

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

2 1:34 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is Case No. 24-PRO-00094, Seta
5 Oasis, License No. 129034.

6 Good afternoon, Mr. Orellana. Can you
7 please elevate the rights of the parties in this
8 case?

9 MR. ORELLANA: Good afternoon.

10 Stephen O'Brien, your access has been
11 elevated.

12 Jeff Green, your access has been
13 elevated, and Felicia Dantzler has been elevated.
14 That is all, Chairman.

15 CHAIRPERSON ANDERSON: Mr. Green, if
16 you have a camera, can you please come on camera,
17 please?

18 MR. GREEN: I'm unable to come on
19 camera just based on location where I'm located.

20 CHAIRPERSON ANDERSON: Sir, you're
21 doing a protest hearing and you are the
22 protestant and I don't see you.

23 How are you going to litigate a case,
24 sir, and I don't see you? So, you're saying that
25 it is not possible for you to be on camera, sir?

1 MR. GREEN: I'm in my office at work
2 and we -- if it's not corporate business, I can't
3 go on camera to show where I am.

4 There's branding in the office that --
5 where I am.

6 CHAIRPERSON ANDERSON: And, sir, you
7 don't have a background, sir? I mean, we all --
8 as you see, we all have backgrounds. So, I could
9 be anywhere. No one knows where I am because I
10 have an ABRA background.

11 You cannot create a background, sir,
12 to -- you can blur your background and you can
13 also create a background so therefore it doesn't
14 show your office.

15 We're doing a protest hearing and you
16 are the lead -- you are -- in reviewing the PIF,
17 you are the protester. You are protesting this
18 liquor license and I can't see you.

19 I don't know who -- I don't know who
20 I'm speaking to.

21 MR. GREEN: I'm Jeff Green.

22 CHAIRPERSON ANDERSON: I know that,
23 sir. I know that. But I'm just saying is that
24 if we have witnesses that, because of technology,
25 that they're unable to participate because of,

1 you know, because of I don't have the capability,
2 but you're saying that I'm at work and you can't
3 show me your background.

4 And I'm saying that you can create --
5 you can go on whatever platform that you're
6 utilizing and --

7 MR. GREEN: Okay, sir. Okay, sir. My
8 understanding was that being on camera was not a
9 requirement for the protest; is that correct?

10 CHAIRPERSON ANDERSON: Sir, it's not a
11 matter of a requirement.

12 MR. GREEN: Is that a requirement?

13 CHAIRPERSON ANDERSON: Sir, sir. Let
14 me finish, sir. I'm chairman of the board. And
15 if I say that if I -- I need to look at you to
16 make a determination to say whether or not, when
17 you're testifying, you're telling the truth. I
18 need to see you.

19 I need to see the person who I'm
20 speaking to to make a determination whether or
21 not I should believe what's being said.

22 If there's a person there who is not
23 telling me that, okay, I don't have access to a
24 computer to have -- so you can see me, you're
25 telling me that I'm at work and so, therefore, I

1 cannot show you my background.

2 And I'm saying to you you have the
3 technology where you can create a background. We
4 all have created backgrounds here, sir, okay?
5 All of us have created a background.

6 So, what you see in our backgrounds is
7 the ABCA -- this is the logo for the agency. So,
8 I can be home, I can be on the beach, I can be
9 anywhere. But as far as everyone is concerned, I
10 have the logo.

11 But if you -- if it's your position,
12 sir, that, you know what, you don't want to be on
13 camera, okay, fine, but I think that if someone
14 is going to testify, the person should be on
15 camera so the people that, when we ask questions
16 -- when we ask questions, we can look, we can
17 make a determination whether or not we believe
18 that the testimony that you are giving is
19 credible, sir, all right? And that's all I'm
20 saying.

21 But there is -- but -- so, it's not a
22 matter of requirement, but I'm running this
23 hearing and I want people, if you have the
24 ability to be on camera, I want you to be on
25 camera so we can look at you, so we can make

1 credibility determination based on what you're
2 saying and what you are -- and what your body
3 language is saying to us.

4 And also --

5 MR. GREEN: Okay. I don't want to get
6 into an argument with you. If I would have known
7 that it was a requirement to be on camera, I
8 would have been in a different location.

9 But just based on location where I am
10 and my company's policy, I cannot do that.

11 CHAIRPERSON ANDERSON: All right.

12 Fine, sir. That is your choice. Okay. Fine.

13 All right. Let me have the parties introduce
14 themselves for the record.

15 Let me start with Mr. O'Brien.

16 MR. O'BRIEN: Good afternoon. Stephen
17 O'Brien, S-T-E-P-H-E-N, O, apostrophe, capital B-
18 R-I-E-N.

19 I'm accompanied by my colleague
20 Manalle Mahmoud, M-A-N-A-L-L-E. Last name M-A-H-
21 M-O-U-D.

22 And I'm also accompanied by the
23 principals of the applicant. To my immediate
24 left is Anthony Swaby, S-W-A-B-Y, and his wife
25 Melissa Swaby.

1 MS. SWABY: Hello.

2 CHAIRPERSON ANDERSON: Good afternoon.
3 Mr. O'Brien, you know that -- thank you very
4 much, Mr. O'Brien.

5 Mr. Green, please spell and state your
6 name for the record and identify yourself, who
7 you represent, sir.

8 MR. GREEN: Sure. My name is Jeffrey
9 Green, J-E-F-F-R-E-Y, Green, G-R-E-E-N, and I'm
10 representing the Party of Five who are protesting
11 this license.

12 CHAIRPERSON ANDERSON: Ms. Dantzler,
13 can you please identify yourself for the record,
14 please.

15 MS. DANTZLER: Good afternoon. My name
16 is Felicia Dantzler, ABRA investigator.

17 CHAIRPERSON ANDERSON: All right. Good
18 afternoon.

19 All right. Let's start. Are there
20 any procedural preliminary matters? I think, Mr.
21 O'Brien, you had filed a motion.

22 The board -- it was on our legal
23 agenda, but we did not rule on it this morning.
24 Basically, the board deferred. So, we will make
25 a determination prior to this hearing.

1 So, what's your motion, sir?

2 MR. O'BRIEN: It's a motion to dismiss
3 the protest due to Mr. Green's failure to timely
4 file a Protest Information Form and exhibit list.

5 After we filed the Motion to Dismiss,
6 Mr. Green did file a PIF, but it was not timely
7 and we're asking, for that reason, that the
8 protest be dismissed; and I don't think it's
9 unfair in that the protestant initiated this
10 proceeding.

