

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
 + + + + +  
 MEETING

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 IN THE MATTER OF:                   :  
   :  
 Matthias, Inc.                       :  
 t/a Sylvia's Liquors               :  
 1818 Benning Road, NE            : Protest Hearing  
 License #104606                   :  
 Retailer A - ANC 5D               :  
 Case #21-PRO-00040               :  
   :  
 (Application for License         :  
 Renewal)                           :  
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Wednesday  
 October 6, 2021

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:

SIMONE ANDREWS, DC ABRA Staff  
 KENNETH ARTIS, Witness  
 FELICIA DANTZLER, Investigator  
 RONALD DIXON, ANC 5D Counsel  
 BARBARA ERSKINES, Witness  
 MADISON GIBBS, ANC 5D Counsel  
 KYONGSOOK KIM, Interpreter  
 YOUNG MOO KIM, Interpreter  
 SYDELLE MOORE, ANC 5D

HYEJUNG NA, Applicant  
NAM YOUNG NJOUNG, Applicant  
MAX PIERCE, Witness  
REGINA SNEAD, Witness  
CLEMENT STOKES, Witness  
ZEKARIAS WEREDE, Witness  
SIDON YOHANNES, Applicant Counsel

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

2 (1:51 p.m.)

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is Case No. 21-PRO-00040,  
5 Sylvia's Liquors. License No. 104606. This is  
6 an application to renew the license.

7 Ms. Andrews, can you please elevate  
8 the rights of the Licensee -- the Licensee and --  
9 I'm sorry, we have a Korean interpreter, the  
10 Licensee, the Licensee's representative -- There  
11 are two licensees, the Protestant, which is ANC -  
12 - which is the ANC -- ANC 5D. And it's my  
13 understanding that the Protestant and -- Yes,  
14 that the two attorneys are for the Protestant and  
15 also the ANC 5D representative. Those are the  
16 folks whose -- and also along with the  
17 Investigator. Please elevate those rights.

18 Once the Licensee and the Protestants  
19 are online, they will let me know who their  
20 witnesses are. And then I will direct you to  
21 elevate those additional rights.

22 MS. ANDREWS: Sure, stand by. Ms.  
23 Yohannes, your rights have been elevated. Ms.  
24 Moore, your rights have been elevated. I do see  
25 Investigator Dantzler online, but I'm unable to

1       elevate your rights. Investigator Dantzler, I  
2       need you to sign out and sign back in. And once  
3       you sign back in, I'll immediately elevate your  
4       rights. Okay?

5                   Mr. Hyejung Na, your rights have been  
6       elevated. Ms. Kim, your rights have been  
7       elevated.

8                   CHAIRPERSON ANDERSON: You should find  
9       the attorneys for --

10                  MS. ANDREWS: Oh, Ms. Gibbs, your  
11       rights have been elevated.

12                  CHAIRPERSON ANDERSON: And there's  
13       another attorney. I forget his -- I forget his  
14       name at the moment.

15                  MS. ANDREWS: Okay. Let me look at my  
16       -- Ms. Gibbs, who is your colleague?

17                  MS. GIBBS: Ronald Dixon.

18                  MS. ANDREWS: Okay.

19                  CHAIRPERSON ANDERSON: Mr. Dixon.

20                  MS. ANDREWS: Mr. Dixon, your rights  
21       have been elevated. That's all, Mr. Chair, for  
22       now.

23                  CHAIRPERSON ANDERSON: Thank you. Did  
24       we find the investigator?

25                  MS. ANDREWS: Yes, she was logged in.

1 She was on time, but I could not elevate her  
2 rights so I just instructed her to log out and  
3 log back in.

4 CHAIRPERSON ANDERSON: I know that.  
5 I was just asking has she logged back in.

6 MS. ANDREWS: Not yet.

7 CHAIRPERSON ANDERSON: All right. Ms.  
8 Kim?

9 MS. KIM: Yes.

10 CHAIRPERSON ANDERSON: Can you raise  
11 your right hand please? Do you swear or -- I'm  
12 sorry -- Do you swear or affirm that you will  
13 faithfully interpret these proceedings from  
14 English to Korean and from Korean to English to  
15 the best of your abilities?

16 MS. KIM: I do.

17 CHAIRPERSON ANDERSON: All right. Ms.  
18 Kim, it's my understanding of the procedural  
19 matter that you have stated that you had to --  
20 you had a timeline at 4:30, ma'am?

21 MS. KIM: Yes. I apologize for the  
22 misunderstanding. I was booked through -- I was  
23 scheduled only through 4:30 today. So  
24 unfortunately I'm going to have to leave at 4:30  
25 for another meeting.

1                   CHAIRPERSON ANDERSON: Well ma'am,  
2                   hopefully you have cleared this with your  
3                   supervisor with your company because we're having  
4                   this hearing today. And this hearing cannot move  
5                   forward without an interpreter. So I do not want  
6                   to -- I'm not going to end the hearing at 4:30  
7                   because the interpreter has to leave at 4:30. So  
8                   I would hope that if you need to -- I know that  
9                   we're -- if you need to inform your company so  
10                  they will have another person in place at 4:30  
11                  because that has to occur. But I think that the  
12                  Agency is trying to work on that at the same time  
13                  too.

14                 MS. KIM: Could I send an email to my  
15                 company right now?

16                 CHAIRPERSON ANDERSON: You can do what  
17                 you need to do, ma'am. But I'm just saying that  
18                 the Licensee has requested an interpreter. And  
19                 so the only way we can move forward past 4:30  
20                 without an interpreter is if the Licensee states  
21                 that they do not require one. And if that -- Is  
22                 that the position of your client, Ms. Yohannes?

23                 MS. YOHANNES: Yes, it is.

24                 CHAIRPERSON ANDERSON: All right.

25                 MS. KIM: Oh, I could not -- Okay.

1 Ms. Yohannes, what was your reply?

2 CHAIRPERSON ANDERSON: She said that  
3 her client needs an interpreter -- needs  
4 interpretation service past 4:30, ma'am.

5 MS. KIM: I think they -- Okay, let me  
6 send an email to my -- to my company so that they  
7 can work on finding another person then.

8 CHAIRPERSON ANDERSON: Yes, ma'am.

9 MS. KIM: Thank you.

10 CHAIRPERSON ANDERSON: You can send  
11 --

12 MS. KIM: Yeah, thank you.

13 CHAIRPERSON ANDERSON: Let me know  
14 when you're done sending the email so I can have  
15 everyone introduce themselves for the record.

16 MS. KIM: Yes. Thank you.

17 CHAIRPERSON ANDERSON: Are you ready,  
18 ma'am?

19 MS. KIM: Yes. I just sent an email.  
20 Thank you.

21 CHAIRPERSON ANDERSON: Yeah, I'm just  
22 waiting. When you sent that email, that was  
23 correct. I'm just waiting for you to let me know  
24 when you're ready.

25 MS. KIM: Yes, I am ready.



1                   CHAIRPERSON ANDERSON: All right.  
2 Thank you. All right, so I would like the  
3 parties to -- And also ma'am, what I would like  
4 you to do is once the hearing starts, I need you  
5 to interpret everything that's stated for all the  
6 parties. So I will also remind everyone that  
7 this matter is being interpreted, so therefore in  
8 your statements, I would like you to give short  
9 statements so the interpreter is able to  
10 translate and so we can continue. I know it's  
11 going to be -- It's going to take some more time  
12 because of the interpretation, but I just want to  
13 make sure that everyone is aware of that in the  
14 statements that are being made. All right?

15                   All right, Ms. Yohannes, can you  
16 please spell and state your name for the record  
17 please?

18                   MS. YOHANNES: Yes. Good afternoon.  
19 Sidon Yohannes on behalf of the Licensee. And  
20 that is S-I-D-O-N Y-O-H-A-N-N-E-S.

21                   CHAIRPERSON ANDERSON: And I would  
22 like the Licensees to spell and state their names  
23 for the record please.

24                   MR. NJOUNG: Hi. My name is Nam Young  
25 Njoug. Spelling is N-A-M Y-O-U-N-G- J-O-U-N-

1 G.

2 MS. NA: My name is Hyejung Na, H-Y-E-  
3 J-U-N-G N-A.

4 CHAIRPERSON ANDERSON: And just for  
5 the record, can you both state what your  
6 relationship is to this case?

7 MR. NJOUNG: I am the owner of the  
8 store.

9 MS. NA: And I am the owner's wife and  
10 also enrolled as a secretary.

11 CHAIRPERSON ANDERSON: All right.  
12 Thank you. Ms. Gibbs?

13 MS. GIBBS: Good afternoon. Madison  
14 Gibbs, co-counsel for ANC 5D. Madison, M-A-D-I-  
15 S-O-N Gibbs, G-I-B-B-S.

16 CHAIRPERSON ANDERSON: Mr. Dixon?

17 MR. DIXON: Good afternoon, Chairman  
18 Anderson and members of the Board and parties.  
19 This is Ronald Dixon, R-O-N-A-L-D D-I-X-O-N, co-  
20 counsel with Ms. Madison Gibbs for the Protestant  
21 as ANC 5D. And we're ready to make  
22 representations with the Board is ready. Thank  
23 you.

24 CHAIRPERSON ANDERSON: Ms. Moore, can  
25 you please spell and state your name for the

1 record and your relationship?

2 MS. MOORE: Yes. My name is  
3 Commissioner Sydelle Moore. I'm the Chairperson  
4 of ANC 5D. My name is spelled S-Y-D-E-L-L-E M-  
5 O-O-R-E.

6 CHAIRPERSON ANDERSON: Ms. Dantzler,  
7 can you please spell and state your name for the  
8 record please?

9 INVESTIGATOR DANTZLER: Yes, good  
10 afternoon. My name is Felicia Dantzler, F-E-L-I-  
11 C-I-A D-A-N-T-Z-L-E-R, lead investigator.

12 CHAIRPERSON ANDERSON: All right, are  
13 there any preliminary matters that need to be  
14 brought to the attention of the Court?

15 MR. DIXON: Ronald Dixon for the  
16 Protestants. Mr. Anderson and board members,  
17 just to complete the record, the Board allowed  
18 the parties to meet and try to negotiate this  
19 matter short of a full-blown protest hearing.  
20 And I can report to the Court today and I can be  
21 confirmed by Ms. Yohannes that we were not able  
22 to resolve this matter short of a hearing.

23 CHAIRPERSON ANDERSON: Go ahead, Ms.  
24 Yohannes.

25 MS. YOHANNES: That's correct and the

1 Licensee has no other preliminary matters to  
2 bring forward at the time.

3 CHAIRPERSON ANDERSON: Mr. Dixon and  
4 Ms. Gibbs, I need to get some clarification. How  
5 is it that you plan to do your representation?  
6 Tell me who's going to do what in this case.

7 MR. DIXON: If the Board please, this  
8 is Ronald Dixon again. We plan to proceed with  
9 five witnesses, all of whom will be short, sweet  
10 --

11 CHAIRPERSON ANDERSON: No, no, no, no.  
12 That's not the question I'm asking.

13 MR. DIXON: Oh.

14 CHAIRPERSON ANDERSON: How are you and  
15 Ms. Gibbs going to present the case? Who's going  
16 to do what?

17 MR. DIXON: I'm sorry. I will make  
18 preliminary openings and closings to the Board.  
19 Ms. Gibbs and I will share the presentation of  
20 the witnesses direct testimony. And share the  
21 cross examination of witnesses.

22 CHAIRPERSON ANDERSON: Now it has to  
23 be -- I'm not going to have two attorneys cross  
24 examining the witness. So you have to decide --  
25 I don't have a problem that different attorneys

1 can cross examine or make direct examination of a  
2 witness, but it has to be one attorney per  
3 witness. Is that understood?

4 All right and before we start, I just  
5 wanted to let the parties know that preliminary,  
6 the interpreter had informed us that she had to  
7 leave at 4:30. We're working behind the scenes  
8 to find another interpreter to take over from her  
9 at 4:30. And if we're unable to find one, then  
10 we will end the hearing at 4:30 and reconvene for  
11 another day if we're unable to find an  
12 interpreter to continue the hearing past 4:30  
13 today.

14 And this is for Ms. Kim, what time is  
15 your hard stop, ma'am?

16 MS. KIM: 4:30.

17 CHAIRPERSON ANDERSON: So you can be  
18 online until 4:30. Is that correct?

19 MS. KIM: Yes.

20 CHAIRPERSON ANDERSON: All right, so  
21 I will -- Just in case I get into it, I need  
22 everyone to alert me at 4:25 if this hearing goes  
23 that far, that's it 4:25. So therefore we can --  
24 we can have a transition.

25 All right and I'm also trying to see

1 if I can expedite this hearing. So I'm trying to  
2 find out from the Protestants, is the Protestant  
3 -- are they asking us to renew the license with  
4 condition or is the Protestant asking us not to  
5 renew the license?

6 MR. DIXON: This is Mr. Dixon for the  
7 Protestants. Board members, we are asking the  
8 Board to deny the renewal of the application.  
9 This matter was before this Board in 2018 with  
10 the same exact issues. They were not resolved.  
11 And based upon the impact upon the community and  
12 the direction of the ANC Board, we're going to  
13 ask the Board after hearing all the evidence, to  
14 deny the renewal of the application.

15 CHAIRPERSON ANDERSON: All right.  
16 Okay, this is how the protest hearing then will  
17 move forward. The Board -- The Applicant would  
18 have their opening statement. They'll have five  
19 minutes. The Protestant will have five minutes  
20 to do an opening statement. The Board will call  
21 its witness. The Board members will ask  
22 questions of the Board witness. Once the Board  
23 has asked questions of its witness, then the  
24 Applicant can ask questions of the witness. And  
25 then the Protestant will have an opportunity to

1 ask questions of the Board's witness. Once the  
2 Board has presented its case, then the Applicant  
3 will have an opportunity to call its first  
4 witness.

5 And I want to remind each side that  
6 you have one hour to present your case. And you  
7 will have no more than -- you cannot call more  
8 than five witnesses. And I would ask -- I will  
9 remind all sides that please spend more -- most  
10 of your time on direct examination, rather than  
11 cross examination. And it appears that this  
12 hearing is going to be -- it appears that this  
13 hearing will end at 4:30 today. And I will try  
14 to find some additional -- propose some dates to  
15 the parties when we will continue the hearing.  
16 So I will see where we are at -- once we get  
17 close to 4:30.

18 And then I will find an appropriate  
19 time to end -- to end the presentation for the  
20 day. And then we will continue another day  
21 because I am not sure if we'll be able to find  
22 another interpreter starting at 4:30 today.  
23 Okay, so what I will do is I will -- as we get  
24 close to 4:30, I will look for -- maybe after 4  
25 o'clock, I will look for an appropriate break

1 when we will break. So we might not go all the  
2 way to 4:30, but I will look to see an  
3 appropriate time that we can break for the day.  
4 All right, so --

5 MS. YOHANNES: Mr. Chairperson, if I  
6 may. I don't want to take up time, but if I can  
7 get five minutes to talk to my clients, I would  
8 appreciate that just regarding what's happening  
9 with the translator. And if I can make -- (audio  
10 interference) another representation (audio  
11 interference).

12 CHAIRPERSON ANDERSON: All right, so  
13 we'll -- That's fine, Ms. Kim. We'll just --

14 (Whereupon, the foregoing matter went  
15 off the record at 2:19 p.m. and went back on the  
16 record at 2:25 p.m.)

17 CHAIRPERSON ANDERSON: All right Ms.  
18 Yohannes, it's 2:25. We need to -- We need to  
19 get this ball (audio interference).

20 MS. YOHANNES: Okay. Can I -- if I  
21 may --

22 CHAIRPERSON ANDERSON: Where is -- I  
23 haven't seen them. Yes. Go ahead, ma'am.

24 MS. YOHANNES: Okay. So in terms of  
25 moving forward, I propose that we are fine with



1 the interpreter leaving at 4:30 and continuing  
2 the hearing so long as one of our witnesses, the  
3 owner, Nam Young Njounng gets his testimony put on  
4 the record first. He's the one who needs the  
5 translator. So if that occurs, we are fine  
6 moving forward so that we can have this hearing  
7 happen today in full. Otherwise, we feel  
8 prejudiced that we're going to be putting on some  
9 information and some of the testimony and having  
10 it continued so that the other side can basically  
11 put on their evidence and present their case.

12 CHAIRPERSON ANDERSON: We can't hear  
13 you, ma'am. Ms. Kim, I would like you to ask Mr.  
14 Na -- I need him to express -- he needs to  
15 express to the forum that he is willing for this  
16 hearing to move forward without an interpreter  
17 after 4:30 as long as he gets an opportunity to  
18 testify prior to the interpreter leaving.

19 MR. NJOUNG: Yes, that is fine.

20 CHAIRPERSON ANDERSON: What is fine?  
21 I need him to tell me what is fine. Tell him  
22 that he's on mute.

23 MR. NJOUNG: It is okay for me to  
24 testify first.

25 CHAIRPERSON ANDERSON: And as long as

1 he testifies first, once the interpreter leaves  
2 at 4:30, we can move forward. Is that correct?

3 MR. NJOUNG: Yes, that is fine.

4 CHAIRPERSON ANDERSON: All right,  
5 thank you. Ms. Yohannes, approximately how long  
6 do you believe that this testimony will last?

7 MR. DIXON: Your Honor, I'm sorry.  
8 Mr. Anderson, if I may interrupt just one moment.

9 CHAIRPERSON ANDERSON: Yes, Mr. Dixon.

10 MR. DIXON: Could the Board elevate  
11 Ms. Moore? She was knocked off for some reason.

12 CHAIRPERSON ANDERSON: Ms. Andrews,  
13 can you elevate the rights of Ms. Moore please?

14 MS. ANDREWS: Sure. Stand by.

15 MR. DIXON: Thank you, Your Honor.

16 MS. ANDREWS: Ms. Moore, your rights  
17 have been elevated. Could you do me a favor and  
18 please lower your hand? Thanks.

19 CHAIRPERSON ANDERSON: Yes, Ms.  
20 Yohannes. I was just asking approximately how  
21 long you believe that his testimony would last?

22 MS. YOHANNES: I would estimate that  
23 direct would be about 30 to 45 minutes -- 30  
24 minutes for direct.

25 CHAIRPERSON ANDERSON: All right,

1 that's fine. I forgot that your case goes first.  
2 I will make sure that, that's so. All right,  
3 thanks.

4 MR. DIXON: For the record, Mr.  
5 Anderson and the Board and parties --

6 CHAIRPERSON ANDERSON: Yes, Mr. Dixon.

7 MR. DIXON: -- the Protestant has no  
8 objection to the Board proceeding in that  
9 fashion. However, we would note for the record  
10 as the Board has always adhered to, the Licensee  
11 has a right to a fair hearing and not a perfect  
12 hearing. And we have no objection to us  
13 proceeding in that matter.

14 CHAIRPERSON ANDERSON: Thank you, Mr.  
15 Dixon. All right, so each side has five minutes  
16 to open its case. And we'll start with the  
17 Applicant.

18 OPENING STATEMENT - APPLICANT

19 MS. YOHANNES: I'm going to stop so  
20 the interpreter can interpret. Correct?

21 So we're here today on a renewal  
22 application for a Retailer's Class A license for  
23 Sylvia's Liquors. Sylvia's Liquors is located at  
24 1818 Benning Road Northeast. And today you'll  
25 hear testimony from the owners of the

1 establishment, you'll hear testimony from nearby  
2 residents and patrons, and you'll also hear  
3 testimony from business owners.

4 The evidence will show that the owners  
5 have been good members of the community since  
6 they started operating. They've done everything  
7 they can as a business owner to prevent  
8 loitering, to work with the community, and with  
9 MPD. Throughout this hearing, you'll hear  
10 references to loitering and crimes in the  
11 neighborhood -- Loitering being the biggest issue  
12 that the Protestant has raised. But the evidence  
13 will show that there is nothing that links  
14 Sylvia's Liquors to loitering or to the crimes.  
15 And that Sylvia's Liquors has no negative impact  
16 on peace, order, and quiet in the neighborhood.

17 I'm going to read from a letter  
18 written by Commander William -- the Commander of  
19 the Fifth District, William Fitzgerald who, I  
20 believe, articulates this very well.

21 MR. DIXON: Objection, Mr. Anderson.  
22 The best evidence is the witness itself. I  
23 object for the record.

24 CHAIRPERSON ANDERSON: I don't know  
25 what she said -- so maybe she's --

1 MS. YOHANNES: This is opening.

2 CHAIRPERSON ANDERSON: I'm going to  
3 overrule the objection at this juncture because I  
4 really -- this is opening and I'm trying to  
5 figure out what's going on.

6 MS. YOHANNES: "The 1800 block of  
7 Benning Road Northeast, as well as other  
8 surrounding areas in the neighborhood have been  
9 the scene of several violent offenses to include  
10 homicide, as well as narcotic sales, public drug  
11 usage, public consumption of alcohol, single sale  
12 of cigarettes, in addition to other misdemeanor  
13 offenses and quality of life issues."

14 "All of these issues were present  
15 prior to my arrival and have been an issue for  
16 decades now. It would be easy for me and the  
17 Police Department to blame these issues and  
18 violent crime in the area on a single or several  
19 businesses in the area. That would be very wrong  
20 for me to do. The longstanding issues in the  
21 neighborhood are easily recognizable as systemic  
22 that will only be solved through a strong  
23 intervention of government services, combined  
24 with accountability for offenders and others that  
25 contribute to it."

1                   And I read that to say that the issues  
2 raised by Protestant are community issues and  
3 issues that regarding loitering, regarding crime  
4 on Benning Road and issues that Sylvia Liquors  
5 wants to work with the community on, wants to  
6 work with the ANC on in order to better the  
7 neighborhood. And Sylvia's Liquors is not to  
8 blame for these issues. And this hearing is not  
9 about what's happening on Benning Road generally,  
10 it's about Sylvia's Liquors, their specific  
11 establishment, and whether or not they negatively  
12 impact peace, order, and quiet in the  
13 neighborhood.

14                   In conclusion, I just ask that the  
15 Board keep this in mind at the end of this  
16 hearing. I will request that the Board renew the  
17 liquor license application for Sylvia's Liquors.

18                   CHAIRPERSON ANDERSON: Thank you,  
19 ma'am. Mr. Dixon, you have five minutes to do  
20 your opening please.

21                   MR. DIXON: If I may, Mr. Anderson and  
22 the Board. First of all, we would object  
23 strenuously to the letter being submitted into  
24 evidence, written by the Commander.

25                   CHAIRPERSON ANDERSON: Mr. Dixon, it

1 wasn't submitted into evidence. She's giving her  
2 opening and she's making a statement -- she was  
3 making a general statement and just said oh, the  
4 Commander said this. And it wasn't necessarily  
5 attributable to Sylvia's. It was just a general  
6 statement, so I'm going to object -- I'm going to  
7 overrule the objection. This is her opening,  
8 sir. I do not allow -- opening and closing, I'm  
9 not going to allow folks to object during  
10 someone's opening and closing unless -- we're  
11 dealing with two attorneys, unless they're just  
12 doing something that everyone knows is incorrect.  
13 And in my view, she did not violate the rules.

14 MS. KIM: Before we -- Mr. Dixon, just  
15 one second please. Mr. Anderson, I just got an  
16 email from --

17 CHAIRPERSON ANDERSON: I'm aware. We  
18 don't need to talk about that. I'm aware. Thank  
19 you. All right.

20 MS. KIM: Okay.

21 CHAIRPERSON ANDERSON: Okay, thank  
22 you.

23 MR. DIXON: If I may, was the  
24 interpreter finished?

25 MS. KIM: Yes.

1 CHAIRPERSON ANDERSON: Yes, she was  
2 done. Yes.

3 MR. DIXON: Just for the record, Mr.  
4 Anderson, I respectfully disagree with your  
5 ruling. With reference to our opening, we're  
6 going to reserve the right to make an opening at  
7 the beginning of our evidence. And we're ready  
8 to go forward with the witnesses of the Board and  
9 witnesses of the Licensee.

10 CHAIRPERSON ANDERSON: All right,  
11 thank you. All right, thank you. All right, the  
12 Board will call its first witness, Ms. Felicia  
13 Dantzler. Ms. Dantzler, can you -- Can you raise  
14 your right hand please? Do you swear or affirm  
15 to tell the truth and nothing but the truth?

16 INVESTIGATOR DANTZLER: Yes.

17 DIRECT EXAMINATION

18 CHAIRPERSON ANDERSON: Ms. Dantzler,  
19 can you provide us where are you currently  
20 employed?

21 INVESTIGATOR DANTZLER: The Alcoholic  
22 Beverage Regulation Administration.

23 CHAIRPERSON ANDERSON: How long have  
24 you -- How long have you been employed by the  
25 Agency?



1 INVESTIGATOR DANTZLER: More than 14  
2 years.

3 CHAIRPERSON ANDERSON: What's your  
4 role at the Agency, ma'am?

5 INVESTIGATOR DANTZLER: Lead  
6 investigator.

7 CHAIRPERSON ANDERSON: Can you please  
8 explain your duties and responsibilities?

9 INVESTIGATOR DANTZLER: I enforce the  
10 alcohol regulations and conduct regulatory  
11 inspections of alcohol establishments.

12 CHAIRPERSON ANDERSON: Are you  
13 familiar with this -- Sylvia's Liquor?

14 INVESTIGATOR DANTZLER: Yes.

15 CHAIRPERSON ANDERSON: And can you  
16 please tell us how you've become familiar with  
17 this establishment, ma'am?

18 INVESTIGATOR DANTZLER: I was assigned  
19 the protest investigation.

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

23 INVESTIGATOR DANTZLER: Yes.

24 CHAIRPERSON ANDERSON: Do you have  
25 this case report with you?

1 INVESTIGATOR DANTZLER: Yes.

2 CHAIRPERSON ANDERSON: Ms. Andrews,  
3 can you allow Ms. Dantzler to share her screen  
4 with the Board please?

5 MS. ANDREWS: Sure. Stand by. Okay  
6 Investigator Dantzler, you may now share your  
7 screen.

8 CHAIRPERSON ANDERSON: All right. Ms.  
9 Dantzler, is this a copy of your report that's on  
10 our screen?

11 INVESTIGATOR DANTZLER: Yes.

12 CHAIRPERSON ANDERSON: And who's  
13 protested the renewal?

14 INVESTIGATOR DANTZLER: ANC 5D like  
15 David.

16 CHAIRPERSON ANDERSON: Did you have --  
17 Were you able to speak to the Agency  
18 representative?

19 INVESTIGATOR DANTZLER: No.

20 CHAIRPERSON ANDERSON: And why were  
21 you unable to speak to the ANC representative?

22 INVESTIGATOR DANTZLER: I emailed Mr.  
23 Dixon on two occasions to which there was no  
24 response.

25 CHAIRPERSON ANDERSON: And do you

1 remember specifically when you emailed the  
2 representative?

3 INVESTIGATOR DANTZLER: Yes.

4 CHAIRPERSON ANDERSON: Yeah, can you  
5 share with us when you contacted the  
6 representative?

7 INVESTIGATOR DANTZLER: Yes, I'm  
8 looking. I'm looking for my exhibits. I don't  
9 see them.

10 CHAIRPERSON ANDERSON: All right, well  
11 let's move on. And later on if you run across  
12 it, you can let us know. So let me ask you, what  
13 other establishments are in the vicinity of this  
14 establishment?

15 INVESTIGATOR DANTZLER: There are five  
16 ABC establishments within 1200 feet of Sylvia's  
17 Liquors.

18 CHAIRPERSON ANDERSON: And amongst the  
19 five establishments, are there any other -- What  
20 type of licenses does Sylvia's have?

21 INVESTIGATOR DANTZLER: Class A like  
22 Adam.

23 CHAIRPERSON ANDERSON: And are there  
24 any Class A -- other Class A establishments in  
25 the vicinity?

1 INVESTIGATOR DANTZLER: Yes, sir.

2 CHAIRPERSON ANDERSON: And do you know  
3 how far this other Class A is located from  
4 Sylvia's Liquors?

5 INVESTIGATOR DANTZLER: Yes. Let me  
6 bring up the establishments names. On Page 3 of  
7 my report, Number 3, Food 7 Store is located on  
8 the same --

9 CHAIRPERSON ANDERSON: Is that an A or  
10 B -- I asked you about A establishments, ma'am.

11 INVESTIGATOR DANTZLER: Oh, 1A  
12 establishment.

13 CHAIRPERSON ANDERSON: And how far --  
14 How far -- Do you know approximately how far this  
15 other A establishment is to Sylvia's Liquors?

16 INVESTIGATOR DANTZLER: Approximately  
17 two blocks.

18 CHAIRPERSON ANDERSON: And did you  
19 have an opportunity to monitor this  
20 establishment?

21 INVESTIGATOR DANTZLER: Yes, sir.

22 CHAIRPERSON ANDERSON: And  
23 approximately how many times -- how many times  
24 was this establishment monitored?

25 INVESTIGATOR DANTZLER: Approximately

1 18 times.

2 CHAIRPERSON ANDERSON: And so what did  
3 you observe during the 18 times or generally  
4 overall, what did you observe during the 18 times  
5 you monitored this establishment?

6 INVESTIGATOR DANTZLER: I observed  
7 some loitering in front of Sylvia's Liquors.  
8 Most of the loitering was at a neighboring  
9 establishment. That establishment is called  
10 Kitty City Day Care Center, which is located next  
11 door to Sylvia's Liquors which is -- the center  
12 is located at 1816 Benning Road Northeast.

13 CHAIRPERSON ANDERSON: That's all you  
14 observed during the period, ma'am?

15 INVESTIGATOR DANTZLER: No. I also --

16 CHAIRPERSON ANDERSON: Go ahead.

17 INVESTIGATOR DANTZLER: I also  
18 observed some of Sylvia's Liquors double parking  
19 and then they would take a quick dash inside of  
20 the establishment. I also noticed that some of  
21 Sylvia's Liquors patrons would leave the  
22 establishment and engage in conversations with  
23 the loiters next door at the daycare center. The  
24 loiters could be as few as two and then the  
25 loitering can swell up to 15 or more. Mr.

1 Anderson, I think it would be --

2 CHAIRPERSON ANDERSON: I'm going to go  
3 there, Ms. Dantzler.

4 INVESTIGATOR DANTZLER: Okay.

5 CHAIRPERSON ANDERSON: Do you have any  
6 exhibits that can document your visit -- your  
7 visits?

8 INVESTIGATOR DANTZLER: I do. Can I  
9 ask the host to stop my allowing to share so that  
10 I can bring up the -- bring up the --

11 CHAIRPERSON ANDERSON: Well all you  
12 have to do is close your screen, ma'am.

13 INVESTIGATOR DANTZLER: Okay, thank  
14 you. Just a brief indulgence. May I have rights  
15 restored please?

16 MS. ANDREWS: Ms. Dantzler, you still  
17 have the rights.

18 INVESTIGATOR DANTZLER: Thank you.

19 CHAIRPERSON ANDERSON: Are you there,  
20 Ms. Dantzler?

21 INVESTIGATOR DANTZLER: Yes, sir.

22 CHAIRPERSON ANDERSON: What are you --  
23 Tell me what you're doing, ma'am. Are you trying  
24 to bring your exhibits up?

25 INVESTIGATOR DANTZLER: Yes, sir.

1 Okay. I'm trying to rotate this photograph, but  
2 I can't seem to rotate it.

3 CHAIRPERSON ANDERSON: Well, we're not  
4 able to see anything. I just wanted to let you  
5 know that.

6 INVESTIGATOR DANTZLER: Okay. Are you  
7 able to see my screen now?

8 CHAIRPERSON ANDERSON: I see a blank  
9 screen. But are you looking at an exhibit that's  
10 attached to your report?

11 INVESTIGATOR DANTZLER: Yes, sir.

12 CHAIRPERSON ANDERSON: What exhibit  
13 are you showing us?

14 INVESTIGATOR DANTZLER: I am trying to  
15 get to Exhibit 6A. Are you still seeing a blank  
16 screen?

17 CHAIRPERSON ANDERSON: Yes, I'm seeing  
18 a blank screen.

19 INVESTIGATOR DANTZLER: Brief  
20 indulgence. Mr. Anderson, can I ask the host to  
21 ensure that I have the sharing because I am  
22 clicking "sharing" and "view my screen" and  
23 nothing is coming up on your end, but I see it on  
24 my end.

25 CHAIRPERSON ANDERSON: Do you not have

1 -- Do you not have your exhibits attached to your  
2 case report?

3 INVESTIGATOR DANTZLER: The exhibits  
4 are in the case report in three separate folders.

5 CHAIRPERSON ANDERSON: No, the case  
6 report that I have -- I have a case report and at  
7 the end of the case report, I have exhibits. Do  
8 you not have that same exact copy?

9 INVESTIGATOR DANTZLER: No, sir. I do  
10 not. I have it on three different reports.

11 CHAIRPERSON ANDERSON: Do you not have  
12 access to the G Drive, ma'am?

13 INVESTIGATOR DANTZLER: Mr. Anderson,  
14 I do.

15 CHAIRPERSON ANDERSON: I'm accessing  
16 the reports through the G Drive. So I am  
17 accessing the G Drive and so I'm looking at the  
18 report. And the report -- your report is in the  
19 G Drive and all the exhibits are attached to the  
20 report in the G Drive.

21 INVESTIGATOR DANTZLER: I am saying  
22 that yes, sir. I am pulling the report from the  
23 G Drive. And the report for the exhibits because  
24 of its volume are in the three separate folders.  
25 And so I have --



1                   CHAIRPERSON ANDERSON: I hear what  
2 you're saying, Ms. Dantzler. I'm saying I'm  
3 assessing the G Drive and I have one document and  
4 everything is attached to that document in that  
5 drive. So I have one document that has your case  
6 report and I just go through the pages and your  
7 exhibits are there. So it's not three separate  
8 documents at least in the G Drive that I have  
9 access to, it's one document. But do you have --  
10 Are you able to share whatever document that you  
11 have with us on the screen?

12                   INVESTIGATOR DANTZLER: I'm going back  
13 to the G Drive, Mr. Anderson, to see if I can  
14 locate the document that you have. I'm in the G  
15 Drive and I'm still looking for the document as  
16 you see it. Just a brief indulgence again.  
17 Thank you.

18                   CHAIRPERSON ANDERSON: Are you there,  
19 Ms. Dantzler? We have a time constraint because  
20 we have a time constraint with our interpreter  
21 and I need this hearing to be moving forward.

22                   INVESTIGATOR DANTZLER: What was your  
23 question, Mr. Anderson?

24                   CHAIRPERSON ANDERSON: Have you  
25 located the document now, because we need to move

1 forward.

2 INVESTIGATOR DANTZLER: I'm  
3 understanding it. I'm getting help right now.

4 CHAIRPERSON ANDERSON: What exhibit is  
5 this?

6 INVESTIGATOR DANTZLER: This is the  
7 front of the establishment.

8 CHAIRPERSON ANDERSON: What exhibit is  
9 this?

10 INVESTIGATOR DANTZLER: The exhibit  
11 number is 6. And as you can see, I'm sorry, I  
12 can't seem to rotate it. Sylvia's Liquors is  
13 right here in the middle. To the right is Sky  
14 Ales, which is a defunct establishment. And  
15 behind the tree is Kitty Day Care Center.

16 So I'm moving to Exhibit 6, like, A,  
17 Adam. Kitty Day Care Center is in this area  
18 right here. This is the area where the  
19 predominant number of loiterers are seen.

20 CHAIRPERSON ANDERSON: Or what about  
21 -- do you have access to Exhibit 19 on the  
22 report?

23 INVESTIGATOR DANTZLER: Brief  
24 indulgence. Yes. I just need to find those  
25 photographs.

1 CHAIRPERSON ANDERSON: Is this Exhibit  
2 19?

3 INVESTIGATOR DANTZLER: Yes. This is  
4 Exhibit 19 that I actually took. This is the  
5 example of some of the loiterers that you would  
6 see that is standing out or loitering around in  
7 front of Kitty Day Care Center.

8 CHAIRPERSON ANDERSON: What about, do  
9 you have access to Exhibit 15, 16, 17, 18 and can  
10 you explain those for us, please?

11 INVESTIGATOR DANTZLER: Sure. This is  
12 Exhibit 15, and this is when, and this is when I  
13 I first started monitoring the establishment,  
14 which I believe was July the 23rd, during the  
15 nighttime hours.

16 CHAIRPERSON ANDERSON: And can you  
17 tell us what it is that we're looking at, ma'am?

18 INVESTIGATOR DANTZLER: These are part  
19 of the loitering group that was standing in front  
20 of Kitty Day Care Center who had made their way  
21 in front of Sylvia's Liquors.

22 CHAIRPERSON ANDERSON: What Exhibit is  
23 this one?

24 INVESTIGATOR DANTZLER: This is  
25 Exhibit 16.

1 CHAIRPERSON ANDERSON: And what is  
2 Exhibit 16?

3 INVESTIGATOR DANTZLER: Exhibit 16 is  
4 showing loiterers in front of Sylvia's Liquors.

5 CHAIRPERSON ANDERSON: Which exhibit,  
6 what are we looking at now?

7 INVESTIGATOR DANTZLER: This is  
8 Exhibit 17 and it shows loiterers in front of the  
9 Kitty Day Care Center as well as Sylvia's  
10 Liquors.

11 Exhibit 18 is a continuum of the  
12 loitering in front of Kitty Day Care Center and  
13 Sylvia's Liquors.

14 CHAIRPERSON ANDERSON: Have you had an  
15 opportunity to speak to anyone from Kitty's Day  
16 Care?

17 INVESTIGATOR DANTZLER: Yes, sir.

18 CHAIRPERSON ANDERSON: And what  
19 information, I'm sorry, what information were you  
20 able to gather from them?

21 INVESTIGATOR DANTZLER: Well, I  
22 started monitoring the establishment, as I  
23 stated, on July the 23rd. And so on, I then  
24 visit the establishment on August the 9th, 20 --

25 CHAIRPERSON ANDERSON: What

1 establishment you talking about, ma'am? I asked  
2 you about Kitty Day Care Center. Are you  
3 speaking about Kitty Day Care or are you speaking  
4 about Sylvia's Liquor?

5 INVESTIGATOR DANTZLER: Oh, I'm sorry.  
6 Yes, I did speak with a representative from Kitty  
7 Day Care Center who did not want to be  
8 identified.

9 The representative shared that the  
10 business has existed since 2017, and cares for  
11 approximately 18 children between the ages of one  
12 and five years of age.

13 Representative shared that the center  
14 has lost several children due to the loiterers.  
15 Lost meaning that the children were withdrawn,  
16 the parents withdrew their child or children from  
17 enrollment.

18 The representative stated, in part,  
19 because of the loiterers they had to walk past  
20 and through. Representative shared that during  
21 the last protest hearing for Sylvia's Liquors,  
22 she believed that Sylvia's Liquors paid witnesses  
23 to speak on their behalf.

24 I also would like to share that during  
25 my observations of the establishment, loiterers

1 would urinate in front of a house that is located  
2 nearby.

