

## DISTRICT OF COLUMBIA

+ + + + +

## ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

## MEETING

-----=

IN THE MATTER OF: :

: :

The Dirty Goose, LP, :

t/a The Dirty Goose :

913 U Street NW :

Retailer CT - ANC 1B : Fact Finding

License #101299 : Hearing

Case #22-CMP-00061 :

: :

(Increase in Occupancy : :

Without Board Approval) : :

-----=

Wednesday  
August 31, 2022

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

## PRESENT:

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

## ALSO PRESENT:

RICHARD BIANCO, Licensee's Counsel  
MIKEA NELSON, DC ABRA Investigator  
DAVID PARKER, Licensee

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

2 (11:21 a.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 in our calendar is Case No. 22-CMP-00061, The  
5 Dirty Goose, License No. 101299. Mr. Oriana -- I  
6 will get it right one of these days. Can you  
7 please elevate the rights of the Licensee.  
8 Please elevate the parties in this case, sir.

9 MR. ORIANA: Richard Bianco, your  
10 access has been elevated. Mikea Nelson, your  
11 access has been elevated. That is all, Chair.

12 CHAIRPERSON ANDERSON: Thank you. Ms.  
13 Nelson and Mr. Bianco.

14 MR. BIANCO: Yes, Mr. Chair.

15 CHAIRPERSON ANDERSON: I can't see  
16 you, Mr. Bianco.

17 MR. BIANCO: Sorry about that. Here  
18 I am. And I should have my clients joining us.  
19 Is --

20 CHAIRPERSON ANDERSON: What's your  
21 clients names, sir?

22 MR. BIANCO: Justin Parker and David  
23 Parker.

24 CHAIRPERSON ANDERSON: Justin Parker  
25 and David Parker, please identify -- please

1 identify yourself for the record so we can  
2 elevate. I think you said David Parker said that  
3 he's present. So can his rights be elevated  
4 please?

5 MR. ORIANA: David Parker, your access  
6 has been elevated. That is all, Chair.

7 CHAIRPERSON ANDERSON: Thank you. Is  
8 David Parker and Justin Parker together or is  
9 Justin Parker separate, Mr. Bianco, are you  
10 aware?

11 MR. BIANCO: I'm not sure. Justin may  
12 not have made it. Let me inquire. David's the  
13 General Manager. Justin is one of the owners.  
14 They are related. David, is Justin with you?

15 MR. PARKER: Justin is not going to be  
16 with us today.

17 MR. BIANCO: Okay. Thanks, David.

18 CHAIRPERSON ANDERSON: All right,  
19 thank you. You may proceed. Mr. Parker, if you  
20 have a camera, please turn your camera on as I  
21 enjoy seeing the parties (audio interference).

22 MR. PARKER: Okay. You got it.

23 MR. BIANCO: Thanks, Justin.

24 CHAIRPERSON ANDERSON: All right.  
25 Good morning. Thank you, everyone. Mr. Bianco,

1 can you please spell and state your name for the  
2 record please?

3 MR. BIANCO: Sure. Richard Bianco.  
4 R-I-C-H-A-R-D B-I-A-N-C-O, council for the  
5 Licensee.

6 CHAIRPERSON ANDERSON: And Mr. Parker,  
7 can you please spell and state your name for the  
8 record and your role with the establishment?

9 MR. PARKER: David Parker, D-A-V-I-D  
10 P-A-R-K-E-R. I'm the General Manager of the  
11 establishment.

12 CHAIRPERSON ANDERSON: All right, good  
13 morning. And Ms. Nelson, can you please spell  
14 and state your name for the record please? I  
15 can't hear you, Ms. Nelson. Still can't hear  
16 you.

17 INVESTIGATOR NELSON: How about now?

18 CHAIRPERSON ANDERSON: I can hear you,  
19 but if you can turn your volume up a little bit  
20 more, ma'am.

21 INVESTIGATOR NELSON: Is that better?

22 CHAIRPERSON ANDERSON: A little  
23 better. We can also do better, but please spell  
24 and state your name for the record please.

25 INVESTIGATOR NELSON: M-I-K-E-A, last

1 name N-E-L-S-O-N.

2 CHAIRPERSON ANDERSON: For some  
3 strange reason, Ms. Nelson, you -- either you're  
4 having some technical difficulties, so I did not  
5 hear the proper spelling of your name.

6 INVESTIGATOR NELSON: I can try to  
7 disconnect and reconnect.

8 CHAIRPERSON ANDERSON: Yes. Please,  
9 ma'am.

10 INVESTIGATOR NELSON: Thank you. Just  
11 a moment. Mr. Chair, can you hear me?

12 CHAIRPERSON ANDERSON: I can hear you  
13 better, ma'am. Thank you. I can't see you, but  
14 I can hear you better this time.

15 INVESTIGATOR NELSON: There we are.

16 CHAIRPERSON ANDERSON: And perfect,  
17 thank you. Good morning. Good morning, ma'am.  
18 All right. This is a fact-finding hearing. And  
19 the purpose of this fact-finding hearing is that  
20 on June 25, 2022, an ABRA investigator entered  
21 the establishment and believed that it was  
22 overcrowded. And so we are having a fact-finding  
23 hearing today to make a determination whether or  
24 not this was true.

25 As you are aware, Mr. Bianco, this is

1 a fact-finding hearing. The Board has not made a  
2 final decision. Because of the fact-finding  
3 hearing, the Board cannot order the licensee to  
4 take any action. We're just investigating this  
5 matter to see whether or not -- whether or not a  
6 violation has occurred. And the Board will make  
7 a determination whether or not it will take no  
8 further action or whether or not it will send  
9 this matter over to the Office of Attorney  
10 General for further action, depending on what  
11 information the Board gathers today at the fact-  
12 finding hearing.

13 Any questions by anyone before we start?

14 MR. BIANCO: None from the Licensee.

15 CHAIRPERSON ANDERSON: All right,  
16 thank you. All right. Ms. Nelson, you are the  
17 investigator in this matter. Can you please tell  
18 us from your perspective what occurred on the  
19 25th of June 2022 please, ma'am?

20 INVESTIGATOR NELSON: Yes, sir. On  
21 Saturday, June 25th, 2022, at approximately 1  
22 o'clock a.m. Supervising Investigator Mark  
23 Brashears received a hotline complaint regarding  
24 noise emanating into a resident's home from the  
25 Dirty Goose. At approximately 1:30 a.m., I

1 arrived at the establishment to investigate the  
2 complaint.

3 Prior to entering the establishment, I  
4 met with a security officer located in the front.  
5 I identified myself as an ABRA investigator and  
6 requested to speak to an ABC manager or owner of  
7 the establishment. I entered the establishment  
8 and went to the establishment's rooftop summer  
9 garden and noted that I could not safely enter  
10 the establishment's summer garden due to  
11 overcrowding.

12 I stood on my toes and tried to elongate my body  
13 as high as I could to take photos and videos of  
14 the establishment's summer garden. Additionally,  
15 I noted that there was not a security officer at  
16 the entry of the establishment's rooftop to  
17 monitor the occupant load on the rooftop.

18 After reviewing the photos and video  
19 footage that I took, I realized that I could not  
20 safely enter the establishment's rooftop summer  
21 garden due to crowd. I then met with Mr. David  
22 Parker and requested to see the establishment's  
23 ABC license and to certificate occupancy. Upon  
24 reviewing the ABC license, I noted that the  
25 establishment was approved for an occupant load

1 of 97 patrons on its rooftop in 40 feet. I  
2 advised Mr. Parker that the establishment  
3 appeared to be over occupancy on its rooftop.  
4 And he acknowledged that he understood and  
5 advised me that the establishment would be  
6 closing soon.

7 CHAIRPERSON ANDERSON: Now Ms. Nelson,  
8 now did you actually count the -- did you  
9 actually count how many people you thought were  
10 there?

11 INVESTIGATOR NELSON: No, sir.

12 CHAIRPERSON ANDERSON: So why did you  
13 not do a count?

14 INVESTIGATOR NELSON: Due to the  
15 overcrowding with COVID, as well as Monkeypox  
16 going about in the city, I did not feel safe  
17 going through the crowd at that time.

18 CHAIRPERSON ANDERSON: Now what's the  
19 occupancy number approved by the Board for each  
20 level of the establishment?

21 INVESTIGATOR NELSON: So for the  
22 rooftop, the occupant load is approved for 97  
23 people in 40 feet.

24 CHAIRPERSON ANDERSON: So that's for  
25 the rooftop?



1 INVESTIGATOR NELSON: Yes, sir.

2 CHAIRPERSON ANDERSON: So what about  
3 the other -- how many floors -- Explain that to  
4 me. So how many floors does this establishment  
5 have?

6 INVESTIGATOR NELSON: The  
7 establishment, I believe has approximately two  
8 floors. I'm reviewing the C of O as we speak.  
9 Yes, it has two floors and a roof deck. They  
10 have an approved occupant load for a total of  
11 205.

12 CHAIRPERSON ANDERSON: So that's 205  
13 for the floors and the rooftop. Is there a  
14 separate occupancy load for the rooftop?

