.

23 MR. CONRAD: My name is Chris Conrad
24 -- can you hear me now?

25 CHAIRPERSON ANDERSON: Yes.

1 MR. CONRAD: Okay. My name is Chris
2 Conrad and I represent the ANC for Ward 8.
3 Today, we ask you to deny Holiday Liquors'
4 application for its liquor license renewal.

5 On June 16th legal counsel for the
6 Board cautioned that the ANC will not obtain
7 license revocation except for under the most
8 egregious circumstances.

9 That may be true as a factual matter,
10 but it misstates the applicable legal standard
11 for appropriateness in revocation.

12 THE INTERPRETER: Mr. Conrad, could you
13 repeat what you just said, please. My apologies.

14 MR. CONRAD: Sure. On June 16th, legal
15 counsel for the Board cautioned the ANC that
16 license revocation does not occur often except in
17 the most egregious circumstances.

18 That may be true as a factual matter,
19 but it misstates the applicable legal standard
20 for appropriateness in revocation.

21 Section 1711.5 of the D.C. Code
22 teaches that in all protest hearings before the
23 Board, the Applicant shall have the burden of
24 proof to show by substantial evidence in the
25 record that the licensing action meets the

1 appropriate standards of Section 25-313.

2 Under Section 15.5.1 the presumption
3 that a license is appropriate only exists if no
4 objection behind the license is filed. That's
5 the black letter law that we urge you to
6 dutifully follow, please.

7 But even if the most egregious
8 circumstances standard was law, which it is not,
9 the ANC could make the requisite showing as to
10 Holiday Liquors here today.

11 You all are well-versed in the
12 appropriateness standard, so I will now offer an
13 exposition on it, but I do want to focus on the
14 key elements at issue in this protest.

15 We'll start with peace and order. We
16 will adduce evidence showing that Holiday
17 Liquors' method of operations are fundamentally
18 incompatible with peace in our community.

19 The Applicants will argue that the
20 documented devastating violence that occurs on
21 the store's premises has nothing to do with the
22 store, that two murders and numerous shootings
23 over the last two years had nothing to do with
24 the store, that nine liquor law violations on the
25 premises over the existing license period had

1 nothing to do with the store, that scores of
2 other nonliquor offenses on the premises over the
3 existing license period, carefully documented by
4 the MPD, had nothing to do with the store.

5 THE INTERPRETER: My apologies, Mr.
6 Conrad. Could you repeat what you just said,
7 please.

8 MR. CONRAD: Yes. The Applicants will
9 argue that nine liquor law violations on the
10 premises over the existing license period had
11 nothing to do with the store and that scores of
12 other nonliquor offenses on the premises over the
13 existing license period, carefully documented by
14 the MPD, had nothing to do with the store.

15 Mr. Chair, I'm moving as fast as I
16 can. I appreciate the patience. How will the
17 store make that argument?

18 Well, we know from the disclosures
19 that they have made they will argue, and I quote,
20 the store is not the problem, it's the citizens.

21 They'll say, we put up security
22 cameras, we've hired security guards and that's
23 all we can do from behind our plexiglass barrier.

24 Well, we submit, and the evidence will
25 show, that what the Applicant casts as an

1 intractable problem with the citizens is really
2 carelessness and indifference on their part.

3 The store is happy to look the other
4 way to allow gangs and other criminals to
5 accumulate on their property as long as they can
6 maintain steady revenues of this neighborhood.

7 And when the day ends, they lock the
8 storefront and they leave all the carnage behind
9 to return to their safe homes in other states.

10 THE INTERPRETER: Mr. Conrad, my
11 apologies again. Could you repeat what you just
12 said, please.

13 MR. CONRAD: I can. The store is
14 happy to look the other way to allow gangs and
15 other criminals to accumulate on their property
16 as long as they can maintain their steady
17 revenues from the neighborhood.

18 And when the day ends and they lock
19 the storefront, they leave all the carnage behind
20 to return to their safe homes in other states and
21 we're here, left wondering how a 15-year-old boy
22 was gunned down with two others based off of an
23 errant hit on a group individuals that were known
24 to hang out in front of Holiday Liquors.

25 They say that the store is not

1 actively diverting police resources away from
2 fighting violent crime in the community that they
3 blame for the issues on their premises, which
4 they have been repeatedly by their own admission.

5 And that brings me to my second point
6 on peace and order, which is the education of our
7 community's children.

8 You won't find any meaningful
9 discussion of schools and children in the
10 Applicant's brief.

11 The inspector somehow determined that
12 no school is located within 400 feet of the
13 Holiday Liquors store. That's an absolute
14 gerrymander.

15 We'll introduce pictures taken from
16 the front door of Holiday Liquors that shows
17 Eagle Academy 75 feet right across the street.
18 We'll enter the property surveys from the D.C.
19 government that makes this clear as well.

20 THE INTERPRETER: Mr. Conrad, could
21 you repeat the latter part of what you said,
22 please.

23 MR. CONRAD: Yes. I'm trying to go
24 two sentences at a time here. So, we'll
25 introduce pictures taken from the front door of

1 Holiday Liquors that shows Eagle Academy 75 feet
2 away right across the street, and we'll also
3 introduce property surveys from the D.C.
4 government that makes this clear.

5 We've already submitted a letter from
6 Dr. Reid, Ward 8's representative to the State
7 Board of Education, that talks about the terror
8 felt by students that attend nearby schools.

9 Dr. Reid talks about the Safe Passages
10 program, which was implemented to route students
11 around Holiday Liquors to protect them on their
12 way to classes.

13 We'll hear testimony from Lauren
14 Catalano, principal of KIPP DC. That school was
15 the school Maurice Scott was attending when he
16 was gunned down in front of Holiday Liquors.

17 Ms. Catalano will talk about the awful
18 impact this tragedy has had on her student body,
19 but she'll also get into other specifics about
20 how her students purchase liquor and cigarettes
21 from Holiday Liquors, about how they fight on the
22 premises and about how they were vocally
23 threatened by individuals who hang out on the
24 premises.

25 And you don't have to take Ms.

1 Catalano's word for it. We've also introduced
2 evidence from ABRA detailing three separate
3 instances over the last five years when Holiday
4 Liquors sold alcohol to minors.

5 The Applicant will insist that they
6 have nothing to do with this and that the
7 citizens of this community, my community, are the
8 problem, but there is a nexus to the store.

9 This isn't a referendum of violence in
10 Ward 8, rather, this is a surgical community
11 effort to excise the malignant source of violence
12 and crime in the school corridor.

13 And, again, we don't have to show that
14 this is an egregious circumstance for you to deny
15 renewal, but we will and we can.

16 Finally, I want to talk about litter
17 and property values, which is a big part of the
18 appropriateness standards.

19 It seems a bit silly to talk about
20 litter and property values in the shadow of a
21 murder of a 15-year-old, droves of liquor law
22 violations, drug distribution and disorderly
23 conduct where a man was arrested for pulling his
24 pants down, exposing himself and urinating on the
25 wall of Holiday Liquors.

1 THE INTERPRETER: Mr. Conrad, could
2 you repeat what you just said, please. My
3 apologies.

4 MR. CONRAD: Sure. No, it's okay. It
5 seems a bit silly to talk about litter and
6 property values in the shadow of a murder of a
7 15-year-old, droves of liquor law violations,
8 drug distribution and disorderly conduct where a
9 man was arrested for pulling his pants down,
10 exposing himself and urinating on the wall of
11 Holiday Liquors.

12 Nonetheless, these are important
13 components of the appropriateness standard and we
14 will submit that we can adduce evidence on these
15 issues alone on litter and property values that
16 is sufficient to warrant denying license renewal.

17 I think we have to exercise our common
18 sense. The Applicant will essentially argue that
19 this community doesn't have value and we were
20 asking you to put lipstick on a pig.

21 CHAIRPERSON ANDERSON: Hold on a
22 minute, please, Mr. Conrad.

23 MR. CONRAD: Yes, sir.

24 CHAIRPERSON ANDERSON: You have five
25 minutes to do your opening statement. Okay? I

1 know that it's been translated and so I know
2 that's more time, but, sir, that's more than five
3 minutes. So, I need you to wrap up your opening
4 statement.

5 MR. CONRAD: Okay. I'm on paragraph
6 3. I could have done this in two minutes.

7 CHAIRPERSON ANDERSON: You have not
8 done it in two minutes, sir. This has been going
9 on for a long --

10 MR. CONRAD: Because of the
11 translator.

12 CHAIRPERSON ANDERSON: No, sir, it's
13 not the translator. I've taken -- alright. I'm
14 taking some consideration that it's being
15 translated.

16 MR. CONRAD: Okay.

17 CHAIRPERSON ANDERSON: So, therefore --

18 MR. CONRAD: But --

19 CHAIRPERSON ANDERSON: This has been
20 going on for more than 10 minutes, I believe,
21 sir. So, that's not the translator.

22 So, I need you to wrap up so we can
23 start the case and I'm going to be very specific
24 with the time lines because we have a lot of
25 hearing, we have a lot of witnesses, and I do not

1 intend to be -- for this hearing to go on until
2 tomorrow morning. Okay?

3 MR. CONRAD: Okay.

4 CHAIRPERSON ANDERSON: We're going to
5 wrap this up this evening.

6 MR. CONRAD: Okay.

7 CHAIRPERSON ANDERSON: So, I need you
8 to bring a conclusion to your opening, sir.

9 MR. CONRAD: Okay. Finally, I want to
10 discuss remedies. We had the option to settle
11 this case and we kicked the can down the road
12 again.

13 That was done in 2006 when Holiday
14 Liquors entered a cooperative agreement, but
15 they've breached this cooperative agreement over
16 and over again.

17 Only revocation can remedy the
18 decades' long disservice to this community that
19 the store has inflicted and, accordingly, we
20 respectfully request that you rule in favor of
21 the ANC in this protest. Alright. Thank you.

22 CHAIRPERSON ANDERSON: Alright. The
23 Board will now call its first witness. Each side
24 has an opportunity to cross examine the Board's
25 witness.

1 I am just putting each side on notice.
2 Please do not use all your time during cross
3 examination. It's best to use your time to move
4 forward doing direct examination.

5 I will try not to time the hearing by
6 giving parties a reasonable period of time, but
7 I'm just asking the parties, please be brief
8 because we have a lot of witnesses and we need to
9 get through this this evening.

10 So, as I stated before, we have four
11 attorneys. We should know how to cut to the
12 chase to get to the heart of the case while we're
13 here today. Okay?

14 Alright. The Board will call its
15 first witness. We'll call Earl Jones. Mr.
16 Jones, can you raise your right hand, please.

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

19 MR. JONES: I do.

20 CHAIRPERSON ANDERSON: Alright. Thank
21 you, Mr. Jones. Mr. Jones, where are you
22 currently employed?

23 MR. JONES: With the Alcoholic
24 Beverage Regulation Administration.

25 CHAIRPERSON ANDERSON: And what is

1 your role at the Agency, sir?

2 MR. JONES: I conduct inspections and
3 investigations of licensed ABC establishments
4 within the District of Columbia.

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

7 MR. JONES: 11 years, sir.

8 CHAIRPERSON ANDERSON: And do you know
9 approximately how many protest hearings you have
10 testified in?

11 MR. JONES: I would give a
12 guesstimate, I would say, around 50 or 60, sir.

13 CHAIRPERSON ANDERSON: Are you
14 familiar with Holiday Liquors? And if you are,
15 how did you become familiar with this
16 establishment?

17 MR. JONES: I am familiar with Holiday
18 Liquors due to being assigned the protest
19 investigation of this establishment recently.

20 CHAIRPERSON ANDERSON: Did there come
21 a time that you wrote a case report regarding
22 this case, sir?

23 MR. JONES: Yes, sir.

24 CHAIRPERSON ANDERSON: What I'll ask
25 you to do, Mr. Jones, I'll ask a question, she

1 will translate, and then you answer. Okay?

2 MR. JONES: I keep forgetting. Yes,
3 sir.

4 CHAIRPERSON ANDERSON: Alright. Do
5 you have your report to share with us?

6 MR. JONES: Yes, sir.

7 CHAIRPERSON ANDERSON: Ms. Andrews,
8 can you give Mr. Jones the ability to share his
9 screen, please.

10 MS. ANDREWS: Sure. Stand by.

11 (Pause.)

12 MS. ANDREWS: Mr. Jones, you may now
13 share your screen.

14 MR. JONES: Thank you.

15 (Pause.)

16 MR. JONES: Okay, sir.

17 CHAIRPERSON ANDERSON: Alright. So,
18 is this a copy of your report?

19 MR. JONES: Yes, it is, sir.

20 CHAIRPERSON ANDERSON: Sir, can you
21 tell us who were you able to interview as a
22 result -- who were you able to interview
23 regarding writing your report?

24 MR. JONES: I attempted to interview
25 the owner of Holiday Liquors due to visiting the

1 establishment, a tour of the establishment and do
2 a regulatory inspection.

3 CHAIRPERSON ANDERSON: So, just go
4 through your report for us, please.

5 MR. JONES: I conducted a protest
6 investigation of Holiday Family Liquors, Inc.,
7 which is located at 3505 Wheeler Road, S.E.
8 20032.

9 This establishment is located towards
10 the eastern end of Wheeler Road, S.E., and
11 Mississippi Ave., S.E., and is bounded by Upsal
12 Street, S.E., to the west, 7th Street, S.E., to
13 the north, with the Eagle Academy Public Charter
14 School being directly across the street to the
15 south.

16 The license renewal application for
17 Holiday Liquors is being protested by two groups
18 that have merged as one.

19 One would be represented by Mr.
20 Christopher Conrad, who is a representative of a
21 group of five or more, who ultimately merged with
22 Commissioner Salim Adofo of the ANC 8C.

23 The protest issues are adverse impact
24 on peace, order and quiet and real property
25 values.

1 On July 9th, 2021, I spoke with
2 Commissioner Salim Adofo of ANC 8C regarding the
3 issues and concerns of the license being renewed
4 for Holiday Liquors.

5 Mr. Adofo stated that the main issues
6 of the ANC as -- excuse me. Mr. Adofo stated
7 that the main issues of the ANC and its
8 surrounding neighbors are primarily peace, order
9 and quiet to include environmental issues.

10 Commissioner Adofo stated that the
11 main concerns of the establishment retaining an
12 alcohol license are it being situated between
13 several schools, minors being sold alcohol three
14 times over the last five years while being caught
15 by ABRA's agency doing undercover assignments,
16 and the violence in the area has skyrocketed to
17 include a student being gunned down and killed in
18 front of the establishment.

19 Commissioner Adofo added that there
20 needs to be a reduction in alcohol establishments
21 in the community in order to be vibrant and
22 healthy once again.

23 On July 12th, 2021, I telephonically
24 spoke to Mr. Kevin Lee, attorney representative
25 for Holiday Liquors, with regards to the

1 establishment being protested by the ANC 8C.

2 Mr. Lee stated that he was aware of
3 Holiday Liquors being protested by the ANC. Mr.
4 Lee stated he believes the main issues surround
5 alcohol being sold to minors, violent acts and a
6 recent fatal shooting of a child taking place in
7 front of the business.

8 Mr. Lee stated that he has spoken to
9 Mr. Kim, the owner, about the selling of alcohol
10 to minors, how to mitigate these issues and
11 taking more safety precautions for his patrons
12 and staff members.

13 Mr. Kim stated that Holiday Liquors
14 wants to work with the community to coexist in
15 peace.

16 Holiday Liquors was monitored by ABRA
17 personnel a total of 10 times from July 9th,
18 2021, until August 6th, 2021.

19 During these visits, there were no
20 ABRA violations observed. Holiday Liquors was
21 monitored during all hours to determine
22 pedestrian traffic, peace, order and quiet
23 concerns as well as routine day-to-day activity
24 in the surrounding areas.

25 Although during most of the visits

1 there were individuals always either standing
2 around or sitting in lawn chairs at the end of
3 the storefront; however, there were no signs of
4 peace, order and quiet issues.

5 Regarding real property values, ABRA
6 investigators are not certified or trained to
7 ascertain real property values.

8 And finally, I was able to obtain
9 information regarding the calls for service from
10 the Office of Unified Communications for 3505
11 Wheeler Road, S.E., from July 2020 to July 2021.

12 There were a total of 163 calls for
13 service made to this address in which MPD
14 responded, which are the following: drug buy
15 calls, 30; disorderly calls, 52;
16 disorderly/unwanted person calls, 33 --

17 THE INTERPRETER: How many calls do
18 you say?

19 MR. JONES: 33. Sounds of shots
20 fired, 5; mental health calls, 2; calls for
21 fights, 3; unknown situation calls, 3;
22 threatening person calls, 1; other city ordinance
23 calls, 5.

24 THE INTERPRETER: How many calls were
25 there?

1 MR. JONES: Five. Police needed, 1;
2 accident/property damage, 1; aggravated assault
3 calls, 1; hit and run, 1; parking complaints, 1;
4 drug/other calls, 2; person with weapon, 4;
5 counterfeit money, 1; accident/unknown injury, 1;
6 suspicious vehicle, 1; suspicious person, 1;
7 stolen vehicle, 1; theft of property, 1; accident
8 involving a pedestrian or bike, 1; and finally 10
9 miscellaneous calls.

10 Out of the 163 calls for service that
11 were dedicated to the address of Holiday Liquors,
12 according to the establishment's investigative
13 history, none were found to be ABRA-related
14 violations. That's all.

15 CHAIRPERSON ANDERSON: In your report,
16 did you list their investigative history?

17 MR. JONES: Yes, sir.

18 CHAIRPERSON ANDERSON: Can you
19 provide, for the record, what's the investigative
20 history for this establishment?

21 MR. JONES: There are two entries.
22 One is for -- the first entry is for -- one for
23 2020. It is Case No. 20CC00005, sale to minor.
24 There was a \$3,000 fine paid at the time, five-
25 day suspension.

1 The second entry is from 10/4/2018,
2 and that one is Case No. 18CIT00603, failure to
3 follow settlement agreement.

4 CHAIRPERSON ANDERSON: To the best of
5 your knowledge, is this the entire investigative
6 history for this establishment?

7 MR. JONES: Yes, sir. We negate three
8 years past the year that we're currently in. So,
9 when I -- there was a report of other sales to
10 minors that had taken place, they took place back
11 in, I want to say, 2015 and '16.

12 CHAIRPERSON ANDERSON: Are there
13 exhibits attached to your report?

14 MR. JONES: Yes, sir.

15 CHAIRPERSON ANDERSON: Can you go
16 through the exhibits that's attached to your
17 report, please. Just briefly summarize them,
18 please.

19 MR. JONES: Okay. The first exhibit
20 should be Advisory Neighborhood Commission 8C's
21 letter to the Board indicating that they'd like
22 to protest the liquor license being renewed.

23 The next one is an exhibit that -- of
24 an email that I sent to our representative from
25 the Office of Unified Communications for the call

1 for service.

2 The next exhibit is the regulatory
3 inspection that I conducted. The next exhibit is
4 the email that I sent to Commissioner Adofo
5 requesting communication with regards to this
6 protest.

7 The next exhibit is the D.C. mapping
8 for that area, which is an MU-3A zone, and that
9 basically means mixed-use development property.

10 The next exhibit I have is a legend
11 from the GIS information system, which, according
12 to this, it indicates that there are no ABC
13 establishments within 1200 feet of the
14 establishment.

15 CHAIRPERSON ANDERSON: Mr. Jones, but
16 you testified that Eagle Academy was across the
17 street, so is that -- is this a contradiction or
18 what does that mean?

19 MR. JONES: I do believe so, sir.

20 CHAIRPERSON ANDERSON: So, you're
21 saying that there are ABC establishments within
22 12 -- there are schools or recreational centers
23 within 1200 feet of this establishment?

24 MR. JONES: What I found was visiting
25 the establishment, as well as doing measurements

1 -- as well as doing my own measurements, I found
2 that the Eagle Academy Public Charter School was
3 within a hundred feet of the establishment.

4 CHAIRPERSON ANDERSON: I just want to
5 ask you a question. How is it, then, if the
6 Eagle Academy is within a hundred feet of this
7 establishment, how can it have a liquor license?

8 Do you know why? Do you know?

9 MR. JONES: Holiday Liquors was
10 established in 1982. Eagle Academy Public
11 Charter School began operations in 2003.

12 CHAIRPERSON ANDERSON: So, is it,
13 then, your statement that because the liquor
14 store was there prior to the school, that's
15 appropriate?

16 MR. JONES: Yes, sir.

17 CHAIRPERSON ANDERSON: Alright. Let's
18 move on to the other -- the rest of your
19 exhibits, please.

20 MR. JONES: The following exhibits are
21 all from the calls for service from Unified
22 Communications.

23 CHAIRPERSON ANDERSON: That's fine.
24 Go ahead, please.

25 MR. JONES: That concludes the

1 exhibits.

2 CHAIRPERSON ANDERSON: Alright. Thank
3 you.

4 MR. JONES: Um-hmm.

5 CHAIRPERSON ANDERSON: Let me ask you
6 a question. Did you have a chance to speak to
7 any representative of the Conrad group?

8 MR. JONES: No, I didn't. What
9 happened was when I was first assigned this case,
10 from what I understood, there were two groups;
11 however, I was quickly notified that the second
12 group, which was represented by Mr. Conrad, had
13 been dismissed due to failure to produce an
14 additional member, and that was on June 30th.

15 I was then -- I had just been recently
16 notified that Mr. Conrad and his group had been
17 reinstated on July 15th; however, I was also
18 advised that the group had merged with
19 Commissioner Adofo under the ANC 8C umbrella.

20 CHAIRPERSON ANDERSON: Alright. Thank
21 you. You can close your screen. Are there any
22 questions by any of the Board members?

23 MEMBER GRANDIS: Mr. Chairman?

24 CHAIRPERSON ANDERSON: Yes, Mr.
25 Grandis.

1 MEMBER GRANDIS: Thank you. Mr.
2 Jones, I want to thank you for your very expert
3 testimony and participating today and the service
4 you give to the Agency.

5 MR. JONES: Thank you, sir.

6 MEMBER GRANDIS: Thank you very much.
7 I think you may have addressed this, but I just,
8 for my own edification, in your report, or in any
9 of the exhibits that you have provided, there are
10 no pictures of inside the establishment; are
11 there?

12 MR. JONES: There are currently -- no,
13 there aren't any pictures of inside of the
14 establishment.

15 We had gone through some issues here
16 with the quarantine and I wasn't able to get
17 those pictures in, sir.

18 MEMBER GRANDIS: Next, and you also
19 may have addressed this, you had numerous visits
20 to that location during your investigation.

21 How many would you say were after
22 eight o'clock at night, nine o'clock at night
23 just roughly?

24 MR. JONES: Four were visited -- four
25 times the establishment was visited after hours,

1 sir.

2 MEMBER GRANDIS: I'm sorry, "after
3 hours," could you clarify what you mean by that?

4 MR. JONES: Meaning either close to
5 when the establishment was closing or after the
6 establishment closed.

7 MEMBER GRANDIS: So, for
8 clarification, was there any visitation, let's
9 say, after 6:00 p.m., but before the closing
10 hour?

11 I'm just trying to get a sense on if
12 you noticed how many patrons were in there, if
13 you just noticed any loitering, anything like
14 that during these evening visits. Thank you.

15 MR. JONES: There were about two times
16 or three times that we visited prior to the
17 establishment closing in which there were either
18 moderate crowds as far as inside, in the parking
19 lot, and also what I have noted in the report,
20 and I guess it's kind of a congregation spot for
21 individuals, that they like to kind of sit on the
22 edge of -- or at the end of the storefront. And
23 so, there are, like, you know, lawn chairs out
24 there.

25 MEMBER GRANDIS: So, you're saying

1 these lawn chairs or individuals sitting, is that
2 on the property of the establishment? And I'm
3 just trying to, once again, is it public space?
4 Is it on the property?

5 MR. JONES: No, it doesn't appear to
6 be on the property. It seems to be, like, right
7 on the edge of the property right close to
8 Wheeler Road.

9 And they don't seem to be -- it
10 doesn't seem to be a situation where they are,
11 you know, a rowdy bunch. I haven't seen that at
12 all.

13 MEMBER GRANDIS: Okay. And I heard
14 you bring up a parking lot. Is this a private
15 area, parking for that particular business, or is
16 this a more general parking area?

17 MR. JONES: There is a parking lot
18 that is situated directly in front of Holiday
19 Liquors.

20 There is also a cleaners in the strip
21 mall and Holiday Market. So, the parking lot
22 encompasses, I would assume, those three
23 businesses.

24 MEMBER GRANDIS: Did you learn, or is
25 there any knowledge of, if the liquor store has

1 any responsibility to that parking lot?

2 MR. JONES: My understanding is the --
3 that Mr. -- that the owner of Holiday Liquors
4 keeps the storefront clean as well as parts of
5 the parking lot, yes, sir.

6 MEMBER GRANDIS: Okay. And you put
7 into the record that there is a charter school
8 within a hundred feet of this establishment? Did
9 I understand that correctly?

10 MR. JONES: I did a measurement from
11 the front door to two sides of this school that
12 is directly across the street, Eagle Academy
13 Public Charter School.

14 I took one measurement with our
15 measure wheel from the front door of Holiday
16 Liquors to the front door, or where the front
17 door that is designated to be, and that was 555
18 feet.

19 MEMBER GRANDIS: Thank you for that
20 clarification. My question is because there is
21 that school, does ABRA do inspections -- during
22 this process of doing your investigation, was
23 there any visits to this establishment shortly
24 after the school closes in the afternoon to see
25 if there is loitering by the kids either inside

1 or nearby the front door of this establishment?

2 MR. JONES: There were a few visits
3 that were done during school hours, as well as
4 right after school hours, to determine the
5 patronage of the students.

6 Unfortunately, due to recently
7 speaking with the Director of Operations and
8 Facilities over at the Eagle Academy Public
9 Charter School, who advised me that there is also
10 a new entrance, which is a secondary entrance,
11 because the entire school encompasses that entire
12 block, so I did a followup measurement.

13 During this time, I focused more on
14 the store and the patronage of children during
15 this time, as well as I took a second measurement
16 to the rear -- to the secondary entrance, which
17 is directly across the street from Holiday
18 Liquors.

19 This is a new addition to the school.
20 It's an area where there's drop-off for the kids,
21 there's a playground area and there's also
22 parking.

23 And so, children and staff are
24 constantly in that area. And so, with it being a
25 secondary entrance, I took another measurement

1 and that came to 101 feet.

2 MEMBER GRANDIS: So, in the
3 discussions with the representative of the
4 school, did they bring to your attention any
5 concerns about underage purchasing or problems
6 directly related to that establishment?

7 MR. JONES: There were concerns;
8 however, from what I understand, there is someone
9 who is to -- believed to be representing Eagle
10 Academy during this proceeding, so -- but there
11 were some concerns that were shared, sir.

12 MEMBER GRANDIS: Okay. Thank you.

13 MR. JONES: Yes, sir.

14 CHAIRPERSON ANDERSON: Are there any
15 other questions from any other board members?

16 Go ahead, Mr. Short.

17 MEMBER SHORT: Thank you.

18 Investigator Jones, I want to thank you for a
19 very thorough and comprehensive report and your
20 testimony has been compelling.

21 MR. JONES: Thank you, sir.

22 MEMBER SHORT: Investigator Jones, how
23 long has this licensee been in this -- operating
24 in this location?

25 MR. JONES: I'm not quite sure, sir.

1 I want -- I know that the establishment has been
2 in existence, as I mentioned earlier, since '86.

3 I want to say 2013, somewhere around
4 there, but I don't -- I'm not specifically sure
5 what year.

6 MEMBER SHORT: Okay. Investigator
7 Jones, if you know the answer to this, please
8 give it. If you don't, I do understand.

9 My question is, how many times, during
10 renewals of this license, have there been
11 protests by the community about renewing this
12 license, if you know?

13 MR. JONES: I don't know specifically
14 every time; however, I do know that whenever you
15 have a renewal, the ANC, as well as the
16 neighborhood community, has the right to protest.

17 I can't tell you that, you know, what
18 the issues were every time they've been
19 protested, but I know that this has been an
20 ongoing issue from talking to the ANCs, from
21 talking to everybody else involved.

22 MEMBER SHORT: Okay. Investigator
23 Jones, just for the record, because I've heard
24 you addressed in several different ways by
25 different people at this hearing, what is your

1 official Alcoholic Beverage Regulation

2 Administrative title? What is your title, sir?

3 MR. JONES: I am a lead investigator
4 here with the Agency.

5 MEMBER SHORT: Lead Investigator
6 Jones, thank you for your testimony and thank you
7 for your service.

8 MR. JONES: Thank you, sir.

9 CHAIRPERSON ANDERSON: Are there any
10 other questions by any other board members?

11 (Pause.)

12 CHAIRPERSON ANDERSON: Mr. Lee, any
13 questions of Mr. Jones?

14 MR. LEE: Thank you. Thank you for
15 your time and for testifying today and I truly
16 appreciate your service, Mr. Jones.

17 Did you witness this store to drug
18 dealing while you visited?

19 THE INTERPRETER: Mr. Lee, could you
20 repeat what you just said, please.

21 MR. LEE: Yeah. Have you witnessed
22 the store allow the drug dealing while you visit?

23 MR. JONES: No, I haven't.

24 MR. LEE: Have you witnessed any or all
25 of the criminal activities that this store

1 provided to the community?

2 MR. JONES: No, I haven't.

3 MR. LEE: Your investigative history
4 said that there is two instances; one is a sale
5 to minor, one is failure to settlement agreement,
6 but you said that there are three violation in
7 2015, 2016 and 2020.

8 So, how we calculate that? Why we
9 count only three years?

10 MR. JONES: You are correct. There
11 were three occurrences for sale to minor with
12 Holiday Liquors.

13 The latest one was March 17th, 2020.
14 Prior to that was June 28th, 2016. And prior to
15 that was May 2nd, 2015.

16 Within our agency, we only count the
17 last three years, so we negate anything past
18 three years. That's the reason why it's not
19 showing on the history.

20 MR. LEE: My question is, though, do
21 you know why we count only three years -- or they
22 did?

23 MR. JONES: Go ahead.

24 MR. LEE: Do we know that the previous
25 violation it's not worth to consider or what does

1 it mean and that why we count only last three
2 years?

3 MR. JONES: So, the previous
4 violations have already been adjudicated. Once
5 they've been adjudicated, and I'm assuming that
6 you may be aware of what took place during these
7 times, so in an effort to clean up the histories
8 and in an effort to, you know, not elongate
9 histories, we go three years and then that's the
10 end of it.

11 MR. LEE: Thank you. And what is
12 normal procedure inside the ABRA whenever there
13 is an accident or incident involving PD-251?

14 MR. JONES: Is there something, sir,
15 that you're asking specifically?

16 MR. LEE: Yes. Because on your
17 investigative report, page 8, there is a record
18 that 163 cases and of course it's kind of a lot
19 of them and a concern to the community.

20 We understand that, but your finding
21 is although -- you said although these incidents
22 were dedicated to the address of Holiday Liquors
23 is located, according to the establishment
24 investigative history, an order found it not to
25 be ABRA-related violation.

1 That means even though it's 163 calls,
2 but it -- if it is involved with the PD-251, it
3 doesn't go through the ABC Board. So, it's not
4 related to the Holiday Liquors?

5 MR. JONES: There wasn't a comparison
6 between the calls for service and our and ABRA's
7 investigative history. None of the 163 calls
8 that were dedicated to 3505 Wheeler Road, S.E.,
9 resulted in ABRA violations.

10 So, with that being said, there were
11 no MPD-251s that were sent out for that location.

12 MR. LEE: Have you observed police
13 presence whenever you visit the establishment?

14 MR. JONES: I honestly did not see MPD
15 there one time.

16 MR. LEE: Have you talked to the
17 security -- private security in the mall?

18 MR. JONES: No, I haven't.

19 MR. LEE: Okay. You said that the
20 history was serve minor three times. In your
21 experience, this violation history is very unique
22 compared to other establishments in D.C., based
23 on your experience?

24 MR. JONES: Based on my experience,
25 I've seen establishments that have done the same

1 --

2 MR. LEE: Yes.

3 THE INTERPRETER: Investigator Jones,
4 could you repeat your reply, please.

5 MR. JONES: Based on my experience, I
6 have come across establishments that have done
7 the exact same, have done more, and have also
8 been good operators and don't have any.

9 MR. LEE: Thank you. I just would
10 make one more clarification about the school.
11 You said the first measurement is over 500 feet
12 and the second measurement from the secondary
13 entrance is around 110.

14 So, what is the correct measurement we
15 consider to ABRA regulation?

16 MR. JONES: Per ABRA regulation and
17 the GIS, it indicates that there are no schools
18 within 400 feet of the establishment.

19 Although there is a secondary building
20 or a newer structure that was constructed on the
21 campus for the Eagle Academy Public Charter
22 School, I have to go by -- and although there is
23 a secondary entrance, and I understand that, if
24 you go by address to address, front door to front
25 door, 555 feet.

1 MR. LEE: So, it is outside a 400-foot
2 radius, right?

3 THE INTERPRETER: Mr. Lee, could you
4 repeat that, please.

5 MR. LEE: So, that means that the
6 school located outside the 400-foot radius,
7 right?

8 MR. JONES: If we go location to
9 location, address to address, it is outside of
10 the 400-foot radius, yes, sir.

11 MR. LEE: Thank you. Based on your
12 experience, what's your suggestion to the store
13 to improve the safety issue?

14 That's the community really concerned
15 about that because of shooting and all criminal
16 acts like drug dealing, so what's your suggestion
17 to the store to improve their problem with the
18 community?

19 MR. JONES: Can you repeat that, sir?

20 MR. LEE: You want me to repeat that?

21 MR. JONES: Yeah, Mr. Lee. Could you
22 repeat that, please.

23 MR. LEE: Yeah. Yeah. So, based on
24 your experience, I know you're lead investigator
25 and more than 10 years' experience, so compared

1 to other store, other community, what your
2 suggestion to the store because the store owner
3 willing to cooperate and want to improve the
4 safety issue.

5 What's your suggestion to the store to
6 improve the safety issue around that area?

7 MR. JONES: There are a couple of
8 things that I'd like to say at this point. It's
9 not normal at this point in time to -- for me to
10 give my opinion on how things should go and what
11 you all should do; however, I will say that what
12 needs to happen is there needs to be -- you need
13 to be more cognizant of minors that come in, have
14 training on IDs.

15 And also, I understand you said that
16 there are basically the strip mall security. I'm
17 not sure if their hours need to be extended, but
18 things that have been reported seem to be
19 happening pretty regularly.

20 The other thing that I wanted to
21 mention was that the additional building that I
22 spoke of across the street for Eagle Academy was
23 constructed in 2011.

24 And so, I'm not sure if GIS has picked
25 that up yet, but I would be remiss not to mention

1 that only due to -- when you're standing on the
2 property, you can clearly see that there's a
3 school directly across the street.

4 MR. LEE: Okay. Thank you very much.
5 No further questions.

6 MR. JONES: Yes, sir.

7 MR. LEE: Thank you.

8 CHAIRPERSON ANDERSON: Mr. Conrad?

9 MR. CONRAD: Thank you, Inspector
10 Jones. I appreciate you being here today. Do
11 you mind if I share my screen?

12 CHAIRPERSON ANDERSON: Ms. Andrews,
13 can you give Mr. Conrad the opportunity to share
14 his screen, please.

15 MS. ANDREWS: Sure. Stand by.

16 (Pause.)

17 CHAIRPERSON ANDERSON: Alright.

18 MS. ANDREWS: Okay, Mr. Conrad. You
19 can share your screen now.

20 MR. CONRAD: Thank you very much.

21 MS. ANDREWS: Um-hmm.

22 MR. CONRAD: So, this is a property
23 survey. I understand there's been some confusion
24 when you're talking about secondary doors and
25 developments, but --

1 CHAIRPERSON ANDERSON: Hold up, Mr.
2 Conrad. Hold on. I think there is a
3 clarification whether or not -- I'm not sure
4 where you're going with that, but it appears to
5 me, and maybe I can be wrong, that the liquor
6 store was in the facility prior to the school.

7 So, if the liquor store was in the
8 location prior to the school, the 400 feet is not
9 relevant, so -- because the liquor store -- the
10 license was grandfathered in.

11 I just want to clarify that for the
12 record, so it's irrelevant where it is. If you
13 want to make another argument, yes --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: If the liquor
16 store was there prior, the location is not
17 relevant.

18 MR. CONRAD: Okay. I absolutely agree
19 and we're not making an argument based off of
20 400-foot parameters, I just want to clarify the
21 distance because it does bear on order and safety
22 for children.

23 CHAIRPERSON ANDERSON: Alright. Let
24 the translator translate this.

25 MR. CONRAD: We're just talking a lot

1 about this and there have been a lot of
2 questions, so I just wanted to clarify it for
3 everyone.

4 This is the view from Holiday Liquors,
5 correct, Mr. Jones?

6 MR. JONES: I'm sorry, that looks to
7 be the view -- I know now that there's -- it
8 looks different only because of the foliage
9 that's there and that fence.

10 MR. CONRAD: Yeah. Yeah.

11 MR. JONES: But that looks to be the
12 view, yes.

13 MR. CONRAD: Let me give you -- so,
14 here's the other side.

15 MR. JONES: Yes, sir, that's it.

16 MR. CONRAD: Okay. So, is it fair to
17 say that, you know, if you're looking at your
18 investigative report and without this little
19 caveat that, according to the GIS, which is
20 missing from this portion, that there really are
21 schools and places where kids go nearby the
22 liquor store.

23 That's really all I'm trying to point
24 out that there is a kind of throughway where
25 there are a lot of children nearby.

1 MR. JONES: Yes. In close proximity
2 to the establishment you have the Eagle Academy
3 Public Charter School, you have KIPP DC, you have
4 Somerset College Preparatory Public School --

5 MR. CONRAD: Thank you, sir.

6 MR. JONES: -- and Southeast Tennis
7 and Learning Center and Charles Hart Middle
8 School. And although they are in close
9 proximity, they're not within, you know, those
10 distances, the radius.

11 MR. CONRAD: Okay. Alright. Thank
12 you, sir. And then if you did not have a land
13 survey in front of you, I'm just curious as to
14 how you would know that -- where these guys were
15 out on the lawn chairs, that that wasn't on the
16 property.

17 MR. JONES: So, if you were to go back
18 to your first exhibit --

19 MR. CONRAD: Yes, sir.

20 MR. JONES: -- I apologize. The
21 second one. The second one.

22 MR. CONRAD: This one right here or
23 this one?

24 MR. JONES: That one.

25 MR. CONRAD: Okay.

1 MR. JONES: So, this is their property
2 because they erected a fence there. So, that's
3 one of the questions that I have is -- that seems
4 to extend out pretty far towards the street.

5 MR. CONRAD: This is a picture of the
6 first driveway that leads into the parking lot
7 because there are two driveways.

8 MR. JONES: Yeah.

9 MR. CONRAD: Let me turn it around for
10 you so you can see it.

11 MR. JONES: Yeah, there you go.

12 MR. CONRAD: Okay.

13 MR. JONES: So, that is their property
14 where that kind of fencing is. And I went and
15 walked the grounds yesterday and saw a few guys
16 in lawn chairs right about here, which is inside
17 the boundaries.

18 MR. CONRAD: Um-hmm.

19 MR. JONES: So, where you have -- in
20 this picture --

21 MR. CONRAD: Um-hm.

22 MR. JONES: -- where the red car is
23 located --

24 MR. CONRAD: Yes, sir. Right here.

25 MR. JONES: -- that's where -- yes.

1 Right on that inside area, kind of, landing,
2 that's where the lawn chairs normally are.

3 They're not on the property, they're
4 not in front of the store, they're kind of in
5 that dirt area. There's a dirt area right there.

6 MR. CONRAD: Where the tree is.

7 MR. JONES: Yes, Where the chair is.
8 And they're kind of sitting -- they're actually
9 sitting under the tree.

10 MR. CONRAD: Okay. So, if you look at
11 this, it doesn't appear that that extends out TO
12 Where the people were sitting, the property
13 lines.

14 MR. JONES: No, it doesn't.

15 MR. CONRAD: Okay. Eagle Academy, we
16 don't represent them at all. And so, you
17 mentioned that you heard some negative feedback,
18 but then you stopped.

19 They're not a part of this protest, so
20 I wanted to hear what they said because we don't
21 have any testimony or exhibits from them.

22 MR. JONES: From what I was told, it's
23 pretty much recanting what has been told to me
24 through Mr. -- Commissioner Adofo.

25 MR. CONRAD: "Recanting" is taking

1 back, so does that --

2 MR. JONES: I'm sorry. I'm sorry.

3 Recalling everything that --

4 MR. CONRAD: Alright.

5 MR. JONES: -- basically what he was
6 saying. It's dealing with the violent piece,
7 violent behavior.

8 MR. CONRAD: Okay.

9 MR. JONES: Violent crime in the area
10 has taken a rise. Drugs are being sold in the
11 area and, you know, the mention of the child, the
12 youth that was gunned down in the parking lot.

13 MR. CONRAD: Thank you, sir. And then
14 you also commented that 2017 was the last time
15 that a minor was sold liquor; is that correct?

16 MR. JONES: No, sir. Actually, the
17 last time was March 17th, 2020.

18 MR. CONRAD: Okay. So, you misspoke
19 earlier?

20 MR. JONES: No, I -- go ahead. My
21 apologies. I thought that I had said "2020"
22 because it's -- I was asked about it in the
23 history and it reads "2020." So, if I said
24 "2017," that's my apology.

25 MR. CONRAD: No problem, sir. And one

1 of the other things that stuck out in my mind is,
2 you know, your three-year time limit, right? You
3 said, well, we try not to elongate going back.

4 I don't understand why that is. I
5 think Mr. Lee was getting to this, but why not
6 elongate the history that you consider when it's
7 an important decision like renewing a liquor
8 license that sold to minors?

9 MR. JONES: Unfortunately, that's
10 something that I can't answer.

11 MR. CONRAD: Okay. So, another
12 question, I guess, on that point is if the three
13 years is the key number, why only request police
14 calls back a year?

15 MR. JONES: When conducting protest
16 investigations, the normal statute is for us to
17 only go for a year, sir, a year prior to.

18 MR. CONRAD: And that's true even
19 though the liquor license period is three years?

20 MR. JONES: Yes, sir.

21 MR. CONRAD: Okay. Can you tell me
22 how many, just for my purposes because I want to
23 go back three years because I do think it's
24 relevant to the safety and order, how many liquor
25 law violations you've seen within the license

1 period that's right here? They're highlighted.

2 CHAIRPERSON ANDERSON: Mr. Conrad, I
3 don't know what it is that you're referencing,
4 but whatever you're referencing that's not what's
5 on the screen.

6 So, you need to identify what is on
7 the screen that you're trying to get the witness
8 to testify to, sir.

9 MR. CONRAD: I'm sorry, sir. Do you
10 see a highlighted list right here?

11 MR. JONES: Yes, sir.

12 MR. CONRAD: Okay. Do you see the
13 nine liquor law violations in the current license
14 period by Holiday Liquors? This is a FOIA
15 request to the MPD.

16 CHAIRPERSON ANDERSON: I'm sorry, what
17 is it that -- can you -- alright. What is it
18 that's on the screen? Can you identify what is
19 on the screen?

20 MR. CONRAD: Absolutely. Absolutely.
21 There are nine liquor law violations that were
22 offenses reported by MPD within the current
23 license period of the last three years by Holiday
24 Liquors; open container violations, drinking in
25 public, different liquor law violations on the

1 premises. That's what's being shown on the
2 screen.

3 MR. JONES: So, unfortunately, if MPD
4 does not report these incidents to us, we have no
5 idea that they happened.

6 MR. CONRAD: I understand completely
7 and I agree with you. I want you to look at this
8 email.

9 This is a request for the incident
10 reports from you all and I just want you to
11 confirm that -- basically what you just said that
12 you guys didn't have any as of June 29th, 2021,
13 because there hadn't been any reported; is that
14 correct?

15 MR. JONES: That is correct, sir.

16 MR. CONRAD: So, you're aware that if
17 there's a FOIA request made of ABRA, there's an
18 ongoing duty to disclose under Section 25-804.

19 So, this stuff should have been
20 forwarded to me when you received it about 10
21 days later in July.

22 THE INTERPRETER: Mr. Conrad, my
23 apologies. Could you repeat that, please.

24 MR. CONRAD: Sure. This is a FOIA
25 request made to the Board. The Board, at this

1 moment, didn't have any MPD reports because they
2 don't come automatically, as the witness said.

3 And so, I'm asking if he's aware that
4 there's an ongoing duty to disclose, under the
5 FOIA rules, that would require all those reports
6 that came in on July, I believe it was 10th or
7 11th, to be sent to the Protestant in this
8 matter.

9 MR. JONES: From what I know when
10 there is a FOIA request that is submitted,
11 normally the process is to adhere to that;
12 however, I can't speak for the Board, I can't
13 speak for anyone else within the Agency because I
14 had no idea that this was taking place, sir.

15 MR. CONRAD: To that point, you know,
16 you write on page 8, out of 163 calls for service
17 over the last year although these calls were
18 dedicated to the address of Holiday Liquors,
19 according to the establishment investigative
20 history none of them were found to be ABRA-
21 related violations; is that correct?

22 MR. JONES: That is correct. And,
23 again, you know, dealing with MPD, you know, if
24 they don't report, you know, these incidents to
25 us, we have no idea that they've taken place.

1 MR. CONRAD: I guess my question is,
2 is it in any way difficult or unreasonable to say
3 that none of those calls were violations when you
4 didn't learn of them until after this protest was
5 initiated because of your own request to the MPD?

6 I understand that there's limitations
7 and you weren't provided them, but it's kind of a
8 leap of faith to say that none of them were
9 liquor violations for which the establishment is
10 responsible, correct?

11 MR. JONES: I can't make a clear
12 identification on a violation if we haven't
13 investigated it, sir.

14 MR. CONRAD: Thank you, sir, and I
15 have just two more areas for examination, if
16 you'll bear with me.

17 The first is your coverage of the
18 external area of the property. I notice that you
19 did not mention the back of the property, but you
20 briefly said that there is an exit out there that
21 goes to the abutting lot.