11 We did not initiate it. The
12 protestant did and it's not unfair to expect the
13 protestant to follow the rules.

14 CHAIRPERSON ANDERSON: So, when was the
15 PIF due and when was it filed?

16 MR. O'BRIEN: The PIF -- our PIF was
17 due by -- on the -- last week. The 23rd. We
18 filed the PIF on the 23rd.

19 When I found out the motion -- when I
20 found out that Mr. Green had not filed a PIF, we
21 filed the motion the next day, the 24th,
22 Thursday.

23 Mr. Green did file it, I believe,
24 within an hour, filed the PIF. But I also saw an
25 email from the board's general counsel asking

1 whether Mr. Green was going to file a response to
2 the Motion to Dismiss. And, to my knowledge, no
3 response to the Motion to Dismiss has been filed.

4 So, I would ask the board to grant it
5 as unopposed.

6 CHAIRPERSON ANDERSON: Mr. Green, the
7 motion is that we should dismiss your hearing
8 because your PIF was -- and I know I stated at
9 the protest hearing status that a PIF must be
10 filed seven days before the hearing.

11 So, when did you file your PIF, sir?

12 MR. GREEN: Right. I did file it on
13 the 24th, which was seven days prior to the
14 hearing.

15 I didn't know it had to be the day
16 prior to the actual hearing and not seven days --
17 within seven days of the hearing. That's why I
18 didn't file it until the 24th, you know.

19 It was not stated or clearly
20 identified that it had to be in the other dates
21 that were provided with the protest -- on the
22 protest placard that that had to be filed on that
23 specific day.

24 When I read the interpretation of
25 that, I thought it meant seven days prior to the

1 hearing or seven days -- within seven days of the
2 hearing.

3 CHAIRPERSON ANDERSON: Okay. Any other
4 comments, Mr. O'Brien?

5 MR. O'BRIEN: Yes. I would ask the
6 board to look at the transcript of the status
7 hearing of September 25 at pages 9 to 10, at
8 which the chair clearly stated that it's seven
9 days prior to the hearing.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you for bringing that to the attention, Mr.
12 O'Brien. And, yes, you are correct, I did state
13 seven calendar days prior to the hearing.

14 But since I was informed I had --
15 prior to -- in reviewing the motion, I tried to
16 get some understanding from our legal office.

17 And my legal office informed me that
18 it has been the practice of the office to accept
19 the PIF prior to 11:59 p.m. on the Thursday,
20 meaning that it was timely filed because it was
21 filed prior to 11:59 on October 24th, 2024.

22 So, I'm going to make a motion that we
23 deny your motion based on the practice of the
24 agency to accept PIF that are filed prior to
25 11:59 a.m. -- I'm sorry, 11:59 p.m. on the

1 Thursday before the Wednesday.

2 That's how they state -- I was told
3 that the seven days is counted. Is there a
4 second?

5 MEMBER QUINN: Member Teri Janine.
6 Second.

7 CHAIRPERSON ANDERSON: Ms. Quinn
8 seconded the motion. We'll have a roll call
9 vote.

10 Mr. Short?

11 MEMBER SHORT: Mr. Short. I agree.

12 CHAIRPERSON ANDERSON: Mr. Grant?

13 MR. GRANT: Mr. Grant. I agree.

14 CHAIRPERSON ANDERSON: Ms. Quinn?

15 MEMBER QUINN: Ms. Quinn. I agree.

16 CHAIRPERSON ANDERSON: And Mr.

17 Anderson. I agree. The matter passed four to
18 zero.

19 I need to just pause for a second --
20 for about a minute. So, I will be off -- just
21 give me a minute, please. Sorry.

22 (Whereupon, the above-entitled matter
23 went off the record at 1:46 p.m. and resumed at
24 1:49 p.m.)

25 CHAIRPERSON ANDERSON: All right. We

1 are back on the record. I apologize. Sorry.
2 We're at the meeting in person today because
3 today is Board Member Short's last day.

4 And so, I realized I did not have a
5 copy of the report in front of me to move
6 forward. So, I apologize for that.

7 Are you there, Mr. Green?

8 MR. GREEN: Yes, I'm here. Just on
9 mute.

10 CHAIRPERSON ANDERSON: No, the reason
11 I ask is because -- all right. All right. So,
12 how a protest hearing -- the protest hearing
13 operates is that the applicant will do an opening
14 statement. Then the protestant will do an
15 opening statement.

16 The board will call its first witness.
17 The board will ask questions of its witness.
18 After the board asks questions of its witness,
19 the applicant will have an opportunity to ask
20 questions of the board's witness.

21 After the applicant has had an
22 opportunity to ask questions of the board's
23 witness, then the protestant will have an
24 opportunity to ask questions of the board's
25 witness.

1 Once the board has presented its case,
2 then the applicant will put its case on. After
3 the applicant puts its case on, the protestant
4 would have an opportunity to cross examine the --
5 whatever witness will testify on behalf of the
6 applicant.

7 After -- so, the protestant will have
8 an opportunity to cross examine that witness.
9 The board will have then, if the board so
10 desires, will ask questions of the witness and
11 that will end the hearing that way.

12 So, where we are, are there any other
13 procedural preliminary matters that needs to be
14 addressed before we start the hearing?

15 Mr. O'Brien?

16 MR. O'BRIEN: NO, sir.

17 CHAIRPERSON ANDERSON: Mr. Green?

18 MR. GREEN: No.

19 CHAIRPERSON ANDERSON: All right. So,
20 it's time for -- oh, by the way, you have -- I
21 guess, in reviewing the PIF, I guess, Mr. Green,
22 you're the only witness?

23 MR. GREEN: That's correct.

24 CHAIRPERSON ANDERSON: And, Mr.
25 O'Brien, how many witnesses do you have, sir?

1 MR. O'BRIEN: One, sir.

2 CHAIRPERSON ANDERSON: You just have
3 one witness, sir. So, I was about to say that
4 this hearing should be over by five o'clock, but
5 I guess it will not last that long. So, I'm glad
6 to hear that.

7 So, Mr. O'Brien, do you wish to make
8 an opening statement?

9 MR. O'BRIEN: Yes, sir. The previous
10 licensee at this location, by all accounts, was
11 not responsible. And that's probably why the
12 previous licensee eventually went out of
13 business.

14 The instant applicant has no
15 connection or relationship or ties to the
16 previous occupant.

17 The protestant is understandably
18 concerned about a repetition of experiences with
19 the previous applicant -- with the previous
20 licensee, but the ground, the building is not
21 polluted by the previous licensee.

22 Each licensee -- each license
23 applicant stands on its own merits and we will
24 demonstrate to the board that the board need not
25 be concerned with repetition of previous

1 experiences at the present -- at the subject
2 location. Thank you.