3 If you view, if you look at Exhibit  
4 Number 6, this home, I'm sorry, the home with the  
5 high roof is where the loiterers would walk to to  
6 urinate.

7 Once again, also while looking at  
8 Exhibit Number 6, where I'm pointing in this area  
9 where Kitty Day Care Center is, during a visit, I  
10 witnessed a scuffle erupt with two of the members  
11 from the group of loiterers.

12 And a couple of the loiterers assisted  
13 by breaking up the scuffle. Also during the  
14 visit, one of the investigators observed a grill  
15 that was placed in this area in front of the  
16 Center, but it was not in use at the time.

17 As you can see, Sylvia's Liquors does  
18 not have onsite parking. As you continue to view  
19 Exhibit 6, this green top to the right here is  
20 actually Food Seven, which is a B establishment,  
21 which has onsite parking.

22 During my visits, the weather ranged  
23 from extremely hot to hot, but there were no  
24 rainy days. And what I noticed is in front of,  
25 still looking at Exhibit Number 6, in front of

1 Kitty Day Care Center, there is a large tree  
2 where the loiterers would use for shade.

3 And if you, this is Exhibit 6A, which  
4 shows a better view. Many of the loiterers use  
5 makeshift seats or they would bring a chair with  
6 them to sit along this, along the entrance to the  
7 day care center.

8 I do believe that this tree, in  
9 Exhibit 6A as you can see, help shade the  
10 loiterers as well as could provide cover if there  
11 was like rain, which I believe is a big  
12 attraction to loiter in front of this  
13 establishment, in front of the day care center.

14 CHAIRPERSON ANDERSON: All right Ms.  
15 Dantzler, but it's true that this tree is not in  
16 front of Sylvia's Liquors, is that correct?

17 INVESTIGATOR DANTZLER: That is  
18 correct.

19 CHAIRPERSON ANDERSON: All right.  
20 Now, did you do a record search for calls for  
21 service to this area?

22 INVESTIGATOR DANTZLER: I did.

23 CHAIRPERSON ANDERSON: And how many  
24 calls for services did you, for what period of  
25 time and how many did you find?

1                   INVESTIGATOR DANTZLER: Yes. I had a  
2 records check from January 1, 2020, through  
3 August 31st, 2021, and there were 152 calls for  
4 service.

5                   CHAIRPERSON ANDERSON: Was there any  
6 ABRA violations found during any of these calls  
7 for service?

8                   INVESTIGATOR DANTZLER: There were no  
9 calls for, none of the calls required ABRA's  
10 attention, however, when I reviewed the calls for  
11 service, look at Exhibits, Exhibit Number 20 has  
12 nine pages, which is the call for service.

13                  CHAIRPERSON ANDERSON: But what I'm  
14 trying to find, Ms. Dantzler, I know that there  
15 are nine pages of calls for services. Were there  
16 any ABRA violations found in any of these calls  
17 for services? That's what I'm trying to find  
18 out.

19                  INVESTIGATOR DANTZLER: I just can't  
20 say, no, Mr. Anderson --

21                  CHAIRPERSON ANDERSON: Well, this is  
22 the question I'm asking. Did ABRA, for any of  
23 these calls for services, did ABRA go there, do  
24 an investigation and give them any violation?  
25 That's an easy question, yes, or no?



1 INVESTIGATOR DANTZLER: That is a no.

2 CHAIRPERSON ANDERSON: All right. So  
3 this overall -- just, I want to bring this to an  
4 end.

5 So what is it that you were able to  
6 find and just generally, just if you want to give  
7 your overall, what were you able to find when you  
8 observed this property?

9 INVESTIGATOR DANTZLER: Overall, I  
10 found that there were some loitering in front of  
11 Sylvia's Liquors. I also would like to state  
12 that the establishment, being Sylvia's Liquors,  
13 has a settlement agreement. And parts of the  
14 settlement agreement requires that MPD has an  
15 agreement in the settlement that they will  
16 provide police officers to visit the  
17 establishment.

18 I found that the establishment was in  
19 compliance by having a log book for the officers  
20 to sign. Found that the establishment was in  
21 compliance for issuing barring notices and in  
22 closing, I think it is important to state, as it  
23 relates to the calls for service, that many of  
24 the police officers who work the afternoon shifts  
25 are not familiar with ABRA's office.

1                   Some of the calls for service that I  
2 saw could have triggered an ABRA report, such as  
3 theft from the property, assaults, which would  
4 have caused our office to investigate.

5                   And that's the conclusion of my  
6 testimony.

7                   CHAIRPERSON ANDERSON: Thank you, Ms.  
8 Dantzler, you can close your screen.

9                   Do we have any questions by an  
10 investigator, I'm sorry, any other board members  
11 of Ms. Dantzler?

12                   MEMBER SHORT: Mr. Chair, I'd like to  
13 speak.

14                   CHAIRPERSON ANDERSON: Yes, Mr. Short.

15                   MEMBER SHORT: First and foremost,  
16 Investigator Dantzler, thank you for a very  
17 excellent and complete report. The pictures that  
18 you took, and it looks like you took a lot of  
19 them at night from your car, you're a very brave  
20 person.

21                   And I wanted to say to you, we need  
22 all the investigators just to be careful out  
23 there and I'm glad that you didn't get hurt while  
24 there.

25                   As I have been a Board member going on

1 my third term now, I've been around for several  
2 of Sylvia Liquors renewals. It's very, very,  
3 very, very moving and compelling to me the  
4 pictures that you took.

5 The ones you took at night, do you  
6 know the hours of the day care center?

7 INVESTIGATOR DANTZLER: When it's  
8 operating, it's 7:00 a.m. until 7:00 p.m.

9 MEMBER SHORT: So would it be fair to  
10 say those persons who were sitting out there in  
11 front of the daycare and almost in front of  
12 Sylvia's, that you took at night, the day care  
13 center would have been closed at that time?

14 INVESTIGATOR DANTZLER: Yes, sir.

15 MEMBER SHORT: Okay. And then, I must  
16 say, over the last several renewals I have been  
17 involved in with Sylvia's Liquors, we've heard  
18 them time after time say, there's actually no  
19 loitering out there, but your pictures show that  
20 there is loitering out there and that it's  
21 persistent, apparently.

22 INVESTIGATOR DANTZLER: Correct. It  
23 appeared to me that the loitering was driven by  
24 time of day or the weather. And it seems like  
25 the most activity was during the nighttime hours.

1 There was always loitering.

2 MEMBER SHORT: In your opinion, would  
3 the loitering affect peace, order, and quiet in  
4 that community?

5 INVESTIGATOR DANTZLER: Yes.

6 MEMBER SHORT: That's all I have for  
7 right now. Thank you again for a very excellent  
8 report, Investigator Dantzler. Please be careful  
9 while you're out there. Please.

10 INVESTIGATOR DANTZLER: Thank you.

11 CHAIRPERSON ANDERSON: Thank you, Mr.  
12 Short. You have any other questions by any of  
13 the board members?

14 MEMBER GRANDIS: Chairman?

15 CHAIRPERSON ANDERSON: Yes, Mr.  
16 Grandis.

17 MEMBER GRANDIS: Thank you. Inspector  
18 Dantzler, I want to congratulate you and thank  
19 you for a very thorough report, both the written  
20 and your presentation.

21 So thank you very much. It helps us  
22 on the Board to get a view of the applicant and  
23 the concerns that neighborhoods may have. So  
24 it's very helpful how detailed your report is.  
25 Thank you.

1                   Inspector, I believe one of the  
2 exhibits showed a topographical map that  
3 indicated where the other ABC establishments were  
4 within 1,200 feet?

5                   INVESTIGATOR DANTZLER: Yes. Yes,  
6 sir.

7                   MEMBER GRANDIS: And looking at this  
8 representation, and you may have already stated  
9 this during your report but just so I have  
10 clarity, how close is the next A license to the  
11 establishment that we are discussing today?

12                  INVESTIGATOR DANTZLER: Mr. Grandis,  
13 I believe you're speaking to Governments Exhibit  
14 Number 5 and Silverman's Liquors is approximately  
15 two blocks away.

16                  MEMBER GRANDIS: Inspector, from your  
17 professional judgement, if you believe you had to  
18 make that judgement, would you say that within  
19 this 1,200 feet there's an overconcentration of  
20 ABC licenses?

21                  CHAIRPERSON ANDERSON: I'm going to --  
22 I'm going to object to that. That's beyond the  
23 expertise of this investigator, sir. So I'm  
24 going --

25                  MEMBER GRANDIS: Thank you.

1 CHAIRPERSON ANDERSON: All right.

2 MEMBER GRANDIS: Thank you. I did  
3 preface it that way. Thank you, Mr. Chairman.

4 CHAIRPERSON ANDERSON: Okay.

5 MEMBER GRANDIS: Inspector, you noted,  
6 in your report, that there are loiterers. From  
7 my looking at the exhibits, it looks like the  
8 loitering is next to or near the ABC, but not in  
9 front of the ABC.

10 From your visual looking at these men  
11 the nights you were there, did you see any open  
12 containers of alcoholic beverages or did you see  
13 alcohol beverages being consumed by these  
14 loiterers?

15 INVESTIGATOR DANTZLER: I did not see  
16 open containers to the point that the label was  
17 unobstructed. The loiterers were drinking from  
18 paper container, paper bag containers.

19 Drinking with some sort of covering on  
20 the beverage.

21 MEMBER GRANDIS: Thank you.  
22 Inspector, in looking at Government Exhibit  
23 Number 20, which deals with the event search  
24 summary. There does seem to be several pages of  
25 events that are related to this establishment.

1                   From your knowledge in reviewing this,  
2 these event summaries, did any of them result in  
3 an ABC violation?

4                   INVESTIGATOR DANTZLER: Mr. Grandis,  
5 because ABRA was not notified, ABRA did not have  
6 an opportunity to do an investigation. As I  
7 stated earlier, some of the police officers are  
8 not aware of the services our office gives.

9                   And those officers, who work during  
10 the afternoon until the early evening, are  
11 probably not familiar with our office.

12                  MEMBER GRANDIS: Inspector, I  
13 appreciate your carefully worded statement, but  
14 my question was, did any violations generate from  
15 any of these events?

16                  INVESTIGATOR DANTZLER: No, sir.

17                  MEMBER GRANDIS: And Inspector, would  
18 you agree that, from you experience being an  
19 inspector, that when you run these event call  
20 summaries that there often are attachment to an  
21 establishment, but they're not related to that  
22 particular license. It's just a call for  
23 service?

24                  INVESTIGATOR DANTZLER: Yes, sir.

25                  MEMBER GRANDIS: Inspector, I want to

1 thank you again for your very thorough report and  
2 I want to thank you for being able to respond to  
3 my questions.

4 Thank you, Mr. Chairman.

5 CHAIRPERSON ANDERSON: Thank you, Mr.  
6 Grandis. Are there any other questions from any  
7 other board member? Hearing none, all right, Ms.  
8 Yohannes, you can ask some questions.

9 It's 3:52 and so I just want to alert  
10 folks that I also want to have enough time for  
11 you to present your first witness before 4:30,  
12 but I'm not asking folks to necessarily cut their  
13 cases, but just keep that in mind. Okay?

14 MS. YOHANNES: Based on your  
15 testimony, most of the loitering that you  
16 observed is not directly in front of Sylvia's  
17 Liquors; is that correct?

18 INVESTIGATOR DANTZLER: Correct.

19 MS. YOHANNES: Would you say that most  
20 of what you observed was in front of the day  
21 care?

22 INVESTIGATOR DANTZLER: That's  
23 correct.

24 MS. YOHANNES: And the daycare  
25 representative told you that he or she believed



1 that Sylvia's witnesses were being paid; is that  
2 correct?

3 INVESTIGATOR DANTZLER: The witnesses  
4 from their last protest hearing.

5 MS. YOHANNES: Did you ask Sylvia's  
6 Liquors about the allegation?

7 INVESTIGATOR DANTZLER: No. That  
8 interview came after the owner's interview.

9 MS. YOHANNES: Do you have any reason  
10 to believe that that allegation is accurate?

11 INVESTIGATOR DANTZLER: I have no  
12 opinion on that.

13 MS. YOHANNES: One more question. I  
14 mean, you testified that you observed loiterers  
15 drinking out of paper bags; is that correct?

16 INVESTIGATOR DANTZLER: I believe my  
17 testimony was that they were drinking from  
18 containers would obscure the contents. Whatever  
19 they were drinking from.

20 MS. YOHANNES: Okay.

21 INVESTIGATOR DANTZLER: Yes.

22 MS. YOHANNES: Do you have any  
23 pictures of what you're describing, in terms of  
24 the patrons with or the, sorry, the loiterers  
25 with the drinks in hand?

1 MS. YOHANNES: Ms. Yohannes, could you  
2 repeat what you just said, please?

3 MS. YOHANNES: Do you have any  
4 pictures of what you're describing with the  
5 loiterers with the drinks in hand?

6 INVESTIGATOR DANTZLER: No.

7 MS. YOHANNES: Did you observe these  
8 loiterers coming out of Sylvia's Liquors?

9 INVESTIGATOR DANTZLER: A small  
10 number, yes.

11 MS. YOHANNES: With drinks in hand?

12 INVESTIGATOR DANTZLER: Nothing was in  
13 their hand.

14 MS. YOHANNES: Okay. That's all I  
15 have for you. Thank you.

16 CHAIRPERSON ANDERSON: Ms. Gibbs, do  
17 you have any questions of this investigator?

18 MR. DIXON: Mr. --

19 CHAIRPERSON ANDERSON: You're doing  
20 it, Mr. Dixon?

21 MR. DIXON: Yes, this is Mr. Dixon,  
22 yes, I'll --

23 CHAIRPERSON ANDERSON: Go ahead.

24 MR. DIXON: -- the investigator some  
25 questions with your leave.

1 CHAIRPERSON ANDERSON: Go ahead, sir.

2 MR. DIXON: Okay. Investigator  
3 Dantzler, good afternoon. My name is Ronald  
4 Dixon and I represent the protestant in this  
5 case, ANC 5D.

6 And why don't we finish in the area  
7 the licensee -- why don't we start where the  
8 licensee finished.

9 During the time of the 18 times, I  
10 believe you said, that you made observations, did  
11 you ever see any loiterers going in and out of  
12 the daycare with children or using the daycare or  
13 the services that it should be used for?

14 INVESTIGATOR DANTZLER: No.

15 MR. DIXON: And just a few more  
16 questions, Ms. Dantzler. And let me just say  
17 thank you so much for your courage in dealing  
18 with these situations.

19 Now, when did your investigation start  
20 with Sylvia's?

21 INVESTIGATOR DANTZLER: July 23rd,  
22 2021.

23 MR. DIXON: And let me ask you, on  
24 June 4, 2021, between the hours of 1:00 and 4:00,  
25 did you have any occasion to be in or around

1 Sylvia's Liquors making observations?

2 INVESTIGATOR DANTZLER: Mr. Dixon, did  
3 I hear you correctly, June 4, 2021?

4 MR. DIXON: Yes, ma'am. Yes, ma'am.  
5 Yes. Let me just rephrase my question was, my  
6 question was your investigation started in July,  
7 my question is, did you have any reason to be in  
8 or around Sylvia's Liquors on June 4, 2021,  
9 between the hours of 1:00 and 4:00 p.m.?

10 MS. YOHANNES: I'm going to object.  
11 Based on relevance and scope on direct.

12 CHAIRPERSON ANDERSON: Mr. Dixon, why  
13 is this relevant? Yes, why is this relevant,  
14 sir?

15 MR. DIXON: It's relevant, Your Honor,  
16 because there were observations made as early as  
17 June 4, in reference of Sylvia's, that we will  
18 tie up later with a live witness to support the  
19 report of Ms. Dantzler, as to the question, Your  
20 Honor.

21 CHAIRPERSON ANDERSON: I'm going to  
22 sustain the objection. The reason why I'm  
23 sustaining the objection is that their  
24 investigator wrote in our report that ABRA  
25 started to monitor the location July 23rd, 2021.

1                   So since she did not state in her  
2 report that they started monitoring before July  
3 23rd, 2021. I'm going to sustain the objection,  
4 sir.

5                   If you have another witness who can  
6 testify about that, you can do that, but not this  
7 witness.

8                   MR. DIXON: Okay. My next question,  
9 Ms. Dantzler is, on September 12th, 2021, did you  
10 have an occasion to be in or around Sylvia's  
11 Liquor making observations?

12                   I'm sorry, I'm sorry. I should have  
13 said September 12th, I'm sorry, September 12th,  
14 not October, September 12th, 2021, did you have  
15 an occasion to be around Sylvia's making  
16 observations?

17                   MS. YOHANNES: I'm going to object on  
18 the same grounds. I think that the Chairman just  
19 stated what the dates were in which this report  
20 was written and which the investigator just  
21 testified that she observed. So I'm going to  
22 just object on relevance.

23                   CHAIRPERSON ANDERSON: I'm going to  
24 sustain the objection for the same reason. The  
25 investigator stated in her report that the first

1 observation was July 23rd, 2021, and the last  
2 observation was September 10th, 2021.

3 So therefore, the time period is out  
4 of her observation. If you have a witness who  
5 can testify, you can, but not this witness. So  
6 let's move on.

7 MR. DIXON: Now, Investigator  
8 Dantzler, during the course of your testimony,  
9 you testified that you saw a grill or an object  
10 which appeared to be a grill for grilling outside  
11 of, under the tree alongside Sylvia's; is my  
12 recollection correct on that, ma'am?

13 INVESTIGATOR DANTZLER: Yes. The  
14 observations, the monitoring of the establishment  
15 was in conjunction with other investigators and  
16 that is what one of -- the supervisory  
17 investigator reported, he saw a grill.

18 MR. DIXON: And I take it by your  
19 testimony today that you adopt that  
20 investigator's observation as part of your  
21 presentation to the Board?

22 INVESTIGATOR DANTZLER: Mr. Dixon,  
23 what was the question?

24 MR. DIXON: I'm sorry, ma'am. You  
25 indicated that another investigator observed a

1 grill outside of Sylvia's under the tree. That  
2 was not an observation that you made.

3 And my question is do you adopt that  
4 observation since you did mention that as part of  
5 your testimony today before the Board?

6 INVESTIGATOR DANTZLER: I am --

7 MS. YOHANNES: It's in her report.  
8 What's in her report is in her report. It's been  
9 submitted --

10 CHAIRPERSON ANDERSON: Is there an  
11 objection, Ms. Yohannes?

12 MS. YOHANNES: Sorry?

13 CHAIRPERSON ANDERSON: Is there an  
14 objection?

15 MS. YOHANNES: Yes. I'm objecting to  
16 the question. The question he just asked is  
17 about her, is about what's in her report. What's  
18 in the report has been submitted.

19 What's in the report, and it's four  
20 corners, is what's in there. And there's nothing  
21 else that she can state regarding observations of  
22 someone else.

23 CHAIRPERSON ANDERSON: Ms. Yohannes,  
24 I'm not quite sure why --

25 MS. YOHANNES: It's an hearsay

1 objection. It's that he's asking for her to  
2 adopt the observations of someone else? Is that  
3 the question? If I heard it correctly?

4 MR. DIXON: Yes, Ms. Johannes. She  
5 testified to that earlier. I'll rely on the  
6 Board for ruling.

7 MS. YOHANNES: Sure.

8 CHAIRPERSON ANDERSON: If there was an  
9 objection, I'm going to overrule the objection.

10 The witness testified as that she did  
11 not do all of the investigation, all of the other  
12 and her report clearly states who observed that.

13 And she testified that it was an  
14 observation made by another investigator. And  
15 she included that in her report. So I'm going to  
16 overrule the objection.

17 MR. DIXON: Now, my next and almost  
18 last question Ms. Dantzler, is, during the course  
19 of your investigation of Sylvia's and this would  
20 include what you testified earlier about the  
21 previous protest hearing in this case, have you  
22 ever had an occasion to meet or speak with a  
23 woman by the name of Regina Smead? That's  
24 R-E-G-I-N-A, S-M-E-A-D?

25 MS. YOHANNES: (inaudible) relevance.



1 CHAIRPERSON ANDERSON: I'm sorry,  
2 what, I'm sorry, are you objecting, Ms. Yohannes?

3 MS. YOHANNES: Yes. I'm objecting on  
4 relevance.

5 CHAIRPERSON ANDERSON: I don't know  
6 what the question is, so at this juncture, I  
7 don't know what the -- I'm sorry, all that was  
8 asked does she know someone.

9 I don't know why, so I'm not quite  
10 sure. I think it's premature for you to object.  
11 I don't know where he's going. So I'm going to  
12 overrule the objection. She can answer the  
13 question.

14 INVESTIGATOR DANTZLER: Yes. I do  
15 believe I spoke with someone named Regina Smead.

16 MR. DIXON: Do you have a clear  
17 recollection of that because I can refresh your  
18 recollection, if necessary, Ms. Dantzler.

19 INVESTIGATOR DANTZLER: Yes. Could  
20 you please refresh my recollection?

21 MR. DIXON: Mr. Anderson, may I?

22 CHAIRPERSON ANDERSON: All right. Is  
23 this person in her report?

24 MR. DIXON: No. I do not believe that  
25 she is, based upon on her testimony. No.

1                   CHAIRPERSON ANDERSON: Well, I'm going  
2 to sustain the objection because I don't know who  
3 this person is and there is, and there's no  
4 reference, there's no reference in her report of  
5 this individual.

6                   I'm not sure where we're going with  
7 this. Because there's an objection on relevancy,  
8 and in reviewing the investigators report, I  
9 don't see this individual mentioned, so I'm not  
10 sure why is it that we're -- I don't.

11                   You know what? It's beyond, it's  
12 beyond the scope of direct. She did not testify  
13 about this person and there is no reference, at  
14 least I'm not aware of, any reference of this  
15 individual in the written report.

16                   MR. DIXON: Ms. Dantzler, do you know  
17 who the owner of the daycare is next to Sylvia's?

18                   INVESTIGATOR DANTZLER: The female who  
19 identified herself as the owner did not want her  
20 name to be publicized.

21                   INVESTIGATOR DANTZLER: And the female  
22 that you talked to who was associated with the  
23 daycare center, does the name Regina Smead stir  
24 up your recollection as to who --

25                   MS. YOHANNES: Objection.

1                   CHAIRPERSON ANDERSON: All right. All  
2 right. Mr. Dixon, there's some sensitivity here.  
3 The witness testified that she spoke to a  
4 representative of the daycare center who did not  
5 want her name to be publicized.

6                   Now, if you want to ask the witness  
7 questions about the person who she spoke to,  
8 without going through the name, I would  
9 appreciate that, but I think there's some  
10 sensitivity here where the investigator does not  
11 want to state.

12                   So I believe, as an attorney sir, you  
13 can ask certain questions without, clearly this  
14 person has some concerns about her identity than  
15 to be publicly known.

16                   I think you can ask questions, sir,  
17 without utilizing the name, sir.

18                   MR. DIXON: Now, Investigator  
19 Dantzler, excuse me, did you ever speak to a  
20 person by the name of Max Pierce. And that's  
21 M-A-X, P-I-E-R-C-E, with reference to the  
22 investigation at Sylvia's?

23                   CHAIRPERSON ANDERSON: Are you able to  
24 answer the questions, ma'am?

25                   MS. KIM: This is the interpreter. I

1 finished interpreting, but I couldn't hear Ms.  
2 Dantzler's response.

3 CHAIRPERSON ANDERSON: Ms. Dantzler.  
4 She didn't answer, so I didn't hear an answer  
5 from her. That's why I thought she could not  
6 answer.

7 Did you answer the question, Ms.  
8 Dantzler?

9 INVESTIGATOR DANTZLER: I did not  
10 speak to a Mr. Pierce.

11 MR. DIXON: Thank you. And just your  
12 indulgence one moment, Mr. Chair.

13 Oh, did you ever speak with a Captain  
14 Paul Hrebenak with the Metropolitan Police  
15 Department, 5th District Station? His name is  
16 spelled P-A-U-L, H-R-E-B-E-N-A-K, with reference  
17 to the investigation at Sylvia's? I'm sorry.

18 INVESTIGATOR DANTZLER: No, sir.

19 MR. DIXON: Thank you, Ms. Dantzler.  
20 Thank you, Board. We have no further questions  
21 for Ms. Dantzler and we pass the witness back to  
22 the Board. Thank you.

23 CHAIRPERSON ANDERSON: All right.  
24 Thank you.

25 (Whereupon, the above-entitled matter

1 went off the record at 4:21 p.m. and resumed at  
2 4:22 p.m.)

3 CHAIRPERSON ANDERSON: All right.  
4 We're back on the record. Mr. Kim, can you raise  
5 your right hand, please?

6 MR. KIM: Sure. Sure.

7 CHAIRPERSON ANDERSON: Can you, first  
8 of all, can you state, you can put your hand  
9 down. Can you state your name for the record,  
10 please?

11 MR. KIM: My name is Young Moo Kim,  
12 spelling Y-O-U-N-G, space, M and in Mary, O-O, my  
13 last name is K-I-M, as in Mary. Young Moo Kim is  
14 my name, for the record.

15 CHAIRPERSON ANDERSON: Can you raise  
16 your right hand, please?

17 Do you swear or affirm that you'll  
18 faithfully translate these proceedings from  
19 English into Korean and from Korean into English?

20 MR. KIM: I do.

21 CHAIRPERSON ANDERSON: All right.  
22 Thank you.

23 MR. KIM: I have --

24 CHAIRPERSON ANDERSON: All right --

25 MR. KIM: -- I have, sir, I have a

1 question.

2 CHAIRPERSON ANDERSON: Yes.

3 MR. KIM: Who is the party to hear my  
4 translation?

5 CHAIRPERSON ANDERSON: Mr. Na, if he's  
6 on screen. Mr. Kim, Mr. Na, can you raise your  
7 hand, please?

8 Mr. Na. Can you raise your hand?

9 MR. KIM: I cannot see Mr. Na, sir.

10 MS. NA: Mr. Njoung.

11 MR. NJOUNG: Mr. Njoung? I'm Mr.  
12 Njoung.

13 MR. KIM: Okay. You're --

14 CHAIRPERSON ANDERSON: Can you see  
15 him?

16 MR. KIM: Oh, yes. Now, I'm seeing,  
17 I see him now.

18 CHAIRPERSON ANDERSON: All right.

19 Okay. We're back on the record.

20 All right. All right, Ms. Yohannes,  
21 are you ready to -- are there, I guess before,  
22 are there any, does the Board members have any  
23 follow-up questions that they wish to ask before  
24 we close our case officially?

25 MEMBER SHORT: Mr. Chair?

1 CHAIRPERSON ANDERSON: Yes, Mr. Short?

2 MEMBER SHORT: Yes, I'd like to ask  
3 one last question of the investigator, please.

4 CHAIRPERSON ANDERSON: Yes, Mr. Short.

5 MS. KIM: Okay. Go ahead, Mr. Short.

6 MEMBER SHORT: Investigator Dantzler,  
7 you mentioned public urination. Can you, for the  
8 record, again, give us the information you have  
9 about public urination in this license renewal?

10 MS. KIM: Go ahead, Investigator.

11 INVESTIGATOR DANTZLER: Different  
12 loiterers in the group would leave their position  
13 and go and urinate at a nearby house, just a few  
14 doors away from the Center. They would urinate  
15 at that house that was under construction.

16 MEMBER SHORT: Would this public  
17 urination affect the daycare center, the  
18 children, and the parents as they bring the  
19 children to and from the daycare center?

20 INVESTIGATOR DANTZLER: Yes. The  
21 individuals that I saw, genitals were exposed.

22 MEMBER SHORT: That's all I have, Mr.  
23 Chair. Thank you, Investigator Dantzler.

24 CHAIRPERSON ANDERSON: Thank you, Mr.  
25 Short. Any other questions by any other Board

1 members?

2 All right. Fine. Ms. Yohannes, are  
3 you prepared to present your case?

4 MS. YOHANNES: I just have one  
5 follow-up based on --

6 CHAIRPERSON ANDERSON: Well, no. I'm  
7 not allowing follow-up, Ms. Yohannes.

8 MS. YOHANNES: Okay. That's fine.  
9 That's fine.

10 CHAIRPERSON ANDERSON: Thank you.

11 MS. YOHANNES: Mr. Njounng --

12 CHAIRPERSON ANDERSON: I'm sorry,  
13 you're calling the witness? Who's the witness  
14 you're calling now?

15 MS. YOHANNES: We are calling Mr. Nam  
16 Young Njounng.

17 MR. NJOUNG: Yes.

18 CHAIRPERSON ANDERSON: I would like  
19 Mr. Njounng to, I'm sorry, Mr. -- what's his last  
20 name? Njounng?

21 MR. NJOUNG: Yes, Njounng. Njounng is  
22 there.

23 CHAIRPERSON ANDERSON: Can you raise  
24 your right hand, please?

25 MR. NJOUNG: Yes.



1                   CHAIRPERSON ANDERSON: Do you swear or  
2 affirm to tell the truth and nothing but the  
3 truth?

4                   MR. NJOUNG: I do.

5                   MS. YOHANNES: Okay. Mr. Njoug, can  
6 you state your connection to this application and  
7 your title with this establishment?

8                   MR. NJOUNG: I am the owner of this  
9 business.

10                  MS. YOHANNES: How long have you  
11 operated this establishment and been the owner,  
12 as the owner of the business?

13                  MR. NJOUNG: I've started from  
14 December 2016.

15                  MS. YOHANNES: Okay. Thank you. Can  
16 you tell the Board a little bit about the kind of  
17 store that you have and what you sell?

18                  MR. NJOUNG: My store selling beer,  
19 wine, and liquor, including groceries. That's  
20 all I will say.

21                  MS. YOHANNES: Okay. Thank you. What  
22 are the hours of operation, currently?

23                  MR. NJOUNG: 1818 Benning Road,  
24 Northeast.

25                  MS. YOHANNES: What are the hours of

1 operation of the store?

2 MR. NJOUNG: Seven days a week. 10:00  
3 a.m. in the morning until the midnight.

4 MS. YOHANNES: Okay. As the owner of  
5 the store, how often are you present at the  
6 establishment?

7 MR. NJOUNG: I go to my business  
8 almost every day.

9 MS. YOHANNES: Okay. So you, if  
10 you're not at the business every day, then, or if  
11 you're not there and present and working, who  
12 else is there?

13 MR. NJOUNG: I have one store manager  
14 who is (inaudible) license. The store manager's  
15 working there.

16 MS. YOHANNES: Okay. And as the owner  
17 and one of the individuals that are there daily,  
18 can you tell the Board about your procedures with  
19 handling the selling of alcohol and checking of  
20 ID's?

21 MR. NJOUNG: We always checking the  
22 patron's ID and the sign is posted. We do not  
23 sell to those under the age of 21.

24 MS. YOHANNES: Speaking of signs, what  
25 other signs do you have at your store?

1 MR. NJOUNG: One is at the entrance  
2 door and the inside at the cash registers at both  
3 sides of the cash register, the signs are there.

4 MS. YOHANNES: Are these signs  
5 regarding the age in which, checking ID's, of the  
6 age in which you can sell to customers? Are  
7 those the signs you're referring to?

8 MS. KIM: What's the last part of the  
9 question?

10 MS. YOHANNES: Are these the signs  
11 you're referring to?

12 MS. KIM: Mr. Chair, can I ask for  
13 some clarification of what Mr. Njoug said? You  
14 know there is a, he said, anyone under 21 years  
15 of age, nothing can be sold to them. So I need a  
16 clarification from Mr. Njoug? Can I?

17 CHAIRPERSON ANDERSON: No, you are  
18 fine with, he answered the question. So you  
19 don't need to ask clarification.

20 MS. KIM: Okay. All right.

21 CHAIRPERSON ANDERSON: You can, you're  
22 fine. You're fine.

23 MR. KIM: That's what he said, even he  
24 added, he added that. Is there, the customer is  
25 the minor, they have to come with their parents.

1 Without parents' presence and the store cannot  
2 sell anything to the minor. That's what he said.

3 CHAIRPERSON ANDERSON: Then that's  
4 fine. You can translate that. It's appropriate  
5 for the forum.

6 MR. KIM: Thank you. I appreciate it.

7 MS. YOHANNES: I'm going to move on,  
8 but before I do, quickly follow up on that. I  
9 want to say, Mr. Njount, to be clear, you do not  
10 sell alcohol to any individual under the age of  
11 21; is that correct?

12 MR. DIXON: Objection, Your Honor.

13 CHAIRPERSON ANDERSON: I'm sorry.  
14 What's the nature of the objection?

15 MR. DIXON: This is the third or  
16 fourth leading question. I understand we're  
17 speaking through an interpreter, but I would just  
18 ask counsel not to suggest in her questions, the  
19 answers to the questions to the witness.

20 CHAIRPERSON ANDERSON: All right. Ms.  
21 Yohannes, if that's the case, we're both, we're  
22 attorney's here, please don't ask leading  
23 questions. Okay. That's fine.

24 MS. YOHANNES: I don't think I'm  
25 leading, I think I'm clarifying because he

1 stated, I'm just repeating what he stated and we  
2 are talking through an interpreter.

3 So I'll rephrase. I'll rephrase.

4 MR. KIM: Okay. Let me explain the  
5 situation to Mr. Njount, okay? Give me just a  
6 few more sentence.

7 MS. YOHANNES: Okay.

8 MR. KIM: Go ahead, Ms. Yohannes.

9 MS. YOHANNES: To clarify, when you're  
10 selling alcohol to a patron, how old does the  
11 patron have to be in order for you to sell  
12 alcohol to them?

13 MR. NJOUNG: 21 years of age.

14 MS. YOHANNES: Okay. I'm going to  
15 move forward from this line of questioning and  
16 talk about loitering because that's where I was  
17 trying to get with the sign.

18 MS. KIM: Go ahead, Ms. Yohannes.

19 Q Can you tell me about the loitering  
20 issue at the establishment? Or -- in -- at  
21 Benning Road?

22 A Yes, I know there -- there is a  
23 signage posted in front of a store, no loitering.  
24 And also in year 2018, almost every day I call  
25 the police to control this loitering people. And

1 now -- when they said that, don't call us every  
2 day. And what the police said to me is that even  
3 if -- if they're loiterers or not, in front of  
4 our business, so he -- they cannot control. They  
5 cannot disperse them from the front of the store.  
6 That's what they said. And (inaudible).

7 Q Okay, thank you. So regarding -- I  
8 want to talk about your relationship with MPD.  
9 Can you tell me about that -- can you tell me  
10 about your communications or your relationship  
11 with MPD?

12 A No, I'm having a pretty good  
13 relationship with MPD. And then I've very  
14 cooperative to the MPD.

15 Q Okay. Let -- let's talk about your  
16 cameras. Do you have cameras in your store?

17 A Yes, I do.

18 Q How many cameras do you have?

19 A Three cameras outside the store, 12  
20 inside.

21 Q Okay. In terms of the community, have  
22 you received any complaints from anyone in the  
23 community about your store?

24 A I haven't had any complaints from the  
25 community. The patrons are pretty -- like my --

1 my store. Only the -- only the woman, Sydelle,  
2 has been complaining about my business.

3 Q Okay. And has -- have these  
4 complaints -- what have these complaints been  
5 about generally?

6 A So what I've heard is the -- the  
7 biggest issue is that the loiterers outside the  
8 store. The second biggest issue is the --  
9 selling the single beer.

10 Q Okay. Have you -- have you continued  
11 to work with MPD regarding loitering in the last  
12 -- since the last hearing in 2018?

13 A Yes, I've been doing pretty well.

14 Q Are you in compliance with your  
15 settlement agreement?

16 A Yes, I am.

17 Q Okay. Those are the only questions I  
18 have for this witness. Thank you, Mr. Njoung.

19 CHAIRPERSON ANDERSON: Thank you, all  
20 right. Mr. Dixon or Ms. Gibbs, who -- who's  
21 doing the -- the cross examination?

22 MR. DIXON: It will be Mr. Dixon, Mr.  
23 Chair.

24 CHAIRPERSON ANDERSON: All right, Mr.  
25 Dixon, your -- your witness.

1                   MR. DIXON: Thank you, Mr. Chair. Mr.  
2 Na -- am I pronouncing your last name correctly,  
3 sir, please?

4                   MR. NJOUNG: Mr. Njoug.

5 CROSS EXAMINATION

6                   BY MR. DIXON:

7                   Q       All right, Mr. Njoug. My name is  
8 Ronald Dixon and I -- and I represent ANC 5D.

9                   A       Okay.

10                  Q       And ANC 5D is protesting the renewal  
11 of your license. Now, Mr. Njoug, you said that  
12 the complaint about your selling singles --  
13 meaning single cans of beer, or bottles of beer  
14 -- is that correct?

15                  A       Yes, that is -- that is one of the  
16 complaints. But that was raised not by our  
17 patrons. Only raised by Sydelle Moore -- the  
18 only person.

19                  Q       Mr. Njoug, do you sell singles? Yes  
20 or no?

21                  A       In -- in Ward 5, the singles can be  
22 sold.

23                  Q       My question, sir, is not about Ward 5.  
24 My question is, do you sell singles out of your  
25 establishment?



1           A       Yes, I do sell singles.

2           Q       And would you describe for the Board  
3 the type of singles you sell to the public?

4           A       Yes, for the groceries, you know, I'm  
5 separating sodas from the size of 12 ounce, up.  
6 Like 6 ounce and 24 ounce -- I sell single those  
7 soda stuff.

8           Q       Do you sell -- do you sell alcoholic  
9 beverages singles?

10          A       Yes, I do. I sell beer as single.

11          Q       The -- any other merchandise of  
12 alcoholic nature that you sell as a single, other  
13 than beer?

14          A       The smallest size is a 12 ounce.

15          Q       I'm sorry, 12 ounce of -- of what sir?

16          A       Beer.

17          Q       Now --

18                   (Simultaneous speaking.)

19          A       Adding that -- adding my statement is  
20 that the smallest size is 100 milliliters of  
21 brandy, tequila, and vodka.

22          Q       Now, Mr. Njoug, when you opened your  
23 establishment, you were aware that that was a --  
24 there was a -- a daycare next to your  
25 establishment? You were aware of that, weren't

1 you sir?

2 A I was not fully aware of the daycare  
3 center then. And I think it's currently closed  
4 due to COVID-19.

5 Q Mr. Njoun, what's your evidence that  
6 the daycare is closed? And state the first date  
7 that you were aware that it closed, please.

8 A Yes, I knew there was a daycare  
9 center.

10 (Pause.)

11 MR. DIXON: Did Mr. Njoun finish his  
12 answer, Mr. Kim?

13 MR. KIM: That's why I'm asking again.  
14 So you have two questions and -- what is the  
15 evidence that the daycare center is closed?  
16 That's -- I am going to ask him again, all right?

17 MS. YOHANNES: I am going to object on  
18 that question, and on the evidence that the  
19 daycare center is closed -- why is that relevant?  
20 What's the relevance there?