22 Were you able to reach that area? Did
23 you go back there?

24 MR. JONES: Yes. Towards the rear of
25 the establishment there is an older dwelling, a

1 house that looked to be made over into a church,
2 and they have a lot that extends down to
3 Mississippi Avenue. I think it's called
4 Fellowship Bible Way Church. I think it's still
5 in existence.

6 So, the other side of the strip mall
7 area apartments and residential areas.

8 MR. CONRAD: Sir, you're aware that
9 Section 25-726, which deals with litter, says the
10 establishment must take reasonable measures to
11 ensure that the immediate environment of the
12 establishment, including adjacent alleys,
13 sidewalks and other private property or property
14 immediately adjacent to the establishment, isn't
15 afflicted by litter, correct?

16 MR. JONES: Yes, sir.

17 MR. CONRAD: And what was the litter
18 condition behind the establishment in the
19 adjacent lot, the abutting lot?

20 MR. JONES: On each time that I
21 visited the establishment, which was a total --
22 outside of the other investigators, which was a
23 total of five times, and that's outside of the
24 last few times I had gone to do measurements, I
25 did not observe the frontage of the establishment

1 to be littered, the parking lot area to be
2 littered, the rear of the establishment to be
3 littered, but I did notice litter from the edge
4 of the establishment where I had mentioned early
5 about the individuals that are sitting there.

6 So, that area I found to be littered
7 as well as Wheeler Road.

8 MR. CONRAD: Right. Would you agree
9 that this area is an adjacent property?

10 MR. JONES: Yes, I would.

11 MR. CONRAD: And are you aware of --
12 there's some more litter. There's some water
13 damage. This is a property immediately behind --

14 CHAIRPERSON ANDERSON: I'm sorry, this
15 is not -- and I expect Mr. Lee to be objecting,
16 but I need us to move off that.

17 The property that's been shown, why is
18 it relevant? Is this a part of Holiday Liquors
19 or this is some other property?

20 Why are we looking at pictures that
21 have nothing to do with this Protestant?

22 MR. CONRAD: Because of Section 25-
23 726, sir.

24 CHAIRPERSON ANDERSON: I'm sorry, the
25 question I'm asking, sir, and I expect Mr. Lee to

1 be objecting, why is this relevant?

2 Is this the property -- is this
3 property under the control of Holiday Liquors or
4 is this a separate property?

5 MR. CONRAD: It doesn't need to be
6 under control under Section --

7 CHAIRPERSON ANDERSON: No, sir. Sir.
8 Sir. Sir, it has to be and -- alright. And I
9 expect Mr. Lee to be -- this is not relevant.

10 You need to be talking about the
11 property that's within the control of Holiday
12 Liquors.

13 MR. CONRAD: This is --

14 CHAIRPERSON ANDERSON: I'm not going
15 to -- I'm sorry. I'm sorry. I am not going to
16 entertain any testimony about adjacent
17 properties, okay?

18 So, if this is not Holiday Liquors,
19 let's stop and let's move on. We need to move
20 this along, sir.

21 This has been going on since 3:15,
22 3:17. I'm giving you leeway, but this is not
23 relevant, so let's move on.

24 MR. CONRAD: This is reversible error.
25 This absolutely is relevant.

1 CHAIRPERSON ANDERSON: I'm sorry, sir.

2 MR. CONRAD: This is reversible --

3 CHAIRPERSON ANDERSON: Sorry, this is
4 not relevant.

5 MR. CONRAD: -- error.

6 CHAIRPERSON ANDERSON: This is not
7 Holiday Liquors. This is about the liquor
8 license renewal for Holiday Liquors.

9 You can talk -- if the parking lot
10 belongs to them, fine. Talk about their property
11 line, sir. They are only responsible for their
12 property line.

13 I will not entertain any testimony --
14 any further testimony on adjacent properties.
15 So, if it's not related, it is not relevant and
16 let's move on.

17 MR. CONRAD: Okay. Mr. Jones, are you
18 aware that Holiday Liquors was fined by DCRA due
19 to what was depicted in the prior picture for
20 activities undertaken on their property?

21 MR. JONES: No, I wasn't, sir.

22 MR. CONRAD: Okay. I just have one
23 last question for you, sir, and I thank you for
24 your patience and your service in doing all this.

25 MR. JONES: Um-hmm.

1 MR. CONRAD: I see that in the
2 Applicant's protest form he has a police log.
3 Were you familiar with the police log? I know
4 that you were able to speak with counsel.

5 MR. JONES: No, sir.

6 MR. CONRAD: I know you said that you
7 didn't see cops come or the police come once, but
8 I wanted to point out that the owner actually
9 called them. They responded, without prompt, to
10 a false alarm.

11 And the owner also called them to try
12 and help him with this protest and asked them to
13 litigate the protest on his behalf.

14 I called 911, explained there will be
15 a protest for a liquor license, and he goes on to
16 say that somebody actually showed up. Officer
17 Khan came to our store and asked for detail.

18 Does it surprise you that an officer
19 would be that responsive to such a frivolous
20 claim that didn't involve any sort of active
21 issue?

22 MR. JONES: Unfortunately, sir, in
23 these proceedings I can only be objective. I
24 can't answer that question.

25 MR. CONRAD: I understand completely.

1 I guess my objective question is, would it
2 surprise you that officers have been pretty
3 responsive to incidents that the owner has
4 initiated when there have been calls for help
5 from the owner?

6 MR. JONES: I could only assume that
7 MPD is responding to calls regarding if they feel
8 that it's an issue and they feel that they should
9 respond.

10 Other than that, I don't know if
11 they're frivolous calls, you know, I can't
12 determine that.

13 MR. CONRAD: Sure. Understood. Okay.
14 My last question, sir. Your report states that
15 Holiday Liquors is located in a strip mall unit
16 that houses two other businesses, the cleaners
17 and Holiday Market, that are both owned by Mr.
18 Kim as well; is that correct?

19 MR. JONES: I believe this is what,
20 yes, I was told by Mr. Lee.

21 MR. CONRAD: Okay. So, the owner of
22 all three of these establishments (simultaneous
23 speaking) parking lot as well?

24 MR. JONES: From what I understand,
25 yes, sir.

1 MR. CONRAD: Okay. Thank you.

2 MR. LEE: Can I make a correction
3 about it?

4 MR. CONRAD: Yeah. I was going to ask
5 you about that, Mr. Lee.

6 CHAIRPERSON ANDERSON: I'm sorry, what
7 did you just say, Mr. Lee?

8 MR. LEE: Yeah, actually that's a
9 misunderstanding, that's all. Mr. Kim only own
10 Holiday Liquors and the other two business is
11 separated.

12 Probably was miscommunicated when we
13 have interview with Mr. Jones. So (simultaneous
14 speaking).

15 MR. JONES: My apologies, sir.

16 MR. CONRAD: That was my understanding
17 as well what Mr. Lee said, so I was just trying
18 to see if there was an error in the report. And
19 that's all I have. Thank you.

20 CHAIRPERSON ANDERSON: Okay. Close
21 your screen, please.

22 (Pause.)

23 CHAIRPERSON ANDERSON: Thank you. I
24 don't have any further questions, Mr. Jones.
25 Thank you very much.

1 MR. JONES: Thank you, sir.

2 MR. LEE: Thank you very much.

3 (Witness excused.)

4 CHAIRPERSON ANDERSON: Alright. Mr.
5 Lee, you have a witness?

6 MR. LEE: Yes.

7 CHAIRPERSON ANDERSON: And I'm
8 imploring both parties, please spend the majority
9 of your time direct examination of your own
10 witnesses, and not cross examination, so this
11 hearing can move along. Okay?

12 So, who is your first witness, sir?

13 MR. LEE: My first witness will be the
14 owner, Mr. Jong Kim.

15 CHAIRPERSON ANDERSON: Mr. Kim.

16 MR. KIM: Yes. This is Jong Keon Kim.

17 CHAIRPERSON ANDERSON: Can you raise
18 your right hand, please. Is your hand raised,
19 sir?

20 MR. KIM: Yes.

21 CHAIRPERSON ANDERSON: What did he
22 say? Is his hand raised? I can't see him, so he
23 needs to tell me.

24 MR. KIM: Yes, I have raised my hand.

25 CHAIRPERSON ANDERSON: Do you swear or

1 affirm to tell the truth and nothing but the
2 truth?

3 MR. KIM: Yes.

4 CHAIRPERSON ANDERSON: Your witness,
5 Mr. Lee.

6 MR. LEE: Okay. Mr. Kim?

7 MR. KIM: Yes.

8 MR. LEE: Are you the president of the
9 corporation?

10 MR. KIM: Correct.

11 MR. LEE: When did you take over the
12 business?

13 MR. KIM: I started to own the
14 business January the 1st of 2013.

15 MR. LEE: Who operate the business?

16 THE INTERPRETER: Can I clarify one
17 thing? Give me one second, please.

18 (Discussion off the record.)

19 MR. KIM: So, we take turns. "We"
20 meaning me, my wife, my daughter, my son and the
21 cashier. One cashier.

22 MR. LEE: What are your hours of
23 operation?

24 MR. KIM: Sundays 9:00 to 10:00.

25 CHAIRPERSON ANDERSON: When he speaks

1 in English, you don't need to translate that,
2 ma'am. Thank you.

3 MR. KIM: And Mondays through
4 Saturdays 9:00 to 11:00.

5 MR. LEE: How about the markets in the
6 same mall, hours in the same mall?

7 MR. KIM: Sundays 8:00 to 7:00.
8 Mondays through Saturdays 8:00 to 9:00.

9 MR. LEE: Okay. How many employees do
10 you have now?

11 MR. KIM: So, we operate the business
12 by taking turns among me, my wife, my daughter,
13 my son, one cashier and one stocking person --
14 stocker.

15 MR. LEE: How many people is that?

16 MR. KIM: A total of six people take
17 turns.

18 MR. LEE: So, do you hire any
19 employees from the community?

20 MR. KIM: Yes. Currently I -- yes.

21 MR. LEE: So, how do you train your
22 employees?

23 MR. KIM: So, we make it sure that the
24 warning message is whenever someone scans
25 something on the ID system for -- whenever

1 someone scan something on the PO system, a
2 warning for ID check is prompted. And then when
3 you press the product, then you see the price.

4 And also when every employee,
5 including my family, sells something, we say "ID
6 check" or we help the ID check.

7 And also we have installed -- we have
8 placed three signs for checking ID on the --
9 around the counter.

10 MR. LEE: What is your business
11 experience before?

12 MR. KIM: Before the liquor store, I
13 ran a business in a place called Pasadena in
14 Maryland. I ran a cleaner and I ran it for 10
15 years.

16 MR. LEE: What is your experience from
17 that business experience? What's your learning
18 from that?

19 MR. KIM: Well, what I learned was
20 that I should be -- I should be kind to my
21 customers, and I should be on good terms with my
22 community, and I should provide the best possible
23 service.

24 MR. LEE: How do you describe your
25 overall business plan, including security plan or

1 cleaning, trash pickup, hiring?

2 In other word, how do you compete with
3 other liquor store, make a difference from them?

4 MR. KIM: So, I'm going to talk about
5 my safety plan. Two security guards, they take
6 turns to open the business and close the
7 business.

8 And also eight cameras have been
9 installed in the parking lot. And also eight
10 lights have been installed so that it can shine
11 the parking lot at night bright.

12 Also by putting up a fence, we are
13 trying to make sure that only the customers can -
14 - only the customers can use the parking lot.
15 And also when a problem occurs, we try to get
16 help by calling the police.

17 And when it comes to cleaning, two
18 people are responsible for that. One person
19 cleans up inside the store and the other person
20 cleans the parking lot and also the areas
21 surrounding the business.

22 And also when it comes to picking up
23 garbage, we use MEI service, which picks up the
24 garbage twice a week, Tuesdays and Fridays.
25 Occasionally their garbage collection days may

1 vary.

2 THE INTERPRETER: The interpreter is
3 going to ask Mr. Kim to repeat himself.

4 MR. KIM: And as for the hiring plan,
5 when we hire a cashier or a stock man, we try to
6 find someone who has rich experience. That's it.

7 MR. LEE: So, you know that you have
8 three "sales to minor" violations in the past
9 five years.

10 Can you explain what happened and how
11 it happened?

12 MR. KIM: Okay. So, the first
13 instance was -- that was where Kim Jong sold
14 something on May 1st, 2015.

15 And then the second one was sold by
16 Yeung Gee on June the 28th of 2016. The third one
17 was sold on January the 4th, 2020. That's it.

18 MR. LEE: And then all three people
19 are your employees?

20 MR. KIM: Yes. Correct.

21 MR. LEE: And do you think that's a
22 personal violation not related to you? The owner
23 is responsible for the violation. You know that?

24 MR. KIM: Well, even though it wasn't
25 exactly my responsibility because my employees

1 did it, we tried to solve the issue together.

2 MR. LEE: No, what I'm saying is the
3 owner is responsible for the violation even
4 though his employee made a mistake.

5 MR. CONRAD: This is a little bit
6 leading.

7 CHAIRPERSON ANDERSON: All right. I'm
8 going to overrule the objection. He was just
9 doing some clarification. I need both attorneys
10 to be on the ball in raising objections and
11 making sure that you do not ask leading
12 questions.

13 MR. LEE: Okay. How these violations
14 were resolved?

15 MR. KIM: For the first one, I
16 received -- we received a warning, and for the
17 second one, we were -- we paid a penalty in the
18 amount of \$4,000 on November the 2nd of 2016.
19 And then for the third one, we paid \$3,000 for
20 the penalty on February 21st of 2020, and that's
21 how they got resolved.

22 MR. LEE: Well, what is your plan or
23 measure to ensure that the same violation will
24 not happen again?

25 MR. KIM: Then in case that they do

1 not -- they fail to produce their IDs or act
2 differently, then we will -- we absolutely to not
3 sell to them. And also, we do not sell liquor to
4 the pregnant or to the intoxicated.

5 MR. LEE: Do you have an ID check
6 machine?

7 MR. KIM: Yes, actually, if you scan
8 a product at the time of sale, our machine will
9 count ID tech for you.

10 MR. LEE: So what is your instruction
11 or policy to your employees regarding sale to
12 minor?

13 MR. KIM: We always tell them to check
14 the ID when it comes to a minor.

15 MR. LEE: What is your hiring policy
16 or standard whenever you pick your employees?

17 THE INTERPRETER: The interpreter has
18 to clarify something. Give me one second,
19 please.

20 MR. KIM: So as for the hiring policy,
21 we hire someone who has at least five years'
22 experience. And also, this person has to be
23 perfect or complete with managing customers and
24 communicating in English. That's it.

25 MR. LEE: Do you understand the

1 community concern about the school kids?

2 MR. KIM: Yes, I am aware.

3 MR. LEE: Do you have any specific
4 plan to protect the kids?

5 MR. KIM: Yes, I do. We do not let
6 children in unless they're accompanied by their
7 parent. And also, when an adolescent comes in as
8 a customer, we sell only beverages, snacks, and
9 water. That's it.

10 MR. LEE: Do you have any sign in
11 front of that as kids not allowed, or something
12 like that? Do you have any signage?

13 MR. KIM: Yes, yes, there is.

14 MR. LEE: Okay. Do you there's
15 several fatal shootings occurred around your
16 business?

17 MR. KIM: Yes, I do.

18 MR. LEE: Can you explain what
19 happened?

20 MR. KIM: Okay. So while I was
21 running that business, because I didn't record
22 it, I don't know the exact number, but seven to
23 eight times there were -- there was a murder in
24 the parking lot.

25 THE INTERPRETER: I'm sorry, the

1 interpreter misspoke. There were two murders
2 that occurred in the parking lot.

3 MR. KIM: So the first one involved a
4 youth called Michael Abney, and he was -- he
5 seemed to be -- his age seemed to be between --
6 somewhere between 25 and 30. On Saturday,
7 October the 20th, 2018, on -- at 1:55 p.m., he
8 died in front of Holiday Market.

9 So the second one involved an
10 adolescent called Maurice Scott. An adolescent,
11 15-year-old male, and this happened on a Sunday,
12 May the 26th, 2019. And he died in front of
13 Holiday Market at 10:35 a.m., at which time my
14 store was not open. That's it.

15 MR. LEE: So have you been
16 investigated by Metropolitan Police Department or
17 ABC Board?

18 MR. KIM: No, I was not.

19 MR. LEE: What was the finding?

20 MR. KIM: The finding, I wouldn't
21 know. They -- I don't know very well because I
22 didn't receive a report on the finding.

23 MR. LEE: So do you have any operating
24 or management policy to deal with the criminal
25 activity around your business?

1 MR. KIM: So regarding that, I think
2 I explained that. So eight cameras have been
3 installed in the parking lot, and then two
4 security guards work taking turns. And then
5 also, there are ten lights illuminating at night.
6 Also, there is a newly installed fence at the
7 entrance, at the exit, and entrance. So that has
8 helped a lot in terms of safety and prevention of
9 instance. And then by contacting the police
10 whenever there is a problem, either inside or
11 outside of store, we call the -- we contact the
12 police. That's it.

13 MR. LEE: Well, have you seriously
14 discussed with the landlord, or owner of the
15 other business in the mall, or community members,
16 or MPD about how to increase the safety issue
17 around your store?

18 MR. KIM: I didn't directly discuss
19 with MPD. Probably the landlord have discussed
20 with them, but I have communicated with the owner
21 of the property and the owner of the grocery
22 store.

23 MR. LEE: So what come out whenever
24 you talked with the landlord and the owner of the
25 other business? Did you just -- go ahead.

1 MR. KIM: So we discuss so that we --
2 we discuss what we could do in order to prevent
3 instance in the -- in our parking lot.

4 MR. LEE: What I'm saying is just not
5 talking and the community wants more detailed
6 plan over more safety issue. So do you have
7 anything come out from the communication with the
8 landlord or with the other business?

9 MR. KIM: Yes. Yes, I think that we
10 should incorporate with either the ANC or the
11 police, you know, to prevent this kind of
12 instance.

13 MR. LEE: So you provide us program
14 release and the letter or memo from your
15 customer. How did you get this?

16 MR. KIM: I asked them whether they
17 could help me since we were trying to apply for
18 the license renewal.

19 MR. LEE: You just put on the cashier
20 desk or just put on the table for that and the
21 customer voluntarily signed on it?

22 MR. KIM: Sometimes some would
23 voluntarily and sometimes we showed it and then
24 they did it for us.

25 MR. LEE: Are you currently aware the

1 ABC rules and regulations?

2 MR. KIM: Yes.

3 MR. LEE: How did you get the idea or
4 the information about it?

5 MR. KIM: We faithfully comply with
6 all the requirements set by the ABC.

7 MR. LEE: Have you take ABC training
8 before?

9 MR. KIM: Yes, three times. Three
10 times.

11 MR. LEE: Three times? And how about
12 your employees?

13 MR. KIM: Mostly I would receive the
14 training and then convey what I learned to my
15 employees.

16 MR. LEE: So in this situation, are
17 you willing to send your employees together with
18 you to have a training in the future?

19 MR. KIM: I will do that.

20 MR. LEE: How often trash be
21 collected?

22 THE INTERPRETER: Could you repeat
23 your question, please?

24 MR. LEE: How often trash be
25 collected?

1 MR. KIM: It's been collected twice a
2 week.

3 MR. LEE: Then how often your trash
4 pick up in the area?

5 MR. KIM: Several times every day.

6 MR. LEE: Do you hire somebody to pick
7 it up?

8 CHAIRPERSON ANDERSON: Mr. Lee, these
9 questions were all asked and answered. Can we
10 move on please? Your client at the beginning he
11 talked about the trash had picked up twice a day,
12 he talked about the company that picks it up. So
13 can we move on to another area, sir?

14 MR. LEE: I will do that. The reason
15 why I ask about it and then the purpose is to
16 show the trash and littering problem in the back
17 of the property. So that's why I just --

18 CHAIRPERSON ANDERSON: Well, then, ask
19 him about that, sir. He's already covered the
20 issues about when trash is picked up --

21 MR. LEE: Okay.

22 CHAIRPERSON ANDERSON: -- on the
23 property, sir.

24 MR. LEE: Thank you.

25 How do you, or what's your plan to

1 meet the need of the community?

2 MR. KIM: I would like to find out
3 what the needs of the community are and then put
4 -- and then actually make active effort to meet
5 them.

6 MR. LEE: So how did you find out that
7 the way -- you said find out what the community
8 needs? It includes everything. It's a trash
9 issue, and safety issue, everything. How do you
10 get the idea of that?

11 MR. KIM: So after this meeting or
12 this hearing is over, I'm going to contact the
13 community to discuss what I could do.

14 MR. LEE: Okay. No further questions.
15 Thank you.

16 CHAIRPERSON ANDERSON: Thank you.

17 Mr. Conrad?

18 MR. CONRAD: Thank you. Mr. Kim, can
19 you explain why you had no involvement in the
20 nine liquor law violations that have occurred on
21 your premises in the last three years?

22 CHAIRPERSON ANDERSON: Mr. Conrad, Mr.
23 Lee has already -- I'm sorry, Mr. Jones informed
24 you that they were not ABRA violations because
25 they were not brought to the attention of ABRA.

1 So if they're not brought to the attention of
2 ABRA, they're not ABRA violations. In order for
3 there to be an ABRA violation, one of their
4 investigators have to personally observe it. You
5 have a report that the police state are liquor
6 violations, but they're not brought to our
7 attention, so they're not ABRA violations, sir.

8 MR. CONRAD: I'm not saying they're
9 ABRA violations.

10 CHAIRPERSON ANDERSON: So if you're
11 curious about ABRA violations if you want to talk
12 -- if you want to ask him about under his
13 investigative history, the violations and the
14 history, fine, but we should not be talking about
15 alleged violations on an MPD report where the
16 FOIA request said that they were not brought to
17 us, and Mr. Jones testified that he's not aware
18 of it because they were not brought to ABRA.

19 MR. CONRAD: It has nothing to do with
20 ABRA violations, it has to do with conduct on his
21 premises, right? It's criminal conduct. Doesn't
22 that go to order?

23 CHAIRPERSON ANDERSON: Go ahead, sir.
24 I'm just trying to limit where we're going, okay?

25 MR. CONRAD: No, I agree with that.

1 CHAIRPERSON ANDERSON: This is the
2 renewal of his -- the renewal of his license.
3 Let's -- let us address issues that concerns ABRA
4 issues that he has or ABRA violations, sir, of
5 violations that are ABRA violations that he -- we
6 can enforce, sir.

7 MR. CONRAD: So the school shooting
8 was not an ABRA violation so we can't -- we can't
9 talk about the student shooting at all?

10 CHAIRPERSON ANDERSON: Sir, if you can
11 tie that to say that it had to do with the
12 operation of his business, yes. But if some
13 random person just got shot in front of his
14 business, if it just happened that someone got
15 shot in front of his business, no. But if it had
16 something to do with the operation of his
17 business, if you can tie the shooting into the
18 operation of his business, of course, yes, go
19 ahead and ask questions. But not because,
20 unfortunately, not because someone got shot in
21 front of his business if there is no nexus
22 between the operation of his business and the
23 shooting, it is not relevant to this hearing.

24 MR. CONRAD: So my understanding is
25 that nine liquor law licenses in a short -- nine

1 liquor law violations in a short period of time
2 on the premises of a liquor store can be tied.
3 There's a nexus there, sir.

4 CHAIRPERSON ANDERSON: I don't -- this
5 what I said to you, sir. You're talking about
6 nine liquor law violations. They are not ABRA
7 violations.

8 MR. CONRAD: No, no, I know. I know.
9 I'm not saying that. I'm not.

10 CHAIRPERSON ANDERSON: I don't know if
11 they're -- who said that their liquor law -- I
12 mean --

13 MR. CONRAD: The MPD. It says they
14 made arrests and charged them under that law.

15 CHAIRPERSON ANDERSON: The MPD said
16 that there were people who committed liquor law
17 violations on the property.

18 MR. CONRAD: Correct.

19 CHAIRPERSON ANDERSON: MPD did not say
20 -- at least my reading of the report, MPD did not
21 say that Holiday Liquors committed these
22 violations. It says that in the videos that
23 neither myself or Holiday Liquor has any
24 jurisdiction over -- committed these violations.

25 This is a hearing, sir, that I need

1 you to talk about what it is that they have done
2 -- what it is not that other people have done
3 since on the property, but what is it that
4 Holiday Liquors has -- why is it -- you tell us
5 why is it that you're saying that we should not
6 renew their license because of the violations
7 that they have occurred.

8 That is what you need to ask questions
9 on. Questions on violations that they have --
10 that they are responsible for, not that someone
11 else who -- not that something happened in the
12 parking lot, not that there's trash on the back
13 property that has nothing to do with this
14 establishment.

15 So you need to tie it directly to the
16 -- you need to tie it directly to their
17 operations, sir. If you do not tie it to the
18 operations, I am going to interject and say that
19 if Mr. Lee will not object to saying it's not
20 relevant, I am going to object to say it is not
21 relevant and you need to move on.

22 MR. CONRAD: Okay. Let me phrase it
23 this way to appease Chairperson.

24 Was your mode of operations conducive
25 to the liquor law violations the MPD found upon

1 your premises, sir?

2 MR. KIM: I don't know. I'm not very
3 familiar with the content.

4 MR. CONRAD: So you're not familiar
5 with violations of law occurring on your
6 premises?

7 MR. KIM: What I mean is that I don't
8 know the exact details of them.

9 MR. CONRAD: Okay. Can we talk about
10 your police calls, sir? I see that you twice
11 called the police to have them arrive and support
12 you at this hearing. Is that correct?

13 MR. KIM: Yes, after hearing that ANC
14 is going to have demonstration in front of the
15 store, I did so. However, the demonstration
16 never took place.

17 MR. CONRAD: So I'm a little confused.
18 You understand that like 911 is used for
19 emergency calls, and when you call the police,
20 they're diverted away from their crime fighting
21 function of what you complain they're not doing.
22 You understand that, sir?

23 MR. KIM: No, I wasn't too aware of
24 it.

25 MR. CONRAD: Okay. I want to ask you

1 about one of the statements in your exhibits that
2 you put into evidence that reads, the store whose
3 license is up for renewal is not the problem in
4 the community, it is the citizens. What do you
5 mean by that, sir?

6 MR. KIM: I didn't say that.

7 MR. CONRAD: It's in your evidence as
8 an exhibit.

9 CHAIRPERSON ANDERSON: Mr. Conrad, Mr.
10 Conrad, no documents are -- no documents have
11 been moved into evidence, okay? So there are
12 disclosures that are not there. Also, I am not
13 going to -- we -- I am not going to have rulings
14 on these documents until they're moved into
15 evidence. So remember, the documents are just
16 part of the disclosures. Both attorneys have to
17 move these documents into the record. If both
18 attorneys do not move these documents into the
19 record, they will not move.

20 MR. CONRAD: Okay. Are you okay with
21 me moving the exhibit from our respective
22 disclosures into the record?

23 CHAIRPERSON ANDERSON: You can make a
24 motion. I want -- you can make a motion to move
25 it into evidence. I would ask Mr. Lee if he has

1 an objection, and I will move -- I will move from
2 there.

3 MR. CONRAD: Sure.

4 MR. LEE: Mr. Conrad, I'm just making
5 sure that you mentioned to Mr. Kim which page is
6 that? Is it in Exhibit 4?

7 MR. CONRAD: It's a CRAV letter, Mr.
8 Lee.

9 MR. LEE: And the Exhibit 4 or 5?

10 MR. CONRAD: Let me take a quick look,
11 sir.

12 MR. LEE: Yes, yes.

13 MR. CONRAD: I believe it's 4.

14 MR. LEE: Oh, it's a personal letter
15 from Mr. Kim.

16 MR. CONRAD: Oh, no, it's earlier than
17 that. It's a CRAV letter of what your --

18 MR. LEE: Oh, so it is not from Mr.
19 Kim. That's from --

20 MR. CONRAD: There is, attached to his
21 PIF. I guess my question is what is meant by
22 that, if it's seduced as evidence by Mr. Kim.

23 MR. LEE: Actually, you're talking
24 about the CRAV letter, then you have the
25 opportunity to ask Mister -- Ms. Seegars or --

1 MR. CONRAD: Sure. Absolutely. I'm
2 happy to ask her as well.

3 MR. LEE: Yes.

4 MR. CONRAD: Are you good to move
5 everything from the PIFs and the impeachment
6 exhibits into evidence for the chair's question?

7 MR. LEE: Your impeachment exhibit?

8 MR. CONRAD: Yes, sir.

9 MR. LEE: You want me to move all of
10 them?

11 MR. CONRAD: I want to move all of
12 them as well as the disclosures that we made last
13 Friday.

14 MR. LEE: Why is that? I just review
15 that evidence.

16 MR. CONRAD: What do you mean why is
17 that?

18 CHAIRPERSON ANDERSON: All right.
19 Okay. What documents are we talking about? Are
20 they -- are they -- all right, hold on. All
21 right.

22 MR. CONRAD: They were all sent to
23 ABRA.

24 CHAIRPERSON ANDERSON: All right.
25 Hold on, Mr. Conrad. It's -- your cross

1 examining, so what documents are you trying to
2 move into evidence? What sort of documents?

3 MR. CONRAD: I want to move into the
4 disclosures that Mr. Lee made last Thursday.

5 CHAIRPERSON ANDERSON: What are you --
6 you can't move Mr. Lee's documents into evidence.
7 You know better than that, sir. Mr. Lee has to
8 move his own documents into evidence.

9 MR. CONRAD: Okay.

10 CHAIRPERSON ANDERSON: He may decide
11 that he doesn't want to move them into evidence.
12 So you can't move his documents into evidence,
13 you can only move your documents in evidence.

14 MR. CONRAD: That's why I was asking
15 Mr. Lee if he wanted to make a joint motion to
16 move our PIF disclosures into evidence.

17 MR. LEE: Your PIF or my PIF?

18 MR. CONRAD: Both.

19 MR. LEE: Your PIF?

20 MR. CONRAD: Both. Joint motion.

21 MR. LEE: No, actually, I'm just stay
22 with my PIF form and the exhibits.

23 MR. CONRAD: Okay. I'll move mine in
24 as well.

25 CHAIRPERSON ANDERSON: What are you

1 documents -- no, sir, you have to go through --
2 you have to go through the individual documents
3 that you're trying to move into evidence, and
4 then I'm going to ask Mr. Lee, and so therefore -
5 - first and foremost, have you had anyone testify
6 on the document? I don't know what these
7 documents are, I haven't seen them, and so
8 therefore, you're going to move the documents
9 into evidence, I'm going to go through the
10 documents and I'm going to ask Mr. Lee if he has
11 any objection to it, and if he does, what the
12 nature of his objection, and then I'm going to
13 make a ruling of whether I'm going to allow it to
14 go in.

15 MR. CONRAD: Okay.

16 CHAIRPERSON ANDERSON: So you -- so I
17 need to see what the documents you're trying to
18 move into evidence, and then I'm going to ask Mr.
19 Lee if he has an objection.

20 MR. CONRAD: Okay. Would you like me
21 to show them to you right now?

22 CHAIRPERSON ANDERSON: Go ahead, sir.
23 Go through your documents that you're trying to
24 move documents into evidence.

25 MR. CONRAD: That's what --

1 CHAIRPERSON ANDERSON: But I would
2 hope that -- all right, all right. Go ahead,
3 sir.

4 MR. CONRAD: Okay. I am going to move
5 starting with the ABRA investigative report with
6 --

7 CHAIRPERSON ANDERSON: That's already
8 in evidence so we don't need to --

9 MR. CONRAD: Already in evidence by
10 itself.

11 CHAIRPERSON ANDERSON: That is in the
12 evidence. The ABRA --

13 MR. CONRAD: Sure.

14 CHAIRPERSON ANDERSON: It's part of
15 our documents. So --

16 MR. CONRAD: We don't need to put
17 those.

18 CHAIRPERSON ANDERSON: I'm sorry,
19 that's exhibit what?

20 MR. CONRAD: This is impeachment
21 exhibit 1. This is the Eagle Academy photos.
22 They were shown to Mr. Jones.

23 CHAIRPERSON ANDERSON: All right.
24 Hold on a minute. So you're saying Exhibit 1.
25 Your Exhibit 1, is that what you're saying?

1 MR. CONRAD: That's correct.

2 CHAIRPERSON ANDERSON: Mr. Lee, do you
3 have an objection to moving Exhibit 1 into
4 evidence?

5 MR. LEE: I don't have any objection,
6 but I'm just confused now because it's Mr.
7 Conrad's exhibit and he submitted to the ABC
8 Board. Then all of a sudden he want to do move
9 with his own exhibit.

10 CHAIRPERSON ANDERSON: But you know,
11 Mr. Lee, although they're in the PIF, they are
12 not in the evidence until they are moved in
13 evidence. Yes, if they're -- yes, so if now he
14 wants to move his documents into evidence, so
15 fine. So Exhibit 1 is moved into evidence
16 without objection. What's the next one?

17 MR. CONRAD: The land survey.

18 CHAIRPERSON ANDERSON: What exhibit is
19 that, sir?

20 MR. CONRAD: This is cross examination
21 impeachment Exhibit 2, that shows the land survey
22 from the DC government.

23 CHAIRPERSON ANDERSON: Exhibit 2.

24 MR. CONRAD: Yes, sir.

25 CHAIRPERSON ANDERSON: Mr. Lee, do you

1 have any objection to Exhibit 2?

2 MR. LEE: I really don't have the
3 exhibit. I don't have any objection.

4 CHAIRPERSON ANDERSON: So moved.
5 What's the next exhibit, sir?

6 MR. CONRAD: All right. Exhibit 3,
7 this is the DCRA complaint. Oh, I'm sorry. This
8 is the discussion over FOIA with ABRA, with ABRA
9 general counsel.

10 CHAIRPERSON ANDERSON: This is a
11 letter between yourself and whom?

12 MR. CONRAD: ABRA counsel, Ms.
13 Randall, and I'm sorry, Austin Hill, who is the
14 FOIA officer for ABRA.

15 CHAIRPERSON ANDERSON: Mr. Lee, any
16 objection?

17 MR. LEE: No objection.

18 CHAIRPERSON ANDERSON: So moved.
19 What's the next one, sir?

20 MR. CONRAD: This is the back of the
21 store.

22 CHAIRPERSON ANDERSON: Whose property
23 is this?

24 MR. CONRAD: This is --

25 CHAIRPERSON ANDERSON: Is this the

1 property of Holiday Liquors?

2 MR. CONRAD: This is Holiday Liquors
3 right here and this is the abutting property.

4 And actually, I believe this is the
5 Holiday Liquors dumpster, so this is also theirs.
6 That's what Mr. Kim confirmed.

7 CHAIRPERSON ANDERSON: Is this -- is
8 -- do you have an objection, Mr. Lee? Is this
9 Holiday Liquor's dumpster?

10 MR. LEE: I don't have any objections.

11 CHAIRPERSON ANDERSON: So moved. This
12 is Exhibit 4. So moved.

13 MR. CONRAD: Yes, those are the
14 photos. Okay.

15 CHAIRPERSON ANDERSON: What's the next
16 one?

17 MR. CONRAD: We have identified issues
18 in claimant's exhibit and denoted them, for
19 example, duplicate signatures in support --

20 CHAIRPERSON ANDERSON: Hold on, Mr.
21 Lee -- I'm sorry, Mr. Conrad.

22 MR. CONRAD: Yes.

23 CHAIRPERSON ANDERSON: Is this your
24 exhibit, sir?

25 MR. CONRAD: Yes, we added these

1 highlights and annotations.

2 CHAIRPERSON ANDERSON: But is this your
3 exhibit? Is this --

4 MR. CONRAD: It originally was Mr.
5 Lee's exhibit and we added to it.

6 CHAIRPERSON ANDERSON: No, I'm sorry,
7 is this one of your -- what exhibit of yours is
8 this?

9 MR. CONRAD: This is cross examination
10 impeachment Exhibit 5.

11 CHAIRPERSON ANDERSON: So this is one
12 of your exhibits that you -- this is in your PIF?

13 MR. CONRAD: This is -- yes, I had
14 sent this to ABRA, they have it. Mr. Lee
15 originally put it in and we made the annotations.

16 CHAIRPERSON ANDERSON: No, listen,
17 listen, listen, listen, I'm asking a different
18 question, sir. Is this document one of your
19 exhibits in your PIF? That's all, a yes or no.

20 MR. CONRAD: Oh, no, no, it doesn't
21 have to be.

22 CHAIRPERSON ANDERSON: If it's not --
23 Mr. Conrad, if this is not one of your exhibits,
24 you cannot move it into evidence.

25 MR. CONRAD: Sir --

1 CHAIRPERSON ANDERSON: If it's a part
2 of Mr. Lee's exhibit, when he attempts to move it
3 into evidence, you can object to it and let me
4 know what your reasons you're objecting. But you
5 can't move this document in. He hasn't moved his
6 documents into evidence --

7 MR. CONRAD: That's incorrect, sir.
8 Section 1713.6 reads, exhibits reasonably
9 anticipated to be used for impeachment need not
10 be included on or attached to the exhibit from
11 the PIF.

12 CHAIRPERSON ANDERSON: But what you're
13 trying to do, sir -- no, that's not impeachment.
14 You're trying to move his documents into
15 evidence. That's what you're trying to do.

16 MR. CONRAD: This is impeachment.

17 CHAIRPERSON ANDERSON: You can't move
18 his documents -- Mr. Conrad, now I'm an attorney.

19 MR. CONRAD: Sure.

20 CHAIRPERSON ANDERSON: And I practice
21 administrative law.

22 MR. CONRAD: Sure.

23 CHAIRPERSON ANDERSON: Now, I'm not
24 aware of anyone trying to move my documents into
25 the evidence. No, sir. When he tried to move

1 his documents into evidence, if you want to do
2 that, if you want to do that, you can object and
3 I will make a ruling on your objection. But I'm
4 not going to allow you to move his documents into
5 evidence to say it's impeachment. I don't even
6 know what -- I don't -- how are you trying to
7 impeach -- I don't know how you're trying to
8 impeach him.

9 MR. CONRAD: Sir, okay.

10 CHAIRPERSON ANDERSON: Let's -- I'm
11 not going -- sir, I'm not going to move this to
12 evidence.

13 MR. CONRAD: Okay.

14 CHAIRPERSON ANDERSON: Let's -- if he
15 tries to put this into evidence, you can object,
16 you can get -- you can let me know the basis of
17 your objection, sir, and I will make a ruling at
18 that time. What is the other exhibit?

19 MR. CONRAD: These are the MPD crime
20 card statistics.

21 CHAIRPERSON ANDERSON: What exhibit
22 number -- sir, remember --

23 MR. CONRAD: 1, this is --

24 CHAIRPERSON ANDERSON: Mr. Conrad, Mr.
25 Conrad, we have a court reporter who is reporting

1 everything. Okay? And in order to preserve the
2 record, sir, I need you to identify the exhibits,
3 the exhibit number. So therefore, if someone was
4 to go and read the transcript, they will know
5 what exhibit we're talking about. So that's why
6 I keep on saying to you --

7 MR. CONRAD: Absolutely. Okay. This
8 is --

9 CHAIRPERSON ANDERSON: -- please
10 identify the exhibit number, sir.

11 MR. CONRAD: This is --

12 CHAIRPERSON ANDERSON: What exhibit is
13 this?

14 MR. CONRAD: This is PIF Exhibit 1.

15 CHAIRPERSON ANDERSON: This is exhibit
16 what?

17 MR. CONRAD: PIF Exhibit 1.

18 CHAIRPERSON ANDERSON: What -- all
19 right. Hold on, hold on. Hold on, hold on, hold
20 on, sir. Hold on, hold on. I'm confused.

21 MR. CONRAD: I see that.

22 CHAIRPERSON ANDERSON: I thought we
23 start off -- I thought we already had an Exhibit
24 1. So what's the PIF -- what are these two
25 exhibit -- I -- we already -- all right. You

1 identified a document earlier as Exhibit 1.

2 MR. CONRAD: Yes, sir.

3 CHAIRPERSON ANDERSON: I --

4 MR. CONRAD: Yes, sir.

5 CHAIRPERSON ANDERSON: So what's the
6 difference between that document and this
7 document that you're now identifying?

8 MR. CONRAD: One is an impeachment
9 exhibit pursuant to 1713.6, and the other is
10 attached to the PIF.

11 CHAIRPERSON ANDERSON: Mr. Conrad, it
12 can't be a PIF -- it cannot be impeachment No. 1.
13 You have a list of exhibits. Just -- all right.

14 MR. CONRAD: I'm trying to comply with
15 what you're saying, sir. However you want me to
16 do it, I'm happy to. I don't -- want to appease
17 what you're asking for. I want to make sure that
18 I bring it into compliance with what you're
19 asking for.

20 CHAIRPERSON ANDERSON: All right.
21 Hold on. Let me look at this. You're confusing
22 me. And so let me see if I can find your PIF.

23 MR. CONRAD: Sure.

24 CHAIRPERSON ANDERSON: Because I don't
25 -- now I thought I was understanding the

1 documents that are being moved into evidence, and
2 I'm finding out that we're not on the same -- the
3 record is not clear because the documents I'm
4 identified as number -- Exhibit No. 1, those are
5 not the same documents that you're -- that you
6 are referencing.

7 All right. Hold on. All right. On
8 your PIF, Exhibit 1, this is Exhibit 1. The
9 document that -- this is the MPD, which is what
10 you have identified as the MPD crime stat --
11 crime report statistics. Is this -- this is what
12 your -- is this Exhibit 1?

13 MR. CONRAD: Yes.

14 CHAIRPERSON ANDERSON: Is that Exhibit
15 1, sir?

16 MR. CONRAD: Yes.

17 CHAIRPERSON ANDERSON: All right. I'm
18 going to go back off -- I'm going to go back over
19 all the other documents that you -- that were in
20 the record because I want the record to be clear.

21 MR. CONRAD: Okay.

22 CHAIRPERSON ANDERSON: All right. So
23 Exhibit 1 is the MPD crime cart statistics.

24 (Whereupon, the above-referred to
25 document was marked as Exhibit No. 1 for

1 identification.)

2 Mr. Lee, do you have any objection to
3 this document?

4 MR. LEE: No objections.

5 CHAIRPERSON ANDERSON: All right. So
6 Exhibit 1 has been moved into evidence without
7 objection. And the Exhibit 1 is Exhibit 1 from
8 the protestant's PIF.

9 (Whereupon, the above-referred to
10 document was received into evidence as Exhibit
11 No. 1.)

12 What's the next document, sir?

13 MR. CONRAD: It is the summary
14 offenses and incidents that were recorded by the
15 MPD by the FOIA request.

16 CHAIRPERSON ANDERSON: And this is
17 exhibit what, sir?

18 MR. CONRAD: This is Exhibit 2 on the
19 PIF.

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

23 CHAIRPERSON ANDERSON: Mr. Lee, do you
24 have any objection to this document?

25 MR. LEE: No objections.

1 CHAIRPERSON ANDERSON: Exhibit 2 moved
2 without objections.

3 (Whereupon, the above-referred to
4 document was received into evidence as Exhibit
5 No. 2.)

6 MR. CONRAD: And this is exhibit --

7 CHAIRPERSON ANDERSON: What's the next
8 exhibit?

9 MR. CONRAD: This is Exhibit 3. This
10 is the detailed reports that correspond with the
11 summary report that was Exhibit 2. So this is
12 Exhibit 3, MPD incident reports.

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

16 CHAIRPERSON ANDERSON: Any objections
17 to Exhibit 3, Mr. Lee?

18 MR. LEE: No objection. But at this
19 moment can I ask Mr. Conrad why your own Exhibit
20 2 wanted to be removed?

21 MR. CONRAD: I'm sorry, say that
22 again, Mr. Lee.

23 MR. LEE: What's your reason you asked
24 for your request to admit your exhibits, sir?

25 CHAIRPERSON ANDERSON: Let's -- Mr.

1 Lee, he's -- let's one thing at a time, okay?

2 Exhibit 3 is so moved.

3 (Whereupon, the above-referred to
4 document was received into evidence as Exhibit
5 No. 3.)

6 MR. LEE: I understand, yes.

7 CHAIRPERSON ANDERSON: What's the next
8 exhibit you want to move, sir?

9 MR. CONRAD: All right. Exhibit 4,
10 these are 114 community disclosures, community
11 surveys that were performed with individual names
12 and their opinion on the renewal of the liquor
13 license that was collected by the ANC.

14 (Whereupon, the above-referred to
15 document was marked as Exhibit No. 4 for
16 identification.)

17 CHAIRPERSON ANDERSON: Can you have
18 your witness -- can you move this document later
19 on where you have Mr. Adofo -- can you ask Mr.
20 Adofo --

21 MR. CONRAD: Sure, sure. I --

22 CHAIRPERSON ANDERSON: -- about this
23 document and have him -- once he testifies about
24 what the document is because it's on ANC so you
25 can have someone who can testify about the

1 document and then --

2 MR. CONRAD: Absolutely, yes.

3 CHAIRPERSON ANDERSON: So we'll hold
4 off.

5 MR. CONRAD: We'll hold off on that
6 one. This is the ABRA FOIA of the five
7 violations that had occurred at Holiday Liquors.

8 (Whereupon, the above-referred to
9 document was marked as Exhibit No. 5 for
10 identification.)

11 CHAIRPERSON ANDERSON: Exhibit 5 is so
12 -- Exhibit 5, that is -- that's one of our
13 records that I have records of, it's moved. It's
14 so part of the record, Exhibit 5.

15 (Whereupon, the above-referred to
16 document was received into evidence as Exhibit
17 No. 5.)

18 MR. CONRAD: Okay. This is Dr. Reid's
19 submission on --

20 (Whereupon, the above-referred to
21 document was marked as Exhibit No. 6 for
22 identification.)

23 CHAIRPERSON ANDERSON: Is Dr. Reid
24 going to testify?

25 MR. CONRAD: No.

1 CHAIRPERSON ANDERSON: Well, can you
2 have someone who can talk about this report?

3 MR. CONRAD: Well, I just -- it was
4 sent to me directly. I can testify that it came
5 from her, I can testify to its authenticity.

6 CHAIRPERSON ANDERSON: You can't
7 testify, Mister -- you can't testify about -- do
8 you have someone else, one of your witnesses who
9 can testify about this document?