3 CHAIRPERSON ANDERSON: Mr. Green, do
4 you wish to make an opening statement?

5 MR. GREEN: Yes. So, the community,
6 you know, as Mr. O'Brien said, you know, the
7 previous operator at that location was, you know,
8 for all intents and purposes, you know, a
9 horrible operator and the community acknowledges
10 that and understands that.

11 But what the community has learned
12 from the -- that business and the business prior
13 to that, what works, what does not work in our
14 community.

15 And this is more a protest about
16 trying to find a balance between having a
17 responsible operator there and making sure that
18 that operator understands, you know, what the
19 community needs so that we can coexist in a
20 community, you know.

21 We have certain asks based on our
22 prior experiences and things that we have
23 observed and we know can happen with that
24 location because it's immovable, but, you know,
25 the applicants don't seem to understand what

1 those concerns are and the community is
2 steadfastly opposed to certain conditions of the
3 license that they're asking for.

4 We have tried to make some concessions
5 within, you know, a settlement agreement.

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: Hold on, hold
8 on, hold on. Mr. Green, you can generally say,
9 but you don't have -- I don't want you to --

10 MR. GREEN: Yeah, I'm not making my
11 case here. I'm just --

12 CHAIRPERSON ANDERSON: No, no, no. I'm
13 saying something different, sir.

14 MR. GREEN: Okay.

15 CHAIRPERSON ANDERSON: Mr. O'Brien was
16 raising his hand because he was -- he thought you
17 were talking about discussions during settlement
18 and --

19 MR. GREEN: No, no, no, no.

20 CHAIRPERSON ANDERSON: -- discussions
21 during settlement -- right. That's what -- I was
22 telling him that.

23 So, that's why he was objecting that
24 you couldn't talk about the substance, but if --
25 I get that you're saying we tried to make

1 concessions, but go ahead, sir.

2 MR. GREEN: Yeah. We tried to arrive
3 at some concessions with a settlement agreement,
4 but we weren't able to get there, you know, where
5 the community felt that our concerns were going
6 to be carried out fully.

7 So, as I said, you know, we are open
8 to an establishment being there, you know. We're
9 -- the community is open to that, but there's
10 certain things that the community needs in order
11 to coexist with the proposed business there that
12 we just could not get to.

13 CHAIRPERSON ANDERSON: All right. So,
14 let me ask this question: Are you in agreement
15 that the board should issue the license?

16 MR. GREEN: So, this is where --

17 CHAIRPERSON ANDERSON: There are two
18 different questions, sir.

19 MR. GREEN: Yes. That's --

20 CHAIRPERSON ANDERSON: So --

21 MR. GREEN: That's a nuanced answer.

22 CHAIRPERSON ANDERSON: All right.

23 Okay. If you are in agreement that the board
24 should issue the license, then we could agree to
25 issue the license and then hearing -- we could

1 spend the rest of the hearing and you should say
2 why conditions should be attached to the license.
3 And the licensee will provide evidence why the
4 board should not attach any conditions to the
5 license.

6 That's why I'm asking. So, the
7 nuanced part is that you can agree to say, yes,
8 he can have a license, but we would only agree to
9 have a license if these conditions are attached.
10 And then you could testify why these conditions
11 would be attached.

12 Mr. O'Brien, then, he would give
13 testimony to say why the conditions should not be
14 attached.

15 And then the board would listen to the
16 testimony and then we'll make a decision to say,
17 okay, we're going to issue the license with the
18 conditions that you support or we're going to say
19 that the conditions that you're asking for are
20 not meritorious and so we're not going to put any
21 conditions, or the board might come up with its
22 own conditions on the license.

23 And whatever the decision that the
24 board issues today, if conditions are attached,
25 as long as they have this license, those

1 conditions will stay with the license.

2 MR. GREEN: So, can I respond before I
3 answer yes or --

4 CHAIRPERSON ANDERSON: Yes. Yes, you
5 can. That's why I -- I was just letting you know
6 what I was proposing, yes, sir.

7 MR. GREEN: So, the community has no
8 issue with the standard liquor license being
9 issued.

10 The issue comes in with the
11 enhancements that are being requested and the
12 surrounding support issues with a licensee being
13 there.

14 CHAIRPERSON ANDERSON: What do you mean
15 surrounding --

16 MR. GREEN: Our issues are related to
17 -- the community's issues are related to trash
18 and rodent issues, parking and congestion, noise,
19 as well as the extended hours that they are
20 requesting.

21 CHAIRPERSON ANDERSON: All right. So,
22 you can -- so, you can testify why you believe
23 the board should not provide extended hours.

24 You could also testify why you believe
25 -- what you believe the board should do regarding

1 noise, regarding parking.

2 So, we could have testimony on that
3 and so the hearing, then, would be limited to you
4 testifying or you giving evidence why that they
5 should not have extended hours.

6 You could say what hours you -- what
7 hours should -- the board should issue. You
8 could testify about that issue and they, on the
9 other hand, would testify why they disagree.

10 Their testimony would then focus on
11 why the board should grant them the hours that
12 they ask for.

13 MR. GREEN: Okay. So, let me make the
14 statement we are -- the community is not opposed
15 to the standard license being issued to the
16 restaurant. No issues with that.

17 CHAIRPERSON ANDERSON: What do you call
18 a standard -- what do you mean a standard
19 license? I don't understand.

20 MR. GREEN: With no additional
21 endorsements.

22 CHAIRPERSON ANDERSON: All right. So,
23 let me ask -- hold on a minute.

24 Mr. O'Brien, can you tell us what is
25 it that your client -- what is it that your

1 client requested? What was placarded?

2 MR. O'BRIEN: Your Honor -- I'm sorry,
3 Mr. Chair, this is a CR application, not a tavern
4 or a nightclub application.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. O'BRIEN: It's a CR application
7 with 139 interior seats and a total occupancy
8 load of 153, a summer garden with 36 seats.

9 We requested an entertainment
10 endorsement to provide live entertainment indoors
11 only, and extended holiday hours endorsement.

12 The licensee did not request maximum
13 hours. The licensee -- I'm sorry, the applicant
14 requested 12:00 p.m., that is noon, to 12:00
15 a.m., midnight, Monday through Thursday. And
16 4:00 p.m. to 12:00 a.m. on Friday and Saturdays.

17 The applicant requested live
18 entertainment inside the premises on Sunday from
19 noon to midnight, Monday through Thursday 4:00
20 p.m. to midnight, Friday and Saturday 4:00 p.m.
21 to 2:00 a.m.