15 INVESTIGATOR NELSON: On the ABC  
16 license, it just permits a total occupant load  
17 and a specific number on the establishment's  
18 summer garden.

19 CHAIRPERSON ANDERSON: And for the  
20 summer garden, you said was 97 -- What were those  
21 numbers again please?

22 INVESTIGATOR NELSON: That is 97 total  
23 capacity in 40 feet.

24 CHAIRPERSON ANDERSON: Now are ABRA  
25 investigators provided clickers as part of the

1       investigative tools?

2                   INVESTIGATOR NELSON:   Yes, sir.

3                   CHAIRPERSON ANDERSON:   So why did you  
4       not use your clicker at that time?

5                   INVESTIGATOR NELSON:   Because it would  
6       permit -- it would require for me to go through  
7       crowd at the establishment.   And I didn't want to  
8       put myself or my co-workers in harm's way.

9                   CHAIRPERSON ANDERSON:   Now do you know  
10      whether or not the establishment required to have  
11      an employee present to monitor the patrons moving  
12      -- entering and exiting the rooftop area?

13                  INVESTIGATOR NELSON:   No, sir.   The  
14      establishment has a settlement agreement that  
15      does not require that, but they do not have a  
16      security plan.

17                  CHAIRPERSON ANDERSON:   But generally,  
18      do you know -- and if you don't know, you can say  
19      you don't know -- Do you know what our  
20      regulations require for them to have that type of  
21      security?

22                  INVESTIGATOR NELSON:   No, sir.   Not  
23      that I'm aware.

24                  CHAIRPERSON ANDERSON:   Okay, thank  
25      you.   Any questions by any board member of Ms.

1 Nelson?

2 MEMBER GRANDIS: Yes, Mr. Chairman.

3 CHAIRPERSON ANDERSON: Yes, Mr.

4 Grandis and Mr. Short. Go ahead, Mr. Grandis.

5 MEMBER GRANDIS: Thank you.

6 Investigator Nelson, did you have a -- did you  
7 have a mask with you that evening?

8 INVESTIGATOR NELSON: Yes, sir. I  
9 did.

10 MEMBER GRANDIS: Why wouldn't the mask  
11 have protected you from what your concerns were  
12 from going through this establishment?

13 INVESTIGATOR NELSON: Sir, it is my  
14 understanding that a mask protects you from  
15 spreading COVID to others, not necessarily COVID  
16 being spread to you. But I'm no expert in COVID.

17 MEMBER GRANDIS: That evening, were  
18 there other establishments that you did not feel  
19 comfortable going into?

20 INVESTIGATOR NELSON: I cannot recall  
21 if I received other complaints for noise with  
22 overcrowding for that night.

23 MEMBER GRANDIS: Do you know what the  
24 clientele for the establishments that you did go  
25 and investigate is?

1                   INVESTIGATOR NELSON: No, sir. I'm  
2 not aware. I'm not familiar with the  
3 establishment. I hadn't been there often.

4                   MEMBER GRANDIS: Thank you very much.  
5 And thank you for your information and your  
6 testimony today. Thank you.

7                   INVESTIGATOR NELSON: Thank you, sir.

8                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
9 Short.

10                  MEMBER SHORT: Thank you very much.  
11 Thank you for your report, Investigator Nelson.  
12 Investigator Nelson, isn't it a normal practice  
13 for each establishment to count the number of  
14 people on each floor and to stay within that  
15 number?

16                  INVESTIGATOR NELSON: I would say it  
17 is common, but I can't speak to it being a normal  
18 practice.

19                  MEMBER SHORT: So there was noone  
20 counting -- noone from the establishment that  
21 could tell you what the count was when you said  
22 it was unsafe for you to go into the crowd?

23                  INVESTIGATOR NELSON: No, sir. Not  
24 that I'm aware of.

25                  MEMBER SHORT: So overcrowding

1 situations means you would have had to put  
2 yourself in harms way to try to get into a crowd  
3 that you could not negotiate because of  
4 overcrowding, which would have put you in danger.  
5 And you wouldn't have been able to properly count  
6 anyway with people in front of you, behind you,  
7 and overcrowded. Would that be a fair assessment  
8 of my statement?

9 INVESTIGATOR NELSON: Yes, sir. I do  
10 believe that is fair to say.

11 MEMBER SHORT: Now the question was  
12 asked by you, the total occupancy of the  
13 establishment is 200 and some. Correct?

14 INVESTIGATOR NELSON: Yes, sir.

15 MEMBER SHORT: That doesn't mean you  
16 can have 200 on the rooftop. Is that correct?

17 INVESTIGATOR NELSON: Yes, sir.

18 MEMBER SHORT: Were there other  
19 occupants on other floors before you got to the  
20 roof?

21 INVESTIGATOR NELSON: There were a  
22 few, but the other floors were scarce.

23 MEMBER SHORT: So they were under  
24 capacity on the other floors?

25 INVESTIGATOR NELSON: I would say.

1 Yes, sir.

2 MEMBER SHORT: So you stated pretty  
3 much that it was dangerous situation. What did  
4 you base that on, stating that it was dangerous  
5 for you on that particular day on June the 25th  
6 when you went to the rooftop at 1:30 a.m.? What  
7 were the conditions? Like describe them as best  
8 you can that caused you to call it dangerous.

9 INVESTIGATOR NELSON: I could not  
10 safely move about the rooftop of the  
11 establishment without having to come into close  
12 contact or touching other patrons.

13 MEMBER SHORT: So it was at what could  
14 be considered to be a jam point? A jam point  
15 meaning that you cannot navigate your way through  
16 that crowd unless you pushed against other people  
17 or they pushed against you. Is that correct?

18 INVESTIGATOR NELSON: Yes, sir.

19 MEMBER SHORT: In your opinion --  
20 Well, let me ask you this. How many exit doors  
21 do they have from the rooftop to get safely to  
22 the street? How many exit doors do the people  
23 have to pass through?

24 INVESTIGATOR NELSON: That, sir, I  
25 cannot say for sure.

1                   MEMBER SHORT: How many doors did you  
2 pass through going into the establishment the  
3 night of your investigation?

4                   INVESTIGATOR NELSON: Into the  
5 rooftop, just one.

6                   MEMBER SHORT: No. From the entrance  
7 off of U Street -- as you entered off of U  
8 Street, how many other exit doors did you have to  
9 pass through to get to the rooftop?

10                  INVESTIGATOR NELSON: From my memory,  
11 I would say just one. Just through the front  
12 door and then through the entryway into the  
13 establishment's rooftop from the second floor.

14                  MEMBER SHORT: So you had to go up a  
15 set of stairways to the second floor. Correct?

16                  INVESTIGATOR NELSON: As I recall,  
17 yes.

18                  MEMBER SHORT: And then you had to go  
19 up another stairway from the second floor to the  
20 rooftop.

21                  INVESTIGATOR NELSON: I cannot say for  
22 sure, but I believe so. Yes, sir.

23                  MEMBER SHORT: Okay. Thank you for  
24 your excellent report. And thank you for being  
25 here this morning and testifying before the

1 Board. That's all I have, Mr. Chair. Thank you.

2 CHAIRPERSON ANDERSON: Any other  
3 questions by any of the board members? Prior to  
4 -- Moving on. Ms. Nelson, you perceived that  
5 this establishment was overcrowded. Why did you  
6 then not at a minimum provide them with a  
7 warning?

8 INVESTIGATOR NELSON: Sir, I was  
9 unsure that, that is something that we can do. I  
10 was not told that, that was something that I  
11 could do by my supervisor.

12 CHAIRPERSON ANDERSON: All right. All  
13 right. Any other questions from the Board? All  
14 right. Mr. Bianco, do you wish to ask some  
15 questions, sir?

16 MR. BIANCO: Yeah, I have just a  
17 couple. Good morning, Investigator. I just have  
18 a couple of questions for you. You stated that  
19 you were -- you feared for your safety and  
20 therefore didn't want to take a count of how many  
21 people were on the roof deck. How long were you  
22 up there?

23 INVESTIGATOR NELSON: I would say  
24 approximately 15 minutes.

25 MR. BIANCO: Okay. And do you have a



1 sense of how much longer it would have taken you  
2 to conduct this count?

3 INVESTIGATOR NELSON: No, sir. I  
4 can't say for sure how long it would have taken  
5 me to do that.

6 MR. BIANCO: Okay. Is there a reason  
7 why you didn't take a count as soon as you got up  
8 there?

9 INVESTIGATOR NELSON: Taking a count  
10 would require me to move about the crowd on the  
11 establishment's rooftop. I did not because I did  
12 not feel safe doing so.

13 MR. BIANCO: Okay. So what were you  
14 doing up there for 15 minutes?

15 INVESTIGATOR NELSON: Trying to take  
16 photos and monitoring from the entryway of the  
17 rooftop.

18 MR. BIANCO: And it's your testimony  
19 that, that took 15 minutes.

20 INVESTIGATOR NELSON: No, sir. I said  
21 that is an approximate time. I cannot say for  
22 sure how long I was on the rooftop.