10 MR. CONRAD: Salim can do it if you
11 want him to do it instead. That's fine.

12 CHAIRPERSON ANDERSON: It's not if I
13 want him to do it, sir, it's the proper procedure
14 how to do it.

15 MR. CONRAD: Sure.

16 CHAIRPERSON ANDERSON: What's the next
17 one? So what's the next exhibit?

18 MR. CONRAD: This is essentially
19 rendered superfluous by the other survey detail
20 that was provided in the earlier exhibit. So
21 this is --

22 CHAIRPERSON ANDERSON: So let's move
23 on so we're not -- you said that's -- forget
24 about Exhibit 7. What's the next one?

25 MR. CONRAD: These are periodicals --

1 CHAIRPERSON ANDERSON: You need to
2 have someone testify about it, sir.

3 MR. CONRAD: I'm not sure how I would
4 have someone testify about periodicals. Aren't
5 they self-validating under --

6 CHAIRPERSON ANDERSON: You can have
7 someone testify what the documents are, sir. And
8 then we can -- then you can move to -- you can
9 call on your witnesses to have your witnesses
10 talk about what it is and then you can ask to
11 move it into evidence, sir.

12 MR. CONRAD: Sounds great. I'll have
13 Salim do that as well. Same with the
14 establishment reviews. It's the same thing.
15 He'll have to testify as to what they are.

16 CHAIRPERSON ANDERSON: That's fine.
17 What's the next one, sir?

18 MR. CONRAD: Okay. This is the photos
19 that we discussed earlier.

20 CHAIRPERSON ANDERSON: What exhibit
21 number is this?

22 MR. CONRAD: These are not submitted
23 with the PIF. They are exhibits that are
24 submitted pursuant to 1713.6. These were used to
25 impeach the inspector on his claim that this was

1 outside of 400 feet.

2 CHAIRPERSON ANDERSON: Mr. Lee?

3 MR. LEE: No objection.

4 CHAIRPERSON ANDERSON: And so what
5 exhibit was this?

6 MR. CONRAD: Well, it was impeachment
7 Exhibit 1. We can make it -- this was sent to
8 ABRA as such.

9 CHAIRPERSON ANDERSON: What? No. We
10 need to continue with the numbers. So what the
11 next? You were at -- the last exhibit that I
12 submitted was Exhibit 5.

13 MR. CONRAD: Yes, the PIF went up to
14 9, so let's make this 10. Is that all right?

15 CHAIRPERSON ANDERSON: So Exhibit 10?
16 And what is Exhibit 10?

17 MR. CONRAD: This is photos of Eagle
18 Academy from the premises, and then vice versa.
19 So photos from the premises -- or photos of the
20 premises from Eagle Academy.

21 (Whereupon, the above-referred to
22 document was marked as Exhibit No. 10 for
23 identification.)

24 CHAIRPERSON ANDERSON: Fine. That's
25 Exhibit 10. What's the -- without objection.

1 (Whereupon, the above-referred to
2 document was received into evidence as Exhibit
3 No. 10.)

4 What's the next one, sir?

5 MR. CONRAD: The property survey. So
6 this is 11 then.

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

10 CHAIRPERSON ANDERSON: All right. Is
11 that it?

12 MR. CONRAD: We have the FOIA
13 correspondence with ABRA. Austin Hills, FOIA
14 officer.

15 (Whereupon, the above-referred to
16 document was marked as Exhibit No. 12 for
17 identification.)

18 CHAIRPERSON ANDERSON: And what number
19 is this, sir?

20 MR. CONRAD: This would be 12.

21 CHAIRPERSON ANDERSON: All right.
22 Anything else?

23 MR. CONRAD: Rear property photos, the
24 dumpster.

25 (Whereupon, the above-referred to

1 document was marked as Exhibit No. 13 for
2 identification.)

3 CHAIRPERSON ANDERSON: What -- rear
4 property -- are these -- is this a part of
5 Holiday Liquor's property, or this is just some
6 random property?

7 MR. CONRAD: The dumpster, yes. Yes,
8 I believe this is part of the property, sir.

9 CHAIRPERSON ANDERSON: Is this, Mr.
10 Lee, do you have any objection or --

11 MR. LEE: No objections.

12 CHAIRPERSON ANDERSON: So moved. And
13 that's Exhibit 13.

14 (Whereupon, the above-referred to
15 document was received into evidence as Exhibit
16 No. 13.)

17 MR. CONRAD: Yes, sir. And then we
18 have the supporter's list, which I'll discuss
19 when Mr. Lee brings it up. It's just for
20 impeachment purposes, so no need to move it.

21 CHAIRPERSON ANDERSON: We're not going
22 to discuss that at the moment, sir. All right.

23 MR. CONRAD: I told -- what I just
24 said. I agree. And then we have a DCRA
25 complaint as to the store. This would be Exhibit

1 15.

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

5 CHAIRPERSON ANDERSON: Can you have
6 someone testify about that, sir?

7 MR. CONRAD: I can have Salim testify
8 to it.

9 CHAIRPERSON ANDERSON: Fine. Are you
10 done asking questions of Mr. Kim?

11 MR. CONRAD: No, let's pick it back
12 up. Am I -- Mr. Kim, are you still there?

13 MR. KIM: Yes, I'm -- I have been
14 here.

15 MR. CONRAD: All right. Mr. Kim, is
16 it your position that the litter that comes from
17 your store as a result of your operations does
18 not have any negative impact on the property
19 values that surround the store?

20 MR. KIM: I do not necessarily think
21 so because we had been doing our best to clean up
22 our store and in front of store as much as
23 possible.

24 MR. CONRAD: I appreciate that you're
25 trying your best. I just want to ask if you have

1 any affirmative evidence that your store hasn't
2 had a negative impact on the local landowners'
3 properties as one of the appropriate and standard
4 factors that we want to evaluate.

5 MR. KIM: So most of our litter would
6 be boxes because things are delivered in boxes.
7 The litter from our store is not dirty litter
8 such as like food particles or liquid. And then
9 also the litter that you saw in the picture, that
10 litter is not from our store, but from the
11 grocery market.

12 MR. CONRAD: I hate to ask again, but
13 I need an affirmative yes or no. Was there any
14 evidence that you have that your store does not
15 negatively impact any abutting properties or
16 local properties? That's my question.

17 MR. KIM: Evidence? What would you
18 need?

19 MR. CONRAD: Okay. It sounds like the
20 answer is no. I --

21 CHAIRPERSON ANDERSON: Mr. Conrad, can
22 you please stop sharing your screen, please?

23 MR. CONRAD: Oh, I'm sorry, sir. Let
24 me remove -- so I think the answer is that
25 there's no affirmative evidence at to property

1 values that you can offer?

2 MR. KIM: Anyway, we're willing to put
3 in more effort to clean up.

4 MR. CONRAD: Okay. Can you tell me a
5 little bit about the DCRA complaint for which you
6 were fined that resulted from throwing your
7 litter and drainage from your store ending up in
8 abutting properties?

9 MR. KIM: Oh, as for the litter, so I
10 won't say much because that's to be collected by
11 trash truck. As for the water, that's from the
12 cleaning of the inside of the store. It's not
13 too dirty.

14 MR. CONRAD: So you would agree that
15 you were fined by DCRA? I want to make sure I
16 get a straight answer from you, sir. I
17 understand there's a language difficulty, so do
18 your best.

19 MR. KIM: That -- so that happened a
20 few years ago, five to six years ago, so I don't
21 remember exactly. But anyway, even then, it
22 wasn't really related to the site of our store,
23 but more the side of the grocery market.

24 MR. CONRAD: All right. So I'll move
25 on because I think your testimony speaks for

1 itself and I want to keep things moving. So the
2 cooperative agreement that you entered into in
3 2006, you would agree that it still binds you?

4 MR. KIM: That's something I need to
5 consult with my attorney.

6 MR. CONRAD: Well, it was an exhibit
7 in your own submissions. So I just want to ask
8 you if you understand whether you're still bound
9 by it. It's an operative agreement, you have
10 some legal duties under it. So I just want to
11 ask about your understanding of it.

12 MR. KIM: I am aware of it, however,
13 that wasn't signed by me but was signed by a
14 former owner. So I'm not very familiar with the
15 legal terms.

16 MR. CONRAD: Okay. So you're not
17 aware as to whether you breached the cooperative
18 agreement that you included in your submissions
19 to the ABRA Board. Is that correct?

20 MR. KIM: So what breeches are you
21 talking about?

22 MR. CONRAD: Well, the document says
23 you can't sell to minors, it says you can't sell
24 to drunk people, it says you can't sell
25 cigarettes to minors. We know that there's been

1 at least three violations of that cooperative
2 agreement.

3 MR. KIM: Those are still followed.

4 MR. CONRAD: Okay. I'll let the
5 witness's answers speak for themselves. My last
6 question is about your support log. You
7 collected supporters that have signed the
8 petition in favor of you remaining in business
9 and your license being maintained. Is that
10 correct?

11 MR. KIM: I showed it and then asked
12 them if they would like to sign.

13 MR. CONRAD: Okay. Chairman Anderson,
14 I'm just going to -- this is my last exhibit.
15 I'm not moving it into evidence, but I will show
16 the exhibit for impeachment purposes right now if
17 that's all right with you.

18 Sir, can you see the screen?

19 MR. KIM: Yes.

20 MR. CONRAD: Do you see the names at
21 two on page 1, and two on page 2? I'll let you
22 look at this one and tell me when you're ready,
23 I'll move back to the first one.

24 MR. KIM: So sometimes the signatures
25 was received, obtained, on days I worked and

1 sometimes on days I didn't work, so there may be
2 some overlap. However, it wasn't intentional.

3 MR. CONRAD: Okay. So there are
4 duplicates, but it was not intentional?

5 MR. KIM: So because in that case
6 actually it was a pair, two people as a pair,
7 they signed off. So because of those things, I
8 cannot really give you answer exactly.

9 MR. CONRAD: So you won't admit that
10 this says Darrell Holloman twice on two separate
11 lines?

12 MR. KIM: So as I said, not every
13 signature was obtained by me. People took turns
14 obtaining them, so I can't really answer you like
15 exactly.

16 MR. CONRAD: Okay. And do you see
17 potential forgeries on this list as well labeled
18 as 3, which I'm showing right now, labeled as 1,
19 which I'm showing right now based off of the
20 handwriting, and which I'm showing as 4 right
21 here based off the handwriting and the addresses?

22 MR. KIM: No, we've never -- we have
23 never done that.

24 MR. CONRAD: I'll let the exhibit
25 speak for themselves. My last question, Mr. Kim,

1 and thank you for your time. I just, I want you
2 to read the name right here. Some of these names
3 marked as X are illegible and I want to make sure
4 that you're not seeing anything that I can't.

5 MR. KIM: I don't think I am with my
6 -- I'm capable of reading them.

7 MR. CONRAD: Me neither, sir. I have
8 no further questions. That's everything I have.
9 Thank you.

10 CHAIRPERSON ANDERSON: Please stop
11 sharing your screen. All right. Any questions
12 by any Board members?

13 (No audible response)

14 I just have a question to ask you, Mr.
15 Kim. What is the difference between Holiday
16 Liquors and Holiday Market?

17 MR. KIM: So Holiday Liquors is
18 authorized to sell liquor, beer, and wine,
19 whereas Holiday Market is not authorized to do
20 so.

21 CHAIRPERSON ANDERSON: Do you own both
22 establishments?

23 MR. KIM: No, only -- I only own
24 liquor -- Holiday's Liquor.

25 CHAIRPERSON ANDERSON: So where's

1 Holiday Market? Is that -- I've been hearing the
2 term in the hearing. So where is Holiday Market?

3 MR. KIM: So it's in the same
4 premises, so it looks like the Korean alphabet,
5 the first Korean alphabet letter and it's on one
6 end.

7 CHAIRPERSON ANDERSON: No, I'm sorry,
8 I don't understand here. So are -- these are two
9 different -- these are two establishments in the
10 -- in this shop in this plaza? Is that correct?

11 MR. KIM: Yes. I think even, yes. My
12 understanding is that the owner of the grocery
13 store is originally from Ethiopia.

14 CHAIRPERSON ANDERSON: All right.
15 Hold on. All right. Mr. Kim, what -- when you
16 gave your direct testimony, you said that the
17 hours of operation for Holiday -- for your
18 business, was Sunday from 9:00 to 10:00, Monday
19 through Saturday 9:00 to 11:00, then you said the
20 market was open from 8:00 to 7:00 on Sundays, and
21 from Monday through Saturdays from 8:0

22 Why were you giving me the hours of
23 operation for Holiday Liquors and Holiday Market?
24 Why were you -- why did you give that?

25 THE INTERPRETER: This is the

1 interpreter speaking. So I heard that the hours
2 and what was the last part of the question? So
3 why did you --

4 CHAIRPERSON ANDERSON: Why did he
5 provide the Board with the hours of operation for
6 Holiday Liquors and Holiday Market?

7 THE INTERPRETER: Okay.

8 CHAIRPERSON ANDERSON: If these are
9 two establishments that he doesn't own them.

10 THE INTERPRETER: Oh, okay.

11 MR. KIM: So that's said by my
12 attorney.

13 MR. LEE: That was my direct question
14 to him.

15 CHAIRPERSON ANDERSON: I don't know
16 what the question that asked. I am saying I took
17 notes, he gave -- Mr. Kim, in responding, he gave
18 the times of operation for the Holiday Liquors
19 and Holiday Market. And I'm just trying to
20 figure out if he owns both establishments. That
21 he said that, no, he did not. So okay, so fine.
22 I'm fine. All right.

23 Any other questions by any other Board
24 members?

25 (No audible response)

1 All right. Mr. Lee, any redirect
2 questions that you need to ask of this witness?

3 MR. LEE: I don't have one.

4 CHAIRPERSON ANDERSON: All right. All
5 right. Thank you. All right. How many more
6 witnesses do you have, Mr. Lee?

7 MR. LEE: I have a security and two
8 more, so in whole three more to go.

9 CHAIRPERSON ANDERSON: He has three
10 more witnesses. Okay. We've been doing this for
11 four hours.

12 MR. LEE: I know.

13 CHAIRPERSON ANDERSON: It's now 6:18.
14 We're going to take a 12-minute break. At 6:30,
15 so I'm saying -- so we just need to take a break.
16 So 12 -- 11 minutes. So it's now 6:19. We need
17 to be back here. So you don't need to log off.
18 You're just going to -- you can just turn your
19 screen off. But we'll be back -- so we'll be off
20 the record until 6:30. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 6:19 p.m. and resumed at
23 6:31 p.m.)

24 CHAIRPERSON ANDERSON: Okay. So we
25 are back on the record. I'm trying to see if I

1 see three Board members so we can start. One,
2 two, three. I see three Board members. All
3 right, Mr. Lee. Yes, Mr. Conrad?

4 MR. CONRAD: So if I have a witness
5 that has a hard stop due to a medical appointment
6 at, well soon, she said 6:45, I think she may
7 have a little bit of leeway. I have spoken with
8 Mr. Lee over the break and he doesn't have an
9 objection to her jumping in line. Would that be
10 acceptable for you to get her out of the way so
11 she has an opportunity?

12 CHAIRPERSON ANDERSON: Where Is Mr.
13 Lee?

14 MR. LEE: Hello.

15 CHAIRPERSON ANDERSON: Mr. Lee?

16 MR. LEE: Yes. I am just back.

17 CHAIRPERSON ANDERSON: Mr. Conrad
18 stated that he wants to -- he has an issue with a
19 witness that he needs to testify out of order?

20 MR. LEE: Yes he just emailed me, and
21 I understand that, and they go first, it's okay.

22 MR. CONRAD: Thank you.

23 CHAIRPERSON ANDERSON: All right. Mr.
24 Conrad, who is this witness?

25 MR. CONRAD: This is Ms. Lauren

1 Catalano. She is the principal of KIPP in D.C.

2 CHAIRPERSON ANDERSON: Ms. Catalano,
3 what location are you at?

4 MS. CATALANO: I am at --

5 CHAIRPERSON ANDERSON: Sorry.

6 MS. CATALANO: I am at KIPP DC Legacy
7 College Prep which was formally KIPP DC Somerset
8 College Prep.

9 CHAIRPERSON ANDERSON: Okay. I just
10 saw a newsflash about an incident at one of the
11 high schools. I'm sorry to hear that.

12 MS. CATALANO: Thank you.

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

16 MS. CATALANO: Yes I do.

17 CHAIRPERSON ANDERSON: Your witness
18 Mr. Conrad.

19 BY MR. CONRAD:

20 Q Thank you. Good afternoon, I guess
21 it's evening now Ms. Catalano. Can you please
22 state and spell your name for the record?

23 A Lauren Catalano. L-A-U-R-E-N C-A-T-A-
24 L A-N-O.

25 Q Thank you. And what is your title?

1 A I am the Principal of KIPP DC Legacy
2 College Prep.

3 Q Thank you and has -- and has KIPP DC
4 -- I'm going to allow the translator, sorry. And
5 has the KIPP DC community been impacted by
6 Holiday Liquors?

7 CHAIRPERSON ANDERSON: Hold on one
8 minute. Can you, what if -- how close is this
9 facility to the School? I mean I'm familiar with
10 the school. The location. I'm not necessarily
11 familiar with Holiday Liquors, but I'm familiar
12 with the location of the school.

13 So can you just give us a little bit
14 background to tie the relationship prior to --
15 give us a proffer of like, okay, the relationship
16 between KIPP DC and this and can you please Mr.
17 Conrad?

18 MR. CONRAD: Yes absolutely, so KIPP
19 DC is a school is located almost exactly 1,000
20 feet to the left on the same side of the street
21 on Wheeler. So I believe all tolled maybe
22 slightly less than a city block. Ms. Catalano
23 will have to correct me so it's quite close, the
24 second closest school after Eagle Academy. May I
25 proceed Chairperson Anderson?

1 CHAIRPERSON ANDERSON: Go ahead, go
2 ahead please.

3 MR. CONRAD: Okay. And has the KIPP
4 DC Wheeler campus and broader community been
5 impacted by Holiday Liquors?

6 CHAIRPERSON ANDERSON: Hold on a
7 minute, Mr. -- hold on, hold on. When did this
8 crime occur?

9 MR. CONRAD: I take it that you are
10 referring to Maurice Scott killing,
11 but there is numerous crimes that she will
12 testify to.

13 CHAIRPERSON ANDERSON: Okay. When it
14 is that KIPP DC assumed this property, because
15 this is not a school, and I'm sorry I'm doing
16 this, but I, for relevancy sake, all right. I am
17 aware based on my work that this was a different
18 school prior. So can we put some timeline into -
19 - we need to put a focus, okay.

20 So is it that KIPP DC took over this
21 building and so therefore, if we are going to
22 talk about the impact, then we need to talk about
23 the impact since KIPP DC has been running this
24 facility. Because it's my understanding that
25 KIPP DC has taken over this facility a

1 relatively, a relatively short period of time.
2 So let us put things into context about what time
3 period we are talking about please.

4 BY MR. CONRAD:

5 Q Sure. Ms. Catalano, can you please
6 speak a little bit about how KIPP DC came to own
7 the existing property and whether there was
8 overlap in staff, student body, et cetera,
9 leadership, that would tie and create a nexus
10 between prior ownership and current ownership.

11 A KIPP DC acquired Somerset Preparatory
12 Academy on July 1st, 2019. Since then, almost 95
13 percent of the students in both the middle school
14 in grades 6 through 8 and the high school in
15 grades 9 through 11 remained students with the
16 new network and so that vast majority of our
17 students remained with us.

18 About, I would say, 60 percent of our
19 staff between both the middle school and the high
20 school, including leadership, also remained with
21 the new network. And I am one of the ones.

22 Q And so Ms. Catalano, you have a
23 knowledge, a foundation knowledge to be able to
24 speak to events that have dated back to 2017,
25 2018? Is that fair to say?

1 A Yes.

2 Q Okay. There was one incident that
3 stands out as having significantly impacted what
4 is now KIPP DC which was formerly Somerset Prep.

5 A Yes.

6 Q And can you describe that incident?

7 A On May 26, 2019 Maurice Scott was shot
8 and killed in front of the Holiday Mart
9 establishment.

10 Q And what was the impact of that
11 shooting on your community, your student body?

12 A Our school community was deeply impacted.
13 The, as I stated before, our school started in
14 the 6th grade and so this young man had been a
15 part of our school community since he was in
16 middle school. Our students had experienced
17 pretty severe trauma from the loss of Maurice as
18 well as many of our staff members.

19 Q Do you have anything else to add before I
20 continue with a line of questioning, I just want
21 to make sure --

22 MS. KIM: My apologies Mr. Conrad.

23 MR. CONRAD: No that's okay.

24 MS. KIM: Could you repeat that please?

25 MR. CONRAD: I just want to make sure she

1 had concluded her discussion of Maurice Scott.

2 THE WITNESS: Yes I have finished.

3 BY MR. CONRAD:

4 Q Thank you. So at issue in this
5 protest hearing is Holiday Liquors specifically,
6 not Holiday Mart, and so if you wouldn't mind can
7 you tell me a little bit about how your student
8 body has been impacted by Holiday Liquors, giving
9 examples as you choose or are aware of.

10 A We have had several instances of
11 students purchasing alcohol under the age,
12 purchasing cigarettes under the age. We have had
13 several family complaints because of the
14 loitering in the front of the liquor store and
15 how it impacts our students' safe passage.

16 There is a lot of solicitation to our
17 students for them to partake in activities that
18 are not appropriate for children. And it also
19 poses a major safety threat on their way to and
20 from school.

21 Q Ms. Catalano, I am going to ask you to
22 be specific because details are important. The
23 owner has maintained that the last under-age sale
24 was when they were caught by investigators this
25 year and then after that it was 2016.

1 Can you give specific examples of a
2 tie between something you found in the liquor
3 store, be it cigarettes or liquor, or something
4 that you have a nexus or reason to believe was
5 the result of operation of the liquor store.

6 A Between the years of 2015 to 2019, I
7 can recall at least five instances where students
8 were brought to school from either the truancy
9 officer or a school resource officer and they had
10 various substances on their person. Once we had
11 alerted families, we have found out that they had
12 purchased alcohol, tobacco products, et cetera
13 from the Holiday Liquor store.

14 Q Did you want to continue Ms. Catalano?

15 A Yes. I wanted to add that the evening
16 of Maurice's vigil that we had at Holiday Mart,
17 the liquor store was open and there were several
18 under-age children that I saw in that event even
19 purchasing items that they should not have been
20 purchasing.

21 Q Ms. Catalano, just to be clear, this
22 was after May 2019 during the existing place
23 since June, is that correct?

24 A That is correct.

25 Q Do you have anything else to add that

1 you would like the Board to take into
2 consideration when it issues its decision?

3 A In my opinion, I think that providing
4 a safe environment is a basic requirement of any
5 establishment that chooses to be a part of a
6 community. And in this case I can say that my
7 experience as a school leader over a number of
8 years has not been that that establishment has
9 provided a safe environment at all for children.

10 And the last piece that I would add to
11 that is, as you may see in some of the
12 documentation that was submitted, Dr. Carlene
13 Reid has also added in her testimony that there
14 was a city-wide initiative for safe passage that
15 actually ensured that our students and students
16 of the like in the area were curtailed from even
17 passing through the Holiday Mart/Holiday Liquor
18 location because of the severe violence and
19 trafficking that was going on at that location
20 and continues to go on at that location.

21 Q Thank you Ms. Catalano. I so
22 appreciate your time. I understand that you have
23 an appointment so I'll turn you over to Mr. Lee.
24 Thank you again for your testimony.

25 CHAIRPERSON ANDERSON: Mr. Lee?

1 BY MR. LEE:

2 Q Yes. I have several questions for Ms.
3 -- are you, where do you live?

4 A I live in Alexandria, Virginia.

5 Q Do you go to Holiday Liquor and
6 Holiday Market for shopping or visit often?

7 CHAIRPERSON ANDERSON: I'm sorry.
8 Hold on. Mr. Lee? What is Holiday Liquor and
9 what is Holiday Market. This hearing is about
10 Holiday Liquor.

11 MR. LEE: Okay.

12 CHAIRPERSON ANDERSON: Yes. I was told
13 there was no relationship between Holiday Liquor
14 and Holiday Market so please let's keep the
15 record clear sir, okay?

16 BY MR. LEE:

17 Q All right. Thank you. So where
18 shopping for alcohol?

19 A I'm sorry, was the question where do
20 I shop for alcohol?

21 Q Yes. Yes.

22 A I shop locally.

23 Q So are you familiar with this area?

24 A Yes. I have worked there for ten
25 years.

1 Q So your school is located -- is there
2 any other ABC establishment students can go to go
3 shopping around your facility?

4 A That is the only location I'm aware
5 of.

6 Q MR. LEE: So if a person or member of
7 this school, and then it's a thousand feet away
8 from the Holiday Liquors, so is there any, I
9 don't know, is there any other ABC establishments
10 like a market or a liquor store around there?

11 A No.

12 Q Okay. The owner of the store
13 testified that I am sorry to hear about sad news
14 throughout the Maurice Scott, I'm sorry to hear
15 that. The owner said that that happened on
16 Sunday before the liquor store opened and that
17 it's in front of the mart, so can you confirm
18 that?

19 A Maurice was shot and killed in front
20 of the mart, however the group of individuals
21 that were the target frequented the liquor store
22 and were congregated on the property of Holiday
23 Liquor and Holiday Mart.

24 Q As a principal over your facility,
25 after the Maurice Scott incident, did you contact

1 the owner of the mart or store, the liquor store
2 owner, to talk about this issue?

3 A I was advised that I was not able to
4 have a conversation with the owner of the
5 establishment because there was an ongoing
6 investigation, however, I was able to speak with
7 them about having a mural painted on the side of
8 the establishment where Maurice was killed.

9 Q So what was the answer from the owner
10 about the mural?

11 A Yes.

12 Q So have you been inside the
13 establishment before?

14 A Yes.

15 Q Have you discussed your concern with
16 other owner of the ABC establishment or other
17 business owners in this area?

18 A I am unaware if the gentlemen who is
19 on the call is the person I have spoken to
20 because I can't see his face, but I know that we
21 have spoken to several personnel at the Holiday
22 Mart and liquor store to express our concerns.

23 Q Actually there was a gathering in
24 front of the business that when you found a
25 violation of children going in, did you report to

1 the ABC Board about to complain to the MPD?

2 A I alerted the MPD authorities that
3 were in the parking lot supervising the event.

4 MS. KIM: Ms. Catalano, could you
5 repeat your reply, please?

6 THE WITNESS: Yes. I alerted the MPD
7 officers that were supporting or supervising the
8 event.

9 MR. LEE: Okay no further questions?

10 CHAIRPERSON ANDERSON: Any questions
11 from any of the Board members? Any re-cross Mr.
12 Conrad? You are on mute Mr. Conrad.

13 MR. CONRAD: No further questions on
14 re-direct. I thank you for your time Ms.
15 Catalano. Thank you Mr. Lee for allowing her to
16 jump the line due to her time constraints.

17 CHAIRPERSON ANDERSON: Thank you Ms.
18 Catalano for your testimony. You are free to go.
19 Thank you very much.

20 THE WITNESS: Thank you.

21 CHAIRPERSON ANDERSON: Mr. Lee, who is
22 your next witness?

23 MR. LEE: I will call the Chief Mike
24 Barnes.

25 CHAIRPERSON ANDERSON: Mr. Barnes?

1 Where is Mr. Barnes?

2 CHAIRPERSON ANDERSON: Is Mr. Barnes
3 still on the line? Where is your witness Mr.
4 Lee?

5 MR. LEE: We will move to the next
6 witness, that is Ms. Sandra Seegars.

7 CHAIRPERSON ANDERSON: Ms. Seegars?

8 MS. SEEGARS: I am here.

9 CHAIRPERSON ANDERSON: I know you are
10 here but I'm not seeing you all day, I've seen
11 your background, so can you come on camera
12 please?

13 MS. SEEGARS: Okay sure. I was eating
14 that's why.

15 CHAIRPERSON ANDERSON: I've seen your
16 background all day.

17 MS. SEEGARS: No I was going in and
18 out, don't accuse me.

19 CHAIRPERSON ANDERSON: You didn't have
20 to appear as long as -- I said I've seen that you
21 have been logged in all this time.

22 MS. SEEGARS: Yes.

23 CHAIRPERSON ANDERSON: Can you raise
24 your right hand please? Do you swear or affirm
25 to tell the truth and nothing but the truth?

1 MS. SEEGARS: Yes I do.

2 CHAIRPERSON ANDERSON: Your witness
3 Mr. Lee.

4 BY MR. LEE:

5 Q Thank you. For the record please
6 state your name and address.

7 A Sandra Seegers, 1107 Savannah Street
8 SE, Washington, D.C. 20032.

9 Q How long have you been in this area?

10 A Since 1969.

11 Q Why did you decide to testify for the
12 business today?

13 A Because I have been frequenting the
14 store for years, I don't drink though. I go
15 there to buy junk food, sometimes to play a
16 number when I feel lucky, and to get money orders
17 to pay bills or to send to somebody in prison,
18 family members and neighborhood members.

19 Q Would you describe or explain your
20 organization CRAV and then your letter said that
21 there are six members in your organization, would
22 you explain who are they and their prior
23 experience.

24 A Okay. Yes. CRAV stands for Concerned
25 Residents Against Violence and the six members we

1 have Rev. Motley, former Commissioner Stephen
2 Slaughter, Ron Williams, Connell Calls Associate,
3 and who else, there is one more. We don't really
4 meet on a regular basis because of the pandemic
5 but we support the agencies and organizations
6 that is fighting violence and interrupting or
7 presenting and we, you know, testify at City
8 Council hearings and things of that nature.

9 MS. KIM: Ms. Seegars, could you
10 repeat what the CRAV stands for?

11 THE WITNESS: Yes. Concerned
12 Residents Against Violence.

13 BY MR. LEE:

14 Q So what do you find Mr. Lee operating
15 first of all?

16 A Well, let me go back a little ways.
17 I met Mr. Lee, I mean Mr. Kim through the former
18 owner Mike and he died from cancer and he
19 introduced me so they could support the
20 community, not for us to support them.

21 And I find the liquor store for this
22 area is pretty clean. I have never been there
23 when there has been a fight, or any types of
24 crime. I have seen a few people hang out on the
25 grassy area before they put the fence up.

1 And I have said something to them
2 myself. I said something to the police. I
3 called the police when I see something going on
4 in the parking lot that's not right, or any place
5 within the area. But I've never seen any problem
6 inside of the liquor store.

7 Q Do you think the liquor store is
8 directly related to the criminal activity of that
9 area?

10 A No.

11 Q Would you explain what's in your
12 letter to supporting the --

13 CHAIRPERSON ANDERSON: Mr. Lee, can
14 you continue, can you --

15 MR. LEE: Narrow down.

16 CHAIRPERSON ANDERSON: Have her
17 identify the letter sir, okay? What exhibit is
18 that and have her identify the letter and then
19 you can have her talk about the letter?

20 MR. LEE: So I attach as Exhibit, yes
21 Exhibit No. 6 to my application, that letter is
22 from Ms. Seegars.

23 CHAIRPERSON ANDERSON: Can you ask her
24 to describe -- ask her to describe what is
25 Exhibit 6. Ask her what it is please.

1 MR. LEE: Exhibit 6 letter from the
2 CRAV --

3 CHAIRPERSON ANDERSON: Mr. Lee --

4 MR. LEE: Yes?

5 CHAIRPERSON ANDERSON: I shouldn't be
6 doing this, ask her to tell you what Exhibit 6 is
7 please.

8 THE WITNESS: Want me to tell her?

9 CHAIRPERSON ANDERSON: Yes.

10 THE WITNESS: Okay. This is a letter
11 I wrote in support of the renewal of the license
12 for the liquor store Holiday on Wheeler Road.

13 CHAIRPERSON ANDERSON: What does the
14 letter state ma'am?

15 THE WITNESS: It states that the
16 problems going on there are not directly from the
17 liquor store. The problems going on there are
18 from the market and the people that's out there
19 hanging out, they are not drinking liquor and
20 there is a few old hands maybe, but most of them
21 selling drugs, I witnessed them with marijuana
22 hiding under the cars next to the market.

23 And let me tell you what it looks
24 like. The place is shaped like an L. When you
25 first go into the driveway, it's a backwards 7.

1 The liquor store is first, then the cleaners and
2 then top part is the market. I'm going too long.

3 And, in Ward 8, and maybe probably
4 other Wards, if you close down every
5 establishment that has people standing in front,
6 you will probably, if you close down every one,
7 you will close almost every business in this ward
8 including Giant.

9 And I don't think it's in the letter
10 but immediately behind the liquor store is the
11 church. The property behind the liquor store
12 belongs to the church. Anything back there
13 belongs to the church. All those pictures you
14 saw that they showed was behind the market, not
15 the liquor store.

16 MR. CONRAD: Mr. Donovan, Mr.
17 Anderson, I just move to strike that last
18 testimony because it was based off of exhibits
19 that were not presented to the witness.

20 CHAIRPERSON ANDERSON: Mr. Conrad,

21 MR. CONRAD: Yes sir.

22 CHAIRPERSON ANDERSON: The witness
23 testified based on her personal observation, that
24 what the documents that were earlier placed in
25 the record, she stated, all she stated, a

1 question was asked, and she stated that they are
2 not behind the liquor store, they are behind the
3 market.

4 I'm not going to strike that, I don't
5 live, I don't live in the neighborhood. She is
6 testifying from her expertise, she lives in the
7 neighborhood, she said she has lived there since
8 1969.

9 She was describing the area to us. So
10 no, I'm not going to strike.

11 MR. CONRAD: She was describing the
12 pictures which there is no foundation for.

13 CHAIRPERSON ANDERSON: She is giving
14 her personal knowledge of the area. Okay. You
15 will have an opportunity sir to cross-examine her
16 and you can ask her whatever questions you have,
17 if you want to ask about her personal knowledge,
18 but here it is, she has given the direct
19 testimony, you'll get a chance, you can ask her
20 whatever questions you want to ask her. Let's
21 move on please.

22 THE WITNESS: Also the police sit in
23 the parking lot sometimes and when they are
24 sitting there the people don't actually hang in
25 the parking lot, they kind of go a little ways

1 out until the police cruiser comes back. And the
2 police can't stop them, the security can't stop
3 them. People gonna be people and the shooting is
4 not directly related to the store.

5 And one more thing, unless the trash
6 or liquor bottles or alcoholic beverages bottles
7 is coming from the other stores, it is not coming
8 from the market. I've been in there and I've
9 never seen a child, as often as I have been in
10 there, I have never seen a child or minor in the
11 liquor store at all.

12 I think that covers my letter. I'm
13 not looking at it, but I think that covers what
14 was in it.

15 BY MR. LEE:

16 Q Can you tell us about the overall
17 safety to the community including school kids
18 because of the solicitation?

19 A I think I have the question. Most
20 places in, including the street where I live,
21 most places in Ward 8 are not safe. Whether it
22 be a school, a church, a store, a house, an
23 apartment. Most places in Ward 8 are not safe.

24 And I, when I would drive down that
25 way and I don't go out that much because of the

1 pandemic, but when I drive that way right now, I
2 don't see people hanging on the parking lot.

3 There is a house right next to the
4 parking lot where a few hang out there all of the
5 time. The driveway and there is a fence, they
6 hang out there all the time and the store, the
7 liquor store is not responsible for that house,
8 and the old heads, a few of the old heads they
9 still sit on the sidewalk in their chairs.

10 Okay next question I guess.

11 Q Do you believe in granting license or
12 the support of local business?

13 A I don't understand the question.

14 Q If we keep going serving the
15 community, with the license, would be support of
16 local business in Ward 8?

17 A Yes. Yes. We don't need to lose any
18 more businesses. We are losing them now because
19 of the pandemic and because -- yes, so I think
20 even if the view of that area, if you close the
21 liquor store it will just be more places to stand
22 and sell drugs and hang out. So it's best there,
23 and rather than not there.

24 MS. KIM: Ms. Seegars, could you
25 repeat your reply please.

1 THE WITNESS: Yes. I believe the
2 liquor store should have the license renewed
3 because if they are not there, it is going to be
4 another eye sore in the community.

5 It's going to be a space where people
6 can hang out more than they hang out now. So
7 it's best to have them there but not, but not
8 making them leave.

9 Q Thank you very much for your
10 thoughtful explanation

11 A You're welcome.

12 CHAIRPERSON ANDERSON: Your witness
13 Mr. Conrad.

14 BY MR. CONRAD:

15 Q Hi Ms. Seegars. Thanks for being with
16 us so late. Are you aware that one of the
17 signatories on your letter Travon Hawkins voted
18 to move forward with this protest on behalf of
19 the ANC and he is effectively our party?

20 A Say that again.

21 Q Travon Hawkins who voted to move
22 forward with this protest as part of the
23 unanimous vote by the ANC.

24 A Okay. And are you aware he also
25 signed on with us for them to get the license

1 renewed?

2 Q Yes absolutely, that is what I was
3 asking you.

4 A So I'm not fully aware of him doing
5 that but if you say he did, he did. But I know
6 he signed on with us so.

7 Q Okay. All right. So I'm looking at
8 the letter and I noticed that CRAV begin by
9 referencing Holiday Liquors 2006 Cooperative
10 Agreement.

11 A Yes.

12 Q Well you seem to indicate that the
13 existence of a prior cooperative agreement
14 factored into your decision to support the store.
15 Is that correct? I'm sorry I missed your
16 response, I just wanted to --

17 A I said yes.

18 Q Okay. All right. Thank you. So
19 would you have supported had you known that the
20 owner was unaware of the Cooperative Agreement
21 and had violated it several times.

22 A Well in the last three years or four
23 years if -- yes I would. I would still support
24 it, yes. We have problem everywhere. Yes I
25 still will support it. Unless they actually kill

1 somebody, the owners kill somebody in the store,
2 other than that, yes I would support that.

3 Q And then earlier you said it's not the
4 problem of the liquor store, it's the problem of
5 the market. Is that correct?

6 A Yes.

7 Q Then you raised this store whose
8 license is up for renewal is not the problem,
9 it's the citizens, in your letter.

10 A Yes.

11 Q Can you, I guess, articulate which one
12 it is and why there is a disparity?

13 A I didn't understand the question.

14 Q Just the inconsistency. I'm just
15 trying to understand which one it is and why
16 there are inconsistent statements from you.

17 A I don't know what you are talking
18 about.

19 Q Okay. I'll just move on. You raised
20 on Page 2 that the liquor stores have been
21 declared essential during the pandemic. The
22 pandemic has not ended, therefore to deny the
23 renewal would be in contrast with the
24 guidelines/order of the government. I'm just
25 wondering if you have any legal basis whatsoever

1 to say that the Board can't close or fail to
2 renew a liquor license during the pandemic.

3 A That's my opinion. Everything is my
4 opinion.

5 Q Are you aware that the Board has
6 suspended or revoked multiple licenses during the
7 pandemic?

8 A I don't know that. I don't have
9 anything to do with that. I'm here for Holiday
10 Liquor.

11 Q Okay. And then on Page 2 you write
12 that the trash is picked up on a regular basis,
13 so the trash is usually in front of the non-
14 liquor store which would be the responsibility of
15 each store. But you have testified that you
16 haven't really been to the store in quite some
17 time since the pandemic.

18 A I've driven by the store so I can look
19 over and see.

20 Q Okay. So I am understanding that you
21 have driven on in numerous occasions. When is
22 the last time you have seen trashed picked up by
23 Holiday Liquor staff?

24 A Well to be honest with you, I never
25 seen them actually pick it, but I do know it is

1 not there when I go past.

2 Q Okay. So that statement that they
3 pick it off is kind of based on the fact that
4 there is none there when you have driven past
5 recently?

6 A I was introduced a couple of times to
7 the person that he hired to do it.

8 Q Thank you ma'am. And then one last
9 question. I know policing is a big topic in your
10 letter and you are obviously concern against
11 violence, it's the name of your group. I just
12 wanted to ask you about the level of crime that
13 was shown in some of the early exhibits, and I
14 know you have been here and have been sticking
15 with us throughout the day. Does it concern you
16 have there have been so many offenses some
17 relating to liquor that have occurred on the
18 premises with violence.

19 A Is she finished?

20 Q I think so.

21 A What are we saying? I don't know that
22 to be true. I don't know if it's from liquor
23 drinking but more than likely it is probably from
24 drug users and drug selling there and some kind
25 of beef, it may happen outside the property and

1 it rolls over into the property.

2 Q Okay. I'll let, we have lost Ms. Kim.

3 A Yes so she --

4 MS. KIM: Yes my apologies. One
5 second please. Yes. I think I lost internet for
6 like one minute. My apologies.

7 A I can repeat it. Whatever you just
8 said I don't know that to be true. I cannot say
9 it is from drinking liquor, but it's probably
10 not. It is probably from the ones selling
11 marijuana laced in whatever it is laced in. I
12 have actually seen them there on the property
13 selling.

14 I have called the police myself. And
15 when they come, it's not on the person's body.
16 They had it over on the side where the back yard
17 faces the fence. They hide it under the cars.
18 But since they have security, they don't have all
19 those cars on the parking lot. I think I said
20 too much, you can't get that.

21 Q We are going to have to pay Ms. Kim
22 time and a half I think. So two last very brief
23 questions on the topic of policing. The first,
24 you know with your concern against violence, why
25 are you supporting a store that sells to minors,

1 sells alcohol to minors?

2 A Well no one really explained how that
3 happened. Did he have a fake ID that looks real?
4 Did they come in, they are ten years old, they
5 looked ten, they sell them the liquor. I don't
6 know how it transpired. So and if it happened
7 once or twice, I've seen it happen other places.
8 So if it was only once or twice, they paid the
9 fine, they have been punished. That's it.

10 Q So just, so you are aware the record,
11 the record that is in evidence reflects that an
12 undercover investigator from ABRA entered the
13 store and purchased without being asked for an
14 ID.

15 A Why your voice going down, your voice
16 getting lower and lower. Say that again.

17 Q I said that an undercover investigator
18 from ABRA entered the store and purchased alcohol
19 without asking for, without ever being asked for
20 an ID.

21 A That wasn't the question.

22 Q No. No. I mean you were saying I
23 don't know what happened, I was just explaining
24 to you what happened.

25 A That still wasn't the question. He

1 asked about minors, not an investigator
2 pretending to be a violator or whatever.

3 Q And the last question I have is does
4 it concern you that you are writing a letter of
5 support for a store that calls 911 to summon
6 police for non-emergency matters outside their
7 remit which diverts policing resources away from
8 it.

9 A Okay. I'm glad you asked me that.
10 They were a couple of protests at other liquor
11 stores manned by Salim Adofo, and someone called
12 me and asked me, told me that they were going to
13 do a protest there and I said well call the
14 police. I told them to call the police because I
15 wasn't sure if it was going to be rowdy or not.
16 So I told them one to call the police if it was
17 going to be a protest.

18 And I don't know if you are talking
19 about this protest, but I believe it's talking
20 about people showing up doing whatever they do
21 when they protest and sometimes we can get rowdy
22 and yes the police needed to be called, and in my
23 opinion, it was a 911 call. So I'm glad they
24 responded.

25 Q So your answer doesn't change based

1 off the earlier testimony from the owner that
2 said no protesters were there when they called
3 the first time?

4 A Yes. I understand what you are saying
5 because I didn't know what the protest was
6 supposed to be and I don't know if they knew, but
7 I told them to call the police, but at one point
8 they called the police, I don't know. So they if
9 they didn't protest, they didn't do it.

10 Q Ms. Seegars, thank you for your time.
11 I have no further questions. Thanks for sticking
12 with us all day. I appreciate it.

13 A Are you sure? Are you sure?

14 Q I think yes, I am sure thank you.

15 A Okay.

16 CHAIRPERSON ANDERSON: Thank you Ms.
17 Seegars. Any questions by any Board members.

18 MEMBER GRANDIS: Mr. Chairman?

19 CHAIRPERSON ANDERSON: Yes Mr.

20 Grandis.

21 BY MEMBER GRANDIS:

22 Q Hello Ms. Seegars.

23 A Hi. How are you?

24 Q Fine, thank you. It is a pleasure to
25 see you again. As a long-term resident, I think

1 you said 1969?

2 A Yes.

3 Q And someone who does support the
4 renewal, I am interested in knowing, you know,
5 how close are you to this establishment?

6 A Well if I cut through the woods, it's
7 about three blocks. But if I go the long way, it
8 is about six blocks.

9 Q Okay. Thank you. Well around 2
10 o'clock today the inspector in his testimony, if
11 I understood correctly, said that this was the
12 only ABC licensed establishment within 1,200
13 feet.

14 A So is that a liquor store or anybody
15 who carries wine and beer?

16 Q I would say liquor store?

17 A Yes. Because the one at the other
18 end, south of this store, closed down a couple
19 years ago and the next one is, I think Martin
20 Liquors. So yes, he's right. It's a good
21 distance.

22 Q Ms. Seegars, if this liquor store
23 license wasn't renewed, would it be more
24 inconvenient for you to go to another licensee?
25 In other words, it sounds like you said you have

1 a short walk basically. How long of a walk would
2 you have if you needed to -- if this liquor store
3 did not get its license renewal?

4 A Well the closest one south of this
5 particular liquor store is in Maryland and is a
6 mile and a half. Then to the north, it would be
7 probably Martin Liquor, I'm not certain I could
8 walk that far, but I could walk it, but I would
9 rather not. And in the other direction, it's --
10 should be about 20, another mile and a half.

11 Q Well thank you for that. I have one
12 final question and it's actually asking you for
13 advice if you have any to the Board. There has
14 been testimony, and I know you said you had not
15 seen under-age in that establishment, and I'll go
16 with that, but there is a school very close-by.

17 A Yes.

18 Q And there is that parking lot which we
19 have heard some testimony that there is some
20 noise in the evening or whatever. As a resident,
21 would you have any recommendation to that
22 licensee on how to avoid having the kids in that
23 school from coming in? Do you have any
24 suggestions at all that you think could be more
25 helpful?

1 A Is she finished? Hello? My -- I'm
2 buffering. Okay, can you hear me? Okay, she is
3 out again. Okay, I believe if they put a large
4 red sign, the same ones that you all put in when
5 you are getting ready to shut them down, put a
6 large red or yellow sign that says no children
7 allowed period. So but if they come with the
8 parents, that is a different story, but no
9 children allowed alone in this establishment, a
10 big sign. And then if they come in don't sell to
11 them. If they're going to buy bubble gum, don't
12 sell it. Ms. Kim?