22 That's what's on the placard and the
23 placard accurately reflects the application.

24 CHAIRPERSON ANDERSON: All right. So,
25 let me see if the placard is in there. Hold on a

1 minute.

2 (Pause.)

3 CHAIRPERSON ANDERSON: I was taking
4 some notes, but I want to make sure that I --

5 (Pause.)

6 CHAIRPERSON ANDERSON: All right. I
7 now have the placard because I didn't ask for the
8 attachment, but this is what I -- this is the
9 representation by counsel that the placard --
10 it's a CR, which is a restaurant, with 139
11 interior seats, but total occupancy of 153, 36
12 seats in the summer garden, entertainment
13 endorsement for live entertainment inside only.

14 They're asking for the extended hours,
15 meaning that if the board approves extended
16 hours, say, for the 4th of July, for holidays,
17 that they can operate to 4:00 a.m. with the
18 approval of -- once they have applied for that.

19 Their hours of operation are 12:00
20 p.m. to 12:00 a.m. Monday through Thursday, 4:00
21 p.m. to 12:00 a.m. Friday and Saturday, live
22 entertainment inside only and I think I missed
23 something.

24 I think I missed something because I
25 have -- what -- you said Sunday from noon to

1 12:00. Is that live entertainment?

2 MR. O'BRIEN: Mr. Chair, I think I
3 misspoke. Hours of operation are Sunday through
4 Thursday.

5 CHAIRPERSON ANDERSON: Hold on, hold
6 on.

7 MR. O'BRIEN: Sunday 12:00 p.m. to
8 12:00 a.m. Still hours of operation Monday
9 through Thursday 4:00 p.m. to 12:00 a.m. Friday
10 and Saturday --

11 CHAIRPERSON ANDERSON: Hold on, hold
12 on. Okay. Hours of operation Sunday from 12:00
13 p.m. to 12:00 a.m. Monday through Thursday --
14 what time?

15 MR. O'BRIEN: 4:00 p.m. to 12:00 a.m.

16 CHAIRPERSON ANDERSON: 4:00 p.m. to
17 12:00 a.m. Okay.

18 MR. O'BRIEN: Friday and Saturday 4:00
19 p.m. to 2:00 a.m.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. O'BRIEN: And as I'm looking at it,
22 hours of entertainment are identical.

23 CHAIRPERSON ANDERSON: And by
24 entertainment, only interior?

25 MR. O'BRIEN: Interior only.

1 CHAIRPERSON ANDERSON: No entertainment
2 on the summer garden?

3 MR. O'BRIEN: That is correct.

4 CHAIRPERSON ANDERSON: All right. What
5 else am I missing? Does that cover everything?
6 That covers everything, right?

7 MR. O'BRIEN: Yes. That's the placard.

8 CHAIRPERSON ANDERSON: Mr. Green, if we
9 were to issue the license, what is it that you
10 disagree with?

11 I'm just trying to -- when we move
12 forward with the hearing, what we're going to
13 have testimony on.

14 Do you have --

15 MR. GREEN: Yes. The community's
16 concern is that the hours of operation go until
17 2:00 a.m. for the entertainment endorsement.
18 That is nonstandard for, you know, for other
19 establishments within our community.

20 And the biggest issue that we have a
21 concern with is that once, you know, we open the
22 floodgates to allow one establishment to go
23 beyond 12:00 p.m. with their hours of operation,
24 we open up the precedent for other establishments
25 to do the same and request the same, you know.

1 I understand that ABRA has the ability
2 to allow those restaurants to do that and
3 operators can choose whether to or not, but the
4 community would like to keep this, you know, very
5 tight as far as what establishments -- what hours
6 the establishments operate within our community.

7 There is Seta Oasis who is already in
8 the licensing process, and there is another
9 establishment less than a block away that I
10 believe will be placarding or requesting a
11 license in the near future based off of the
12 results of what happens with this hearing.

13 CHAIRPERSON ANDERSON: Okay. So, you
14 don't agree with the hours of operation. What
15 else do you not agree with?

16 MR. GREEN: The -- as far as the
17 entertainment endorsement with the live music,
18 this building, which is immovable, is not
19 soundproofed.

20 So, the biggest -- one of the other
21 issues -- were you signaling something, Mr.
22 Short?

23 CHAIRPERSON ANDERSON: No. The board
24 is -- we're actually in person. And so, there
25 are people walking past our hearing room. So --

1 MR. GREEN: Oh, okay. Okay. I saw him
2 waving his arm and I was like --

3 CHAIRPERSON ANDERSON: Okay. All
4 right.

5 MR. GREEN: Sorry. Yeah, so the --
6 with the entertainment endorsement which allows
7 live music, as I said, that building is not
8 insulated or built to, you know, be able to
9 facilitate or host live events.

10 One of the lessons learned from the
11 community from the prior establishment was that
12 they had an entertainment endorsement and it
13 became a de facto nightclub with bands multiple
14 nights a week going until 2:00 a.m.

15 So, what the community has learned and
16 observed is that they were, you know, around our
17 bedrooms between 10 and 11 o'clock during the
18 week or weekend.

19 We would not be able to sleep until
20 after 2:30 a.m. when all the events at that
21 particular property ended from the prior
22 establishments.

23 So, we're trying to head that off,
24 that issue, and find, as I said, a median where
25 we can coexist, you know, without being able to

1 not sleep in our own homes.

2 CHAIRPERSON ANDERSON: All right. So,
3 there's no agreement on the entertainment
4 endorsement.

5 What else do you disagree with?

6 MR. GREEN: AS far as the summer
7 garden, you know, I think we are -- when we were
8 discussing the possible settlement, we had agreed
9 that there would be no -- no amplified --

10 MR. O'BRIEN: Objection.

11 CHAIRPERSON ANDERSON: All right. Mr.
12 Green, they say that the entertainment
13 endorsement is only for -- they can -- based on
14 what was proposed, they can only have
15 entertainment inside the premises.

16 So, unless the summer garden is
17 inside, I mean, there is -- they did not ask for
18 entertainment on the summer garden.

19 MR. O'BRIEN: No, we --

20 CHAIRPERSON ANDERSON: Hold on.

21 MR. GREEN: Can I --

22 CHAIRPERSON ANDERSON: Hold on one
23 minute, please. I'm trying to get a
24 clarification.

25 Mr. O'Brien, is your client asking for

1 entertainment on the summer garden?

2 MR. O'BRIEN: No.

3 CHAIRPERSON ANDERSON: So --

4 MR. O'BRIEN: But, Mr. Chair --

5 CHAIRPERSON ANDERSON: Yes, Mr.

6 O'Brien.

7 MR. O'BRIEN: -- I interjected because
8 Mr. Green started to say that they, meaning the
9 applicant, agreed to something.