21 CHAIRPERSON ANDERSON: All right, hold  
22 on one -- all right, before I -- before I respond  
23 to that, Ms. -- I'm sorry, Ms. -- Ms. -- Ms.  
24 Jung, is that your last name, please?

25 MR. KIM: Mr. Njoun, yes.

1 CHAIRPERSON ANDERSON: No, no, no, no,  
2 no --

3 MS. NA: My last name is Na, sir.

4 CHAIRPERSON ANDERSON: Ms. Na -- all  
5 right, I apologize. Ms. Na -- all right, you two  
6 are sitting in the same room, okay?

7 MS. NA: Yes.

8 CHAIRPERSON ANDERSON: I do not want  
9 you to speak to him. I do not want, when a  
10 question is asked, that your mouth -- that your  
11 lips are moving. We can all see your lips  
12 moving, although there's no volume. I do not  
13 want you to write him any note. I do not want  
14 you to say anything to him, ma'am. And if -- if  
15 it continues, I am going to ask you to vacate the  
16 room and go on another screen. Okay, ma'am?

17 MS. NA: Okay. I understand.

18 CHAIRPERSON ANDERSON: Thank you.

19 (Foreign language spoken.)

20 MR. KIM: Go ahead, answer him.

21 MS. YOHANNES: I'm sorry, what question  
22 is being asked right now, Commissioner? You did  
23 --

24 CHAIRPERSON ANDERSON: I got -- I --  
25 right, that's -- I was about to ask, what was the

1 question that you were raising an objection?

2 What was the question, sir?

3 MR. DIXON: I'll withdraw -- I'll  
4 withdraw the question, Commissioner -- I'm sorry,  
5 Chairman. I'll withdraw the question and ask  
6 another.

7 (Simultaneous speaking.)

8 MR. KIM: Go ahead, Mr. Dixon.

9 RESUME CROSS EXAMINATION

10 BY MR. DIXON:

11 Q Mr. Njong, you said that the daycare  
12 is closed because of COVID. What is your  
13 evidence of that?

14 A Well, before the pandemic I can -- I  
15 can see a few children in the daycare center.  
16 But after the -- since the pandemic, I don't  
17 think there's any child.

18 Q Mr. Njong, are you saying that you  
19 have -- have not seen signs saying that the  
20 daycare is closed? Is that what you're telling  
21 us? That you've seen signs saying the daycare is  
22 closed?

23 (Simultaneous speaking.)

24 MS. YOHANNES: Objection --

25 (Simultaneous speaking.)

1 MS. YOHANNES: Oh my god.

2 (Pause.)

3 MR. KIM: Mr. Chair, I have a bit of  
4 frustration between the question raised by Mr.  
5 Dixon and answers by Mr. Njoug. Can I ask Mr.  
6 Njoug that what the question is from Mr. Dixon  
7 -- and let me say what Mr. Dixon asks -- can I do  
8 that, sir?

9 CHAIRPERSON ANDERSON: Sir, go ahead  
10 sir.

11 (Pause.)

12 MR. NJOUNG: As I am not interested in  
13 that -- the operation of daycare center, I did  
14 not see the sign there.

15 RESUME CROSS EXAMINATION

16 BY MR. DIXON:

17 Q Mr. Njoug, one last series of  
18 questions -- as a neighbor of the daycare, do you  
19 know the -- do you know the name of the person  
20 who runs the daycare center?

21 A I do not know.

22 Q And -- indulgence please, Mr. Chair,  
23 one moment. I have nothing further for Mr.  
24 Njoug. I pass the witness back.

25 CHAIRPERSON ANDERSON: Are there any

1 questions by any board members?

2 (No audible response.)

3 CHAIRPERSON ANDERSON: All right, thank  
4 you sir, for your -- do you plan -- do you have  
5 recross, Ms. Yohannes?

6 MS. YOHANNES: No, I do not. I just  
7 realized I was on mute as I was objecting. But  
8 no, I do not. I am ready to call my next  
9 witness.

10 CHAIRPERSON ANDERSON: All right, thank  
11 you. We're going to take a 10-minute break.  
12 It's 4:57. We'll -- we'll come back at 5:10. So  
13 I want to -- so what I'll do is -- don't log off.  
14 Well, I'll ask the board members -- let's log off  
15 and go into executive session and -- during our  
16 break, I just want to discuss something -- I  
17 mean, this is not legal. I just want to have a  
18 conversation. Not about this case, but just  
19 generally about something. So let the board  
20 members go into executive session, but we'll back  
21 -- we'll get back here at 5:10.

22 (Whereupon, the above-entitled matter  
23 went off the record at 4:57 p.m. and resumed at  
24 5:11 p.m.)

25 CHAIRPERSON ANDERSON: We're back on

1 the record.

2 (No audible response.)

3 CHAIRPERSON ANDERSON: We are back on  
4 the record.

5 MR. DIXON: Ronald Dixon, we are ready.

6 MS. ANDREWS: Mr. Chair, there are some  
7 people that logged out and logged -- are logging  
8 back in, so I am going to go ahead and elevate  
9 their rights.

10 CHAIRPERSON ANDERSON: All right, thank  
11 you.

12 MS. ANDREWS: Okay, (inaudible).

13 CHAIRPERSON ANDERSON: Okay, thank you.  
14 Ms. Yohannes, how many witnesses do you have --  
15 or, how many additional witnesses do you have?

16 MS. YOHANNES: I have three more  
17 witnesses.

18 CHAIRPERSON ANDERSON: Three more  
19 witnesses --

20 MS. YOHANNES: Four more witnesses,  
21 sorry. Because we're going to have -- four  
22 witnesses.

23 CHAIRPERSON ANDERSON: Four more  
24 witnesses. And Mr. Dixon, how many witnesses do  
25 you have, sir?

1 MR. DIXON: If the Board please, we  
2 have four.

3 CHAIRPERSON ANDERSON: All right, we  
4 are going to finish -- complete this hearing  
5 tonight. Just want to let -- so, it's going to  
6 be a long evening. Just want to let everyone  
7 know. (inaudible) hearing and I will try to take  
8 a break at -- I'll see where we are and then I'll  
9 try to take some breaks as -- before we conclude,  
10 all right? All right, Ms. Yohannes, can you call  
11 your -- who is your next witness?

12 MS. YOHANNES: If I may -- my next  
13 witness is Ms. May -- Jenna May. But I also want  
14 to clarify, in terms of the invest -- or, the  
15 interpreter, are we moving forward with the  
16 interpreter being present? Or --

17 CHAIRPERSON ANDERSON: It's your call  
18 -- it is your call, then -- if we don't need an  
19 interpreter, then -- it's a -- I see that Mr. --  
20 I'm sorry, Mr. -- what's his name?

21 MR. KIM: Mr. Njount.

22 CHAIRPERSON ANDERSON: Mr. Njount -- I  
23 see Mr. Njount is not on my screen. If Mr.  
24 Njount is not longer participating, then we no  
25 longer need an investigator. So I need to -- I



1 need to get clarification on the record whether  
2 or not we -- whether or not we still need an  
3 investigator.

4 MR. KIM: Interpreter, you mean?

5 CHAIRPERSON ANDERSON: Yes, I  
6 apologize, Mr. -- you see, I've elevated you  
7 already. I -- if we still need an interpreter.

8 MS. YOHANNES: We do not need an  
9 interpreter. I will say Mr. Njoug is not with  
10 us at the moment. He will return shortly.

11 CHAIRPERSON ANDERSON: So are you  
12 saying that we no longer need an interpreter?

13 MS. YOHANNES: That is what I am  
14 saying, yes.

15 CHAIRPERSON ANDERSON: Mr. Kim?

16 MR. KIM: Yes, sir.

17 CHAIRPERSON ANDERSON: Thank you very  
18 much for your flexibility. Thank you very much  
19 for your service and you are -- you are excused,  
20 sir, from this -- from -- from this hearing.  
21 Thank you very much, sir.

22 MR. KIM: Thank you, bye.

23 MS. YOHANNES: Thank you.

24 CHAIRPERSON ANDERSON: Have a great  
25 day, thank you.

1 MR. KIM: You do the same, sir.

2 CHAIRPERSON ANDERSON: All right, thank  
3 you.

4 MS. YOHANNES: So I am ready to call my  
5 next witness, which is Hyejung Na.

6 WHEREUPON,

7 HYEJUNG NA

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

12 CHAIRPERSON ANDERSON: Excuse me, your  
13 witness.

14 MR. DIXON: Your --

15 CHAIRPERSON ANDERSON: Yes, Mr. Dixon?

16 MR. DIXON: If I may -- could you  
17 elevate -- could you have the administrative --  
18 administrative person elevate Ms. Sydelle Moore?  
19 She got knocked off again.

20 CHAIRPERSON ANDERSON: Ms. Andrews, can  
21 you please elevate Ms. Moore, please?

22 MS. ANDREWS: Sure, stand by. Sorry,  
23 Ms. Moore. Your rights have been elevated.

24 MS. YOHANNES: Great, thank you. Can  
25 you -- can you state what your relation is to

1 this licensed entity?

2 THE WITNESS: I'm an officer of Sylvia  
3 Liquors.

4 DIRECT EXAMINATION

5 BY MS. YOHANNES:

6 Q And how long have you all been  
7 operating this establishment?

8 A Since 2016, December -- and since  
9 then, yes, we've been operating.

10 Q What are your duties as an officer?

11 A I did the most of paperworks and  
12 license controls. What else? Majority my -- of  
13 my job is actually monitoring my store. I have  
14 access to my store's security camera on my phone  
15 so I can watch 24-7 if I need to. And I usually  
16 monitor it and report either to MPD or to my  
17 husband at the store so we can do -- we can do  
18 whatever -- you know, the -- needed to be done.

19 Q Okay. In terms of your security  
20 cameras, can you tell me how many security  
21 cameras you have?

22 A Yes, I do have 17 total. Earlier, my  
23 husband -- when my husband testimony -- I mean,  
24 he made a wrong numbers. I told him it was -- I  
25 guess he was nervous. But it's total of 17.

1           Q       Okay. I am going to show you some  
2 exhibits that I've marked. And if you can  
3 identify them --

4           A       Sure.

5           Q       Court's indulgence while I -- you know  
6 -- before you all a lot but I don't share my  
7 screen often. So I am going to --

8           MS. ANDREWS: Ms. Yohannes, stand by I  
9 need to give you permission.

10           (Pause.)

11           MS. ANDREWS: Okay, you can share your  
12 screen now.

13           (Pause.)

14           MS. YOHANNES: So I am showing -- can  
15 you all see this?

16           CHAIRPERSON ANDERSON: Okay, I am  
17 showing you -- has been marked as Exhibit 1. Can  
18 you tell me what this is?

19           (Whereupon, the above-referred to  
20 document was marked as Exhibit No. 1 for  
21 identification.)

22           THE WITNESS: This is one of the  
23 exterior camera pointing 19th Street. And this  
24 is directly showing a side of my store front.

25 RESUME DIRECT EXAMINATION

1 BY MS. YOHANNES:

2 Q And when did -- when was this  
3 installed?

4 A It was actually -- originally  
5 installed at -- when my system was upgraded. It  
6 was before last protesting hearing.

7 Q And I'm going to show you what's been  
8 marked as Exhibit 3.

9 (Whereupon, the above-referred to  
10 document was marked as Exhibit No. 3 for  
11 identification.)

12 Q Can you tell me what this is?

13 A That's another security camera's  
14 installed inside a store, pointing all other  
15 directions, showing, like -- trying to prevent  
16 loss of -- you know, our merchandise.

17 Q And how many cameras is this? Or how  
18 many camera views is this?

19 A This is four.

20 Q And I will also show you what's been  
21 marked as Exhibit 5 -- I'm sorry, Exhibit 4.

22 (Whereupon, the above-referred to  
23 document was marked as Exhibit No. 4 for  
24 identification.)

25 Q And can you identify what this is and

1 what we're looking at?

2 A This one exterior camera and three  
3 interior camera -- actually, we have this  
4 pointing at each direction to identify customer  
5 who comes in the store. As you can see, you can  
6 see person's face in the second -- second screen.  
7 And third one is right -- the -- into the store  
8 path. And the -- the last screen is the hallway.

9 Q Okay. And now I will show you what's  
10 been marked as Exhibit 5. And what is -- what is  
11 this showing?

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

15 A This is actually behind the building  
16 -- the back door. As you see, that's the  
17 dumpster. Own -- I mean, our store's dumpster.  
18 And we actually have this camera with -- two  
19 reasons, actually. Trying to prevent someone  
20 break in from the back door, and also we're  
21 trying to -- monitoring when people trash their  
22 waste at my property.

23 Q Thank you. And can you tell me what  
24 -- showing you what's been marked as Exhibit 6.  
25 Can you tell me what this is?

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

4           A        This is new camera, after 2018, I  
5 believe -- the last protest hearing. After  
6 protest hearing I -- the Board ordered me to  
7 install another exterior camera facing the other  
8 direction, which is 18th Street, I believe. So  
9 we both have right and left pointing exterior  
10 camera. This is new -- the added one.

11           Q        And I will show you what's been marked  
12 as Exhibit 7.

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

16           Q        Can you tell me what this is?

17           A        This is our storefront. It just shows  
18 what kind of sign we have. Like, these two have  
19 more dense, (inaudible) amount of sign displayed  
20 in front of the store.

21           Q        Thank you. So I am going to stop  
22 sharing. Right. Did it stop -- okay, here we  
23 go. So regarding the -- the cameras, well I will  
24 ask the Board now, Exhibit 1, 3, 4, 5, 6, and 7  
25 -- I'd like to enter those into evidence.

1                   CHAIRPERSON ANDERSON: Mr. Dixon, do  
2 you have any exhibits -- do you have any  
3 objection to moving 1, 3, 4, 5, 6, and 7 into  
4 evidence?

5                   (No audible response.)

6                   CHAIRPERSON ANDERSON: Mr. Dixon? Ms.  
7 Gibbs?

8                   MR. DIXON: The only objection is --  
9 and that is the date and time of what the cameras  
10 depict and whether or not there's a log book for  
11 them and they're monitored.

12                  CHAIRPERSON ANDERSON: I'm sorry, what  
13 are --

14                  (Simultaneous speaking.)

15                  MR. DIXON: Whether or not there's a --  
16 whether or not there's a logbook for them and if  
17 -- and if they're monitored. That would be my  
18 objection.

19                  CHAIRPERSON ANDERSON: With what --  
20 with -- if it's an exhibit? Or -- I mean --

21                  MR. DIXON: I will -- we don't know  
22 when those -- we don't know when those  
23 photographs were taken. And it's contrary to the  
24 evidence that we've already heard.

25                  CHAIRPERSON ANDERSON: Well they -- the



1 photographs -- it's my understanding, from what I  
2 saw, there were photographs of the interior of  
3 the establishment -- the interior of the  
4 establishment, the -- the front view and the back  
5 view. So that's -- so are you saying that it's  
6 not the establishment? It's irrelevant when they  
7 were taken. They were just showing pictures of  
8 the establishment from their -- from their  
9 perspective, so -- I --

10 MR. DIXON: My -- the probative value  
11 of those is to show that there are no loiterers  
12 and to show -- and to show different views of  
13 Sylvia's, suggesting that the testimony of the  
14 investigator was somehow in error. But that  
15 would be the objection.

16 CHAIRPERSON ANDERSON: Well I don't --  
17 I don't believe that was the purpose. And the  
18 Board -- I mean, if we're -- if the Board is  
19 going to believe anyone, we're going to believe  
20 our investigator --

21 MR. DIXON: Yes.

22 CHAIRPERSON ANDERSON: -- because  
23 we're in -- our investigator has -- is -- is  
24 given an objective opinion of a reflection of  
25 what was seen. So I know that you're going to --

1 my assumption is that you're going to try to --  
2 to put documents into evidence that reflects  
3 poorly on the establishment, and the  
4 establishment is putting documents into evidence  
5 that reflects positively on them. That is my --  
6 that is what I believe both sides do. So I'm  
7 going to -- I am going to overrule your objection  
8 and I am going to move Exhibit 1, 3, 4, 5, 6, and  
9 7 into evidence.

10 (Whereupon, the above-referred to  
11 documents were received into evidence as Exhibits  
12 No. 1, 3, 4, 5, 6, and 7.)

13 MS. YOHANNES: Thank you. Moving  
14 forward, Ms. Na, can you tell me -- tell me about  
15 Benning Road and the neighborhood?

16 THE WITNESS: To me it's just, like,  
17 another -- on that -- like, you know, regular  
18 community to me. And anywhere in, like, any  
19 state or any country -- like, I guess, it's --  
20 any country is too much. But we have crimes  
21 generally. And this is just regular community, I  
22 think. People lives and people enjoy their  
23 lives. And we just live our lives day by day.  
24 And to me just -- I mean, I have -- I don't have  
25 any bad feeling or -- I don't know what to put --

1 I mean, this just regular community, just like  
2 every other place.

3 CONTINUE DIRECT EXAMINATION

4 BY MS. YOHANNES:

5 Q Thank you. Could you tell me about --  
6 can you tell me about loitering, and if there is  
7 loitering on Benning Road?

8 A Yes. It's been -- it's been ongoing  
9 issues. When I start the business in December  
10 2016, previous owner actually told me the same  
11 issue that they'd been experiencing. And they  
12 were trying to resolve the issues and they  
13 couldn't do -- I mean, they could do much back  
14 there too. And still same issues. And I guess  
15 this is not something -- we cannot resolve it,  
16 like, completely. It will be there, like, we  
17 have to I guess work on the issues in --  
18 community-wise. Like everybody, you know, get  
19 together and we have to try to find the other way  
20 to solve these issues because I am -- I -- I  
21 don't want the loitering outside either.

22 Q Right.

23 A I couldn't do much.

24 Q Can you -- can you tell me what you --  
25 what you have done with the community since 2018?

1 Or even starting in 2018 to try to resolve the  
2 issues with loitering?

3 A In starting 2018, luckily it was a --  
4 back then, the (inaudible) was Ms. Kathy  
5 Henderson. And she actually comes around the  
6 community and talk to us in regular basis. And I  
7 actually ask her to help us -- not only us --  
8 around my area, like to, I guess, resolve the  
9 issues we'd been having. She -- I believe she  
10 personally requested to MPD to patrol the around.  
11 And try to have the MPD cars parked outside, or  
12 through (inaudible) area to prevent the loitering  
13 issues and try to decrease the crime in nearby.

14 It was -- I think it was successful  
15 for a while. So if you notice my call log -- MPD  
16 call log, 2018 and '19 -- beginning of '19, we  
17 have a lot of call logs. It's not because of  
18 we'd been calling MPD a lot. We'd been calling  
19 MPD a lot, plus when officers patrol around the  
20 community they stop by and sign the log. So we  
21 have a lot of history and, you know, record of  
22 it. And -- but since then -- I mean, after a  
23 while, patrolling was stopped. I don't know  
24 exactly from when. But I couldn't -- I couldn't  
25 request it. I love to have it.

1           Q       And when you -- were there calls that  
2 were made to MPD -- for the loitering? Did you  
3 make calls to MPD because of loitering? And if  
4 so, what would happen?

5           A       Yes, if I say -- if I make MPD calls  
6 ten times, probably eight of -- eight times is  
7 because of the loitering. And one or two times  
8 is because of other issues. But when I actually  
9 call, they don't usually respond 100-percent.  
10 They respond -- they come out -- officers come  
11 out and talk to us sometimes. And just talk to  
12 people outside to move. But after a while, they  
13 told me not to call so much because this is not  
14 something I need to report to 911. And as all  
15 you know, like, this is like, really crazy --  
16 like, period. Like a pandemic is going on and  
17 short of, I guess, MPD officers. So we -- we --  
18 I mean, they -- they didn't want us to call so  
19 much. And plus, they said, since it's not  
20 happening in our property, I cannot call. I  
21 mean, I shouldn't call. I mean, they're -- you  
22 don't -- you don't need to call. That's what  
23 they said.

24                       And after -- after so much, they  
25 didn't even respond for a while.

1           Q       The area in front -- and to be clear,  
2           the area in front of your store, is that public  
3           space or private space?

4           A       Public.

5           Q       It's all public, okay. Going back to  
6           2018 -- because you're making a distinction  
7           between 2018 and sort of what's occurring now.  
8           So in 2018, can you tell me about which is -- the  
9           agreement that was signed between you, ANC and  
10          the Commander, which is part of the Board's  
11          record already because the Board has approved  
12          that settlement agreement?

13          A       Right. What do you want me to tell  
14          you about the agreement?

15          Q       Tell me about -- tell me what's  
16          included in that agreement. What the Board  
17          should -- or what MPD does.

18          A       That part. MPD will patrol and  
19          respond to the property and, you know, community  
20          area and try to reduce loitering issues and try  
21          to protect the community people. And for that,  
22          they want me to call and -- and get the log.  
23          That was the agreement we made.

24          Q       So moving forward to where we are now  
25          -- and you did mention the pandemic -- have you

1       seen less of a police presence?

2             A       Less, yes. Because of pandemic, yes.

3             Q       Okay. Have you been -- have you  
4 spoken to the current ANC about the situation  
5 with loitering?

6             A       No.

7             Q       Has MS. Moore or anyone else from the  
8 ANC contacted you to talk about loitering before  
9 the filing of a protest?

10            A       No, it was actually a surprise out of  
11 blue. I mean, when I actually went to the  
12 community meeting, they talked about protest here  
13 -- a protest against us. But no, before, we  
14 didn't have any communications.

15            Q       And the loitering that is occurring  
16 that you do see, is that direct -- where are the  
17 loiterers? Are they in front of your property?

18            A       No, they're not. Before, they used to  
19 -- standing around in front of the townhome area,  
20 which is next to a daycare. When daycare -- I  
21 mean, my husband actually thought daycare is  
22 closed because, when daycare is closed, they --  
23 people hang out in front of daycare because when  
24 they try to hang out or they standing outside in  
25 front of our store, we told them to move. So

1 they usually stay in front of daycare. And  
2 because of this issue, I've been having a lot of  
3 headache.

4 So when I actually see on the camera  
5 I call my husband to go next-door, knock on the  
6 door -- or, you know, trying to get daycare  
7 owner, so we can call police together. Because  
8 they are in front of their property. But he --  
9 it wasn't successful. He couldn't get in touch  
10 with them. That's why, I guess, he thought it  
11 was closed. But, I mean, he couldn't go there  
12 all -- like, you know, all the time. But when --  
13 when daycare -- daycare was not in business  
14 always. They were -- they seemed like it's  
15 closed and open on and off. So when they are  
16 open, during the business -- or not the business  
17 hour I am talking about. When they are in the  
18 business, people don't hang out in front of  
19 daycare.

20 (Simultaneous speaking.)

21 Q -- when it's actually in operation and  
22 --

23 (Simultaneous speaking.)

24 A Right, right, right. But when -- when  
25 it seems like it's closed or if there was no



1 activities there, people hang out there.

2 Q Okay. And what do you want to happen  
3 regarding loitering?

4 A I don't want them to be there, simply.  
5 I don't want them to be there but I just -- I  
6 mean, yes. I just feel bad when my husband went  
7 outside to ask them, why you guys here? But  
8 earlier, investigator mentioned, there's a big  
9 tree, right? The big tree make big shade and  
10 it's nice and cool. And people hang out there.  
11 It was really sad -- some of the people said,  
12 because they don't have AC at home. It's really,  
13 really hot, so they want to hang out and this is  
14 a cool place to hang out. That's what they said.  
15 I -- yes, I felt really bad. And -- but -- but  
16 because I am community safety, I want them to  
17 move.

18 Q And to clarify, too, that -- you know,  
19 as the investigator said, that tree is not right  
20 in front of your establishment?

21 A No, in front of the daycare, but the  
22 shade -- I mean --

23 Q Are you willing to continue to work  
24 with MPD and ANC and any other agency for that  
25 matter to -- to help resolve the issues of

1 loitering?

2 A Of course. Of course. We've been --  
3 we've been trying to actively working with them.  
4 Even Commander gave me a -- sent me a letter that  
5 we were really cooperative and if you guys all  
6 know, there is a (inaudible) in front of -- I  
7 guess, Z-Mart or something. And across the  
8 street, but it's Ward 6. Not far from us. We  
9 actually could provide video clip and they could  
10 get the -- I don't know how you say, the --  
11 person who stabbed the other person in harm.  
12 Yes, they could get the vehicle information and  
13 the person's information. And the inspector was  
14 really, really grateful that we could -- we could  
15 provide a video clip.

16 Q The homicide detective?

17 A Right.

18 Q And so you are not -- and this isn't  
19 the first time that you've assisted MPD in -- in  
20 crimes like this, is that right?

21 A Yes. I wish someone can call MPD and  
22 ask. They were really, really happy with my  
23 system.

24 Q Right. Those are all the questions I  
25 have for you. Thank you.

1           A       Thank you.

2                   CHAIRPERSON ANDERSON: Mr. Dixon -- or  
3 Ms. Gibbs, I'm not sure who is going to ask the  
4 questions?

5                   MR. DIXON: I'll ask Ms. Na some  
6 questions. This is Mr. Dixon. Good evening, Ms.  
7 Na. This is Ronald Dixon, Counsel for ANC 5D,  
8 and I want to ask you some questions about your  
9 testimony.

10                  THE WITNESS: Okay. Will you be able  
11 to speak up a little bit? I cannot hear you,  
12 sir.

13                  CROSS EXAMINATION

14                  BY MR. DIXON:

15                  Q       Yes, I'm sorry. Yes, I'll speak a  
16 little louder so you can hear me.

17                  A       Thank you.

18                  Q       You know, you claim that you haven't  
19 had a lot of contact with the ANC Chairman, Ms.  
20 Sydelle Moore. Is that your testimony today?

21                  A       Yes, I didn't get in touch with  
22 anybody from ANC, and -- includes Ms. Sydelle  
23 Moore.

24                  Q       Isn't it a fact that Ms. Moore became  
25 the ANC in 2019 and she visited you at your

1 establishment to bring to your attention  
2 complaints about your establishment with  
3 reference to the loitering, and with reference to  
4 the crime? Isn't that a fact, ma'am?

5 A I don't remember she visiting our  
6 store.

7 Q Okay. Isn't it also true, ma'am, that  
8 you've been invited to ANC meetings, and indeed  
9 according to this settlement agreement that was  
10 entered in 2018, you were supposed to participate  
11 in those ANC meetings with reference to the  
12 community and your store? Isn't that a fact?

13 A Yes, I was in meetings.

14 Q Okay. Now you also claimed that the  
15 police told you some -- these -- some police  
16 officers told you that because of the pandemic,  
17 they weren't going to patrol -- or weren't going  
18 to make -- enforce the law in front of your  
19 place. Is that your testimony?

20 A I did not say that, sir. I said they  
21 used to patrol that --

22 (Simultaneous speaking.)

23 Q I'll ask a question. All right, you  
24 did not say that. Well let me ask you this, did  
25 you receive any official notices from the police

1 department that they were going to lessen or not  
2 patrol your area because of the pandemic? Yes,  
3 or no?

4 A No.

5 Q Now, you also claim that -- well, let  
6 me ask you this. Do you know the owner of the  
7 daycare center next to you?

8 A The previous owner, or new owner?

9 Q Either one. The previous owner, do  
10 you now him or her?

11 A I met her in last hearing.

12 Q And what was her name?

13 A I don't remember. I think --

14 (Simultaneous speaking.)

15 MS. YOHANNES: Why are we doing this  
16 with every witness?

17 (Pause.)

18 MR. DIXON: Is that an objection?

19 MS. YOHANNES: Relevance -- objection,  
20 relevance as to her name.

21 CHAIRPERSON ANDERSON: I'm -- I'm going  
22 to overrule the objection. If she -- if she  
23 knows, she answers. If she doesn't know, let's  
24 move on.

25 MS. YOHANNES: Sure.

1 CHAIRPERSON ANDERSON: You can -- you  
2 can answer the question, ma'am, if you know the  
3 person. If you don't know, let's move on.

4 BY MR. DIXON:

5 Q Okay. Do you know who the current  
6 owner is? Yes or no.

7 A Yes.

8 Q And who was that?

9 A Is it okay to say her name? Wasn't  
10 the person --

11 CHAIRPERSON ANDERSON: No, that's a  
12 different question, ma'am. Answer the question.

13 THE WITNESS: Okay. I believe her name  
14 is Regina Snead.

15 BY MR. DIXON:

16 Q Okay. And have you ever had  
17 discussions with Ms. Snead about the loitering in  
18 front of your establishment?

19 A No, sir. Can I ask -- can I answer  
20 more?

21 Q You can answer a question when I ask  
22 it.

23 A I did. I'm asking --

24 CHAIRPERSON ANDERSON: Ma'am, ma'am,  
25 ma'am, ma'am, ma'am, he asked you a question and

1 he has been asking you yes or no.

2 Your counsel -- if you need  
3 clarification, that's up to your counsel to ask  
4 to have you fully extend your answer, ma'am.

5 So, you have answered the question.  
6 Let's move -- another question, Mr. Dixon.

7 BY MR. DIXON:

8 Q Now, Ms. Na, isn't it a fact that Ms.  
9 Snead complained to you about the loitering and  
10 activity at your liquor store, it was hurting her  
11 business?

12 Isn't that true, ma'am?

13 A No, she did not contact me.

14 Q Okay. And isn't it also a fact,  
15 ma'am, that you were aware that the day care  
16 required parents to bring their children back and  
17 forth?

18 You know that's a fact, don't you,  
19 ma'am?

20 A Yes.

21 Q Okay. And during the hours that the  
22 day care is open, isn't it true that there are  
23 loiterers outside the day care and outside your  
24 establishment?

25 A Yeah, sometimes.

1 Q And isn't it a fact, ma'am, that  
2 parents bringing the children back and forth to  
3 the day care have to wade through the loiterers  
4 to get their children and to bring their children  
5 to the day care; isn't that a fact?

6 A Um --

7 Q Yes or no.

8 A I don't know.

9 Q Well, let me ask you this: When the  
10 parents bring their children to the day care, do  
11 the loiterers get out of the way and let them go  
12 in or escort them in?

13 A Yeah, if they want to go through. I  
14 mean, they're going to let them go through.

15 Q Okay. That's your testimony?

16 (Pause.)

17 CHAIRPERSON ANDERSON: He asked you a  
18 question, ma'am.

19 THE WITNESS: What is that? I don't  
20 understand what --

21 CHAIRPERSON ANDERSON: He said, is that  
22 your testimony? Yes or no.

23 THE WITNESS: Yes.

24 BY MR. DIXON:

25 Q Okay. Now, were you at your business



1 on June 14th, 2021, of this year?

2 A Not at the store, I don't think.

3 Q Okay. And your cameras were operating  
4 on June 4th, 2021, outside the store?

5 A Yes. Always.

6 Q And didn't your cameras, on June 4th,  
7 2021, show a crowd of people outside your store  
8 loitering?

9 A I don't remember.

10 Q And isn't it a fact, ma'am, that  
11 during that -- on June 4th, 2021, between the  
12 hours of 1:00 and 4:00, there were crowds --  
13 there were people outside and a fight broke out  
14 in front of your store?

15 Isn't that a fact, ma'am?

16 MS. YOHANNES: Objection. This is  
17 outside the scope of direct.

18 MR. DIXON: It goes to the fact that  
19 she said she had cameras up. They monitor the  
20 cameras.

21 MS. YOHANNES: There is no -- we don't  
22 contest that.

23 CHAIRPERSON ANDERSON: Alright. I'm  
24 going to overrule the objection. I'm not quite  
25 sure where you're going, but if you can answer

1 the question, ma'am, answer the question. If  
2 not, let's move on.

3 THE WITNESS: I don't remember seeing  
4 that.

5 BY MR. DIXON:

6 Q Okay. Now, you do sell single bottles  
7 and cans of beer out of your store, don't you?

8 A Yes.

9 Q And if you would, do you sell other  
10 groceries out of your store?

11 A We do.

12 Q And which is the -- if you can, tell  
13 us which is the highest grossing for your store,  
14 the single bottles of alcohol and beer or the  
15 groceries, if you can tell us that?

16 MS. YOHANNES: Objection.

17 CHAIRPERSON ANDERSON: What is the  
18 objection?

19 MS. YOHANNES: It's outside the scope  
20 of direct.

21 CHAIRPERSON ANDERSON: I'm going to  
22 overrule the objection. If she can answer the  
23 question, she can answer the question.

24 THE WITNESS: As you guys know, my  
25 establishment is liquor store. We sell liquors

1 and beers more than groceries.

2 BY MR. DIXON:

3 Q And that's a big part of your revenue,  
4 isn't it, ma'am?

5 A Yes.

6 Q And you do not want to have any  
7 interference with the right to sell the single  
8 bottles of liquor and alcohol; isn't that true?

9 A Yes, because it's -- if we -- if we  
10 cannot sell singles or small sizes, it will be  
11 really big impact.

12 Q Okay. Now, you're not the only liquor  
13 store in the area, are you?

14 A No.

15 Q And do you know if there are other day  
16 cares in the area? Yes or no.

17 A Day cares, you said?

18 Q Yes.

19 A No idea.

20 Q I'm sorry?

21 A I have no idea if there another day  
22 care somewhere.

23 Q Now, Ms. Na --

24 A Yes.

25 Q -- isn't it a fact that you could hire

1 private security between the hours of 3:00 and  
2 9:00 in the evenings to make sure that the  
3 loiterers move from in front of your store?  
4 Can't you do that, ma'am?

5 A No, sir, because I contacted private  
6 security --

7 Q Ms. Na -- you've answered my question,  
8 Ms. Na. You cannot do that; is that your  
9 testimony today?

10 A No. I don't think it's necessary.

11 Q I didn't ask you that. "Necessary"  
12 means you have a choice. Is it impossible for  
13 you to hire private security to monitor the front  
14 of your store?

15 MS. YOHANNES: Objection. Asked and  
16 answered. She said no.

17 CHAIRPERSON ANDERSON: Let's move on.  
18 The question was answered. Let's move on.

19 MR. DIXON: One moment, please.

20 (Pause.)

21 MR. DIXON: I have nothing further for  
22 the witness. I'll pass back for redirect.

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

25 (Pause.)

1 CHAIRPERSON ANDERSON: Do you have a  
2 question, Mr. Short? You're on mute if you have  
3 a question, sir.

4 MEMBER SHORT: Please forgive me. Yes,  
5 I do have a question -- several. First of all,  
6 I'd like to ask Ms. Yohannes if she would put up  
7 that Exhibit No. 6 that she has had put in  
8 evidence.

9 CHAIRPERSON ANDERSON: Ms Andrews, can  
10 you allow Ms. Yohannes to share her screen,  
11 please.

12 MS. ANDREWS: Ms. Yohannes, your rights  
13 were never taken away. You can still share your  
14 screen.

15 (Pause.)

16 MEMBER SHORT: Thank you very much.  
17 Ms. Na, I'm looking at a picture of a man sitting  
18 in a chair and he's facing other men sitting in  
19 chairs, and I see --

20 CHAIRPERSON ANDERSON: What happened,  
21 Ms. Yohannes? We're no longer seeing the  
22 picture.

23 (Pause.)

24 MEMBER SHORT: Thank you. I see a  
25 sign saying: Sylvia's Liquors Open 7 Days a Week

1 10:00 a.m. to 12:00 p.m.

2 And I see the men sitting in chairs  
3 and I see another person in blue standing in the  
4 street.

5 Is that directly in front of your  
6 store, isn't it?

7 THE WITNESS: The guy in blue is  
8 directly in front of our store, but the guy in  
9 chair, he is in day care side.

10 MEMBER SHORT: So, let me ask you this:  
11 Do people normally stand in the street? Because  
12 there was testimony earlier that there's traffic  
13 jams and the investigator said because people  
14 stop by and double park in front of your store or  
15 do business with people like the guy in blue in  
16 front of your store.

17 So, how do you stop that or does that  
18 matter to -- I -- let me ask this question --  
19 please, let me take that question back. I'll  
20 rephrase it.

21 If someone is coming up that sidewalk  
22 on public space and people are sitting in chairs  
23 -- and that's at night, so the day care is  
24 closed. I would imagine the day care is closed.

25 And this looks like they don't have a

1 lot of coats on because I can see the arms of  
2 both the guys sitting in chairs.

3 And there's not a lot of sun up there.  
4 There's not -- I don't think it would be a  
5 problem of being cool or cooler because it's  
6 dark.

7 So, they're normally sitting in chairs  
8 like that all the time while you are open?

9 THE WITNESS: Not all the time. They  
10 bring their chair or a place on their own, but  
11 the -- it's not all the time.

12 They're just standing around and just  
13 leaning against the wall.

14 MEMBER SHORT: I understand. That's  
15 not leaning against the wall. They're sitting in  
16 chairs.

17 THE WITNESS: No, I was -- I was  
18 answering they not do that all the time.

19 MEMBER SHORT: Well, just once is too  
20 many for me, but that's just my observation. Let  
21 me ask you this question: The question was asked  
22 of you if you had private security --

23 THE WITNESS: Right.

24 MEMBER SHORT: -- that helped this  
25 situation.

1                   THE WITNESS: I asked private security  
2 agents -- agency and they said they don't --  
3 standing out in public area -- if we hire,  
4 they're going to only stay inside the store,  
5 prevent the merchandise loss, but they're not  
6 going to do anything --

7                   MEMBER SHORT: Okay.

8                   THE WITNESS: -- outside.

9                   MEMBER SHORT: Are you familiar with  
10 the RDO program with Metropolitan Police?  
11 Because I understand you have a great  
12 relationship with MPD; is that correct?

13                  THE WITNESS: You mean the camera  
14 installation and register?

15                  MEMBER SHORT: No. I'll rephrase my  
16 question. Are you familiar with the RDO program  
17 with the Metropolitan Police Department? It's  
18 called a Reimbursable Detail, RDO.

19                  THE WITNESS: Yes and no. With that,  
20 I had some reimbursement on my camera system.  
21 That's what you mean?

22                  MEMBER SHORT: No, no, no, no. An RDO  
23 is a reimbursable police detail that people use  
24 all over town for situations just like in front  
25 of your store because there would be two police



1 officers sitting in that same space, or just up a  
2 little bit from where you are, and the government  
3 will pay more than half of that for you.

4 Are you familiar with that program  
5 where the government will help you?

6 THE WITNESS: No, sir.

7 MEMBER SHORT: Well, do you think that  
8 would help things on Benning Road and help your  
9 store be a little healthier?

10 CHAIRPERSON ANDERSON: Mr Short, I'm  
11 not sure -- I could be incorrect, but I do not  
12 believe that -- this is an A store.

13 I do not believe that they would be  
14 eligible to participate in that program, sir.

15 MEMBER SHORT: Mr. Chairman, I would  
16 like to discuss that with you at another time, if  
17 it's okay.

18 CHAIRPERSON ANDERSON: I know, sir.  
19 I'm just saying because they're an A liquor  
20 store, I don't believe that they are, but go  
21 ahead.

22 MEMBER SHORT: Mr. Chair, again, I'll  
23 discuss that with you another time. I think that  
24 we have had instances of that in this city prior  
25 to this date.