13 MS. KIM: Actually this is the
14 interpreter speaking. What I interpreted was
15 what Mr. Grandis said, what Ms. Seegars said in
16 reply to the question as to either liquor stores
17 in case of Holiday Liquors shutting down and I
18 also -- the last piece that I interpreted was in
19 summary, what Mr. Grandis asked Ms. Seegars as to
20 her --

21 THE WITNESS: Her equipment must be
22 running hot.

23 MR. GRANDIS: Ms. Kim? Ms. Seegars,
24 when she comes back, you may want to state it
25 again when she comes back, but I want to thank

1 you and all the other residents who have spent
2 all day, afternoon with us and we appreciate all
3 the advice. Ms. Kim?

4 MS. KIM: Yes. I didn't hear it was
5 something, something strange happened. I didn't
6 lose my connection, rather the way my screen
7 showed was that the rest of you lost connection
8 but in any event, I could not hear what Ms.
9 Seegars said.

10 THE WITNESS: I will repeat it.

11 MR. GRANDIS: I was asking if she had
12 any recommendations with how, with the school
13 being across the street, how to minimize the
14 children from going in. And if you didn't hear
15 Ms. Kim, I'm sorry, Ms. Seegars, could you repeat
16 what you said.

17 MS. KIM: Yes, actually your question
18 has been already interpreted so I got ready to
19 hear Ms. Seegars reply to that. Ms. Seegars?

20 THE WITNESS: Yes. I said put a big
21 sign, big red sign like they do when they want to
22 shut the store down or give them a fine, a great
23 big sign, a bright sign that says no children
24 allowed period. If they come in with an adult,
25 maybe okay, but if they come in don't sell to

1 them period. Not even bubble gum.

2 MR. GRANDIS: Thank you very much.

3 THE WITNESS: You're welcome.

4 CHAIRPERSON ANDERSON: Are there any
5 questions by any other Board member?

6 MEMBER SHORT: Mr. Chairman?

7 CHAIRPERSON ANDERSON: Yes Mr. Short?

8 MEMBER SHORT: I would just to like to
9 ask Ms. Seegars a question.

10 CHAIRPERSON ANDERSON: Go ahead Mr.
11 Short.

12 BY MEMBER SHORT:

13 Q Good evening Ms. Seegars and thank you
14 for your former service in the ANC I know you ran
15 for council member for Ward 8. I moved in to the
16 Park Southern in 1966, Mr. Crawford rented me my
17 first apartment.

18 A Okay.

19 Q What I wanted to ask you is down the
20 hill, I think's Mississippi Avenue where the
21 bubble is?

22 A Yes.

23 Q Is there, there was a liquor store
24 there about mid-block, there used to be a little
25 shopping center, is that store gone?

1 A Yes. That was about a mile and a half
2 south, it was called Wheeler Liquors.

3 Q Yes.

4 A It is closed. I don't know why, but
5 it is closed.

6 Q And my last question and observation
7 to you is, where the church is now, next door to
8 this liquor store we are in question, do you
9 remember when that was a bank?

10 A Really? No, it was a house.

11 Q No, it was a bank. It was a bank
12 there.

13 A Really?

14 Q That's okay I told you, but yes it was
15 a bank and check with your old timers, I think.
16 I moved in to the Park Southern in 1966. That
17 was my first home away from home when I left my
18 parents.

19 A Okay. I will check into that. Okay,
20 I didn't know.

21 Q I know a lot about your neighborhood
22 and my old neighborhood, but any rate, thank you
23 for your testimony today.

24 A You're welcome James.

25 MS. KIM. Mr. James Short, you said

1 that in the church area there was a "bike", did
2 you say?

3 THE WITNESS: A bank.

4 MS. KIM: There was bank, a bank.

5 MEMBER SHORT: That's when the
6 community was solid and middle glass there was a
7 bank where you now have a church across from
8 where the liquor store is.

9 CHAIRPERSON ANDERSON: All right.
10 Thank you Mr. Short. Are there any other
11 questions by any other Board members? All right.
12 Mr. Conrad, do you have any follow questions to
13 the questions that were asked.

14 MR. CONRAD: I think --

15 CHAIRPERSON ANDERSON: I'm sorry,
16 follow-up questions based on the questions that
17 the Board members asked?

18 MR. CONRAD: Sure. Well I wanted to
19 thank Mr. Short for impeaching Ms. Seegars on her
20 memory. The only question I have, I believe
21 there is a Wheeler Liquors at 4137 Wheeler Road
22 southeast, it wasn't mentioned. I just wanted to
23 bring that up. I think it's open right now.

24 THE WITNESS: That's the one I just
25 mentioned. It's closed.

1 MR. CONRAD: It's is closed? I
2 thought you said a different name, I'm sorry.

3 THE WITNESS: Wheeler, yes, Wheeler.

4 MR. CONRAD: Wheeler Liquors, okay.
5 All right, thank you ma'am.

6 CHAIRPERSON ANDERSON: Anything else
7 Mr. Conrad?

8 MR. CONRAD: That's everything for me.

9 CHAIRPERSON ANDERSON: Mr. Lee, do you
10 have any follow-up questions based on the
11 questions that were asked by the Board?

12 MR. LEE: I don't have any more.

13 CHAIRPERSON ANDERSON: Okay. Thank
14 you Ms. Seegars for your testimony today, you
15 have a good evening, or you can continue to
16 participate. Thank you for your testimony today.

17 THE WITNESS: You're welcome.

18 CHAIRPERSON ANDERSON: Mr. Lee do you
19 have any other witness?

20 MR. LEE: Yes. Our last witness is
21 Ms. Carmen McCall.

22 CHAIRPERSON ANDERSON: Ms. McCall?

23 MS. MCCALL: Good afternoon or
24 evening.

25 CHAIRPERSON ANDERSON: Ms. McCall, can

1 you please raise your right hand please? Do you
2 swear or affirm to tell the truth and nothing but
3 the truth?

4 MS. MCCALL: I do.

5 CHAIRPERSON ANDERSON: All right. Go
6 ahead, your witness Mr. Lee.

7 BY MR. LEE:

8 Q Thanks for waiting and thanks for
9 patience today. And for the record, please state
10 your name and address please.

11 A My name is Carmen McCall, Carmen C-A-
12 R-M-E-N, McCall, M-C-C-A-L-L, 434 Mellon Street
13 SE, Apartment 3, Washington, D.C. 20032.

14 Q Are you familiar with this area?

15 A Very familiar.

16 Q How long have you been in this area?

17 A 37 plus years.

18 CHAIRPERSON ANDERSON: Ms. McCall, can
19 you please, once Mr. Lee asks a question, can you
20 allow the interpreter to interpret before you
21 answer please, okay?

22 THE WITNESS: Okay.

23 CHAIRPERSON ANDERSON: All right. All
24 right Mr. Lee.

25 BY MR. LEE:

1 Q How did you decide to testify for the
2 store today?

3 A I am familiar with Mr. Adofo and his
4 journey to take away licenses from establishments
5 that were here before he was here and before some
6 other people were here. So this is why I am
7 testifying today.

8 Q Yes. Would you explain that you as a
9 secretary over in 7th District and Citizens
10 Advisory Council, so would you explain about your
11 experience and then, would you explain --

12 A Okay I was recently elected as
13 Correspondent Secretary for the Citizens Advisory
14 Council and what we do is we listen to the
15 concerns of the entire Ward 8 community and try
16 to resolve issues so that they won't get to the
17 magnitude of where you have to have MPD or the
18 like to come to the communities. And we like to
19 work with the community.

20 Q So have you received or heard any
21 complaints against the Holiday Liquors?

22 A I have heard the complaints and this
23 is why I am speaking today.

24 Q That's it? What kind of complaints do
25 you have?

1 A The complaints that I have heard was
2 that that liquor does bad things to people but
3 it's not so much the liquor that does bad things
4 to people, people do bad things to people. And I
5 don't agree with that because most people drink
6 wines and beverages for relaxation.

7 Q Do you know Mr. Kim, the owner of the
8 liquor store?

9 A I have met him at least once.

10 Q Have you been inside the liquor store?

11 A I have been inside the liquor store
12 when I go to play my numbers.

13 Q Okay. So what did you find of Mr.
14 Kim's operating along with the other employees?

15 A They work well together and if there
16 was any issue, someone was always there to show
17 them what the correct way of doing things was.

18 Q Did you see any littering or loitering
19 issue inside and outside the store?

20 A There was some littering a while ago
21 but at this time I have not seen such. And the
22 only thing that I see right now is there are
23 people that are there, but they are staying
24 underneath the trees which is on D.C. public
25 property with their lawn chairs. I don't see

1 anybody loitering in the parking lot as it was
2 before. No I don't.

3 Q So can you observe any security
4 walking around there or a police presence in the
5 parking lot?

6 A I see the police and police cars. I
7 don't see security, but I see the police.

8 CHAIRPERSON ANDERSON: Ms. Carmen, I'm
9 sorry, Ms. McCall, please allow the interpreter
10 to interpret before you answer please.

11 THE WITNESS: Okay. I'm sorry.

12 MS. KIM: The interpreter just wanted
13 to let you know that I have interpreted Ms.
14 McCall, so it's Mr. Lee's turn.

15 BY MR. LEE:

16 Q Do you know that lately community
17 concerns seriously about the security issue and
18 the safety issue in this area. Ms. McCall?

19 A Yes?

20 Q I asked about the -- do you aware
21 that, are you aware that community serious
22 concern about the security issue in the area?

23 A Yes I am and I understand that and the
24 reason being probably because there are schools
25 in that area. But the schools came after the

1 liquor stores. The liquor store was already
2 there. And I understand that.

3 Q Do you think the security issue
4 directly related to the liquor store and
5 contributing to the criminal activities?

6 A No I do not believe that the liquor
7 store is contributing to the negligence in that
8 area. It's the people that are hanging around
9 and most of the people that are there don't live
10 in the District of Columbia. They come from
11 other areas and just hang in that specific area.

12 Q So can you tell us that the safety
13 should directly related to the alcohol or drug
14 activity?

15 A Say your question again please?

16 Q Do you think it is a safety issue that
17 directly related to alcohol or drugs?

18 A It is my opinion is that it is
19 correlated to the drug activities that people do
20 that cause that safety issue. The people that
21 are using guns that don't know how to use guns or
22 shouldn't be using guns.

23 CHAIRPERSON ANDERSON: Ms. McCall,
24 please give the translator an opportunity to
25 translate please.

1 BY MR. LEE:

2 Q Do you have any suggestions how to
3 reduce the safety issue?

4 A What I think is we should work
5 together as a community to find out what the
6 needs are in the community and address the issues
7 and recourse for those needed.

8 Q Do you believe that this store, liquor
9 store, should serve your community?

10 A Say the question again?

11 Q Do you believe that this liquor store
12 is able to serve to your community?

13 A Yes it is.

14 Q No further questions. Thank you very
15 much.

16 CHAIRPERSON ANDERSON: Mr. Conrad, do
17 you have any questions for this witness?

18 BY MR. CONRAD:

19 Q I do, I'll be brief. Hi Ms. McCall,
20 how are you?

21 A I'm fine and yourself?

22 Q Good, thank you. So I asked your
23 colleague Ms. Seegars, but I'm just trying to
24 understand why one of the signatories of the
25 letter that you all submitted also voted to move

1 forward on this protest with the ANC, Mr. Travon
2 Hawkins?

3 A You are asking me, you're asking me --

4 CHAIRPERSON ANDERSON: Ms. McCall?

5 THE WITNESS: I'm sorry, I'm sorry.

6 CHAIRPERSON ANDERSON: Why is this
7 relevant Mr. Conrad, it's one signature. Why is
8 this relevant?

9 MR. CONRAD: I'm trying to understand
10 the force of the discussion that went into this
11 letter, like why -- what happened in the interim
12 after the vote of support before this letter was
13 signed that prompted this letter.

14 CHAIRPERSON ANDERSON: Hold on a
15 minute Ms. McCall, go ahead Ms. Kim. Are you
16 able to answer the question Ms. McCall?

17 THE WITNESS: Yes. I can't tell you
18 why that happened. The only person who can
19 address that question is Mr. Hawkins.

20 BY MR. CONRAD:

21 Q I also addressed this to Ms. Seegars,
22 but how important was the Cooperative Agreement
23 that is in place in factoring in your letter,
24 your decision to support the store in that
25 letter?

1 A Are you talking to me?

2 Q Yes ma'am, the 2006 Cooperative
3 Agreement with the store.

4 A Who are you talking to now? Did you
5 say Seegars?

6 CHAIRPERSON ANDERSON: Ms. McCall?
7 You're under questioning, he is referencing
8 something about Ms. Seegars, but he is asking you
9 a question ma'am, so please listen to the
10 question that he is asking you once he has asked
11 the question, please answer to the best of your
12 ability, please. Okay?

13 THE WITNESS: Okay.

14 BY MR. CONRAD:

15 Q I'm sorry Ms. McCall, I won't mention
16 Ms. Seegars anymore, I'll just direct the
17 question to you. So how important was the
18 Cooperative Agreement from 2006 with Holiday
19 Liquors in factoring into your decision to join
20 support in favor of the store?

21 A I believe that anything that is put on
22 paper and you agree to it, you should follow it
23 to the best of your abilities. And this is what
24 I think we should do. If there is some issue
25 with it, then you can amend, it, anything can be

1 amended.

2 Q The Agreement wasn't amended, was it
3 Ms. McCall?

4 A That's not what I said.

5 Q Ms. McCall? You can go now.

6 A Okay. What I said was anything can be
7 amended. I didn't say specifically that
8 particular issue that you are speaking on. But
9 anything can be amended if the parties are in
10 agreement to do so.

11 Q I assume Ms. McCall that this wasn't
12 amended, it was violated repeatedly. There
13 weren't any consequences to it and you listed it
14 front and center in your letter and you say it's
15 important, so I guess I'm wondering how much this
16 factored into your decision? It seems like one
17 of the foundations of your position really is
18 unsettled.

19 A I'm not wavering from my answer.

20 Q Okay. So do you have any reason to
21 think that the Board can't close or refuse to
22 renew the license of this establishment because
23 of the pandemic? That is also listed in your
24 letter of support.

25 A I feel that with the pandemic or

1 without the pandemic, the liquor store is needed.
2 People use it for entertainment and parties and
3 whatever have you, and I don't think that the
4 liquor store is the problem. So that's my
5 answer.

6 Q And ma'am as a member of the Citizens
7 Against Violence Group, does it give you pause
8 that there have been around 50 offenses listed by
9 the MPD as occurring on the premises over the
10 last two years?

11 A But that's happened all over the city.
12 In all eight Wards.

13 Q I don't disagree with you but don't
14 you think that individuals should take
15 responsibility for their own property?

16 A Just ask them, the ANC Commissioners,
17 and I see they are trying.

18 Q I understand your position that they
19 are trying, but at what point isn't trying
20 enough? I mean I understand your point, but we
21 have a dead 15-year-old and its repeated
22 violations.

23 A Okay. But with the 15-year-old I'm
24 sure he wasn't the target. That was a terrible
25 tragedy, but he was not the target and what you

1 have to do is you have to find out what the
2 problem is, find a solution and cure it.

3 CHAIRPERSON ANDERSON: You're on mute
4 Mr. Conrad.

5 BY MR. CONRAD:

6 Q Thank you I've got a baby in the
7 background crying and I'm trying to cover that.
8 My overall concerns that they are selling minors
9 liquor, that doesn't seem to be part of the
10 effort to improve.

11 A Okay well let me say this. If I go
12 into a liquor store and I present you my ID and
13 for all intents and purposes it looks legal, who
14 is to say it is not?

15 Q Ms. McCall that didn't happen here,
16 did it? These people were not presenting
17 licenses when they purchased liquor and they were
18 minors.

19 A Let me say this, things happen.
20 People need to be trained appropriately and
21 everyone is, should have a second chance.

22 Q This is their fourth chance Ms.
23 McCall.

24 A And I still stick to my answer Mr.
25 Conrad.

1 Q My last question, and thank you again
2 for your time, you understand I think from the
3 earlier exhibit, the police were called
4 repeatedly by the owners for really nothing. An
5 officer showed up. That contradicts your letter
6 that says the police never show up.

7 So I guess my question is do you think
8 that it's a little unfair to characterize the MPD
9 as being entirely non-responsive to the Applicant
10 when they really have shown a track record of
11 being responsive?

12 A I always believed in, it's best to be
13 safe than sorry. If something was going on in
14 that area at that particular time and you might
15 think that something might happen during the
16 interim in that situation, then yes, call the
17 police.

18 Q Okay. Mr. Chair. Thank you very much
19 for your time Ms. McCall. I do appreciate it.

20 A You're welcome.

21 CHAIRPERSON ANDERSON: All right any
22 questions from any of the Board members? Our
23 hearing then, thank you very much for your
24 testimony Ms. McCall. Or thank you. Mr. Lee do
25 you have any other witnesses? You're on mute Mr.

1 Lee. Mr. Lee you are on mute.

2 MR. LEE: I'm sorry about that. I
3 don't have any more witnesses.

4 CHAIRPERSON ANDERSON: So do you rest?

5 MR. LEE: No --

6 CHAIRPERSON ANDERSON: Do you rest Mr.
7 Lee?

8 MR. LEE: No, I don't have any.

9 CHAIRPERSON ANDERSON: So you rest?
10 So you rest?

11 MR. LEE: Yes.

12 CHAIRPERSON ANDERSON: All right.

13 Before I close the record, you can -- if you have
14 any documents or witnesses that you want, if you
15 have any documents that you want us to place in
16 the record, I will ask you at a later join. Mr.
17 Conrad, how many witnesses do you have sir?

18 MR. CONRAD: We have Mr. Adofo and I
19 wonder if Mr. Pak is still with us. Can we, I'm
20 not sure how to check either.

21 CHAIRPERSON ANDERSON: All right. So
22 you have two witnesses. I don't -- right now I
23 only see on the screen, the only person I see on
24 the screen is Mr. Adofo. So I don't see another
25 person, but what I am going to do

1 MR. CONRAD: That's fine.

2 CHAIRPERSON ANDERSON: It is now 8:19
3 p.m., I'm going to take another 11-minute break
4 so we will, we are off the record until 8:30 p.m.

5 MR. CONRAD: Thank you, sir.

6 CHAIRPERSON ANDERSON: We are off the
7 record until 8:30 p.m.

8 (Whereupon, the above matter went off
9 the record at 8:19 p.m. and resumed at 8:30 p.m.)

10 CHAIRPERSON ANDERSON: We're back on
11 the record.

12 Mr. Conrad, do you have your first
13 witness, sir?

14 MR. CONRAD: I do. Well, it's actually
15 the second witness if you include Mrs. Catalano.
16 But I'd like to call Mr. Salim Adofo.

17 CHAIRPERSON ANDERSON: Mr. Adofo, can
18 you raise your right hand, please.

19 Do you swear or affirm to tell the
20 truth and nothing but the truth?

21 MR. ADOFO: I affirm.

22 WHEREUPON,

23 SALIM ADOFO

24 was called for examination and, having first
25 affirmed, was examined, and testified as follows:

1 CHAIRPERSON ANDERSON: Thank you.

2 Your witness.

3 MR. CONRAD: Thank you.

4 Mr. Chair, can I start by moving into
5 evidence the exhibits that Mr. Adofo could
6 sponsor?

7 CHAIRPERSON ANDERSON: This is what you
8 do, Mr. Adofo -- I'm sorry, Mr. Conrad.

9 You, having testified about what's on
10 the document, let him identify the document.
11 Once he has identified the document and
12 testified, then you can move to admit them into
13 evidence.

14 MR. CONRAD: Okay. Absolutely. Thank
15 you.

16 I will do it organically as we go
17 along.

18 CHAIRPERSON ANDERSON: Yes.

19 MR. CONRAD: Okay, thank you.

20 DIRECT EXAMINATION

21 MR. CONRAD: All right. Good
22 afternoon, Commissioner. Can you please state
23 and spell your name for the record.

24 MR. ADOFO: Salim Adofo, S-A-L-I-M,
25 last name A-D-O-F-O.

1 MR. CONRAD: And what is your current
2 position in the D.C. Government?

3 MR. ADOFO: I am the chairperson of
4 Advisory Neighborhood Commission 8C. And --

5 I am also the commissioner of single
6 member District 8C07 where Holiday Liquors is
7 located.

8 MR. CONRAD: Thank you, sir.

9 And in your capacity as commissioner,
10 have you interfaced with Dr. Carlene Reid about
11 this matter?

12 MR. ADOFO: Yes, I have.

13 MR. CONRAD: And can you testify a bit
14 about Ms. Car -- I'm sorry, Dr. Reid and her
15 position paper, her letter that she wrote and the
16 context of it?

17 MR. ADOFO: Yes, I can.

18 Dr. Reid has spoken about safe
19 passage, of how the incidents that happened --

20 CHAIRPERSON ANDERSON: Sir, Mr. Conrad,
21 who is Dr. Reid? Can you --

22 MR. CONRAD: I believe I mentioned is
23 a state representative for the State Board of
24 Education.

25 CHAIRPERSON ANDERSON: We're trying to

1 build a record. Okay? So, you're having Mr.
2 Adofo testify about some nebulous person. Can
3 you tell us who this person is? How does he know
4 her, the relationship? Can you try to build a
5 foundation before you just start having him
6 testify?

7 So, tell us who Dr. Reid is and how is
8 he familiar with her. Is he familiar with
9 whatever it is that she has written?

10 MR. CONRAD: Sure.

11 Mr. Adofo, Commissioner, have you
12 interfaced with the representative for Ward 8 for
13 the State Board of Education in your capacity as
14 ANC?

15 MR. ADOFO: Yes, I have.

16 THE INTERPRETER: Mr. Conrad, would you
17 mind repeating your question?

18 MR. CONRAD: Sure.

19 I asked the commissioner if he had
20 interfaced with Dr. Reid who is the Ward 8
21 representative for the State Board of Education
22 of D.C.

23 And, Mr. Adofo, can you explain what
24 the interest of the State Board of Education
25 would be in this matter and the focus of your

1 interactions?

2 MR. ADOFO: The relevancy of Dr. Reid's
3 testimony speaks to safe passages.

4 MR. CONRAD: I'd like you to specify,
5 so we have a foundation, why the State Board of
6 Education cares about safe passages; what it is;
7 what it serves to do?

8 MR. ADOFO: The relevancy here is that
9 there are students that travel to several schools
10 in the adjacent area. And that any of the
11 violent incidents and the sale of alcohol to
12 minors repeatedly compromises the safe passage of
13 our students to and from school.

14 Additionally, is that although there
15 have been three times that ABRA has found a store
16 to sell alcohol to minors, it's commonly known in
17 this community that the store sells alcohol to
18 minors, and that's the only time they've been
19 caught. There are many other times that they
20 have done without being caught.

21 MR. CONRAD: Mr. Adofo, you've told me
22 who Ms. Reid is and why she is interested in this
23 matter. Can you tell me how she offered her
24 support to your side, the ANC, in this matter?

25 MR. ADOFO: She submitted a letter that

1 can be included for the official record giving
2 the position of her, as the State Board of
3 Education rep, as well as completing the survey
4 that the Commission did to ascertain if we should
5 support the renewal of this license.

6 THE INTERPRETER: This is the Korean
7 interpreter speaking. I find Mr. Adofo's voice a
8 little bit too high to catch everything.

9 So, Mr. Adofo, would you mind
10 repeating your reply?

11 MR. ADOFO: No problem.

12 She submitted a letter to, to us,
13 giving her position as well as completing the
14 survey that we did of residents in the community
15 to ascertain if we should support this renewal or
16 not.

17 MR. CONRAD: Mr. Adofo, thank you for
18 that.

19 I'd like to move the letter into
20 evidence without -- if I don't have any
21 objection.

22 CHAIRPERSON ANDERSON: Can you have Mr.
23 Adofo identify the letter, please, before we
24 proceed?

25 MR. CONRAD: Absolutely.

1 Chairperson Anderson, may I share my
2 screen?

3 CHAIRPERSON ANDERSON: Ms. Andrews, can
4 you allow Mr. Conrad to share his screen.

5 MR. CONRAD: I think I saw a
6 permission.

7 MS. ANDREWS: Yeah. I did it already.

8 MR. CONRAD: Thank you very much.

9 Is this the letter that Dr. Reid
10 wrote, Mr. Adofo?

11 CHAIRPERSON ANDERSON: We're not seeing
12 the letter, Mr. Conrad.

13 MR. CONRAD: Oh, I'm so sorry. Let me
14 check one more time.

15 Yeah, you've got the wrong
16 application. I'm sorry, sir.

17 I'm going to try one more time.

18 CHAIRPERSON ANDERSON: Mr. Lee, can you
19 put your microphone on mute, please.

20 MR. CONRAD: Do you see the letter now,
21 Mr. Adofo?

22 MR. ADOFO: Yes, sir.

23 MR. CONRAD: All right. We'd move that
24 into evidence. This is Exhibit 6, included in
25 the PIF.

1 CHAIRPERSON ANDERSON: Mr. Conrad, can
2 you please ask Mr. Adofo to identify the letter.
3 And is this the letter that Ms. Reid provided the
4 ANC, please?

5 MR. CONRAD: Yes.

6 Mr. Adofo, is this the letter that Dr.
7 Reid wrote and provided in support of the
8 protests brought by the ANC?

9 MR. ADOFO: Yes, it is.

10 MR. CONRAD: Great.

11 I'd like to move this into evidence,
12 if there's no objection.

13 CHAIRPERSON ANDERSON: What exhibit is
14 this, sir?

15 MR. CONRAD: I'm sorry, can you say
16 that one more time?

17 CHAIRPERSON ANDERSON: What exhibit is
18 this?

19 MR. CONRAD: This is Exhibit No. 6
20 included with the PIF.

21 CHAIRPERSON ANDERSON: Mr. Lee, do you
22 have an objection?

23 MR. LEE: No objection, sir.

24 CHAIRPERSON ANDERSON: Without
25 objection, so moved. Thank you.

1 (The document referred to
2 was marked for
3 identification as Exhibit
4 PIF 6, and admitted in
5 evidence.)

6 MR. CONRAD: Mr. Adofo, can you just
7 articulate the thrust of Dr. Reid's position in
8 her letter?

9 MR. ADOFO: Essentially, she discusses
10 the impact of safety and safe passages that the
11 school has on the community, and that it
12 compromises the safety of our community and other
13 schools.

14 MR. CONRAD: Thank you, Mr. Adofo.
15 You mentioned that Ms. Reid also
16 filled out a survey that you administered to
17 constituents in your area, your jurisdiction. Is
18 that correct?

19 MR. ADOFO: Yes.

20 MR. CONRAD: Can you tell me a little
21 bit about that survey: who it was administered
22 to, how it went out, the recipients, the
23 responses that you received?

24 MR. ADOFO: Should I wait for Ms. Kim?

25 THE INTERPRETER: I already finished my

1 interpreting.

2 MR. ADOFO: Oh, okay.

3 THE INTERPRETER: Yeah.

4 MR. ADOFO: Yeah. So, we put together
5 a survey that gave all of the information that
6 ABRA gives to us on the project. It asked for
7 the resident's name, address, phone number,
8 email. It also asked should this license be
9 renewed, why or why not.

10 This survey was disseminated via
11 email, text message, at ANC meetings, and
12 canvassing the community.

13 MR. CONRAD: Mr. Adofo, are you still
14 with us?

15 MR. ADOFO: Yes, sir.

16 MR. CONRAD: Okay. I'm going to ask
17 you yes or no. Does 114 individual respondents
18 to that survey sound about correct to you?

19 MR. ADOFO: Yes, sir.

20 MR. CONRAD: Okay. I'd like to move --

21 MR. ADOFO: That sounds correct.

22 MR. CONRAD: Okay. I'd like to move
23 into evidence the survey that Mr. Adofo
24 administered and the results.

25 CHAIRPERSON ANDERSON: Mr. Conrad, can

1 you please have Mr. Adofo identify the document?

2 MR. CONRAD: Sure.

3 CHAIRPERSON ANDERSON: Ask him whether
4 or not these are the surveys. Once you have done
5 that, then you can ask to move it into evidence,
6 sir.

7 MR. CONRAD: Sounds great. All right.

8 Let me open this up real quick. Give
9 me one second, sir.

10 All right. Can you see this, Mr.
11 Adofo?

12 MR. ADOFO: Yes, sir.

13 MR. CONRAD: Checking your own
14 response, can you first, you see up here 114
15 individual pages, each of which is a distinct
16 response? Is that correct, Mr. Adofo?

17 MR. ADOFO: That is correct.

18 MR. CONRAD: Okay. We will now move
19 into evidence the survey results that he
20 received.

21 CHAIRPERSON ANDERSON: Mr. Lee, any
22 objection?

23 MR. LEE: No objection, sir.

24 CHAIRPERSON ANDERSON: What exhibit is
25 this, Mr. Conrad, please?

1 MR. CONRAD: This is the same exhibit,
2 that's PIF 4.

3 CHAIRPERSON ANDERSON: So this exhibit
4 -- Oh, hold on a minute. Hold on a minute.

5 So, Exhibit 4, so moved, is the survey
6 that was listed as part of the protest and PIF.
7 All right. You can close the screen, sir.

8 (The document referred to
9 was marked for
10 identification as Exhibit
11 PIF 4, and admitted in
12 evidence.)

13 MR. CONRAD: Okay. I have one more
14 question about the survey, Chairperson Anderson.

15 CHAIRPERSON ANDERSON: Yes, sir.

16 MR. CONRAD: So, Mr. Adofo, was one of
17 the survey respondents one of your constituents,
18 Kelsey Metcalfe?

19 MR. ADOFO: Yes. That is correct.

20 MR. CONRAD: And was Kelsey Metcalfe's
21 name formerly Kelsey Weisgerber?

22 MR. ADOFO: Yes. That is correct.

23 MR. CONRAD: And does Ms. Metcalfe --
24 now Ms. Metcalfe -- discuss the DCRA complaint as
25 she brought it to the litter and the trash from

1 the store?

2 THE INTERPRETER: Mr. Conrad, would you
3 repeat what you just said, please?

4 MR. CONRAD: Yes.

5 Does Ms. Metcalfe describe in her
6 survey response a DCRA complaint that she made in
7 response to suffering trash and a mess in the
8 back of her property that came from the store?

9 MR. ADOFO: Yes. That is correct.

10 MR. CONRAD: Thank you, Mr. Adofo.

11 And are you aware if Ms. Metcalfe
12 shared that DCRA complaint with the ANC in
13 response to this protest hearing for use as
14 impeachment evidence against the claim that there
15 is no litter problem associated with the
16 establishment?

17 MR. ADOFO: Yes, I am.

18 MR. CONRAD: And, Mr. Adofo, can I
19 share with you that particular DCRA complaint so
20 that you can attest to its authenticity.

21 Mr. Adofo, is this the DCRA complaint
22 that Ms. Metcalfe submitted to the agency?

23 MR. ADOFO: Yes, it is.

24 MR. CONRAD: I'd like to move this into
25 evidence without objection.

1 CHAIRPERSON ANDERSON: Mr. Lee, do you
2 have any objection?

3 MR. LEE: No objection, sir.

4 CHAIRPERSON ANDERSON: So moved.

5 What exhibit number again is this,
6 sir?

7 MR. CONRAD: Sir, this is I believe
8 we're at 14, on the top line.

9 (The document referred to
10 was marked for
11 identification as Exhibit
12 PIF 14, and admitted in
13 evidence.)

14 MR. CONRAD: And I apologize for
15 numbering the impeachment exhibits separately.

16 Mr. Adofo, was that complaint in
17 reference to the pictures that have already been
18 moved into evidence of the trash and the water
19 damage in the rear of the property?

20 MR. ADOFO: Yes.

21 MR. CONRAD: Thank you very much, Mr.
22 Adofo.

23 And my last question regarding Ms.
24 Metcalfe is, did she write an affidavit basically
25 to support her DCRA complaint?

1 THE INTERPRETER: Mr. Conrad, my
2 apologies. Could you repeat your question --
3 your statement, please?

4 MR. CONRAD: Yes.

5 Did Ms. Metcalfe author an affidavit
6 in support of this protest to support her DCRA
7 complaint and provide additional
8 (unintelligible).

9 MR. ADOFO: Yes.

10 MR. CONRAD: And pause it right here.

11 Is this the affidavit that Kelsey
12 Metcalfe, your constituent, authored in support
13 of the DCRA complaint that was brought in 2021?

14 MR. ADOFO: Yes.

15 MR. CONRAD: Thank you, Mr. Adofo.

16 I would move this into evidence as
17 well, without objection.

18 CHAIRPERSON ANDERSON: Mr. Conrad.

19 MR. CONRAD: Yes, ma'am. Yes, sir.

20 CHAIRPERSON ANDERSON: Okay. Is this
21 about Holiday Liquors or is this about -- I see
22 there is tree trimming overgrowth.

23 MR. CONRAD: Yes. This is on the
24 property of Holiday Liquors and is very specific
25 to Holiday Liquors. You'll see Holiday Liquors

1 in opposition to renewal, Holiday Liquors, all of
2 this related to that, that addressed specifically
3 in that unit. And they were fined subsequently
4 by DCRA as they conceded earlier in testimony.

5 CHAIRPERSON ANDERSON: And what -- you
6 have no objection, Mr. Lee?

7 MR. LEE: I have to object to this
8 affidavit. This affidavit -- would you roll
9 down, Mr. Conrad?

10 MR. CONRAD: Sure. Yes, sir.

11 Do you want me to keep going?

12 MR. LEE: Yes.

13 And then there's no signature on it.

14 MR. CONRAD: Okay.

15 MR. LEE: And then this is an affidavit
16 that should be signed, you know.

17 MR. CONRAD: Well, I guess it's more of
18 a letter than an affidavit.

19 Mr. Lee, who would it -- would you be
20 amenable to recharacterizing that as an
21 affidavit?

22 MR. LEE: It's up to the board a
23 decision about it.

24 MR. CONRAD: Sure.

25 MR. LEE: I just object because of

1 this.

2 And then, this affidavit it talks
3 about everything. And somebody should testify
4 about this issue in the affidavit. But Ms.
5 Metcalfe is not present as a witness today, so I
6 have to move to object to introduce exhibit.

7 CHAIRPERSON ANDERSON: Does Mr. Lee own
8 this property? Or is Mr. Lee --

9 MR. LEE: You mean Mr. Kim?

10 CHAIRPERSON ANDERSON: I'm sorry. Does
11 Mr. Kim?

12 MR. LEE: No. It's a separate property
13 owner.

14 CHAIRPERSON ANDERSON: I'm sorry.
15 What?

16 MR. LEE: There is a separate property
17 owner.

18 He is just business owner for the
19 business.

20 CHAIRPERSON ANDERSON: Mr. Kim owns
21 Holiday Liquors, he does not own the property.
22 Is that correct?

23 MR. LEE: Yeah. That's correct.

24 CHAIRPERSON ANDERSON: Mr. Lee objected
25 to this document. I'm not going to -- I don't

1 think it's relevant. It doesn't concern about
2 the property.

3 I have not been informed that Mr. Kim
4 is the owner of the property. And the
5 overwhelming majority of what I've read here is
6 talking about the upkeep of the property, talking
7 about trimming trees.

8 So, I'm not going to -- this will not
9 be admitted into evidence. So, let's move on.

10 MR. CONRAD: Can I ask a clarifying
11 question just very briefly, Mr. Lee?

12 Is Mr. Kim responsible for maintaining
13 the external portion of the property, and was he
14 the one that was fined by DCRA?

15 MR. LEE: I don't have any information
16 about it.

17 CHAIRPERSON ANDERSON: All right, let's
18 move on. This is about another agency, DCRA.
19 And this is, it's hearsay upon hearsay upon
20 hearsay.

21 And although this is an administrative
22 hearing and the rules of evidence are not strict,
23 but I'm not going to allow this into evidence,
24 into evidence. So, let's move on.

25 MR. CONRAD: Great.

1 So, Mr. Adofo, I want to just ask, in
2 that you represent the jurisdiction that embraces
3 Holiday Liquors, do you agree with her statement
4 the store whose license is up for renewal is not
5 the problem in the community, it is the citizens?

6 MR. ADOFO: I disagree -- I disagree
7 with that position.

8 MR. CONRAD: Please elaborate?

9 MR. ADOFO: The store has been cited
10 multiple times for selling alcohol to minors.
11 This is a clear violation of the ABRA code.

12 One of the reports stated that ID was
13 checked, identifying the person as a minor, and
14 the sale still proceeded.

15 I'm very confident that the owners of
16 the store know that it is wrong to sell alcohol
17 to minors, but still proceeded to do such. This
18 compromises the safety of our children.
19 Additionally, students at Somerset, or KIPP
20 Somerset have cigarettes and adult beverages that
21 are found in their lockers.

22 And so, therefore, that this is a very
23 huge problem in our community. There are
24 residents in the community that do not feel safe
25 in commuting to and from near that store.

1 That site is used as -- excuse me --
2 the adjacent market is used as a place for UPS
3 drop-offs, but residents have said to me that
4 they do not use it as a place to pick up UPS
5 packages because of the potential for great
6 violence to happen.

7 MR. CONRAD: Mr. Adofo, having seen the
8 list of roughly 50 offenses that have been
9 committed on the property specific to Holiday
10 Liquors that was provided by the MPD, is it your
11 view or your opinion that peace and order is
12 negatively affected by the liquor store in
13 particular, that there's a nexus to the liquor
14 store?

15 MR. ADOFO: Yes. That is correct.
16 There are numerous incidents that happen there
17 frequently. And residents complain and say to
18 me, What are you going to do about it? And this
19 is what I did about it.

20 MR. CONRAD: Mr. Adofo, you saw the
21 evidence that is now in the record of the trash
22 next to the dumpster behind the property, on the
23 premises. You read the DCRA complaint. Do you
24 believe that Holiday Liquors, based off of the
25 evidence, has a negative impact on neighboring

1 property values?

2 MR. ADOFO: Yes.

3 MR. CONRAD: Based on the same exhibits
4 that are now in evidence, do you have any reason
5 to believe the store has adopted reasonable
6 measures to control the litter problem?

7 MR. ADOFO: No, I do not believe that
8 they have taken the necessary measures to correct
9 such actions, mainly because they've only done it
10 within the last couple of weeks because this
11 hearing was approaching. And they repeatedly
12 violated the settlement agreement over the last
13 two years, so they have no -- they had no intent
14 on being good neighbors.

15 MR. CONRAD: Mr. Adofo, you mentioned
16 that you think that this was kind of a spruce-up-
17 the-place effort taken in response to the protest
18 when it was filed. Is that correct?

19 MR. ADOFO: Yes. That is correct.

20 MR. CONRAD: If I show you one of the
21 Applicant's exhibits, the picture of the outdoor
22 area real quickly, can you tell me what's in
23 between those trash cans?

24 MR. ADOFO: Looks like a broom and a
25 dustpan.

1 MR. CONRAD: Do you think they didn't
2 even bother to move the broom and dustpan after
3 they cleaned up for these photos?

4 MR. ADOFO: No, sir.

5 MR. CONRAD: My second-to-last
6 question, I promise.

7 So, has the Applicant put on any
8 evidence whatsoever that their liquor license
9 positively affects property values, or even
10 doesn't negatively affect property values in the
11 surrounding areas as is required under the
12 appropriateness standard?

13 MR. ADOFO: Honestly, it has not. Some
14 of the residents in the community know that I
15 have taken it upon myself personally to conduct
16 clean-ups in the area, to include Holiday
17 Liquors' area. And so, there has been nothing
18 shown to me that would say otherwise.

19 And one of the witnesses from the
20 Protestant -- excuse me -- from the Applicant
21 said that they're only here to testify against
22 me. So this just does not show me where there's
23 really an argument here.

24 MR. CONRAD: My last question, Mr.
25 Adofo.

1 Aside from the requisite showing of
2 substantial evidence, do you have anything you
3 want to add for consideration by the board you
4 have gleaned through your capacity as ANC for
5 this district, this region?

6 MR. ADOFO: I would like to say that in
7 the Mayor's Health Equity Report she states that
8 communities that have high concentrations of
9 poverty, low economic development, a high alcohol
10 density are more prone to violence.

11 A store that would sell mind-altering
12 substances to young, impressionable minds
13 repeatedly -- we know that they've been caught
14 three times, we don't know how many times they've
15 done it without being caught -- upholds what the
16 Mayor's Health Equity Report states.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Adofo.

19 I'm sorry, I didn't mean to interrupt
20 you. It looked like you were --

21 MR. ADOFO: I wasn't finished.

22 And being that this store does sell
23 alcohol to minors, we cannot dismiss that a 15-
24 year-old was killed within the licensing period,
25 and we can't tell if this was alcohol-related or

1 not because the store has a documented history of
2 selling alcohol to minors repeatedly, even
3 knowing that this is against the law.

4 THE INTERPRETER: Mr. Adofo, my
5 apologies. Could you repeat? I think I heard
6 most of it, but.

7 MR. ADOFO: Yes, ma'am.

8 I was saying that the Mayor's position
9 in the Health Equity Report as upheld because we
10 see that a 15-year-old was killed, which is worst
11 case scenario, and that we cannot say that
12 alcohol might have not been involved because the
13 store is on the record for selling alcohol to
14 minors repeatedly. And, still knowing that what
15 they did is against the law, they chose to
16 violate the law.

17 And, finally, I would just like to say
18 that it is my recommendation to ABRA that a
19 business that has no regard for the law or for
20 the health and safety of our children be allowed
21 to continue to operate in close proximity to
22 children.

23 MR. CONRAD: Thank you, Mr. Adofo.
24 That's all I have. I'm turning it over to Mr.
25 Lee who's been patiently waiting.

1 CHAIRPERSON ANDERSON: Do you have any
2 questions, Mr. Lee?

3 MR. LEE: Yes. I've got several
4 questions.

5 Thanks for coming to testify,
6 Commissioner Adofo.

7 CROSS-EXAMINATION

8 MR. LEE: How long have you lived in
9 this area?

10 MR. ADOFO: Twelve years.

11 MR. LEE: And you mentioned about your
12 sale to minor violations with this business. Do
13 you think, do you think they made a mistake or
14 were they intentionally sell to, sell to minor?

15 MR. ADOFO: I think that the store sold
16 alcohol to minors as has been documented.

17 MR. LEE: As per the investigative
18 report -- Go ahead.

19 MR. ADOFO: I think per the incident in
20 January of 2020, the person checked the ID, saw
21 that it was a minor and still made the sale. So,
22 based upon that documentation done by ABRA, the
23 intent was to sell to a minor.

24 MR. LEE: Do you know there are other
25 places they sell to minor even they check the ID

1 in D.C.?

2 MR. ADOFO: We're here to talk about
3 Holiday Liquors. So, I don't know what other
4 stores do. I just can only focus on Holiday
5 Liquors, sir.

6 But as my grandmother would say, two
7 wrongs don't make a right.

8 MR. LEE: So, you have a concern about
9 the students and the safety of minor violation
10 and the safety issue. Have you contacted the
11 owner to discuss, to discuss these issues?

12 MR. ADOFO: I did what I was required
13 to do by ABRA, and that was file a protest
14 against the establishment.

15 We did allow, we did allow for the
16 store's owner to come before the ANC and -- we
17 did allow for the store owner to come before the
18 ANC and to discuss with the community what they
19 thought was in the best interests of the
20 community from their position.

21 MR. LEE: You just previously mentioned
22 about that they just violate the settlement
23 agreement. What did you find in the settlement
24 agreement to breach or unsafe minor issues, when
25 you're upset about did you file with the board or

1 file a complaint about it that the board would
2 investigate it?

3 MR. ADOFO: Yes. We filed a protest.
4 And I sent the letter to Mr. Anderson. And
5 that's why we're here today.

6 MR. LEE: Okay. And you just talked
7 about the Dr. Reid's letter. And it's about the
8 safe passage program. You said that the Holiday
9 Liquors is located directly across the street
10 from the elementary school, and one block away
11 from the high school. Is it correct?

12 MR. ADOFO: Yes. Holiday Liquors is
13 located directly across the street from Eagle
14 Academy, and it is on the opposite ends of the
15 block from KIPP School.

16 MR. LEE: Okay. And have you ever
17 suggested where Dr. Reid or you contact the
18 owner, explain about the safe passage program,
19 because the owner didn't know anything about this
20 program?

21 MR. ADOFO: Personally, I have not
22 contacted the owner of the establishment.
23 However, the Government of the District of
24 Columbia reaches out to the stores in the
25 community to ask them to be part of the safe

1 passages program. And what that would mean is if
2 an incident is to happen that a child can go into
3 that store for safe cover.

4 But that store could not be used
5 because it habitually sells alcohol to minors,
6 even after it checks the ID to know that this
7 person is a minor, and knowing that it is illegal
8 to sell alcohol to minors, and it shows no regard
9 for that. So, therefore, it is rendered unsafe
10 for children to pass.

11 And within walking distance of the
12 school is Ballou High School, Simon Elementary
13 School, Hart Middle School, Southeast Tennis and
14 Learning Center, Eagle Academy, and KIPP
15 Somerset, and Martin Luther King Elementary
16 School, and Rehoboth Day Care, not to mention the
17 families that home school in the area.

18 MR. LEE: So, do you know there is
19 another ABC store in the region to consider
20 within 400 feet in terms of the school?

21 MR. ADOFO: I apologize. I couldn't
22 hear you, sir.

23 MR. LEE: Yeah. Do you know that the
24 A -- another ABC law and that we are only
25 concerned about considering 400 feet

1 (unintelligible), that's by the law?

2 MR. ADOFO: Yes, I'm aware.

3 MR. LEE: Yes.

4 Yeah, I don't want to talk about the
5 law itself. But did you talk, have you talked
6 about the student safety to the owner? And have
7 you made any suggestion to the owner to how to
8 prevent them to go in?

9 MR. CONRAD: Chairperson Anderson,
10 asked and answered.

11 CHAIRPERSON ANDERSON: What was the
12 question, Mr. Lee? What was the question?

13 MR. LEE: Yes. That's like the number
14 one question.

15 Have you ever suggested contacting the
16 owner to suggest any solution or suggestion to
17 protect the school kids to go in?

18 MR. CONRAD: I think this was asked and
19 answered. He already said he hasn't talked to
20 the store owner.

21 CHAIRPERSON ANDERSON: Let's move on,
22 Mr. Lee.

23 MR. LEE: Okay.

24 I have two questions. First one is
25 Ms. Sandra Seegars and Mr. Stephen Slaughter, Mr.

1 Gaston, that's a former ANC commissioners, they
2 support to the renewal. And you have opposite
3 position. How could you explain some of former
4 commissioner support that? What's your opinion
5 about it?