10 He didn't get -- he didn't finish it
11 because I interjected, but I emphasize that
12 settlement discussions are off the table and
13 cannot be discussed.

14 CHAIRPERSON ANDERSON: All right. All
15 right.

16 MR. GREEN: That's fine. So, where I
17 was going with that, sir, if I may, the community
18 does not want to have amplified music on the
19 summer garden -- in the area of the summer
20 garden. That's what --

21 CHAIRPERSON ANDERSON: Well, the issue
22 is that they cannot have entertainment on the
23 summer garden. So, that means that --

24 MR. GREEN: It doesn't prevent them
25 from running speakers to the summer garden.

1 CHAIRPERSON ANDERSON: I'm not -- I
2 need to look at that.

3 MR. GREEN: So --

4 CHAIRPERSON ANDERSON: Well, I'm just
5 saying, from a legal perspective, I need to look
6 at that, what it means by no entertainment on the
7 summer garden, okay?

8 So, I need to look at -- I need to get
9 some clarification moving forward, from legal,
10 what it means.

11 So, you have a problem with the
12 entertainment indoors and you also have a problem
13 with the summer garden and what does that mean
14 with --

15 MR. GREEN: Yeah. Our concern is
16 whatever entertainment is inside will be piped
17 outside via amplified speakers.

18 That's where our concern is when it's
19 connected to the entertainment.

20 CHAIRPERSON ANDERSON: Okay. And what
21 other concern did you have, sir?

22 MR. GREEN: As far as with the
23 entertainment endorsement or are you saying
24 overall?

25 CHAIRPERSON ANDERSON: Overall.

1 MR. GREEN: Okay. So, the other issue,
2 and this falls slightly out of the ABRA purview,
3 but because this is the place to arrive at some
4 sort of agreement for it, the prior establishment
5 had an issue with trash collection that the
6 community observed.

7 In that, the community --

8 CHAIRPERSON ANDERSON: All right. Hold
9 on. So, we can -- that can wait for testimony.
10 So, trash.

11 What other issues that you want to
12 address during the hearing?

13 MR. GREEN: I've already hit on the
14 parking.

15 CHAIRPERSON ANDERSON: The parking.
16 What else?

17 MR. GREEN: Deliveries to the
18 restaurant --

19 CHAIRPERSON ANDERSON: Okay.

20 MR. GREEN: -- as far as where they're
21 made through the front.

22 CHAIRPERSON ANDERSON: Okay.
23 Deliveries.

24 MR. GREEN: The community (simultaneous
25 speaking) with that.

1 CHAIRPERSON ANDERSON: What else?

2 MR. GREEN: Trash.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. GREEN: And then rodent abatement.

5 CHAIRPERSON ANDERSON: Okay. Those are
6 all the issues, right?

7 MR. GREEN: Correct.

8 CHAIRPERSON ANDERSON: All right. So,
9 there's agreement that the board -- the agency
10 will issue the license. So, the license will be
11 issued.

12 This hearing, therefore, will focus on
13 the hours of operation, the entertainment
14 endorsement, what that means in a sense of what
15 type of activities can be held on the summer
16 garden.

17 It's my understanding that if they can
18 put speakers -- even without an entertainment
19 endorsement, they can put speakers on the summer
20 garden. So, we can have testimony on whether or
21 not they can have speakers on the summer garden.

22 We can have testimony about the trash,
23 parking, delivery and rodent abatement. Those
24 are the issues. Those are the outstanding
25 issues.

1 So, Mr. O'Brien, in presenting your
2 case --

3 MR. GREEN: I'm sorry, Mr. Anderson.

4 CHAIRPERSON ANDERSON: Mr. Green?

5 MR. GREEN: I left off one, the
6 extended hours for the holiday -- holidays.

7 CHAIRPERSON ANDERSON: Holiday extended
8 hours, okay.

9 MR. GREEN: Yeah.

10 CHAIRPERSON ANDERSON: Okay. So, Mr.
11 O'Brien, so, therefore, when you present your
12 case, it's limited in the sense that you can
13 present testimony on the hours of operation, why
14 you're requesting the hours of operation that
15 you're requesting, the entertainment endorsement
16 that you requested and the time, what that means
17 in the sense if there are concessions that you
18 will make regarding the entertainment in the
19 summer garden because it's my understanding you
20 don't -- you can put speakers on the summer
21 garden without having an entertainment
22 endorsement.

23 We can talk about trash, parking,
24 delivery, rodent abatement and why you need
25 holiday extended hours.

1 All right. Do we have clarification
2 on what the issues -- the outstanding issues are?

3 MR. O'BRIEN: I would point out, Mr.
4 Chair, that on Mr. Green's PIF there's no mention
5 of deliveries, and there's no mention of extended
6 holiday hours.

7 CHAIRPERSON ANDERSON: Well, the bottom
8 line is he has to put evidence -- he has to put
9 evidence about -- even if we went to a full-blown
10 hearing, you have to put evidence.

11 Mute your microphone, please, Mr.
12 O'Brien. So, that's up to him to see whether or
13 not he can -- to see what evidence he's going to
14 put on regarding why the board should put these
15 restrictions on the license.

16 As I stated before, the license is
17 going to be approved and your job is to just tell
18 the board what -- that we shouldn't put any
19 restrictions on the license.

20 And it's up to Mr. Green to put
21 evidence on why is it that he believes that the
22 board should put restrictions on the license and
23 what restrictions.

24 His basic restrictions is that he is
25 restricting the hours of operation, the

1 entertainment endorsement.

2 He doesn't want amplified music on the
3 summer garden, trash, parking, delivery, rodent
4 abatement and holidays.

5 So, he needs to provide evidence to
6 the board why we should put these restrictions on
7 the license. It's clear, at least to me, where
8 we're going.

9 MR. O'BRIEN: Mr. Chair, my point is
10 that he did not identify on his PIF that
11 deliveries are an issue or that extended holiday
12 hours are an issue.

13 CHAIRPERSON ANDERSON: Right.

14 MR. O'BRIEN: The PIF is state the
15 issues you will present to the board for
16 resolution.

17 CHAIRPERSON ANDERSON: All right.

18 MR. O'BRIEN: I don't know what the
19 purpose of the PIF is if we can add on additional
20 issues at the hearing.

21 CHAIRPERSON ANDERSON: Mr. O'Brien, you
22 know you go first. And whether or not he has an
23 issue or not, you're asking for -- we do not
24 typically -- you have to apply for the holiday
25 extended hours.