23 MR. BIANCO: Okay. And is there a  
24 reason why you didn't ask the establishment for a  
25 count?

1                   INVESTIGATOR NELSON: When speaking  
2 with Mr. Parker, I did advise him that the  
3 establishment appeared to be overcrowded on its  
4 summer garden.

5                   CHAIRPERSON ANDERSON: Hold on. I  
6 apologize to interrupt, Mr. Bianco. What Mr.  
7 Parker did you speak to? There are two Mr.  
8 Parkers, so just clarify what Mr. Parker you  
9 spoke to.

10                  INVESTIGATOR NELSON: I apologize.  
11 Mr. David Parker.

12                  CHAIRPERSON ANDERSON: I'm sorry, Mr.  
13 Bianco.

14                  MR. BIANCO: Okay. No, I understand  
15 what you did say to him. But is there a reason  
16 why you didn't say to him what's the count?

17                  INVESTIGATOR NELSON: I apologize,  
18 sir. I don't recall if I did ask what was the  
19 count or not. However, Mr. David Parker did  
20 acknowledge that he understood.

21                  MR. BIANCO: Okay. So that would be  
22 important information though if you asked him  
23 what's the count and he either provided it and  
24 didn't provide it -- or refused to provide it.  
25 Correct?

1                   INVESTIGATOR NELSON: Can you repeat  
2 that question, sir?

3                   MR. BIANCO: Sure. Well that would be  
4 important information for you to note in your  
5 report if you asked him for the count and he  
6 either provided it or refused to provide it.  
7 Right?

8                   INVESTIGATOR NELSON: Yes, sir. It  
9 would.

10                  MR. BIANCO: And you most certainly  
11 would have included that information in your  
12 report since you seem by all accounts to be a  
13 diligent investigator. Right?

14                  INVESTIGATOR NELSON: Yes, sir.

15                  MR. BIANCO: So it's fair to say that  
16 you didn't ask him what the count was, isn't it?

17                  INVESTIGATOR NELSON: I cannot say for  
18 sure.

19                  MR. BIANCO: Okay. Now you mentioned  
20 your fear of COVID or Monkeypox as the reason  
21 that you did not want to stay up on the rooftop  
22 any longer. Is there a procedure by which you  
23 can call in another investigator if you have such  
24 a concern?

25                  INVESTIGATOR NELSON: No, sir. What I

1 stated was not that I did not want to stay up on  
2 the rooftop any longer. What I stated was I did  
3 not want to move about the crowd for fear of my  
4 safety.

5 MR. BIANCO: Okay. So in that  
6 instance, is there a procedure by which you can  
7 request assistance from another investigator?

8 INVESTIGATOR NELSON: Yes, sir. I can  
9 always request assistance from another  
10 investigator, but that would also put my co-  
11 workers in an unsafe position as well.

12 MR. BIANCO: And I saw in your report  
13 that Supervisory Investigator Brashears took the  
14 call. Was he on-site with you?

15 INVESTIGATOR NELSON: No, sir. He was  
16 not.

17 MR. BIANCO: And did you speak to Mr.  
18 David Parker about whether they have a procedure  
19 in place for maintaining a count on the rooftop?

20 INVESTIGATOR NELSON: I cannot recall,  
21 sir.

22 MR. BIANCO: Thank you very much,  
23 Investigator. I don't have any further  
24 questions.

25 INVESTIGATOR NELSON: Thank you, Mr.

1 Bianco.

2 CHAIRPERSON ANDERSON: Thank you, Mr.  
3 Bianco. Ms. Nelson, did you take any photos that  
4 evening?

5 INVESTIGATOR NELSON: Yes, sir. I  
6 did.

7 CHAIRPERSON ANDERSON: Are you able to  
8 share that with -- Are you able to share that  
9 with the Board?

10 INVESTIGATOR NELSON: Yes, sir. I am.

11 CHAIRPERSON ANDERSON: Can you share  
12 with us the photos?

13 INVESTIGATOR NELSON: Absolutely.  
14 Thank you. Can everyone see?

15 CHAIRPERSON ANDERSON: Yes.

16 INVESTIGATOR NELSON: Okay. This is  
17 one photo listed as Exhibit 1 in my report of the  
18 establishment's rooftop summer garden from the  
19 angle that I was standing at. Please let me know  
20 when it's okay to proceed to this next photo.

21 CHAIRPERSON ANDERSON: You can just  
22 move on. I don't know what you have. You can go  
23 ahead.

24 INVESTIGATOR NELSON: This is another  
25 photo of the establishment's rooftop listed as

1 Exhibit 2 in my report. I apologize. I'm  
2 scrolling a bit. This is another photo from the  
3 angle I was standing at of the establishment's  
4 rooftop from that night. I also have video  
5 footage.

6 CHAIRPERSON ANDERSON: Go ahead,  
7 please.

8 INVESTIGATOR NELSON: And that is the  
9 evidence that I was able to gather from that  
10 night.

11 CHAIRPERSON ANDERSON: I thought you  
12 said you had video.

13 INVESTIGATOR NELSON: Did you not see?

14 CHAIRPERSON ANDERSON: No, I didn't  
15 see a video.

16 INVESTIGATOR NELSON: I apologize.  
17 Let me -- I'm having to replay.

18 CHAIRPERSON ANDERSON: We're not seeing  
19 -- We're not seeing -- I'm not seeing a video.  
20 I'm seeing a folder. I'm seeing a blank screen,  
21 so there's no video playing.

22 INVESTIGATOR NELSON: I apologize.  
23 I'm attempting to share.

24 CHAIRPERSON ANDERSON: I'm seeing your  
25 screen, but -- Okay, but I'm not seeing a video.

1                   INVESTIGATOR NELSON: Just a moment if  
2 you don't mind. I have to -- Okay, are we seeing  
3 the video now?

4                   CHAIRPERSON ANDERSON: I'm seeing you.  
5 I'm not seeing -- I'm seeing a split screen. So  
6 I'm seeing you on one side and I'm seeing a still  
7 photo, but I'm still not seeing a video.

8                   INVESTIGATOR NELSON: Okay. I'm  
9 seeming to have issues sharing that video. Okay.  
10 It is saying that I'm sharing it.

11                  CHAIRPERSON ANDERSON: Okay, fine.  
12 I'm now seeing a video. Okay. So this is the  
13 rooftop?

14                  INVESTIGATOR NELSON: Yes, sir. The  
15 video is also listed in my report. I'm unsure if  
16 you were able to view that or not.

17                  CHAIRPERSON ANDERSON: How long is it?  
18 I mean I think I saw maybe like ten seconds of a  
19 video, so how long is the video?

20                  INVESTIGATOR NELSON: Approximately  
21 ten seconds. It is fairly short.

22                  CHAIRPERSON ANDERSON: So can you just  
23 -- Are you able to replay it one more time  
24 please?

25                  INVESTIGATOR NELSON: Yes, sir.

1                   CHAIRPERSON ANDERSON: All right. You  
2 testified that the occupancy of the -- You can  
3 close your screen. I'm going to have other board  
4 members ask questions. You said that the  
5 approved certificate of occupancy for the rooftop  
6 is 97. Is that correct?

7                   INVESTIGATOR NELSON: Yes, sir.

8                   CHAIRPERSON ANDERSON: And how large  
9 is this -- how large is the rooftop?

10                  INVESTIGATOR NELSON: I can't speak in  
11 terms of square footage. I can say it's a fair  
12 size rooftop.

13                  CHAIRPERSON ANDERSON: The reason I'm  
14 asking, 97 is depending on how large the area is.  
15 Ninety-seven is a good number of people.

16                  INVESTIGATOR NELSON: Yes, sir.

17                  CHAIRPERSON ANDERSON: And so at least  
18 just looking at it, I'm not sure -- it's hard to  
19 determine that the 97 is -- if we're to go by  
20 what 97 is, is depending on the size of the  
21 rooftop. Are people in close contact? Are  
22 people spread out? So that's the problem that  
23 I'm -- So that's why I'm asking how large the  
24 rooftop is because putting 97 putting in --  
25 depending on what the size of the establishment,



1 it could be appear to be overcrowded -- like it  
2 could or could not be, so I don't know. So  
3 that's why I was asking.

4 All right. Any other questions by any  
5 board members based on the video that we just  
6 watched? Yes, Mr. Short. I think you have a  
7 question.

8 MEMBER SHORT: Thank you very much.  
9 Investigator Nelson, thank you again. In how  
10 many places have you investigated -- ABC  
11 establishments have you investigated where there  
12 is a clicker or a counter? Have you investigated  
13 many that do have counters and clickers?

14 INVESTIGATOR NELSON: Yes, sir. I  
15 have inspected many that have clickers.

16 MEMBER SHORT: And normally do you  
17 have a problem with overcrowding when people are  
18 appropriately counted and they can tell you how  
19 many people they have in their establishment?

20 INVESTIGATOR NELSON: I'm sorry, sir.  
21 Could you repeat that question?

22 MEMBER SHORT: It is normally a  
23 problem when you check with someone who has a  
24 counter system of the number of occupants in  
25 their establishment -- are there normally any

1 problems when people have counters?