6 MR. CONRAD: It's speculation.

7 JUDGE HARRIS: Overruled.

8 Answer the question, Mr. Adofo.

9 MR. ADOFO: Yes. I think that the
10 letter is, honestly, quite confusing because
11 Stephen Hawkins, who is a current commissioner,
12 voted to protest the hearing -- excuse me -- to
13 protest the renewal, and then signs the letter.
14 And then Carmen McCall says she's only signing it
15 to go against me.

16 So, I can't understand why the letter
17 is even relevant at this point in time.

18 Because Stephen Hawkins is on the
19 official record as part of the protesting team.

20 MR. LEE: I just got a message from Ms.
21 Seegars to my phone. She said that Stephen
22 Hawkins did not vote to support protest. Can you
23 confirm that?

24 MR. ADOFO: Yes. We can confirm we
25 have sent a letter to ABRA stating that Advisory

1 Neighborhood Commission 8C at a meeting that was
2 duly noticed with a quorum present voted
3 unanimously to protest the renewal of the
4 license.

5 MR. LEE: Okay. Concerning survey of
6 114 pages and you searched by email or text
7 message. Correct?

8 MR. ADOFO: We utilized text message,
9 email, phone call, Facebook, Twitter, NextDoor
10 app, and we canvassed the community. And it was
11 even on ABC and NBC news that we were protesting
12 Holiday Liquors as well.

13 MR. LEE: Are you aware that Applicant
14 submit supporter list that's signed by roughly
15 over 250 customers, and 28 memos and letters from
16 the customers to supporting renewal? Are you
17 aware of that?

18 THE INTERPRETER: Mr. Lee, you said two
19 hundred -- 250, over 250 customer and 28 -- what
20 was the 28 for?

21 MR. LEE: Twenty-eight individual
22 letter or memos.

23 THE INTERPRETER: Ah, memos. Okay.

24 MR. ADOFO: I'm aware of the evidence
25 you submitted, and I'm aware that as Advisory

1 Neighborhood Commission 8C we represent
2 approximately 14,000 people, which is one-fifth
3 of the entire ward, that states that they would
4 like to protest the renewal of this license.

5 MR. LEE: I'm just talking about what's
6 the difference by email, text messages versus
7 people physically come to the store and
8 voluntarily sign on it. We disregard the school
9 board, other board signature. That's kind of a
10 normal thing.

11 What do you think, or how can you
12 explain what's the difference?

13 MR. ADOFO: I personally have not
14 questioned the validity of what you submitted.
15 But what I can tell you is that during the
16 pandemic we did the best that we could, given the
17 circumstances, to keep everybody safe. And that
18 we represent 14,000 people when we vote. And we
19 represented 14,000 people to unanimously vote to
20 protest the renewal of this license.

21 So, if you're talking about numbers,
22 14,000 residents outweigh 250 and residents ten
23 times over.

24 CHAIRPERSON ANDERSON: All right. We
25 are on the -- we are at the repetitive, redundant

1 portion of the hearing.

2 MR. LEE: Yes, sir.

3 CHAIRPERSON ANDERSON: We need to add
4 evidence or testimony that is going to help the
5 ABC Board make the decision. Whether or not it's
6 14,000 or 200, that's not relevant at this
7 juncture, so let's move on to relevant questions
8 and testimony that will help the ABC Board make a
9 decision. Okay?

10 MR. LEE: That's our last question.
11 And are you aware that the previous -- the three
12 incidents over there, sale to minor violation,
13 was fully adjudicated by the Board order.

14 MR. ADOFO: I apologize. Can you
15 repeat the first part of the question, please?

16 MR. LEE: About the previous three
17 violations related to sale to minor, has it been
18 fully adjudicated by the Board order? And then,
19 the fact that make a violation, the owner didn't
20 contest?

21 MR. ADOFO: You said the owner did not
22 contest?

23 MR. LEE: Yeah. Did not contest about
24 the fact itself in the report.

25 MR. ADOFO: And you asked me, am I

1 aware of this?

2 MR. LEE: Yes.

3 MR. ADOFO: Yes, I'm aware that the
4 owner did these things, did not contest, and is
5 admitting guilt, and that the incidents may have
6 been adjudicated but the impact is far-reaching
7 beyond a \$3,000 fine, or whatever the cost of the
8 fine was.

9 Yes, I'm aware of that, and I know
10 that the impact could lead to children becoming
11 addicted to alcohol. That is a very significant
12 issue in this community. Yes, I am very aware.

13 MR. LEE: Thank you very much for your
14 testimony.

15 MR. ADOFO: Thank you.

16 CHAIRPERSON ANDERSON: Any questions
17 from the Board members?

18 MEMBER SHORT: Yes, Mr. Chair.

19 CHAIRPERSON ANDERSON: Yes, Mr. Short.

20 MEMBER SHORT: Chairman of ANC 8C,
21 Mr. Adofo?

22 MR. ADOFO: Yes, sir.

23 MEMBER SHORT: Commissioner Adofo --

24 MR. ADOFO: Yes, sir.

25 MEMBER SHORT: -- you are to be

1 commended for being valiant and brave for your
2 community and not rolling over and seeing these
3 young people die and get poisoned and not saying
4 anything but turning a blind eye to it. Thank
5 you for being a champion of the people who
6 elected you.

7 MR. ADOFO: Thank you, sir.

8 MEMBER SHORT: Under peace, order, and
9 quiet, you are the ANC Commissioner and Chair of
10 your ANC. How has this establishment complied
11 with or not complied with peace, order, and quiet
12 in your ANC?

13 MR. ADOFO: By selling alcohol to
14 minors repeatedly, it disrupts the peace and the
15 order in the community. In addition to the
16 numerous incidents that have been displayed by
17 MPD, it disrupts the peace and order and quiet in
18 the community.

19 Having children die on the premises of
20 the establishment completely disrupts peace,
21 order, and quiet, and this is not the only
22 incident that has happened here. This is just
23 the most popular incident because it was a
24 15-year-old.

25 MEMBER SHORT: Commissioner Adofo, you

1 mentioned and invoke the Mayor -- the Mayor's
2 Health Equity Report, and you also elaborated by
3 saying what she is trying to prevent by
4 introducing the Health Equity Report or bringing
5 it out to the public is that people could get
6 shot and killed, people could be in danger,
7 people could be afraid to walk down the street,
8 people aren't safe in their own homes.

9 And I'd like for you to elaborate
10 again on the merits of the Health Equity Report
11 as it relates to your ANC.

12 MR. ADOFO: Within our ANC, there are
13 seven ABC establishments. There are five
14 schools. There are no banks, no grocery stores.
15 In the Mayor's Health Equity Report, she states
16 that communities that have high concentrations of
17 poverty and low economic development with high
18 alcohol density are more prone to violence.

19 The number of MPD calls for service to
20 that area validates this. And with a 15-year-old
21 dying within the licensee period, and three
22 people being shot in April on the property, this
23 validates that position.

24 MEMBER SHORT: Commissioner, this is
25 my third term as an ABC Board Member. And this

1 is the second Mayor who has sent me back. I
2 applaud the work you are doing as ANC
3 Commissioner and the representation that you are
4 giving as an elected official in Ward 8.

5 MR. ADOFO: Thank you.

6 MEMBER SHORT: One of the reasons why
7 I try as best I can to stand with Commissioners
8 as yourself is because the Mayor's Order 94-175,
9 dated July 29, 1994, details the requirements of
10 sections of the Home Rule Act approved
11 December 24, 1973; and Section 13 of the Advisory
12 Neighborhood Commission Act effective March 26,
13 1976; D.C. Law 1.58; D.C. Code 1-261.

14 Again, as I have, and my record will
15 reflect, been on this Board three -- serving on
16 -- this is my third term, and I really believe in
17 ANCs and what it brought to this city. And as a
18 lifelong resident, I don't want to see it just
19 thrown away and taken for granted.

20 When we have a 15-year-old kid shot
21 and killed -- and we saw how the world reacted
22 when George Floyd was killed -- we should be
23 making the same noise about a 15-year-old. As a
24 parent, a grandparent, and now a great-
25 grandparent, again, I salute you for the manhood

1 that you are showing, and how dare anyone who
2 thinks a man like you to stand up for the
3 children in our community is not heard and given
4 a reasonable break on what your request is.

5 So, again, would you state for the
6 record, what is your request, if you can right
7 now, please? What would you like for me to do as
8 a Board member?

9 MR. ADOFO: My recommendation is that
10 the license not be renewed.

11 MEMBER SHORT: I may be wrong, but I
12 thought I heard -- and I hope I heard it wrong --
13 a Board member today say he has already made up
14 his mind. I hope that's not true because --

15 CHAIRPERSON ANDERSON: What did you
16 say, Mr. Short?

17 MEMBER SHORT: Excuse me?

18 CHAIRPERSON ANDERSON: I didn't hear
19 what you said. Repeat what you said, sir.

20 MEMBER SHORT: I said I hope that I'm
21 wrong, and I hope I didn't hear what I thought I
22 heard today. When questioned by -- when another
23 Board member was given -- questioned today and
24 made a comment that he would be voting in favor
25 of not -- of renewing this, I'm not going to make

1 that decision right now. I --

2 CHAIRPERSON ANDERSON: Well, Mr.
3 Short, no one has -- hold on, Mr. Short. No
4 Board member has expressed any position today on
5 the record, or off the record, about a decision.
6 The Board -- the Board -- no member of the Board
7 has discussed this case.

8 We have not -- we have not discussed
9 this case in executive session, and we have not
10 discussed this case in -- on the record today,
11 and I want to assure the public that the Board
12 has an open mind.

13 We sit here. We are listening to the
14 testimony. At the end of the presentation, the
15 Board will go into executive session, and we will
16 make a decision.

17 But I just want to make sure the
18 record is clear that no Board member has
19 discussed this decision, at least not in my
20 presence, that no Board -- and although we are
21 doing this virtually, no Board member has said
22 anything to me today or yesterday, or any day,
23 how they will be voting on this matter.

24 And the reason why I'm making a
25 statement -- remember, we're at a public hearing

1 that -- and I need to protect the integrity of
2 the ABC Board.

3 MEMBER SHORT: Mr. Chair, if I could
4 tell you, I thought I heard -- and I made this
5 very plain -- I thought I heard Mr. Grandis say
6 while he was -- while he was questioning, and
7 then making comments, that he would be voting in
8 favor of this license.

9 And so if that's wrong, Mr. Chair, I
10 hope when we get all of the information back that
11 maybe you will give me an apology because I
12 thought I heard Mr. Grandis say what he said.

13 CHAIRPERSON ANDERSON: No. But I
14 think -- all I'm saying, Mr. Short, this is not
15 the appropriate time for us to have this
16 conversation.

17 MEMBER SHORT: I understand that,
18 Mr. Chair. But you did not say anything to
19 Mr. Grandis, and I thought maybe I should also
20 let the public know that I heard what he said.
21 And I'd like to go on with my questioning,
22 Mr. Chair.

23 CHAIRPERSON ANDERSON: Well, I --

24 MEMBER SHORT: I haven't made up my
25 mind.

1 CHAIRPERSON ANDERSON: Mr. --

2 MEMBER SHORT: I have not made up my
3 mind.

4 CHAIRPERSON ANDERSON: Mr. Short?
5 Please, Mr. Short. As the Chairman of the Board,
6 one of the things that I have to ensure is the
7 integrity of this process.

8 I have to ensure the public that when
9 the public -- members of the public come here
10 today to testify, that they need to be assured
11 that each and every ABC Board member has an open
12 mind, that they will listen intently, because
13 there have been people -- this hearing started at
14 2:00 today, and there have been some witnesses
15 who have been here since 2:00 today.

16 I want to assure the public that for
17 them being on this hearing since 2:00 today, and
18 participating in the process, that each and every
19 Board member will listen intently to what is
20 being stated.

21 Once the record is closed, we will go
22 into executive session. We will discuss this,
23 what we have heard today, and we will make a
24 decision based on what we have heard today.

25 So it's not my job -- I am not trying

1 to say anything about you, Mr. Short, or say
2 anything to Mr. Grandis. All I'm trying to do is
3 to ensure that the public knows that, as Chairman
4 of the Board, I am going to make sure that all
5 Board members, that they keep an open mind, and
6 that my mind is open, and that when we go into
7 executive session to vote today, I will go into
8 executive session with an open mind.

9 That's all I'm trying to do, Mr.
10 Short, is to ensure that the public has
11 confidence in the decisions that we are making,
12 and for the public to know that they're not
13 wasting their time because the ABC Board has
14 already made up its mind about what -- about how
15 it's going to vote at the end of the day. That
16 is all I'm doing, sir.

17 You can go ahead and ask your --
18 whatever questions you want to ask.

19 MEMBER SHORT: Thank you, Mr.
20 Chairman, for --

21 THE INTERPRETER: Okay. The
22 interpreter is going to interpret now. Okay.

23 CHAIRPERSON ANDERSON: Interpreter,
24 this is just -- this does not -- if you want to
25 summarize it, you can, but you don't need to

1 interpret it because this is just more internal
2 and it doesn't impact the applicant. But you can
3 summarize briefly what was said.

4 THE INTERPRETER: Yes, I'll go ahead
5 and then briefly summarize what has been said.

6 MEMBER SHORT: Mr. Chair, I would like
7 to reiterate, it was nothing that I said. I said
8 -- again, what I said, I thought I heard a Board
9 member make that statement.

10 And so with that, I will say, Mr.
11 Chair, thank you for reminding us that we should
12 keep an open mind. I can assure you that my mind
13 is open. I have not made any decisions. I have
14 heard a lot of testimony. Like yourself, I've
15 been here all day, and it has been a long day.

16 And I'd just like to reiterate, if I
17 could for the record, that pretty much the ANC
18 should have great weight, and that's what the
19 Home Rule Act stated, and that's the point I
20 wanted to hammer home. Most of the decisions I
21 have made in my three terms, now serving my third
22 term, have been based on the Home Rule Act and
23 what is best for the citizens of this city, along
24 with the businesses of the city, because I think
25 that they need to coexist.

1 But when one has gone over the edge,
2 then we need to, as best we can, use every rule
3 and every means we have possible to bring justice
4 to our communities.

5 And, again, I will just simply say, we
6 had a 15-year-old shot, and to me that's a big
7 deal. That's a very big deal.

8 Again, I have male members in my
9 family, and I'd like to say anybody with a family
10 and a heart should think very deeply. And I hope
11 that the family of that 15-year-old is being
12 consoled.

13 With that, Mr. Chair, I think I've had
14 enough to say. I had one more question, but I'll
15 leave that out. I think I've said enough. Thank
16 you very much, and I look forward to deliberating
17 this with you and the other Board members as soon
18 as this hearing is finished.

19 CHAIRPERSON ANDERSON: Thank you,
20 Mr. Short. And I want to -- and my job as Chair
21 is -- just to clarify the record, this ABC Board
22 has been one of the better agencies in this -- in
23 D.C. when it comes to giving great weight to the
24 decisions of an ANC.

25 Every decision that is written by the

1 Board clearly goes through the factor. We
2 consider the -- just we consider the position of
3 the ABC -- of the ANCs, and the Board makes a
4 decision based on our position and what it is
5 that was testified to by the ANC.

6 Great weight means that we need to
7 consider opinion and -- by the ANC. Great weight
8 does not mean that we adopt the decision of the
9 ANC. All that great weight means is that the
10 Board considers it, addresses their position in
11 our decision, and we have done that, and we
12 consistently do that in all our decisions.

13 Anyway, are there any other questions
14 by any of the Board members? Hearing none, Mr.
15 Lee, do you have any redirect questions of Mr.
16 Adofo based on the questions that were asked by
17 the Board members?

18 MR. LEE: I don't have.

19 CHAIRPERSON ANDERSON: Thank you,
20 Mr. Lee.

21 Mr. Conrad, do you have any redirect
22 questions of Mr. Adofo based on the questions
23 that was asked by the Board?

24 MR. CONRAD: No, Mr. Chair.

25 CHAIRPERSON ANDERSON: Thank you,

1 Mr. Conrad. Do you have any other witnesses,
2 Mr. Conrad?

3 MR. CONRAD: We have subpoenaed three,
4 but they no-showed. So I think it's time to call
5 it a day.

6 CHAIRPERSON ANDERSON: Well, listen,
7 I need to -- I need to clarify the record,
8 Mr. Conrad. Mr. or Ms. Sun Pak was on the --
9 that person was here today.

10 MR. CONRAD: Yeah.

11 CHAIRPERSON ANDERSON: I do not know
12 what time the person fell off the line, but I just
13 want the record to be -- to reflect that one of
14 the three witnesses that you had asked us to
15 subpoena, that that person appeared today.

16 I am not sure if you had spoken to the
17 individual, and you had informed them what time
18 they would testify. However, they were on the
19 record and the transcript will reflect that they
20 identified themselves earlier today.

21 And the other -- there are two other
22 witnesses that were subpoenaed. The Board issued
23 a subpoena.

24 Also, it's my understanding that you
25 -- or it's my -- this is my understanding,

1 Mr. Conrad. Mr. Pak, if you want to call him as
2 a witness, he is on the line, sir. And I just --
3 your making statements to say someone is not
4 here, without calling the witness to see if the
5 witness is here. But I was just informed that
6 Mr. or Ms. Pak is on the line.

7 So if you wish to call them, you can
8 call that person, sir. And you need to apologize
9 to this witness that you have -- that you have
10 subpoenaed who has been on this line this entire
11 day today, sir.

12 MR. CONRAD: I don't see Mr. Pak on
13 the line, but I apologize.

14 CHAIRPERSON ANDERSON: If you want to
15 call the witness, call the witness, sir. Okay?
16 Just call the witness, if you want to -- if you
17 want the witness to testify, call your next
18 witness, sir. If not, rest your case.

19 MR. CONRAD: You said they're on the
20 line.

21 CHAIRPERSON ANDERSON: Do you have
22 another witness?

23 MR. CONRAD: Mr. Pak. You said he's
24 on the line. Is he on the line or not? I was
25 just trying to get to the bottom of this.

1 CHAIRPERSON ANDERSON: Do you have
2 another witness to call, sir? Who is -- who is
3 your next witness?

4 MR. CONRAD: Mr. Pak. I'd like to
5 call Mr. Pak. Is he on the line?

6 CHAIRPERSON ANDERSON: Ms. Andrews,
7 can you please -- Mr. Pak, can you please raise
8 your hand for the record, please. Can you please
9 --

10 MS. ANDREWS: Mr. Pak, your line has
11 been unmuted. You can go ahead and announce
12 yourself. Thank you.

13 MR. PAK: I'm here.

14 CHAIRPERSON ANDERSON: Mr. Pak, can
15 you state your name for the record?

16 MR. PAK: Hi. My name is Sun Pak, S-
17 U-N, and the last name is P-A-K.

18 CHAIRPERSON ANDERSON: Can you raise
19 your right hand, Mr. Pak?

20 MR. PAK: Yeah. I have my right hand
21 raised.

22 CHAIRPERSON ANDERSON: I'm sorry?

23 MR. PAK: I have my right hand raised.

24 CHAIRPERSON ANDERSON: Do you swear or
25 affirm to tell the truth, and nothing but the

1 truth?

2 MR. PAK: Yes.

3 CHAIRPERSON ANDERSON: It's your
4 witness, sir.

5 MR. CONRAD: Okay. Thank you. I'm
6 having trouble hearing you.

7 Thank you for being here. I didn't
8 realize you were still available, sir. I
9 appreciate your time.

10 What shifts did you typically work at
11 the store as an employee?

12 MR. PAK: I started here on 10 to --
13 10 to, what, closing time.

14 MR. CONRAD: Okay. Do you need to
15 translate?

16 THE INTERPRETER: Mr. Chairman, the
17 witness is speaking in English. Would you like
18 me to still interpret?

19 CHAIRPERSON ANDERSON: Well, if you
20 need to -- well, your purpose is to interpret for
21 Mr. Kim. Okay? Mr. --

22 THE INTERPRETER: Okay. Okay.

23 CHAIRPERSON ANDERSON: He is the one
24 who needs -- who needs -- the owner is the one
25 who needs the interpreter. Mr. Pak -- when I had

1 asked Mr. Pak earlier, he said he did not need
2 you to interpret for him. So if you could
3 interpret for Mr. Kim, please.

4 Mr. Kim, are you still there?

5 MR. KIM: Yes.

6 THE INTERPRETER: Yes. So I think for
7 Mr. Kim, then even if Mr. Pak speaks -- testifies
8 in English, I will still go ahead and interpret.

9 CHAIRPERSON ANDERSON: For Mr. Kim, so
10 Mr. Kim will understand what Mr. Pak is saying.

11 THE INTERPRETER: Yes. I will -- I
12 will do that. So the interpreter is going to
13 interpret what Mr. Pak has just said as a reply.

14 MR. CONRAD: Did you ever sell liquor
15 to underage children as an employee of Holiday
16 Liquors?

17 MR. PAK: I usually don't. But, you
18 know, the one that I got a call, it was just a --
19 you know, just a mistake. I usually check my ID
20 and the -- you know, this is what they usually --
21 my owner told me to do, check the ID, many times
22 every day, you know.

23 But, unfortunately, you know, that day
24 I was so tired and somehow I just -- you know, I
25 just made a mistake. I did not check the ID, and

1 there -- you know, mistakes can happen, you know.

2 MR. CONRAD: Thank you, Mr. Pak. And
3 so you're saying that the time that you were
4 caught was the only time that you ever failed to
5 check ID as an employee?

6 MR. PAK: I'm pretty sure, yeah.

7 MR. CONRAD: Okay. And how many years
8 of experience as a clerk working at an
9 ABC-related establishment did you have before you
10 started as a Holiday Liquors employee?

11 MR. PAK: I would say it's over --
12 over 25 years to 30 years.

13 MR. CONRAD: So you sold liquor for 25
14 or 30 years before you started at Holiday
15 Liquors; is that correct?

16 MR. PAK: Yes, that is correct.

17 MR. CONRAD: Thank you. And are you
18 familiar with any of the incidents of violence
19 that we earlier discussed, the shootings, or the
20 assaults, or any of the other issues that the MPD
21 had been called for while you were working there?

22 MR. PAK: As far as I know, I mean, I
23 -- okay. When I was there, I did not have any
24 kind of problems. And I understand -- yeah. I
25 understand that the incident, you know, there was

1 like, unfortunately, a young boy got shot right
2 in front of the Holiday Mart store. And it was
3 not in front of the liquor store, but it was the
4 other side. It was at the Holiday Mart.

5 And the -- but the day, I believe it
6 was on Sunday, and the -- I was off on that day,
7 but there -- at the same time, I -- I seen the
8 news it happened, you know, what happened at the
9 -- you know, at the -- right in front of the
10 Holiday Mart, and, you know, the young boy got
11 shot and he got killed.

12 And I -- I saw all of the incident,
13 you know, what happened. And I don't know. I
14 mean, what question you want to ask me? I mean,
15 you know, right now I don't work there anymore,
16 but, you know -- but I don't know. I mean, what
17 -- I mean, what is your question?

18 MR. CONRAD: Let me ask you a more
19 targeted question, so it's easier for you. You
20 were working there in 2020, correct?

21 MR. PAK: Yes. I was there until
22 2020, May, the end of May.

23 MR. CONRAD: I see. And we see a
24 bunch of incidents reported by MPD during that
25 time. So you didn't witness any of those

1 incidents? You never witnessed violence directly
2 outside of seeing it on the news on the property,
3 ever?

4 MR. PAK: Yes. I mean, just one time.
5 I don't remember when was it, but, you know,
6 there was shooting. There was shooting toward to
7 the -- not in the store or not into the parking
8 lot, but it was toward to the sideways -- sideways
9 lot, you know, where -- where the store is
10 located it -- it was toward to the road. It was
11 shooting.

12 MR. CONRAD: You never called the
13 police? You never asked anyone to leave that was
14 loitering on the property? You never really
15 interacted with anybody that was on the premises
16 other than point of sale?

17 MR. PAK: No. No, not really, because
18 the people who comes to store, they -- you know,
19 they are all -- you know, all decent and good
20 peoples, and they are -- I don't see any problems
21 with the -- you know, the peoples, you know, come
22 into store, creating any kind of trouble.

23 I never seen it, and, you know they
24 all -- they were all good peoples, and they are -
25 - you know, they are at the neighborhood and

1 around the community. And the peoples, they were
2 good and they are -- you know, they all look
3 like, you know, they will look like my brothers,
4 sisters, or nephews or, you know, they were
5 elderly peoples. I will call them Pop and, you
6 know, Mom, and, you know, it was just -- you
7 know, they all -- you know, to me, they are all
8 just, you know, like families.

9 MR. CONRAD: My last question. I hear
10 what you're saying that they could be family, but
11 when we spoke on the phone, I guess it was last
12 week, you said that 80 percent of the people in
13 our neighborhood are good, but 20 percent are
14 bad. How do you square these two inconsistent
15 statements?

16 MR. PAK: No, I think you
17 misunderstood. I never said 80 percent. I said
18 95 percent of the peoples in that neighborhood
19 was good people. Only five percent of the
20 peoples that come in create the problem. That's
21 what I told.

22 MR. CONRAD: Thank you, Mr. Pak. I'm
23 not going to press you on that. I think we just
24 have a different recollection of the
25 conversation. But I'm immensely grateful for

1 your time. I understand that you've been with
2 us, and I do really appreciate it.

3 Mr. Lee, who is a representative of
4 the owner, will next to you. It's cross-
5 examination, but you're an adverse witness, so it
6 will be more like direct.

7 MR. PAK: Yeah, yeah. Okay.

8 CHAIRPERSON ANDERSON: Do you have
9 questions for this witness, sir?

10 MR. LEE: Okay. Thanks for coming
11 late at night. My name is Kyung Lee. I
12 represent the owner.

13 On the investigative report, it said
14 that you checked the ID and then still sell it.
15 How do you explain that?

16 MR. PAK: No. Okay. No. That's
17 outrageous. I never -- I never -- I swear to
18 God, I never sold to any -- anybody to be a minor
19 who was under 21. I never ever sold it.

20 MR. LEE: Okay. That's okay. Because
21 the fact in the investigative report was not
22 contested, so --

23 CHAIRPERSON ANDERSON: Mr. Lee? Mr.
24 Lee, all right. I need you to ask -- I need you
25 to cover new ground. Okay?

1 MR. LEE: Okay.

2 CHAIRPERSON ANDERSON: The first
3 question you asked was asked and answered. If
4 you do not have new questions, new ground to ask,
5 please do not ask him a question, sir.

6 MR. LEE: Okay.

7 CHAIRPERSON ANDERSON: All right? We
8 have been going all day, and if you have new
9 ground you're going to cover, I'm not -- I'm not
10 -- we're not doing any more repetitive and
11 redundant questions.

12 MR. LEE: Okay. Okay. So, Mr. Pak,
13 do you have 25 years' experience and do you know
14 --

15 MR. CONRAD: Asked and answered.

16 MR. LEE: -- the ABC rule?

17 MR. CONRAD: Asked and answered.

18 MR. PAK: Yes.

19 MR. LEE: Okay. Move on to next one,
20 then. Can you tell me what is the difference
21 between previous owner and Mr. Kim's operation,
22 management at the time?

23 MR. PAK: I don't know much about the
24 previous owner, but I know -- I know Mr. Kim. He
25 is respectable, and he -- he never -- he never

1 told me anything -- anything, you know --
2 anything that is, you know -- you know, against
3 the law, you know, please don't do it. Okay?

4 What he told me was just check the ID
5 and make sure, you know, he is over 21, and --
6 and, you know -- yeah, and that he is -- you
7 know, he sometimes -- you know, peoples come --
8 come to store, you know, short of money or
9 without money, and, you know, he just told me,
10 you know, just -- you know, just let him -- I
11 mean, whatever he wants, I mean, we want to give
12 it to him.

13 But, you know, sometimes he doesn't
14 have money, and, you know, he told me to work --
15 you know, he told me to let him go. It's okay.
16 You know, it's like \$5, \$6, sure. Mr. Kim told
17 me -- I told him, "Hey, Mr. Kim, you know, he is
18 short." You know, what he told me was, "It's
19 okay. It's okay. I mean, we'll spot dollars."

20 You know, so he -- you know, he just,
21 you know, he was just -- just give him what he
22 want without -- you know, without, you know -- I
23 don't know, I mean, what you call it, but, you
24 know, but anyway, you know, he -- you know,
25 Mr. Kim got a, you know, good heart. He got a

1 lot of -- lot of good heart and --

2 MR. LEE: Thanks for coming tonight,
3 and that's -- no more questions about it.

4 MR. PAK: Okay. Thank you very much.

5 CHAIRPERSON ANDERSON: Hold on. Hold
6 on, Mr. -- hold on, Mr. Pak. Are there any
7 questions by any Board members? Thank you very
8 much for your -- for your participation.

9 I know, Mr. Pak, that you were
10 subpoenaed and you have been on the line all day
11 this afternoon, so thank you, sir, for
12 volunteering to show up today under a subpoena.
13 Thank you very much, and have a great day, sir.

14 MR. PAK: Thank you, Sir.

15 CHAIRPERSON ANDERSON: Mr. Conrad, do
16 you have another --

17 MR. CONRAD: I'm sorry. I just wanted
18 to clarify one point. So you're saying that the
19 ABRA investigation was wrong when it said that
20 you were presented an identification and then
21 made the sale?

22 CHAIRPERSON ANDERSON: Sir, I've --
23 hold on, hold on, hold on. Mr. Conrad, you do
24 not get another chance to ask, sir.

25 MR. CONRAD: I thought there was

1 redirect. I'm sorry, I thought you asked my
2 name. I apologize.

3 CHAIRPERSON ANDERSON: I thanked Mr.
4 Pak for his attendance today. The Board didn't
5 ask any questions. So because the Board didn't
6 ask any questions, there is no redirect. So --

7 MR. CONRAD: Oh, okay. I'm sorry.
8 Thank you.

9 CHAIRPERSON ANDERSON: So I asked you,
10 did you rest, or do you have another --

11 MR. CONRAD: Oh, I'm sorry. Did I
12 rest? Your statement at the end cut off. I'm
13 sorry. Yes. Yeah, we rest our case.

14 CHAIRPERSON ANDERSON: All right.
15 Before -- Mr. Lee, before I close the record, do
16 you have any documents that -- are there any
17 documents that you wish to present?

18 MR. LEE: No more documents.

19 CHAIRPERSON ANDERSON: Mr. Conrad,
20 have all of the documents that need to be
21 presented, have they been presented, sir?

22 MR. CONRAD: Yes. I would propose
23 that Mr. Lee and I speak tomorrow, and we can get
24 them in a nice order that tracks enumeration from
25 today for you.

1 CHAIRPERSON ANDERSON: All right.
2 Once I close the record today, the record is
3 closed today.

4 MR. CONRAD: Well, you have access to
5 all these documents, so then we don't have
6 anything else to add. I was just trying to make
7 it easier for you.

8 CHAIRPERSON ANDERSON: I'm just saying
9 once -- once I close the record, the record is
10 closed. And so, therefore, you have no more
11 documents, no more witnesses. The record is now
12 closed.

13 It's time for closing. Each side has
14 five minutes to close. I understand that we're
15 going to have a translator. So because we're
16 going to have a translator, five minutes we'll
17 stretch a little bit longer. However, you have
18 five minutes. And I don't want to cut off any of
19 the attorneys, but I'm asking you to give short
20 statements. Okay?

21 Mr. Lee, five minutes.

22 THE INTERPRETER: Yes. This is the
23 interpreter speaking. My apologies for
24 interrupting, but I think somebody maybe who is
25 not speaking is -- somebody's mic is on.

1 MS. ANDREWS: Sorry. Standby. That's
2 Mr. Pak. I can go ahead and mute his line.

3 CHAIRPERSON ANDERSON: Please mute his
4 line. Yes.

5 Okay. All right. Mr. Kim, you have
6 five minutes to close, sir.

7 MR. LEE: Holiday Liquors is a
8 welcoming and family-oriented store. Always has
9 been respectful and cooperative. Despite the
10 environment or any violence that may transpire in
11 the neighborhood, overall community appreciate
12 the convenience and its operating.

13 According to the protestant report and
14 the ABRA investigator's testimony, ABRA
15 investigator was unable to substantiate the
16 protestant's claim.

17 THE INTERPRETER: Mr. Lee, could you
18 repeat the last sentence, please?

19 MR. LEE: ABRA investigator was unable
20 to substantiate protestant's claim. He monitored
21 the establishment on more than 10 separate
22 occasions, day and night. At no time did the
23 investigator justify his inquire about the issues
24 that could have been associated with Holiday
25 Liquors. He also did not observe heavy loitering

1 or criminal activity that could be associated
2 with Holiday Liquors.

3 No ABRA violations were observed
4 during these visits. The store has received
5 minor violations in 2015, 2016, and 2020, which
6 employee made that violation against the owner's
7 instruction. These three violations have been
8 thoroughly adjudicated, complying with the Board
9 order. Two of them were over three years.

10 All fatal shootings in the area have
11 been proved that the business operation was not
12 related or contributed. Criminal activity is not
13 new and always there. Licensee isn't responsible
14 for criminal activities.

15 If MPD cannot resolve this criminal
16 activity issue, licensee cannot be solely
17 responsible to prevent criminal activities. It
18 is hard to prove that current community concerns
19 are closely linked to the operation of a liquor
20 store.

21 The owner will not allow minors in
22 during school hours without parents who are -- to
23 accompany them, and posted signs on it. Given
24 the facts, we strongly believe that granting the
25 application is appropriate and will not

1 detrimentally impact the community. The owner is
2 hoping that the Board makes a favorable decision
3 to the application.

4 Thanks for your time and consideration
5 tonight, and I tried to make a short closing.

6 CHAIRPERSON ANDERSON: Thank you,
7 Mr. Lee.

8 MR. LEE: Thank you.

9 CHAIRPERSON ANDERSON: Mr. Conrad,
10 five minutes, sir.

11 MR. CONRAD: We submit that the great
12 weight of the evidence demonstrates that the
13 applicants fall well short of their burden of
14 proof in this matter. We exceed the substantial
15 evidence standard, even though it's the store's
16 duty to cross that threshold.

17 THE INTERPRETER: Mr. Conrad, could
18 you repeat your last statement, please?

19 MR. CONRAD: We exceed the substantial
20 evidence standard, even though it is the store's
21 obligation to cross that threshold.

22 We were offered the incorrect legal
23 standard. We were told we must show egregious
24 circumstances, and we were also hobbled by
25 failure to disclose and comport for the FOIA

1 statute.

2 And as demonstrated on cross-
3 examination, we had errors in the inspection with
4 respect to the store's ownership, the closeness
5 of Eagle Academy, and the existence of trash and
6 litter in the rear of the property. Even so, we
7 made our showing. We submitted three FOIA
8 requests, sifted through huge data dumps, walked
9 the grounds, photographed the premises, polled
10 the community, uncovered housing complaints,
11 pulled land surveys, and interviewed key
12 witnesses.

13 Mulled around what -- we reached
14 ground truth. We identified nine liquor law
15 violations from the MPD on the store's premises
16 over the current license period, and many more in
17 prior years. We identified 40 other charged
18 offenses on the property, and many more in prior
19 years.

20 Even discovered frivolous 911 calls
21 made by the owner, to which the MPD promptly
22 responded, but the MPD is blamed by the owner for
23 the surrounding crime anyway.

24 We also showed that the store trades
25 child safety for profit, that it negatively

1 affects nearby real estate values, and that it
2 has repeatedly failed to implement reasonable
3 measures to control litter pursuant to
4 Section 25.726.

5 We urge you to look at history. The
6 store entered into a cooperative agreement and
7 will not change its ways unless it is compelled
8 by official action, like the action we urge here
9 today. Other agencies have stepped up, but they
10 have been limited in what they can do to abate
11 this scourge. You have the strong medicine and
12 the facts that illustrate that use of this
13 medicine is warranted.

14 THE INTERPRETER: Mr. Conrad, my
15 apologies. Could you repeat that, please?

16 MR. CONRAD: Yes. Other agencies have
17 stepped up, but they have been limited in what
18 they can do to abate this scourge. You have the
19 strong medicine and the facts that illustrate
20 that use of this medicine is warranted.

21 We urge you to do the right thing, to
22 follow the evidence, to apply the correct legal
23 standard, and to do what's best for this
24 community as directed by the ANC.

25 Thank you very much.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you, Mr. Conrad. Thank you.

3 I want to thank both sides for their
4 presentation today. I guess I should say the
5 record is officially closed now that we have had
6 the -- now that we have had the closing.

7 The prior -- so let me ask, do the
8 parties wish to file proposed findings of fact
9 and conclusions of law or waive their right to do
10 so? Mr. Lee? I'm sorry?

11 MR. LEE: Yes.

12 CHAIRPERSON ANDERSON: Yes what, sir?

13 MR. LEE: Yes. What's your question?
14 Sorry about that.

15 CHAIRPERSON ANDERSON: Do you wish to
16 file proposed findings of fact and conclusions of
17 law or waive your right to do so?

18 MR. LEE: I don't want it. I'll waive
19 that.

20 CHAIRPERSON ANDERSON: Which one, you
21 don't want to do it?

22 MR. LEE: Yeah. I don't want to do
23 it.

24 CHAIRPERSON ANDERSON: Mr. Conrad?

25 MR. LEE: I think the Board has heard

1 enough today, for whole day.

2 CHAIRPERSON ANDERSON: Mr. Conrad?

3 MR. CONRAD: With the Board's
4 indulgence, can I ask Salim Adofo what he would
5 like to do? I serve at his pleasure.

6 CHAIRPERSON ANDERSON: Sure. As the
7 -- basically, what that -- what that means is
8 that you can get the transcript, read the
9 transcript, and then write a legal brief about
10 what the facts and the conclusions are. But
11 there is no new evidence that will be presented.

12 MR. CONRAD: Understood. I agree with
13 Mr. Lee. Can we -- can we have a copy of the
14 transcript without going back out?

15 CHAIRPERSON ANDERSON: Well, you can
16 always get a copy of the transcript. The
17 transcript won't be available until -- like until
18 30 days. So the transcript will be available in
19 30 days, so you can always get a copy of the
20 transcript.

21 But I guess what I'm trying to say to
22 you is that, do you want the Board to wait until
23 you write something, or do you want the Board to
24 make a decision on the presentation today?

25 MR. CONRAD: I think in the spirit of,

1 you know, mutuality and collegiality, I'll side
2 with Mr. Lee here and rest on what has been
3 presented in the hearing.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, Mr. Conrad, for that. So the Board
6 will make a decision and will issue a decision
7 within 90 days. So hold on one minute.

8 All right. Thank you. Thank the
9 parties for their presentations.

10 All right. So as -- hold on a minute.
11 Sorry. Hold on.

12 All right. As Chairperson of the
13 Alcoholic Beverage Control Board for the District
14 of Columbia, and in accordance with D.C. Code
15 Section 25.74(b) of the Open Meetings Act, I move
16 that ABC Board hold a closed meeting for the
17 purpose of seeking legal advice on our counsel on
18 Case Number 21-PRO-00025, Holiday Liquors,
19 pursuant to D.C. Official Code Section 25 -- I'm
20 sorry. I'm sorry. Pursuant to D.C. Official
21 Code Section 25.74(b)(4) of the Open Meetings Act
22 and deliberate upon -- on Case Number 21-PRO-
23 00025, Holiday Liquors, for the reasons cited in
24 D.C. Official Code Section 25.74(b)(13) of the
25 Open Meetings Act.

1 Is there a second?

2 MEMBER SHORT: Mr. Short. I second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion. I will now take a roll call
5 vote on the motion that has been presented to us.

6 Mr. Short?

7 MEMBER SHORT: Mr. Short. I agree.

8 CHAIRPERSON ANDERSON: Mr. Cato?

9 MEMBER CATO: Bobby Cato. I agree.

10 CHAIRPERSON ANDERSON: Ms. Crockett?

11 MEMBER CROCKETT: Rafi Crockett. I
12 agree.

13 CHAIRPERSON ANDERSON: Mr. Grandis?

14 MEMBER GRANDIS: Edward Grandis. I
15 agree.

16 CHAIRPERSON ANDERSON: And Mr.
17 Anderson. I agree.

18 As it appears that the motion has
19 passed five-zero-zero, I hereby give notice that
20 the ABC Board will recess this proceeding to hold
21 a closed meeting in the ABC Board Conference Room
22 pursuant to Section 25.74(b) of the Open Meetings
23 Act.

24 Again, I want to thank all of the
25 parties for their presentation today, and we will

1 move forward with this case. So just give me one
2 more minute, so I can close the record officially
3 for today.

4 All right. As Chairperson of the
5 Alcoholic Beverage Control Board for the District
6 of Columbia, and in accordance with Title 3,
7 Chapter 45, of the -- of Open Government, I move
8 that ABC Board hold a closed meeting on
9 August 26, 2021, for the purpose of discussing
10 and hearing reports concerning ongoing
11 investigations of alleged criminal or civil
12 misconduct -- or civil misconduct or violations
13 of law or regulations and seek legal advice from
14 our legal counsel on the Board's investigative
15 agenda, legal agenda, and licensing agenda for
16 August 26, 2021, as published in the D.C.
17 Register on August 20, 2021.

18 Is there a second?

19 MEMBER CROCKETT: Ms. Crockett
20 seconds.

21 CHAIRPERSON ANDERSON: Okay.

22 Ms. Crockett has seconded the motion. I will now
23 take a roll call vote on the motion before us now
24 that it has been seconded.

25 Mr. Short?

1 MEMBER SHORT: Mr. Short. I agree.

2 CHAIRPERSON ANDERSON: Mr. Cato?

3 MEMBER CATO: Bobby Cato. I agree.

4 CHAIRPERSON ANDERSON: Ms. Crockett?

5 MEMBER CROCKETT: Rafi Crockett. I
6 agree.

7 CHAIRPERSON ANDERSON: Mr. Grandis?

8 MEMBER GRANDIS: Edward Grandis. I
9 agree.

10 CHAIRPERSON ANDERSON: And Mr.
11 Anderson. I agree. As it appears that the
12 motion has passed, I hereby give notice that the
13 ABC Board will hold this aforementioned closed
14 meeting pursuant to the Open Meetings Act.
15 Notice will also be posted on the ABC Board
16 Hearing Room bulletin board, placed on electronic
17 calendar on ABRA's website, and published in the
18 D.C. Register in as timely a manner as practical.

19 Again, I would like to thank the
20 parties for their presentation today. It has
21 been a long day, but we were able to move through
22 this day to listen to the concerns of the
23 applicant and the concerns of the community, and
24 the Board will go into executive session and make
25 a decision.

1 So I want to thank the parties for
2 participating today. I also want to thank the
3 members of the public who participated today
4 virtually. I'm not sure how many people
5 participated online today, but I want to thank
6 them for participating.

7 I also want to thank all of the Board
8 members for their intent and attention to this
9 matter today. Thank you very much for your --
10 for your attention. We are adjourned for the
11 day.

12 I now request that all Board members
13 now return to executive session for further
14 development.

15 Good night. Have a great day. Thank
16 you very much.

17 (Whereupon, the above-entitled matter
18 went off the record at 10:56 p.m.)