1 You would agree that this is something
2 that you have to apply for. And so, therefore,
3 you're making an application.

4 And so, here you're making an
5 application why you want it. It wasn't that he
6 has an issue or not.

7 Without you asking for it, sir, the
8 board -- you do not automatically get the holiday
9 extended hours, right? You do not automatically
10 get that.

11 So, you have to put a showing on why
12 it is that you believe that you're asking for
13 that.

14 This is the first protest hearing that
15 I'm having where, as part of the ask, is that the
16 applicant is asking for the holiday extended
17 hours.

18 So, this is new for me. I know that
19 it's granted, but this is the first time I've
20 ever had a protest hearing where that was
21 requested as part of the initial license.

22 And so, therefore, in presenting your
23 case, you will then let the board know why is it
24 that you want this.

25 I know it's something that

1 establishments apply for. And I guess the agency
2 routinely approves it and I guess they pay
3 whatever fee.

4 I don't know, but you have made this
5 an issue in a protest hearing. And so,
6 therefore, in presentation of your case you just
7 state why you want it and let's move on from
8 there.

9 He can state -- clearly, if he
10 disagrees with it, if the protestant -- they need
11 to present evidence why they believe the board
12 should not approve this.

13 I don't think this is any different
14 from any other issues that we might have.

15 MR. O'BRIEN: Mr. Chair, the holiday
16 hours extension request is a box that's checked
17 on the application when filed.

18 I understand that a lot of licensees
19 later request it in a separate proceeding, but
20 this is a box that's checked on the application
21 and it's on the placard.

22 CHAIRPERSON ANDERSON: And that's fine.
23 And so, therefore, you should be prepared whether
24 or not the protestant object to it or -- you have
25 to tell the board what you want. So -- and why

1 you want it.

2 So, therefore, you need to present
3 evidence why it is that your client requires the
4 -- if we didn't have a protest hearing, of course
5 the agency would approve everything that's on
6 your application.

7 But since we did not -- since we are
8 having a protest hearing, you have to put
9 evidence in the record why the board should give
10 you these endorsements.

11 So, I don't think -- whether or not
12 the protestants object previously or now it's
13 irrelevant.

14 You're asking for -- in presenting
15 your case, you need to provide evidence why is it
16 that you need this.

17 MR. O'BRIEN: Mr. Chair --

18 CHAIRPERSON ANDERSON: Yes, sir.

19 MR. O'BRIEN: -- I understand that the
20 applicant has the burden of proof.

21 CHAIRPERSON ANDERSON: And that's --

22 MR. O'BRIEN: I understand that, but my
23 objection is that the chair's ruling now renders
24 the PIF irrelevant.

25 CHAIRPERSON ANDERSON: Well, the --

1 MR. O'BRIEN: The protestant's PIF says
2 state the issues. And if you don't state the
3 issues, it doesn't matter.

4 So, it doesn't matter what you state
5 in the PIF if you're a protestant. That's what
6 I'm objecting to.

7 CHAIRPERSON ANDERSON: All right. Hold
8 on, Mr. Green. I'm going to get to you.

9 Mr. O'Brien, you have won 50 percent
10 of this case right now. The hardest part is that
11 the protestants have agreed that your client is
12 going to get the license. That's the most
13 difficult part, okay?

14 All this hearing is about is what --
15 is what endorsement, what hours the endorsements
16 that we're going to get.

17 So, what I'm saying to you is that you
18 have won 50 percent. Half of your job is already
19 taken care of because you don't have to put any
20 evidence on to say that you're appropriate for
21 the license.

22 So, I would like -- okay. Take what
23 the protestants have given to me and so you don't
24 have to spend a couple hours to prove to us that
25 your licensee -- it's appropriate for us to even

1 give you -- give him the license. He has the
2 license.

3 The rest of the hearing is what
4 restrictions we're going to put on the license,
5 if any. That's what this -- that's what the rest
6 of the hearing is about, sir.

7 I think that's -- like I said before,
8 50 percent of your case is -- you have already
9 won because you've got your client a license.

10 The protestants have agreed to the
11 license. Now the part is that whether or not --
12 Mr. Green, you can put your hand down. I'm going
13 to come to you, sir.

14 Now, for the rest of the hearing, it
15 was that we should put any restrictions on the
16 license or not. That's what the rest of the
17 hearing is about, okay, sir? All right.

18 MR. O'BRIEN: Yes, Mr. Chair. I will
19 --

20 CHAIRPERSON ANDERSON: Yes, Mr.
21 O'Brien. Yes.

22 MR. O'BRIEN: I will shut up on that
23 issue.

24 CHAIRPERSON ANDERSON: Thank you, Mr.
25 O'Brien.

1 Yes, Mr. Green?

2 MR. GREEN: I was just going to
3 reference that actually in my brief description
4 of testimony I did note the extended holiday
5 hours as part of my testimony.

6 CHAIRPERSON ANDERSON: Mr. Green, you
7 don't have to defend that portion. The bottom
8 line is that --

9 MR. GREEN: I was trying to resolve the
10 issue so we could move forward.

11 CHAIRPERSON ANDERSON: No, what I'm
12 trying to tell you is that it's resolved.

13 MR. GREEN: Okay.

14 CHAIRPERSON ANDERSON: That's why I'm
15 saying you don't have to defend it. It's
16 resolved. As far as I'm concerned, it's a
17 nonissue.

18 MR. GREEN: Right.

19 CHAIRPERSON ANDERSON: The licensee is
20 asking for certain things and he needs to present
21 evidence why the board should grant that to him.
22 So, it's a nonissue as far as I'm concerned,
23 okay?

24 I think -- I'm not even sure -- I
25 don't think we -- I don't think we need our -- I

1 don't think the board, unless you -- Mr. O'Brien,
2 unless you have specific questions of the
3 investigator or if you, Mr. Green, have specific
4 questions of the investigator, I'm not going to
5 call her.

6 But if the parties have specific
7 questions of the investigator, I will allow them
8 to question the investigator. So, you let me
9 know.

10 Mr. O'Brien, do you have any specific
11 questions that you wanted to ask Ms. Dantzler?

12 MR. O'BRIEN: Yes, sir.

13 CHAIRPERSON ANDERSON: Okay. Then I'm
14 not going to call the investigator as a witness
15 because the parties have agreed that the license
16 is going to be granted.

17 And so, now the -- moving forward the
18 rest of the case is whether or not -- is whether
19 or not conditions should be placed on the
20 license.