2 INVESTIGATOR NELSON: Yes, sir.

3 MEMBER SHORT: Are there normally  
4 situations where there is a problem (audio  
5 interference)?

6 INVESTIGATOR NELSON: You said "or  
7 often"?

8 MEMBER SHORT: No. I'm asking you --  
9 Let me rephrase this. Thank you for being  
10 patient with me. When you go to an establishment  
11 that has a counter or a clicker, is it normally  
12 safe or do you feel safe going to those types of  
13 establishments?

14 INVESTIGATOR NELSON: I can't say that  
15 I normally feel safe, but --

16 MEMBER SHORT: Have you run in -- Have  
17 you run into overcrowding where you normally have  
18 persons that have counters or clickers?

19 INVESTIGATOR NELSON: Yes, sir.  
20 Occasionally there are over-occupancy even when  
21 there are counters or clickers.

22 MEMBER SHORT: And what normally  
23 happens when you find them overcrowded if they do  
24 have a clicker?

25 INVESTIGATOR NELSON: Typically the

1 establishment will either let out some of the  
2 patrons or they will move the patrons about the  
3 establishment.

4 MEMBER SHORT: Did Mr. David Parker --  
5 Did you ask him why there were not a counter --  
6 why he did not know the number of people in this  
7 establishment on the rooftop that evening -- that  
8 morning?

9 INVESTIGATOR NELSON: I do not recall,  
10 sir.

11 MEMBER SHORT: Was there any  
12 discussion at all with you and anybody in the  
13 establishment about the number of people on the  
14 rooftop?

15 INVESTIGATOR NELSON: Yes, sir. I  
16 spoke with Mr. David Parker and he did  
17 acknowledge that he understood that the  
18 establishment appeared to be over-occupancy and  
19 that establishment would be closing soon at that  
20 time.

21 MEMBER SHORT: So he didn't say  
22 anything about getting some of the people out.  
23 He simply said we'll be closing soon. Is that  
24 what he said when you -- when he admitted it was  
25 overcrowded?

1                   INVESTIGATOR NELSON: Yes, sir. That  
2 is what I recall.

3                   MEMBER SHORT: What are the hours for  
4 that particular morning for the closing of that  
5 establishment?

6                   INVESTIGATOR NELSON: That  
7 establishment, I believe closed at 2:30 a.m.

8                   MEMBER SHORT: And so that was 1:30  
9 a.m. according to your report. So he was going  
10 to leave the occupancy overcrowded for one more  
11 hour, rather than get some of the people out. Is  
12 that what I am to understand?

13                  INVESTIGATOR NELSON: I entered the  
14 establishment at approximately 1:30 a.m. So this  
15 may have been roughly around 1:50, close to 2:00  
16 a.m.

17                  MEMBER SHORT: Okay. Now again, I'm  
18 trying to establish if anyone at this  
19 establishment tried to or attempted to do  
20 anything to alleviate the overcrowding or was it  
21 just status quo? What was done by anyone to try  
22 to alleviate the overcrowding?

23                  INVESTIGATOR NELSON: That, sir, I  
24 cannot answer.

25                  MEMBER SHORT: Did you again -- when

1 you got there, it was overcrowded. And when you  
2 left there, it was still overcrowded. Correct?

3 INVESTIGATOR NELSON: As I recall.

4 Yes, sir.

5 MEMBER SHORT: Thank you. That's all  
6 I have at this time, Mr. Chair. Thank you very  
7 much, Investigator Nelson. Thank you.

8 INVESTIGATOR NELSON: Thank you, Mr.  
9 Short.

10 CHAIRPERSON ANDERSON: Thank you, Mr.  
11 Short. Any other questions by any other board  
12 members? Yes, Mr. Grandis. Go ahead. I can't  
13 hear you, Mr. Grandis. I cannot hear you, Mr.  
14 Grandis.

15 MEMBER GRANDIS: Can you hear me now?

16 CHAIRPERSON ANDERSON: Try again. No.

17 MEMBER GRANDIS: Can you hear me now?

18 CHAIRPERSON ANDERSON: Yes, sir. I  
19 can hear you.

20 MEMBER GRANDIS: Okay. I did raise  
21 the volume. Thank you. Investigator Nelson?

22 INVESTIGATOR NELSON: Yes, sir. Mr.  
23 Grandis.

24 MEMBER GRANDIS: If I understood your  
25 recollection, you stated to Mr. Parker that you

1 believed it was overcrowded. Correct?

2 INVESTIGATOR NELSON: Yes, sir.

3 MEMBER GRANDIS: Did you ask Mr.  
4 Parker, did they have a count number?

5 INVESTIGATOR NELSON: Not that I  
6 recall, sir. I can't say that for sure.

7 MEMBER GRANDIS: So you can recall --  
8 So you can recall informing Mr. Parker that you  
9 thought it was overcrowded, but you don't have a  
10 recollection if you asked him if they had a  
11 count?

12 INVESTIGATOR NELSON: No, sir. I  
13 don't recall.

14 MEMBER GRANDIS: Okay. Thank you very  
15 much. Thank you.

16 INVESTIGATOR NELSON: Thank you, Mr.  
17 Grandis.

18 CHAIRPERSON ANDERSON: Any other  
19 questions by any other board members? Mr.  
20 Bianco, any additional questions of the  
21 investigator?

22 MR. BIANCO: I have no additional  
23 questions to ask him.

24 CHAIRPERSON ANDERSON: Mr. Bianco, I  
25 think that your client wanted to say something.

1 Do you plan to ask him -- Do you plan to ask him  
2 -- I do have some questions if he's going to --

3 MR. BIANCO: I did not plan on having  
4 him testify. I was going to make a couple of  
5 proffers, but based on the Investigator's  
6 testimony, I don't think I need him to give any  
7 actual testimony. If there's questions, I'll  
8 field them and I may want to defer to him to on  
9 some factual issues.

10 CHAIRPERSON ANDERSON: What I'm trying  
11 to find out, what's the layout of the rooftop? I  
12 mean I think that's something that I'm concerned  
13 about. What's the layout of the rooftop?

14 MR. BIANCO: Sure. Okay. So the  
15 rooftop is basically, but for the mechanical  
16 equipment, the entirety of the roof of 913 and it  
17 was expanded in 2020, I believe to also cover the  
18 rooftop -- or part of the rooftop of the 915  
19 building. So it's fairly sizeable, but with 90  
20 or 97 folks, it could appear crowded. But I  
21 would say, it definitely appears more crowded  
22 towards the bar where the photographs are taken  
23 because people tend to congregate there, so that  
24 they can purchase alcohol or interact with others  
25 or what have you. So the sort of vantage point

1 from behind the bar is a little bit deceiving in  
2 that, that's where people tend to congregate as  
3 opposed to the further off areas of the rooftop.

4 CHAIRPERSON ANDERSON: Now I'm also  
5 trying to find out how does the establishment  
6 monitor its occupancy?

7 MR. BIANCO: Yeah, that's a great  
8 question. So there are two separate means of  
9 entrance and egress to the rooftop from the  
10 interior of the building. The way they operate  
11 them under normal circumstances is what we'll  
12 call the front staircase, which is the staircase  
13 closest to the U Street side of the building is  
14 used as an entrance. And the rear staircase  
15 towards the alley side of the building is used as  
16 an egress in terms of directing traffic. Of  
17 course in an emergency, both would be available  
18 to exit people from the roof.

19 But the way they handle occupancy is  
20 they have a security guard stationed at both the  
21 ingress and the egress. And the security guards  
22 keep a count using a clicker. And the manager on  
23 duty checks in with the security guards with  
24 respect to the count every 30 minutes. And at  
25 this point in the evening, they had a count.



1 They could have provided the count. But  
2 according to Mr. Parker, the interaction with the  
3 ABRA investigator was very informal and she  
4 didn't ask. As to why she didn't see the  
5 security guard or recall seeing the security  
6 guard as the case may be in front of the front  
7 staircase, I can't say. But there were certainly  
8 guards posted at both entrances. And at no point  
9 did they exceed 97, nor is there any evidence to  
10 suggest that they did.

11 CHAIRPERSON ANDERSON: So you're  
12 saying that the occupancy of the rooftop is 97.  
13 And that it's your view that at no point during  
14 that period did the establishment exceed its  
15 occupancy. Is that the position of the licensee?

16 MR. BIANCO: Yeah. That's the  
17 position. I haven't seen anything to rebut that.  
18 I mean we all looked at the photos, but there's  
19 no -- there's no head count.

20 CHAIRPERSON ANDERSON: And does the --  
21 does the -- So you're saying currently -- so the  
22 current certificate of occupancy for the  
23 establishment is 90 -- at least for the  
24 establishment's rooftop is 97. Is that correct?

25 MR. BIANCO: Yes. It conforms to the

1 license. So the amount on the -- they can't  
2 issue the license without -- without presentation  
3 of the COO. So yes, that's our -- that's our  
4 position based on my understanding, as well as  
5 the investigative report.

6 CHAIRPERSON ANDERSON: All right.  
7 Thank you. I know that Mr. -- Normally -- Are  
8 there any questions by the board members of the  
9 licensee? I know that the responses are being  
10 provided by counsel, but the questions are  
11 directed to Mr. Parker if Mr. Bianco is unable to  
12 answer. But again, since he has not called him  
13 as a witness, if you have any -- if any board  
14 members have -- Yes, Mr. Short -- if any board  
15 members have any questions specifically about the  
16 establishment. Go ahead, Mr. Short. I can't  
17 hear you, sir.