1 But at any rate, Ms. Na --

2 THE WITNESS: Yes.

3 MEMBER SHORT: -- there's nothing you  
4 can do about people sitting right there blocking  
5 the sidewalks and -- is there anything you could  
6 do at all besides hiring a police officer to be  
7 out there?

8 THE WITNESS: We didn't -- what we've  
9 been doing is we go down and talk to them  
10 directly.

11 They're not really aggressive people.  
12 When they ask them to move, they move.

13 MEMBER SHORT: I understand.

14 THE WITNESS: They're just regular  
15 people, so we can do that. We can constantly do  
16 that, go outside and talk to them and not hang  
17 out, but we -- there's nothing we can force them  
18 to -- not to do because that's public area.

19 MEMBER SHORT: Okay. Ms. Na, thank you  
20 very much for that answer. But if you remember  
21 in 2018 at your renewal the same questions were  
22 asked --

23 THE WITNESS: Right.

24 MEMBER SHORT: -- and the same thing  
25 you just said was said to us. I'll go out and

1 ask them to move and they're all respectful and  
2 they move, but nothing's changed.

3 It seems like it's the same thing that  
4 it was in 2018 for your renewal then that it is  
5 now.

6 THE WITNESS: Yes, sir.

7 MEMBER SHORT: I'm looking at a picture  
8 -- is it the same thing in 2018 that it is in  
9 2021 or has it got better?

10 THE WITNESS: I think it's better  
11 because of D.C. -- we have another camera  
12 pointing at that direction, we call police and  
13 it's better.

14 MEMBER SHORT: Okay.

15 THE WITNESS: And it's not only my  
16 store's problem. I see --

17 MEMBER SHORT: Ms. Na, thank you. I  
18 don't want to hog up all of your time, but I'm  
19 very familiar with the other -- because your  
20 first camera you had up only pointed to 19th  
21 Street.

22 THE WITNESS: Correct.

23 MEMBER SHORT: After the shooting in  
24 front of your store, we asked if you would put up  
25 one pointing to 18th Street; is that correct?

1 THE WITNESS: Correct. Yes, sir.

2 MEMBER SHORT: So, I was at the hearing  
3 and you answered those questions for me and we  
4 thank you so very much for agreeing to put that  
5 camera up, but that's the camera that's pointing  
6 right at these people sitting in front of the day  
7 care center and Sylvia's sign, the liquor store  
8 and the guy in the blue jacket.

9 So, nothings changed. Even with your  
10 new camera, nothing has changed for the community  
11 because I'd hate to think about -- let's say  
12 another public safety presence, fire department  
13 or the ambulances might have to come.

14 They'd have to slow up their response  
15 to come help somebody because people are sitting  
16 in the middle of the street -- I mean, on the  
17 sidewalk.

18 And one other question I have to ask  
19 you, and this probably will be next to my last  
20 question: You say the single sales is your  
21 biggest part of your business?

22 THE WITNESS: A big part of it, yes.

23 MEMBER SHORT: Why do you think in  
24 other parts of the District of Columbia they  
25 don't allow single sales?

1 THE WITNESS: Never thought about it.

2 MEMBER SHORT: Well, can I just make an  
3 observation and then question you again? My  
4 observation is this: Maybe if you didn't have the  
5 single sales, you wouldn't have people sitting in  
6 chairs like that nursing themselves on beer and  
7 wine all day and all night long.

8 Something is wrong with this  
9 situation, Ms. Na, and I wish that you would help  
10 us.

11 You told us in 2018, you told us in  
12 2016 when you -- by your own admission, the last  
13 owners told you it's a problem, but it's  
14 profitable. It's a profitable problem.

15 Your testimony is that you make a lot  
16 of money on single sales. So, those guys sitting  
17 in the chairs are some of your biggest customers.

18 Would I be right to say that?

19 THE WITNESS: No.

20 MEMBER SHORT: They don't come in your  
21 store?

22 THE WITNESS: We heard the  
23 investigator's testimony earlier. As she  
24 mentioned -- I mean, she noticed a couple people  
25 come out from store, but they didn't have

1 anything in their hand.

2 I mean, they are sitting out there,  
3 but some of them are customers, but not all of  
4 them. And also, they are hanging out after our  
5 store hours, too, sir.

6 MEMBER SHORT: Thank you, Ms. Na. You  
7 mean after 12:00 midnight?

8 THE WITNESS: Yes, I noticed that. I  
9 saw on camera, too. They are after midnight.

10 MEMBER SHORT: So, let's say you close  
11 at 11:00 o'clock. Would they be gone by 12:00?

12 THE WITNESS: No. They're standing --  
13 I mean, they are staying 2:00 a.m., 3:00 a.m.

14 MEMBER SHORT: Are they?

15 THE WITNESS: Yes.

16 MEMBER SHORT: They're out there all  
17 night long?

18 THE WITNESS: Yeah, sometimes they do.

19 MEMBER SHORT: Okay. Again, my last  
20 question to you is, do you think a police officer  
21 in front of your store would help, aide and  
22 assist you with the problem you're having with  
23 the loitering?

24 THE WITNESS: Yes. Definitely. When  
25 we had a patrol MPD, it was -- it was clearly

1 improved.

2 But after we couldn't have an MPD  
3 patrol in our area, it -- yeah, the issue came up  
4 again.

5 MEMBER SHORT: Okay. Ms. Na, I do  
6 thank you for your honesty and I do thank Ms.  
7 Yohannes for having this one for Exhibit No. 6  
8 because there is a problem.

9 I don't know how we're going to help  
10 you fix it, but I really think that if there were  
11 some restrictions on this license, maybe we could  
12 help you get these motivations of -- be a better  
13 motivator.

14 CHAIRPERSON ANDERSON: I'm sorry, Mr.  
15 Short --

16 MEMBER SHORT: Alright. Thank you.  
17 That's all I have, Mr. Chair.

18 CHAIRPERSON ANDERSON: -- we're in the  
19 middle of testimony. The Board does not consider  
20 any restrictions. No one has asked us to put  
21 restrictions on the license.

22 Where we are right now is that there  
23 are -- a question whether or not we should renew  
24 the license.

25 The ANC says that we should not renew

1 it. The licensee is saying that we should renew  
2 it.

3 I've not heard anyone discuss  
4 restrictions, so it's not appropriate for any  
5 board member, at this stage, to discuss whether  
6 or not it's appropriate, or not, for restrictions  
7 to be placed on the license.

8 I just want to make sure, again, that  
9 the record is clear. The Board is not -- the  
10 Board has not contemplated whether or not it is  
11 going to renew this license or whether or not  
12 it's going to not renew the license.

13 The Board is in the middle of a  
14 protest hearing. The Board will listen intently  
15 to all the witnesses.

16 At the end of the presentation, the  
17 Board will go in executive session and listen,  
18 discuss, and then make a determination what  
19 decisions we will make regarding the renewal of  
20 this license.

21 I just want everyone to be clear this  
22 is a process that the Board will follow in this  
23 case. Okay?

24 MEMBER SHORT: Mr. Chair, I do thank  
25 you for that corrective information you just gave



1 me.

2 And maybe I was overzealous, but I do  
3 know how we have handled cases like this one  
4 before.

5 And I did mention that this is maybe  
6 the third time I've been at a renewal for this  
7 particular applicant and, again, I just go back  
8 to Exhibit No. 6.

9 And, again, I'll just state for the  
10 record, thank you for your corrective statement  
11 to me and hopefully we can get this where it will  
12 be satisfactory for the business owner and for  
13 the community.

14 They must coexist without one stepping  
15 on the other and that's all I have to say, Mr.  
16 Chair. Thank you so very much.

17 CHAIRPERSON ANDERSON: Thank you, Mr.  
18 Short. Do we have any other questions by any of  
19 the board members? Any other questions by any  
20 board members?

21 Alright. Mr. Dixon, do you have any  
22 questions of the witness based on the questions  
23 that were raised by the Board?

24 Your questions can only be based on  
25 the questions that were raised by the Board.

1 MR. DIXON: No, sir, I do not, Mr.  
2 Anderson. Thank you.

3 CHAIRPERSON ANDERSON: Thank you. Ms.  
4 Yohannes, do you have any recross of your  
5 witness?

6 MS. YOHANNES: I do. Thank you.

7 REDIRECT EXAMINATION

8 BY MS. YOHANNES:

9 Q I want to start with Exhibit 6. I  
10 just want to reshare that again. And looking at  
11 Exhibit 6 I just want to be clear --

12 MS. YOHANNES: So, can you see my  
13 mouse?

14 CHAIRPERSON ANDERSON: I'm sorry, can  
15 we see what, ma'am?

16 MS. YOHANNES: I'm pointing over here.  
17 Can you see that moving?

18 CHAIRPERSON ANDERSON: Yes, we can see.  
19 Yes.

20 BY MS. YOHANNES

21 Q Ms. Na, can you tell me here -- so,  
22 this individual here, is this in front of your  
23 store?

24 A The man in blue?

25 Q Yes.

1 A Yes.

2 Q IS he in front of your store?

3 A I mean, in front sign, but not  
4 directly in front -- I don't know what you mean.

5 Q What is this establishment here? Is  
6 this part of your store or whatever is out here,  
7 is that part of your store?

8 A No. Where the chairs are --

9 Q Um-hm.

10 A -- that's in front of day care.

11 Q And so is this individual, correct?

12 A Yes.

13 Q And if I go further down, which your  
14 camera does not show --

15 A Um-m.

16 Q -- what's over there?

17 A That's a townhouse, which is not  
18 occupied, I believe. It's old like, you know,  
19 broken and --

20 Q And is the tree you were referring to  
21 earlier, is that over here as well?

22 A Oh, no. The tree that we see in the  
23 picture, that's the tree --

24 Q That's the tree?

25 A Right. That's the one.

1           Q       Away from your store. Okay. I want  
2 to go back to the private security. In terms of  
3 private security, I just want you to explain did  
4 you contact private security and ask questions  
5 about what the scope of their responsibilities  
6 would be?

7           A       Yeah. I mean, I have a friend who  
8 used to hire private security and personally used  
9 to work at liquor a long time ago.

10                   And, yeah, I contacted them and --  
11 they're not in D.C., though, but I contacted them  
12 and they said they can only prevent loss of  
13 merchandise inside the store. They don't have  
14 any duty -- or they cannot do anything outside.

15                   And I asked specifically about moving  
16 loitering people and they said they cannot be  
17 responsible for that.

18           Q       Does the loitering exist to the left  
19 of the store?

20           A       What is that? I didn't hear you. I'm  
21 sorry.

22           Q       Is there loitering to the left of the  
23 store? So, I guess my mouse is over here. So,  
24 not to where the townhouses are, but to the left  
25 and in the other direction where I guess that

1 would be the direction of Food 7.

2 A No. Loitering -- people in front of  
3 day care and further down problem area is what  
4 you mean -- is what you ask?

5 Q Yeah. Okay. So, down this way?

6 A Right.

7 Q I'm trying to ask you, where is  
8 loitering on Benning Road?

9 A I mean, not only on Benning Road. All  
10 this, like, in the stores, like marts and  
11 groceries, people hang out.

12 Q And that includes over here as well?

13 A Yeah. Everywhere. Pretty much  
14 everywhere. I mean, people are everywhere. They  
15 gather everywhere.

16 Q It's not just Sylvia's; is that right?

17 A No.

18 MS. YOHANNES: I don't have any further  
19 questions.

20 CHAIRPERSON ANDERSON: Can you close  
21 your screen, ma'am?

22 MS. YOHANNES: Sorry.

23 (Pause.)

24 CHAIRPERSON ANDERSON: Thank you, Ms.  
25 Na, for your testimony. Do you have another

1 witness?

2 THE WITNESS: Thank you so much.

3 (Witness excused.)

4 MS. YOHANNES: I do and I don't know  
5 who's currently on the line. Is Kenneth on the  
6 line?

7 CHAIRPERSON ANDERSON: Kenneth who?

8 MS. YOHANNES: Kenneth Artis,  
9 A-R-T-I-S.

10 CHAIRPERSON ANDERSON: Kenneth Artis.  
11 Ms. Andrews, is there a Kenneth Artis? If  
12 Kenneth Artis is on the line, can you identify  
13 yourself so we can elevate your rights, please.

14 MS. ANDREWS: Mr. Chair, I do not see  
15 him on the line. I am now checking the call-in.

16 (Pause.)

17 MS. ANDREWS: He is not on the line,  
18 sir.

19 CHAIRPERSON ANDERSON: What do you want  
20 to do, Ms. Yohannes?

21 MS. YOHANNES: Can you check to see if  
22 Will Chambers is on the line?

23 CHAIRPERSON ANDERSON: Let me -- who  
24 are the next witnesses? Who are the witnesses  
25 that you plan to call?

1 MS. YOHANNES: I have -- I know we are  
2 behind on time, so it's Kenneth A-R-T-I-S; Will  
3 Chambers and Barbara Erskines, E-R-S-K-I-N-E-S.

4 CHAIRPERSON ANDERSON: Are any of these  
5 folks on the line, Ms. Andrews?

6 MS. ANDREWS: They're not on the line  
7 as far as joining from a laptop. We do have one  
8 call-in person, but I'm not able to tell who that  
9 is because there was no number provided in  
10 advance.

11 CHAIRPERSON ANDERSON: Do you have the  
12 number for those folks? I mean, I'll give you  
13 some leeway.

14 If you're able to call folks to see if  
15 they're on the line, I'll give you some leeway to  
16 do this.

17 We can go off the record for, like,  
18 three minutes for you to call these three  
19 witnesses to see where they are.

20 (Whereupon, the above-entitled matter  
21 went off the record at 6:07 p.m. and resumed at  
22 6:14 p.m.)

23 CHAIRPERSON ANDERSON: Alright. We're  
24 back on the record. Yes, Ms. Yohannes, I see  
25 that you popped up.

1 I'm calling all board members. All  
2 board members come back. I need everyone back.  
3 We're back on the record.

4 Where are we, Ms. Yohannes?

5 (Pause.)

6 CHAIRPERSON ANDERSON: You're on mute,  
7 ma'am.

8 MS. YOHANNES: Alright. I have two  
9 witnesses that will be available. One that's  
10 just logged in. Barbara Erskines has logged in.

11 CHAIRPERSON ANDERSON: Barbara who?  
12 So, we can --

13 MS. YOHANNES: It's E-S-K -- I'm sorry,  
14 I lost the last name. Erskines, E-R-S-K-I-N-E-S.

15 CHAIRPERSON ANDERSON: Ms. Andrews, do  
16 you see a Barbara E-R-S-K-I-N-E-S to elevate her  
17 rights?

18 MS. ANDREWS: She must be a call-in  
19 because she's not logged in.

20 CHAIRPERSON ANDERSON: Oh.

21 MS. ANDREWS: She may be a call-in, but  
22 I don't have her. Would caller 202-591 please  
23 announce yourself? Caller with the phone number  
24 202-591, could you please announce yourself?

25 MS. THOMAS: Me?



1 MS. ANDREWS: Yes.

2 MS. THOMAS: Mickey Thomas.

3 MS. ANDREWS: No. Okay. Thank you,  
4 ma'am. We're going to put you back on mute.

5 Caller with the phone number 732-984,  
6 would you please announce yourself?

7 MR. ARTIS: Kenneth Artis.

8 CHAIRPERSON ANDERSON: Is that one of  
9 your witnesses, ma'am? Are you planning to call  
10 this person?

11 MS. YOHANNES: Yes. He's one of my  
12 witnesses.

13 CHAIRPERSON ANDERSON: Mr. Artis?

14 MR. ARTIS: Yes.

15 CHAIRPERSON ANDERSON: Can you raise  
16 your right hand, please.

17 MR. ARTIS: Yes, sir.

18 CHAIRPERSON ANDERSON: Do you swear or  
19 affirm to tell the truth and nothing but the  
20 truth?

21 THE WITNESS: Nothing but the whole  
22 truth.

23 CHAIRPERSON ANDERSON: Can you just  
24 spell and state your name for the record, please,  
25 sir.

1 THE WITNESS: Kenneth, K-E-N-N-E-T-H.  
2 Last name Artis, A-R-T-I-S.

3 CHAIRPERSON ANDERSON: Thank you.

4 THE WITNESS: And I'm a junior.

5 CHAIRPERSON ANDERSON: Mr. Kenneth  
6 Artis, Jr., thank you. Your witness, Ms.  
7 Yohannes.

8 THE WITNESS: Yes, sir.

9 MS. YOHANNES: Thank you.

10 DIRECT EXAMINATION

11 BY MS. YOHANNES:

12 Q Mr. Artis, can you tell me where you  
13 live in proximity to the establishment?

14 A I live at 1746 Benning Road, N.E.,  
15 20002 -- 00002, and I'm 30 seconds away from the  
16 store.

17 Q Okay. And how often do you patronize  
18 the establishment?

19 A Every day.

20 Q Every day?

21 A Yes, ma'am.

22 Q What do you go there to buy every day?

23 A I go there to play numbers and I go  
24 there to buy water, orange juice and sometimes a  
25 drink, and maybe a beer or two.

1           Q       Can you tell me are there -- as a  
2 resident nearby and one that lives 30 seconds  
3 away, do you have any issues with the operations  
4 of the establishment?

5           A       No, ma'am. I don't have any issues.

6           Q       Do you support the renewal of this  
7 liquor license application?

8           A       Yes, I definitely do.

9           Q       And can you tell me about the  
10 loitering outside of the -- outside on Benning  
11 Road?

12                       Can you tell me about what your  
13 observations are on the daily?

14           A       On the daily, everybody that I guess  
15 they're complaining about or whoever they're  
16 worried about, they're not at the liquor store.  
17 They're beside the stores beside the liquor  
18 store.

19                       So, you have a day care and you have  
20 a -- I don't know how to call it, a convenience  
21 store, but that's it.

22                       Everybody hangs out right there and  
23 everybody hangs out in front of the day care  
24 center.

25           Q       In your opinion, is this a result of

1 Sylvia's Liquors?

2 A No, it's not a result of Sylvia's  
3 Liquors. So, I live in -- I think it's 5D. So,  
4 they don't come and do what they're supposed to  
5 do.

6 Like, they do roll-pasts, but they  
7 don't press the people who are selling drugs,  
8 selling single cigarettes and all the other type  
9 of stuff, but Sylvia's has nothing to do with  
10 that.

11 Jason and his crew --

12 Q Who's Jason?

13 A -- they do a good job of keeping  
14 everybody away from their store, but --

15 Q Who is Jason?

16 A Jason?

17 Q Yeah. The owner?

18 A The liquor store owner. The owner of  
19 the liquor store. Yeah, Jason is the owner of  
20 the liquor store.

21 Q Okay. Because you call him "Jason,"  
22 and I just want to make sure that the Board  
23 understands who you're referring to.

24 A Yeah. Yeah. I know -- I know Jason,  
25 Yeah.

1 Q Okay.

2 A He's the owner of the liquor store.

3 Q Okay. Alright. Thank you for your  
4 time and your testimony. Do you have anything  
5 else that you'd like to add regarding the  
6 operations of Sylvia's Liquors and what you've  
7 just said in terms of your support for them?

8 A I think -- yeah, I do. I think  
9 Sylvia's operates the way they're supposed to  
10 operate, but Metropolitan Police Department, they  
11 don't operate the way they're supposed to  
12 operate.

13 So, if they're supposed to operate  
14 like as far as keeping things clear -- like, it's  
15 a day care center next to the liquor store. They  
16 allow people to sit in front of that liquor store  
17 -- I mean, sit in front of the day care center  
18 and do what they want to do.

19 They allow people to sit in front of  
20 the convenience store and do what they want to  
21 do, but they want to blame the liquor store for  
22 whatever's going on and I don't think that's  
23 right.

24 Q Thank you.

25 A I don't think that's right.

1           Q       We don't either. I appreciate your  
2 testimony.

3           A       Thank you, ma'am.

4           CHAIRPERSON ANDERSON: Don't go away,  
5 sir. Don't go away. The attorney for the ANC  
6 will have some questions for you, and the board  
7 members will probably also have some questions  
8 for you.

9                   So, Mr. Dixon or Ms. Gibbs, who's  
10 going to cross examine this witness?

11           THE WITNESS: Do they have some  
12 questions right now?

13           CHAIRPERSON ANDERSON: Yes, sir.  
14 They're going to ask you some questions right  
15 now, sir.

16           THE WITNESS: Yes, sir.

17           CHAIRPERSON ANDERSON: Mr. Dixon, go  
18 ahead.

19           MR. DIXON: Yes. I'll cross examine  
20 this witness.

21 CROSS EXAMINATION

22                   BY MR. DIXON:

23           Q       Good afternoon, sir. My name is  
24 Ronald Dixon and I'm the --

25           A       Good afternoon, sir. My name is

1 Kenneth Artis.

2 Q Right. I'm the lawyer for ANC 5D.  
3 I'm going to ask you a couple of questions about  
4 your testimony. Alright?

5 A Sure.

6 Q Now, Mr. Artis, this is not the first  
7 time you've come forward to testify for Sylvia's,  
8 is it, sir?

9 A No, it's not.

10 Q Okay. In fact, you testified at the  
11 last hearing for Sylvia's, didn't you?

12 A I sure did.

13 Q And there was loitering outside of  
14 Sylvia's at that time, wasn't there, sir?

15 A It wasn't loitering in front of  
16 Sylvia's, it was loitering in exactly the same  
17 places that I just told you about.

18 Q Thank you. That was the point I was  
19 trying to make, sir. It hasn't changed at all,  
20 has it?

21 A What? By the day care and by Food 7?

22 Q Yes, sir.

23 A Yeah, they're still loitering right  
24 there, but they're not loitering in front of the  
25 liquor store.

1                   Q            Right.  So, according to your  
2 testimony today, you want the Board to believe  
3 that the loiterers form a cauldron or a circle  
4 and they just loiter in front of the day care and  
5 elsewhere, but they don't loiter in front of  
6 Sylvia's.

7                   Q            Is that your testimony today, sir?

8                   A            That's my testimony.

9                   Q            And, sir --

10                  A            And if this was so serious, though,  
11 sir, why don't you all have people --

12                  Q            There's no question pending --

13                  A            -- observing?

14                  Q            -- Mr. Artis.  Mr. Artis,  
15 there's no question pending.  You've got to  
16 answer the question, sir.

17                  Q            Now, you're one of the loiterers,  
18 aren't you?  You hang out in front of Sylvia's,  
19 don't you?

20                  A            No, I don't.

21                  Q            Yes or no.

22                  A            No, I don't.

23                  Q            But you're there all the time.  But  
24 you're there all the time.

25                  A            I go to the store, but I'm not a



1 loiterer. I go get whatever I want to get, I go  
2 play my numbers and I leave.

3 Q So, the basis of your testimony today  
4 is the five minutes it takes you to go in and buy  
5 whatever you want to buy, play your numbers and  
6 go home, you're testifying that you know that  
7 there are loiterers in front of the day care  
8 based upon that five-minute exchange you have in  
9 Sylvia's.

10 Is that your testimony? Yes or no.

11 A I observe it every single day --

12 Q Okay.

13 A -- that I go there.

14 Q Okay. Now, Mr Artis, you know there's  
15 a day care right next to Sylvia's, don't you?

16 A There's a daycare and there's a corner  
17 store and there's a -- there's a food store  
18 there, too.

19 Q We're talking about Sylvia's --

20 A And they don't loiter --

21 Q -- right now, sir.

22 A -- in front of the food store either  
23 They don't loiter in front of the food store  
24 either.

25 They don't loiter in front of Sylvia's

1 and they don't loiter in front of -- I forgot the  
2 name of the food store because I don't shop in  
3 there, but I just know it's beside Sylvia's.

4 Q Sir, you have to wait and answer my  
5 question. Once the question is put to you, you  
6 can answer.

7 A You asked me a question and I'm  
8 answering the question to the best of my  
9 knowledge.

10 Q Okay. Now, Mr. Artis, isn't it a fact  
11 that you --

12 A No, no.

13 Q I'm sorry?

14 A No. You said, isn't it a fact? I  
15 said no. I don't -- because I do know your  
16 question that you was asking.

17 Q Well, you got to wait for me to ask  
18 the question, sir. Alright?

19 CHAIRPERSON ANDERSON: Mr. Dixon, ask  
20 the question so we can move on, sir.

21 BY MR. DIXON:

22 Q Mr. Artis, it's your testimony today  
23 that --

24 A Um-hm.

25 Q -- that the problem in front of

1 Sylvia's is the police and not Sylvia's; is that  
2 your testimony?

3 A Can you ask that question again?

4 Q Is it your --

5 A I couldn't hear you.

6 Q Is it your testimony today --

7 A Um-hm.

8 Q -- that the problem with loiterers in  
9 front of Sylvia's and the day care is the police  
10 and not Sylvia's; is that your testimony?

11 A You say is the loitering in front of  
12 the police?

13 Q I'll withdraw the question and ask you  
14 another question. Is it your --

15 A Yes.

16 Q -- testimony today --

17 A Okay.

18 Q -- that loitering in front of the day  
19 care and in front of Sylvia's is the result of --

20 A Um-hm.

21 Q -- police inaction? It's the police  
22 fault, not Sylvia's?

23 A Yes. And there's no loitering in  
24 front of Sylvia's. There's loitering in front of  
25 the day care and there's loitering in front of

1 Food 7.

2 All these cameras that are around,  
3 you-all cannot see that? The police let people  
4 sit there and do whatever they want to do, but  
5 it's not in front of the liquor store.

6 Q Mr. Artis --

7 A It's not in front of the liquor store.  
8 So, why has the liquor store always been a  
9 problem?

10 CHAIRPERSON ANDERSON: Mr. Artis, I  
11 understand your passion, sir, but can you wait  
12 for Mr. Dixon to ask you a question?

13 He's asking you a yes-or-no question  
14 and --

15 THE WITNESS: But I'm telling you the  
16 truth.

17 CHAIRPERSON ANDERSON: I know, sir.

18 THE WITNESS: Are you the judge?

19 CHAIRPERSON ANDERSON: Yes, sir.

20 THE WITNESS: Thank you, Judge, if  
21 you're the judge or --

22 CHAIRPERSON ANDERSON: Yes, sir.

23 THE WITNESS: -- however this is  
24 going, but --

25 CHAIRPERSON ANDERSON: Yes, sir, I am

1 the Chair of the Board. So, thank you for  
2 (inaudible), but all I'm just saying, sir, I know  
3 that especially because you're on the phone and  
4 it's a little bit different, but just wait for  
5 him to ask you a question and just answer it to  
6 the best of your ability, yes or no.

7 When Ms. Yohannes asks you a question,  
8 she'll ask you a more broader question and you  
9 can be more opinionated; but when it's Mr. Dixon  
10 asks you a question and it's a yes or no, just  
11 answer it as -- just answer the question that he  
12 asks.

13 And if you need to explain further,  
14 then Ms. Yohannes, your lawyer, she will recall  
15 you and ask you further questions. Okay, sir?  
16 But I appreciate the fact that --

17 THE WITNESS: Yes, sir. Yes, sir.  
18 Yes, sir.

19 CHAIRPERSON ANDERSON: Go ahead, Mr.  
20 Dixon.

21 THE WITNESS: And I don't mean to be  
22 disrespectful if that's how it comes across, but,  
23 yes, sir, I definitely understand you.

24 CHAIRPERSON ANDERSON: I don't believe  
25 you are being disrespectful, sir. I appreciate

1 you being here today, so we're just -- we're  
2 trying to get through this hearing and so I just  
3 need Mr. Dixon to ask you some clear, concise  
4 questions and for you to answer as clear and  
5 concisely as possible. Okay? Alright. Go  
6 ahead.

7 THE WITNESS: Yes, sir.

8 BY MR. DIXON:

9 Q Mr. Artis, you mentioned in your  
10 direct with Ms. Yohannes that there's drug  
11 dealing that goes on in that block; is that your  
12 testimony?

13 A Yes.

14 Q You also said that the drug dealing is  
15 going on in front of Sylvia's?

16 A No, I didn't. I said it was going on  
17 in front of the day care and it's going on in  
18 front of Food 7.

19 Q Now --

20 A Everything is in between. The day  
21 care is right before the liquor store and Food 7  
22 is on the end of the block.

23 Q Now --

24 A They're selling drugs and they're  
25 selling single cigarettes.

1 Q Okay. Sir, the drug dealing that's  
2 going on in front of the day care --

3 A Yes.

4 Q -- it goes on during the day, doesn't  
5 it, sir?

6 A It goes on all day.

7 MR. DIXON: Nothing further. Thank  
8 you.

9 THE WITNESS: Thank you.

10 CHAIRPERSON ANDERSON: Hold on again.  
11 Hold on, Mr. Artis. Any other board members have  
12 any other questions that they want to ask Mr.  
13 Artis?

14 (Pause.)

15 CHAIRPERSON ANDERSON: No questions by  
16 the Board. Ms. Yohannes, do you have any recross  
17 -- or redirect? I'm sorry.

18 MS. YOHANNES: I have no redirect.  
19 Thank you. Thank you, Mr. Artis.

20 CHAIRPERSON ANDERSON: Mr. Artis,  
21 thank you very much for your testimony today and  
22 you're free to go. Thank you very much for  
23 testifying, sir. Okay?

24 THE WITNESS: Can I ask you one more  
25 question?

1 CHAIRPERSON ANDERSON: Unfortunately,  
2 sir, because we're in a hearing, you can't --

3 THE WITNESS: I just want to know --

4 CHAIRPERSON ANDERSON: -- really ask  
5 --

6 THE WITNESS: -- do I need to stick by  
7 the phone or --

8 CHAIRPERSON ANDERSON: No, sir. No,  
9 no, no. You're free to go. So, you're free to  
10 go.

11 THE WITNESS: Okay. I apologize.  
12 That's all I wanted to know. That's all I wanted  
13 to know.

14 MS. YOHANNES: Thank you.

15 CHAIRPERSON ANDERSON: Thank you very  
16 much for appearing to testify today. Thank you  
17 very much.

18 THE WITNESS: Thank you all and you  
19 all have a God-blessed day.

20 CHAIRPERSON ANDERSON: Thank you, sir.  
21 You, too. Alright. Bye-bye.

22 THE WITNESS: Alright.

23 (Witness excused.)

24 CHAIRPERSON ANDERSON: Do you have  
25 another witness, Ms. Yohannes?



1 MS. YOHANNES: I do.

2 CHAIRPERSON ANDERSON: Who is your  
3 other witness?

4 MS. YOHANNES: I'm going to call  
5 Barbara if she is available.

6 CHAIRPERSON ANDERSON: Ms. Erskines.  
7 Is she on the phone or is she going to appear --

8 MS. YOHANNES: She should be.

9 CHAIRPERSON ANDERSON: -- on --

10 MS. YOHANNES: Sorry. She should be  
11 appearing through WebEx. I think Mr. Artis is  
12 the only one appearing on the phone.

13 CHAIRPERSON ANDERSON: Ms. Andrews, do  
14 you see anyone waiting to -- is a Barbara  
15 Erskines logged in?

16 MS. ANDREWS: No, she has not logged  
17 in via WebEx, but there are quite a few call-ins.  
18 If you don't mind, I will go through them.

19 Caller with the phone number beginning  
20 with 301-825, could you please announce yourself?

21 MR. WEREDE: Yeah. Can you hear me?

22 MS. ANDREWS: Yes.

23 MR. WEREDE: Alright. Yeah. So, my  
24 name is Zekarias.

25 CHAIRPERSON ANDERSON: Hold on one

1 minute, sir. Hold on, please. Hold on. Is this  
2 one of your witnesses, ma'am?

3 MS. YOHANNES: Yes. I'll take  
4 Zekarias.

5 CHAIRPERSON ANDERSON: Alright. So,  
6 I'm sorry, sir. What's your last name, sir?

7 MR. WEREDE: The last name is Werede,  
8 W-E-R-E-D-E. And the first name is Zekarias.

9 MS. ANDREWS: Mr. Chair, I don't mean  
10 to interrupt, but this caller is logged in twice;  
11 one via WebEx, one is a caller.

12 MR. WEREDE: Oh, yeah.

13 MS. ANDREWS: I can elevate his rights  
14 if you want me to.

15 MR. WEREDE: Okay.

16 CHAIRPERSON ANDERSON: Please elevate  
17 his rights as WebEx, please.

18 MS. ANDREWS: Okay.

19 MR. WEREDE: Okay.

20 MS. ANDREWS: So, sir -- okay.

21 (Pause.)

22 CHAIRPERSON ANDERSON: Mr. Werede?

23 MR. WEREDE: Yeah. Yeah. I can hear  
24 you now.

25 CHAIRPERSON ANDERSON: Yeah. Do you

1 have a camera?

2 MR. WEREDE: Yeah. I think it's on  
3 now, right?

4 CHAIRPERSON ANDERSON: Well, we don't  
5 see you as yet, but let me see. We're going to  
6 wait.

7 MR. WEREDE: Okay. Let's see.

8 CHAIRPERSON ANDERSON: Yes, I can see  
9 you, sir.

10 MR. WEREDE: Alright.

11 CHAIRPERSON ANDERSON: Alright. Can  
12 you raise your right hand, please, sir?

13 MR. WEREDE: My right hand.

14 CHAIRPERSON ANDERSON: Do you swear or  
15 affirm to tell the truth and nothing but the  
16 truth?

17 THE WITNESS: Yes, sir, or the truth.

18 CHAIRPERSON ANDERSON: Can you please  
19 state and spell your name for the record, please.

20 THE WITNESS: Yes. My first name is  
21 Zekarias, Z-E-K-A-R-I-A-S. And my last name is  
22 W-E-R-E-D-E.

23 CHAIRPERSON ANDERSON: Alright. Good  
24 afternoon, sir. You can put your hand down.  
25 This is what's going to happen, sir. Ms.

1 Yohannes is going to ask you some questions.  
2 When she's done asking some questions, the other  
3 side will ask you some questions.

4 THE WITNESS: Okay.

5 CHAIRPERSON ANDERSON: When they're  
6 done, then -- when they are done, then the Board  
7 might ask you some questions.

8 You're fine, sir. I see you're fixing  
9 your hat. Normally if you were in person, I  
10 would have asked you to remove your hat. But  
11 since you're home, you're fine.

12 THE WITNESS: Okay.

13 CHAIRPERSON ANDERSON: I see you fixing  
14 your hat to make sure that you're giving us your  
15 best picture.

16 THE WITNESS: Alright.

17 CHAIRPERSON ANDERSON: We're fine with  
18 that, sir.

19 THE WITNESS: Alright. Thank you.

20 MR. DIXON: Mr. Anderson, before the  
21 questions start, I would ask if Mr. Zekarias is  
22 on the witness list for --

23 CHAIRPERSON ANDERSON: I mean, I'm  
24 calling the witness unless there's an objection.

25 MS. YOHANNES: Is there an objection?

1                   CHAIRPERSON ANDERSON: Is he on the  
2 witness list, ma'am?

3                   MS. YOHANNES: He's listed on the -- I  
4 have on the witness list any witness that is  
5 named by the ANC and the protestant, and the ANC  
6 has listed him on their -- in their PIF.

7                   MR. DIXON: That's incorrect. We  
8 haven't listed Mr. Zekarias.

9                   MS. YOHANNES: Yes, you do. Food 7  
10 owner.

11                  MR. DIXON: He is not our witness,  
12 ma'am. Sorry.

13                  CHAIRPERSON ANDERSON: Alright. Hold  
14 on a minute.

15                  (Pause.)

16                  CHAIRPERSON ANDERSON: Alright. So,  
17 you're saying -- okay. Hold on a minute. So, he  
18 is -- so you're saying, Mr. Dixon, that he's not  
19 on your witness list; is that correct?

20                  (Pause.)

21                  CHAIRPERSON ANDERSON: Mr. Dixon?

22                  MR. DIXON: I'm sorry. I'm sorry, I  
23 stand corrected. He was listed. I stand  
24 corrected.

25                  CHAIRPERSON ANDERSON: Alright. Go

1 ahead. Alright. Alright. Okay. So, what's  
2 going to happen then, Mr. Werede -- how do you  
3 pronounce your last name again, sir?

4 THE WITNESS: Yeah, W-E-R-E-D-E.

5 CHAIRPERSON ANDERSON: How do you  
6 pronounce it? I'm sorry.

7 THE WITNESS: Oh, "wa-ra-da," but you  
8 could call me --

9 CHAIRPERSON ANDERSON: Werede.

10 THE WITNESS: -- "Zekarias." I think  
11 that's more easier.

12 CHAIRPERSON ANDERSON: Alright.

13 THE WITNESS: Yeah.

14 CHAIRPERSON ANDERSON: Well, the  
15 attorney, Ms. Yohannes, will ask you some  
16 questions. And then Mr. Dixon will also ask you  
17 some questions.

18 And then the board members who are  
19 here might also ask you some questions, sir.  
20 Okay?

21 THE WITNESS: Okay.

22 CHAIRPERSON ANDERSON: So, please  
23 listen to the questions intently, answer the  
24 questions to the best of your ability, and we'll  
25 try to do this as quickly as possible.

1                    Alright, Ms. Yohannes. Go ahead.

2                    MS. YOHANNES: Okay.

3                    DIRECT EXAMINATION

4                    BY MS. YOHANNES:

5                    Q        Okay. Mr. Werede --

6                    A        Yes.

7                    Q        -- can you tell me about your relation  
8                    to Sylvia's Liquors? How do you know them?

9                    A        Well, I came to know him like four  
10                   years ago when I first bought the business --  
11                   when I first took over the business. So --

12                   Q        What business?

13                   A        The 7 Food Store located on 1830  
14                   Benning Road. So, we kind of -- I mean, we're  
15                   not right next to each other, so -- and we kind  
16                   of run the same kind of business even though it's  
17                   a different license, but -- so, that's how I came  
18                   to know him.

19                   Q        Okay. Can you tell me how long have  
20                   you been the owner of 7 Food Store?

21                   A        It's about to be four years now.

22                   Q        Did you apply for the renewal of your  
23                   own liquor license application?

24                   A        Yes, I have.

25                   Q        And was that protested by the ANC?

1           A       It was protested and the ANC came up  
2 with a new settlement and it's kind of settled  
3 now, yes, but it was protested, yes.

4           Q       It was protested --

5           A       Yes.

6           Q       -- this year. Was it protested  
7 previously as well?

8           A       Yes.

9           Q       Okay. And what were the main issues  
10 for the protest?

11          A       Well, pretty much the congregation of  
12 people and, you know, that's -- I mean, that was  
13 -- that was the focus, the loitering and, you  
14 know, I mean, that was it. That was the case.

15          Q       And when you say "the congregation of  
16 people," are you --

17          A       Yeah, people congregating in the  
18 property and --

19          Q       Loitering?

20          A       Loitering and, you know, yeah, that  
21 was the main issue, I mean, you know. There  
22 might be some other issues, but that was the main  
23 focus there.