21 And so, therefore, all the questions
22 should be posed to that extent anyway. So, if
23 you want to call Ms. Dantzler, you go first, you
24 can call her as a witness, sir, and you can ask
25 her questions.

1 And you'll also have an opportunity,
2 Mr. Green, to ask questions of Ms. Dantzler,
3 okay?

4 So, you want to call the first
5 witness, Mr. O'Brien?

6 MR. O'BRIEN: Yes, sir. I call Ms.
7 Dantzler.

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

12 MS. DANTZLER: Yes.

13 CHAIRPERSON ANDERSON: Thank you. And,
14 Mr. O'Brien, I know you're set up and I've had
15 previous hearings with you and I do not have that
16 feedback, but starting yesterday when we had our
17 hearing yesterday, I'm having a feedback from
18 your office and we are also having that same
19 feedback today.

20 So, maybe you can figure out moving
21 forward why we're having this feedback from your
22 office, okay?

23 MR. O'BRIEN: Yes, sir. I'm guessing
24 why and at the break I think I'll be able to --
25 unfortunately, we'll be more distant, which I

1 know you don't like, but it should eliminate the
2 feedback.

3 CHAIRPERSON ANDERSON: Okay. Fine. Go
4 ahead, sir. All right.

5 MR. O'BRIEN: Ms. Dantzler, I'm going
6 to lead you to -- lead you to questions. You've
7 been employed as a lead investigator with ABRA
8 and ABCA for how long?

9 MS. DANTZLER: Over 17 years.

10 MR. O'BRIEN: Okay. I have in front of
11 me your Investigative Protest Report dated
12 October 2024.

13 Did the applicant's principals, Mr.
14 and Mrs. Swaby, cooperate with your
15 investigation?

16 MS. DANTZLER: Yes.

17 MR. O'BRIEN: Including several site
18 visits?

19 MS. DANTZLER: Yes.

20 MR. O'BRIEN: Okay. Did Mr. Green
21 cooperate with your investigation?

22 MS. DANTZLER: No.

23 MR. O'BRIEN: Thank you.

24 CHAIRPERSON ANDERSON: All right. Is
25 that the last of your questions, sir?

1 MR. O'BRIEN: Yes, sir.

2 CHAIRPERSON ANDERSON: Mr. Green, do
3 you have any questions of the investigator?

4 MR. GREEN: Not at this specific time.

5 CHAIRPERSON ANDERSON: This is your one
6 and only opportunity, sir, to ask her. So, any
7 questions that you have, you need to ask
8 questions of her because if the board has
9 represented its case, this still would have been
10 the only opportunity you have to question her
11 because she will be dismissed after -- even
12 before -- yeah, so this is your only opportunity
13 to ask questions of the investigator, sir, if you
14 have any.

15 MR. GREEN: Okay. Sure. I'll ask Ms.
16 Dantzler a couple questions.

17 Ms. Dantzler, are you familiar with
18 the actual location of the applicant?

19 MS. DANTZLER: Yes.

20 MR. GREEN: And on your site visits to
21 those, did you observe the physical building and
22 its construction?

23 MS. DANTZLER: Could you be a little
24 more clear with the question?

25 MR. GREEN: As far as, you know, the

1 age of the building, building material, that type
2 of stuff.

3 MS. DANTZLER: Well, I didn't take
4 notice of that. I don't have experience and I
5 wasn't there for the construction of the
6 building.

7 MR. GREEN: Okay. More specifically
8 when you were walking about the facility, did you
9 observe the exterior of the building?

10 MS. DANTZLER: I did.

11 MR. GREEN: Okay. And in the exterior
12 of the building, did you observe the trash cans
13 that are on the property?

14 MS. DANTZLER: I did in the rear and
15 interior, yes.

16 MR. GREEN: Right. And in your
17 estimation or your experience with
18 investigations, are those containers, you know,
19 standard-size trash receptacles for a alcohol
20 beverage restaurant of this size?

21 MS. DANTZLER: I found the receptacles
22 in the back to be consistent with industry
23 receptacles.

24 MR. GREEN: What about the size of
25 those?

1 MS. DANTZLER: They're about the same
2 size as any other establishment I've gone to.

3 MR. GREEN: And in those establishments
4 that you've gone to, because I think you also
5 looked at the waste management contract that the
6 protesters have, did you observe and note the
7 number of trash pickups in that contract that was
8 included in the investigation report?

9 MS. DANTZLER: I took a cursory review
10 of it. I didn't find a need to go in depth
11 because each time I've been out there there was
12 never a trash issue.

13 MR. GREEN: Okay.

14 MS. DANTZLER: I saw that the
15 establishment had regular trash pickup and the
16 owners advised me that although they're not
17 operating, they still have to -- they're still
18 paying and the trash company still comes by to
19 dump, if needed.

20 MR. GREEN: Okay. And also in your
21 report I think you were -- made multiple site
22 visits at different times of the day for the
23 location, correct?

24 MS. DANTZLER: Correct.

25 MR. GREEN: Did you observe the

1 immediate location where the restaurant, or the
2 subject property, is or did you observe parking
3 in surrounding neighborhoods also?

4 MS. DANTZLER: Yes, I took notice of
5 the conditions of the exterior of the property
6 and the -- both times that I was inside the
7 establishment, and I did not see any issues or
8 concerns as it relates to the cleanliness of the
9 exterior or interior.

10 As for parking, I was able to find
11 parking during the morning/afternoon hours. At
12 night I do -- I have experienced challenges in
13 parking, but I could not associate it with Seta.

14 MR. GREEN: Right. And let's back up
15 for a second. Seta is not open and operating at
16 this point in time, correct?

17 MS. DANTZLER: Correct.

18 MR. GREEN: And you had some slight
19 difficulties finding parking in the evening hours
20 when you made site visits to the location; is
21 that --

22 MS. DANTZLER: Yes, there were
23 challenges at night, I want to say, with the
24 apartment buildings.

25 There are approximately one, two,

1 three -- I want to say I counted approximately
2 six, like, mid-rise/high-rise apartments in the
3 area.

4 MR. GREEN: And when you say,
5 immediately in the area, is that just on the 3800
6 block or did you also observe the adjacent
7 blocks?

8 MS. DANTZLER: Just one adjacent block
9 along Quincy --

10 MR. GREEN: Um-hm.

11 MS. DANTZLER: -- Street, but I've
12 been in that area even with the previous
13 establishment, but there's no other parking
14 available for that area.

15 MR. GREEN: Okay.

16 MS. DANTZLER: There's no parking
17 garages or parking lots and the parking is a
18 challenge.

19 MR. GREEN: Okay. Next question around
20 the ambient sound during your visits, did you
21 notice any elevated sounds, you know, from any
22 other establishments while you were conducting
23 your visits or investigation?