18 MEMBER SHORT: Good afternoon, Mr.  
19 Bianco.

20 MR. BIANCO: Good afternoon, Mr.  
21 Short.

22 MEMBER SHORT: Okay. Mr. Bianco, you  
23 stated that on the night of June 25th, there were  
24 two people counting; one on the front stairs and  
25 one on the back stairs. Is that your testimony?

1                   MR. BIANCO: Well, it's my -- Yes,  
2                   it's my testimony that there are two security  
3                   guards; one at each staircase. But every 30  
4                   minutes or so, they have to reconcile the numbers  
5                   since they're standing apart, which is the reason  
6                   for the manager -- the manager stepping in and  
7                   speaking with both security guards and getting  
8                   the counts as to how many in, how many out. So  
9                   they know how many people are up there.

10                   MEMBER SHORT: Okay. I guess I'm a  
11                   little confused to the part that the Investigator  
12                   stated that she did not see any security guards  
13                   at the front of the entrance to the rooftop when  
14                   she came. And that she talked with Mr. David  
15                   Parker and he never talked with anyone -- if I  
16                   get what I'm hearing from the Investigator, the  
17                   only one she talked to that night -- that  
18                   morning, forgive me, was Mr. Parker -- Mr. David  
19                   Parker. And so I'm just trying to figure if  
20                   there was a person at the front door when Mr.  
21                   Parker was talking to Investigator Nelson, how  
22                   come the three of them didn't talk? And how come  
23                   Mr. Parker couldn't produce a number from that  
24                   person for her at that time?

25                   MR. BIANCO: Okay. Well, I think you

1 asked a lot of different questions. And I think  
2 a lot of them are premised on information that's  
3 definitely not in the record. There's no  
4 information to suggest this conversation took  
5 place in front of the front staircase. As to why  
6 she didn't see a security guard there, I think  
7 that's one among many deficiencies in this  
8 investigation. And I'm not sure -- I mean I  
9 suppose I'm just as confused as you are as to why  
10 this -- why we're here. I mean why this  
11 investigation went the way it did. And without  
12 any meaningful evidence of a violation, we're in  
13 front of the Board on a -- on a fact-finding  
14 hearing. So yes, I think confusion's there.

15 MEMBER SHORT: Okay. Thank you, Mr.  
16 Bianco. But there is no confusion that David  
17 Parker talked with Investigator Nelson that  
18 morning. Is that correct?

19 MR. BIANCO: That's correct. He was  
20 not asked for the occupancy again for reasons  
21 unknown to me. He didn't admit to over-  
22 occupancy. In fact, he didn't say anything  
23 except that he understood what the investigator  
24 was saying. That was her testimony. Nothing  
25 more than that.

1                   MEMBER SHORT: That's a great answer -  
2                   - That's a great answer, Mr. Bianco. But the  
3                   bottom line is, now it's been established that  
4                   there may have been and very much so,  
5                   overcrowding that particular evening because the  
6                   Investigator went there because of complaints.

7                   MR. BIANCO: Well, the Investigator  
8                   went there --

9                   (simultaneous speaking)

10                  MEMBER SHORT: Otherwise, Mr. Bianco -  
11                  - I'm not going to argue with you, Mr. Bianco.  
12                  You are an attorney. I'm just a board member,  
13                  but I'm just going by the testimony we got. The  
14                  Investigator went there to talk with the owner or  
15                  manager because of a complaint.

16                  MR. BIANCO: Correct, about noise.

17                  MEMBER SHORT: If you would stop  
18                  cutting me off, please, Mr. Bianco. I don't do  
19                  that to you and I wouldn't dare do that to you.  
20                  Thank you. What I'm trying to get to, Mr.  
21                  Bianco, we're here because there was a complaint.  
22                  The Investigator went there to check out the  
23                  complaint as required by her job. She talked  
24                  with the owner/operator or manager, Mr. David  
25                  Parker who could not produce a number for her at

1 that particular time. That's the testimony of  
2 the Investigator and that's what's on the record.  
3 And I don't want to do anything other than ask  
4 questions about what's on the record because this  
5 may become a more serious issue if this ever  
6 happens at this club again. But it's now on the  
7 record and there are photos that maybe -- just  
8 maybe someone didn't go by the rules and  
9 regulations that night and there were over 97  
10 people on that rooftop. I would just like to say  
11 thank you very much for being patient with me,  
12 Mr. Bianco. And thank you, Mr. Chair for  
13 allowing me to ask those questions.

14 CHAIRPERSON ANDERSON: You're welcome,  
15 Mr. Short.

16 MR. BIANCO: Thank you, Mr. Short. I  
17 always appreciate our spirited debate. Thank you  
18 for your input.

19 CHAIRPERSON ANDERSON: Any other  
20 questions by any other board members? I'm trying  
21 to bring this case to a hearing. Any final  
22 comments you need to make, Mr. Bianco on behalf  
23 of your client?

24 MR. BIANCO: Nothing from us.

25 CHAIRPERSON ANDERSON: All right. All

1 right, thank you. The Board will take this  
2 matter under advisement to make a determination  
3 whether or not -- Of course, as you stated, Mr.  
4 Bianco, this is a fact-finding hearing. We were  
5 gathered as mentioned based on a report that was  
6 written. The Board was unable to ascertain  
7 whether or not a violation has occurred. And so  
8 the Board will take this under advisement and  
9 make a determination. Basically what the Board  
10 recommends. Options available to the Board: The  
11 Board can determine that no further action. The  
12 Board can probably -- can say a warning. Or the  
13 Board could refer this to the Attorney General  
14 for a violation. I don't know. But we'll take  
15 this matter under advisement. And we'll alert  
16 you to the decision that the Board has made.  
17 Thank you very much for your presence this  
18 morning. Thank you this morning and also now  
19 this afternoon, Mr. Parker. Thank you very much.  
20 Have a great day.

21 MR. BIANCO: Thank you, Mr. Chair and  
22 members of the Board. Appreciate your time.

23 CHAIRPERSON ANDERSON: Thank you.

24 (Whereupon, the above-entitled matter  
25 went off the record at 12:07 p.m.)

**A**

**a.m.** 2:2 6:22,25 14:6  
28:7,9,14,16  
**ABC** 7:6,23,24 9:15  
25:10  
**able** 13:5 21:7,8 22:9  
23:16,23  
**above-entitled** 39:24  
**ABRA** 1:20 5:20 7:5  
9:24 33:3  
**Absolutely** 21:13  
**access** 2:10,11 3:5  
**accounts** 19:12  
**acknowledge** 18:20  
27:17  
**acknowledged** 8:4  
**action** 6:4,8,10 39:11  
**actual** 31:7  
**additional** 30:20,22  
**Additionally** 7:14  
**admit** 36:21  
**admitted** 27:24  
**advise** 18:2  
**advised** 8:2,5  
**advisement** 39:2,8,15  
**afternoon** 34:18,20  
39:19  
**agreement** 10:14  
**ahead** 11:4 12:8 21:23  
22:6 29:12 34:16  
**alcohol** 31:24  
**Alcoholic** 1:2,12  
**alert** 39:15  
**ALIYA** 1:16  
**alleviate** 28:20,22  
**alley** 32:15  
**allowing** 38:13  
**amount** 34:1  
**ANC** 1:7  
**Anderson** 1:13,15 2:3  
2:12,15,20,24 3:7,18  
3:24 4:6,12,18,22 5:2  
5:8,12,16 6:15 8:7,12  
8:18,24 9:2,12,19,24  
10:3,9,17,24 11:3  
12:8 16:2,12 18:5,12  
21:2,7,11,15,21 22:6  
22:11,14,18,24 23:4  
23:11,17,22 24:1,8,13  
24:17 29:10,16,18  
30:18,24 31:10 32:4  
33:11,20 34:6 38:14  
38:19,25 39:23  
**angle** 21:19 22:3  
**answer** 28:24 34:12  
37:1,2  
**anybody** 27:12  
**anyway** 13:6

**apart** 35:5  
**apologize** 18:6,10,17  
22:1,16,22  
**appear** 25:1 31:20  
**appeared** 8:3 18:3  
27:18  
**appears** 31:21  
**appreciate** 38:17 39:22  
**appropriately** 25:18  
**Approval** 1:9  
**approved** 7:25 8:19,22  
9:10 24:5  
**approximate** 17:21  
**approximately** 6:21,25  
9:7 16:24 23:20 28:14  
**area** 10:12 24:14  
**areas** 32:3  
**argue** 37:11  
**arrived** 7:1  
**ascertain** 39:6  
**asked** 13:12 18:22 19:5  
30:10 36:1,20  
**asking** 24:14,23 25:3  
26:8  
**assessment** 13:7  
**assistance** 20:7,9  
**attempted** 28:19  
**attempting** 22:23  
**attorney** 6:9 37:12  
39:13  
**audio** 3:21 26:4  
**August** 1:11  
**available** 32:17 39:10  
**aware** 3:10 5:25 10:23  
12:2,24