24          Q       Can you tell me about the loitering  
25 out on Benning Road and --



1           A       Well, see, our location is kind of  
2 very confusing to even, you know, we all  
3 cooperate to do better when we run a business,  
4 that we try to make sure that the residents are  
5 comfortable with it and we try to create the  
6 atmosphere, but, you know, there is a sidewalk.

7                   So, they congregate there and looks  
8 like they're on your property. You really can't  
9 do anything about it.

10                   You call the police. The police will  
11 come and then if they're on your property, they  
12 will go away and then they come back and they do  
13 the same thing.

14                   And that's why I requested for the  
15 presence of the police to be there for a maximum  
16 of at least five, six hours, you know. That  
17 would play a prominent role, but this hasn't  
18 happened.

19                   About a few years ago there was a  
20 program called "Summer Initiative Program."  
21 There was even not a single crime that happened  
22 in the area.

23                   You can see there is a big change by  
24 having a police presence in the area. It plays a  
25 prominent role, really.

1           But after that, there hasn't been any  
2 program such as a summer crime initiative program  
3 or whatever. Nothing was in place. People all  
4 over the place. You call the police, they go  
5 away, they come back and do the same thing.

6           Loitering, you really can't do  
7 anything about it and then the police won't do  
8 anything about it.

9           And then sometimes they're right in  
10 front of your door and it's the sidewalk.  
11 They're not on your property, but they're right  
12 by the entrance.

13           And you approach them, you know. They  
14 selling single cigarettes, whatever. And then  
15 when you tell them to go away, they say, this is  
16 not your property.

17           So, there hasn't been -- the reason  
18 that there hasn't been any progress seen is  
19 because there is no plan whatsoever in place to  
20 fight that.

21           Q       So, you bring up a plan. In 2018 --

22           A       Yeah.

23           Q       -- you initially were protested and  
24 there was an agreement that came in place; is  
25 that right?

1           A       No. The protest was this previous  
2 one, yeah.

3           Q       Okay.

4           A       Yeah.

5           Q       What happened in 2018?

6           A       I think in 2018 when I first took  
7 over, there was a protest with the previous owner  
8 and they --

9           Q       Okay.

10          A       -- had a settlement. So, you know, I  
11 pretty much took over the business -- over, yeah.

12          Q       Got it.

13          A       Yeah.

14          Q       So, in terms of a plan, have you been  
15 contacted by the current ANC commissioners for --

16          A       I contacted even the D.C. police  
17 department. Got in touch with the help of --  
18 actually (inaudible) got me in touch with one of  
19 the officers that works there and I spoke to  
20 (inaudible) this is not enough, what we're doing  
21 is not enough. We pretty much run a business and  
22 we go home.

23                   We are not happy when people do  
24 crimes, you know. We're not happy when people  
25 are intoxicated in the area and create an

1       unwelcome atmosphere for the residents.

2                   Nobody is happy about this, but we do  
3       need a program that works for all of us, you  
4       know.

5                   It's good for the business, it's good  
6       for the neighborhood and everybody is happy and  
7       there will be less crime.

8                   When somebody gets shot, we're in  
9       pain. I am personally in pain because, you know,  
10      you get to know that customer coming over to the  
11      store. You kind of bond with them.

12                  And then the next thing you know,  
13      somebody got stabbed then or somebody got shot,  
14      you know, at 16, 17, 18 years old.

15                  This happened to my store a few years  
16      ago when I first bought the business. It was  
17      after a year or so.

18                  So, it's a painful experience, you  
19      know, but we do need something in place just such  
20      like Summer Initiative Program. The police would  
21      cover for six, eight hours, even four hours on  
22      the property, you know.

23                  It would make a difference, but  
24      there's nothing in place. There's no program.  
25      No -- nothing back there.

1           Q       Right. Is Sylvia's the cause of the  
2 loitering that's outside right now?

3           A       No. I -- no. Absolutely not.

4           MR. WEREDE: You know, because I have  
5 the same business as his. It's pretty much the  
6 same, you know, and I know what our deal is and I  
7 pretty much understand his situation and how he  
8 runs the business because all we have to do is  
9 just call the police.

10                  What else can you do? You really  
11 can't do much. I call the police or he call the  
12 police, you know, but that's not enough.

13                  BY MS. YOHANNES:

14           Q       Sure, and from what I hear from you,  
15 you're seeking a plan?

16           A       I'm seeking a plan. I've told her.  
17 I've mentioned this to her attention. I've  
18 texted her and I emailed her we are seeking for a  
19 plan that works better just like a similar crime  
20 initiative program, at least a police presence  
21 for four hours or five hours.

22                  I'm willing to give them my property  
23 for their parking lot. We need their presence.  
24 We cannot do that by ourselves. We're not happy.  
25 We're unhappy, but what else can you do? We call

1 the police, then we haven't seen any changes.  
2 It's been years and years.

3 Q Has Ms. Moore or the Agency given you  
4 a proposal for a plan?

5 A No, I haven't heard anything. I  
6 emailed her. I have texts forwarding to her. I  
7 am very concerned about how the neighborhood is  
8 running and how things are happening in the area.  
9 We cannot fight this by ourselves.

10 We are business owners, but we want to  
11 run the business the way it should. However, we  
12 need some help to create that safe environment  
13 for the neighborhood and, well, I haven't seen  
14 any plan so far.

15 Q I have one more question for you. You  
16 have a settlement agreement --

17 A Yeah.

18 Q -- that was entered into recently in  
19 2021. Can you tell me what your settlement  
20 agreement says?

21 A It's pretty much to call the police  
22 when people congregate and also to make a fence  
23 to make a distinction between the worksite and  
24 then the --

25 Q Hold on, sorry. I was specific, so I

1 want you to answer specifically. What does your  
2 settlement agreement say regarding single sales?

3 A Yeah, she would want -- I would stop  
4 the single sale if the Sylvia store agrees to it  
5 and there is, I guess there is, I don't know,  
6 1,000 feet or something like that in the  
7 settlement, but she did not want that. She  
8 protested that specifically, the single sales.

9 Q So, to clarify, and correct me if I'm  
10 wrong, your settlement agreement says that if  
11 Sylvia's Liquors does not have single sales --

12 A Then I would have to --

13 Q -- then you'll also be prohibited?

14 A Yes, that's what it says.

15 Q So, it's contingent. You all are --  
16 it's contingent upon what we do?

17 A Yeah, this is exactly that.

18 Q And that was what the exact situation  
19 was in 2018?

20 A Yes, yes.

21 Q Okay.

22 A Yeah, same exact situation, yes.

23 Q Has that created a good or a bad  
24 relationship --

25 A I mean --

1           Q       -- or environment between the  
2 businesses?

3           A       It's like, you know, I guess what  
4 Sydelle Moore is, I guess -- I don't know if she  
5 understood it or not, but she -- we are doing a  
6 business.

7                   We're serving the community and we  
8 want to do it right and we want to do it the  
9 right way. If the community are not happy, we're  
10 not happy.

11                   There is a congregation even after I  
12 close the store. I close my store at 10:00. You  
13 won't believe. I monitor the area on my phone.  
14 I have cameras for outside.

15                   There are people still congregating  
16 even after 10:00 p.m. I'm talking about 1:00,  
17 midnight. What are these people doing  
18 congregating on my property you sometimes wonder?  
19 So, this goes to show there has to be something.

20                   By making us stop selling single sales  
21 isn't really going to get us nowhere. If we are  
22 looking for safety and a comfortable environment  
23 for the neighborhood, this is not going to -- it  
24 has nothing to do with the business.

25                   We just need more security. We need



1 more police presence in the area to enforce the  
2 rule. That's all we need, but nothing is in  
3 place. She wants us to fight and we cannot fight  
4 that. Even if you do, it's just not going to --  
5 all we have to do, our responsibility is to call  
6 the police.

7 We're not a law enforcer or we're not  
8 anything. We just call the police and the police  
9 would come and do their job, but we haven't seen  
10 any progress and it's been years and years and  
11 years, and it's very sad that we get the blame  
12 for it.

13 We are taxpayers. We are hard  
14 working. We need peace, you know. We are not  
15 happy when things like that happen, but it's not  
16 our responsibility. Our responsibility is to  
17 call the police and to run the store the way it  
18 should.

19 MS. YOHANNES: Thank you.

20 MR. WEREDE: You're welcome.

21 MS. YOHANNES: I appreciate your  
22 testimony and --

23 MR. WEREDE: You're welcome.

24 MS. YOHANNES: -- that is all the  
25 questions I have for you, but sit tight because

1 others have questions as well.

2 CHAIRPERSON ANDERSON: Hold on a  
3 moment. Okay, Mr. Dixon, because this was a  
4 witness on your witness list, you can ask direct  
5 questions. You can ask direct examination of him  
6 if you so desire, sir. It's just not limited to  
7 cross.

8 MR. DIXON: Okay, so I can, with the  
9 Board's permission, I can cross and do direct at  
10 the same time?

11 CHAIRPERSON ANDERSON: You can -- what  
12 I'm saying, because he was your witness --

13 MR. DIXON: Sure, sure.

14 CHAIRPERSON ANDERSON: -- you can ask  
15 direct examination. You can ask direct  
16 examination. You can direct examine this  
17 witness, sir.

18 MR. DIXON: Okay.

19 CHAIRPERSON ANDERSON: You can treat  
20 him as your witness.

21 MR. DIXON: Okay, since he's being  
22 called by the other side though, I can cross  
23 examine him?

24 CHAIRPERSON ANDERSON: Mr. Dixon, you  
25 are an attorney, sir. I'm giving you the

1 flexibility, sir.

2 MR. DIXON: Sure, okay, thank you.

3 CROSS EXAMINATION

4 BY MR. DIXON:

5 Q Now, hello, sir, this is Ronald Dixon.  
6 I'm the counsel for ANC 5D, and Mr. Zekarias, is  
7 it?

8 A Yes.

9 Q Now, we have met before, haven't we,  
10 Mr. Zekarias?

11 A We met, we met, yeah. It wasn't  
12 (inaudible).

13 Q Right, and the settlement agreement  
14 that you're talking about, you had a lawyer that  
15 represented you in the settlement agreement,  
16 didn't you, sir?

17 A Right, right, right, right.

18 Q And you agreed to all of the terms in  
19 the settlement agreement, didn't you?

20 A Right, right.

21 Q Okay, and, excuse me, are you now  
22 today testifying that you disavow or reject the  
23 settlement agreement?

24 A No.

25 Q Okay.

1           A       I am simply testifying in support of  
2       Sylvia.

3           Q       Okay, well, let me just ask you a  
4       question.

5           A       Okay.

6           Q       You are not rejecting the settlement  
7       agreement that --

8           A       No.

9           Q       -- you agreed to and signed, are you?

10          A       No, no, no.

11          Q       And that settlement agreement calls  
12       for you to notify the police when there are  
13       occasions when there's loitering, when there are  
14       occasions when crimes are committed, isn't that  
15       true?

16          A       Right, true.

17          Q       And that's what a citizen would do,  
18       don't you agree, a business citizen would do,  
19       don't you agree?

20          A       Absolutely, that's what I would want.

21          Q       Okay.

22          A       Of course.

23          Q       All right, now, you also agreed to  
24       have a mural painted on your wall, didn't you?

25          A       Yeah.

1 Q And at the time that you were  
2 negotiating the settlement agreement, you never  
3 expressed any disagreement that Sylvia --

4 A No.

5 Q Just listen to my question. You never  
6 said during the settlement agreement that  
7 Sylvia's was being untreated unfairly, did you?  
8 You never said that, did you?

9 A That was not my concern. It was my  
10 license that got protested. Why would I mention  
11 Sylvia? It wasn't about Sylvia.

12 Q Well, you're talking about Sylvia's  
13 today and I just wanted to go back --

14 A Yeah, because I'm here in support of  
15 him --

16 Q Right, but --

17 A -- in support of Sylvia's Liquor  
18 Store.

19 Q Right, but at the time you signed the  
20 settlement agreement, you did not express any  
21 concern that Sylvia's was being treated unfairly,  
22 did you, yes or no?

23 A There's no point to. That was not --  
24 no, because that was not the subject --

25 (Simultaneous speaking.)

1 Q Okay, is your answer to the question  
2 no?

3 CHAIRPERSON ANDERSON: Mr. Dixon, Mr.  
4 Dixon, Mr. Dixon, can we move on, please? I  
5 don't know why you do not object, Ms. Yohannes.  
6 It's -- let's move on, sir. Hold on, sir. Let's  
7 move on, sir. We got your point. Let's move on.

8 BY MR. DIXON:

9 Q Mr. Zekarias --

10 A Yes.

11 Q -- excuse me, when you signed the  
12 settlement agreement, you knew that the single  
13 sales was an issue, didn't you, sir?

14 A Was an issue?

15 Q Yes, the single sales --

16 A No.

17 Q -- of alcohol out of your  
18 establishment?

19 A It was never an issue.

20 CHAIRPERSON ANDERSON: All right, Mr.  
21 Dixon, let's approach this hearing for Sylvia. I  
22 have no idea why we're in this elongated  
23 discussion about single sales in another  
24 establishment.

25 I'm not even aware if the ANC is

1 asking the ABC Board to prevent single sales in  
2 Sylvia. I don't even know if that's an issue.  
3 So, but, so I will give you some leeway, but I do  
4 not know why --

5 I mean, I'm not even sure why we're  
6 going into what is in a settlement agreement for  
7 this other establishment. This is not -- we're  
8 not in a settlement agreement here.

9 We have a hearing and it's  
10 irrespective of what's in a settlement agreement  
11 because this Board is going to make a decision on  
12 Sylvia's because you guys can't make a decision,  
13 so therefore, we're making the decision for you,  
14 so I don't care what's in their settlement  
15 agreement because we're not discussing the  
16 settlement agreement.

17 Now, if you -- in closing, you can  
18 talk about what's going on in the rest of the  
19 neighborhood to say everyone in the neighborhood  
20 have agreed not do to single sales, and so you're  
21 asking the Board to prevent them from doing  
22 single sales, but I am not going to sit here  
23 while you're dissecting his settlement agreement.

24 He's here -- he says that he's here  
25 testifying to support Sylvia. He also stated

1 that when I negotiated my settlement agreement  
2 with you, why would I be talking about Sylvia?  
3 That's what he said. So, we need to move on,  
4 sir, okay? It is almost 7:00 and we still have  
5 your case to go on, sir, so let's move on from  
6 this area.

7 MR. DIXON: I just want to respond to  
8 your comments, Mr. Anderson. I did not open the  
9 door to this. That was opened by Yohannes -- may  
10 I finish?

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: -- asked a  
13 question, sir, but we don't need to spend 20  
14 minutes to dissect his settlement.

15 He has clearly stated, sir, he is --  
16 he signed a settlement agreement, and whether or  
17 not he disagrees what's in the settlement, that's  
18 irrelevant because if the settlement agreement  
19 was adopted by the Board, he has to abide by it.

20 So, irrespective whether or not if he  
21 signed it yesterday and if he's not complying  
22 with it today, that is up to you to come back to  
23 the Board to say that he has a Board-approved  
24 settlement agreement that he's not complying  
25 with.



1                   So, that's why I'm saying the  
2 questions you're asking is irrelevant because if  
3 the settlement agreement that he has, if that was  
4 approved by us, the Board, it's binding on him  
5 and he has to comply with it, and it's up to the  
6 ANC if he's not complying with it to contact the  
7 Agency and the Agency will take immediate action,  
8 appropriate action.

9                   So, I don't need to be negotiating  
10 what's in the terms of his settlement agreement.  
11 I gave you some leeway to ask some questions, but  
12 I don't care whether or not he doesn't agree with  
13 it today. It is his settlement agreement until  
14 it is no longer enforceable. Fine, let's move  
15 on.

16                   BY MR. DIXON:

17                   Q       Mr. Zekarias --

18                   A       Yes.

19                   Q       -- in reference to your testimony  
20 today, are you always in your business, sir?

21                   A       Yes, I am in my business location  
22 right now. I'm here seven days a week.

23                   Q       Was there a time when you were not in  
24 your business, that you left your business and  
25 you had to leave the country?

1 MS. YOHANNES: Objection, what's the  
2 relevance here?

3 CHAIRPERSON ANDERSON: I'll give him  
4 some leeway. I'll see where he's going, so I  
5 will -- I'm not going to overrule the objection  
6 at this moment or sustain it. Let me see where  
7 he's going with it, and then if we're going too  
8 far afield, you can raise it again. Answer the  
9 question, please.

10 MR. WEREDE: Okay, ask the question  
11 again? I'm sorry.

12 BY MR. DIXON:

13 Q Have you always been continuously at  
14 your business? Did you leave your business at  
15 some point?

16 A Yeah, I left my business about six  
17 months ago due to COVID. A family member passed  
18 away, so there was urgency and I left.

19 Q And was your business still in  
20 operation --

21 A Yes.

22 Q -- when you left?

23 A Yes.

24 Q Okay, and who was in charge of your  
25 business when you left?

1           A           The manager.

2                   MS. YOHANNES:  Objection, how much  
3 leeway are we giving?

4                   MR. WEREDE:  Okay, I'm only here to  
5 testify --

6                           (Simultaneous speaking.)

7                   CHAIRPERSON ANDERSON:  Hold on, sir.  
8 Hold on.  Any time someone says an objection, you  
9 stop speaking and then I will let you know to  
10 move forward, okay, sir?

11                   All right, I'm still trying to figure  
12 out what's going.  You've got to build a  
13 foundation.  I don't know where he's going, so  
14 I'm giving him some leeway to see where we are  
15 going, so I'm going to overrule the objection.

16                   If he can answer the question, answer  
17 it.  As I said, let's see where he's going with  
18 this.  Go ahead, sir.

19                   Do you have a question he can -- I  
20 don't -- do you remember what the question was,  
21 sir?  The question was when you were away, who  
22 was running the business?  Can you answer?  Go  
23 ahead, sir.

24                   MR. WEREDE:  Yes, I'm only here to  
25 answer questions related to Sylvia, please.

1                   CHAIRPERSON ANDERSON: No, sir, sir,  
2                   sir, sir, he asked you a question. You answer  
3                   the question. You answer the question.

4                   If Ms. Yohannes, if she raises an  
5                   objection, you don't say nothing and then I will  
6                   say yes or no. Currently, I'm saying to you  
7                   answer the questions as he asked.

8                   If we believe, if your lawyer believes  
9                   that it should not be asked, she'll raise an  
10                  objection. I'll make a ruling and then we'll --  
11                  so, right now, answer the question, sir, and then  
12                  let's see where we're going.

13                  Go ahead. So, the question was that,  
14                  about him, about who manages the business when  
15                  you're away. That was the question. Was that  
16                  the question, Mr. Dixon?

17                  MR. DIXON: Yes, sir.

18                  CHAIRPERSON ANDERSON: Can you answer  
19                  the question, sir?

20                  MR. WEREDE: Yes, so my brother is  
21                  here and I have two other employees who has been  
22                  here over five, oh, over seven years, so they  
23                  were just running the business, but my brother  
24                  was here anyway, so he was managing it.

25                  BY MR. DIXON:

1           Q       Now, when you returned, Mr. Zekarias,  
2           isn't it a fact that Ms. Moore or others brought  
3           to your attention that the loitering increased  
4           when you were not there to run your business  
5           because you weren't making the 9-1-1 calls? You  
6           have to answer yes or no. You can't shake your  
7           head.

8           A       Yeah, yeah, yes.

9           Q       And an effective way to combat the  
10          loitering was for you to be proactive and call  
11          9-1-1, isn't that a fact?

12          A       Even though she mentioned that, the  
13          employees were calling the police. There was a  
14          record. The employees were calling the police  
15          still. They just don't go outside and approach  
16          the people like the way I do. They don't go out  
17          aggressively and approach.

18                    Even though that's not my  
19          responsibility to do it, sometimes I would prefer  
20          to go an extra mile and approach the people in a  
21          way that they want to be approached and I would  
22          see if that makes a difference. That's my  
23          personal approach, but my employees are not  
24          obligated to do that by any means.

25                    All they do is if they see something

1 that looks suspicious or maybe people drinking in  
2 the parking lot, or intoxicated, or loitering,  
3 then they call the police, and they did that, I  
4 mean, consistently, so that has nothing to do  
5 with the increase of the loitering in the area.

6 Like I said, they were calling the  
7 police. They just don't go outside and approach  
8 the people. That was the difference by the way  
9 just to point that out.

10 Q Mr. Zekarias, my question remains.  
11 You called 9-1-1 about the loitering when you  
12 were present at your store, didn't you?

13 A Yes.

14 Q And when you left your store, you were  
15 not there to call 9-1-1, isn't that a fact?

16 A No, the employees were calling the  
17 police.

18 Okay.

19 A Didn't I just say that? Yeah, yeah.

20 Q Just so we have the record clear,  
21 isn't it a fact that you discussed with Ms.  
22 Sydelle Moore, the ANC 5D chairperson, that you  
23 had an increase in loitering when you were not  
24 there calling 9-1-1, isn't that a fact, sir?  
25 Didn't you discuss that with her?

1           A        I didn't discuss.  It's not about  
2 calling the police.

3           MS. YOHANNES:  Can I object at this  
4 point?  How far are we --

5           CHAIRPERSON ANDERSON:  Sustained.  All  
6 right, we need to move on from this here.  All  
7 right, let's approach this hearing on Sylvia.  
8 Also, Mr. Dixon, this is your witness.  He's on  
9 your witness list.  I'm not quite sure why you're  
10 treating your own witness as a hostile witness.

11           I gave you an opportunity to ask  
12 direct exam of him because he was your witness,  
13 and so I'm not quite sure why -- he is not the  
14 focus of this protest hearing.  The focus of the  
15 protest hearing is Sylvia's.

16           Now, if you want to -- you have asked  
17 him some general questions about loitering in the  
18 area, which I allowed, but there is -- I have no  
19 -- I don't know why it is you're asking him about  
20 loitering in the area when he is on vacation or  
21 in the property and why he's not calling.

22           That is not relevant to this hearing,  
23 sir.  This is about Sylvia's.  I'm not going to  
24 allow any further questions regarding Food Seven  
25 because Food Seven is not the purpose of this

1 hearing.

2 If you have no other questions to ask  
3 him on Sylvia's, sir, we will move onto another  
4 witness, but we have done enough. You have  
5 exhausted that issue and that's it.

6 MR. DIXON: For the record, Chairman,  
7 we did not call Mr. Zekarias. The other side  
8 did.

9 CHAIRPERSON ANDERSON: But I --

10 MR. DIXON: I do have the right to  
11 cross examiner --

12 CHAIRPERSON ANDERSON: I know you did  
13 not call him, sir. However, he would not have  
14 been a witness today if he was not on your  
15 witness list because she -- what the licensee  
16 did, the licensee clearly stated we have -- we  
17 will call any and all witnesses on your witness  
18 list.

19 You listed him. You allowed him to  
20 testify. You did not object. You could have  
21 stated that I'm not going to call him, and  
22 although there is nothing --

23 I'm not aware of anything in our rules  
24 that says that another person, you cannot rely on  
25 another person's witness presentation, but that's



1 not -- I'm not aware that's in our list right  
2 now.

3 So, therefore, he was listed. She  
4 called him and he's here testifying. So, yes,  
5 he's your witness. If you hadn't placed him on  
6 your witness list, she wouldn't have had the  
7 ability to call him.

8 But as I stated, sir, there is really  
9 no reason for us to be litigating the settlement  
10 of Food Seven. That is not the purpose of this  
11 hearing. You have asked -- I have given you some  
12 leeway to ask him questions about general  
13 loitering in the area.

14 He has answered that, but I'm not  
15 going to allow any further questioning about Food  
16 Seven. This is Sylvia's. This is about Sylvia's  
17 Class A renewal. This witness is testifying.  
18 Please ask him questions about Sylvia. If you do  
19 not have any other questions about Sylvia, let's  
20 move on.

21 MR. DIXON: Just one last question  
22 with reference to this witness and Sylvia's.

23 BY MR. DIXON:

24 Q Mr. Yohannes, Sylvia's is mentioned in  
25 your settlement, isn't she? Isn't that business

1 mentioned in your settlement agreement, yes or  
2 no?

3 CHAIRPERSON ANDERSON: Are you able to  
4 answer the question, sir?

5 MS. YOHANNES: I think the witness is  
6 confused because you said Ms. Yohannes or Mr.  
7 Yohannes.

8 CHAIRPERSON ANDERSON: No, he asked,  
9 he said, the question was that is Sylvia's  
10 mentioned in his settlement agreement. Can you  
11 -- are you able to answer the question, sir?  
12 Hello?

13 MS. YOHANNES: I think he's paused.

14 CHAIRPERSON ANDERSON: No, he's not  
15 paused. I see him blinking. See, he's smiling.  
16 Are you --

17 (Laughter.)

18 CHAIRPERSON ANDERSON: All right, it's  
19 okay. All right, Mr. Zekarias, can you please  
20 answer the question? Is Sylvia's mentioned in  
21 your settlement agreement, sir, yes or no?

22 MR. WEREDE: At some point, yes.

23 CHAIRPERSON ANDERSON: All right.

24 MR. WEREDE: I think I remember it  
25 being mentioned there.

1 CHAIRPERSON ANDERSON: Is there  
2 another question, sir?

3 BY MR. DIXON:

4 Q Mr. Zekarias, with reference to  
5 Sylvia's, have you ever noticed or seen any  
6 loitering in front of Sylvia's or in front of the  
7 -- well, let's stay with Sylvia's. Have you ever  
8 seen any loitering during business hours in front  
9 of Sylvia's?

10 A Well --

11 Q Yes or no?

12 A Have I ever noticed loitering --

13 Q Yes.

14 A -- in front of, like --

15 Q At Sylvia's.

16 A -- on his property?

17 Q In front of Sylvia's, yes. Yes or no?

18 A No.

19 Q Okay, you've never seen any loitering  
20 in front of Sylvia's?

21 A Right like by the daycare, yes.

22 Q No, my question is have you ever seen  
23 loitering --

24 A Not in front, no.

25 Q -- in front of Sylvia's?

1 A No.

2 Q Okay.

3 A Not in front of the store.

4 Q Have you seen loitering in front of  
5 the daycare next to Sylvia's ever?

6 A Yes, I have.

7 Q Okay, and it's your testimony today  
8 that at no time that you've made observations of  
9 Sylvia's. You've seen loitering in front of the  
10 daycare, but not in front of Sylvia's. That's  
11 your testimony?

12 A That's my observation, yeah.

13 Q Okay.

14 A I mean, I'm always inside, but  
15 whenever I happen to pass by, I mean, I see the  
16 people congregating by the daycare.

17 MR. DIXON: Nothing further.

18 CHAIRPERSON ANDERSON: Thank you. Any  
19 questions? Any further questions? Any questions  
20 by any Board member of this witness? Does anyone  
21 have a copy of Sylvia's settlement agreement, I'm  
22 sorry, Food Seven's settlement agreement? We'll  
23 try to get a copy of it. I mean, we have -- I'm  
24 not --

25 MS. YOHANNES: Should I email it?

1 CHAIRPERSON ANDERSON: Can you email  
2 it, no --

3 MR. DIXON: If I may, Mr. Chairman?

4 CHAIRPERSON ANDERSON: Yes?

5 MR. DIXON: That settlement agreement  
6 is before the Board for approval and review. It  
7 was brought out. It was brought before the Board  
8 prematurely before --

9 CHAIRPERSON ANDERSON: That's the  
10 question I'm -- all right, so the Board has not  
11 approved it just yet? That's what I'm trying to  
12 find out. The Board has not --

13 MR. DIXON: No, it's been approved.

14 MS. YOHANNES: It's been approved.

15 CHAIRPERSON ANDERSON: It is approved?

16 MS. YOHANNES: Yes.

17 CHAIRPERSON ANDERSON: Do you have a  
18 copy of the settlement agreement, Ms. Yohannes?

19 MS. YOHANNES: I do.

20 CHAIRPERSON ANDERSON: Are you able to  
21 share your screen to provide me with a copy of  
22 the settlement agreement?

23 MS. YOHANNES: I believe I can if you  
24 give me one minute.

25 CHAIRPERSON ANDERSON: I will try to

1 get a copy of it from the Agency. I'm just, I'm  
2 -- I will just try to -- again, one of the  
3 disadvantages of being at home. I have access to  
4 it, but I was trying to get it quickly to get  
5 access of this document that we've spent half an  
6 hour talking about.

7 MS. YOHANNES: I don't have where it  
8 actually says, you know, the order of the Board,  
9 but I have the executed copy. Is that fine or do  
10 you want the actual Board order incorporating?

11 CHAIRPERSON ANDERSON: Let me --

12 MS. YOHANNES: I can search real quick  
13 for the Board order.

14 MR. DIXON: Mr. Chair?

15 CHAIRPERSON ANDERSON: Yes, Mr. Dixon?

16 MR. DIXON: That's the issue that I  
17 was raising.

18 CHAIRPERSON ANDERSON: What issue,  
19 sir?

20 MR. DIXON: Counsel may have a copy of  
21 the executed settlement agreement, but we have  
22 not heard from the Board on it. At least, I  
23 don't have an order --

24 (Simultaneous speaking.)

25 CHAIRPERSON ANDERSON: Well, if you

1 have not heard from the Board -- that's what I'm  
2 trying to find out, whether or not the Board has  
3 signed off on this settlement agreement. The  
4 parties can execute a settlement agreement.

5 You provide it to the Board for  
6 review. The Board will review the settlement  
7 agreement for legal sufficiency and then we'll  
8 make a determination. So, I don't -- I'm not  
9 familiar with it. There's a significant --

10 MR. WEREDE: Mr. Chair?

11 CHAIRPERSON ANDERSON: I'm sorry?

12 MR. WEREDE: Yeah, the Board has  
13 reviewed and made some comments, and it was --  
14 they were asking for some wording, an adjustment  
15 of the settlement, and we did that, and it was  
16 reworded and then it was approved.

17 CHAIRPERSON ANDERSON: And then they  
18 sent you -- then you got a Board order --

19 MR. WEREDE: Oh, yes.

20 CHAIRPERSON ANDERSON: -- saying that  
21 it was approved?

22 MR. WEREDE: Yeah, I got it in my  
23 email. I just can't exit from this Webex, but,  
24 because I'm using --

25 (Simultaneous speaking.)

1 MS. GIBBS: This is Madison Gibbs,  
2 co-counsel for ANC 5D.

3 CHAIRPERSON ANDERSON: Yes, Ms. Gibbs?

4 MS. GIBBS: Mr. Zekarias is right.  
5 The Board did approve the order. However, there  
6 were amendments that the Board wanted to  
7 incorporate into the revised agreement.

8 Both parties agreed to the amended  
9 terms. We just sent the amended language to ABRA  
10 for the Board to incorporate in the order, but we  
11 have not received the order yet.

12 CHAIRPERSON ANDERSON: All right,  
13 thank you. So, all right, so it's not a final  
14 order as yet. It's not a final order as yet, so  
15 I don't know what's in it, and so therefore --  
16 and I'm going to make sure that when this comes  
17 back, that I look at it because I'm confused in a  
18 sense.

19 MR. WEREDE: I do have the final  
20 letter, but --

21 CHAIRPERSON ANDERSON: And that's  
22 fine.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: I'm concerned  
25 about what I'm hearing. That's what I'm saying.



1 MS. YOHANNES: My apologies for  
2 misspeaking about the approval.

3 CHAIRPERSON ANDERSON: Fine, that's  
4 fine. I'm not aware if you're representing them,  
5 Ms. Yohannes. Do you represent Food Seven?

6 MS. YOHANNES: No, I do not.

7 CHAIRPERSON ANDERSON: Okay, fine, so  
8 you're excused because you don't represent them.  
9 If you represented them, then I would have had,  
10 but since you -- that's fine.

11 So, I don't need to see this Food  
12 Seven settlement agreement because from what I've  
13 been told, it is not a final settlement agreement  
14 by the Board. Okay, fine, I don't have any  
15 questions then. Any other questions by any other  
16 Board members?

17 All right, hearing none, Ms. Yohannes,  
18 it's your -- any -- do you have -- well, no,  
19 we're not going to do a recross. There's --  
20 well, yes, well, it's your witness, so you can do  
21 a redirect to close.

22 MS. YOHANNES: I'm fine. Thank you  
23 for your testimony.

24 MR. WEREDE: All right, thank you.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Werede. Thank you very much for your testimony.  
2 You are now free to go, sir. Thank you very  
3 much.

4 MR. WEREDE: All right, thank you.  
5 Thank you.

6 CHAIRPERSON ANDERSON: Have a great  
7 day. Thank you.

8 MR. WEREDE: You too, bye-bye.

9 CHAIRPERSON ANDERSON: Do you have  
10 another witness, Ms. Yohannes?

11 MS. YOHANNES: If she's on the line,  
12 the only person -- I have Barbara.

13 CHAIRPERSON ANDERSON: Ms. Erskine?  
14 Is there a Barbara Erskine? Is she -- Ms.  
15 Andrews, do you see a Barbara Erskine?

16 MS. ANDREWS: I do not see her logged  
17 in via Webex, but there are a few callers.

18 MS. YOHANNES: I have a 202290?

19 MS. ANDREWS: Yes, okay, I'm going to  
20 go ahead and unmute their line. Would the caller  
21 202290 please announce yourself?

22 MS. ERSKINES: Barbara Anne Erskines.

23 CHAIRPERSON ANDERSON: Barbara what?  
24 I'm sorry?

25 MS. ERSKINES: Anne Erskines,

1 E-R-S-K-I-N-E-S, Erskines.

2 CHAIRPERSON ANDERSON: All right, good  
3 afternoon, Ms. Erskines. Can you please raise  
4 your right hand, please, ma'am?

5 MS. ERSKINES: Uh-huh.

6 CHAIRPERSON ANDERSON: Do you swear or  
7 affirm to tell the truth and nothing but the  
8 truth?

9 MS. ERSKINES: I do.

10 CHAIRPERSON ANDERSON: All right,  
11 thank you. Your witness, Ms. Yohannes. Can you  
12 also have her again state and spell her name for  
13 the record, please?

14 DIRECT EXAMINATION

15 BY MS. YOHANNES:

16 Q Good evening.

17 A Good evening.

18 Q Can you please state your name and  
19 spell your name for the record?

20 A Anne, A-N-N-E, E-R-S-K-I-N-E-S,  
21 Erskines.

22 Q And can you tell me where you live in  
23 proximity to Sylvia's Liquor?

24 A Oh, I live at 1721 H Street,  
25 Northeast, about a block and a half from there.

1 Q Okay, and how often do you go to  
2 Sylvia's?

3 A Just about every day or twice a day.

4 Q Okay, and --  
5 (Simultaneous speaking.)

6 Q -- what do you get from Sylvia's?

7 A I usually play the lottery for me and  
8 some other friends.

9 Q And do you have any issues with the  
10 way that Sylvia's Liquors operates?

11 A Do I have any issues?

12 Q Yeah, any issues or concerns?

13 MR. DIXON: Objection, that calls for  
14 an opinion.

15 MS. ERSKINES: No, no, I get in and  
16 out fine. Nobody never bothers me.

17 CHAIRPERSON ANDERSON: Ms. Erskines,  
18 I know you're on the phone. If someone says  
19 there's an objection, you need to not answer the  
20 question until I tell you to go ahead and answer  
21 the question, okay, ma'am?

22 MS. ERSKINES: Oh, I'm sorry, okay.

23 CHAIRPERSON ANDERSON: All right, and  
24 what's the nature of your objection, sir?

25 MR. DIXON: The question calls for an

1 opinion on the part of the witness about how  
2 Sylvia's operates their business. The questions  
3 should be direct with reference to what she saw,  
4 heard, or otherwise did. She can't give us an  
5 opinion on how Sylvia's operates their business.  
6 She's not an expert in that particular area.

7 CHAIRPERSON ANDERSON: Well, we're  
8 having a hearing and this is -- we're not -- I  
9 mean, I think all the witnesses are here giving  
10 opinions of how they feel about an establishment  
11 and the Board will give it the weight that it's  
12 due. So, Ms. Erskines, you can answer the  
13 question, ma'am.

14 MS. ERSKINES: And what question do  
15 you want me to answer?

16 BY MS. YOHANNES:

17 Q Do you have any concerns about  
18 Sylvia's Liquors and how they operate their  
19 business?

20 A No.

21 Q Do you support their liquor license  
22 application that's before this Board?

23 A Yes, like I said, I go there twice a  
24 day. I just play the lottery, but nobody bothers  
25 me or anything and --

1 Q Okay, and --

2 (Simultaneous speaking.)

3 Q No, go ahead. Finish your sentence.

4 A I was saying I get in and out of the  
5 store fine. I've been here about ten years, so I  
6 have no problems. I just go, you know, twice a  
7 day, morning and evening.

8 Q Okay.

9 A And I go in the store.

10 Q And in terms of loitering, is there --  
11 do you see a lot of loitering on Benning Road?

12 A Well, I turn the corner and come up  
13 the street, not -- when I go to the liquor store,  
14 there's nobody there, but down the street is  
15 probably some people, but nobody in -- when I go  
16 in the liquor store, I don't have -- you know,  
17 they're not in front of his store.

18 Q Okay.

19 A They might be on the corner, but, you  
20 know, and down the street, but not in front. I  
21 get in and out of the store fine.

22 MS. YOHANNES: Okay, and other than  
23 that, I have no additional questions for this  
24 witness.

25 CHAIRPERSON ANDERSON: All right, hold

1 on, Ms. Erskines, hold on. Mr. Dixon might have  
2 some questions of you. Do you have any questions  
3 of this witness, Mr. Dixon?

4 MR. DIXON: Just briefly.

5 CROSS EXAMINATION

6 BY MR. DIXON:

7 Q Hi, Ms. Erskines. My name is Ronald  
8 Dixon. I'm going to ask you some questions about  
9 what you just testified to, ma'am, is that okay?

10 A Yes.

11 Q Okay, now, Ms. Erskines, Ms. Yohannes  
12 asked you if you had any problem with or if you  
13 support Sylvia's getting a liquor license  
14 renewal. Do you remember that question?

15 A Yes.

16 Q Okay, and do you buy liquor from  
17 Sylvia's or do you just play the lottery and  
18 that's it?

19 A I play the lottery, and once in a  
20 while, I might buy something, but not that often.  
21 I don't drink, but sometimes if I have company, I  
22 might buy something, but mostly the lottery, so  
23 I'm in there twice a day most of the time.

24 Q Okay, and when did you first become  
25 aware that there was an issue with reference to

1 Sylvia's renewing their license? Who brought  
2 that to your attention?

3 A Well, I didn't know that until lately,  
4 I mean, that they were going to renew their  
5 license?

6 Q Yes, ma'am.

7 A Well, maybe one or two, maybe a month  
8 ago maybe.

9 Q Okay, and Ms. Yohannes, the lawyer  
10 that just asked you the questions --

11 A Mr. Hannes, no.

12 Q Yeah, no, the lawyer that just asked  
13 you the questions, Ms. Yohannes, all right, now  
14 she --

15 A Yohannes.

16 Q Yeah, and she contacted you about  
17 testifying today?

18 A No.

19 Q Okay, she did not?

20 A No.

21 MS. YOHANNES: Objection, what is the  
22 relevance here?

23 CHAIRPERSON ANDERSON: I'm going to  
24 overrule the objection, but I'm curious where  
25 we're going with this, sir.