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A		
A-D-O-F-O 11:4 187:25	108:3 125:15 126:8	74:9 75:16 76:14
A-N-O 135:24	Academy 29:17 30:1	190:10 205:2
A-R-S 10:22	38:13 44:16 45:2,6,10	adjourned 257:10
a.m 89:13	50:12 51:8 52:10	adjudicated 56:4,5
abate 250:10,18	58:21 60:22 64:2	218:13,18 219:6
ABC 23:23 36:3 44:12	66:15 105:21 121:18	247:8
44:21 57:3 89:17 92:1	121:20 136:24 138:12	administered 194:16
92:6,7 106:7 144:2,9	212:14 213:14 249:5	194:21 195:24
145:16 146:1 165:12	acceptable 134:10	Administration 35:24
213:19,24 216:11	access 23:17 245:4	administrative 13:13
218:5,8 221:13,25	accident 42:7 56:13	54:2 110:21 203:21
225:2 226:11 227:13	accident/property 42:2	admission 29:4
229:21 230:3 241:16	accident/unknown	admit 116:24 129:9
253:16 254:20,21	42:5	187:12
255:8 256:13,15	accompanied 88:6	admitted 194:4 197:11
ABC-related 236:9	accompany 247:23	199:12 203:9
abilities 4:11 180:23	accumulate 28:5,15	admitting 219:5
ability 37:8 180:12	accurately 4:8	Adofo's 191:7
able 6:17 24:13 37:21	accuse 147:18	adolescent 88:7 89:10
37:22 41:8 47:16	acquired 138:11	89:10
72:22 77:4 138:23	act 87:1 222:10,12	adopt 230:8
145:3,6 178:12	228:19,22 253:15,21	adopted 206:5
179:16 256:21	253:25 254:23 256:14	adult 168:24 204:20
Abney 89:4	action 25:25 250:8,8	adverse 38:23 240:5
above-entitled 133:21	actions 206:9	advice 166:13 168:3
257:17	active 77:20 94:4	253:17 255:13
above-referred 114:24	actively 29:1	advised 46:18 51:9
115:9,20 116:3,13	activities 54:25 76:20	145:3
117:3,14 118:8,15,20	140:17 177:5,19	Advisory 43:20 174:10
121:21 122:1,7,15,25	247:14,17	174:13 188:4 215:25
123:14 124:2	activity 40:23 89:25	216:25 222:11
ABRA 2:2,5 14:1 15:13	150:8 177:14 247:1	affect 207:10
23:6,24 31:2 40:16,20	247:12,16	affidavit 199:24 200:5
41:5 50:21 56:12 57:9	acts 40:5 59:16	200:11 201:8,8,15,18
58:15,16 70:17 94:24	add 139:19 141:15,25	201:21 202:2,4
94:25 95:2,2,3,7,9,11	142:10 208:3 218:3	affirm 4:7 35:17 81:1
95:18,20 96:3,4,5,8	245:6	135:14 147:24 173:2
97:6 102:23 105:5,12	added 39:19 108:25	186:19,21 233:25
107:8,8,12,14 109:14	109:5 142:13	affirmative 125:1,13,25
118:6 121:8 122:13	addicted 219:11	affirmed 186:25
127:19 162:12,18	addition 51:19 220:15	afflicted 73:15
190:15 195:6 204:11	additional 46:14 60:21	aforementioned 256:13
209:18 210:22 211:13	200:7	afraid 221:7
215:25 243:19 246:14	Additionally 190:14	afternoon 3:5 4:1 7:13
246:14,19 247:3	204:19	7:18,22 11:6 13:23
ABRA's 39:15 57:6	address 15:5 41:13	22:17 50:24 135:20
256:17	42:11 56:22 58:24,24	168:2 172:23 187:22
ABRA- 71:20	59:9,9 71:18 96:3	243:11
ABRA-related 42:13	148:6 173:10 178:6	age 89:5 140:11,12
56:25	179:19 195:7	agencies 149:5 229:22
absolute 29:13	addressed 16:15 47:7	250:9,16
absolutely 62:18 69:20	47:19 53:24 179:21	agency 36:1,6 39:15
69:20 75:25 87:2	201:2	47:4 54:4 55:16 71:13
102:1 112:7 118:2	addresses 12:11 15:14	198:22 203:18
136:18 157:2 187:14	15:15 129:21 230:10	agenda 16:1 255:15,15
191:25	adduce 26:16 32:14	255:15
abutting 72:21 73:19	adhere 71:11	aggravated 42:2
	adjacent 73:12,14,19	ago 126:20,20 165:19
		175:20
		agree 62:18 70:7 74:8
		95:25 123:24 126:14
		127:3 175:5 180:22
		204:3 252:12 254:7,9
		254:12,15,17 256:1,3
		256:6,9,11
		agreed 5:17
		agreement 23:11 34:14
		34:15 43:3 55:5 127:2
		127:9,18 128:2
		157:10,13,20 179:22
		180:3,18 181:2,10
		206:12 211:23,24
		250:6
		Ah 216:23
		ahead 10:15 12:25 16:8
		17:4 22:2 45:24 52:16
		55:23 67:20 90:25
		95:23 96:19 104:22
		105:2 137:1,2 169:10
		173:6 179:15 210:18
		227:17 228:4 233:11
		235:8 246:2
		alarm 77:10
		alcohol 23:17 31:4
		39:12,13,20 40:5,9
		140:11 141:12 143:18
		143:20 162:1,18
		177:13,17 190:11,16
		190:17 204:10,16
		208:9,23 209:2,12,13
		210:16 213:5,8
		219:11 220:13 221:18
		alcohol-related 208:25
		alcoholic 1:2,14 35:23
		54:1 154:6 253:13
		255:5
		alerted 141:11 146:2,6
		Alexandria 143:4
		Alight 3:3
		ALIYA 1:23
		alleged 95:15 255:11
		alleys 73:12
		allow 28:4,14 54:22
		104:13 111:4 136:4
		173:20 176:9 192:4
		203:23 211:15,15,17
		247:21
		allowed 88:11 167:7,9
		168:24 209:20
		allowing 146:15
		alphabet 131:4,5
		alright 3:22,25 4:13,14
		4:20,25 7:5,12,13
		8:15 9:22 10:14 11:10
		12:13 13:19,22 16:13
		17:3,11,18 20:2,6,9

20:15 21:13,23,24
 22:13,14,14 33:13
 34:21,22 35:14,20
 37:4,17 45:17 46:2,20
 61:17 62:23 64:11
 67:4 69:17 75:8 80:4
amenable 201:20
amend 180:25
amended 181:1,2,7,9
 181:12
amount 86:18
Anacostia 23:11
ANC 1:8 2:2,5 9:17 11:3
 11:9 14:6,11 22:21
 25:2,6,15 26:9 34:21
 38:22 39:2,6,7 40:1,3
 46:19 53:15 91:10
 99:13 117:13,24
 156:19,23 169:14
 179:1 182:16 189:14
 190:24 193:4,8
 195:11 198:12 208:4
 211:16,18 215:1
 219:20 220:9,10,12
 221:11,12 222:2
 228:17 229:24 230:5
 230:7,9 250:24
ANC's 14:23
ANCs 53:20 222:17
 230:3
Andrews 2:2 3:7,9,11
 6:7,14,17 17:8 21:24
 22:1 37:7,10,12 61:12
 61:15,18,21 192:3,7
 233:6,10 246:1
annotations 109:1,15
announce 233:11
answer 37:1 53:7 68:10
 77:24 125:20,24
 126:16 129:8,14
 145:9 163:25 173:21
 176:10 179:16 180:11
 181:19 182:5 183:24
 215:8
answered 93:9 214:10
 214:19 241:3,15,17
answers 128:5
anticipated 110:9
anybody 165:14 176:1
 229:9 238:15 240:18
anymore 180:16 237:15
anyway 126:2,21
 230:13 242:24 249:23
apartment 154:23
 169:17 173:13
apartments 73:7
apologies 25:13 27:5
 28:11 32:3 67:21

70:23 79:15 139:22
 161:4,6 200:2 209:5
 245:23 250:15
apologize 11:11,13
 16:8,10 64:20 199:14
 213:21 218:14 232:8
 232:13 244:2
apology 67:24 225:11
app 216:10
appear 12:12 49:5
 66:11 147:20
appearance 12:5
appeared 231:15
appearing 17:17
appears 62:4 254:18
 256:11
appease 98:23 113:16
applaud 222:2
applicable 25:10,19
applicant 15:23 16:4
 18:5 20:4,10 22:16
 25:23 27:25 31:5
 32:18 184:9 207:7,20
 216:13 228:2 256:23
Applicant's 15:22 29:10
 77:2 206:21
applicants 26:19 27:8
 248:13
application 1:9 13:24
 14:5 24:3 25:4 38:16
 150:21 192:16 247:25
 248:3
applications 12:21
apply 91:17 250:22
applying 22:19
appointment 134:5
 142:23
appreciate 17:1 27:16
 54:16 61:10 124:24
 142:22 164:12 168:2
 184:19 234:9 240:2
 246:11
approaching 206:11
appropriate 18:22 26:1
 26:3 45:15 125:3
 140:18 225:15 247:25
appropriately 183:20
appropriateness 25:11
 25:20 26:12 31:18
 32:13 207:12
approved 222:10
approximately 36:9
 217:2
April 221:22
area 23:7,10,13 39:16
 44:8 49:15,16 51:20
 51:21,24 60:6 66:1,5
 66:5 67:9,11 72:18,22

73:7 74:1,6,9 93:4,13
 142:16 143:23 145:17
 148:9 149:22,25
 150:5,9 153:9,14
 155:20 171:1 173:14
 173:16 176:18,22,25
 177:8,11 184:14
 190:10 194:17 206:22
 207:16,17 210:9
 213:17 221:20 247:10
areas 40:24 72:15 73:7
 84:20 177:11 207:11
argue 26:19 27:9,19
 32:18
argument 27:17 62:13
 62:19 207:23
arrest 19:7,7
arrested 31:23 32:9
arrests 97:14
arrive 17:23 18:1 99:11
articulate 158:11 194:7
ascertain 41:7 191:4,15
Aside 208:1
asked 67:22 77:12,17
 91:16 93:9 116:23
 128:11 132:16 153:1
 162:13,19 163:1,9,12
 167:19 171:13,17
 172:11 176:20 178:22
 180:10 189:19 195:6
 195:8 214:10,18
 218:25 230:16,23
 231:14 235:1 238:13
 241:3,3,15,17 244:1,9
asking 13:1 18:6 32:20
 35:7 56:15 71:3 74:25
 103:14 109:17 113:17
 113:19 124:10 157:3
 162:19 166:12 168:11
 179:3,3 180:8,10
 245:19
asks 173:19
assault 42:2
assaults 236:20
assigned 36:18 46:9
assignments 39:15
assistance 6:8 18:7
Assistant 15:18
associate 9:20 149:2
associated 198:15
 246:24 247:1
assume 49:22 78:6
 181:11
assumed 137:14
assuming 56:5
assure 224:11 226:16
 228:12
assured 226:10

attach 150:20
attached 43:13,16
 101:20 110:10 113:10
attempted 37:24
attempts 110:2
attend 30:8
attendance 244:4
attending 30:15
attention 52:4 94:25
 95:1,7 257:8,10
attest 198:20
attorney 12:14,19,21
 13:10 39:24 110:18
 127:5 132:12
attorneys 13:5,6,12,12
 13:14 21:15,22 35:11
 86:9 100:16,18
 245:19
audible 130:13 132:25
audio 7:11
August 1:12 40:18
 255:9,16,17
Austin 107:13 122:13
authenticity 119:5
 198:20
author 200:5
authored 200:12
authorities 146:2
authorize 19:13
authorized 130:18,19
automatically 71:2
available 12:6 234:8
 252:17,18
Ave 38:11
Avenue 73:3 169:20
avoid 21:4 166:22
aware 13:15 15:6 23:22
 40:2 56:6 70:16 71:3
 73:8 74:11 76:18 88:2
 91:25 95:17 99:23
 110:24 127:12,17
 137:17 140:9 144:4
 156:16,24 157:4
 159:5 162:10 176:20
 176:21 198:11 214:2
 216:13,17,24,25
 218:11 219:1,3,9,12
awful 30:17

B

B-A-R-N-E-S 10:13
baby 183:6
back 43:10 64:17 67:1
 68:3,14,23 72:19,23
 93:16 98:12 107:20
 114:18,18 124:11
 128:23 133:17,19,25
 134:16 138:24 149:16

152:12 154:1 161:16
 167:24,25 186:10
 198:8 222:1 225:10
 252:14
background 14:3
 136:14 147:11,16
 183:7
backwards 151:25
bad 175:2,3,4 239:14
ball 86:10
Ballou 213:12
bank 170:9,11,11,15
 171:3,4,4,7
banks 221:14
bar 12:21
Barnes 2:3 9:15,25,25
 10:3,7,8,12 146:24,25
 147:1,2
barred 12:21
barrier 27:23
based 17:16 28:22
 57:22,24 58:5 59:11
 59:23 62:19 129:19
 129:21 137:17 152:18
 152:23 160:3 163:25
 171:16 172:10 205:24
 206:3 210:22 226:24
 228:22 230:4,16,22
basic 142:4
basically 44:9 60:16
 67:5 70:11 166:1
 199:24 252:7
basis 111:16 149:4
 158:25 159:12
bear 62:21 72:16
becoming 219:10
beef 160:25
beer 23:7 130:18
 165:15
began 45:11
beginning 93:10
behalf 77:13 156:18
behavior 67:7
believe 18:2 20:7 24:2
 33:20 44:19 71:6
 78:19 101:13 108:4
 123:8 136:21 141:4
 155:11 156:1 163:19
 167:3 171:20 177:6
 178:8,11 180:21
 188:22 199:7 205:24
 206:5,7 222:16 237:5
 247:24
believed 52:9 184:12
believes 40:4
belongs 76:10 152:12
 152:13
best 4:10 18:23 21:10

24:17 35:3 43:4 83:22
 124:21,25 126:18
 155:22 156:7 180:11
 180:23 184:12 211:19
 217:16 222:7 228:23
 229:2 250:23
better 103:7 229:22
Beverage 1:2,14 35:24
 54:1 253:13 255:5
beverages 88:8 154:6
 175:6 204:20
beyond 219:7
Bible 73:4
big 31:17 160:9 167:10
 168:20,21,23 229:6,7
bike 42:8 171:1
bills 148:17
binds 127:3
bit 5:10 31:19 32:5 86:5
 126:5 134:7 136:13
 138:6 140:7 188:13
 191:8 194:21 245:17
black 26:5
blame 29:3
blamed 249:22
blind 220:4
block 51:12 136:22
 212:10,15
blocks 165:7,8
Board's 14:3 16:19
 18:25 34:24 252:3
 255:14
Bobby 1:22 254:9 256:3
body 30:18 138:8
 139:11 140:8 161:15
bother 207:2
bottles 154:6,6
bottom 232:25
bound 127:8
boundaries 65:17
bounded 38:11
boxes 125:6,6
boy 28:21 237:1,10
brave 220:1
breach 211:24
breached 34:15
break 24:11 133:14,15
 134:8 186:3 223:4
breeched 127:17
breeches 127:20
brevity 24:12
brief 29:10 35:7 161:22
 178:19 252:9
briefly 18:18 43:17
 72:20 203:11 228:3,5
bright 84:11 168:23
bring 34:8 49:14 52:4
 113:18 171:23 229:3

bringing 221:4
brings 29:5 123:19
broader 137:4
broom 206:24 207:2
brothers 239:3
brought 94:25 95:1,6
 95:16,18 141:8 193:8
 197:25 200:13 222:17
bubble 167:11 169:1,21
buffering 167:2
build 189:1,4
building 58:19 60:21
 137:21
bulletin 256:16
bunch 49:11 237:24
burden 25:23 248:13
business 8:14 9:14
 23:19 40:7 49:15
 79:10 81:12,14,15
 82:11 83:10,13,17,25
 84:6,7,21 88:16,21
 89:25 90:15,25 91:8
 96:12,14,15,17,18,21
 96:22 128:8 131:18
 145:17,24 148:12
 152:7 155:12,16
 202:18,19 209:19
 210:12 247:11
businesses 23:9 49:23
 78:16 155:18 228:24
button 6:4
buy 41:14 148:15
 167:11

C

C 10:17
C-A- 173:11
C-A-L-L 10:17
C-A-R-M-E- 10:16
C-A-T-A- 135:23
C-H-R-I-S-T-O-P-H-E-R
 11:20
C-O-N- 11:20
calculate 55:8
calendar 16:2 256:17
call 14:12 16:5 20:13
 34:23 35:14,15 43:25
 90:11 99:19 120:9
 145:19 146:23 163:13
 163:14,16,23 164:7
 184:16 186:16 216:9
 231:4 232:1,7,8,15,15
 232:16,17 233:2,5
 235:18 239:5 242:23
 254:4 255:23
call-in 22:1
called 73:3 77:9,11,14
 83:13 89:4,10 99:11

150:3 161:14 163:11
 163:22 164:2,8 170:2
 184:3 186:24 236:21
 238:12
calling 9:11 20:7 84:16
 232:4
calls 41:9,12,15,15,16
 41:17,20,20,21,22,23
 41:24 42:3,4,9,10
 45:21 57:1,6,7 68:14
 71:16,17 72:3 78:4,7
 78:11 99:10,19 149:2
 163:5 221:19 249:20
camera 4:1,5,21,24 5:2
 6:2,2,13 7:6,9,11
 10:24 21:9 147:11
cameras 4:3 27:22 84:8
 90:2
campus 58:21 137:4
cancer 149:18
cans 206:23
canvassed 216:10
canvassing 195:12
capable 130:6
capacity 11:25 12:1
 188:9 189:13 208:4
capital 10:17
car 65:22 188:14
card 111:20
Care 213:16
carefully 27:3,13
carelessness 28:2
cares 190:6
Carlene 142:12 188:10
Carmen 2:7 9:19 10:2
 10:16 172:21 173:11
 173:11 176:8 215:14
carnage 28:8,19
carries 165:15
cars 151:22 161:17,19
 176:6
cart 114:23
case 1:8 3:4,4,5,8 16:24
 17:1 20:17 33:23
 34:11 35:12 36:21,22
 42:23 43:2 46:9 86:25
 129:5 142:6 167:17
 209:11 224:7,9,10
 232:18 244:13 253:18
 253:22 255:1
cases 56:18
cashier 81:21,21 82:13
 85:5 91:19
casts 27:25
Catalano 2:3 3:18 11:8
 11:23,23 30:14,17
 135:1,2,4,6,12,16,21
 135:23 136:22 138:5

138:22 140:21 141:14
 141:21 142:21 146:4
 146:15,18 186:15
Catalano's 31:1
catch 191:8
Cato 1:22 254:8,9,9
 256:2,3,3
caught 39:14 140:24
 190:19,20 208:13,15
 236:4
cause 177:20
cautioned 25:6,15
caveat 63:19
center 64:7 169:25
 181:14 213:14
centers 44:22
certain 166:7
certified 41:6
cetera 138:8 141:12
chair 3:21 5:4 6:14 17:8
 17:18 19:9 27:15 66:7
 184:18 187:4 219:18
 220:9 225:3,9,18,22
 228:6,11 229:13,20
 230:24
chair's 102:6
chairman 11:25 46:23
 128:13 164:18 169:6
 219:20 226:5 227:3
 227:20 234:16
chairs 41:2 48:23 49:1
 64:15 65:16 66:2
 155:9 175:25
champion 220:5
chance 46:6 153:19
 183:21,22 243:24
Chang 12:7
Chang's 17:25
change 163:25 250:7
Chapter 255:7
characterize 184:8
charged 97:14 249:17
Charles 64:7
charter 38:13 45:2,11
 50:7,13 51:9 58:21
 64:3
chase 35:12
check 83:2,6,6 87:5,13
 170:15,19 185:20
 192:14 210:25 235:19
 235:21,25 236:5
 242:4
checked 204:13 210:20
 240:14
checking 83:8 196:13
checks 213:6
chief 16:24 17:2 146:23
child 40:6 67:11 154:9

154:10 213:2 249:25
children 29:7,9 51:14
 51:23 62:22 63:25
 88:6 140:18 141:18
 142:9 145:25 167:6,9
 168:14,23 204:18
 209:20,22 213:10
 219:10 220:19 223:3
 235:15
Cho 12:6
choose 140:9
chooses 142:5
chose 209:15
Chris 24:23 25:1
Christopher 2:4 11:7,8
 11:20 14:10 38:20
church 73:1,4 152:11
 152:12,13 154:22
 170:7 171:1,7
cigarettes 30:20 127:25
 140:12 141:3 204:20
circumstance 31:14
circumstances 25:8,17
 26:8 217:17 248:24
cited 204:9 253:23
citizens 27:20 28:1 31:7
 100:4 158:9 174:9,13
 182:6 204:5 228:23
city 41:22 136:22 149:7
 182:11 222:17 228:23
 228:24
city-wide 142:14
civil 255:11,12
claim 77:20 120:25
 198:14 246:16,20
claimant's 108:18
clarification 7:8 48:8
 50:20 58:10 62:3 86:9
clarify 48:3 62:11,20
 63:2 81:16 87:18
 229:21 231:7 243:18
clarifying 203:10
Class 13:25 22:19
classes 30:12
clean 23:21 50:4 56:7
 124:21 126:3 149:22
clean-ups 207:16
cleaned 207:3
cleaner 23:10 83:14
cleaners 49:20 78:16
 152:1
cleaning 84:1,17
 126:12
cleans 84:19,20
clear 29:19 30:4 72:11
 114:3,20 141:21
 143:15 204:11 224:18
clearly 61:2 230:1

clerk 236:8
client 8:1,2,3 93:10
close 46:21 48:4 49:7
 64:1,8 79:20 84:6
 136:8,23 152:4,6,7
 155:20 159:1 165:5
 181:21 185:13 197:7
 209:21 244:15 245:2
 245:9,14 246:6 255:2
close-by 166:16
closed 48:6 165:18
 170:4,5 171:25 172:1
 226:21 245:3,10,12
 251:5 253:16 254:21
 255:8 256:13
closely 247:19
closeness 249:4
closes 50:24
closest 136:24 166:4
closing 48:5,9,17
 234:13 245:13 248:5
 251:6
code 18:14 25:21
 204:11 222:13 253:14
 253:19,21,24
coexist 40:14 228:25
cognizant 60:13
colleague 178:23
collected 92:21,25 93:1
 117:13 126:10 128:7
collection 84:25
College 2:4 64:4 135:7
 135:8 136:2
collegial 18:19
collegiality 253:1
Columbia 1:1 36:4
 177:10 212:24 253:14
 255:6
come 6:18 36:20 58:6
 60:13 71:2 77:7,7
 90:23 91:7 147:11
 161:15 162:4 167:7
 167:10 168:24,25
 174:18 177:10 211:16
 211:17 217:7 226:9
 238:21 239:20 242:7
 242:8
comes 13:23 23:23
 84:17,22 87:14 88:7
 124:16 154:1 167:24
 167:25 229:23 238:18
coming 154:7,7 166:23
 210:5 240:10 243:2
commencement 16:15
commended 220:1
comment 223:24
commented 67:14
comments 225:7

Commission 43:20
 188:4 191:4 216:1
 217:1 222:12
commissioner 9:18
 12:1 38:22 39:2,10,19
 44:4 46:19 66:24
 149:1 187:22 188:5,9
 189:11,19 210:6
 215:4,11 219:23
 220:9,25 221:24
 222:3
commissioners 182:16
 215:1 222:7
committed 97:16,21,24
 205:9
common 32:17
commonly 190:16
communicated 90:20
communicating 87:24
communication 44:5
 91:7
Communications 41:10
 43:25 45:22
communities 174:18
 208:8 221:16 229:4
community 23:20,25
 24:4 26:18 29:2 31:7
 31:7,10 32:19 34:18
 39:21 40:14 53:11,16
 55:1 56:19 59:14,18
 60:1 82:19 83:22 88:1
 90:15 91:5 94:1,3,7
 94:13 100:4 117:10
 117:10 136:5 137:4
 139:11,12,15 142:6
 149:20 154:17 155:15
 156:4 171:6 174:15
 174:19 176:16,21
 178:5,6,9,12 190:17
 191:14 194:11,12
 195:12 204:5,23,24
 207:14 211:18,20
 212:25 216:10 219:12
 220:2,15,18 223:3
 239:1 246:11 247:18
 248:1 249:10 250:24
 256:23
community's 29:7
commuting 204:25
company 9:16 10:8
 93:12
compared 57:22 59:25
comparison 57:5
compelled 250:7
compelling 52:20
compete 84:2
complain 99:21 146:1
 205:17

- complaint** 107:7 123:25
126:5 197:24 198:6
198:12,19,21 199:16
199:25 200:7,13
205:23 212:1
- complaints** 42:3 140:13
174:21,22,24 175:1
249:10
- complete** 87:23
- completely** 70:6 77:25
220:20
- completing** 191:3,13
- compliance** 113:18
- complied** 220:10,11
- comply** 92:5 113:14
- complying** 247:8
- components** 32:13
- comport** 248:25
- comprehensive** 52:19
- compromises** 190:12
194:12 204:18
- conceded** 201:4
- concentrations** 208:8
221:16
- concern** 18:24 56:19
88:1 145:15 160:10
160:15 161:24 163:4
176:22 203:1 211:8
- concerned** 59:14
148:24 149:11 213:25
- concerning** 216:5
255:10
- concerns** 39:3,11 40:23
52:5,7,11 96:3 145:22
174:15 176:17 183:8
247:18 256:22,23
- concluded** 140:1
- concludes** 45:25
- conclusion** 34:8
- conclusions** 251:9,16
252:10
- condition** 73:18
- conditional** 14:13
- conductive** 98:24
- conduct** 16:20 31:23
32:8 36:2 95:20,21
207:15
- conducted** 16:17 21:22
38:5 44:3
- conducting** 68:15
- Conference** 254:21
- confidence** 227:11
- confident** 204:15
- confirm** 21:3 70:11
144:17 215:23,24
- confirmed** 108:6
- confused** 99:17 106:6
112:20
- confusing** 113:21
215:10
- confusion** 61:23
- congregated** 144:22
- congregation** 48:20
- connect** 6:24
- connection** 168:6,7
- Connell** 149:2
- Conrad's** 106:7
- consequences** 181:13
- consider** 55:25 58:15
68:6 213:19 230:2,2,7
- consideration** 33:14
142:2 208:3 248:4
- considering** 213:25
- considers** 14:25 230:10
- consistently** 230:12
- consoled** 229:12
- constantly** 51:24
- constituent** 200:12
- constituents** 194:17
197:17
- constraints** 146:16
- constructed** 58:20
60:23
- consult** 127:5
- contact** 12:9 15:10 18:5
90:11 94:12 144:25
212:17
- contacted** 211:10
212:22
- contacting** 90:9 214:15
- container** 69:24
- content** 99:3
- contest** 218:20,22,23
219:4
- contested** 22:21 240:22
- context** 138:2 188:16
- continuance** 18:21
- continue** 121:10 139:20
141:14 150:14 172:15
209:21
- continues** 142:20
- contradiction** 44:17
- contradicts** 184:5
- contrast** 158:23
- contributed** 247:12
- contributing** 177:5,7
- control** 1:2,14 75:3,6,11
206:6 250:3 253:13
255:5
- convenience** 246:12
- conversation** 17:16
145:4 225:16 239:25
- conversations** 18:20
- convey** 92:14
- cooperate** 23:25 60:3
- cooperative** 34:14,15
127:2,17 128:1 157:9
157:13,20 179:22
180:2,18 246:9 250:6
- Coordinating** 23:12
- cops** 77:7
- copy** 37:18 252:13,16
252:19
- corporation** 81:9
- correct** 7:6 55:10 58:14
63:5 67:15 70:14,15
71:21,22 72:10 73:15
78:18 81:10 85:20
97:18 99:12 106:1
127:19 128:10 131:10
136:23 141:23,24
157:15 158:5 175:17
194:18 195:18,21
196:16,17 197:19,22
198:9 202:22,23
205:15 206:8,18,19
212:11 216:7 236:15
236:16 237:20 250:22
- correction** 79:2
- correctly** 50:9 165:11
- correlated** 177:19
- correspond** 116:10
- correspondence**
122:13
- Correspondent** 174:13
- corridor** 31:12
- cost** 219:7
- council** 23:12 149:8
169:15 174:10,14
- counsel** 2:7 15:19 25:5
25:15 77:4 107:9,12
253:17 255:14
- count** 55:9,16,21 56:1
87:9
- counter** 83:9
- counterfeit** 42:5
- couple** 15:4 60:7 160:6
163:10 165:18 206:10
- course** 56:18 96:18
- court** 12:12 13:14 18:16
19:23 111:25
- cover** 183:7 213:3
240:25 241:9
- coverage** 72:17
- covered** 93:19
- covers** 154:12,13
- CRAV** 9:20 101:7,17,24
148:20,24 149:10
151:2 157:8
- Crawford** 169:16
- create** 138:9 239:20
- creating** 238:22
- crime** 29:2 31:12 67:9
99:20 111:19 114:10
114:11,23 137:8
149:24 160:12 249:23
- crimes** 137:11
- criminal** 54:25 59:15
89:24 95:21 150:8
177:5 247:1,12,14,15
247:17 255:11
- criminals** 28:4,15
- Crockett** 1:23 254:10
254:11,11 255:19,19
255:22 256:4,5,5
- cross** 34:24 35:2 80:10
102:25 106:20 109:9
248:16,21
- cross-** 240:4 249:2
- CROSS-EXAMINATI...**
210:7
- cross-examine** 153:15
- crowds** 48:18
- cruiser** 154:1
- crying** 183:7
- cure** 183:2
- curious** 64:13 95:11
- current** 15:14 22:19
69:13,22 138:10
188:1 215:11 247:18
249:16
- currently** 9:22 35:22
43:8 47:12 82:20
91:25
- curtailed** 142:16
- customer** 88:8 91:15,21
216:19
- customers** 23:14 83:21
84:13,14 87:23
216:15,16
- cut** 35:11 165:6 244:12
245:18

D

- D.C** 12:22 18:14 23:4,18
25:21 29:18 30:3 44:7
57:22 135:1 148:8
173:13 175:24 188:2
189:22 211:1 222:13
222:13 229:23 253:14
253:19,20,24 255:16
256:18
- damage** 42:2 74:13
199:19
- danger** 221:6
- dare** 223:1
- Darrell** 129:10
- data** 249:8
- dated** 138:24 222:9
- daughter** 81:20 82:12
- day** 16:25 19:2 28:7,18
42:25 93:5,11 147:10

- 147:16 160:15 164:12
168:2 213:16 224:22
227:15 228:15,15
231:5 232:11 235:22
235:23 237:5,6 241:8
243:10,13 246:22
252:1 256:21,22
257:11,15
- day-to-day** 40:23
days 70:21 84:25
128:25 129:1 252:18
252:19 253:7
- DC** 2:2,3,5 30:14 64:3
106:22 135:6,7 136:1
136:3,5,16,19 137:4
137:14,20,23,25
138:6,11 139:4
- DCRA** 76:18 107:7
123:24 126:5,15
197:24 198:6,12,19
198:21 199:25 200:6
200:13 201:4 203:14
203:18 205:23
- dead** 182:21
deal 89:24 229:7,7
dealing 54:18,22 59:16
67:6 71:23
deals 73:9
decades' 34:18
December 222:11
decent 238:19
decide 103:10 148:11
174:1
decision 68:7 142:2
157:14 179:24 180:19
181:16 201:23 218:5
218:9 224:1,5,16,19
226:24 229:25 230:4
230:8,11 248:2
252:24 253:6,6
256:25
decisions 227:11
228:13,20 229:24
230:12
declared 158:21
dedicated 42:11 56:22
57:8 71:18
deeply 139:12 229:10
delay 6:19
deliberate 253:22
deliberating 229:16
delivered 125:6
demonstrated 249:2
demonstrates 248:12
demonstration 99:14
99:15
denoted 108:18
densely 23:13
- density** 208:10 221:18
deny 16:2 25:3 31:14
158:22
denying 32:16
Department 89:16
depicted 76:19
describe 83:24 139:6
148:19 150:24,24
198:5
describing 153:9,11
designated 50:17
desk 91:20
Despite 246:9
detail 77:17 119:19
detailed 91:5 116:10
detailing 31:2
details 99:8 140:22
222:9
determine 40:21 51:4
78:12
determined 29:11
detrimentally 24:4
248:1
devastating 26:20
development 44:9
208:9 221:17 257:14
developments 61:25
die 220:3,19
died 89:8,12 149:18
difference 84:3 113:6
130:15 217:6,12
241:20
different 13:2 53:24,25
63:8 69:25 109:17
131:9 137:17 167:8
172:2 239:24
differently 87:2
difficult 72:2
difficulties 5:6
difficulty 126:17
diligence 15:12
direct 35:4 80:9 131:16
132:13 153:18 180:16
187:20 240:6
directed 250:24
direction 166:9
directly 38:14 49:18
50:12 51:17 52:6 61:3
90:18 98:15,16 119:4
150:8 151:16 154:4
177:4,13,17 212:9,13
238:1
Director 51:7
dirt 66:5,5
dirty 125:7 126:13
disagree 182:13 204:6
204:6
disclose 70:18 71:4
248:25
- disclosures** 27:18
100:12,16,22 102:12
103:4,16 117:10
discovered 249:20
discuss 34:10 90:18
91:1,2 94:13 123:18
123:22 197:24 211:11
211:11,18 226:22
discussed 90:14,19
120:19 145:15 224:7
224:8,10,19 236:19
discusses 194:9
discussing 255:9
discussion 29:9 81:18
107:8 140:1 179:10
discussions 52:3
dismiss 208:23
dismissed 14:16 46:13
disobedience 18:17
disobeying 12:12
disorderly 31:22 32:8
41:15
disorderly/unwanted
41:16
disparity 158:12
displayed 220:16
disregard 217:8
disrupts 220:14,17,20
disseminated 195:10
disservice 34:18
distance 62:21 165:21
213:11
distances 64:10
distinct 196:15
distribution 31:22 32:8
district 1:1 36:4 174:9
177:10 188:6 208:5
212:23 253:13 255:5
diverted 99:20
diverting 29:1
diverts 163:7
document 104:6 109:18
110:5 113:1,6,7 114:9
114:25 115:3,10,12
115:21,24 116:4,14
117:4,15,18,23,24
118:1,9,16,21 119:9
121:22 122:2,8,16
123:1,15 124:3
127:22 187:10,10,11
194:1 196:1 197:8
199:9 202:25
documentation 142:12
210:22
documented 26:20
27:3,13 209:1 210:16
documents 100:10,10
- 100:14,15,17,18
102:19 103:1,2,6,8,12
103:13 104:1,2,7,8,10
104:17,23,24 105:15
106:14 110:6,14,18
110:24 111:1,4 114:1
114:3,5,19 120:7
152:24 185:14,15
244:16,17,18,20
245:5,11
doing 21:10 35:4 39:15
44:25 45:1 50:22
76:24 86:9 99:21
124:21 133:10 137:15
151:6 157:4 163:20
175:17 222:2 224:21
227:16 241:10
dollars 242:19
Donovan 1:16,21
152:16
door 29:16,25 50:11,15
50:16,17 51:1 58:24
58:25 170:7
doors 61:24
Dr 30:6,9 118:18,23
142:12 188:10,14,18
188:21 189:7,20
190:2 192:9 193:6
194:7 212:7,17
drainage 126:7
drink 148:14 175:5
drinking 69:24 151:19
160:23 161:9
drive 154:24 155:1
driven 159:18,21 160:4
driveway 65:6 151:25
155:5
driveways 65:7
drop-off 51:20
drop-offs 205:3
droves 31:21 32:7
drug 31:22 32:8 41:14
54:17,22 59:16
160:24,24 177:13,19
drug/other 42:4
drugs 67:10 151:21
155:22 177:17
drunk 127:24
due 15:12 36:18 37:25
46:13 51:6 61:1 76:18
134:5 146:16
duly 216:2
dumps 249:8
dumpster 108:5,9
122:24 123:7 205:22
duplicate 108:19
duplicates 129:4
dustpan 206:25 207:2

duties 127:10
dutifully 26:6
duty 70:18 71:4 248:16
dwelling 72:25
dying 221:21

E

Eagle 29:17 30:1 38:13
 44:16 45:2,6,10 50:12
 51:8 52:9 58:21 60:22
 64:2 66:15 105:21
 121:17,20 136:24
 212:13 213:14 249:5
Earl 2:5 35:15
earlier 53:2 67:19
 101:16 113:1 119:20
 120:19 152:24 158:3
 164:1 184:3 201:4
 231:20 235:1 236:19
early 74:4 160:13
easier 237:19 245:7
eastern 38:10
eating 147:13
economic 208:9 221:17
edge 48:22 49:7 74:3
 229:1
edification 12:14 47:8
education 29:6 30:7
 188:24 189:13,21,24
 190:6 191:3
Edward 1:24 254:14
 256:8
effect 17:6
effective 222:12
effectively 18:25
 156:19
effort 17:22 31:11 56:7
 56:8 94:4 126:3
 183:10 206:17
efforts 17:1
egregious 25:8,17 26:7
 31:14 248:23
eight 47:22 84:8,9
 88:23 90:2 182:12
either 15:17 17:21 41:1
 48:4,17 50:25 90:10
 91:10 141:8 167:16
 185:20
elaborate 204:8 221:9
elaborated 221:2
elderly 239:5
elected 174:12 220:6
 222:4
electronic 256:16
elementary 212:10
 213:12,15
elements 26:14
elevate 3:7 4:2 17:9

21:25
elevated 3:12,13,15,16
 3:18,19,20
Elite 10:3,9
elongate 56:8 68:3,6
email 12:10 15:14,17
 43:24 44:4 70:8 195:8
 195:11 216:6,9 217:6
emailed 18:6 134:20
embraces 204:2
emergency 99:19
employ 23:19
employed 35:22 36:6
employee 83:4 86:4
 234:11 235:15 236:5
 236:10 247:6
employees 15:8 82:9
 82:19,22 85:19,25
 87:11,16 92:12,15,17
 175:14
encompasses 49:22
 51:11
ended 158:22
ends 28:7,18 212:14
enforcable 18:15
enforce 19:1 96:6
enforced 18:12
English 4:9,10 82:1
 87:24 234:17 235:8
ensure 15:13 73:11
 86:23 226:6,8 227:3
 227:10
ensured 142:15
enter 29:18
entered 34:14 127:2
 162:12,18 250:6
entertain 75:16 76:13
entertainment 182:2
entire 19:24 43:5 51:11
 51:11 174:15 217:3
 232:10
entirely 184:9
entrance 51:10,10,16
 51:25 58:13,23 90:7,7
entries 42:21
entry 42:22 43:1
enumeration 244:24
environment 73:11
 142:4,9 246:10
environmental 39:9
equipment 167:21
Equity 208:7,16 209:9
 221:2,4,10,15
erected 65:2
errant 28:23
error 75:24 76:5 79:18
errors 249:3
essential 158:21

essentially 32:18
 119:18 194:9
established 45:10
establishment 4:15,17
 8:12 23:6,16 36:16,19
 38:1,1,9 39:11,18
 40:1 42:20 43:6 44:14
 44:23,25 45:3,7 47:10
 47:14,25 48:5,6,17
 49:2 50:8,23 51:1
 52:6 53:1 56:23 57:13
 58:18 64:2 71:19 72:9
 72:25 73:10,12,14,18
 73:21,25 74:2,4 98:14
 120:14 139:9 142:5,8
 144:2 145:5,8,13,16
 152:5 165:5,12
 166:15 167:9 181:22
 198:16 211:14 212:22
 220:10,20 236:9
 246:21
establishment's 42:12
establishments 36:3
 39:20 44:13,21 57:22
 57:25 58:6 78:22
 130:22 131:9 132:9
 132:20 144:9 174:4
 221:13
estate 250:1
et 138:8 141:12
Ethiopia 131:13
evaluate 125:4
evening 34:5 35:9
 48:14 135:21 141:15
 166:20 169:13 172:15
 172:24
event 141:18 146:3,8
 168:8
events 138:24
everybody 22:18 53:21
 217:17
everyone's 18:24
evidence 25:24 26:16
 27:24 31:2 32:14
 100:2,7,11,15,25
 101:22 102:6,15
 103:2,6,8,11,12,13,16
 104:3,9,18,24 105:8,9
 105:12 106:4,12,13
 106:14,15 109:24
 110:3,6,15,25 111:1,5
 111:12,15 114:1
 115:6,10 116:4 117:4
 118:16 120:11 122:2
 123:15 125:1,14,17
 125:25 128:15 162:11
 187:5,13 191:20
 192:24 193:11 194:5

195:23 196:5,19
 197:12 198:14,25
 199:13,18 200:16
 203:9,22,23,24
 205:21,25 206:4
 207:8 208:2 216:24
 218:4 248:12,15,20
 250:22 252:11
exact 58:7 88:22 99:8
exactly 85:25 126:21
 129:8,15 136:19
examination 21:6 35:3
 35:4 72:15 80:9,10
 106:20 109:9 186:24
 187:20 240:5 249:3
examine 34:24
examined 186:25
examining 103:1
example 108:19
examples 140:9 141:1
exceed 248:14,19
excise 31:11
exclude 15:22
excuse 39:6 205:1
 207:20 215:12 223:17
excused 80:3
executive 5:11 224:9
 224:15 226:22 227:7
 227:8 256:24 257:13
exercise 32:17
exhibits 21:5 43:13,16
 45:19,20 46:1 47:9
 66:21 100:1 102:6
 103:22 109:12,19,23
 110:8 112:2 113:13
 116:24 120:23 152:18
 160:13 187:5 199:15
 206:3,21
existence 53:2 73:5
 157:13 249:5
existing 26:25 27:3,10
 27:13 138:7 141:22
exists 26:3
exit 72:20 90:7
expect 13:11,14 21:16
 21:18,21 74:15,25
 75:9
expectation 16:19
 21:20
expectations 13:6,7
expedite 19:15
experience 57:21,23,24
 58:5 59:12,24,25
 83:11,16,17 85:6
 87:22 142:7 148:23
 174:11 236:8 241:13
experienced 139:16
expert 47:2

expertise 153:6
explain 6:23 85:10
 88:18 94:19 148:19
 148:22 150:11 174:8
 174:10,11 189:23
 212:18 215:3 217:12
 240:15
explained 77:14 90:2
 162:2
explaining 162:23
explanation 156:10
exposing 31:24 32:10
exposition 26:13
express 145:22
expressed 224:4
extend 5:17 16:22 65:4
extended 60:17
extends 66:11 73:2
extension 5:8
external 72:18 203:13
extra 20:19
eye 156:4 220:4

F

face 145:20
Facebook 216:9
faces 161:17
Facilities 51:8
facility 62:6 136:9
 137:24,25 144:3,24
fact 160:3 218:19,24
 240:21 251:8,16
factor 230:1
factored 157:14 181:16
factoring 179:23
 180:19
factors 125:4
facts 247:24 250:12,19
 252:10
factual 25:9,18
fail 87:1 159:1
failed 236:4 250:2
failure 14:16 43:2 46:13
 55:5 248:25
fair 63:16 138:25
faith 72:8
faithfully 92:5
fake 162:3
fall 248:13
false 77:10
familiar 36:14,15,17
 77:3 99:3,4 127:14
 136:9,11,11 143:23
 173:14,15 174:3
 189:8,8 236:18
families 141:11 213:17
 239:8
family 1:6 38:6 83:5

140:13 148:18 229:9
 229:9,11 239:10
family-oriented 246:8
far 6:6 48:18 65:4 166:8
 236:22
far-reaching 219:6
fast 27:15
fatal 40:6 88:15 247:10
favor 34:20 128:8
 180:20 223:24 225:8
favorable 248:2
February 86:20
feedback 66:17
feel 78:7,8 148:16
 181:25 204:24
feet 29:12,17 30:1
 44:13,23 45:3,6 50:8
 50:18 52:1 58:11,18
 58:25 62:8 121:1
 136:20 144:7 165:13
 213:20,25
fell 231:12
Fellowship 73:4
felt 30:8
fence 63:9 65:2 84:12
 90:6 149:25 155:5
 161:17
fencing 65:14
fight 30:21 149:23
fighting 29:2 99:20
 149:6
fight 41:21
figure 6:1 132:20
file 211:13,25 212:1
 251:8,16
filed 14:7,8 15:21 26:4
 206:18 212:3
filled 194:16
final 166:12
finally 31:16 34:9 41:8
 42:8 209:17
find 29:8 85:6 94:2,6,7
 113:22 149:14,21
 175:13 178:5 183:1,2
 191:7 211:23
finding 56:20 89:19,20
 89:22 114:2
findings 251:8,16
fine 7:13 9:3 17:23
 42:24 45:23 76:10
 95:14 106:15 119:11
 120:16 121:24 124:9
 132:21,22 162:9
 164:24 168:22 178:21
 186:1 219:7,8
fined 76:18 126:6,15
 201:3 203:14
finish 5:15

finished 140:2 160:19
 167:1 194:25 208:21
 229:18
fired 41:20
first 9:13 10:12 20:13
 34:23 35:15 42:22
 43:19 46:9 58:11
 64:18 65:6 72:17
 80:12,13 85:12 86:15
 89:3 104:5 128:23
 131:5 134:21 149:15
 151:25 152:1 161:23
 164:3 169:17 170:17
 186:12,24 196:14
 214:24 218:15 241:2
five 11:21 12:25 14:9
 20:16 22:15 31:3
 32:24 33:2 38:21
 39:14 42:1 73:23 85:9
 87:21 118:6 126:20
 141:7 221:13 239:19
 245:14,16,18,21
 246:6 248:10
five- 42:24
five-zero-zero 254:19
Floyd 222:22
focus 26:13 137:19
 189:25 211:4
focused 51:13
FOIA 69:14 70:17,24
 71:5,10 95:16 107:8
 107:14 115:15 118:6
 122:12,13 248:25
 249:7
foliage 63:8
folks 19:7
follow 26:6 43:3 171:12
 180:22 250:22
follow-up 171:16
 172:10
followed 128:3
following 14:4 41:14
 45:20
follows 186:25
followup 51:12
food 125:8 148:15
foot 23:15
force 179:10
foremost 104:5
forgeries 129:17
forget 119:23
forgetting 37:2
forgot 16:6,7
forgotten 16:11
form 77:2 103:22
formal 13:13
formally 135:7
former 9:17 15:7

127:14 149:1,17
 169:14 215:1,3
formerly 139:4 197:21
forward 6:9 20:24 35:4
 156:18,22 179:1
 229:16 255:1
forwarded 70:20
found 42:13 44:24 45:1
 56:24 71:20 74:6
 98:25 141:2,11
 145:24 190:15 204:21
foundation 138:23
 153:12 189:5 190:5
foundations 181:17
four 9:12 35:10 47:24
 47:24 133:11 157:22
fourth 183:22
free 16:17 146:18
frequented 144:21
frequenting 148:13
frequently 205:17
Friday 102:13
Fridays 84:24
frivolous 77:19 78:11
 249:20
front 28:24 29:16,25
 30:16 39:18 40:7
 49:18 50:11,15,16,16
 51:1 58:24,24 64:13
 66:4 88:11 89:8,12
 96:13,15,21 99:14
 124:22 139:8 140:14
 144:17,19 145:24
 152:5 159:13 181:14
 237:2,3,9
frontage 73:25
full 8:8
fully 4:8 157:4 218:13
 218:18
function 99:21
fundamentally 26:17
further 61:5 76:14
 79:24 94:14 130:8
 146:9,13 164:11
 178:14 257:13
future 92:18

G

gangs 28:4,14
garbage 84:23,24,25
Gaston 215:1
gathering 145:23
Gee 12:7 18:4 85:16
general 15:19 49:16
 107:9
gentlemen 145:18
Geographic 23:4
George 222:22

gerrymander 29:14
getting 68:5 162:16
 167:5
Giant 152:8
GIS 44:11 58:17 60:24
 63:19
give 5:17 6:8 7:7 36:11
 37:8 47:4 53:8 60:10
 61:13 63:13 81:17
 87:18 129:8 131:24
 136:13,15 141:1
 168:22 177:24 182:7
 196:8 225:11 242:11
 242:21 245:19 254:19
 255:1 256:12
given 153:18 217:16
 223:3,23 247:23
gives 195:6
giving 35:6 75:22
 131:22 140:8 153:13
 191:1,13 222:4
 229:23
glad 163:9,23
glass 171:6
gleaned 208:4
God 240:18
gonna 154:3
good-faith 17:22
government 29:19 30:4
 106:22 158:24 188:2
 212:23 255:7
grade 139:14
grades 138:14,15
grandfathered 62:10
Grandis 1:24 46:23,25
 47:1,6,18 48:2,7,25
 49:13,24 50:6,19 52:2
 52:12 164:18,20,21
 167:15,19,23 168:11
 169:2 225:5,12,19
 227:2 254:13,14,14
 256:7,8,8
grandmother 211:6
grandparent 222:24,25
granted 14:11,13,21
 16:21 20:19 222:19
granting 24:2 155:11
 247:24
grassy 149:25
grateful 239:25
great- 222:24
Greetings 11:2
grocery 90:21 125:11
 126:23 131:12 221:14
ground 240:25 241:4,9
 249:14
grounds 65:15 249:9
group 12:25 14:8,9,13