**B**

**B-I-A-N-C-O** 4:4  
**back** 34:25  
**bar** 31:22 32:1  
**base** 14:4  
**based** 25:5 31:5 34:4  
39:5  
**basically** 31:15 39:9  
**bee** 37:3  
**behalf** 38:22  
**believe** 9:7 13:10 15:22  
28:7 31:17  
**believed** 5:21 30:1  
**best** 14:7  
**better** 4:21,23,23 5:13  
5:14  
**Beverage** 1:2,12  
**Bianco** 1:20 2:9,13,14  
2:16,17,22 3:9,11,17  
3:23,25 4:3,3 5:25  
6:14 16:14,16,25 17:6  
17:13,18,23 18:6,13

18:14,21 19:3,10,15  
19:19 20:5,12,17,22  
21:1,3 30:20,22,24  
31:3,14 32:7 33:16,25  
34:11,19,20,22 35:1  
35:25 36:16,19 37:2,7  
37:10,11,16,18,21  
38:12,16,22,24 39:4  
39:21  
**bit** 4:19 22:2 32:1  
**blank** 22:20  
**board** 1:2,9,12 6:1,3,6  
6:11 8:19 10:25 16:1  
16:3,13 21:9 24:3  
25:5 29:11 30:19 34:8  
34:13,14 36:13 37:12  
38:20 39:1,6,8,9,10  
39:11,12,13,16,22  
**BOBBY** 1:16  
**body** 7:12  
**bottom** 37:3  
**Brashears** 6:23 20:13  
**bring** 38:21  
**building** 31:19 32:10,13  
32:15

**C**

**C** 9:8  
**calendar** 2:4  
**call** 14:8 19:23 20:14  
32:12  
**called** 34:12  
**camera** 3:20,20  
**capacity** 9:23 13:24  
**case** 1:8 2:3,4,8 33:6  
38:21  
**CATO** 1:16  
**caused** 14:8  
**certainly** 19:10 33:7  
**certificate** 7:23 24:5  
33:22  
**Chair** 2:11,14 3:6 5:11  
16:1 29:6 38:12 39:21  
**Chairman** 11:2  
**Chairperson** 1:13,15  
2:3,12,15,20,24 3:7  
3:18,24 4:6,12,18,22  
5:2,8,12,16 6:15 8:7  
8:12,18,24 9:2,12,19  
9:24 10:3,9,17,24  
11:3 12:8 16:2,12  
18:5,12 21:2,7,11,15  
21:21 22:6,11,14,18  
22:24 23:4,11,17,22  
24:1,8,13,17 29:10,16  
29:18 30:18,24 31:10  
32:4 33:11,20 34:6  
38:14,19,25 39:23

**check** 25:23 37:22  
**checks** 32:23  
**circumstances** 32:11  
**city** 8:16  
**clarify** 18:8  
**clicker** 10:4 25:12  
26:11,24 32:22  
**clickers** 9:25 25:13,15  
26:18,21  
**client** 30:25 38:23  
**clientele** 11:24  
**clients** 2:18,21  
**close** 14:11 24:3,21  
28:15  
**closed** 28:7  
**closest** 32:13  
**closing** 8:6 27:19,23  
28:4  
**club** 38:6  
**co-** 20:10  
**co-workers** 10:8  
**COLUMBIA** 1:1  
**come** 14:11 35:22,22  
**comfortable** 11:19  
**comments** 38:22  
**common** 12:17  
**complaint** 6:23 7:2  
37:15,21,23  
**complaints** 11:21 37:6  
**concern** 19:24  
**concerned** 31:12  
**concerns** 11:11  
**conditions** 14:7  
**conduct** 17:2  
**conforms** 33:25  
**confused** 35:11 36:9  
**confusion** 36:16  
**confusion's** 36:14  
**congregate** 31:23 32:2  
**considered** 14:14  
**contact** 14:12 24:21  
**Control** 1:2,12  
**conversation** 36:4  
**COO** 34:3  
**correct** 13:13,16 14:17  
15:15 18:25 24:6 29:2  
30:1 33:24 36:18,19  
37:16  
**council** 4:4  
**counsel** 1:20 34:10  
**count** 8:8,9,13 12:13,21  
13:5 16:20 17:2,7,9  
17:25 18:16,19,23  
19:5,16 20:19 30:4,11  
32:22,24,25 33:1,19  
**counted** 25:18  
**counter** 25:12,24 26:11  
27:5



**counters** 25:13 26:1,18  
26:21  
**counting** 12:20 34:24  
**counts** 35:8  
**couple** 16:17,18 31:4  
**course** 32:17 39:3  
**cover** 31:17  
**COVID** 8:15 11:15,15  
11:16 19:20  
**CROCKETT** 1:16  
**crowd** 7:21 8:17 10:7  
12:22 13:2 14:16  
17:10 20:3  
**crowded** 31:20,21  
**CT** 1:7  
**current** 33:22  
**currently** 33:21  
**cutting** 37:18

**D**

**D-A-V-I-D** 4:9  
**danger** 13:4  
**dangerous** 14:3,4,8  
**dare** 37:19  
**David** 1:21 2:22,25 3:2  
3:5,8,14,17 4:9 7:21  
18:11,19 20:18 27:4  
27:16 35:14,18 36:16  
37:24  
**David's** 3:12  
**day** 14:5 39:20  
**days** 2:6  
**DC** 1:20  
**debate** 38:17  
**deceiving** 32:1  
**decision** 6:2 39:16  
**deck** 9:9 16:21  
**defer** 31:8  
**deficiencies** 36:7  
**definitely** 31:21 36:3  
**depending** 6:10 24:14  
24:20,25  
**describe** 14:7  
**determination** 5:23 6:7  
39:2,9  
**determine** 24:19 39:11  
**different** 36:1  
**difficulties** 5:4  
**diligent** 19:13  
**directed** 34:11  
**directing** 32:16  
**Dirty** 1:5,6 2:5 6:25  
**disconnect** 5:7  
**discussion** 27:12  
**DISTRICT** 1:1  
**doing** 17:12,14  
**Donovan** 1:13,15  
**door** 15:12 35:20

**doors** 14:20,22 15:1,8  
**due** 7:10,21 8:14  
**duty** 32:23

**E**

**EDWARD** 1:17  
**egress** 32:9,16,21  
**either** 5:3 18:23 19:6  
27:1  
**elevate** 2:7,8 3:2  
**elevated** 2:10,11 3:3,6  
**elongate** 7:12  
**emanating** 6:24  
**emergency** 32:17  
**employee** 10:11  
**enjoy** 3:21  
**enter** 7:9,20  
**entered** 5:20 7:7 15:7  
28:13  
**entering** 7:3 10:12  
**entirety** 31:16  
**entrance** 15:6 32:9,14  
35:13  
**entrances** 33:8  
**entry** 7:16  
**entryway** 15:12 17:16  
**equipment** 31:16  
**established** 37:3  
**establishment** 4:8,11  
5:21 7:1,3,7,7,25 8:2  
8:5,20 9:4,7 10:7,10  
10:14 11:12 12:3,13  
12:20 13:13 14:11  
15:2 16:5 17:24 18:3  
24:25 25:19,25 26:10  
27:1,3,7,13,18,19  
28:5,7,14,18,19 32:5  
33:14,23 34:16  
**establishment's** 7:8,10  
7:14,16,20,22 9:17  
15:13 17:11 21:18,25  
22:3 33:24  
**establishments** 11:18  
11:24 25:11 26:13  
**evening** 11:7,17 21:4  
27:7 32:25 37:5  
**evidence** 22:9 33:9  
36:12  
**exceed** 33:9,14  
**excellent** 15:24  
**Exhibit** 21:17 22:1  
**exit** 14:20,22 15:8 32:18  
**exiting** 10:12  
**expanded** 31:17  
**expert** 11:16  
**Explain** 9:3

**F**

**fact** 1:7 36:22  
**fact-** 6:11  
**fact-finding** 5:18,19,22  
6:1,2 36:13 39:4  
**factual** 31:9  
**fair** 13:7,10 19:15 24:11  
**fairly** 23:21 31:19  
**familiar** 12:2  
**fear** 19:20 20:3  
**feared** 16:19  
**feel** 8:16 11:18 17:12  
26:12,15  
**feet** 8:1,23 9:23  
**field** 31:8  
**figure** 35:19  
**final** 6:2 38:21  
**find** 26:23 31:11 32:5  
**finding** 1:7 6:12  
**fine** 23:11  
**floor** 12:14 15:13,15,19  
**floors** 9:3,4,8,9,13  
13:19,22,24  
**folder** 22:20  
**folks** 31:20  
**footage** 7:19 22:5 24:11  
**forgive** 35:18  
**front** 7:4 13:6 15:11  
32:12 33:6,6 34:24  
35:13,20 36:5,5,13  
**further** 6:8,10 20:23  
32:3 39:11