1 BY MR. DIXON:

2 Q Okay, Ms. Erskines? Hello, Ms.  
3 Erskines?

4 A Yes?

5 Q Okay --

6 A Yes?

7 Q Excuse me, you testified that you  
8 don't see loitering in front of Sylvia's when you  
9 go there to play your numbers and sometimes buy a  
10 drink?

11 A No, not in Sylvia's. I said down the  
12 street from him, I see people sometimes sitting  
13 out, but --

14 Q Okay.

15 A -- I get in and out of the store fine  
16 and they don't bother me --

17 Q What about right next door to  
18 Sylvia's?

19 A -- but they do be sitting.

20 Q What about right next door to Sylvia's  
21 at the daycare? Do you see people loitering  
22 there and sitting in chairs?

23 A Yeah, I see some people out there  
24 sitting sometimes, but not in front of his store.  
25 You know, when I come up, I get in and out of his

1 store fine.

2 Q Okay, and what time of day do you  
3 normally go up there, ma'am?

4 A Most of the time, it's like 11:30,  
5 12:00, and then in the evening, around about, if  
6 I go back in the evening, it's like 5:30 or 6:00.

7 MR. DIXON: I have nothing further for  
8 this witness. Thank you.

9 CHAIRPERSON ANDERSON: Thank you.

10 MS. ERSKINES: Okay, thank you.

11 CHAIRPERSON ANDERSON: Hold on, Ms.  
12 Erskines. Any questions by any Board members?  
13 Ms. Yohannes, any redirect?

14 MS. YOHANNES: I don't have redirect,  
15 no.

16 CHAIRPERSON ANDERSON: Ms. Erskines,  
17 thank you very much for your testimony today.  
18 You are now free to go. Thank you very much.  
19 Okay? Thank you. Ms. Yohannes, do you have  
20 another witness?

21 MS. YOHANNES: Can I have two minutes?  
22 I don't have the luxury of seeing my witnesses in  
23 front of me and I don't believe that this -- I  
24 don't know if this individual is here or not and  
25 I need to confer with my client, like can I have

1 two minutes?

2 CHAIRPERSON ANDERSON: All right, it's  
3 7:20. You have two minutes.

4 MS. YOHANNES: Okay.

5 CHAIRPERSON ANDERSON: We're off the  
6 record for two minutes.

7 (Whereupon, the above-entitled matter  
8 went off the record at 7:20 p.m. and resumed at  
9 7:24 p.m.)

10 CHAIRPERSON ANDERSON: All right,  
11 we're back on the record. We are back on the  
12 record. I'm not seeing all of my Board members.  
13 Ms. Yohannes, do you have another witness?

14 MS. YOHANNES: I do not.

15 CHAIRPERSON ANDERSON: Do you rest?

16 MS. YOHANNES: I do rest.

17 CHAIRPERSON ANDERSON: Okay, thank  
18 you. I was going to take a break, but we have  
19 already taken our break. All right, let me ask a  
20 question. Mr. Dixon, we're going to present your  
21 case. Do you need a short break to start? Do  
22 the parties wish a short break or do we want to  
23 go right into your case?

24 MR. DIXON: A short break would be  
25 great for me.

1 CHAIRPERSON ANDERSON: All right.

2 MR. DIXON: Thank you.

3 CHAIRPERSON ANDERSON: How many  
4 witnesses do you have, sir? I know you have Ms.  
5 Moore.

6 MR. DIXON: Yeah, we have Ms. Moore,  
7 five, but I think we can pare that down based  
8 upon the testimony of the licensee.

9 CHAIRPERSON ANDERSON: All right, can  
10 you tee your witnesses up, sir? It's 7:25, and  
11 we will reconvene at -- ten or 15 minutes?

12 MR. DIXON: Give us, I would say ten.  
13 Actually, no, no, no, I'll take the 15. Give us  
14 the 15.

15 CHAIRPERSON ANDERSON: All right.

16 MR. DIXON: And then we'll be ready to  
17 make arguments and proceed.

18 CHAIRPERSON ANDERSON: 7:40.

19 (Whereupon, the above-entitled matter  
20 went off the record at 7:26 p.m. and resumed at  
21 7:40 p.m.)

22 CHAIRPERSON ANDERSON: All right,  
23 we're back on the record.

24 (Pause.)

25 CHAIRPERSON ANDERSON: Mr. Dixon? Mr.

1 Dixon?

2 MR. DIXON: Yes, we're ready to  
3 proceed, Mr. Anderson.

4 CHAIRPERSON ANDERSON: All right, you  
5 have five minutes to do an opening, sir. You  
6 have five minutes to do your opening.

7 MR. DIXON: Okay, thank you so much.  
8 If it please the Chair, the Board members, and  
9 parties, we, as you know, represent ANC 5D which  
10 represents the community.

11 We intend to show during the course of  
12 our case that Sylvia's has outlived its existence  
13 in the neighborhood, and has in the past and  
14 currently creates a disruption and distraction in  
15 the neighborhood.

16 We will show that Sylvia's has had at  
17 least three bites at the apple. We will show  
18 that Sylvia's has had protests before the current  
19 protest and has resolved them with settlement  
20 agreements that they have not lived up to and  
21 have abandoned.

22 We will show through testimony the  
23 impact upon a viable business right next to  
24 Sylvia's that has suffered severely because of  
25 Sylvia's activity with reference to the product

1 it sells.

2 We will show that Sylvia's is a magnet  
3 for the people hanging out in front of Sylvia's  
4 and the daycare, not the daycare. We will show  
5 that if folks want to get alcoholic beverages,  
6 there are more than enough establishments in the  
7 neighborhood to accommodate that.

8 We will show that Sylvia's doesn't  
9 have a right to make a profit over people, and we  
10 will also show and adopt the testimony of Ms.  
11 Dantzler, the investigator, with reference to  
12 Exhibits 15, 16, 17, and 18, and her astute  
13 testimony with reference to the impact that  
14 Sylvia's has had and continues to have on the  
15 neighborhood.

16 And with that, we'd like to call our  
17 first witness, Ms. Sydelle Moore. Now, just for  
18 the logistics for the Board, I will handle Ms.  
19 Moore, Ms. Gibbs will handle Ms. Snead, the  
20 daycare owner, and another community member who  
21 lives behind Sylvia's, and I will call Mr.  
22 Clement Stokes, an independent investigator, for  
23 direct and offer him for cross. We're ready to  
24 proceed, Mr. Anderson.

25 MR. DIXON: Now, with reference to the

1 daycare, can you tell the members of the ABRA  
2 Board when you first became aware of that daycare  
3 and its operation?

4 MS. MOORE: So, I've been aware of the  
5 daycare since at least 2015. And unlike was  
6 stated by the Applicant, they've had the same  
7 owner the entire time that this Applicant has  
8 been the owner of Sylvia's. It's just due to the  
9 lack of the effort to really even try to mitigate  
10 the problem or work together with others  
11 businesses, that they're not aware of that  
12 business owner and not having interacted with  
13 her, despite multiple attempts on my part,  
14 including at the 2018 hearing, to help facilitate  
15 that interaction.

16 MR. DIXON: Now do you know the name  
17 of the business owner at the daycare --

18 MS. MOORE: Yes. Ms. Regina Snead is  
19 the owner, and was also the owner, as evidenced  
20 by the witness list, back in 2018.

21 MR. DIXON: Okay. And have you had  
22 discussions with Ms. Snead with reference to her  
23 business and any impact that any other business  
24 has had, negative impact it's had on her  
25 business? If you have, please discuss that.

1 MS. MOORE: Yeah, it's had a  
2 tremendously negative impact, in my conversations  
3 with her. And we've had in-depth conversations  
4 about the issue and how we --

5 MS. YOHANNES: Object to the --

6 CHAIRPERSON ANDERSON: Ms. Yohannes,  
7 I mean, I can't see you and I don't know what's  
8 going on. So, if you're not speaking, you need  
9 to be on mute. So, what's going on, ma'am?

10 MS. YOHANNES: I'm objecting based on  
11 her testimony being hearsay. Ms. Snead, I  
12 believe, is here. And so, she's going to testify  
13 on her own time.

14 CHAIRPERSON ANDERSON: Well, you can't  
15 object to her answer. You have to object to the  
16 question.

17 MS. YOHANNES: I did. I objected to  
18 the question. I objected with --

19 CHAIRPERSON ANDERSON: I did not hear  
20 any objection to the question. I heard what's  
21 she's speaking. I didn't see you. I heard  
22 something. So, I was asking for clarification.

23 MR. DIXON: If I may? If I may, for  
24 the record, the witness is testifying about what  
25 motivated her to do the things that she did,



1 particularly --

2 CHAIRPERSON ANDERSON: I'm overruling  
3 the objection. Let her testify.

4 Go ahead.

5 MS. MOORE: So, could you repeat the  
6 question?

7 MR. DIXON: Yes. Let me put it in a  
8 different form for you, Ms. Moore.

9 You said that you know the owner of  
10 the daycare, Ms. Regina Snead. And my question  
11 to you was, have you ever had any conversations  
12 with her about the impact of other businesses  
13 next to her, with reference to her ability to run  
14 her business? And if so --

15 MS. MOORE: Yes, I have.

16 MR. DIXON: -- would you share it with  
17 the Board?

18 MS. YOHANNES: I object again.

19 CHAIRPERSON ANDERSON: I'm sorry, is  
20 there an objection?

21 MS. YOHANNES: I'm objecting on the  
22 form, on the question. The question is asking  
23 for hearsay. "Have you had any conversations" --

24 CHAIRPERSON ANDERSON: The question  
25 is, has she had conversations with anyone

1 regarding the impact? Has she had conversations?  
2 She's saying, "Yes, I have had conversations with  
3 someone." It's not, "Someone told me this. I've  
4 specifically had" -- that's what she said. "Have  
5 you had conversations?" Yes, she has had  
6 conversations, and she can talk about the  
7 conversations she has had. And that is what she  
8 said, "I've had conversations," not that "I have  
9 heard that this is happening. I specifically had  
10 a conversation with someone regarding this issue,  
11 and this is what -- this was the nature of our  
12 conversation."

13 I don't believe -- that's not hearsay.  
14 She has had direct conversations with a person  
15 regarding this issue. And even if it was hearsay  
16 this is an administrative hearing. We're not  
17 necessarily -- in administrative hearings, it's  
18 this is not a court of law in the sense that  
19 we're going to say it's hearsay. No, we have not  
20 done that. I've allowed a lot of hearsay. I've  
21 allowed a lot of leading questions, because it's  
22 more informal at an administrative hearing.

23 So, I'm going to overrule the  
24 objection. But, at the same time, I don't, I  
25 don't want to -- we also, as stated by you, Ms.

1 Yohannes, the owner of the daycare appears, will  
2 be a witness. So, she's going to testify. So,  
3 we can have, first, her knowledge from her, but  
4 we can have some testimony based on your  
5 conversation with her.

6 But, also, at the same time, I just  
7 want to let you know that you have an hour to  
8 present your case. I have some flexibility.  
9 I'll go ahead and stop it, but you're down to  
10 like 39 minutes. Well, you know, I didn't stop  
11 it while this is going on. So, I will give you  
12 some leeway because we have had objections and  
13 stuff, but just be mindful of that. Okay?

14 MR. DIXON: Thank you.

15 MS. MOORE: So, I'll just answer  
16 quickly, without having to restate. I have had  
17 conversations with her in-depth about the fact  
18 that the activity caused by Sylvia's is having a  
19 negative impact on her daycare. You know, the  
20 patrons leaving the store, and then, drinking in  
21 front of her business, just because there's a  
22 shade tree there. We still know where that  
23 traffic is coming from, and obviously, is  
24 impeding her ability to attract clients who don't  
25 want to drop their precious children off, you

1 know, a few feet away from someone who's passed  
2 out or doing drugs or selling drugs, or all of  
3 the other illegal activity that we're witnessing  
4 in that location.

5 MR. DIXON: Now, Ms. Moore, as a  
6 political figure in that community, is it your  
7 intent to go after any particular businesses on  
8 some vigilante trip? Or explain to the ABRA  
9 Board what you're trying to do to help that  
10 community?

11 MS. MOORE: Sure. Absolutely not.  
12 And actually, I think it's better if there are  
13 businesses open because you have more eyes on the  
14 street who are able to report when they see these  
15 things going on.

16 My concern is when the businesses  
17 won't even bother to take the initiative to call  
18 911, unless it's about a candy bar or chips. But  
19 they can't call 911 when they're seeing all of  
20 this extreme illegal happening. You know, they  
21 don't want to call 911.

22 When you do speak with them, you get  
23 these kind of ridiculous responses about there  
24 not being this activity going on, even though you  
25 can witness it with your own eyes. There's not

1 trash, according to them, but you can clearly  
2 witness it with your own eyes. You know, there's  
3 not drug sales; there's not loitering, but even  
4 they couldn't find a picture facing in the  
5 righthand direction that didn't show people  
6 loitering in their own evidence.

7 And so, when you can't get to a point  
8 where you can have an honest conversation with  
9 people about the issues, and get them to work  
10 together with you, then, certainly, that becomes  
11 a much more concerning issue for you, because you  
12 don't have another trusted adult who's going to  
13 be honest with you, who's not going to give you  
14 ridiculous answers about why they didn't call the  
15 police and who's going to really take on their,  
16 you know, the portion of this that really is  
17 their responsibility. And there is  
18 responsibility to go around, but, surely, any  
19 reasonable adult should be able to dial 911.

20 MR. DIXON: Now, Ms. Moore, in  
21 conclusion, can you share with the Board your  
22 recommendation to them with reference to the  
23 license renewal here? And based upon your  
24 experience with Sylvia's in the other hearings  
25 that you've undergone and recommend to the Board

1 -- obviously, you can't tell the Board how to  
2 rule -- but recommend to the Board what you would  
3 like to see the Board do.

4 MS. MOORE: Sure. So, I would say  
5 plainly that I think the blame game we've seen  
6 tonight of, you know, it's everyone else but them  
7 -- you know, it's MPD's fault; it's Food 7's  
8 fault, and, of course, they're willing to kind of  
9 fabricate the story for each other because they  
10 are holding hands in terms of the language of the  
11 agreements, which says that, if Sylvia's stops  
12 selling singles, that Food 7 is also willing to  
13 stop selling singles. So, they're a little bit  
14 in cahoots on that matter, even though that's  
15 still pending for the Board.

16 I think the thing to really make clear  
17 here is that they've had multiple hearings over  
18 the years, where you just continue not to see any  
19 improvement, while you see the rest of the same  
20 corridor, this portion of Benning Road, continue  
21 to see improvements, and this one location just  
22 cannot take responsibility.

23 And so, I think it has to be taken  
24 into account that, if we're not going to just out  
25 and out remove the license because of the harmful

1 impact on local businesses and community members  
2 who are not safe in this location, at the very  
3 least, the business should be required to do  
4 something about the safety. If they're not  
5 willing to take the steps to call 911, they can't  
6 be trusted to accurately maintain a police log  
7 with more than just a handful of the items logged  
8 in October of 2021 for the entire year.

9 You do have to get a trusted adult in  
10 there, in the form of an off-duty MPD officer or  
11 security, who can at least be trusted as part of  
12 their sworn duties to make those calls, when  
13 they're witnessing illegal activities.

14 And so, I think this has to be taken  
15 very seriously and serious measures need to be  
16 taken to ensure that a responsible adult will be  
17 consistent about calling 911. And the previous  
18 orders just kind of treating the owner as that  
19 responsible party just haven't been enough over  
20 the years to get them to change their behavior.  
21 And we're only getting responses now that it's  
22 before your Board. And so, I really hope that  
23 you'll take that into consideration.

24 MR. DIXON: Thank you, Ms. Moore. I  
25 have nothing else for the witness. So, pass the

1 witness for cross.

2 CHAIRPERSON ANDERSON: Ms. Yohannes?

3 MS. YOHANNES: Yes.

4 CROSS-EXAMINATION

5 MS. YOHANNES: Good evening, Ms.

6 Moore.

7 MS. MOORE: Good evening.

8 MS. YOHANNES: So, I want to start  
9 with, you speak about multiple hearings that have  
10 occurred for Sylvia's. Are you referring to the  
11 2018 Board Order that approved the renewal of its  
12 license?

13 MS. MOORE: So, I'm talking not only  
14 about the 2018 Board Order that forced them to  
15 add the additional camera, over their protests  
16 against adding the additional camera, which  
17 provided vital evidence this evening. I'm also  
18 talking about the attempts to interact with them  
19 previously by members of the community as well.

20 MS. YOHANNES: The question is -- I'm  
21 sorry, hold on -- my question is regarding  
22 multiple hearings.

23 CHAIRPERSON ANDERSON: Ms. Yohannes,  
24 you asked the witness a question. Give her an  
25 opportunity to answer the question now. She's



1           answering it based on the best of her ability.

2                   MS. YOHANNES: All right.

3                   CHAIRPERSON ANDERSON: Please allow  
4 her to answer the question.

5                   MS. MOORE: So, my answer was, yes,  
6 not only these hearings, which included the 2018  
7 Board Order over the Applicant's objection to add  
8 the additional camera, but I'm also, obviously,  
9 an elected official. And we gave the Applicant  
10 multiple opportunities over the years, years and  
11 years, to attend ANC meetings. We send multiple  
12 requests a month for them to attend, multiple  
13 requests in one month. And they failed to do so.  
14 They failed to participate in any of those  
15 hearings or opportunities, and have, even during  
16 this process, although I wouldn't call them  
17 hearings, failed to participate appropriately in  
18 mediation.

19                   MS. YOHANNES: So, you're referring to  
20 meetings, not hearings, this being a hearing?

21                   MS. MOORE: This is a hearing. So, I  
22 guess if you want to quibble about the language,  
23 I'll be specific --

24                   MS. YOHANNES: I do.

25                   MS. MOORE: -- in saying this hearing

1 and the previous hearing, and then, I would call  
2 ANC meetings "meetings," and then, distinguish  
3 between those and mediations as well.

4 MS. YOHANNES: Thank you. Thank you.

5 And you say that you sent multiple  
6 notices or invites to Sylvia's, is that correct?

7 MS. MOORE: Yes.

8 MS. YOHANNES: Were these specific  
9 invites to the owners?

10 MS. MOORE: Yes. Everyone receives --  
11 and everyone, everyone who has registered on our  
12 listing receives an email to whatever email  
13 address they have specifically registered. In  
14 this case, the email that was registered is the  
15 same one that they registered with ABRA.

16 MS. YOHANNES: Okay. Thank you.

17 So, this is not a private or a  
18 specific email just to Sylvia's? It's to all  
19 your constituents? To everybody in --

20 MS. MOORE: So, in addition to those,  
21 if your question is, do they also receive other  
22 invitations, yes. And so, not only have I given  
23 those which are easily traceable via email on  
24 multiple occasions every month, you know, I walk  
25 down there and I say, "Please attend." And

1 either I'm told that they're not there, even if I  
2 can see them in the back room -- you know, I  
3 leave that message with whatever staff member  
4 happens to be at the counter, which I think may  
5 have been a son or a family member in one  
6 instance, who did speak English very well. And  
7 so, he understood the invitation.

8 I've sent handwritten invitations that  
9 I've walked down there personally, as well as the  
10 President of -- sorry -- the Vice President of  
11 our civic association walked down there with me  
12 to witness those invitations as well.

13 MS. YOHANNES: How many times did you  
14 specifically invite Sylvia's by walking down, by  
15 walking to their establishment and inviting them  
16 to come in 2021?

17 MS. MOORE: So, in 2021, during the  
18 pandemic, how many times did I walk down there?  
19 Three.

20 MS. YOHANNES: Yes, during the  
21 pandemic.

22 MS. MOORE: During the pandemic,  
23 three.

24 MS. YOHANNES: Yes. How many times?  
25 I'm sorry.

1 MS. MOORE: During the pandemic,  
2 three.

3 MS. YOHANNES: How many times in 2020?

4 MS. MOORE: I would have to check my  
5 records, but I would say at least six times, and  
6 we do meet 10 times a year.

7 MS. YOHANNES: At least -- okay. And  
8 you say that you coordinated or that you had MPD  
9 give clear direction regarding loitering, is that  
10 right?

11 MS. MOORE: Not loitering;  
12 incommoding, which is not the same as loitering.

13 MS. YOHANNES: Okay.

14 MS. MOORE: D.C. does not have a  
15 loitering law. Incommoding is the placement of  
16 furniture and other items to block the sidewalk.

17 MS. YOHANNES: Who from MPD did you  
18 coordinate with or did you speak to?

19 MS. MOORE: Sure. So, we spoke with  
20 the Summer Crime Initiative Captain about this at  
21 length. And he was able to give me some very  
22 clear instructions, and I walked down there with  
23 those very clear instructions and description of  
24 what incommoding is.

25 MS. YOHANNES: And who is this?

1 MS. MOORE: Our Summer Crime  
2 Initiative Captain for this summer was a Captain  
3 Paul Hrebenack, but I'm actually referring to the  
4 previous summer, which was Jerome Merrill.

5 MS. YOHANNES: So, in 2020?

6 MS. MOORE: Yes, but they -- so, just  
7 so we're clear, once you're the Summer Crime  
8 Initiative Captain, you do stay on until the next  
9 Captain takes over. So, I know there was some  
10 confusion about that earlier.

11 MS. YOHANNES: So, it was you who went  
12 to deliver this message, not MPD, correct?

13 MS. MOORE: Absolutely. Absolutely.  
14 I gave this, I gave these directions in  
15 consultation with MPD, because I, myself, had not  
16 previously been aware of the difference between  
17 loitering and incommoding.

18 MS. YOHANNES: You said that you --  
19 Ms. Moore, where do you live?

20 MS. MOORE: So, I live on the 800  
21 block of 20th Street.

22 MS. YOHANNES: And how far is that  
23 from Sylvia's?

24 MS. MOORE: I would say it's about a  
25 block and -- well, maybe two blocks.

1 MS. YOHANNES: And how often would you  
2 say you patrol the area or you ride by there, as  
3 you were saying?

4 MS. MOORE: I patrol the area at least  
5 twice a week. And that includes the allies as  
6 well.

7 MS. YOHANNES: Regarding the fish fry  
8 that you mentioned, is it your testimony that  
9 that tent and the fish fry occurred directly in  
10 front of Sylvia's?

11 MS. MOORE: Yes, and into the lanes of  
12 traffic and parking.

13 MS. YOHANNES: I'd like to play a  
14 video.

15 CHAIRPERSON ANDERSON: Who's exhibit  
16 is this?

17 MS. YOHANNES: It's their exhibit.  
18 It's the Protestant's exhibit.

19 CHAIRPERSON ANDERSON: And you said  
20 what's in your case?

21 MS. YOHANNES: Yes, and that I would  
22 -- I can use any exhibits listed by Protestant.

23 CHAIRPERSON ANDERSON: All right. All  
24 right.

25 MS. YOHANNES: Sorry. If you can give

1 me a moment, I need to be able to pull this.

2 (Pause.)

3 CHAIRPERSON ANDERSON: Are we having  
4 some problems?

5 MS. YOHANNES: I'm sorry, things are  
6 -- it's going slow. Give me another minute.

7 (Pause.)

8 CHAIRPERSON ANDERSON: Do you still  
9 have the ability to share your screen?

10 MS. YOHANNES: I do. No. Oh, yes, I  
11 do. I do. I need to pull the video, though,  
12 first, please.

13 (Pause.)

14 I don't know what you see.

15 CHAIRPERSON ANDERSON: Nothing.

16 MS. YOHANNES: Anything?

17 CHAIRPERSON ANDERSON: You're not  
18 sharing your screen. I still have the same  
19 screen. So, first, you have to share your  
20 screen. I'm seeing this. So, therefore, I'm not  
21 seeing you're sharing our screen, your screen.  
22 That's why I asked you. You told me you still  
23 had -- yes, I see that you are starting to share  
24 your screen.

25 (Pause.)

1 We're getting closer.

2 MS. YOHANNES: Sorry, I'm having some  
3 internet issues.

4 (Pause.)

5 Sorry.

6 (Pause.)

7 CHAIRPERSON ANDERSON: What's going  
8 on, Ms. Yohannes?

9 MS. YOHANNES: This is the link that  
10 I previously used and had been provided by the  
11 Protestants. Okay, I have it on another screen  
12 now, if I can try to merge this screen with that  
13 one to see if that works.

14 Can you see that?

15 CHAIRPERSON ANDERSON: Yes. You can  
16 now play the video, please.

17 (Pause.)

18 Nope.

19 (Pause.)

20 Do you press the play button? Is it  
21 that the -- what's going on?

22 MS. YOHANNES: Yeah, it's doing  
23 something.

24 CHAIRPERSON ANDERSON: Okay, I've seen  
25 something is going on.



1 (Video played.)

2 MS. YOHANNES: I can -- let me stop  
3 sharing.

4 CHAIRPERSON ANDERSON: I don't know  
5 where the --

6 MS. YOHANNES: Okay.

7 CHAIRPERSON ANDERSON: Do you want to  
8 replay the video? It appears that I saw a tent,  
9 but I don't know where the tent was.

10 MS. YOHANNES: Okay.

11 CHAIRPERSON ANDERSON: So, if you want  
12 to replay the video?

13 MS. YOHANNES: I do.

14 CHAIRPERSON ANDERSON: And stop the  
15 video where the tent is, because I saw a video; I  
16 saw a tent. I don't know where the tent was.  
17 So, I'm not sure how this is going to move on.

18 MS. YOHANNES: I don't want to move  
19 on. I do want to play it, and I'm just trying to  
20 play it here first. I think I've mastered how to  
21 share this. Or am I still sharing? I'm not  
22 sharing.

23 CHAIRPERSON ANDERSON: You're not  
24 sharing. You're not sharing your screen.

25 (Pause.)

1 (Video played.)

2 MS. MOORE: And there's the tent.  
3 That's in front of the silver car.

4 CHAIRPERSON ANDERSON: Hold on. Hold  
5 on.

6 Who is -- okay.

7 (Video played.)

8 MS. YOHANNES: This is the tent I'm  
9 referring to.

10 MS. MOORE: Absolutely.

11 MS. YOHANNES: And if I want to, if we  
12 go back, it is directly in front of Sylvia's, is  
13 that right?

14 MS. MOORE: Absolutely. And I think  
15 this quibble about the tree is maybe something  
16 that you all are willing to engage in; I'm just  
17 not.

18 MS. YOHANNES: I'm sorry. There's no  
19 question pending.

20 CHAIRPERSON ANDERSON: We can only  
21 have one person speak.

22 MS. MOORE: Sorry.

23 CHAIRPERSON ANDERSON: All right.

24 All right, Ms. Yohannes, where is  
25 Sylvia's in this figure? Where is Sylvia's on

1 this screen that we're looking at?

2 MS. YOHANNES: I don't know if you can  
3 see it or not.

4 CHAIRPERSON ANDERSON: I'll ask the  
5 witness to identify where Sylvia's is, if she  
6 can.

7 MS. YOHANNES: Sylvia's -- oh, sorry.  
8 I apologize.

9 MS. MOORE: Yes.

10 MS. YOHANNES: Okay. Ms. Moore --

11 MS. MOORE: Uh-hum?

12 MS. YOHANNES: -- can you identify  
13 where is Sylvia's?

14 MS. MOORE: So, you see a silver car  
15 parked here. In front of that silver car, you  
16 see a tent, and then, you see, next to that tent,  
17 a tree. Next to that tree, you see the sign that  
18 says, "Sylvia's Liquors."

19 MS. YOHANNES: So, here is Sylvia's  
20 Liquors, is that correct?

21 MS. MOORE: Yes, and with the large  
22 sign above it next to the tree --

23 MS. YOHANNES: Okay.

24 MS. MOORE: -- which I would identify  
25 as being Sylvia's Liquors sign, since that's what

1 it states.

2 MS. YOHANNES: Correct. Right here?

3 MS. MOORE: Uh-hum.

4 MS. YOHANNES: And this is the tent,  
5 is that correct?

6 MS. MOORE: Yes, in front of that  
7 sign.

8 CHAIRPERSON ANDERSON: Where is the  
9 tent? What sign?

10 MS. MOORE: The tent -- so, you see  
11 there's a tree --

12 CHAIRPERSON ANDERSON: Yes.

13 MS. MOORE: -- the tree that we've  
14 been discussing this whole time. You see, next  
15 to that tree, that there's a sign that says,  
16 "Sylvia's Liquors" high up.

17 CHAIRPERSON ANDERSON: Yes. So, is  
18 that to the right or to the left?

19 MS. MOORE: It's to the right of the  
20 -- to the right of the tree, you see the sign  
21 that says, "Sylvia's Liquors."

22 CHAIRPERSON ANDERSON: Right.

23 MS. MOORE: To the left of that tree,  
24 you can see the tent, or barely see it.

25 CHAIRPERSON ANDERSON: So, you're

1 saying that -- so, is it correct that the tent is  
2 to the left off the tree?

3 MS. MOORE: Yes. It's to the left of  
4 the tree in this perspective, because you have to  
5 remember I'm in the car --

6 CHAIRPERSON ANDERSON: Right.

7 MS. MOORE: -- in the street when I'm  
8 filming.

9 CHAIRPERSON ANDERSON: And where is  
10 the tree? Is the tree to the -- is the tree in  
11 front of Sylvia's or is it to the right or to the  
12 left of the tree?

13 MS. MOORE: So, the tree is in front  
14 -- so, the tree, the tree is to the left of this  
15 -- in this picture, which is what I'm describing  
16 --

17 CHAIRPERSON ANDERSON: Yes.

18 MS. MOORE: -- you can see that the  
19 tree is to the left of the Sylvia's Liquors sign.

20 CHAIRPERSON ANDERSON: The tree is to  
21 the --

22 MS. MOORE: And to the left of the  
23 tree, you see the tent.

24 CHAIRPERSON ANDERSON: The tree is to  
25 the left of the Sylvia's sign and the tent is to

1 the left of the tree, is that correct?

2 MS. MOORE: Correct.

3 CHAIRPERSON ANDERSON: All right.

4 Next question.

5 MS. MOORE: They're in a line in this  
6 video.

7 CHAIRPERSON ANDERSON: All right.

8 Where are we, Ms. Yohannes?

9 MS. YOHANNES: We're -- this is where  
10 we are.

11 I wanted to -- this tent right here,  
12 I wanted to clarify, is it your testimony that  
13 this tent right here is directly in front of  
14 Sylvia's, Sylvia's Liquor?

15 MS. MOORE: Absolutely.

16 MS. YOHANNES: And that is all --

17 MS. MOORE: We're looking at the same  
18 image.

19 MS. YOHANNES: We are, and I will let  
20 it continue to play, because I think you said you  
21 were in the car?

22 MS. MOORE: Yes, I'm the person  
23 filming here.

24 MS. YOHANNES: As we pass Sylvia's  
25 Liquors --

1 MS. MOORE: There's the tent.

2 MS. YOHANNES: -- and then, the tent.

3 MS. MOORE: Yeah. Correct.

4 MS. YOHANNES: I'm going to stop  
5 sharing.

6 And now, even though it's Protestant's  
7 exhibit -- I don't know what exhibit number this  
8 is. It may be Exhibit 2. If the Board could, if  
9 we could enter this, this video, into evidence?  
10 I would move that we enter it into evidence.

11 CHAIRPERSON ANDERSON: So, you want to  
12 -- well, it can be your exhibit. So, what  
13 exhibit number would this be on your exhibit  
14 list?

15 MS. MOORE: It's Protestant's Exhibit  
16 2.

17 CHAIRPERSON ANDERSON: I'm sorry?

18 MS. YOHANNES: Protestant's Exhibit 2.

19 CHAIRPERSON ANDERSON: You can't  
20 submit Protestant's Exhibit 2.

21 MS. YOHANNES: I'm sorry. I was just  
22 identifying what it was.

23 CHAIRPERSON ANDERSON: So, what  
24 exhibit of it is yours? This is your exhibit.

25 MS. YOHANNES: Exhibit, it's my

1 Exhibit 6.

2 CHAIRPERSON ANDERSON: All right. So,  
3 you want now the video that is Protestant's  
4 Exhibit No. 2 to be Applicant's Exhibit No. 6?  
5 Is that what you are asking? Is that what you're  
6 asking, Ms. Yohannes?

7 MS. YOHANNES: Okay, I'll withdraw.  
8 I just wanted to make my point for impeachment  
9 purposes.

10 CHAIRPERSON ANDERSON: All right.  
11 Fine.

12 MS. YOHANNES: I'll withdraw.

13 CHAIRPERSON ANDERSON: So, withdraw.  
14 Do you have another question for this  
15 witness?

16 MS. YOHANNES: Am I still sharing? I  
17 am.

18 CHAIRPERSON ANDERSON: Yes, you're  
19 still sharing.

20 MS. YOHANNES: Give me a moment.

21 So, yes, I do have another question.  
22 I want to go to, Ms. Moore, you indicated that  
23 you are very proud of some of these other  
24 businesses on Benning Road who have complied, who  
25 have complied with some of the things that you've



1 requested, is that correct?

2 MS. MOORE: I did not indicate pride.  
3 I indicated that they had complied.

4 MS. YOHANNES: You did not indicate  
5 proud, you said?

6 MS. MOORE: No, I did not say the word  
7 "proud." I said I indicated that the stores had  
8 complied, or had not been subject to complaints.

9 MS. YOHANNES: Sure. Have you  
10 protested other alcohol-licensed establishments  
11 nearby?

12 MS. MOORE: As appropriate, certainly.

13 MS. YOHANNES: In this year, is that  
14 correct?

15 MS. MOORE: Yes.

16 MS. YOHANNES: So, Sylvia's was not  
17 the only one?

18 MS. MOORE: No.

19 MS. YOHANNES: And in terms of the  
20 lawyering, have you been in contact with -- have  
21 you contacted the Commander from the 5th  
22 District, William Fitzgerald?

23 MS. MOORE: Yes, I have. I've  
24 contacted the Commander and I've contacted both  
25 of the two most recent Summer Crime Initiative

1 Captains, as well as in the previous term, the  
2 2018 Captain as well, which we do have every  
3 year.

4 MS. YOHANNES: And have you contacted  
5 Commander Fitzgerald regarding Sylvia's and this  
6 protest?

7 MS. MOORE: Absolutely. I would say  
8 that my communication with the Commander is often  
9 less than professional, you know, in terms of his  
10 responses to me, if they exist at all, but that's  
11 not for lack of trying on my part to get MPD to  
12 respond. And for the most part, the Captains  
13 have been responsive. It's just the Commander I  
14 find challenging.

15 MS. YOHANNES: When was your last  
16 communication with the Commander?

17 MS. MOORE: So, my last communication  
18 with --

19 MS. YOHANNES: May?

20 MS. MOORE: -- the Commander was at  
21 the beginning of the Summer Crime Initiative, and  
22 it's actually on film because part of it was  
23 during the Mayor's press conference and after,  
24 announcing the Summer Crime Initiative, just in  
25 case you wanted to check.

1 MS. YOHANNES: What was the date?

2 MS. MOORE: I don't recall the date,  
3 but I can certainly look up that press conference  
4 with the Mayor where I spoke about the Summer  
5 Crime Initiative.

6 MS. YOHANNES: In 2021?

7 MS. MOORE: Yes.

8 MS. YOHANNES: Okay. That is all I  
9 have for you.

10 CHAIRPERSON ANDERSON: All right. I  
11 have a question to ask Ms. Moore. I have a  
12 couple of questions.

13 Ms. Moore, you start off by saying  
14 that this owner has not lived up to the specific  
15 improvements. So, what specific improvements is  
16 it that you're saying that this owner has not  
17 been responsive to?

18 MS. MOORE: So, I think the main one  
19 that's really of concern here is in regards to,  
20 you know, maintaining that contact with the  
21 community and with MPD. I know that there might  
22 be a friendly relationship with certain members  
23 of MPD, but, you know, for the most part, what  
24 I'm looking for is, are you consistently calling  
25 911 and maintaining your log book?

1                   And I think we see, even according to  
2 your own investigator's report here at ABRA, a  
3 sudden and drastic drop in 2021 in their  
4 maintenance of that log book, in such a way that  
5 really tells me that they are not taking that  
6 responsibility seriously.

7                   CHAIRPERSON ANDERSON: So, that's it?

8                   MS. MOORE: I think that's the primary  
9 issue in terms of what we're seeing. The other  
10 issues are things about maintenance of a clean  
11 space in the rear of the building, which is not  
12 happening. Consistent trash pick up didn't occur  
13 for months at a time in the rear of the building.  
14 Maintenance of rat traps in the rear of the  
15 building and the appropriate maintenance,  
16 including plantings in the front of the building,  
17 has been inconsistent. But those are not the  
18 primary safety concerns of the community.

19                   CHAIRPERSON ANDERSON: All right. We  
20 saw this video. You took a video.

21                   MS. MOORE: Uh-hum.

22                   CHAIRPERSON ANDERSON: But the tent  
23 was not in Sylvia's.

24                   MS. MOORE: The tent was not in use --

25                   CHAIRPERSON ANDERSON: Hold on. Hold

1 on. Hold on.

2 MS. MOORE: All right.

3 CHAIRPERSON ANDERSON: You testified  
4 that the tent was -- that there's a tree, and the  
5 tree is to the left of Sylvia's, meaning that the  
6 tree is not in front of Sylvia's. And you stated  
7 that the tent was to the left of the tree. So,  
8 if the tree is to the left of Sylvia's, and if  
9 the tent is to the left of the tree, how can the  
10 tent be -- how is it that there's a statement  
11 that a tent is in front of Sylvia's?

12 MS. MOORE: So, first, I'll say I  
13 think we're having a misunderstanding, because  
14 I'm not talking about the physical space when I  
15 made that description. I'm talking about the  
16 video that I was asked to describe.

17 So, there was the still of the video  
18 that we all looked at, and in the still of the  
19 video, remember, I'm in, as I stated previously,  
20 in the angle of I'm in a lane of traffic. So,  
21 I'm looking to my right from this lane of traffic  
22 at this, taking this image. In the still image,  
23 you see on the right the Sylvia's sign; on the  
24 left, you see the tree, and then, to the left of  
25 the tree, you see the tent. And that tent was in

1 the lane of traffic. And that's the description  
2 I'm giving.

3 CHAIRPERSON ANDERSON: So, you can't  
4 -- I'm sorry.

5 MS. MOORE: Sorry.

6 CHAIRPERSON ANDERSON: So, we can all  
7 agree that the tent was not physically located in  
8 front of Sylvia's, is that correct?

9 MS. MOORE: I would not agree with  
10 that assessment. And I know that, you know, we  
11 spent a lot of this hearing talking about these  
12 kind of quibbles over the location. But I guess  
13 the point that I'm making here is that Sylvia's  
14 clearly has a frontage of their building. It's  
15 not just kind of here's our door. And that's the  
16 only place we're considering the front of our  
17 building. You know, they also have that entire  
18 area with signs and advertisements, and kind of  
19 that barring situation going on in the window.  
20 And I consider that, all of that, to be the  
21 frontage of the store, and I don't think that  
22 that's an unreasonable statement.