14:18,21 28:23 38:21
 46:7,12,16,18 144:20
 160:11 182:7
group's 14:15
groups 38:17 46:10
guards 27:22 84:5 90:4
guess 48:20 68:12 72:1
 78:1 101:21 135:20
 155:10 158:11 181:15
 184:7 201:17 239:11
 251:4 252:21
guesstimate 36:12
guidelines/order
 158:24
guilt 219:5
gum 167:11 169:1
gunned 28:22 30:16
 39:17 67:12
guns 177:21,21,22

H

habitually 213:5
half 161:22 166:6,10
 170:1
hammer 228:20
hand 4:6 35:16 80:18
 80:18,22,24 135:14
 147:24 173:1 186:18
 233:8,19,20,23
hands 151:20
handwriting 129:20,21
hang 28:24 30:23
 149:24 153:24 155:4
 155:6,22 156:6,6
 177:11
hanging 151:19 155:2
 177:8
happen 21:9 60:12
 86:24 160:25 162:7
 183:15,19 184:15
 205:6,16 213:2 236:1
happened 46:9 70:5
 85:10,11 88:19 89:11
 96:14 98:11 126:19
 144:15 162:3,6,23,24
 168:5 179:11,18
 182:11 188:19 220:22
 237:8,8,13
happening 60:19
happy 28:3,14 102:2
 113:16
hard 134:5 247:18
HARRIS 215:7
Hart 64:7 213:13
hate 125:12
Hawkins 156:17,21
 179:2,19 215:11,18
 215:22

He'll 120:15
heads 155:8,8
health 41:20 208:7,16
 209:9,20 221:2,4,10
 221:15
healthy 39:22
hear 24:20,24 30:13
 66:20 135:11 144:13
 144:14 167:2 168:4,8
 168:14,19 213:22
 223:18,21 239:9
heard 17:21 18:5 49:13
 53:23 66:17 132:1
 166:19 174:20,22
 175:1 209:5 223:3,12
 223:12,22 225:4,5,12
 225:20 226:23,24
 228:8,14 251:25
hearing 1:7 3:5 5:13,16
 5:18 7:14,21 8:18,19
 13:13 14:12,14 15:3
 15:20 16:16,17,22
 19:4,22,24 20:20,22
 20:25 21:21 33:25
 34:1 35:5 53:25 80:11
 94:12 96:23 97:25
 99:12,13 131:1,2
 140:5 143:9 184:23
 198:13 203:22 206:11
 215:12 218:1 224:25
 226:13,17 229:18
 230:14 234:6 253:3
 255:10 256:16
hearings 13:11 25:22
 36:9 149:8
hearsay 203:19,19,20
heart 35:12 229:10
 242:25 243:1
heavy 246:25
held 14:12,14 15:16
Hello 134:14 164:22
 167:1
help 77:12 78:4 83:6
 84:16 91:17 218:4,8
helped 90:8
helpful 166:25
Hey 242:17
Hi 156:15 164:23
 178:19 233:16
hide 161:17
hiding 151:22
high 135:11 138:14,19
 191:8 208:8,9 212:11
 213:12 221:16,17
highlighted 69:1,10
highlights 109:1
hill 107:13 169:20
Hills 122:13

hire 82:18 85:5 87:21
 93:6
hired 27:22 160:7
hiring 84:1 85:4 87:15
 87:20
histories 56:7,9
history 42:13,16,20
 43:6 55:3,19 56:24
 57:7,20,21 67:23 68:6
 71:20 95:13,14 209:1
 250:5
hit 28:23 42:3
hobbled 248:24
hold 13:19 32:21 62:1,2
 102:20,25 105:24
 108:20 112:19,19,19
 112:19,19,20,20
 113:21 114:7 118:3,5
 131:15 136:7 137:6,7
 137:7 143:8 179:14
 197:4,4 224:3 243:5,5
 243:6,23,23,23 253:7
 253:10,11,16 254:20
 255:8 256:13
Holiday's 130:24
Holloman 129:10
home 170:17,17 213:17
 222:10 228:19,20,22
homes 28:9,20 221:8
honest 159:24
honestly 57:14 207:13
 215:10
hope 105:2 223:12,14
 223:20,21 225:10
 229:10
hopeful 16:24
hoping 248:2
hostile 12:2
hot 167:22
hour 20:17 48:10
hours 5:9 40:21 47:25
 48:3 51:3,4 60:17
 81:22 82:6 131:17,22
 132:1,5 133:11
 247:22
house 73:1 154:22
 155:3,7 170:10
houses 78:16
housing 249:10
huge 204:23 249:8
hundred 45:3,6 50:8
 216:19

I

ID 82:25 83:2,5,6,8 87:5
 87:9,14 162:3,14,20
 183:12 204:12 210:20
 210:25 213:6 235:19

235:21,25 236:5
240:14 242:4
idea 5:23 70:5 71:14,25
92:3 94:10
identification 72:12
115:1,22 116:15
117:16 118:10,22
121:23 122:9,17
123:2 124:4 194:3
197:10 199:11 243:20
identified 108:17 113:1
114:4,10 187:11
231:20 249:14,17
identify 10:19,25 69:6
69:18 112:2,10
150:17,18 187:10
191:23 193:2 196:1
identifying 113:7
204:13
IDs 60:14 87:1
illegal 213:7
illegible 130:3
illuminating 90:5
illustrate 250:12,19
immediate 73:11
immediately 73:14
74:13 152:10
immensely 239:25
impact 24:4 30:18
38:23 124:18 125:2
125:15 137:22,23
139:10 194:10 205:25
219:6,10 228:2 248:1
impacted 136:5 137:5
139:3,12 140:8
impacts 140:15
impeach 111:7,8
120:25
impeaching 171:19
impeachment 102:5,7
105:20 106:21 109:10
110:9,13,16 111:5
113:8,12 121:6
123:20 128:16 198:14
199:15
implement 250:2
implemented 30:10
imploring 80:8
important 32:12 68:7
140:22 179:22 180:17
181:15
impressionable 208:12
improve 59:13,17 60:3
60:6 183:10
incident 56:13 70:9
116:12 135:10 139:2
139:6 144:25 210:19
213:2 220:22,23

236:25 237:12
incidents 56:21 70:4
71:24 78:3 115:14
188:19 190:11 205:16
218:12 219:5 220:16
236:18 237:24 238:1
include 39:9,17 186:15
207:16
included 110:10 127:18
191:1 192:24 193:20
includes 94:8
including 73:12 83:5,25
138:20 152:8 154:17
154:20
incompatible 26:18
incompleteness 15:9
inconsistency 158:14
inconsistent 158:16
239:14
inconvenient 165:24
incorporate 91:10
incorrect 110:7 248:22
increase 90:16
indicate 157:12
indicated 18:1
indicates 44:12 58:17
indicating 43:21
indifference 28:2
individual 104:2 117:11
195:17 196:15 216:21
231:17
individuals 14:9,17
15:11,17 17:14 28:23
30:23 41:1 48:21 49:1
74:5 144:20 182:14
indulgence 252:4
inflicted 34:19
information 15:11,20
18:5 23:5 41:9 44:11
92:4 195:5 203:15
225:10
informed 94:23 203:3
231:17 232:5
initiated 72:5 78:4
initiative 142:14
injury 42:5
inquire 246:23
inside 23:20 47:10,13
48:18 50:25 56:12
65:16 66:1 84:19
90:10 126:12 145:12
150:6 175:10,11,19
insist 31:5
insisting 6:12
inspection 38:2 44:3
249:3
inspections 36:2 50:21
inspector 29:11 61:9

120:25 165:10
installed 83:7 84:9,10
90:3,6
instance 85:13 90:9
91:3,12
instances 31:3 55:4
140:10 141:7
instruction 87:10 247:7
integrity 225:1 226:7
intend 34:1
intent 206:13 210:23
257:8
intentional 129:2,4
intentionally 210:14
intently 226:12,19
intents 183:13
interacted 238:15
interactions 190:1
interest 189:24
interested 165:4 190:22
interests 211:19
interfaced 188:10
189:12,20
interim 179:11 184:16
interject 98:18
internal 228:1
internet 161:5
interpret 4:8 173:20
176:10 227:22 228:1
234:18,20 235:2,3,8
235:13
interpretation 22:11
interpreted 16:23
167:14,18 168:18
176:13
interpreter 2:6 4:12,22
4:23 22:10,24 23:3
24:14,19 25:12 27:5
28:10 29:20 32:1
41:17,24 54:19 58:3
59:3 70:22 81:16 85:2
85:2 87:17,17 88:25
89:1 92:22 131:25
132:1,7,10 167:14
173:20 176:9,12
189:16 191:6,7
194:25 195:3 198:2
200:1 209:4 216:18
216:23 227:21,22,23
228:4 234:16,22,25
235:6,11,12 245:22
245:23 246:17 248:17
250:14
interpreting 195:1
interrupt 208:19
interrupting 149:6
245:24
interview 37:21,22,24

79:13
interviewed 249:11
intoxicated 87:4
intractable 28:1
introduce 7:15 29:15
29:25 30:3 202:6
introduced 31:1 149:19
160:6
introducing 221:4
investigate 212:2
investigated 72:13
89:16
investigation 36:19
38:6 47:20 50:22
145:6 243:19
investigations 36:3
68:16 255:11
investigative 42:12,16
42:19 43:5 55:3 56:17
56:24 57:7 63:18
71:19 95:13 105:5
210:17 240:13,21
255:14
investigator 2:5 3:14
20:14 52:18,22 53:6
53:22 54:3,5 58:3
59:24 162:12,17
163:1 246:15,19,23
investigator's 246:14
investigators 41:6
73:22 95:4 140:24
invoke 221:1
involve 77:20
involved 53:21 57:2
89:3,9 209:12
involvement 94:19
involving 42:8 56:13
irrelevant 21:19 62:12
issue 24:1 26:14 53:20
59:13 60:4,6 77:21
78:8 86:1 90:16 91:6
94:9,9 134:18 140:4
145:2 175:16,19
176:17,18,22 177:3
177:16,20 178:3
180:24 181:8 202:4
211:10 219:12 247:16
253:6
issued 17:6 18:12 19:5
231:22
issues 29:3 32:15 38:23
39:3,5,7,9 40:4,10
41:4 47:15 53:18
93:20 96:3,4 108:17
142:2 174:16 178:6
211:11,24 236:20
246:23
it' 155:22

items 141:19

J

J-O-N-G 8:9
James 1:25 170:24,25
January 81:14 85:17
 210:20
job 226:25 229:20
join 180:19 185:16
joined 17:9
joint 103:15,20
Jong 2:6 4:19 8:4,8
 9:13 80:14,16 85:13
journey 174:4
JR 1:22,25
JUDGE 215:7
July 14:19 39:1,23
 40:17 41:11,11 46:17
 70:21 71:6 138:12
 222:9
jump 146:16
jumping 134:9
junction 218:7
June 14:12,14 25:5,14
 46:14 55:14 70:12
 85:16 141:23
junk 148:15
jurisdiction 97:24
 194:17 204:2
justice 229:3
justify 246:23

K

K-E-O-N 8:9
K-I-M 8:9
K-Y-U-N-G-H- 7:19
keep 17:1 23:20 37:2
 112:6 127:1 143:14
 155:14 201:11 217:17
 227:5 228:12
keeps 50:4
Kelsey 197:18,20,21
 200:11
Keon 4:19 8:8 80:16
Kevin 39:24
key 26:14 68:13 249:11
Khan 77:17
kicked 34:11
kid 222:20
kids 50:25 51:20 63:21
 88:1,4,11 154:17
 166:22 214:17
kill 157:25 158:1
killed 39:17 139:8
 144:19 145:8 208:24
 209:10 221:6 222:21
 222:22 237:11
killing 137:10

Kim's 175:14 241:21
King 213:15
KIPP 2:3 30:14 64:3
 135:1,6,7 136:1,3,5
 136:16,18 137:3,14
 137:20,23,25 138:6
 138:11 139:4 204:19
 212:15 213:14
knew 164:6
knowing 165:4 209:3
 209:14 213:7
knowledge 43:5 49:25
 138:23,23 153:14,17
journey 28:23 157:19
 190:16
knows 227:3
Korean 2:6 4:9,10,22
 22:10 131:4,5 191:6
KYONGSOOK 2:6
Kyung 240:11
KyungHwan 2:7 7:19

L

L 135:24 151:24
L-A-U-R-E-N 135:23
L-E-E 7:20
labeled 129:17,18
laced 161:11,11
land 64:12 106:17,21
 249:11
landing 66:1
landlord 90:14,19,24
 91:8
landowners' 125:2
language 2:6 126:17
large 167:3,6
late 5:10 15:18 156:16
 240:11
lately 176:16
latest 55:13
Lauren 2:3 11:8,23
 30:13 134:25 135:23
law 13:14 26:5,8,24
 27:9 31:21 32:7 68:25
 69:13,21,25 94:20
 96:25 97:1,6,11,14,16
 98:25 99:5 110:21
 209:3,15,16,19
 213:24 214:1,5
 222:13 242:3 249:14
 251:9,17 255:13
lawn 41:2 48:23 49:1
 64:15 65:16 66:2
 175:25
laypeople 13:7
lead 54:3,5 59:24
 219:10
leader 142:7

leadership 138:9,20
leading 86:6,11
leads 65:6
leap 72:8
learn 49:24 72:4
learned 83:19 92:14
learning 64:7 83:17
 213:14
leased 22:22
leave 28:8,19 156:8
 229:15 238:13
led 14:9
Lee's 103:6 109:5 110:2
 176:14
leeway 75:22 134:7
left 28:21 136:20
 170:17
Legacy 2:4 135:6 136:1
legal 15:13 16:1,1 25:5
 25:10,14,19 127:10
 127:15 158:25 183:13
 248:22 250:22 252:9
 253:17 255:13,14,15
legally 23:17
legend 44:10
length 16:22
let's 4:1 22:16 45:17
 48:8 75:19,19,23
 76:16 96:3 111:10,14
 116:25 117:1 119:22
 121:14 124:11 143:14
 153:20 203:9,17,24
 214:21 218:7
letter 26:5 30:5 43:21
 91:14 101:7,14,17,24
 107:11 131:5 148:20
 150:12,17,18,19,21
 151:1,10,14 152:9
 154:12 156:17 157:8
 158:9 160:10 163:4
 178:25 179:11,12,13
 179:23,25 181:14,24
 184:5 188:15 190:25
 191:12,19,23 192:9
 192:12,20 193:2,3,6
 194:8 201:18 212:4,7
 215:10,13,16,25
 216:22
letters 216:15
level 160:12
license 1:7,9 3:6 14:1
 22:20 23:23 25:4,7,16
 26:3,4,25 27:3,10,13
 32:16 38:16 39:3,12
 43:22 45:7 53:10,12
 62:10 68:8,19,25
 69:13,23 76:8 77:15
 91:18 96:2 98:6 100:3

117:13 128:9 151:11
 155:11,15 156:2,25
 158:8 159:2 165:23
 166:3 181:22 191:5
 195:8 204:4 207:8
 216:4 217:4,20
 223:10 225:8 249:16
licensed 36:3 165:12
licensee 2:6 22:18
 52:23 165:24 166:22
 221:21 247:13,16
Licensee's 2:7
licenses 96:25 159:6
 174:4 183:17
licensing 25:25 208:24
 255:15
lifelong 222:18
lights 84:10 90:5
limit 68:2 95:24
limitations 72:6
limited 250:10,17
line 22:2 76:11,12 134:9
 139:20 146:16 147:3
 199:8 231:12 232:2,6
 232:10,13,20,24,24
 233:5,10 243:10
 246:2,4
lines 33:24 66:13
 129:11
linked 247:19
lipstick 32:20
liquid 125:8
Liquor's 108:9 123:5
Liquors' 13:25 25:3
 26:17 207:17
list 16:6 42:16 69:10
 113:13 123:18 129:17
 205:8 216:14
listed 16:5 181:13,23
 182:8 197:6
listen 109:16,17,17,17
 174:14 180:9 226:12
 226:19 231:6 256:22
listening 224:13
litigate 77:13
litter 31:16,20 32:5,15
 73:9,15,17 74:3,12
 124:16 125:5,7,7,9,10
 126:7,9 197:25
 198:15 206:6 249:6
 250:3
littered 74:1,2,3,6
littering 93:16 175:18
 175:20
little 5:10 63:18 86:5
 99:17 126:5 134:7
 136:13 138:6 140:7
 149:16 153:25 169:24

184:8 191:8 194:20
245:17
live 12:24 143:3,4 153:5
153:5 154:20 177:9
lived 153:7 210:8
lives 153:6
living 23:16
local 23:19 125:2,16
155:12,16
locally 143:22
located 14:1 23:8 29:12
38:7,9 56:23 59:6
65:23 78:15 136:19
144:1 188:7 212:9,13
238:10
location 19:20 47:20
52:24 57:11 59:8,9
62:8,16 135:3 136:10
136:12 142:18,19,20
144:4
lock 28:7,18
lockers 204:21
log 77:2,3 128:6 133:17
logged 147:21
loitering 48:13 50:25
140:14 175:18 176:1
238:14 246:25
long 16:25 28:5,16 33:9
34:18 36:5 52:23
147:20 148:9 152:2
165:7 166:1 173:16
210:8 228:15 256:21
long-term 164:25
longer 245:17
look 28:3,14 66:10 70:7
101:10 113:21 128:22
159:18 229:16 239:2
239:3 250:5
looked 73:1 162:5
208:20
looking 63:17 74:20
154:13 157:7
looks 63:6,8,11 131:4
151:23 162:3 183:13
206:24
lose 155:17 168:6
losing 155:18
loss 139:17
lost 161:2,5 168:7
lot 33:24,25 35:8 48:19
49:14,17,21 50:1,5
56:18 62:25 63:1,25
65:6 67:12 72:21 73:2
73:19,19 74:1 76:9
78:23 84:9,11,14,20
88:24 89:2 90:3,8
91:3 98:12 140:16
146:3 150:4 153:23

153:25 155:2,4
161:19 166:18 170:21
176:1,5 228:14 238:8
238:9 243:1,1
low 208:9 221:17
lower 162:16,16
lucky 148:16
Luther 213:15

M

M 10:17
M-C-C-A-L-L 173:12
M-I-K-E-L 10:12
ma'am 82:2 151:14
160:8 172:5 180:2,9
182:6 200:19 209:7
machine 87:6,8
magnitude 174:17
mail 15:17
mailing 15:15
main 39:5,7,11 40:4
maintain 28:6,16
maintained 128:9
140:23
maintaining 203:12
major 140:19
majority 23:14 80:8
138:16 203:5
making 62:19 86:11
101:4 156:8 222:23
224:24 225:7 227:11
232:3
male 89:11 229:8
malignant 31:11
mall 23:9 49:21 57:17
60:16 73:6 78:15 82:6
82:6 90:15
man 31:23 32:9 85:5
139:14 223:2
management 89:24
241:22
managing 87:23
manhood 222:25
manned 163:11
manner 18:13 256:18
mapping 44:7
March 14:5 55:13 67:17
222:12
marijuana 151:21
161:11
marked 114:25 115:21
116:14 117:15 118:9
118:21 121:22 122:8
122:16 123:1 124:3
130:3 194:2 197:9
199:10
market 23:10 49:21
78:17 89:8,13 125:11

126:23 130:16,19
131:1,2,20,23 132:6
132:19 143:6,9,14
144:10 151:18,22
152:2,14 153:3 154:8
158:5 205:2
markets 82:5
mart 139:8 140:6
141:16 144:17,20,23
145:1,22 237:2,4,10
Mart/Holiday 142:17
Martin 165:19 166:7
213:15
Maryland 12:21 83:14
166:5
matter 1:5 4:9 5:14 7:21
13:23 14:24 25:9,18
71:8 133:21 186:8
188:11 189:25 190:23
190:24 224:23 248:14
257:9,17
matters 15:4 16:14 17:4
20:3,5 163:6
Maurice 30:15 89:10
137:10 139:7,17
140:1 144:14,19,25
145:8
Maurice's 141:16
Mauror 221:1 222:1
Mayor's 208:7,16 209:8
221:1,15 222:8
McCALL 2:7 3:11 9:19
9:22 10:2,15,16,16
172:21,22,23,25
173:4,11,12,18 176:9
176:14,18 177:23
178:19 179:4,15,16
180:6,15 181:3,5,11
183:15,23 184:19,24
215:14
mean 44:18 48:3 56:1
97:12 99:7 100:5
102:16 136:9 149:17
162:22 182:20 202:9
208:19 213:1 230:8
236:22 237:14,14,16
237:17 238:4 242:11
242:11,19,23
meaning 48:4 81:20
meaningful 29:8
means 44:9 57:1 59:5
229:3 230:6,9 252:7
meant 101:21
measure 50:15 86:23
measurement 50:10,14
51:12,15,25 58:11,12
58:14
measurements 44:25

45:1 73:24
measures 73:10 206:6
206:8 250:3
medical 134:5
medicine 250:11,13,19
250:20
meet 94:1,4 149:4
meeting 1:3 5:11 94:11
216:1 253:16 254:21
255:8 256:14
meetings 195:11
253:15,21,25 254:22
256:14
meets 25:25
MEI 84:23
Mellon 173:12
member 1:22,23,24,25
46:14,23 47:1,6,18
48:2,7,25 49:13,24
50:6,19 52:2,12,17,22
53:6,22 54:5 144:6
164:18,21 169:5,6,8
169:12,15 171:5
182:6 188:6 219:18
219:20,23,25 220:8
220:25 221:24,25
222:6 223:8,11,13,17
223:20,23 224:4,6,18
224:21 225:3,17,24
226:2,11,19 227:19
228:6,9 254:2,7,9,11
254:14 255:19 256:1
256:3,5,8
members 7:19 22:18
23:20 40:12 46:22
52:15 54:10 90:15
130:12 132:24 134:1
134:2 139:18 146:11
148:18,18,21,25
164:17 171:11,17
184:22 219:17 226:9
227:5 229:8,17
230:14,17 243:7
257:3,8,12
memo 91:14
memory 171:20
memos 216:15,22,23
mental 41:20
mention 60:21,25 67:11
72:19 180:15 213:16
mentioned 53:2 66:17
74:4 101:5 171:22,25
188:22 194:15 206:15
210:11 211:21 221:1
merged 15:1 38:18,21
46:18
merits 221:10
mess 198:7

message 82:24 195:11
215:20 216:7,8
messages 217:6
met 1:15 149:17 175:9
Metcalfe 197:18,23,24
198:5,11,22 199:24
200:5,12 202:5
Metcalfe's 197:20
method 26:17
Metropolitan 9:25 10:9
89:16
mic 245:25
Michael 89:4
microphone 8:24 9:4,7
9:9 192:19
mid-block 169:24
middle 64:7 138:13,19
139:16 171:6 213:13
Mike 146:23 149:18
Mikel 2:3 9:15,25 10:8
mile 166:6,10 170:1
mind 16:18 61:11 68:1
140:6 189:17 191:9
223:14 224:12 225:25
226:3,12 227:5,6,8,14
228:12,12
mind-altering 208:11
minds 208:12
mine 103:23
Ming 12:7
minimize 168:13
minor 42:23 55:5,11
57:20 67:15 85:8
87:12,14 154:10
204:13 210:12,14,21
210:23,25 211:9,24
213:7 218:12,17
240:18 247:5
minors 31:4 39:13 40:5
40:10 43:10 60:13
68:8 127:23,25
161:25 162:1 163:1
183:8,18 190:12,16
190:18 204:10,17
208:23 209:2,14
210:16 213:5,8
220:14 247:21
minute 13:20 32:22
105:24 136:8 137:7
161:6 179:15 197:4,4
253:7,10 255:2
minutes 22:15 32:25
33:3,6,8,20 133:16
245:14,16,18,21
246:6 248:10
miscellaneous 42:9
miscommunicated
79:12

misconduct 255:12,12
missed 157:15
missing 63:20
Mississippi 38:11 73:3
169:20
misspoke 67:18 89:1
misstates 25:10,19
mistake 86:4 210:13
235:19,25
mistakes 236:1
Mister 101:25 119:7
misunderstanding 79:9
misunderstood 239:17
mitigate 40:10
mixed-use 44:9
mode 98:24
moderate 48:18
Mom 239:6
moment 71:1 116:19
123:22
Monday 131:18,21
Mondays 82:3,8
money 42:5 148:16
242:8,9,14
monitored 40:16,21
246:20
morning 15:25 16:2
34:2
motion 15:22 16:3,22
20:18 100:24,24
103:15,20 254:4,5,18
255:22,23 256:12
Motley 149:1
move 18:20 20:24,25
21:11,21 35:3 45:18
74:16 75:19,19,23
76:16 80:11 93:10,13
98:21 100:17,18,19
100:24 101:1,1 102:4
102:9,11 103:2,3,6,8
103:11,12,13,16,23
104:3,8,18,24 105:4
106:8,14 109:24
110:2,5,14,17,24,25
111:4,11 117:8,18
119:22 120:8,11
123:20 126:24 128:23
147:5 152:17 153:21
156:18,21 158:19
178:25 187:12 191:19
192:23 193:11 195:20
195:22 196:5,18
198:24 200:16 202:6
203:9,18,24 207:2
214:21 218:7 241:19
253:15 255:1,7
256:21
moved 100:11,14

106:12,15 107:4,18
108:11,12 110:5
114:1 115:6 116:1
117:2 118:13 123:12
169:15 170:16 193:25
197:5 199:4,18
moving 27:15 100:21
106:3 127:1 128:15
187:4
MPD 27:4,14 41:13
57:14 69:15,22 70:3
71:1,23 72:5 78:7
90:16,19 95:15 97:13
97:15,19,20 98:25
111:19 114:9,10,23
115:15 116:12 146:1
146:2,6 174:17 182:9
184:8 205:10 220:17
221:19 236:20 237:24
247:15 249:15,21,22
MPD-251s 57:11
MU-3A 44:8
Mulled 249:13
multiple 159:6 204:10
mural 145:7,10
murder 31:21 32:6
88:23
murders 26:22 89:1
mute 8:24 9:2,3,7,9
24:9,21 146:12 183:3
184:25 185:1 192:19
246:2,3
mutuality 253:1

N

N 10:17
name 7:17,19 8:6,8,9
9:23 10:10,12,13 11:3
11:17,19 22:5,7,8
24:23 25:1 130:2
135:22 148:6 160:11
172:2 173:10,11
187:23,25 195:7
197:21 233:15,16,17
240:11 244:2
names 117:11 128:20
130:2
Narrow 150:15
nature 104:12 149:8
NBC 216:11
near 23:16 204:25
nearby 30:8 51:1 63:21
63:25 250:1
nebulous 189:2
necessarily 22:12
124:20 136:10
necessary 14:17 206:8
need 4:2 5:24 7:16 9:6

33:3,22 34:7 35:8
60:12,17 69:6 74:16
75:5,10,19 82:1 86:9
94:1 97:25 98:8,15,16
98:21 104:17 105:8
105:16 110:9 112:2
120:1 121:10 123:20
125:13,18 127:4
133:2,15,16,17
137:19,22 155:17
183:20 218:3 225:1
226:10 227:25 228:25
229:2 230:6 231:7,7
232:8 234:14,20
235:1 240:24,24
244:20
needed 18:8 42:1
163:22 166:2 178:7
182:1
needs 9:7,9 16:14
39:20 60:12,12 80:23
94:3,8 134:19 178:6
234:24,24,25
negate 43:7 55:17
negative 66:17 124:18
125:2 205:25
negatively 125:15
205:12 207:10 249:25
negligence 177:7
neighborhood 23:14
28:6,17 43:20 53:16
148:18 153:5,7
170:21,22 188:4
216:1 217:1 222:12
238:25 239:13,18
246:11
neighboring 205:25
neighbors 39:8 206:14
neither 97:23 130:7
nephews 239:4
network 138:16,21
never 18:5 99:16
129:22,23 149:22
150:5 154:9,10
159:24 184:6 238:1
238:12,13,14,23
239:17 240:17,17,18
240:19 241:25,25
new 12:22 20:8 51:10
51:19 138:16,21
240:25 241:4,4,8
247:13 252:11
newer 58:20
newly 90:6
news 144:13 216:11
237:8 238:2
newsflash 135:10
NextDoor 216:9

nexus 31:8 96:21 97:3
138:9 141:4 205:13
nice 244:24
night 47:22,22 84:11
90:5 240:11 246:22
257:15
nine 26:24 27:9 47:22
69:13,21 94:20 96:25
96:25 97:6 249:14
no-show 17:20
no-showed 231:4
no-shows 17:7 19:2
noise 166:20 222:23
non- 159:13
non-emergency 163:6
non-responsive 184:9
nonliquor 27:2,12
normal 56:12 60:9
68:16 217:10
normally 20:15 66:2
71:11
north 38:13 166:6
noted 48:19
notes 132:17
notice 35:1 72:18 74:3
254:19 256:12,15
noticed 48:12,13 157:8
216:2
notified 46:11,16
Notwithstanding 15:9
November 86:18
number 14:17 68:13
88:22 111:22 112:3
112:10 114:4 120:21
122:18 142:7 148:16
195:7 199:5 214:13
221:19 253:18,22
numbering 199:15
numbers 15:14 121:10
175:12 217:21
numerous 26:22 47:19
137:11 159:21 205:16
220:16

O

o'clock 47:22,22 165:10
object 98:19,20 110:3
111:2,15 201:7,25
202:6
objected 202:24
objecting 74:15 75:1
110:4
objection 21:18 26:4
86:8 101:1 104:11,12
104:19 106:3,5,16
107:1,3,16,17 108:8
111:3,17 115:2,7,24
116:18 121:3,25

123:10 134:9 191:21
193:12,22,23,25
196:22,23 198:25
199:2,3 200:17 201:6
objections 21:17 86:10
108:10 115:4,25
116:2,16 123:11
objective 77:23 78:1
obligation 248:21
observation 152:23
170:6
observe 73:25 95:4
176:3 246:25
observed 40:20 57:12
247:3
obtain 25:6 41:8
obtained 23:24 128:25
129:13
obtaining 129:14
obviously 160:10
Occasionally 84:25
occasions 159:21
246:22
occur 25:16 137:8
occurred 88:15 89:2
94:20 98:7 118:7
160:17
occurrences 55:11
occurring 99:5 182:9
occurs 26:20 84:15
October 89:7
offenses 27:2,12 69:22
115:14 160:16 182:8
205:8 249:18
offer 26:12 126:1
offered 190:23 248:22
Office 41:10 43:25
officer 77:16,18 107:14
122:14 141:9,9 184:5
officers 78:2 146:7
official 54:1 191:1
215:19 222:4 250:8
253:19,20,24
officially 251:5 255:2
old 151:20 155:8,8
162:4 170:15,22
older 72:25
once 39:22 49:3 56:4
77:7 117:23 141:10
162:7,8 173:19 175:9
180:10 187:11 196:4
226:21 245:2,9,9
one-fifth 217:2
ones 138:21 161:10
167:4
ongoing 53:20 70:18
71:4 145:5 255:10
online 9:22 257:5

open 16:17 69:24 84:6
89:14 131:20 141:17
171:23 196:8 224:12
226:11 227:5,6,8
228:12,13 253:15,21
253:25 254:22 255:7
256:14
opened 144:16
opening 20:11,12 22:15
24:7 32:25 33:3 34:8
operate 81:15 82:11
209:21
operated 22:22
operating 52:23 89:23
149:14 175:14 246:12
operation 81:23 96:12
96:16,18,22 131:17
131:23 132:5,18
141:5 241:21 247:11
247:19
operations 26:17 45:11
51:7 98:17,18,24
124:17
operative 127:9
operators 58:8
opinion 60:10 117:12
142:3 159:3,4 163:23
177:18 205:11 215:4
230:7
opportunity 34:24
61:13 101:25 134:11
153:15 177:24
opposed 15:23
opposite 212:14 215:2
opposition 201:1
option 34:10
order 18:17 26:15 29:6
38:24 39:8,21 40:22
41:4 56:24 62:21
68:24 91:2 95:2,22
112:1 134:19 205:11
218:13,18 220:8,11
220:15,17,21 222:8
244:24 247:9
orders 148:16
ordinance 41:22
organically 187:16
organization 148:20,21
organizations 149:5
originally 109:4,15
131:13
outdoor 206:21
outrageous 240:17
outside 59:1,6,9 73:22
73:23 90:11 121:1
160:25 163:6 175:19
238:2
outweigh 217:22

overall 83:25 154:16
183:8 246:11
overgrowth 200:22
overlap 129:2 138:8
overrule 86:8
Overruled 215:7
overwhelming 203:5
owned 78:17
owner 4:15,15,16 8:4,6
8:13 9:13,16 10:8
12:11 23:22 37:25
40:9 50:3 60:2 77:8
77:11 78:3,5,21 80:14
85:22 86:3 90:14,20
90:21,24 127:14
131:12 140:23 144:12
144:15 145:1,2,4,9,16
149:18 157:20 164:1
175:7 202:13,17,18
203:4 211:11,16,17
212:18,19,22 214:6,7
214:16,20 218:19,21
219:4 234:24 235:21
240:4,12 241:21,24
247:21 248:1 249:21
249:22
owner's 247:6
owners 145:17 158:1
184:4 204:15
ownership 138:10,10
249:4
owns 132:20 202:20

P

P-A-K 22:8 233:17
P-R-O-C-E-E-D-I-N-G-S
3:1
p.m 3:2 48:9 89:7
133:22,23 186:3,4,7,9
186:9 257:18
pace 17:2
packages 205:5
page 56:17 71:16 101:5
128:21,21 158:20
159:11
pages 196:15 216:6
paid 42:24 86:17,19
162:8
painted 145:7
pair 129:6,6
Pak 2:8 12:6 17:9,22
20:7 21:25 22:1,3,4,7
22:8,9,12 185:19
231:8 232:1,6,12,23
233:4,5,7,10,13,14,16
233:16,19,20,23
234:2,12,25 235:1,7
235:10,13,17 236:2,6

- 236:11,16,22 237:21
238:4,17 239:16,22
240:7,16 241:12,18
241:23 243:4,6,9,14
244:4 246:2
- pandemic** 149:4 155:1
155:19 158:21,22
159:2,7,17 181:23,25
182:1 217:16
- pants** 31:24 32:9
- paper** 180:22 188:15
- paragraph** 33:5
- paragraphs** 24:12
- parameters** 62:20
- parent** 88:7 222:24
- parents** 167:8 170:18
247:22
- Park** 169:16 170:16
- parking** 42:3 48:18
49:14,15,16,17,21
50:1,5 51:22 65:6
67:12 74:1 76:9 78:23
84:9,11,14,20 88:24
89:2 90:3 91:3 98:12
146:3 150:4 153:23
153:25 155:2,4
161:19 166:18 176:1
176:5 238:7
- part** 13:15 17:14 28:2
29:21 31:17 66:19
74:18 100:16 105:14
110:1 118:14 123:4,8
132:2 139:15 142:5
152:2 156:22 183:9
197:6 212:25 215:19
218:15
- partake** 140:17
- participate** 172:16
- participated** 257:3,5
- participating** 47:3
226:18 257:2,6
- participation** 243:8
- particles** 125:8
- particular** 49:15 166:5
181:8 184:14 198:19
205:13
- parties** 3:8 9:3 15:24
16:20 21:16 35:6,7
80:8 181:9 182:2
251:8 253:9 254:25
256:20 257:1
- parts** 50:4
- party** 156:19
- Pasadena** 83:13
- pass** 213:10
- passage** 140:15 142:14
188:19 190:12 212:8
212:18
- passages** 30:9 190:3,6
194:10 213:1
- passed** 254:19 256:12
- passing** 142:17
- patience** 27:16 76:24
173:9
- patiently** 209:25
- patronage** 51:5,14
- patrons** 40:11 48:12
- pause** 3:10,24 6:16 7:4
13:21 24:8 37:11,15
54:11 61:16 79:22
182:7 200:10
- pausing** 24:15
- pay** 148:17 161:21
- PC** 6:5
- PD-251** 56:13 57:2
- peace** 26:15,18 29:6
38:24 39:8 40:15,22
41:4 205:11 220:8,11
220:14,17,20
- pedestrian** 40:22 42:8
- penalty** 86:17,20
- pending** 12:22
- people** 9:12,21 13:5
17:15 23:16 53:25
66:12 82:15,16 84:18
85:18 97:16 98:2
127:24 129:6,13
149:24 151:18 152:5
153:24 154:3,3 155:2
156:5 163:20 174:6
175:2,4,4,4,5,23
177:8,9,19,20 182:2
183:16,20 217:2,7,18
217:19 220:3,5 221:5
221:6,7,8,22 226:13
238:18 239:12,19
257:4
- peoples** 238:20,21,24
239:1,5,18,20 242:7
- percent** 138:13,18
239:12,13,17,18,19
- perfect** 87:23
- perfectly** 16:16
- performed** 117:11
- period** 26:25 27:3,10,13
35:6 68:19 69:1,14,23
97:1 138:1,3 167:7
168:24 169:1 208:24
221:21 249:16
- periodicals** 119:25
120:4
- permission** 192:6
- person** 5:25 20:8 41:16
41:22 42:4,6 82:13
84:18,19 87:22 96:13
141:10 144:6 145:19
160:7 179:18 185:23
185:25 189:2,3
204:13 210:20 213:7
231:9,12,15 232:8
- person's** 161:15
- personal** 85:22 101:14
152:23 153:14,17
- personally** 95:4 207:15
212:21 217:13
- personnel** 40:17 145:21
- petition** 128:8
- petitioning** 14:20
- phone** 6:25 7:2 15:14
195:7 215:21 216:9
239:11
- photographed** 249:9
- photos** 105:21 108:14
120:18 121:17,19,19
122:23 207:3
- phrase** 98:22
- physically** 217:7
- pick** 87:16 93:4,6
124:11 159:25 160:3
205:4
- picked** 60:24 93:11,20
159:12,22
- picks** 84:22
- picks** 84:23 93:12
- pickup** 84:1
- picture** 65:5,20 76:19
125:9 206:21
- pictures** 29:15,25 47:10
47:13,17 74:20
152:13 153:12 199:17
- piece** 67:6 142:10
167:18
- PIF** 101:21 103:16,17
103:17,19,22 106:11
109:12,19 110:11
112:14,17,24 113:10
113:12,22 114:8
115:8,19 120:23
121:13 192:25 193:20
194:4 197:2,6,11
199:12
- PIFs** 102:5
- pig** 32:20
- placarded** 14:5
- place** 40:6 43:10,10
56:6 71:14,25 83:13
99:16 141:22 150:4
151:24 179:23 185:15
205:2,4
- placed** 83:8 152:24
256:16
- places** 63:21 154:20,21
154:23 155:21 162:7
210:25
- plain** 225:5
- plan** 83:25,25 84:5 85:4
86:22 88:4 91:6 93:25
- play** 13:14 148:15
175:12
- playground** 51:21
- plaza** 131:10
- pleadings** 15:25
- pleasure** 164:24 252:5
- plexiglass** 27:23
- plus** 173:17
- PO** 83:1
- point** 17:7 29:5 60:8,9
63:23 68:12 71:15
77:8 164:7 182:19,20
215:17 228:19 238:16
243:18
- poisoned** 220:3
- police** 29:1 42:1 57:12
68:13 77:2,3,7 84:16
89:16 90:9,12 91:11
95:5 99:10,11,19
150:2,3 153:22 154:1
154:2 161:14 163:6
163:14,14,16,22
164:7,8 176:4,6,6,7
184:3,6,17 238:13
- policing** 160:9 161:23
163:7
- policy** 87:11,15,20
89:24
- polled** 249:9
- Pop** 239:5
- popular** 220:23
- populated** 23:13
- portion** 63:20 203:13
218:1
- poses** 140:19
- position** 17:17 124:16
181:17 182:18 188:2
188:15 191:2,13
194:7 204:7 209:8
211:20 215:3 221:23
224:4 230:2,4,10
- positively** 207:9
- possible** 20:25 83:22
124:23 229:3
- posted** 247:23 256:15
- potential** 129:17 205:5
- poverty** 208:9 221:17
- powers** 19:7
- practical** 256:18
- practice** 110:20
- pre-filed** 16:5
- precautions** 40:11
- prefer** 24:14
- pregnant** 87:4
- preliminary** 16:14 17:4

20:3,5
premises 26:21,25 27:2
 27:10,12 29:3 30:22
 30:24 70:1 94:21
 95:21 97:2 99:1,6
 121:18,19,20 131:4
 160:18 182:9 205:23
 220:19 238:15 249:9
 249:15
Prep 2:4 135:7,8 136:2
 139:4
Preparatory 64:4
 138:11
prescribed 18:13
presence 57:13 176:4
 224:20
present 1:19 2:1 11:24
 14:16 16:24 20:17
 183:12 202:5 216:2
 244:17
presentation 224:14
 251:4 252:24 254:25
 256:20
presentations 253:9
presented 152:19
 243:20 244:21,21
 252:11 253:3 254:5
presenting 149:7
 183:16
preserve 112:1
president 81:8
presiding 1:16
press 83:3 239:23
pressed 6:4
presumption 26:2
pretending 163:2
pretty 60:19 65:4 66:23
 78:2 139:17 149:22
 228:17 236:6
prevent 91:2,11 214:8
 221:3 247:17
prevention 90:8
previous 55:24 56:3
 218:11,16 241:21,24
previously 211:21
price 83:3
primarily 39:8
principal 2:3 30:14
 135:1 136:1 144:24
prior 45:14 48:16 55:14
 55:14 62:6,8,16 68:17
 76:19 136:14 137:18
 138:10 148:22 157:13
 249:17,18 251:7
prison 148:17
private 49:14 57:17
 73:13
probably 79:12 90:19

152:3,6 160:23 161:9
 161:10 166:7 176:24
problem 27:20 28:1
 31:8 59:17 67:25
 84:15 90:10 93:16
 100:3 150:5 157:24
 158:4,4,8 182:4 183:2
 191:11 198:15 204:5
 204:23 206:6 239:20
problems 5:23 52:5
 151:16,17 236:24
 238:20
procedure 56:12
 119:13
proceed 6:21 19:4
 136:25 191:24
proceeded 204:14,17
proceeding 52:10
 254:20
proceedings 4:8 15:2
 19:15 77:23
process 20:9 50:22
 71:11 226:7,18
produce 46:13 87:1
product 83:3 87:8
products 141:12
proffer 136:15
profit 249:25
program 30:10 91:13
 212:8,18,20 213:1
project 195:6
promise 207:6
prompt 77:9
prompted 83:2 179:13
promptly 21:21 249:21
prone 208:10 221:18
proof 25:24 248:14
proper 24:3 119:13
properties 75:17 76:14
 125:3,15,16 126:8
property 23:21 28:5,15
 29:18 30:3 31:17,20
 32:6,15 38:24 41:5,7
 42:7 44:9 49:2,4,6,7
 61:2,22 64:16 65:1,13
 66:3,12 72:18,19
 73:13,13 74:9,13,17
 74:19 75:2,3,4,11
 76:10,12,20 90:21
 93:17,23 97:17 98:3
 98:13 107:22 108:1,3
 122:5,23 123:4,5,6,8
 124:18 125:25 137:14
 138:7 144:22 152:11
 160:25 161:1,12
 175:25 182:15 198:8
 199:19 200:24 202:8
 202:12,16,21 203:2,4

203:6,13 205:9,22
 206:1 207:9,10
 221:22 238:2,14
 249:6,18
propose 244:22
proposed 251:8,16
protect 30:11 88:4
 214:17 225:1
Protective 10:3,9
protest 1:7 3:5 7:14,21
 13:24 14:7,8,15,18
 25:22 26:14 34:21
 36:9,18 38:5,23 43:22
 44:6 53:16 66:19
 68:15 72:4 77:2,12,13
 77:15 140:5 156:18
 156:22 163:13,17,19
 163:21 164:5,9 179:1
 197:6 198:13 200:6
 206:17 211:13 212:3
 215:12,13,22 216:3
 217:4,20
protestant 15:21 20:18
 71:7 74:21 207:20
 246:13
protestant's 15:10 16:2
 16:21 115:8 246:16
 246:20
protestants 2:5 15:6,16
 20:11
protested 38:17 40:1,3
 53:19
protesters 164:2
protesting 215:19
 216:11
protests 15:1 53:11
 163:10 193:8
prove 247:18
proved 247:11
provide 42:19 83:22
 91:13 132:5 200:7
provided 12:11 15:19
 18:4 47:9 55:1 72:7
 119:20 142:9 193:3,7
 205:10
providing 18:7 142:3
proximity 64:1,9 209:21
prudent 19:17
public 38:13 45:2,10
 49:3 50:13 51:8 58:21
 64:3,4 69:25 175:24
 221:5 224:11,25
 225:20 226:8,9,9,16
 227:3,10,12 257:3
published 255:16
 256:17
pulled 249:11
pulling 31:23 32:9

punished 162:9
purchase 30:20
purchased 23:18
 141:12 162:13,18
 183:17
purchasing 52:5
 140:11,12 141:19,20
purpose 15:1 93:15
 234:20 253:17 255:9
purposes 24:13 68:22
 123:20 128:16 183:13
pursuant 12:3 113:9
 120:24 250:3 253:19
 253:20 254:22 256:14
put 9:12 27:21 32:20
 50:6 91:19,20 94:3
 100:2 105:16 109:15
 111:15 126:2 137:18
 137:19 138:2 149:25
 167:3,4,5 168:20
 180:21 192:19 195:4
 207:7
putting 35:1 84:12

Q

quarantine 47:16
question 5:5 13:2,17
 36:25 45:5 46:6 50:20
 53:9 55:20 68:12 72:1
 74:25 76:23 77:24
 78:1,14 92:23 101:21
 102:6 109:18 125:16
 128:6 129:25 130:14
 132:2,13,16 143:19
 153:1 154:19 155:10
 155:13 158:13 160:9
 162:21,25 163:3
 166:12 167:16 168:17
 169:9 170:6,8 171:20
 173:19 177:15 178:10
 179:16,19 180:9,10
 180:11,17 184:1,7
 189:17 197:14 199:23
 200:2 203:11 207:6
 207:24 214:12,12,14
 215:8 218:10,15
 229:14 237:14,17,19
 239:9 241:3,5 251:13
questioned 217:14
 223:22,23
questioning 139:20
 180:7 225:6,21
questions 13:10 18:7
 46:22 52:15 54:10,13
 61:5 63:2 65:3 79:24
 86:12 93:9 94:14
 96:19 98:8,9 124:10
 130:8,11 132:23