**G**

**garden** 7:9,10,14,21  
9:18,20 18:4 21:18  
**gather** 22:9  
**gathered** 39:5  
**gathers** 6:11  
**General** 3:13 4:10 6:10  
39:13  
**generally** 10:17  
**getting** 27:22 35:7  
**give** 31:6  
**Goose** 1:5,6 2:5 6:25  
**Grandis** 1:17 11:2,4,4,5  
11:10,17,23 12:4  
29:12,13,14,15,17,20  
29:23,24 30:3,7,14,17  
**guard** 32:20 33:5,6 36:6  
**guards** 32:21,23 33:8  
35:3,7,12  
**guess** 35:10

**H**

**handle** 32:19  
**HANSEN** 1:17  
**happens** 26:23 38:6  
**hard** 24:18

**harm's** 10:8  
**harms** 13:2  
**head** 33:19  
**hear** 4:15,15,18 5:5,11  
5:12,14 29:13,13,15  
29:17,19 34:17  
**hearing** 1:7 5:18,19,23  
6:1,3,12 35:16 36:14  
38:21 39:4  
**high** 7:13  
**Hold** 18:5  
**home** 6:24  
**hotline** 6:23  
**hour** 28:11  
**hours** 28:3

**I**

**identified** 7:5  
**identify** 2:25 3:1  
**important** 18:22 19:4  
**included** 19:11  
**Increase** 1:9  
**informal** 33:3  
**information** 6:11 12:5  
18:22 19:4,11 36:2,4  
**informing** 30:8  
**ingress** 32:21  
**input** 38:18  
**inquire** 3:12  
**inspected** 25:15  
**instance** 20:6  
**interact** 31:24  
**interaction** 33:2  
**interference** 3:21 26:5  
**interior** 32:10  
**interrupt** 18:6  
**investigate** 7:1 11:25  
**investigated** 25:10,11  
25:12  
**investigating** 6:4  
**investigation** 15:3 36:8  
36:11  
**investigative** 10:1 34:5  
**Investigator's** 31:5  
**investigators** 9:25  
**issue** 34:2 38:5  
**issues** 23:9 31:9

**J**

**jam** 14:14,14  
**JAMES** 1:18  
**JENI** 1:17  
**job** 37:23  
**joining** 2:18  
**JR** 1:16,18  
**June** 5:20 6:19,21 14:5  
34:23  
**Justin** 2:22,24 3:8,9,11

3:13,14,15,23

**K****keep** 32:22**L****large** 24:8,9,14,23**layout** 31:11,13**leave** 28:10**left** 29:2**level** 8:20**license** 1:7 2:5 7:23,24  
9:16 34:1,2**licensee** 1:21 2:7 4:5

6:3,14 33:15 34:9

**Licensee's** 1:20**line** 37:3**listed** 21:17,25 23:15**little** 4:19,22 32:1 35:11**load** 7:17,25 8:22 9:10  
9:14,16**located** 7:4**long** 16:21 17:4,22  
23:17,19**longer** 17:1 19:22 20:2**looked** 33:18**looking** 24:18**lot** 36:1,2**LP** 1:5**M****M-I-K-E-A** 4:25**ma'am** 4:20 5:9,13,17  
6:19**maintaining** 20:19**manager** 3:13 4:10 7:6  
32:22 35:6,6 37:15,24**Mark** 6:22**mask** 11:7,10,14**matter** 1:4 6:5,9,17 39:2  
39:15,24**mean** 13:15 23:18

31:12 33:18 36:8,10

**meaning** 14:15**meaningful** 36:12**means** 13:1 32:8**mechanical** 31:15**MEETING** 1:3**member** 1:16,16,17,171:18 10:25 11:2,5,10  
11:17,23 12:4,10,19  
12:25 13:11,15,18,23  
14:2,13,19 15:1,6,14  
15:18,23 25:8,16,22  
26:3,8,16,22 27:4,11  
27:21 28:3,8,17,25  
29:5,15,17,20,24 30:3  
30:7,14 34:18,2235:10 36:15 37:1,10  
37:12,17**members** 16:3 24:4  
25:5 29:12 30:19 34:8  
34:14,15 38:20 39:22**memory** 15:10**mentioned** 19:19 39:5**met** 1:13 7:4,21**Mikea** 1:20 2:10**mind** 23:2**minimum** 16:6**minutes** 16:24 17:14,19  
32:24 35:4**moment** 5:11 23:1**monitor** 7:17 10:11  
32:6**monitoring** 17:16**Monkeypox** 8:15 19:20**morning** 3:25 4:13 5:17  
5:17 15:25 16:17 27:8  
28:4 35:18 36:18  
39:18,18**move** 14:10 17:10 20:3  
21:22 27:2**moving** 10:11 16:4**N****N-E-L-S-O-N** 5:1**name** 4:1,7,14,24 5:1,5**names** 2:21**navigate** 14:15**necessarily** 11:15**need** 31:6 38:22**negotiate** 13:3**never** 35:15**night** 11:22 15:3 22:4  
22:10 34:23 35:17  
38:9**Ninety-seven** 24:15**noise** 6:24 11:21 37:16**normal** 12:12,17 32:11**normally** 25:16,22,25  
26:3,11,15,17,22 34:7**note** 19:4**noted** 7:9,15,24**number** 8:19 9:17 12:13  
12:15 24:15 25:24  
27:6,13 30:4 35:23  
37:25**numbers** 9:21 35:4**NW** 1:6**O****O** 9:8**o'clock** 6:22**Occasionally** 26:20**occupancy** 1:9 7:23 8:3  
8:19 9:14 13:12 24:224:5 28:10 32:6,19  
33:12,15,22 36:20,22**occupant** 7:17,25 8:22  
9:10,16**occupants** 13:19 25:24**occurred** 6:6,18 39:7**Office** 6:9**officer** 7:4,15**on-site** 20:14**operate** 32:10**opinion** 14:19**opposed** 32:3**Options** 39:10**order** 6:3**Oriana** 2:5,9 3:5**over-** 36:21**over-occupancy** 26:20  
27:18**overcrowded** 5:22 13:7  
16:5 18:3 25:1 26:23  
27:25 28:10 29:1,2  
30:1,9**overcrowding** 7:118:15 11:22 12:25 13:4  
25:17 26:17 28:20,22  
37:5**owner** 7:6 37:14**owner/operator** 37:24**owners** 3:13**P****P-A-R-K-E-R** 4:10**P-R-O-C-E-E-D-I-N-G-S**  
2:1**p.m** 39:25**Parker** 1:21 2:22,23,24  
2:25 3:2,5,8,8,9,15,19  
3:22 4:6,9,9 7:22 8:2  
18:2,7,8,11,19 20:18  
27:4,16 29:25 30:4,8  
33:2 34:11 35:15,18  
35:19,21,23 36:17  
37:25 39:19**Parkers** 18:8**part** 9:25 31:18 35:11**particular** 14:5 28:4

37:5 38:1

**parties** 2:8 3:21**pass** 14:23 15:2,9**patient** 26:10 38:11**patrons** 8:1 10:11 14:12  
27:2,2**people** 8:9,23 12:1413:6 14:16,22 16:21  
24:15,21,22 25:17,19  
26:1 27:6,13,22 28:11  
31:23 32:2,18 34:24  
35:9 38:10**perceived** 16:4**perfect** 5:16**period** 33:14**permit** 10:6**permits** 9:16**person** 35:20,24**persons** 26:18**perspective** 6:18**photo** 21:17,20,25 22:2  
23:7**photographs** 31:22**photos** 7:13,18 17:16  
21:3,12 33:18 38:7**place** 20:19 36:5**places** 25:10**plan** 10:16 31:1,1,3**playing** 22:21**please** 2:7,8,25,25 3:4  
3:20 4:1,2,7,13,14,23  
4:24 5:8 6:17,19 9:21  
21:19 22:7 23:24  
37:18**point** 14:14,14 31:25  
32:25 33:8,13**position** 20:11 33:15,17  
34:4**posted** 33:8**practice** 12:12,18**premised** 36:2**presence** 39:17**present** 1:14,19 3:3  
10:11**presentation** 34:2**presiding** 1:13**pretty** 14:2**Prior** 7:3 16:3**probably** 39:12**problem** 24:22 25:17,23  
26:4**problems** 26:1**procedure** 19:22 20:6  
20:18**proceed** 3:19 21:20**produce** 35:23 37:25**proffers** 31:5**proper** 5:5**properly** 13:5**protected** 11:11**protects** 11:14**provide** 16:6 18:24,24  
19:6**provided** 9:25 18:23  
19:6 33:1 34:10**purchase** 31:24**purpose** 5:19**pushed** 14:16,17**put** 10:8 13:1,4 20:10**putting** 24:24,24

**Q**

**question** 13:11 19:2  
25:7,21 32:8  
**questions** 6:13 10:25  
16:3,13,15,18 20:24  
24:4 25:4 29:11 30:19  
30:20,23 31:2,7 34:8  
34:10,15 36:1 38:4,13  
38:20  
**quo** 28:21