23 CHAIRPERSON ANDERSON: But let me ask  
24 that question, ma'am. Is it correct that the  
25 tree is not in front of Sylvia? Is that correct?

1 Can we agree where the tree is located?

2 MS. MOORE: So, this is where I would  
3 -- this is --

4 CHAIRPERSON ANDERSON: Okay. Not the  
5 branches. Is it correct that the tree -- is the  
6 tree planted in front of Sylvia's?

7 MS. MOORE: So, the tree is planted in  
8 a box that's literally wedged between where  
9 Sylvia's building is and where the daycare  
10 begins. And so, even if you were -- even if I  
11 were talking to neighbors in the situation who  
12 had a tree on the property line, I wouldn't say,  
13 "Oh, this tree is not in front of your house."  
14 You know, it's kind of one of those things where  
15 I just, honestly, think that it's not  
16 inappropriate to call that the front of the  
17 store.

18 CHAIRPERSON ANDERSON: Well, where I  
19 live, there's a tree that's planted over my  
20 neighbor's house, but there are branches over my  
21 house. Yes, I can cut the branches of that, but  
22 the tree's not planted in front of my house. I  
23 mean, that's not my tree.

24 MS. MOORE: But that's sure not what  
25 I'm saying. What I'm saying is that the trunk of

1 the tree is in a tree box that's that splits the  
2 line between where their property line starts and  
3 where the adjacent property starts. And that's  
4 my recollection of where that tree is. But I  
5 also think that it's not something dishonest that  
6 a normal person would say, you know, this is the  
7 front of the store. I just think we're stuck on  
8 like this quibble about the location of the tree  
9 trunk. And all I'm saying to you is that this is  
10 in front of the store.

11 CHAIRPERSON ANDERSON: All right.  
12 Fine.

13 Now I know it's correct that you're  
14 here for the testimony from the investigator, is  
15 that correct? And we saw the pictures --

16 MS. MOORE: I'm sorry. I'm sorry, I  
17 couldn't hear the question.

18 CHAIRPERSON ANDERSON: I'm sorry.  
19 It's correct that you are here for the testimony  
20 that the investigator provided, and you saw the  
21 pictures that the investigator went over, is that  
22 correct?

23 MS. MOORE: Yes, I did.

24 CHAIRPERSON ANDERSON: And it's  
25 correct -- is it correct that where and there was



1 a -- whatever it was, that it was not in front of  
2 Sylvia's? It was in front of the daycare, is  
3 that correct?

4 MS. MOORE: So, I don't recall exactly  
5 her exhibits. From my recollection --

6 CHAIRPERSON ANDERSON: All right. Let  
7 me ask you a question about it.

8 MS. MOORE: I'm sorry. Uh-hum, go  
9 ahead.

10 CHAIRPERSON ANDERSON: Since you walk  
11 the block --

12 MS. MOORE: Yes.

13 CHAIRPERSON ANDERSON: -- and you are  
14 the community, is it a correct statement that the  
15 chairs, and whatever it is that's set up, that  
16 they're set up in front of the Kiddie Daycare, is  
17 that correct?

18 MS. MOORE: So, no, I don't think that  
19 that's a correct statement. I think what is  
20 correct, is more correct, is, since you're asking  
21 me over a period of time, is that you regularly  
22 see it sometimes there in front of the daycare;  
23 sometimes there in front of Sylvia's; sometimes  
24 there under the tree; sometimes there -- it's  
25 like a little fenced area near one of the homes.

1 You know, it's that entire little, you know,  
2 those three buildings there that really is  
3 suffering from the issue -- over a span of time  
4 is what I'm saying.

5 CHAIRPERSON ANDERSON: All right. So,  
6 what is that you believe that, if the times when  
7 the tent or the chairs, when they're located in  
8 front of the daycare, what is it that Sylvia  
9 should have done when these tents, when this tent  
10 or the chairs is located in front of the daycare?

11 MS. MOORE: So, my specific issue is  
12 that you can clearly see in the video, which I  
13 think we missed in this conversation over the  
14 location of the tree, is that the patrons who are  
15 leaving Sylvia's are attending the festivities.  
16 And there's the back-and-forth, which I  
17 personally witnessed, which is not all captured  
18 in the video.

19 My expectation would be, in noticing  
20 that going on, you know, with the traffic in and  
21 out of your store, to see that that's occurring,  
22 that you would call the police, so that you're  
23 not just allowing this conduct to continue,  
24 especially at that time, knowing that you've  
25 already had complaints from the community because

1 you have an ABRA protest.

2 CHAIRPERSON ANDERSON: Now you talked  
3 about having security. So, if the Board was to  
4 supposed, as per your request, order them to have  
5 security, do you envision the security leaving  
6 the store and going outside and telling the folks  
7 to move from in front of the Kiddie, the daycare?

8 MS. MOORE: That's actually not what  
9 I would envision. What I would envision is that,  
10 really, the goal there is to have a responsible  
11 adult, who we know can be relied upon to contact  
12 MPD when they witness these issues. And that's  
13 just not happening at this point, with only four  
14 calls in the police log from this establishment.

15 CHAIRPERSON ANDERSON: All right. Do  
16 we have any questions from any of the Board  
17 members?

18 Mr. Short?

19 MEMBER SHORT: Mr. Chairman, I have --  
20 yes.

21 CHAIRPERSON ANDERSON: Go ahead, sir.

22 MEMBER SHORT: Chairman Moore, how are  
23 you?

24 MS. MOORE: I'm doing well, and I hope  
25 you are also.

1                   MEMBER SHORT: Congratulations on your  
2 elevation to Chairman. The last time we spoke,  
3 you were not Chairman.

4                   I'll just have to say this for the  
5 record: elected officials in Washington, D.C.,  
6 are very dear to this particular Board member,  
7 speaking of myself. When I lived on Langston  
8 Terrace on 24th Street in the courtyard, we  
9 couldn't even vote for President. Washington,  
10 D.C., didn't get the right to vote for the people  
11 until in the sixties and early seventies.

12                   But, at any rate, thank you for your  
13 service and your walking those allies and your  
14 walking those streets. You should be commended  
15 as a very, very decent native Washingtonian. So,  
16 thank you for what you're doing.

17                   MS. MOORE: Thank you. I appreciate  
18 those comments.

19                   MEMBER SHORT: Before I ask my  
20 question, Mr. Chair, I'd just like to read  
21 something into the record.

22                   This is a memorandum from the --

23                   CHAIRPERSON ANDERSON: Mr. Short?

24                   MEMBER SHORT: Yes?

25                   CHAIRPERSON ANDERSON: Ask her

1 questions, sir. No, this is not appropriate for  
2 you to read anything into the record. If you  
3 have a question to ask, please ask the question,  
4 but I can't have a Board --

5 MEMBER SHORT: Okay, I'll ask a  
6 question. Thank you.

7 You taught me a lot about lawyers.  
8 And so, thank you very much for reminding me.

9 Chairman Moore, are you familiar with  
10 any memorandums that came out from the  
11 Corporation Counsel regarding ANC Commissioners?

12 MS. MOORE: No, I'm sorry, I'm not.

13 MEMBER SHORT: Mr. Chair, would it be  
14 appropriate for me now to ask if I could read her  
15 what I'm looking at, and what you've received  
16 yourself regarding --

17 CHAIRPERSON ANDERSON: No.

18 MEMBER SHORT: -- regarding ANCs and  
19 boards and commissions?

20 CHAIRPERSON ANDERSON: No, Mr. Short,  
21 that's not appropriate at this juncture. I know  
22 what you are referencing, but it's not  
23 appropriate at this juncture. It's not  
24 appropriate for us to, for that to be placed in  
25 the record.

1                   MEMBER SHORT: Okay. Well, Chairman  
2 Moore, are you familiar with what the law says  
3 ANC Commissions are supposed to get from  
4 testifying before boards and commissions in  
5 Washington, D.C.?

6                   MS. MOORE: Yes, I am familiar with  
7 that, statute 1-309. And that is great weight.

8                   MEMBER SHORT: Can you explain what  
9 that should mean to this Board, in light of all  
10 the work you're doing in the community and your  
11 testifying today? Can you --

12                   MS. MOORE: Sure.

13                   MEMBER SHORT: -- enlighten the Board?

14                   MS. MOORE: Yes. So, what that means  
15 is that it's a D.C. law that really very clearly  
16 states that, when an Advisory Neighborhood  
17 Commission, acting as a body, votes on an action,  
18 as advice to a board, agency, or other government  
19 organization, that their advice to that board or  
20 commission should be given great weight under the  
21 law and under the procedures of that agency,  
22 board, or commission.

23                   MEMBER SHORT: Well, I would just,  
24 again, like to say for the record, I, as a Board  
25 member, do give the elected officials, not only

1       ANC Commissioners, but our Council members and  
2       our Mayor, and all elected officials of the  
3       District of Columbia, I think we need to, as  
4       citizens, support them in their endeavors,  
5       because the only way they can get their job done  
6       is if we all work together.

7                   MS. MOORE: I agree.

8                   MEMBER SHORT: I'd like to go back to  
9       now -- and thank you, Mr. Chair, for reminding me  
10      how to ask that question.

11                   It came up about public urination,  
12      when our investigator testified. Can you tell me  
13      or enlighten this Board as to what's going on  
14      with public urination in the 1800 block of  
15      Benning Road, Northeast?

16                   MS. MOORE: Sure. So, there is,  
17      actually, an unoccupied, currently unoccupied  
18      property. So, it's not the occupants of the  
19      property who are peeing in their own front yard,  
20      but those group of individuals who are actually  
21      incommoding, and not just loitering, you know, in  
22      front of this establishment and nearby  
23      establishments and homes, as the group continues  
24      to grow and spread out, and relieve themselves  
25      after enjoying their beverages in front yard of

1 that property and, actually, two adjacent  
2 properties. So, they're -- on the side of the  
3 daycare, regularly, there's urine, and in the  
4 front yard of one of the residential properties  
5 you see a lot of that activity.

6 MEMBER SHORT: Are you familiar with  
7 what they call the "BID districts" of Washington,  
8 D.C.?

9 MS. MOORE: I am.

10 MEMBER SHORT: Can you explain what  
11 that would do for the 1800 block of Benning Road?  
12 First, what is a BID? Please tell us what a BID  
13 is.,

14 MS. MOORE: So, it's a Business  
15 Improvement District, and I would love to see  
16 that type of coordination amongst the businesses  
17 on the block in terms of continuing some of the  
18 improvements that we have seen addressing some of  
19 these issues. And they do take coordinated steps  
20 to improve trash collection, which we do also get  
21 some help from the Main Streets Program in that  
22 department with collecting the beer cans and  
23 liquor bottles that are there each morning.

24 But I think that that would continue  
25 to help improve the situation there and give the



1 businesses an appropriate way to help continue to  
2 improve the neighborhood.

3 MEMBER SHORT: So, what you just  
4 described that BIDs can do, it would stop fires  
5 in the rear of 1818 Benning Road because the BID  
6 would make sure those allies are cleared up and  
7 that any agreements between businesses and the  
8 community would be strongly enforced. Has your  
9 ANC ever considered applying for a BID?

10 MS. MOORE: So, we have, and actually,  
11 we've begun the process of hiring a planner.  
12 Unfortunately, we have previously hired a planner  
13 and he passed away due to COVID. So, we are in  
14 the process of trying to hire someone else to  
15 help us with that process.

16 But I would just ask that, you know,  
17 businesses are required to have private trash  
18 collection, and especially when the trash has  
19 been collecting there over some months.  
20 Certainly, they can put in a request individually  
21 to their trash collector to make sure any  
22 mattresses, you know, furniture and other debris  
23 are cleaned up, especially the crates that are  
24 used to then take to the front of the building  
25 and sit on.

1                   MEMBER SHORT: Okay. Also, some  
2 testimony came up about Silverman's at 21st and  
3 Benning Road. Can you give me some history on  
4 Silverman's?

5                   MS. MOORE: So, I've never protested  
6 Silverman's license, even though they are the  
7 only other Class A licensee listed in the  
8 investigator's report in the vicinity of this  
9 Class A licensee. And that's primarily because,  
10 even though I do have the authority to do so,  
11 it's not appropriate in their instance because  
12 the conduct of the owners is very different.  
13 Their call log is quite up-to-date, even though  
14 they're not required to maintain one. They don't  
15 see the same activity in their parking lot, which  
16 is much shadier than this particular location  
17 we've been discussing. You just don't see the  
18 same activity in or around that location. So,  
19 it's certainly not a grudge against Class A  
20 licensees when they're responsible.

21                   MEMBER SHORT: That sounds great. It  
22 sounds like you are on top of everything.

23                   I learned how to swim at Roosevelt  
24 swimming pool in 1955. And I'll just simple say  
25 this: you remind me of the citizens who were

1 there when I lived in Langston Terrace.

2 Continue the good work, and thank you  
3 for your testimony today. And be known that at  
4 least one Board member is telling you today  
5 you're doing a great job, and I stand behind you  
6 100 percent. Thank you very much for your  
7 testimony.

8 MS. MOORE: Thank you.

9 MEMBER SHORT: Thank you, Mr.  
10 Chairman, for allowing me to question her.

11 CHAIRPERSON ANDERSON: Thank you, Mr.  
12 Short.

13 Any other questions by any other Board  
14 members?

15 (No response.)

16 Ms. Yohannes, do you have any recross?  
17 I'm sorry, any followup based on the Board's  
18 questions?

19 MS. YOHANNES: No, I don't. I have no  
20 questions.

21 CHAIRPERSON ANDERSON: Mr. Dixon, any  
22 cross?

23 MR. DIXON: Absolutely not.

24 CHAIRPERSON ANDERSON: All right.  
25 Thank you, Ms. Moore. Thank you for your

1 testimony.

2 (Witness excused.)

3 Do you have another witness there?

4 MR. DIXON: Yes, at this time, Ms.  
5 Madison Gibbs is going to offer a witness, Ms. --

6 MS. GIBBS: Regina Snead, uh-hum.

7 CHAIRPERSON ANDERSON: I'm sorry, who  
8 is the next witness? Ms. Gibbs, who's the next  
9 witness?

10 MS. GIBBS: Regina Snead.

11 CHAIRPERSON ANDERSON: Is Ms. Snead on  
12 the line?

13 MS. ANDREWS: Stand by.

14 CHAIRPERSON ANDERSON: Thank you.

15 MS. ANDREWS: I do not see a Regina  
16 Snead in --

17 MS. GIBBS: She might have called in.

18 MS. ANDREWS: Okay. One second. I'm  
19 unable to see the last four digits.

20 A caller beginning with 240-882, I'm  
21 going to unmute your line, so that you can  
22 announce yourself.

23 MS. SNEAD: Regina Snead.

24 MS. ANDREWS: Thank you.

25 CHAIRPERSON ANDERSON: All right.

1 Okay. Ms. Snead, can you raise your right hand,  
2 please?

3 MS. SNEAD: Yes.

4 WHEREUPON,

5 REGINA SNEAD

6 was called for examination by Counsel for ANC 5D,  
7 and having first been duly sworn, was examined  
8 and testified as follows:

9 CHAIRPERSON ANDERSON: Thank you.

10 Your witness, Ms. Gibbs.

11 MS. GIBBS: May I proceed, Board  
12 Chair?

13 CHAIRPERSON ANDERSON: Yes, I said  
14 it's your witness. Go ahead, yes.

15 MS. GIBBS: Thank you. Thank you.

16 DIRECT EXAMINATION

17 MS. GIBBS: Ms. Snead, can you  
18 introduce yourself for the record and spell your  
19 name, please?

20 MS. SNEAD: Regina Snead, R-E-G-I-N-A  
21 S-N-E-A-D. I am the current daycare owner.

22 MS. GIBBS: Current daycare owner  
23 where?

24 MS. SNEAD: At 1816 Benning Road,  
25 Northeast, Washington, D.C.

1 MS. GIBBS: Okay. And can you give  
2 the Board the official name of your daycare,  
3 please?

4 MS. SNEAD: Baby Einstein Child  
5 Development Center.

6 MS. GIBBS: All right. Thank you.  
7 How long has your business been  
8 operating at this location?

9 MS. SNEAD: Since 2018, at this  
10 location, since 2018.

11 MS. GIBBS: Okay. What have your  
12 hours been currently? So, how frequently is the  
13 daycare open? What are the hours?

14 MS. SNEAD: Currently, we are not  
15 open. The hours are from 7:00 to 6:00 p.m.  
16 However, we're having an extremely difficult time  
17 getting parents to sign their children up. And  
18 quite frankly, their exact words are, "We love  
19 the inside, but it's too much going on outside."

20 So, we did have children prior to the  
21 pandemic. However, because we're just about to  
22 reopen due to COVID, we cannot get parents  
23 because it's so many people outside, so much  
24 drinking, so much trash, furniture, drug sales.  
25 It's just so much going on, that the parents --

1 and I wouldn't trust my kids to be there, either.  
2 So, I don't blame them. But they refuse to put  
3 their child in that type of environment.

4 MS. GIBBS: Okay. Are you aware of  
5 Sylvia's Liquors?

6 MS. SNEAD: Yes, I am.

7 MS. GIBBS: Okay. And where is your  
8 business located in relation to Sylvia's?

9 MS. SNEAD: If you're standing facing  
10 Sylvia's, it would be to the left.

11 MS. GIBBS: Okay. Is it right next  
12 door?

13 MS. SNEAD: Yes, it's right next door.

14 MS. GIBBS: Okay. And what are some  
15 of your greatest issues with Sylvia's? So, a lot  
16 of what you just said in the previous answer, do  
17 you attribute that to Sylvia's?

18 MS. SNEAD: So, my greatest concern is  
19 -- someone previously said it -- it is the  
20 business owner's responsibility to make sure that  
21 their clients don't impede on the other  
22 businesses. So, just because they come in and  
23 buy their stuff, and then, move to the next spot,  
24 it doesn't seem neighborly. It doesn't seem  
25 responsible.

1                   So, as they come out, they're  
2                   drinking. The bottles are there. The drunks are  
3                   there; they're laying on the ground. Yes,  
4                   Sylvia's is making their money. However, the  
5                   other businesses around are suffering because no  
6                   one wants to come in that type of environment,  
7                   especially a childcare centers, and parents and  
8                   their kid.

9                   MS. GIBBS: Have you witnessed  
10                  personally the drunks on the ground and people  
11                  coming outside of the store drinking and hanging  
12                  out?

13                 MS. SNEAD: Yes, I have.

14                 MS. GIBBS: Okay. Has the loitering  
15                 been worse, or has it became worse over time?

16                 MS. SNEAD: It has definitely become  
17                 worse over time. And it just has. It's more  
18                 people. There are chairs. There are tents.  
19                 There are tables, cookouts, and everything that  
20                 you can think of; it's like someone's backyard  
21                 right there.

22                 MS. GIBBS: Okay. So, I'm going to  
23                 jump around a little bit because you've mentioned  
24                 tents and cookouts. On September 12, 2021, did  
25                 you host a cookout outside of your establishment?



1 MS. SNEAD: No, ma'am, we weren't even  
2 open.

3 MS. GIBBS: So, it's safe to say that  
4 you also did not authorize anybody to have a  
5 cookout outside of your establishment?

6 MS. SNEAD: No, ma'am.

7 MS. GIBBS: Okay. Have you had  
8 parents or employees complain about the loiterers  
9 and conditions outside of the business?

10 MS. SNEAD: Parents, teachers,  
11 potential parents, yes, and, of course, myself as  
12 well, because I do not feel safe having to walk  
13 through that and pass all of the stuff that's  
14 going on. The children, you know, broken bottles  
15 and glass, the children having to walk in and out  
16 of that, it's just a dangerous environment.

17 MS. GIBBS: How many kids are enrolled  
18 in your program -- when it was open and you were  
19 doing it?

20 MS. SNEAD: The daycare center is  
21 actually licensed for 18 children. When we were  
22 last there, we had like 15 or 16 children.

23 MS. GIBBS: And of what ages?

24 MS. SNEAD: Our ages are from one to  
25 four years old was what we had. We can go up to

1 five years.

2 MS. GIBBS: Okay. Have you ever  
3 spoken to the owners of Sylvia's about your  
4 issue?

5 MS. SNEAD: No, I have not.

6 MS. GIBBS: Okay. Will you be able to  
7 tell me why you haven't?

8 MS. SNEAD: I really don't have a  
9 reason for why; I just have not.

10 MS. GIBBS: Okay. Have you ever  
11 considered relocating your business because of  
12 those issues?

13 MS. SNEAD: Yes, I have, and I'm  
14 actually in the process of trying to do that now.

15 MS. GIBBS: Do you allow the loiterers  
16 and just people to sit outside of your  
17 establishment in chairs and just kind of hang  
18 out?

19 MS. SNEAD: No, I actually will ask  
20 them -- well, they have a certain approach that  
21 you have to take. So, I will try to be very  
22 polite and I'll say, "Well, we have kids that are  
23 coming through. Is it possible for you to move  
24 along?" And some of them are receptive and some  
25 of them aren't. It just depends on what

1 condition they're in.

2 MS. GIBBS: Uh-hum. And those people  
3 that you're speaking to outside of your business,  
4 would you say that your business is a magnet for  
5 those people?

6 MS. SNEAD: I couldn't hear. It went  
7 out. Would I say? I couldn't --

8 MS. GIBBS: Would you say that your  
9 business, the daycare, is a magnet to attract  
10 those sort of people to hang out?

11 MS. SNEAD: Absolutely not.

12 MS. GIBBS: From your observations,  
13 what is the magnet for those people?

14 MS. SNEAD: A lot of them are going in  
15 and out of the liquor store. They're drinking,  
16 having just like a gathering.

17 MS. GIBBS: Okay. And I'm rounding  
18 out here, but, Ms. Snead, are you in support of  
19 the renewal of Sylvia's liquor license?

20 MS. SNEAD: No. And the reason why I  
21 say no is because they have to take some  
22 responsibility. If my parents were, I'm going to  
23 say, coming out and throwing their diapers in  
24 front of Sylvia's, it would be my responsibility,  
25 as the business owner, to make sure that I

1 correct that behavior. I would have to do  
2 something about it. I wouldn't let my parents  
3 impede on the other businesses just because I'm  
4 making money.

5 MS. GIBBS: Okay. Is there anything  
6 else you'd like to add, Ms. Snead?

7 MS. SNEAD: No. That's it.

8 MS. GIBBS: Okay. Thank you.

9 Chair Anderson, I'm done with my list  
10 of questions.

11 CHAIRPERSON ANDERSON: Thank you, Ms.  
12 Snead. Ms. Yohannes will have some questions for  
13 you. When she's done the Board members might  
14 have some questions for you, too, also.

15 So, Ms. Yohannes, go ahead.

16 MS. YOHANNES: Okay. Yes, good  
17 evening, Ms. Snead.

18 MS. SNEAD: Good evening.

19 CHAIRPERSON ANDERSON: So you  
20 testified that you took over the day care in  
21 2018, is that right?

22 MS. SNEAD: That's when we opened,  
23 yes.

24 MS. YOHANNES: Okay. And when you  
25 opened in 2018 and took over the business you

1 knew that Sylvia 's was a liquor store next door,  
2 is that correct?

3 MS. SNEAD: Yes, I did. Yes.

4 MS. YOHANNES: And you said, you  
5 testified that you stopped operating when the  
6 pandemic started. So in around March of 2019, is  
7 that correct?

8 MS. SNEAD: March 13th, 2019. I mean  
9 2020.

10 MS. YOHANNES: '19.

11 MS. SNEAD: Yes. No, March --

12 CHAIRPERSON ANDERSON: What question  
13 did you ask, Ms. Yohannes? Are you asking --

14 MS. YOHANNES: When did you stop  
15 operating? Right.

16 MS. SNEAD: March -- March of 2020.

17 MS. YOHANNES: Ms. Snead -- and I  
18 believe -- did you hear the testimony of the  
19 investigator earlier today?

20 MS. SNEAD: No, I did not.

21 MS. YOHANNES: Okay. Did you hear the  
22 testimony of Ms. Moore?

23 MS. SNEAD: I -- I'm sorry. I'm not  
24 sure who is who. I'm on the phone so I -- I  
25 can't tell you. Do you want to ask me something

1 about the testimony?

2 MS. YOHANNES: Sure. Testimony has  
3 been given that a lot of the loitering occurs in  
4 front of the day care. Is that correct?

5 MS. SNEAD: A lot of it does, but it  
6 occurs up and down the street. It's not just  
7 there. It's in front of some of the houses.  
8 It's in front of Sylvia's. It's in front of the  
9 corner store. But the problem is is that they're  
10 coming out of Sylvia's.

11 MS. YOHANNES: Okay.

12 MS. SNEAD: These are their customers.

13 MS. YOHANNES: Have you observed the  
14 loiterers come out of Sylvia's and sort of sit  
15 down and stay in front of your day care?

16 MS. SNEAD: I have observed them sit  
17 down. I have observed them go down the street  
18 and sit. I've observed them sit on top of the  
19 cars. I've observed a lot of it.

20 MS. YOHANNES: And the people who are  
21 loitering, they're not just customers of  
22 Sylvia's, are they?

23 MS. SNEAD: No. I mean some of them  
24 they -- they just come from everywhere, but a lot  
25 of them do come from Sylvia's.

1 MS. YOHANNES: And as a business owner  
2 you talk about responsibility and accountability.  
3 Have you called the police when you --

4 MS. SNEAD: I have.

5 MS. YOHANNES: You have? How often  
6 would you say that you've called the police when  
7 people are loitering in front of your  
8 establishment, or your -- I'm sorry, your  
9 business?

10 MS. SNEAD: I -- I couldn't give you  
11 an exact number, but like I said my approach is  
12 to kind of ask them if they can please move  
13 along; we have kids here. That is more of my  
14 approach to try to be friendly instead of more  
15 aggressive, but I have called.

16 MS. YOHANNES: But you expect Sylvia's  
17 to call the police?

18 MS. SNEAD: I do because I have called  
19 as well and they're Sylvia's customers; they're  
20 not mine.

21 MS. YOHANNES: But they're loitering  
22 in front of your business, is that correct?

23 MS. SNEAD: Exactly. And so I have  
24 taken the initiative to do something about it.  
25 And I think it's also Sylvia's responsibility to

1 do so as well.

2 MS. YOHANNES: Okay. Thank you.

3 That's all I have.

4 CHAIRPERSON ANDERSON: Any questions  
5 from the Board members?

6 (No audible response.)

7 CHAIRPERSON ANDERSON: I want to ask  
8 you a question, Ms. Snead. Did you do -- so when  
9 you opened the business in 2018, did you notice  
10 that there was loitering in front of your  
11 business in 2018?

12 MS. SNEAD: The times -- well, I have  
13 another day care center, and actually the  
14 building is owned by the same person. And the --  
15 the -- the previous owner of the child care  
16 center was the same one where I'm at, so I just  
17 kind of took over the establishment. I did not  
18 notice as much because I did sign in the winter  
19 time, so I think the colder months it was less  
20 traffic, but there was not as much as it is now.  
21 It -- it's overwhelming now.

22 CHAIRPERSON ANDERSON: Let me ask you  
23 this. You signed in the winter months. What  
24 month did you sign, if you remember, in 2018?

25 MS. SNEAD: I didn't sign in 2018; I



1 signed prior to 2018. We just opened in 2018.

2 CHAIRPERSON ANDERSON: Well, let me  
3 ask --

4 MS. SNEAD: So I would say --

5 CHAIRPERSON ANDERSON: Hold on.

6 MS. SNEAD: Yes?

7 CHAIRPERSON ANDERSON: I'm sorry.

8 When you did you sign the lease for this  
9 property?

10 MS. SNEAD: Oh, it was sometime in  
11 2017. I'm thinking it may have been December,  
12 November/December of 2017.

13 CHAIRPERSON ANDERSON: And I'm just  
14 trying to find out -- so when was the first time  
15 you noticed that there were a lot -- there were  
16 significant, if any, folks loitering in front of  
17 your establishment?

18 MS. SNEAD: I mean, we -- when I  
19 initially opened there were some, but it -- it  
20 just -- it -- it has grown. I -- I'd noticed --  
21 I mean there are people there. They respected  
22 the fact that I would ask if them if they could  
23 please move along, but it's now (audio  
24 interference) -- the crowd has just -- it's just  
25 grown. I really don't know what to say. I don't

1 know. I really don't know what to say. I don't  
2 know.

3 CHAIRPERSON ANDERSON: Now long was  
4 your business closed for? You closed your  
5 business from period?

6 MS. SNEAD: March 2020 until now.  
7 We're trying to -- we have parents who are coming  
8 out; they're looking at the facility. However,  
9 their comment is everything is great inside,  
10 however there's too much going on outside. So,  
11 yes.

12 MEMBER SILVERSTEIN: So did you --

13 MS. SNEAD: That's where we are.

14 CHAIRPERSON ANDERSON: Did you visit  
15 the property -- during the period of time that  
16 you were closed did you visit the property to see  
17 what was what, if any activity was going on in  
18 front of the property?

19 MS. SNEAD: I did visit the facility,  
20 however because I do have another center, I would  
21 go on the weekends. And I may go during the --  
22 like early mornings. So when I would go at 9:00  
23 a.m. on a Sunday, there was -- there was no  
24 traffic, however I do have some employees who  
25 live in the area and they would tell me yes,

1 there's a lot of traffic going on. And like I  
2 said, if I'm coming through to pick up my kids  
3 from school, I may see them, but I'm not in the  
4 physical building. I'm just driving through.

5 CHAIRPERSON ANDERSON: Now since 2018,  
6 since you moved in, say between 2018 and prior to  
7 March when you closed for COVID, do you recall --  
8 can you tell me how many times -- and did you  
9 call the police? Did you call the -- how many  
10 times, if any, do you recall calling the police  
11 regarding the loitering in front of your  
12 property?

13 MS. SNEAD: I know it was -- between  
14 my employees and myself I know at least 10 times  
15 for something that was going on outside.

16 CHAIRPERSON ANDERSON: So how is it  
17 that you believe that we could get rid of the  
18 loiterers in front of your property?

19 MS. SNEAD: That's a good question.  
20 I -- I'm not a lawmaker, but -- I don't know, I  
21 just know that maybe if -- I -- I do agree that  
22 if they weren't selling singles, then maybe they  
23 would have to take their stuff home and -- I  
24 don't know. My thing is just that I'm here to  
25 just testify as -- as to how it affects my

1 business and the community in -- in whole.

2 CHAIRPERSON ANDERSON: But, no, you're  
3 saying that -- I'm asking you. I mean, I'm  
4 asking you. You're here to testify and to say  
5 how it impacts your business. And the ANC is  
6 saying that we shouldn't renew their license.  
7 The Licensee is saying that we should renew their  
8 license. And so you're complaining. So that's  
9 why I'm asking you. I mean you're saying that  
10 the folks -- they're all up the street. So I'm  
11 just trying to figure out how is it that you  
12 believe the ABC Board can remove those people  
13 from in front of your business?

14 MS. SNEAD: Remove the liquor store.

15 CHAIRPERSON ANDERSON: I'm sorry. You  
16 said what, ma'am?

17 MS. SNEAD: Remove the liquor store.

18 CHAIRPERSON ANDERSON: So you're  
19 saying if the liquor store is closed, then those  
20 folks would not be in front of your building. Is  
21 that your testimony?

22 MS. SNEAD: I -- I believe so. Now  
23 that's not to say they won't go somewhere else,  
24 but I believe that they would move along.

25 CHAIRPERSON ANDERSON: All right.

1 Any other questions by any other Board  
2 members?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: Ms. Yohannes,  
5 any follow-up based on the questions that the  
6 Board asked?

7 MS. YOHANNES: No follow-ups. Thank  
8 you.

9 CHAIRPERSON ANDERSON: Ms. Gibbs, any  
10 redirect?

11 MS. GIBBS: No redirect.

12 CHAIRPERSON ANDERSON: Thank you. Ms.  
13 Snead, thank you very much for your testimony.  
14 You're free to go.

15 MS. SNEAD: Thank you.

16 MS. GIBBS: Thank you, Ms. Snead.

17 MS. SNEAD: Thank you.

18 CHAIRPERSON ANDERSON: Do you have  
19 another witness?

20 MR. DIXON: Yes, right now we'd like  
21 to call Mr. Clement Stokes.

22 CHAIRPERSON ANDERSON: Mr. Kenneth --

23 MR. DIXON: He'll be very short.

24 CHAIRPERSON ANDERSON: Mr. Kenneth  
25 Stokes.

1 MR. DIXON: No, Clement,  
2 C-L-E-M-E-N-T. Clement Stokes. Sorry.

3 CHAIRPERSON ANDERSON: Plement or  
4 Clement?

5 MR. DIXON: Clement, with a C.

6 CHAIRPERSON ANDERSON: All right.

7 MS. ANDREWS: Mr. Stokes. I see him  
8 up there.

9 CHAIRPERSON ANDERSON: All right.  
10 Okay. Thank you.

11 MR. ANDREWS: Mr. Stokes, your lights  
12 have been elevated.

13 CHAIRPERSON ANDERSON: Thank you.  
14 Mr. Stokes?

15 (No audible response.)

16 CHAIRPERSON ANDERSON: Mr. Stokes, can  
17 you raise your right hand, please, sir?

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

20 MR. STOKES: I do.

21 CHAIRPERSON ANDERSON: All right.  
22 Thank you.

23 Is this you, Mr. Dixon, or is it Ms.  
24 Gibbs?

25 MR. DIXON: Yes, Mr. Stokes is going

1 to be handled by me and Madi is going --

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: You can put  
4 your hand down, Mr. Stokes.

5 MR. STOKES: Okay.

6 CHAIRPERSON ANDERSON: Go ahead, Mr.  
7 Dixon.

8 MR. STOKES: Thank you.

9 Mr. Stokes, could you state your full  
10 name, spell your first name and your last name  
11 for the record, please?

12 MR. STOKES: It's Clement A. Stokes  
13 III. That's spelled C-L-E-M-E-N-T. Middle  
14 initial A like Adam. Last name is Stokes,  
15 S-T-O-K-E-S. And that's the third.

16 MR. DIXON: And, Mr. Stokes, are you  
17 familiar with the District of Columbia?

18 MR. STOKES: That is correct.

19 MR. DIXON: And are you also familiar  
20 with the quadrant of the city where the 1800  
21 block of Benning Road is?

22 MR. STOKES: Absolutely. In fact, I  
23 even grew up in that area.

24 MR. DIXON: That was my next question.  
25 Where did you go to high school?

1                   MR. STOKES: I went to high school --  
2 I went to Spingarn, graduated from Spingarn High  
3 School.

4                   MR. DIXON: Okay. And where is  
5 Spingarn located?

6                   MR. STOKES: It's at 24th and Benning  
7 Road. It's closed right now. I think they use  
8 the trolley car in the back though. It is right  
9 across the street from the golf course, Langston  
10 Golf Course.

11                  MR. DIXON: Now after high school did  
12 there ever come a time that you had a job as a  
13 law enforcement officer, a sworn law enforcement  
14 officer?

15                  MR. STOKES: That is correct, with  
16 MPD.

17                  MR. DIXON: Okay. And how long were  
18 you a Metropolitan Police Department officer?

19                  MR. STOKES: Three years.

20                  MR. DIXON: And did you ever have an  
21 occasion to patrol the area of -- if you were on  
22 patrol, patrol the area of the 1800 block of  
23 Benning Road?

24                  MR. STOKES: No, I -- I was -- I was  
25 assigned to the 7th District.



1 MR. DIXON: Okay. Now how is it that  
2 you're familiar with the -- other than growing up  
3 in that area, did there come a time that you were  
4 asked by a lawyer to conduct surveillance of a  
5 business in that area?

6 MR. STOKES: That is correct. That  
7 was you, Attorney Ron Dixon. Ronald Dixon.

8 MR. DIXON: And if you would, would  
9 you share with the Board where you were on June  
10 4th, 2021 between the hours of 1:00 and 4:00  
11 p.m.?

12 MR. STOKES: Let me correct you. That  
13 -- the -- the date is correct, but it was -- I  
14 started about between 12:30 or 12:40 p.m. to  
15 about 4:00 p.m.

16 MR. DIXON: And what was your -- and  
17 where were you, if you would?

18 MR. STOKES: I was in the 1800 block  
19 of Benning Road, Northeast Washington, D.C.

20 MR. DIXON: And were you in a vehicle,  
21 were you in a concealed location, or what, if you  
22 could share with the Board?

23 MR. STOKES: I was in a vehicle, but  
24 due to -- undercover, covert -- due to the nature  
25 of the high volume of -- it was -- how could I

1 explain that? It was a heavy concentration of  
2 drug activity during that time. It was -- it was  
3 wide open. It was a open-air drug market. And  
4 even in fact it was so bad -- you know, on my  
5 side of the street where I was parked there were  
6 organizers that were part of the activity that  
7 was on Sylvia's side that was on my side of the  
8 street.

9 MR. DIXON: Okay. Now just for the  
10 record so that we're clear, were you parked in a  
11 location that gave you any view of any businesses  
12 on the Sylvia's side of the street?

13 MR. STOKES: That -- that is correct.  
14 I can see a direct view of Sylvia's, the nail  
15 salon, the No. 7, and the day care. And also  
16 next to the day care there is some four-unit  
17 apartment buildings that they're doing  
18 construction on.

19 MR. DIXON: And during the time that  
20 you were in that location where was the -- the  
21 majority of the time where -- can you tell the  
22 Board where your attention was drawn to?

23 MR. STOKES: The large crowd, the  
24 extremely large crowd of 15 or more individuals.  
25 They had chairs. They were standing in front of

1 the -- between Sylvia's Liquor Store, but mainly  
2 in front of the -- the day care. It was on --  
3 and on bicycles.

4 MR. DIXON: Right. Now did there come  
5 a time while you were in that observation  
6 location that you saw people entering and exiting  
7 Sylvia's Liquor Store?

8 MR. STOKES: That is correct. Like I  
9 say, due to the heavy concentration of drug sales  
10 -- and the traffic was being obstructed, very  
11 terrible. Once the customers -- they would go  
12 inside of Sylvia's Liquors and they would come  
13 right there, squat right in front of that day  
14 care. They was running back and forth. And it  
15 was it a individual -- I can clearly remember he  
16 was a -- a slim young -- young African American  
17 male. He was running back and forth to a Nissan  
18 that was parked right there in front of the day  
19 care conducting drug transactions like he was --

20 MR. DIXON: Okay. Well, Mr. Stokes.

21 MR. STOKES: Okay.

22 MR. DIXON: Mr. Stokes --

23 MR. STOKES: Okay.

24 MR. DIXON: -- just tell us what you  
25 saw. Don't give us an opinion about what they

1 were doing. Okay?