133:2 143:2 146:9,10
 146:13 153:16,20
 161:23 164:11,17
 169:5 171:11,12,13
 171:16,16 172:10,11
 178:14,17 184:22
 210:2,4 214:24 218:7
 219:16 227:18 230:13
 230:15,16,22,22
 240:9 241:4,11 243:3
 243:7 244:5,6
quick 5:4 101:10 196:8
quickly 20:25 46:11
 206:22
quiet 38:24 39:9 40:22
 41:4 220:9,11,17,21
quite 52:25 136:23
 159:16 215:10
quorum 216:2
quote 27:19

R

R-A-D 11:21
R-M-E-N 173:12
radius 23:6 59:2,6,10
 64:10
Rafi 1:23 254:11 256:5
raise 4:5 21:17 35:16
 80:17 135:13 147:23
 173:1 186:18 233:7
 233:18
raised 21:17 80:18,22
 80:24 158:7,19
 233:21,23
raising 86:10
ran 83:13,14,14 169:14
Randall 15:19 107:13
random 96:13 123:6
rate 170:22
Rd 1:7
re-cross 146:11
re-direct 146:14
reach 72:22
reached 249:13
reaches 212:24
reacted 222:21
read 112:4 130:2 203:5
 205:23 252:8
reading 97:20 130:6
reads 67:23 100:2
 110:8
ready 128:22 167:5
 168:18
real 38:24 41:5,7 162:3
 196:8 206:22 250:1
realize 234:8
rear 51:16 72:24 74:2
 122:23 123:3 199:19

249:6
reason 6:5 55:18 93:14
 116:23 141:4 176:24
 181:20 206:4 224:24
reasonable 17:2 35:6
 73:10 206:5 223:4
 250:2
reasonably 110:8
reasons 13:17 21:8
 110:4 222:6 253:23
recall 141:7
Recalling 67:3
recanting 66:23,25
receive 89:22 92:13
received 12:10 70:20
 86:16,16 115:10
 116:4 117:4 118:16
 122:2 123:15 128:25
 174:20 194:23 196:20
 247:4
recess 254:20
recharacterizing
 201:20
recipients 194:22
recognize 14:22
recollection 239:24
recommendation
 166:21 209:18 223:9
recommendations
 168:12
reconsideration 14:20
record 7:17 8:7 9:24
 11:1,17 15:12 21:14
 22:6 25:25 42:19 50:7
 53:23 56:17 62:12
 81:18 88:21 100:17
 100:19,22 112:2
 114:3,20,20 118:14
 133:20,22,25 135:22
 143:15 148:5 152:25
 162:10,11 173:9
 184:10 185:13,16
 186:4,7,9,11 187:23
 189:1 191:1 205:21
 209:13 215:19 222:14
 223:6 224:5,5,10,18
 226:21 228:17 229:21
 231:7,13,19 233:8,15
 244:15 245:2,2,9,9,11
 251:5 255:2 257:18
recorded 115:14
records 14:4 118:13,13
recourse 178:7
recreational 44:22
red 65:22 167:4,6
 168:21
redirect 133:1 230:15
 230:21 244:1,6

reduce 178:3
reduction 39:20
redundant 20:24 21:19
 217:25 241:11
reference 199:17
referencing 69:3,4
 114:6 157:9 180:7
referendum 31:9
referred 194:1 197:8
 199:9
referring 137:10
reflect 14:4 15:12
 222:15 231:13,19
reflects 162:11
refuse 181:21
regard 209:19 213:8
regarding 15:10 36:21
 37:23 39:2 41:5,9
 78:7 87:11 90:1
 199:23
regards 39:25 44:5
region 208:5 213:19
Register 255:17 256:18
registered 15:17
regular 149:4 159:12
regularly 60:19
regulation 35:24 54:1
 58:15,16
regulations 13:16 92:1
 255:13
regulatory 38:2 44:2
Rehoboth 213:16
Reid 30:6,9 118:23
 142:13 188:10,14,18
 188:21 189:7,20
 190:22 192:9 193:3,7
 194:15 212:17
Reid's 118:18 190:2
 194:7 212:7
reinstated 46:17
reiterate 228:7,16
related 52:6 57:4 71:21
 76:15 85:22 126:22
 150:8 154:4 177:4,13
 177:17 201:2 218:17
 247:12
relates 221:11
relating 160:17
relationship 8:11
 136:14,15 143:13
 189:4
relatively 138:1,1
relaxation 175:6
release 91:14
relevancy 137:16 190:2
 190:8
relevant 62:9,17 68:24
 74:18 75:1,9,23,25

76:4,15 96:23 98:20
 98:21 179:7,8 203:1
 215:17 218:6,7
remained 138:15,17,20
remaining 14:16 128:8
remedies 34:10
remedy 34:17
remember 20:20
 100:15 111:22 126:21
 170:9 224:25 238:5
reminding 228:11
remiss 60:25
remit 163:7
remove 125:24
removed 116:20
rendered 119:19 213:9
renew 13:25 98:6 159:2
 181:22
renewal 1:10 14:4
 22:19 24:3 25:4 31:15
 32:16 38:16 53:15
 76:8 91:18 96:2,2
 100:3 117:12 151:11
 158:8,23 165:4 166:3
 191:5,15 201:1 204:4
 215:2,13 216:3,16
 217:4,20
renewals 53:10
renewed 39:3 43:22
 156:2 157:1 165:23
 195:9 223:10
renewing 53:11 68:7
 223:25
rented 169:16
rep 191:3
repeat 25:13 27:6 28:11
 29:21 32:2 54:20 58:4
 59:4,19,20,22 70:23
 85:3 92:22 139:24
 146:5 149:10 155:25
 161:7 168:10,15
 198:3 200:2 209:5
 218:15 223:19 246:18
 248:18 250:15
repeated 182:21
repeatedly 29:4 181:12
 184:4 190:12 206:11
 208:13 209:2,14
 220:14 250:2
repeating 189:17
 191:10
repetitive 20:23 217:25
 241:10
reply 58:4 146:5 155:25
 167:16 168:19 191:10
 235:13
report 36:21 37:5,18,23
 38:4 42:15 43:9,13,17

47:8 48:19 52:19
 56:17 63:18 70:4
 71:24 78:14 79:18
 89:22 95:5,15 97:20
 105:5 114:11 116:11
 119:2 145:25 208:7
 208:16 209:9 210:18
 218:24 221:2,4,10,15
 240:13,21 246:13
reported 60:18 69:22
 70:13 237:24
reporter 19:23 111:25
reporting 111:25
reports 70:10 71:1,5
 116:10,12 204:12
 255:10
represent 25:2 66:16
 204:2 217:1,18
 240:12
representation 222:3
representative 2:4
 14:23 30:6 38:20
 39:24 43:24 46:7 52:3
 188:23 189:12,21
 240:3
represented 14:6 38:19
 46:12 217:19
representing 7:20 11:9
 52:9
request 12:6 14:22
 15:10 16:23 34:20
 68:13 69:15 70:9,17
 70:25 71:10 72:5
 95:16 115:15 116:24
 223:4,6 257:12
requested 5:9 15:7
requesting 18:10 44:5
requests 249:8
require 22:10,11 71:5
required 207:11 211:12
requirement 142:4
requirements 92:6
 222:9
requisite 26:9 208:1
resident 164:25 166:20
 222:18
resident's 195:7
residential 73:7
residents 148:25
 149:12 168:1 191:14
 204:24 205:3,17
 207:14 217:22,22
resolve 174:16 247:15
resolved 86:14,21
resource 141:9
resources 29:1 163:7
respect 249:4
respectable 241:25

respectful 246:9
respectfully 34:20
respective 100:21
respond 78:9
responded 41:14 77:9
 163:24 249:22
respondents 195:17
 197:17
responding 78:7
 132:17
response 130:13
 132:25 157:16 196:14
 196:16 198:6,7,13
 206:17
responses 194:23
responsibility 23:23
 50:1 85:25 159:14
 182:15
responsible 72:10
 76:11 84:18 85:23
 86:3 98:10 155:7
 203:12 247:13,17
responsive 77:19 78:3
 184:11
rest 45:18 168:7 185:4
 185:6,9,10 232:18
 244:10,12,13 253:2
result 37:22 124:17
 141:5
resulted 57:9 126:6
results 195:24 196:19
resumed 133:22 186:9
retailer 1:8 13:25
retaining 39:11
return 28:9,20 257:13
Rev 149:1
revenues 28:6,17
reversible 75:24 76:2
review 102:14
reviews 120:14
revocation 25:7,11,16
 25:20 34:17
revoked 159:6
rich 85:6
rights 3:8,11,12,14,15
 3:17,18,19 17:10
 21:25
rise 67:10
road 14:2 34:11 38:7,10
 41:11 49:8 57:8 74:7
 151:12 171:21 238:10
role 36:1
roll 14:12 201:8 254:4
 255:23
rolling 220:2
rolls 161:1
Ron 149:2
Room 254:21 256:16

roughly 47:23 205:8
 216:14
route 30:10
routine 40:23
rowdy 49:11 163:15,21
rule 34:20 222:10
 228:19,22 229:2
 241:16
rules 13:15 71:5 92:1
 203:22
ruling 104:13 111:3,17
rulings 100:13
run 42:3
running 88:21 137:23
 167:22

S

S 1:24
S- 233:16
S-A-L-I-M 11:4 187:24
S-A-N-D-R-A 10:21
S-E-E-G- 10:21
S-U-N 22:7
S.E 14:2 38:7,10,11,12
 38:12 41:11 57:8
S.S 10:20
sad 144:13
safe 28:9,20 30:9
 140:15 142:4,9
 154:21,23 184:13
 188:18 190:3,6,12
 194:10 204:24 212:8
 212:18,25 213:3
 217:17 221:8
safety 23:25 40:11
 59:13 60:4,6 62:21
 68:24 84:5 90:8,16
 91:6 94:9 140:19
 154:17 176:18 177:12
 177:16,20 178:3
 194:10,12 204:18
 209:20 211:9,10
 214:6 249:25
sage 142:14
sake 24:12 137:16
sale 42:23 55:4,11 87:8
 87:11 140:23 190:11
 204:14 210:12,21
 218:12,17 238:16
 243:21
sales 43:9 85:8
Salim 2:2 11:2 14:6
 38:22 39:2 119:10
 120:13 124:7 163:11
 186:16,23 187:24
 252:4
salute 222:25
sand 155:22

Sandra 2:8 9:17 10:20
 10:21 147:6 148:7
 214:25
Saturday 89:6 131:19
Saturdays 82:4,8
 131:21
Savannah 148:7
saw 65:15 125:9 135:10
 141:18 152:14 192:5
 205:20 210:20 222:21
 237:12
saying 17:12,15 44:21
 48:25 67:6 86:2 91:4
 95:8 97:9 98:5,19
 105:24,25 112:6
 113:15 132:16 133:15
 160:21 162:22 164:4
 209:8 220:3 221:3
 225:14 235:10 236:3
 239:10 243:18 245:8
says 18:11 73:9 97:13
 97:22 127:22,23,24
 129:10 167:6 168:23
 184:6 215:14
scan 83:1 87:7
scans 82:24
scenario 209:11
school 29:12 30:14,15
 31:12 38:14 45:2,11
 45:14 50:7,11,13,21
 50:24 51:3,4,9,11,19
 52:4 58:10,22 59:6
 61:3 62:6,8 64:3,4,8
 88:1 96:7 136:9,10,12
 136:19,24 137:15,18
 138:13,14,19,20
 139:12,13,15,16
 140:20 141:8,9 142:7
 144:1,7 154:17,22
 166:16,23 168:12
 190:13 194:11 212:10
 212:11,15 213:12,12
 213:13,13,16,17,20
 214:17 217:8 247:22
schools 29:9 30:8
 39:13 44:22 58:17
 63:21 135:11 176:24
 176:25 190:9 194:13
 221:14
scores 27:1,11
Scott 30:15 89:10
 137:10 139:7 140:1
 144:14,25
scourge 250:11,18
screen 6:21 21:4 37:9
 37:13 46:21 61:11,14
 61:19 69:5,7,18,19
 70:2 79:21 125:22

128:18 130:11 133:19
 168:6 185:23,24
 192:2,4 197:7
SE 1:7 148:8 173:13
searched 216:6
second 6:15 9:15 14:8
 29:5 43:1 46:11 51:15
 58:12 64:21,21 81:17
 85:15 86:17 87:18
 89:9 136:24 161:5
 183:21 186:15 196:9
 222:1 254:1,2 255:18
second-to-last 207:5
secondary 51:10,16,25
 58:12,19,23 61:24
seconded 254:4 255:22
 255:24
Secondly 15:21
seconds 255:20
secretary 174:9,13
Section 18:13 25:21
 26:1,2 70:18 73:9
 74:22 75:6 110:8
 222:11 250:4 253:15
 253:19,21,24 254:22
sections 222:10
secured 15:15
security 9:16 10:8
 27:21,22 57:17,17
 60:16 83:25 84:5 90:4
 133:7 154:2 161:18
 176:3,7,17,22 177:3
seduced 101:22
Seegars 2:8 3:19 9:17
 10:18,20,21,21
 101:25 147:6,7,8,13
 147:17,22 148:1
 149:9 150:22 155:24
 156:15 164:10,17,22
 165:22 167:15,19,23
 168:9,15,19,19 169:9
 169:13 171:19 172:14
 178:23 179:21 180:5
 180:8,16 214:25
 215:21
Seegers 148:7
seeing 19:21 130:4
 147:10 192:11 220:2
 238:2
seek 255:13
seeking 253:17
seen 49:11 57:25 68:25
 104:7 147:10,15,20
 149:24 150:5 154:9
 154:10 159:22,25
 161:12 162:7 166:15
 175:21 205:7 237:7
 238:23

self-validating 120:5
sell 87:3,3 88:8 127:23
 127:23,24 130:18
 155:22 162:5 167:10
 167:12 168:25 190:16
 204:16 208:11,22
 210:14,14,23,25
 213:8 235:14 240:14
selling 40:9 151:21
 160:24 161:10,13
 183:8 204:10 209:2
 209:13 220:13
sells 23:7 83:5 161:25
 162:1 190:17 213:5
send 92:17 148:17
sense 32:18 48:11
sent 43:24 44:4 57:11
 71:7 102:22 109:14
 119:4 121:7 212:4
 215:25 222:1
sentence 246:18
sentences 24:15 29:24
separate 31:2 75:4
 129:10 202:12,16
 246:21
separated 79:11
separately 199:15
seriously 176:21
seriously 90:13 176:17
serve 57:20 178:9,12
 252:5
served 17:13 19:5,6
serves 190:7
service 10:4,9 15:16
 22:11 41:9,13 42:10
 44:1 45:21 47:3 54:7
 54:16 57:6 71:16
 76:24 83:23 84:23
 169:14 221:19
serving 155:14 222:15
 228:21
session 224:9,15
 226:22 227:7,8
 256:24 257:13
set 92:6
settle 34:10
settlement 43:3 55:5
 206:12 211:22,23
seven 88:22 221:13
severe 139:17 142:18
shadow 31:20 32:6
shaped 151:24
share 37:5,8,13 61:11
 61:13,19 192:1,4
 198:19
shared 52:11 198:12
sharing 125:22 130:11
she'll 30:19

shifts 234:10
shine 84:10
shooting 40:6 59:15
 96:7,9,17,23 139:11
 154:3 238:6,6,11
shootings 26:22 88:15
 236:19 247:10
shop 131:10 143:20,22
shopping 143:6,18
 144:3 169:25
short 1:25 52:16,17,22
 53:6,22 54:5 96:25
 97:1 138:1 166:1
 169:6,7,8,11,12
 170:25 171:5,10,19
 219:18,19,20,23,25
 220:8,25 221:24
 222:6 223:11,16,17
 223:20 224:3,3 225:3
 225:14,17,24 226:2,4
 226:5 227:1,10,19
 228:6 229:20 242:8
 242:18 245:19 248:5
 248:13 254:2,2,3,6,7
 254:7 255:25 256:1,1
shorten 21:5
shortly 50:23
shot 96:13,15,20 139:7
 144:19 221:6,22
 222:20 229:6 237:1
 237:11
shots 41:19
show 25:24 27:25 31:13
 93:16 104:21 128:15
 175:16 184:6 206:20
 207:22 243:12 248:23
showed 77:16 91:23
 128:11 152:14 168:7
 184:5 249:24
showing 19:8 26:9,16
 55:19 129:18,19,20
 163:20 208:1 223:1
 249:7
shown 70:1 74:17
 105:22 160:13 184:10
 207:18
shows 29:16 30:1
 106:21 213:8
shut 167:5 168:22
shutting 167:17
side 20:15 22:15 34:23
 35:1 63:14 73:6
 126:23 136:20 145:7
 161:16 190:24 237:4
 245:13 253:1
sides 50:11 251:3
sidewalk 155:9
sidewalks 73:13

sideway 238:8,8
sifted 249:8
sign 88:10 128:12
 167:4,6,10 168:21,21
 168:23,23 217:8
signage 88:12
signatories 156:17
 178:24
signature 129:13 179:7
 201:13 217:9
signatures 108:19
 128:24
signed 91:21 127:13,13
 128:7 129:7 156:25
 157:6 179:13 201:16
 216:14
significant 219:11
significantly 139:3
signing 215:14
signs 41:3 83:8 215:13
 247:23
silly 31:19 32:5
Simon 213:12
SIMONE 2:2
simply 229:5
simultaneous 5:20
 19:13 62:14 78:22
 79:13
single 188:5
sisters 239:4
sit 48:21 153:22 155:9
 224:13
site 126:22 205:1
sitting 41:2 49:1 66:8,9
 66:12 74:5 153:24
situated 39:12 49:18
situation 41:21 49:10
 92:16 184:16
six 82:16 126:20 148:21
 148:25 165:8
skyrocketed 39:16
Slaughter 149:2 214:25
slightly 136:22
small 10:17
snacks 88:8
sold 31:4 39:13 40:5
 67:10,15 68:8 85:13
 85:15,17 210:15
 236:13 240:18,19
solely 247:16
solemnly 4:7
solicitation 140:16
 154:18
solid 171:6
solution 183:2 214:16
solve 86:1
somebody 77:16 93:6
 148:17 158:1,1 202:3

245:24
somebody's 245:25
Somerset 64:4 135:7
 138:11 139:4 204:19
 204:20 213:15
son 81:20 82:13
soon 134:6 229:17
sore 156:4
sorry 10:5 11:14 12:1
 12:16 16:6 48:2 63:6
 67:2,2 69:9,16 74:14
 74:24 75:15,15 76:1,3
 79:6 88:25 94:23
 105:18 107:7,13
 108:21 109:6 116:21
 125:23 131:7 135:5
 135:11 136:4 137:15
 143:7,19 144:13,14
 157:15 168:15 171:15
 172:2 176:9,11 179:5
 179:5 180:15 184:13
 185:2 187:8 188:14
 192:13,16 193:15
 202:10,14 208:19
 233:22 243:17 244:1
 244:7,11,13 246:1
 251:10,14 253:11,20
 253:20
sort 18:7 77:20 103:2
sound 195:18
sounds 41:19 120:12
 125:19 165:25 195:21
 196:7
source 31:11
south 38:15 165:18
 166:4 170:2
southeast 64:6 171:22
 213:13
Southern 169:16
 170:16
space 49:3 156:5
speak 11:25 19:22 46:6
 71:12,13 77:4 128:5
 129:25 138:6,24
 145:6 244:23
speaking 4:23 5:20
 8:19,23 9:8 10:6 16:9
 51:7 62:14 78:23
 79:14 132:1 167:14
 174:23 181:8 191:7
 234:17 245:23,25
speaks 81:25 126:25
 190:3 235:7
specific 33:23 88:3
 140:22 141:1 177:11
 200:24 205:9
specifically 53:4,13
 56:15 140:5 181:7

201:2
specifics 30:19
specify 190:4
speculation 215:6
spell 7:16 8:6 9:23
 10:10 11:17 22:5
 135:22 187:23
spelled 11:3
spend 80:8
spent 168:1
spirit 252:25
spirits 23:7
spoke 18:18 39:1,24
 60:22 239:11
spoken 17:25 40:8
 134:7 145:19,21
 188:18 231:16
sponsor 187:6
spot 48:20 242:19
spruce-up- 206:16
square 239:14
staff 2:2 15:13 40:12
 51:23 138:8,19
 139:18 159:23
stand 3:9 14:17 37:10
 61:15 155:21 222:7
 223:2
standard 25:10,19 26:8
 26:12 32:13 87:16
 125:3 207:12 248:15
 248:20,23 250:23
standards 26:1 31:18
Standby 246:1
standing 14:11,13,21
 41:1 61:1 152:5
stands 139:3 148:24
 149:10
start 5:10,14,19 6:18
 7:7,8 22:16 26:15
 33:23 112:23 134:1
 187:4 189:5
started 81:13 139:13
 226:13 234:12 236:10
 236:14
starting 105:5
stat 114:10
state 7:16 8:6 9:23
 11:17 22:5 30:6 95:5
 135:22 148:6 151:14
 167:24 173:9 187:22
 188:23,23 189:13,21
 189:24 190:5 191:2
 223:5 233:15
stated 21:13 35:10 39:5
 39:6,10 40:2,4,8,13
 134:18 139:13 152:25
 152:25 153:1 204:12
 226:20 228:19

statement 20:11,12
 22:15 24:7 32:25 33:4
 45:13 160:2 200:3
 204:3 224:25 228:9
 244:12 248:18
statements 100:1
 158:16 232:3 239:15
 245:20
states 28:9,20 78:14
 151:15 208:7,16
 217:3 221:15
stating 215:25
statistics 111:20
 114:11,23
status 14:14
statute 68:16 249:1
stay 103:21
staying 175:23
steady 28:6,16
Stephen 149:1 214:25
 215:11,18,21
stepped 250:9,17
stick 183:24
sticking 160:14 164:11
stock 85:5
stocker 82:14
stocking 82:13
stolen 42:7
stop 75:19 125:22
 130:10 134:5 154:2,2
stopped 66:18
store's 26:21 211:16
 248:15,20 249:4,15
storefront 28:8,19 41:3
 48:22 50:4
stores 154:7 158:20
 163:11 167:16 177:1
 211:4 212:24 221:14
story 167:8
straight 126:16
strange 168:5
street 29:17 30:2 38:12
 38:12,14 44:17 50:12
 51:17 60:22 61:3 65:4
 136:20 148:7 154:20
 168:13 173:12 212:9
 212:13 221:7
stretch 245:17
strict 203:22
strike 152:17 153:4,10
strip 23:8 49:20 60:16
 73:6 78:15
strong 250:11,19
strongly 24:2 247:24
structure 58:20
stuck 68:1
student 30:18 39:17
 96:9 138:8 139:11

140:7 214:6
students 30:8,10,20
 51:5 138:13,15,17
 139:16 140:11,17
 141:7 142:15,15
 144:2 190:9,13
 204:19 211:9
students' 140:15
stuff 70:19
submission 118:19
submissions 127:7,18
submit 27:24 32:14
 216:14 248:11
submitted 30:5 71:10
 106:7 120:22,24
 121:12 142:12 178:25
 190:25 191:12 198:22
 216:25 217:14 249:7
subpoena 12:4 231:15
 231:23 243:12
subpoenaed 12:3,8
 231:3,22 232:10
 243:10
subpoenas 12:10,12
 15:7 17:6,13 18:12,15
 18:25 19:5
subsequently 201:3
substances 141:10
 208:12
substantial 25:24 208:2
 248:14,19
substantiate 246:15,20
successfully 14:19
sudden 106:8
suffering 198:7
sufficient 32:16
suggest 214:16
suggested 212:17
 214:15
suggestion 59:12,16
 60:2,5 214:7,16
suggestions 166:24
 178:2
summarize 43:17
 227:25 228:3,5
summary 115:13
 116:11 167:19
summon 163:5
Sun 2:8 12:6 17:8 21:25
 22:7 231:8 233:16
Sunday 89:11 131:18
 144:16 237:6
Sundays 81:24 82:7
 131:20
superfluous 119:19
Superior 18:16
supervising 146:3,7
support 99:11 108:19

128:6 149:5,19,20
 151:11 155:12,15
 157:14,23,25 158:2
 163:5 165:3 179:12
 179:24 180:20 181:24
 190:24 191:5,15
 193:7 199:25 200:6,6
 200:12 215:2,4,22
supported 157:19
supporter 216:14
supporter's 123:18
supporters 128:7
supporting 146:7
 150:12 161:25 216:16
supposed 164:6
surgical 31:10
surprise 77:18 78:2
surround 40:4 124:19
surrounding 39:8 40:24
 84:21 207:11 249:23
survey 61:23 64:13
 106:17,21 119:19
 122:5 191:3,14
 194:16,21 195:5,10
 195:18,23 196:19
 197:5,14,17 198:6
 216:5
surveys 29:18 30:3
 117:11 196:4 249:11
suspended 159:6
suspension 42:25
suspicious 42:6,6
swear 35:17 80:25
 135:14 147:24 173:2
 186:19 233:24 240:17
system 23:5 44:11
 82:25 83:1

T

t/a 1:6
table 91:20
Tactical 10:3,9
taken 29:15,25 33:13
 43:10 67:10 71:25
 137:25 206:8,17
 207:15 222:19
talk 6:9 30:17 31:16,19
 32:5 76:9,10 84:4
 95:11 96:9 98:1 99:9
 119:2 120:10 137:22
 137:22 145:2 150:19
 211:2 214:4,5
talked 57:16 90:24
 93:11,12 212:6 214:5
 214:19
talking 53:20,21 61:24
 62:25 75:10 91:5
 95:14 97:5 101:23

102:19 112:5 127:21
 138:3 158:17 163:18
 163:19 180:1,4 203:6
 203:6 217:5,21
talks 30:7,9 202:2
target 144:21 182:24,25
targeted 237:19
teaches 25:22
team 215:19
tech 87:9
technical 5:5
telephonically 39:23
tell 9:3 35:17 37:21
 53:17 68:21 80:23
 81:1 87:13 98:4 126:4
 128:22 135:15 140:7
 147:25 151:6,8,23
 154:16 173:2 177:12
 179:17 186:19 189:3
 189:7 190:23 194:20
 206:22 208:25 217:15
 225:4 233:25 241:20
ten 90:5 143:24 162:4,5
 217:22
Tennis 64:6 213:13
term 131:2 221:25
 222:16 228:22
terms 83:21 90:8
 127:15 213:20 228:21
terrible 182:24
terror 30:7
testified 36:10 44:16
 95:17 144:13 152:23
 159:15 186:25 187:9
 187:12 230:5
testifies 117:23 235:7
testify 69:8 104:5
 117:25 118:24 119:4
 119:5,7,7,9 120:2,4,7
 120:15 124:6,7
 134:19 137:12 148:11
 149:7 174:1 188:13
 189:2,6 202:3 207:21
 210:5 226:10 231:18
 232:17
testifying 19:14 54:15
 153:6 174:7
testimony 20:24 21:19
 21:19 30:13 47:3
 52:20 54:6 66:21
 75:16 76:13,14
 126:25 131:16 142:13
 142:24 146:18 152:18
 153:19 164:1 165:10
 166:14,19 170:23
 172:14,16 184:24
 190:3 201:4 218:4,8
 219:14 224:14 228:14

246:14
text 195:11 216:6,8
 217:6
thanked 244:3
thanks 156:15 164:11
 173:8,8 210:5 240:10
 243:2 248:4
the-place 206:17
theft 42:7
theirs 108:5
themselves 128:5
they'd 43:21
things 60:8,10,18 68:1
 125:6 127:1 129:7
 138:2 149:8 175:2,3,4
 175:17 183:19 219:4
 226:6
think's 169:20
thinks 223:2
third 9:16 85:16 86:19
 221:25 222:16 228:21
thorough 52:19
thoroughly 247:8
thought 7:10 19:16
 67:21 112:22,23
 113:25 172:2 211:19
 223:12,21 225:4,5,12
 225:19 228:8 243:25
 244:1
thoughtful 156:10
thousand 144:7
threat 140:19
threatened 30:23
threatening 41:22
three 12:2 15:7,16
 17:13 24:15 31:2
 39:13 43:7 48:16
 49:22 55:6,9,11,17,18
 55:21 56:1,9 57:20
 68:12,19,23 69:23
 78:22 83:8 85:8,18
 92:9,9,11 94:21 128:1
 133:8,9 134:1,2,2
 157:22 165:7 190:15
 208:14 218:11,16
 221:21 222:15 228:21
 231:3,14 247:7,9
 249:7
three-year 68:2
threshold 248:16,21
throughway 63:24
throwing 126:6
thrown 222:19
thrust 194:7
Thursday 103:4
tie 96:11,17 98:15,16,17
 136:14 138:9 141:2
tied 97:2

timeline 137:18
timely 256:18
timers 170:15
times 39:14 40:17
 47:25 48:15,16 53:9
 56:7 57:20 73:23,24
 88:23 92:9,10,11 93:5
 132:18 157:21 160:6
 190:15,19 204:10
 208:14,14 217:23
 235:21
tired 235:24
title 54:2,2 135:25
 255:6
tobacco 141:12
today 5:13,16,18 9:11
 11:21 17:17 19:8 25:3
 26:10 35:13 47:3
 54:15 61:10 148:12
 165:10 170:23 172:14
 172:16 173:9 174:2,7
 174:23 202:5 212:5
 223:13,22,23 224:4
 224:10,22 226:10,14
 226:15,17,23,24
 227:7 231:9,15,20
 232:11 243:12 244:4
 244:25 245:2,3 250:9
 251:4 252:1,24
 254:25 255:3 256:20
 257:2,3,5,9
told 66:22,23 78:20
 123:23 143:12 163:12
 163:14,16 164:7
 170:14 190:21 235:21
 239:21 242:1,4,9,14
 242:15,16,17,18
 248:23
tolled 136:21
tomorrow 34:2 244:23
tonight 243:2 248:5
toothless 19:1
top 152:2 199:8
topic 160:9 161:23
total 40:17 41:12 73:21
 73:23 82:16
tour 38:1
track 24:13 184:10
tracks 244:24
trades 249:24
traffic 40:22
trafficking 142:19
tragedy 30:18 182:25
train 82:21
trained 41:6 183:20
training 23:24 60:14
 92:7,14,18
transcribing 19:24

transcript 112:4 231:19
252:8,9,14,16,17,18
252:20
translate 37:1 62:24
82:1 177:25 234:15
translated 16:7,12 33:1
33:15
translating 5:24 6:11
translation 19:14 24:13
translator 5:22 6:10
16:9,11 17:19 33:11
33:13,21 62:24 136:4
177:24 245:15,16
transpire 246:10
transpired 162:6
trash 84:1 92:20,24
93:3,11,16,20 94:8
98:12 126:11 154:5
159:12,13 197:25
198:7 199:18 205:21
206:23 249:5
trashed 159:22
trauma 139:17
travel 23:15 190:9
Travon 156:17,21 179:1
tree 66:6,9 200:22
trees 175:24 203:7
tried 12:9 86:1 110:25
248:5
tries 111:15
trimming 200:22 203:7
trouble 234:6 238:22
truancy 141:8
truck 126:11
true 25:9,18 68:18
160:22 161:8 223:14
truly 54:15
truth 35:18,18 81:1,2
135:15,15 147:25,25
173:2,3 186:20,20
233:25 234:1 249:14
try 24:17 35:5 68:3
77:11 84:15 85:5
174:15 189:4 192:17
222:7
trying 4:23 17:9 29:23
48:11 49:3 63:23 69:7
79:17 84:13 91:17
95:24 103:1 104:3,17
104:23 110:13,14,15
110:24 111:6,7
113:14 124:25 132:19
133:25 158:15 178:23
179:9 182:17,19,19
183:7 188:25 221:3
226:25 227:2,9
232:25 245:6 252:21
Tuesdays 84:24

turn 4:2,21,23 6:2 10:24
65:9 133:18 142:23
176:14
turning 209:24 220:4
turns 81:19 82:12,17
84:6 90:4 129:13
Twelve 210:10
Twenty-eight 216:21
twice 84:24 93:1,11
99:10 129:10 162:7,8
Twitter 216:9
two 5:9 12:7 14:25
17:15,20 21:22 23:9
23:19 24:15 26:22,23
28:22 29:24 33:6,8
38:17 42:21 46:10
48:15 50:11 55:4 65:7
72:15 78:16 79:10
84:5,17 89:1 90:3
112:24 128:21,21
129:6,10 131:8,9
132:9 133:7 134:2
161:22 182:10 185:22
206:13 211:6 214:24
216:18 231:21 239:14
247:9
types 149:23
typically 234:10

U

U-N 233:17
ultimately 38:21
Um-hm 65:21
Um-hmm 46:4 61:21
65:18 76:25
umbrella 46:19
unable 17:10 246:15,19
unanimous 156:23
unanimously 216:3
217:19
unaware 145:18 157:20
uncovered 249:10
under-age 140:23
141:18 166:15
underage 52:5 235:15
undercover 39:15
162:12,17
underneath 175:24
understand 50:9 52:8
53:8 56:20 58:23
60:15 61:23 68:4 70:6
72:6 77:25 78:24
87:25 99:18,22 117:6
126:17 127:8 131:8
134:21 142:22 155:13
158:13,15 164:4
176:23 177:2 178:24
179:9 182:18,20

184:2 215:16 225:17
235:10 236:24,25
240:1 245:14
understanding 17:20
50:2 79:16 96:24
113:25 127:11 131:12
137:24 159:20 231:24
231:25
understood 8:21 13:8
13:18 16:16 46:10
78:13 165:11 252:12
undertaken 15:13
76:20
underway 15:3
unfair 184:8
unfortunately 51:6 68:9
70:3 77:22 96:20
235:23 237:1
Unified 41:10 43:25
45:21
unintelligible 200:8
214:1
unique 57:21
unit 78:15 201:3
unknown 41:21
unmute 22:2
unmuted 233:11
unreasonable 72:2
unsafe 211:24 213:9
unsettled 181:18
upheld 209:9
upholds 208:15
upkeep 203:6
UPS 205:2,4
Upsal 38:11
upset 211:25
urge 26:5 250:5,8,21
urinating 31:24 32:10
use 35:2,3 84:14,23
177:21 182:2 198:13
205:4 229:2 250:12
250:20
users 160:24
usually 159:13 235:17
235:19,20
utilized 216:8

V

valiant 220:1
validates 221:20,23
validity 217:14
value 32:19
values 31:17,20 32:6,15
38:25 41:5,7 124:19
126:1 206:1 207:9,10
250:1
various 141:10
vary 85:1

vast 138:16
vehicle 42:6,7
versa 121:18
versus 217:6
vibrant 39:21
vice 121:18
video 6:3,18 10:24
11:24
videoconference 1:15
videos 97:22
view 63:4,7,12 155:20
205:11
vigil 141:16
violate 209:16 211:22
violated 157:21 181:12
206:12
violation 55:6,25 56:25
57:21 72:12 85:22,23
86:3,23 95:3 96:8
145:25 204:11 211:9
218:12,19 247:6
violations 26:24 27:9
31:22 32:7 40:20
42:14 56:4 57:9 68:25
69:13,21,24,25 71:21
72:3,9 85:8 86:13
94:20,24 95:2,6,7,9
95:11,13,15,20 96:4,5
96:5 97:1,6,7,17,22
97:24 98:6,9,25 99:5
118:7 128:1 182:22
210:12 218:17 247:3
247:5,7 249:15
255:12
violator 163:2
violence 26:20 31:9,11
39:16 142:18 148:25
149:6,12 160:11,18
161:24 182:7 205:6
208:10 221:18 236:18
238:1 246:10
violent 29:2 40:5 67:6,7
67:9 190:11
Virginia 143:4
virtually 20:21 224:21
257:4
visit 54:22 57:13 143:6
visitation 48:8
visited 47:24,25 48:16
54:18 73:21
visiting 37:25 44:24
visits 40:19,25 47:19
48:14 50:23 51:2
247:4
vocally 30:22
voice 8:20,20 162:15,15
191:7
voluntarily 91:21,23

217:8
Voluntary 23:11
volunteering 243:12
vote 156:23 179:12
 215:22 217:18,19
 227:7,15 254:5
 255:23
voted 16:1 156:17,21
 178:25 215:12 216:2
voting 223:24 224:23
 225:7

W

W 1:16,21
W-A-N 7:20
wait 194:24 252:22
waiting 173:8 209:25
waive 251:9,17,18
walk 166:1,1,8,8 221:7
walked 65:15 249:8
walking 176:4 213:11
wall 31:25 32:10
wanted 17:5 21:8 60:20
 63:2 66:20 77:8
 103:15 116:20 141:15
 157:16 160:12 169:19
 171:18,22 176:12
 228:20 243:17
wants 15:4,12 40:14
 91:5 106:14 134:18
 242:11
ward 25:2 30:6 31:10
 152:3,7 154:21,23
 155:16 169:15 174:15
 189:12,20 217:3
 222:4
Wards 152:4 182:12
warning 82:24 83:2
 86:16
warrant 32:16
warranted 250:13,20
Washington 148:8
 173:13
wasn't 47:16 57:5 64:15
 76:21 85:24 99:23
 126:22 127:13 129:2
 162:21,25 163:15
 165:23 171:22 181:2
 181:11 182:24 208:21
wasting 227:13
water 74:12 88:9
 126:11 199:18
wavering 181:19
way 14:3 19:1,12,22
 20:9 28:4,14 30:12
 72:2 73:4 94:7 98:23
 134:10 140:19 154:25
 155:1 165:7 168:6

175:17
ways 53:24 149:16
 153:25 250:7
weapon 42:4
WebEx 1:15 15:19
website 256:17
Wednesday 1:11
week 84:24 93:2 239:12
weeks 206:10
weight 228:18 229:23
 230:6,7,9 248:12
Weisgerber 197:21
welcome 16:4 156:11
 169:3 170:24 172:17
 184:20
welcoming 246:8
well-versed 26:11
went 65:14 121:13
 133:22 179:10 186:8
 194:22 257:18
weren't 72:7 181:13
west 38:12
whatsoever 158:25
 207:8
wheel 50:15
Wheeler 1:7 14:1 38:7
 38:10 41:11 49:8 57:8
 74:7 136:21 137:4
 151:12 170:2 171:21
 171:21 172:3,3,4
wife 17:25 81:20 82:12
Williams 149:2
willing 23:24 60:3 92:17
 126:2
wine 23:7 130:18
 165:15
wines 175:6
wish 24:7 232:7 244:17
 251:8,15
witness 2:3,3,7,8,8 9:13
 16:6 20:13 34:23,25
 35:15 54:17 69:7 71:2
 80:3,5,12,13 81:4
 117:18 133:2 134:4
 134:19,24 135:17
 140:2 146:6,20,22
 147:3,6 148:2 149:11
 151:8,10,15 152:19
 152:22 153:22 156:1
 156:12 167:21 168:10
 168:20 169:3 171:24
 172:3,17,19,20 173:6
 173:22 176:11 178:17
 179:5,17 180:13
 186:13,15 187:2
 202:5 232:2,4,5,9,15
 232:15,16,17,18,22
 233:2,3 234:4,17

237:25 240:5,9
witness's 128:5
witnessed 54:21,24
 151:21 238:1
witnesses 9:10 11:22
 12:3 15:20,23 16:5
 17:7 20:16 33:25 35:8
 80:10 119:8 120:9,9
 133:6,10 184:25
 185:3,14,17,22
 207:19 226:14 231:1
 231:14,22 245:11
 249:12
WITNESS 171:3
wonder 185:19
wondering 28:21
 158:25 181:15
woods 165:6
word 31:1 84:2
words 165:25
work 5:5 6:5,20 7:10,11
 19:25 20:10 23:20
 40:14 90:4 129:1
 137:17 174:19 175:15
 178:4 222:2 234:10
 237:15 242:14
worked 128:25 143:24
working 5:3 7:6 236:8
 236:21 237:20
works 7:11 13:16
world 222:21
worry 5:18
worst 209:10
worth 55:25
wouldn't 89:20 140:6
wrap 33:3,22 34:5
write 71:16 159:11
 199:24 252:9,23
writing 37:23 163:4
written 189:9 229:25
wrong 62:5 192:15
 204:16 223:11,12,21
 225:9 243:19
wrongs 211:7
wrote 36:21 151:11
 188:15 192:10 193:7

X

X 130:3

Y

yard 161:16
year 43:8 53:5 68:14,17
 68:17 71:17 140:25
year-old 208:24
years 26:23 31:3 36:7
 39:14 43:8 55:9,17,18
 55:21 56:2,9 68:13,19

68:23 69:23 83:15
 85:9 94:21 126:20,20
 141:6 142:8 143:25
 148:14 157:22,23
 162:4 165:19 173:17
 182:10 206:13 210:10
 236:7,12,12,14 247:9
 249:17,19
years' 59:25 87:21
 241:13
yellow 167:6
yesterday 15:18 65:15
 224:22
Yeung 12:7 85:16
York 12:22
young 139:14 208:12
 220:3 237:1,10
youth 67:12 89:4

Z

zone 44:8

0

00025 3:6 253:23
091095 3:6 14:1

1

1-261 222:13
1,000 136:19
1,200 165:12
1.58 222:13
1:55 89:7
10 33:20 40:17 42:8
 59:25 70:20 83:14
 121:14,15,16,22,25
 122:3 234:12,13
 246:21
10/4/2018 43:1
10:00 81:24 131:18
10:35 89:13
10:56 257:18
101 52:1
10th 71:6
11 36:7 122:6,8 133:16
 138:15
11-minute 186:3
11:00 82:4 131:19
110 58:13
1107 148:7
114 117:10 195:17
 196:14 216:6
11th 71:7
12 44:22 122:16,20
 133:16
12-minute 133:14
1200 44:13,23
1200-foot 23:6
12th 39:23

13 123:1,13,16 222:11
14 199:8,12
14,000 217:2,18,19,22
 218:6
14th 14:12
15 124:1,3
15- 208:23
15-year-old 28:21 31:21
 32:7 89:11 182:21,23
 209:10 220:24 221:20
 222:20,23 229:6,11
15.5.1 26:2
15th 14:19 46:17
16 43:11
163 41:12 42:10 56:18
 57:1,7 71:16
16th 25:5,14
1704.3 18:11
1711.5 25:21
1713.6 110:8 113:9
 120:24
17th 55:13 67:17
18 1:12
18CIT00603 43:2
18th 14:7
1966 169:16 170:16
1969 148:10 153:8
 165:1
1973 222:11
1976 222:13
1982 45:10
1994 222:9
19th 14:5
1st 81:14 85:14 138:12

2

2 41:20 42:4 106:21,23
 107:1 115:18,21
 116:1,5,11,20 128:21
 158:20 159:11 165:9
2:00 226:14,15,17
2:04 3:2
20 166:10 239:13
 255:17
200 218:6
2003 23:1 45:11
20032 38:8 148:8
 173:13
2006 23:12 34:13 127:3
 157:9 180:2,18
2011 60:23
2013 22:23,25 23:2 53:3
 81:14
2015 43:11 55:7,15
 85:14 141:6 247:5
2016 55:7,14 85:16
 86:18 140:25 247:5
2017 67:14,24 138:24

2018 89:7 138:25
2019 89:12 138:12
 139:7 141:6,22
2020 41:11 42:23 55:7
 55:13 67:17,21,23
 85:17 86:20 210:20
 237:20,22 247:5
2021 1:12 14:5,7,10,12
 14:15,19 39:1,23
 40:18,18 41:11 70:12
 200:13 255:9,16,17
20CC00005 42:23
20th 89:7
21 240:19 242:5
21-PRO- 3:5 253:22
21-PRO-00025 1:8
 253:18
21st 86:20
24 222:11
24th 14:10
25 89:6 236:12,13
 241:13 253:19
25- 74:22
25-313 26:1
25-443 18:14
25-726 73:9
25-804 70:18
25.726 250:4
25.74(b) 253:15 254:22
25.74(b)(13) 253:24
25.74(b)(4) 253:21
250 216:15,19,19
 217:22
26 139:7 222:12 255:9
 255:16
26th 89:12
28 216:15,19,20
28h 85:16
28th 55:14
29 222:9
29th 70:12
2nd 55:15 86:18

3

3 33:6 41:21,21 107:6
 116:9,12,14,17 117:2
 117:5 129:18 173:13
 255:6
3,000 42:24 86:19 219:7
3:15 75:21
3:17 75:22
30 41:15 89:6 236:12,14
 252:18,19
30th 14:15 46:14
33 41:16,19
3505 1:7 14:1 38:7
 41:10 57:8
37 173:17

4

4 42:4 101:6,9,13
 108:12 117:9,15
 129:20 197:2,5,11
4,000 86:18
40 249:17
400 29:12 58:18 62:8
 121:1 213:20,25
400-feet 59:1,6
400-foot 59:10 62:20
4137 171:21
434 173:12
45 255:7
4th 85:17

5

5 41:20,23 101:9 109:10
 118:9,11,12,14,17
 121:12 242:16
50 36:12 182:8 205:8
500 58:11
52 41:15
555 50:17 58:25

6

6 118:21 138:14 150:21
 150:25 151:1,6
 192:24 193:19 194:4
 242:16
6:00 48:9
6:18 133:13
6:19 133:16,22
6:30 133:14,20
6:31 133:23
6:45 134:6
60 36:12 138:18
6th 40:18 139:14

7

7 119:24 151:25
7:00 82:7 131:20
726 74:23
75 29:17 30:1
7th 38:12 174:9

8

8 25:2 31:10 56:17
 71:16 138:14 152:3
 154:21,23 155:16
 169:15 174:15 189:12
 189:20 222:4
8's 30:6
8:0 131:21
8:00 82:7,8 131:20
8:19 186:2,9
8:30 186:4,7,9
80 239:12,17

86 53:2
8C 1:8 2:2,5 11:3 14:6
 14:11 22:21 38:22
 39:2 40:1 46:19 188:4
 216:1 217:1 219:20
8C's 43:20
8C07 188:6

9

9 121:14 138:15
9:00 81:24 82:4,8
 131:18,19
90 253:7
91095 1:7
911 77:14 99:18 163:5
 163:23 249:20
94-175 222:8
95 138:12 239:18
9th 39:1 40:17

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Holiday Liquors

Before: DC ABRA

Date: 08-18-21

Place: teleconference

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Court Reporter

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