**R**

**R-I-C-H-A-R-D** 4:4  
**RAFI** 1:16  
**raise** 29:20  
**realized** 7:19  
**rear** 32:14  
**reason** 5:3 17:6,24  
18:15 19:20 24:13  
35:5  
**reasons** 36:20  
**rebut** 33:17  
**recall** 11:20 15:16  
18:18 20:20 27:9 28:2  
29:3 30:6,7,8,13 33:5  
**received** 6:23 11:21  
**recollection** 29:25  
30:10  
**recommends** 39:10  
**reconcile** 35:4  
**reconnect** 5:7  
**record** 3:1 4:2,8,14,24  
36:3 38:2,4,7 39:25  
**refer** 39:13  
**refused** 18:24 19:6  
**regarding** 6:23  
**regulations** 10:20 38:9  
**related** 3:14  
**repeat** 19:1 25:21  
**rephrase** 26:9  
**replay** 22:17 23:23  
**report** 12:11 15:24 19:5  
19:12 20:12 21:17  
22:1 23:15 28:9 34:5  
39:5  
**request** 20:7,9  
**requested** 7:6,22  
**require** 10:6,15,20  
17:10  
**required** 10:10 37:23  
**resident's** 6:24  
**respect** 32:24  
**responses** 34:9  
**Retailer** 1:7  
**reviewing** 7:18,24 9:8  
**Richard** 1:20 2:9 4:3  
**rights** 2:7 3:3  
**role** 4:8

**roof** 9:9 13:20 16:21  
31:16 32:18  
**rooftop** 7:8,16,17,20  
8:1,3,22,25 9:13,14  
10:12 13:16 14:6,10  
14:21 15:5,9,13,20  
17:11,17,22 19:21  
20:2,19 21:18,25 22:4  
23:13 24:5,9,12,21,24  
27:7,14 31:11,13,15  
31:18,18 32:3,9 33:12  
33:24 35:13 38:10  
**roughly** 28:15  
**rules** 38:8  
**run** 26:16,17

**S**

**S** 1:17  
**safe** 8:16 17:12 26:12  
26:12,15  
**safely** 7:9,20 14:10,21  
**safety** 16:19 20:4  
**Saturday** 6:21  
**saw** 20:12 23:18  
**saying** 23:10 33:12,21  
36:24  
**scarce** 13:22  
**screen** 22:20,25 23:5  
24:3  
**scrolling** 22:2  
**second** 15:13,15,19  
**seconds** 23:18,21  
**security** 7:4,15 10:16  
10:21 32:20,21,23  
33:5,5 35:2,7,12 36:6  
**seeing** 3:21 22:18,19  
22:19,20,20,24,25  
23:2,4,5,5,6,6,7,12  
33:5  
**seen** 33:17  
**send** 6:8  
**sense** 17:1  
**separate** 3:9 9:14 32:8  
**serious** 38:5  
**set** 15:15  
**settlement** 10:14  
**share** 21:8,8,11 22:23  
**sharing** 23:9,10  
**short** 1:18 11:4 12:9,10  
12:19,25 13:11,15,18  
13:23 14:2,13,19 15:1  
15:6,14,18,23 23:21  
25:6,8,16,22 26:3,8  
26:16,22 27:4,11,21  
28:3,8,17,25 29:5,9  
29:11 34:14,16,18,21  
34:22 35:10 36:15  
37:1,10,17 38:15,16

**side** 23:6 32:13,15  
**simply** 27:23  
**simultaneous** 37:9  
**sir** 2:8,21 6:20 8:11 9:1  
10:2,13,22 11:8,13  
12:1,7,23 13:9,14,17  
14:1,18,24 15:22 16:8  
16:15 17:3,20 18:18  
19:2,8,14,25 20:8,15  
20:21 21:5,10 23:14  
23:25 24:7,16 25:14  
25:20 26:2,19 27:10  
27:15 28:1,23 29:4,18  
29:22 30:2,6,12 34:17  
**situation** 14:3  
**situations** 13:1 26:4  
**size** 24:12,20,25  
**sizeable** 31:19  
**soon** 8:6 17:7 27:19,23  
**sorry** 2:17 18:12 25:20  
**sort** 31:25  
**speak** 7:6 9:8 12:17  
18:7 20:17 24:10  
**speaking** 18:1 35:7  
37:9  
**specific** 9:17  
**specifically** 34:15  
**spell** 4:1,7,13,23  
**spelling** 5:5  
**spirited** 38:17  
**split** 23:5  
**spoke** 18:9 27:16  
**spread** 11:16 24:22  
**spreading** 11:15  
**square** 24:11  
**staircase** 32:12,12,14  
33:7 35:3 36:5  
**stairs** 34:24,25  
**stairway** 15:19  
**stairways** 15:15  
**standing** 21:19 22:3  
35:5  
**start** 6:13  
**state** 4:1,7,14,24  
**stated** 14:2 16:18 20:1  
20:2 29:25 34:23  
35:12 39:3  
**statement** 13:8  
**stating** 14:4  
**stationed** 32:20  
**status** 28:21  
**stay** 12:14 19:21 20:1  
**stepping** 35:6  
**stood** 7:12  
**stop** 37:17  
**strange** 5:3  
**street** 1:6 14:22 15:7,8  
32:13

**suggest** 33:10 36:4  
**summer** 7:8,10,14,20  
9:18,20 18:4 21:18  
**Supervising** 6:22  
**supervisor** 16:11  
**Supervisory** 20:13  
**suppose** 36:9  
**system** 25:24

**T**

**t/a** 1:6  
**taken** 17:1,4 31:22  
**talk** 35:22 37:14  
**talked** 35:14,15,17  
36:17 37:23  
**talking** 35:21  
**technical** 5:4  
**tell** 6:17 12:21 25:18  
**ten** 23:18,21  
**tend** 31:23 32:2  
**terms** 24:11 32:16  
**testified** 24:2  
**testify** 31:4  
**testifying** 15:25  
**testimony** 12:6 17:18  
31:6,7 34:25 35:2  
36:24 37:13 38:1  
**thank** 2:12 3:7,19,25  
5:10,13,17 6:16 10:24  
11:5 12:4,5,6,7,10,11  
15:23,24 16:1 20:22  
20:25 21:2,14 25:8,9  
26:9 29:5,6,7,8,10,21  
30:14,15,16 34:7  
36:15 37:20 38:11,12  
38:16,17 39:1,17,18  
39:19,21,23  
**Thanks** 3:17,23  
**thought** 8:9 22:11 30:9  
**three** 35:22  
**today** 3:16 5:23 6:11  
12:6  
**toes** 7:12  
**told** 16:10  
**tools** 10:1  
**total** 9:10,16,22 13:12  
**touching** 14:12  
**traffic** 32:16  
**tried** 7:12 28:19  
**true** 5:24  
**try** 5:6 13:2 28:21 29:16  
**trying** 17:15 28:18  
31:10 32:5 35:19  
37:20 38:20  
**turn** 3:20 4:19  
**two** 9:7,9 18:7 32:8  
34:24 35:2  
**type** 10:20

types 26:12  
Typically 26:25

**U**

**U** 1:6 15:7,7 32:13  
**unable** 34:11 39:6  
**understand** 18:14  
28:12  
**understanding** 11:14  
34:4  
**understood** 8:4 18:20  
27:17 29:24 36:23  
**unknown** 36:21  
**unsafe** 12:22 20:11  
**unsure** 16:9 23:15  
**use** 10:4

**V**

**vantage** 31:25  
**video** 7:18 22:4,12,15  
22:19,21,25 23:3,7,9  
23:12,15,19,19 25:5  
**videoconference** 1:13  
**videos** 7:13  
**view** 23:16 33:13  
**violation** 6:6 36:12 39:7  
39:14  
**volume** 4:19 29:21

**W**

**W** 1:13,15  
**wanted** 30:25  
**warning** 16:7 39:12  
**watched** 25:6  
**way** 10:8 13:2 14:15  
32:10,19 36:11  
**WebEx** 1:13  
**Wednesday** 1:11  
**welcome** 38:14  
**went** 7:8 14:6 36:11  
37:6,8,14,22 39:25  
**wish** 16:14  
**witness** 34:13  
**workers** 20:11  
**wouldn't** 11:10 13:5  
37:19  
**written** 39:6

**X**

**Y**

**Z**

**0**

**1**

**1:30** 6:25 14:6 28:8,14

**1:50** 28:15  
**101299** 1:7 2:5  
**11:21** 2:2  
**12:07** 39:25  
**15** 16:24 17:14,19  
**1B** 1:7

**2**

**2** 22:1  
**2:00** 28:15  
**2:30** 28:7  
**200** 13:13,16  
**2020** 31:17  
**2022** 1:11 5:20 6:19,21  
**205** 9:11,12  
**22-CMP-00061** 1:8 2:4  
**25** 5:20  
**25th** 6:19,21 14:5 34:23

**3**

**30** 32:24 35:3  
**31** 1:11

**4**

**40** 8:1,23 9:23

**5**

**6**

**7**

**8**

**9**

**90** 31:19 33:23  
**913** 1:6 31:16  
**915** 31:18  
**97** 8:1,22 9:20,22 24:6  
24:14,19,20,24 31:20  
33:9,12,24 38:9

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: The Dirty Goose

Before: DC ABRA

Date: 08-31-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



-----  
Court Reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1716 14TH ST., N.W., STE. 200

WASHINGTON, D.C. 20009-7831