2 MR. STOKES: Okay.

3 MR. DIXON: Now did you see any people  
4 in that knot of people going in and out of the  
5 day care?

6 MR. STOKES: No.

7 MR. DIXON: Did you see any children  
8 at all amongst those people, that knot of people  
9 that were in front of Sylvia's, in front of the  
10 day care?

11 MR. STOKES: Repeat your question  
12 again?

13 MR. DIXON: Did you see any minor  
14 children in that group of people that was -- that  
15 knot of people that was in front of Sylvia's and  
16 in front of the day care?

17 MR. STOKES: No, no minor children.  
18 In fact the day care never -- the door never  
19 opened.

20 MR. DIXON: Now --

21 MR. STOKES: The whole time --  
22 (Simultaneous speaking.)

23 MR. DIXON: Excuse me. Now did there  
24 come a time that something happened that caused  
25 you to use -- if you had a phone with you to use

1 your phone to do anything?

2 MR. STOKES: Yes, I had to call the  
3 police because a heavy -- a -- a fight broke out  
4 between two individuals and about three or four  
5 individual had took out their cell phones,  
6 appeared to be video-ing the -- the -- the melee,  
7 the fight. And it -- it was going on, so I went  
8 on and called 9-1-1. And I didn't want to be  
9 identified. And then shortly after the police  
10 came -- but when they got there the -- the fight  
11 had -- the fight was over.

12 MR. DIXON: Okay. And where did the  
13 fight break out? If you could be as specific as  
14 you can for the Board members because they  
15 weren't there. Can you give them an idea where  
16 the fight broke out? And how long it lasted and  
17 where it traveled, if you understand my question.

18 MR. STOKES: Okay. The fight broke  
19 out right there in front of liquor's -- right in  
20 front of the liquor store's -- where the sign  
21 posted and everything, where the bars are,  
22 whatever, where you see the Miller Highlight or  
23 the -- the beer advertisements. Right in front  
24 of -- not in front of the door, but where the  
25 window part was. The fight broke out. It lasted

1 I say about three -- about two or three minutes,  
2 but they -- they was -- they was rumbling hard.  
3 It was -- it was terrible.

4 MR. DIXON: And the liquor store that  
5 you're referring to with the advertisement for  
6 the Miller or the beer, what liquor store was  
7 that?

8 MR. STOKES: Sylvia's Liquors.

9 MR. DIXON: Thank you. Oh, just one  
10 other question. Around what time did you leave  
11 that location at Sylvia's on the 4th of June?

12 MR. STOKES: Around 4:00 p.m.

13 MR. DIXON: Thank you, Mr. Stokes.

14 I have no further questions for the  
15 witness.

16 CHAIRPERSON ANDERSON: Ms. Yohannes,  
17 any questions for the witness?

18 MS. YOHANNES: Yes, I just want to --  
19 good evening. During your investigation that you  
20 were conducting I -- your testimony -- during  
21 your testimony you indicated that the loitering  
22 occurred mostly in front of the day care. That's  
23 what you observed, correct?

24 MR. STOKES: That's correct, but it  
25 was going back and forth in front of that -- it

1 was going back and forth in the liquor store,  
2 coming out, standing in -- in part of the liquor  
3 store and also in front of that day care.

4 MS. YOHANNES: But you observed the  
5 loitering in front of the day care?

6 MR. STOKES: In front of the day  
7 care --

8 MS. YOHANNES: Yes or no? Yes or no?

9 MR. STOKES: In front of the day care  
10 and in front of the liquor store.

11 MS. YOHANNES: Okay. Did you take any  
12 pictures of any of your observations during that  
13 night, or that day?

14 MR. STOKES: During the day. Like I  
15 said, due to safety reason -- it was wide open  
16 that day, ma'am. It was -- it was -- it was some  
17 type of terrible.

18 MS. YOHANNES: So that's a no?

19 MR. STOKES: That's no.

20 MS. YOHANNES: Thank you.

21 That is all I have.

22 CHAIRPERSON ANDERSON: Mr. Stokes, a  
23 quick question: The big fight that you saw, did  
24 the -- were these customers coming out of  
25 Sylvia's Liquor fighting or was it just a fight

1 that occurred in front of Sylvia's Liquor?

2 MR. STOKES: I wasn't sure about if  
3 they visit Sylvia's, but the fight was, sir,  
4 right there in front of Sylvia's. It just -- it  
5 just abruptly broke out and people just took out  
6 -- about three or four people took out their cell  
7 phones and they was recording it.

8 CHAIRPERSON ANDERSON: All right. Any  
9 questions by any of the Board members?

10 (No audible response.)

11 CHAIRPERSON ANDERSON: Ms. Yohannes,  
12 any questions of the witness based on the  
13 questions asked by the Board?

14 MS. YOHANNES: No questions. Thank  
15 you.

16 CHAIRPERSON ANDERSON: Mr. Dixon, any  
17 redirect?

18 MR. STOKES: No, sir. Thank you so  
19 much.

20 CHAIRPERSON ANDERSON: Mr. Stokes,  
21 thank you very much for your testimony, sir.  
22 Have a great day.

23 MR. STOKES: Thank you.

24 CHAIRPERSON ANDERSON: You are free to  
25 go. Thank you.



1 MR. STOKES: Okay. Thank you.

2 CHAIRPERSON ANDERSON: Mr. Dixon, do  
3 you have another witness?

4 MR. DIXON: If I could confer with Ms.  
5 Gibbs? We have one witness. That would be our  
6 last witness. And then we would go to summation,  
7 if it's okay with you.

8 CHAIRPERSON ANDERSON: It's 9:26. You  
9 have four minutes. Let everybody just stay on  
10 line. You have four -- we're off the record for  
11 four minutes.

12 (Whereupon, the above-entitled matter  
13 went off the record at 9:26 p.m. and resumed at  
14 9:30 p.m.)

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

17 MR. DIXON: Yes --

18 CHAIRPERSON ANDERSON: Hold on, Mr.  
19 Dixon.

20 MR. DIXON: Yes.

21 CHAIRPERSON ANDERSON: I need to make  
22 sure that there's at least three of us here  
23 before --

24 MR. DIXON: Yes.

25 CHAIRPERSON ANDERSON: -- so we have

1 a quorum.

2 MR. DIXON: A quorum. Yes.

3 CHAIRPERSON ANDERSON: All right. Go  
4 ahead, sir.

5 MR. DIXON: Thank you so much, Mr.  
6 Anderson and Board members and parties. We have  
7 one last very short witness to call. Ms. Gibbs  
8 is going to direct that witness. And then after  
9 that witness testifies we'll ask the Court's  
10 permissions to go to summation.

11 CHAIRPERSON ANDERSON: All right.  
12 Who's that witness?

13 (No audible response.)

14 CHAIRPERSON ANDERSON: You're on mute,  
15 ma'am?

16 MS. GIBBS: I'm sorry about that. Max  
17 Pierce.

18 CHAIRPERSON ANDERSON: Max Peters?

19 MS. GIBBS: Pierce.

20 CHAIRPERSON ANDERSON: Pierce?

21 MS. GIBBS: P-I-E-R-C-E.

22 CHAIRPERSON ANDERSON: All right. Ms.  
23 Andrews, do you see -- is he on --

24 MS. ANDREWS: No, but I do have a call  
25 in.

1 CHAIRPERSON ANDERSON: Oh, he's a  
2 call-in?

3 MS. ANDREWS: Yes. So caller number  
4 -- that begins with No. 323373. I'm going to  
5 un-mute your line so that you can announce  
6 yourself. Caller, you can announce yourself.

7 MR. PIERCE: Yes, this is Max Pierce.

8 CHAIRPERSON ANDERSON: Mr. Pierce, the  
9 323 number.

10 MS. ANDREWS: Thank you.

11 CHAIRPERSON ANDERSON: All right. Mr.  
12 Pierce, how are you doing, sir? This is Mr.  
13 Anderson.

14 MR. PIERCE: I'm all right. How are  
15 you?

16 CHAIRPERSON ANDERSON: I'm the chair  
17 of the Board.

18 Excuse me. Can you raise your right  
19 hand, sir?

20 MR. PIERCE: Say again?

21 CHAIRPERSON ANDERSON: Can you please  
22 raise your right hand?

23 MR. PIERCE: Okay.

24 CHAIRPERSON ANDERSON: Do you swear or  
25 affirm to tell the truth and nothing but the

1 truth?

2 MR. PIERCE: Yes.

3 CHAIRPERSON ANDERSON: All right. Ms.  
4 Gibbs, your witness, Mr. Pierce. Can you have  
5 him spell and state his name for the record,  
6 please, ma'am?

7 MS. GIBBS: Yes.

8 Mr. Pierce, can you please state and  
9 spell your name for the record?

10 MR. PIERCE: My name is Max Pierce,  
11 M-A-X, P-I-E-R-C-E.

12 MS. GIBBS: All right. And, Mr.  
13 Pierce, what is your role in the Benning  
14 Northeast neighborhood, District 5-D?

15 MR. PIERCE: I'm a resident.

16 MS. GIBBS: All right. Where are you  
17 a resident at in relation -- well, where are you  
18 a resident? I'll withdraw that.

19 Are you familiar with Sylvia's?

20 MR. PIERCE: Yes.

21 MS. GIBBS: Okay. Where are you a  
22 resident in relation to where Sylvia's Liquors is  
23 located?

24 MR. PIERCE: My building is in the  
25 alley behind Sylvia's.

1 MS. GIBBS: Directly behind?

2 MR. PIERCE: Directly behind.

3 MS. GIBBS: Okay. In your experience  
4 as a resident has Sylvia's Liquors ever posed an  
5 issue?

6 MR. PIERCE: Yes. I don't know how  
7 broadly you want me to answer that, but yes.

8 MS. GIBBS: Well, you can say -- state  
9 broadly please for the Board the general issues  
10 that you have and if I have specific questions,  
11 I'll follow up after that.

12 MR. PIERCE: Okay. In the last nine  
13 months since living here people who hang out  
14 outside of Sylvia's and the convenience store  
15 wreck into my building doing over \$10,000 of  
16 damage.

17 Another person who hangs out -- at  
18 there and the convenience store on the corner lit  
19 my fence on fire by accident. If someone hadn't  
20 been there it could have easily burned the house  
21 down, burned a, you know, two or three-foot  
22 section of fence, melted, disformed part of my  
23 car.

24 People who hang out there almost  
25 daily, you know, litter through the alley, have

1 -- you know, there are currently two heroin  
2 needles -- I'm assuming heroin, you know, needles  
3 next to my car outside. People, you know, smoke  
4 up.

5           Again these are all people I've seen  
6 in front of Sylvia's, at the convenience store,  
7 and then also, you know, on cameras on my  
8 property or physically in person in my parking  
9 spot or, you know, on my property. So --

10           MS. GIBBS: Did you --

11           MR. PIERCE: -- those are the main --  
12 main things that come to mind that are directly  
13 at my residence apart from, you know, coming  
14 home, dice games going on at the -- you know,  
15 Friday at 5:00 in the afternoon, you know,  
16 constant noise and carrying on. I mean, I -- you  
17 know, those -- those are the main things that  
18 come to mind.

19           MS. GIBBS: Okay. And you mentioned  
20 a fence behind you being set on fire. Did you  
21 witness that incident?

22           MR. PIERCE: I didn't witness it being  
23 set onto fire. I do have it on camera.

24           MS. GIBBS: Okay.

25           MR. PIERCE: And saw on camera the

1 person, you know, light some sort of pipe, throw,  
2 you know, a match on the ground. It smoldered  
3 for about a half hour and, you know, lit the  
4 fence on fire. Fortunately a neighbor had a hose  
5 to put it out, but it had already burned, you  
6 know, about a two-foot section of each of our  
7 fences.

8 MS. GIBBS: Now do you know that this  
9 particular individual patroned Sylvia's?

10 MR. PIERCE: I've seen her, you know,  
11 hanging out in front of Sylvia's, you know, on  
12 numerous occasions.

13 MS. GIBBS: All right. Would you  
14 support the renewal of Sylvia's liquor license?

15 MR. PIERCE: No.

16 MS. GIBBS: What in your opinion and  
17 in your observation have you noticed to be one of  
18 the biggest factors attracting people to  
19 Sylvia's?

20 MR. PIERCE: I mean, best I can tell,  
21 you know, it's not only the source of alcohol,  
22 but it's the hangout. I mean, the -- the recent  
23 development and, you know, chairs out front, you  
24 know, 24/7, at least any time I've ever been by  
25 there, any hour of the day. You know, it's the

1 hangout. It's -- it's the place to be, you know,  
2 barbecues set up out front on the weekends. You  
3 know, it's -- it's -- it's --

4 (Simultaneous speaking.)

5 MS. GIBBS: All right. And do you see  
6 glass bottles --

7 MR. PIERCE: -- hangout.

8 MS. GIBBS: -- outside your -- I'm  
9 sorry?

10 MR. PIERCE: No, that's -- that's it.

11 MS. GIBBS: Do you see glass bottles  
12 outside of your residence and around?

13 MR. PIERCE: Yes, there's a new bottle  
14 virtually every day.

15 MS. GIBBS: Okay. Overall could you  
16 say that Sylvia's Liquors has -- well overall can  
17 you say that Sylvia's Liquors disrupts your peace  
18 as a resident in the neighborhood?

19 MR. PIERCE: Absolutely.

20 MS. GIBBS: And how about the order in  
21 the neighborhood?

22 MR. PIERCE: It's certainly not  
23 helping it.

24 MS. GIBBS: Okay. And how about the  
25 quiet of the neighborhood?



1 MR. PIERCE: It is definitely hurting  
2 that. I'm listening to people yelling right now,  
3 so --

4 MS. GIBBS: Okay.

5 MR. PIERCE: -- from Sylvia's.

6 MS. GIBBS: All right. Thank you, Mr.  
7 Pierce. That's all I have for you.

8 CHAIRPERSON ANDERSON: Hold on, Mr.  
9 Pierce.

10 Ms. Yohannes, you have any questions  
11 for Mr. Pierce?

12 MS. YOHANNES: Yes.

13 Mr. Pierce, have you observed people  
14 that are loitering on Benning actually enter and  
15 exit Sylvia's Liquor Store?

16 MR. PIERCE: Yes.

17 MS. YOHANNES: And by your  
18 observations is your testimony that the people  
19 who are loitering are in front of Sylvia's  
20 Liquors, or are they in front of the day care?

21 MR. PIERCE: Both. I mean I observed  
22 several tonight when I came home, and there was  
23 people pretty much from -- if you're looking at  
24 Sylvia's, to the left of it where the condos  
25 begin all the way down to the convenience store.

1 There was probably 20 total people outside at  
2 various points along that stretch.

3 MS. YOHANNES: And have you talked to  
4 the owners of Sylvia's Liquor?

5 MR. PIERCE: I have not.

6 MS. YOHANNES: Have you called the  
7 police about the loitering?

8 MR. PIERCE: I spoke to the police,  
9 yes.

10 MS. YOHANNES: As the loitering was  
11 occurring you called the police, or you spoke to  
12 them separately?

13 MR. PIERCE: I got in my parking  
14 place. Someone was about to inject a needle. I  
15 got the person to leave. I went and talked to  
16 the police and I said look, these people are  
17 continuously doing this in the back parking lot  
18 every day. They hang out and use two spots. I  
19 know you guys are dealing with the murder that  
20 just happened on Gale and you got a bigger fish  
21 to fry, but if you can, you know, would  
22 appreciate if you could see if you could  
23 something about this. And that was about the  
24 conversation. I pointed out the person to them.  
25 You know, that was how the exchange went.

1 MS. YOHANNES: Thank you. So your  
2 complaints have been about the drug activity to  
3 the police, correct?

4 MR. PIERCE: That was the only time  
5 I've talked to the police about that issue. We  
6 did file a police report when the car knocked  
7 into the building and we attempted to file a  
8 police report for the fire, or the -- a -- a  
9 report with the -- an investigator was supposed  
10 to come out and never did for the fire.

11 MS. YOHANNES: And these things are  
12 not directly related to Sylvia's Liquors, are  
13 they?

14 MR. PIERCE: All I can say is that I  
15 have seen the people in the same spot as  
16 Sylvia's. I have not -- I -- I can't say that  
17 the person came from Sylvia's that day and ended  
18 up in my alley.

19 MS. YOHANNES: Okay. Thank you.  
20 That's all I have.

21 MR. PIERCE: But I -- I've seen them  
22 there.

23 MS. YOHANNES: Thank you. That's all  
24 I have.

25 CHAIRPERSON ANDERSON: Thank you. Any

1 questions by any Board members?

2 (No audible response.)

3 CHAIRPERSON ANDERSON: Hearing none,  
4 Ms. Gibbs, do you have any redirect?

5 MS. GIBBS: No, Chair Anderson.

6 CHAIRPERSON ANDERSON: All right. Mr.  
7 Pierce, thank you very much for your testimony,  
8 sir. Have a great day. You're excused.

9 MR. PIERCE: All right. Thank you.

10 CHAIRPERSON ANDERSON: All right.  
11 Thanks.

12 All right. do you have any other  
13 witness, Mr. Dixon or Ms. Gibbs?

14 MS. GIBBS: No.

15 MS. GIBBS: This is Mr. Dixon. At  
16 this juncture, Chairman Anderson and Board  
17 members and parties, we have no further witnesses  
18 and we submit on the record. We have not moved  
19 in any exhibits as I recall. One exhibit of ours  
20 that was used by Ms. Yohannes was shown to the  
21 Board, however that exhibit was not moved into  
22 evidence. And with that again we'd submit on the  
23 record and are ready for summation, and we'll  
24 wait further instruction from the Board.

25 CHAIRPERSON ANDERSON: So are there

1 any documents that -- because I know you did the  
2 PIP, but if you didn't submit them into evidence,  
3 then none of your documents are in evidence.

4 So --

5 (Simultaneous speaking.)

6 MR. DIXON: Oh, with reference to our  
7 protest letter? Is that what you're speaking of  
8 and the other documents that we've submitted --

9 CHAIRPERSON ANDERSON: Yes.

10 MR. DIXON: -- in the case?

11 CHAIRPERSON ANDERSON: Right.

12 MR. DIXON: Yes, we would move  
13 admission of those. I'm sorry.

14 CHAIRPERSON ANDERSON: So what are the  
15 documents that you're trying to move into  
16 evidence?

17 MR. DIXON: We want to move in our  
18 protest letter. We will move in actually --

19 CHAIRPERSON ANDERSON: I need you to  
20 name the documents and tell me what they are.

21 MR. DIXON: Just give me one moment.

22 (Pause.)

23 MR. DIXON: Okay. There's a 9-11  
24 call. There's the video of the fish fry and  
25 the --

1 CHAIRPERSON ANDERSON: Okay. So, all  
2 right. I need you to go through them one by  
3 one --

4 MR. DIXON: Right.

5 CHAIRPERSON ANDERSON: -- and let me  
6 know what the exhibits are, sir, the number of  
7 the exhibits. Remember, we're creating a file.

8 MR. DIXON: Yes.

9 CHAIRPERSON ANDERSON: We have our  
10 court reporter --

11 MR. DIXON: Right.

12 CHAIRPERSON ANDERSON: -- so the  
13 transcript needs to clearly identify what the  
14 documents are.

15 MR. DIXON: Exhibit 1 for the  
16 Protestant --

17 CHAIRPERSON ANDERSON: What is Exhibit  
18 1?

19 MR. DIXON: It's a 9-call list.

20 CHAIRPERSON ANDERSON: Ms. Yohannes,  
21 do you have any objection?

22 MS. YOHANNES: Yes, I do have an  
23 objection. I don't believe that there was any --  
24 was there testimony about that, or is that  
25 referred to?

1 CHAIRPERSON ANDERSON: Are you asking  
2 me or are you telling me? Which one --

3 MS. YOHANNES: I'm telling you there  
4 is not on that exhibit. Sorry.

5 CHAIRPERSON ANDERSON: I don't recall  
6 hearing any testimony. So because I didn't  
7 recall hearing any testimony, then I'm not quite  
8 sure how is it that we're going to move a  
9 document into evidence and there was no testimony  
10 to authenticate the document. So --

11 MR. DIXON: The shepherding angel for  
12 that exhibit would be Ms. Moore.

13 CHAIRPERSON ANDERSON: But Ms. Moore  
14 didn't testify against -- about the document. So  
15 since Ms. Moore did not testify on the document  
16 and no other witness testified on this document,  
17 then I can't admit this into evidence.

18 MR. DIXON: I respectfully disagree  
19 with that. Ms. Moore testified about the lack of  
20 calls as shown by the 9-1-1 calls.

21 CHAIRPERSON ANDERSON: I'm sorry. All  
22 right. Let's go to the document. Hold on.  
23 Let's go to the document. All right. Let me  
24 pull the document up. Hold on.

25 (Pause.)

1                   CHAIRPERSON ANDERSON: All right.  
2                   What exhibit is that again? Is that Exhibit 1?

3                   MR. DIXON: Yes.

4                   CHAIRPERSON ANDERSON: We did not have  
5                   -- what -- this document -- we had no testimony  
6                   on this document. The only testimony that Ms.  
7                   Moore talked about -- she talked about the fact  
8                   that they were not using the call logs and that  
9                   if -- the call logs, if I recall, had some (audio  
10                  interference) calls. This document that we have  
11                  here, it basically -- it talks about -- it goes  
12                  through 2019-2020 and it talks about the type of  
13                  -- all right. So this -- we had no testimony on  
14                  this document. So this particular document we  
15                  did not have any testimony on it, so I'm not  
16                  going to --

17                  (Pause.)

18                  MR. DIXON: For the record, Chairman  
19                  Anderson, the sheet shows the dates and times as  
20                  well as the types of calls which Ms. Moore  
21                  testified about during her direct with reference  
22                  to the calls for service and what she did to try  
23                  to get MPD -- try to get the Applicant or  
24                  Licensee to adhere to the agreement that they had  
25                  made in 2018 with reference to what they were



1 supposed to do.

2 The sheet, Exhibit 1, the shepherding  
3 angel for that would be Ms. Moore. She did not  
4 actually pick it up and say that this call was  
5 made, that call was made, but she did mention it  
6 in her testimony.

7 CHAIRPERSON ANDERSON: All right.  
8 I'll allow it. All right. I'll move -- I know  
9 that you object, Ms. Yohannes, but I will allow  
10 Exhibit 1.

11 What other exhibits do you have?

12 MR. DIXON: Exhibit 2, the video,  
13 September 12th, 2021, the fish fry. Now that was  
14 used by --

15 CHAIRPERSON ANDERSON: So moved. So  
16 moved.

17 MR. DIXON: And Exhibit No. 3, which  
18 is a diagram of the proximity around Sylvia's,  
19 1818 Benning Road, to include the next door day  
20 care and the surrounding businesses.

21 CHAIRPERSON ANDERSON: We had no --  
22 I'm not going -- we had no testimony on that.  
23 And you have the GIS that's in the case report,  
24 so I'm not going to admit that. There was no  
25 testimony on that document. So no. (Audio

1 interference.)

2 MR. DIXON: And we would move all of  
3 the prehearing documents that were submitted to  
4 the Board.

5 CHAIRPERSON ANDERSON: I need you, Mr.  
6 Dixon, to tell me what they are. Yes, we will  
7 take administrative notice of those documents.  
8 What are those documents? What are the exhibits?

9 MR. DIXON: The protest letter.

10 CHAIRPERSON ANDERSON: What exhibit is  
11 that? Is that one of your exhibits?

12 MR. DIXON: No, it's not listed on the  
13 exhibit list, but it's part of the res gestae of  
14 the entire case.

15 CHAIRPERSON ANDERSON: We'll take  
16 administrative notice of the documents such as  
17 your protest letters that were filed. I'm not  
18 sure -- I'm asking are there -- what other  
19 document -- what -- the documents that you  
20 previously filed such as the protest letter,  
21 we'll take administrative notice of that.

22 MR. DIXON: And we would also ask you  
23 to take administrative notice of the hearing and  
24 the settlement agreement that resulted on October  
25 2018 with reference to the last hearing before

1 this Board.

2 CHAIRPERSON ANDERSON: Well, the Board  
3 -- as far as the Board's documents, you don't  
4 need to tell us.

5 MR. DIXON: Okay.

6 CHAIRPERSON ANDERSON: We take  
7 administrative notice if the document -- if it's  
8 a Board document. So whatever the record is, the  
9 previous Board order, the Board will take  
10 administrative notice of its document. It's  
11 already in our file, so it's our document. So  
12 we're fine with that.

13 MR. DIXON: Yes, I mistakenly said  
14 judicial notice, but it's administrative notice;  
15 you're correct.

16 CHAIRPERSON ANDERSON: Yes, so we'll  
17 take administrative notice of our own documents.  
18 So that's fine. Is that it?

19 MR. DIXON: Yes, it is.

20 CHAIRPERSON ANDERSON: Okay. All  
21 right. Thanks.

22 Ms. Yohannes, are there -- have you --  
23 I know that we've moved in the presentation of  
24 our case. I know that you have moved some  
25 documents. Are there additional documents you're

1 asking us to move into evidence?

2 MS. YOHANNES: No, those are the only  
3 documents.

4 CHAIRPERSON ANDERSON: All right.

5 MS. YOHANNES: Thank you.

6 CHAIRPERSON ANDERSON: Thank you.

7 Okay. The record is now closed.

8 All right. I am going to give -- each  
9 side has five minutes closing. And so you go  
10 first, Ms. Yohannes.

11 And this is what I need from each  
12 side: I need you to be specific in what it is  
13 that you want the Board to do. So tell us  
14 specifically what is it that you want the Board  
15 to do as a result of this protest hearing.

16 You can go ahead, Ms. Yohannes. And  
17 each side has five minutes.

18 MS. YOHANNES: Thank you. So we are  
19 here today for the renewal of Sylvia's Class A  
20 liquor license application. We've heard  
21 testimony from several members of the community.

22 We've heard testimony from the ABRA  
23 investigator, Felicia Dantzler. She testified  
24 that she made 18 visits to Sylvia's Liquors from  
25 July 23rd to September 10th, and during this time

1 there were no ABRA violations found. During the  
2 visits she's also testified that most of what she  
3 observed in terms of loitering occurred in front  
4 of the day care and not in front of Sylvia's  
5 Liquors.

6 You've heard testimony from the owners  
7 of the establishment. The owners have testified  
8 regarding the attempts that they have made when  
9 it comes to loitering, when it comes to safety,  
10 when it comes to working with the ANC and MPD.  
11 The owners are more than willing to continue to  
12 work with the community. They are just  
13 requesting assistance from the ANC and the  
14 community as a whole and to take loitering as a  
15 problem that affects the entire community and to  
16 not be singled out as the one that has created  
17 these problems, because clearly they have not.

18 We've heard testimony from residents.  
19 The residents have testified that loitering has  
20 been ongoing and that Sylvia's Liquors is not the  
21 issue here, is not the problem and that they've  
22 also requested that MPD and ANC commissioners,  
23 with the assistance of other agencies, get  
24 involved to help not only Sylvia's Liquors, but  
25 all the businesses on that -- in that community

1 to help with loitering and some of the issues  
2 that they are facing.

3 I want to close by saying that -- go  
4 back to some of the comments that have been made  
5 by again William Fitzgerald, who's the commander  
6 of the 5th District, who has continued to help  
7 Sylvia's Liquors and has continued to help in  
8 this community acknowledging the issues with  
9 loitering. And it is -- and in his letter he  
10 states: I would like to emphasize that Sylvia's  
11 Liquors has been a voluntary participant and  
12 partner in efforts to reduce violent crime and  
13 improve the quality of life issues. Their  
14 assistance has been greatly appreciated. Their  
15 willingness to assist has led to a reduction of  
16 violent crime on the block. Unfortunately the  
17 systemic issues are a continuing battle that we  
18 persist in working on. And as the letter  
19 continues the commander stresses that it is a  
20 community issue that all members of the community  
21 need to come together to face and to help  
22 resolve.

23 With that said, based on the testimony  
24 that we've heard, the testimony that's been  
25 given, we would request that the Board renew the

1 license application for Sylvia's Liquors without  
2 imposing any conditions, no additional conditions  
3 and to keep the settlement agreements that  
4 previously were approved intact and that Sylvia's  
5 Liquors will continue to follow that.

6 CHAIRPERSON ANDERSON: Thank you.

7 All right. Mr. -- who's doing the --  
8 you're doing the closing, Mr. Dixon?

9 MS. GIBBS: I am.

10 CHAIRPERSON ANDERSON: All right.

11 MR. DIXON: No, Ms. Gibbs is. Thank  
12 you.

13 CHAIRPERSON ANDERSON: All right. So,  
14 Ms. Gibbs, remember I'm asking specifically what  
15 it is that you want the Board to do. Go ahead,  
16 Ms. Gibbs.

17 MS. GIBBS: Sure. Chair Anderson and  
18 ABRA Board members, today we have discussed many  
19 of the same issues that were raised in the 2018  
20 protest hearing of Sylvia's Liquors. Although  
21 Sylvia's has complied with some of that  
22 settlement agreement order such as installing  
23 cameras and security devices, Sylvia's has had  
24 many opportunities to do certain things right and  
25 which they have not.

1                   For instance, maintaining their  
2 agreement that they will continue to call the  
3 police as needed when things are happening in and  
4 around their store, that they will continue to  
5 have and maintain a log book for the police to  
6 sign.

7                   We have heard testimony today from  
8 Investigator Dantzler, who submitted a very  
9 thorough report, noting how some of the loitering  
10 -- I mean all of the loitering is impacting the  
11 neighborhood. Specifically over her 18 instances  
12 that she observed Sylvia's, every single  
13 instance, and which is stated at page 6 of the  
14 report, she noticed loitering on each occasion,  
15 loiterers who were conducting public urination,  
16 drug activity. She gave us pictures showing, how  
17 in Ms. Moore's words, incommoding outside of the  
18 establishment.

19                   Ms. Moore testified to her many  
20 numerous attempts to contact Sylvia's. Ms.  
21 Yohannes claims that the owners, Ms. Na and Mr.  
22 Njoun, are more than willing to engage the ANC  
23 in more discussions and community initiatives  
24 about how to resolve this issue, however they  
25 failed on numerous occasions to even respond back



1 to Ms. Moore's multiple attempts to resolve this  
2 issue, which leads us to the protest hearing that  
3 we've had today.

4 We've also heard testimony from  
5 Investigator Stokes, who witnessed a fight right  
6 outside of Sylvia's, and even Ms. Snead, who owns  
7 the day care right beside of Sylvia's Liquors in  
8 which we've heard many times throughout the  
9 hearing that a lot of the loitering and a lot of  
10 the traffic and activity are not happening in  
11 front of Sylvia's, but rather in front of the day  
12 care.

13 Ms. Snead has clarified for us that  
14 she has not invited nor does she welcome any of  
15 these loiterers and she does not authorize any of  
16 the cookouts or activity that happens in front of  
17 her establishment. She has pointed out that she  
18 feels the main attraction to Sylvia's are the  
19 individual bottles being sold and just the  
20 overall attraction to liquor that acts as a  
21 magnet to bring people in.

22 We've heard two of the Licensee's  
23 witnesses who admitted that they want to go to  
24 Sylvia's because they want to buy into the  
25 lottery, gamble, and on occasions buy liquor.

1 These individuals testified that they do not  
2 themselves hang out in front of the stores, but  
3 at least one testified that he knows who does.

4 Lastly, we heard from Max Pierce who  
5 is a resident and who has testified to the fact  
6 that he personally as a condo owner behind  
7 Sylvia's agrees that Sylvia's has disrupted his  
8 peace, his quiet, his order of that neighborhood  
9 specifically.

10 Today we ask that the Board find in  
11 favor of the Protestants and fully deny Sylvia's  
12 renewals of their liquor license. Thank you.

13 CHAIRPERSON ANDERSON: Thank you.

14 All right. Do the parties wish to  
15 file proposed findings of fact and conclusions of  
16 law, or waive their right to do so?

17 Ms. Yohannes?

18 MS. YOHANNES: I think I will defer to  
19 the Protestants. If they --

20 CHAIRPERSON ANDERSON: All right. Mr.  
21 Dixon, if you say no, she'll say no; if you say  
22 yes, she'll say yes. So what is it?

23 MR. DIXON: Would you indulge me one  
24 moment?

25 (Pause.)

1 MR. DIXON: With reference to the  
2 findings of fact and conclusions of law, we would  
3 ask the Board to give us the opportunity to put  
4 those together from our perspective and submit to  
5 the Board for the Board's review. It's been a  
6 long day for the Board and the parties and we  
7 think that we could best do that for the Board  
8 over the next day or so to give the Board --

9 CHAIRPERSON ANDERSON: Well, this is  
10 -- well, process would work is that -- if you'll  
11 remember this is not new information. This is  
12 what you believe that was proven at the hearing.  
13 So these are the facts that came out of the  
14 hearing and this is the conclusion of law the  
15 Board should make. So this is not any new facts.  
16 This is not stuff that was not stated here at the  
17 hearing.

18 So the process would be is that you --  
19 the -- would -- probably within the next two  
20 weeks a transcript would be available. You'd get  
21 the transcript. And 30 days after you receive  
22 the transcript your conclusion of law -- findings  
23 of fact and conclusions of law would be due to  
24 the Board. So you tell me. You'll probably get  
25 a transcript in three weeks and 30 days after

1 three weeks the findings of fact and conclusions  
2 of law would be due to the Board.

3 MR. DIXON: Let me just ask for  
4 clarification on the last point, is it the  
5 Board's view that we could -- as litigants we  
6 could defer to the Board on that issue?

7 CHAIRPERSON ANDERSON: Well, the  
8 bottom line is that it's not normally done in  
9 protest matters. It's normally done in the show  
10 cause hearings, but it's -- I believe that the  
11 Board has enough information to make a decision,  
12 but if the parties believe that they need to  
13 clarify what was presented here today by  
14 reviewing the transcript and providing that to  
15 the Board, then I'm not going to stand in the  
16 way. But I'm just saying it's typically not done  
17 in protest hearings.

18 MR. DIXON: Thank you for that  
19 clarification, Mr. Anderson. And on behalf of  
20 the ANC Board we're satisfied with that  
21 procedure. We will decline to reinvent the  
22 wheel, if you will, and we will defer to the  
23 Board on that.

24 CHAIRPERSON ANDERSON: All right.  
25 Thank you.

1                   Ms. Yohannes, and I guess you agree,  
2                   too? Is that your position?

3                   MS. YOHANNES: Yes, that's my  
4                   position.

5                   CHAIRPERSON ANDERSON: All right. So  
6                   the Board will issue a decision within 90 days,  
7                   but you'll probably get a decision before the 90  
8                   days.

9                   All right. As Chairperson of the  
10                  Alcoholic Beverage Control Board for the District  
11                  of Columbia, in accordance with D.C. Official  
12                  Code Section 2574(b) of the Open Meetings  
13                  Amendment Act, I move that ABC Board hold a  
14                  closed meeting for the purpose of seeking legal  
15                  advice from your counsel on Case No.  
16                  21-PRO-00040, Sylvia's Liquors, pursuant to D.C.  
17                  Official Code Section 2574(b)(4) of the Open  
18                  Meetings Amendment Act and deliberate upon Case  
19                  No. 21-PRO-00040, Sylvia's Liquors for the  
20                  reasons cited in D.C. Official Code Section  
21                  2574(b)(13) of the Open Meetings Amendment Act.

22                  Is there a second?

23                  MEMBER SHORT: Mr. Short. I second.

24                  CHAIRPERSON ANDERSON: Mr. Short has  
25                  the motion. I will now take a roll call vote on

1 the motion that's been properly seconded by Mr.  
2 Short.

3 Mr. Short?

4 MEMBER SHORT: Mr. Short. I agree.

5 CHAIRPERSON ANDERSON: Mr. Cato?

6 MEMBER CATO: Bobby Cato. I agree.

7 CHAIRPERSON ANDERSON: Ms. Crockett?

8 MEMBER CROCKETT: Rafi Crockett. I  
9 agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen?

11 MEMBER HANSEN: Jeni Hansen. I agree.

12 CHAIRPERSON ANDERSON: Mr. Anderson  
13 agrees. The matter passes 5-0-0.

14 As it appears that the motion has  
15 passed, I hereby give notice that the ABC Board  
16 will recess its proceedings to hold a closed  
17 meeting in the ABC Board conference room pursuant  
18 to Section 2574(b) of the Open Meetings Amendment  
19 Act.

20 Give me another minute so I can  
21 officially -- so I closed that case, so give me a  
22 couple minutes, please, so I can close -- I can  
23 adjourn for the day.

24 As Chairperson of the Alcoholic  
25 Beverage Control Board for the District of

1 Columbia, in accordance with Title 3, Chapter  
2 405, Office of Open Government, I move that ABC  
3 Board hold a closed meeting on October 20th, 2021  
4 for the purpose of discussing and hearing reports  
5 from certain ongoing or planned investigations of  
6 alleged criminal or civil misconduct, or  
7 violations of law or regulations, and seeking  
8 legal advice from our legal counsel on the  
9 Board's investigative agenda, legal agenda, and  
10 licensing agenda for October 20th, 2021, as  
11 published in the D.C. Register on October 8th,  
12 2021.

13 Is there a second?

14 MEMBER CROCKETT: Ms. Crockett  
15 seconds.

16 CHAIRPERSON ANDERSON: Ms. Crockett  
17 has seconded the motion. I will now take a roll  
18 call vote on th emotion before us now that it has  
19 been seconded.

20 Mr. Short?

21 MEMBER SHORT: Mr. Short. I agree.

22 CHAIRPERSON ANDERSON: Mr. Cato?

23 MEMBER CATO: Bobby Cato. I agree.

24 CHAIRPERSON ANDERSON: Crockett?

25 MEMBER CROCKETT: Rafi Crockett. I

1 agree.

2 CHAIRPERSON ANDERSON: Hansen?

3 MEMBER HANSEN: Jeni Hansen. I agree.

4 CHAIRPERSON ANDERSON: And Mr.

5 Anderson agrees.

6 As it appears that the motion has  
7 passed 5-0-0, I hereby give notice that the ABC  
8 Board will hold this aforementioned closed  
9 meeting. Pursuant to the Open Meetings Amendment  
10 Act notice will also be posted on the ABC Board  
11 hearing room bulletin board, placed on the  
12 electronic calendar on ABRA's website, and  
13 published in the D.C. Register in as timely a  
14 manner as practicable.

15 I would like to thank the parties for  
16 their professionalism today, for their appearance  
17 and their presentation. I want to thank the  
18 parties for that.

19 I want to thank the members of the  
20 public who have also participated remotely in  
21 this hearing.

22 And I also would like to thank the  
23 other -- the Board members who have participated  
24 in this hearing today.

25 We're now adjourned for the day.



1 Thank you very much for your participation.

2 And I will now direct that all Board  
3 members -- we now return to executive session for  
4 further development.

5 Have a great day and thank you very  
6 much.

7 (Whereupon, the above-entitled matter  
8 went off the record at 10:06 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Sylvia's Liquors

Before: DCABRA

Date: 10-06-21

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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