24 MS. DANTZLER: Not in the block where
25 Seta is located, but I've had some sounds, like,

1 from Afro Lounge which is south of Seta.

2 MR. GREEN: Are you talking south of
3 Seta in Ward 1?

4 MS. DANTZLER: I'm not quite sure which
5 ward Afro Lounge is located, but Afro Lounge is
6 within 1200 square feet of Seta.

7 Since it's an ABC establishment, it
8 was counted as one of the ABC establishments, but
9 Afro Lounge -- let me look at my report -- is
10 approximately two blocks or so away from Seta.

11 MR. GREEN: Is that south or north?

12 MS. DANTZLER: South.

13 MR. GREEN: Okay. Two blocks south
14 would put that into Ward 1.

15 MS. DANTZLER: Okay. Okay. I'll take
16 your word for it.

17 MR. O'BRIEN: Objection. Mr. Green is
18 testifying.

19 CHAIRPERSON ANDERSON: No, hold on,
20 hold on. I just think that there is some -- he
21 is providing some clarification to the -- so, I'm
22 going to overrule the objection.

23 She has answered the question and
24 let's move on.

25 MR. GREEN: So, one additional point

1 for clarification, Investigator Dantzler, do you
2 know where the Ward 1/Ward 4 boundary starts and
3 ends?

4 MS. DANTZLER: I do not.

5 MR. GREEN: Okay. In that -- in your
6 investigation when you looked at other
7 establishments within the Petworth community, do
8 any of those other establishments have extended
9 operating hours where they operate until 2:00
10 a.m.?

11 MS. DANTZLER: Yes.

12 MR. GREEN: How many of those
13 establishments are there?

14 MS. DANTZLER: That operate until 2:00
15 a.m.?

16 MR. GREEN: Yes, that operate until
17 2:00 a.m.

18 MS. DANTZLER: Approximately seven.

19 MR. GREEN: And do you have the
20 locations of those?

21 MS. DANTZLER: Yes.

22 MR. GREEN: Can you read those off for
23 the board?

24 MS. DANTZLER: Pantry Thai Bistro,
25 Reliable Tavern, The Looking Glass, Mr.

1 Braxton's, Afro Lounge, The Pitch Tavern, Uno
2 Mas.

3 MR. GREEN: Okay. And for
4 clarification, again, are you able to look at
5 something to tell us which one of those are in --
6 what ward each of those are in?

7 MS. DANTZLER: I don't know which ward
8 they're in.

9 MR. GREEN: Most of those locations
10 that you indicated or read off are located in
11 Parkview, which is part of Ward 1.

12 CHAIRPERSON ANDERSON: Hold on, Mr.
13 Green. She's reading all the establishments
14 within 1200 feet of the license. So, as a matter
15 of course when the investigator -- when we go
16 out, we look at other licenses that are within
17 1200 feet.

18 So, whether or not it's in Ward 1 or
19 Ward 4, that's irrelevant. All that we care
20 about is the location.

21 And so, all the places that she
22 listed, they are within 1200 feet of this
23 license. So, these are the relevant businesses
24 that we look at when we issue a license.

25 MR. GREEN: Okay.

1 CHAIRPERSON ANDERSON: So, it starts --

2 MR. GREEN: And, again, I don't want
3 to testify here, but that is part of the
4 community's concern is that we're not making a
5 differentiation between Ward 1, which is clearly
6 an entertainment district --

7 CHAIRPERSON ANDERSON: But that's not
8 -- hold on, sir. That's not relevant
9 information.

10 A ward is not relevant. All that's
11 relevant for our hearings are establishments that
12 are within 1200 feet of the license.

13 So, it is not relevant that it's in
14 Ward 1 or if it's in Ward 4 or -- what's relevant
15 is the zoning that these establishments -- we
16 haven't had any testimony to say what zoning this
17 license would be in.

18 I think maybe Ms. Dantzler can tell us
19 what is the zone for this establishment. I think
20 it's -- Ms. Dantzler, what zone is this potential
21 license in?

22 MS. DANTZLER: Mixed use.

23 CHAIRPERSON ANDERSON: And what does
24 that mean, ma'am?

25 MS. DANTZLER: Oh, wow. It's a lot.

1 It's a mixture of commercial and residential
2 properties.

3 CHAIRPERSON ANDERSON: All right. So,
4 that's what's relevant for us, sir. So, I -- if
5 you're going to be talking about Ward 1, Ward 4,
6 and if you believe that it's -- Ward 1 is more
7 entertainment, that's not relevant for our
8 hearing.

9 What's relevant is that this is an
10 establishment that's in a -- I'm sorry --

11 MR. GREEN: Mixed commercial.

12 CHAIRPERSON ANDERSON: -- a mixed use
13 zone and that these are all the establishments
14 that are within 1200 feet of this potential
15 license, okay, sir?

16 So, those are -- that is the relevant
17 part of the testimony that we can hear today.

18 MR. GREEN: Okay.

19 CHAIRPERSON ANDERSON: Hold on, Mr.
20 Green. Hold on, Mr. Green.

21 I think, Mr. O'Brien, did you -- was
22 that addressed or did you still have something to
23 say, sir?

24 MR. O'BRIEN: I think you addressed it,
25 Mr. Chair. We only have one set of rules. We

1 don't have one set of rules for Ward 1 and one
2 set of rules for Ward 4. So, it truly is
3 irrelevant.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you, Mr. O'Brien.

6 MR. GREEN: I --

7 CHAIRPERSON ANDERSON: Go ahead, Mr.
8 Green.

9 MR. GREEN: Yeah, I tend to beg to
10 differ on that, but that's for me to discuss
11 later or make a point of later.

12 One other question for you. It seems
13 that most of the establishments that you called
14 out in your report are located 1200 feet to the
15 south -- or 1200 whatever it is to the south of
16 this location.

17 Did you also look at any
18 establishments within 1200 feet or more to the
19 north of this location?

20 MS. DANTZLER: Yes. As far north as
21 the 4100 block of Georgia is the parameter that I
22 stayed in.

23 MR. GREEN: And how many of those
24 establishments to the north have extended hours
25 beyond 12 o'clock or entertainment endorsements?

1 MS. DANTZLER: Two.

2 MR. GREEN: Two and --

3 MS. DANTZLER: I'm sorry, three.

4 MR. GREEN: Three. So, in those other
5 establishments, were there -- are they
6 restaurants, are they taverns, are they -- what
7 are their licenses?

8 MS. DANTZLER: The Looking Glass is a
9 tavern.

10 MR. GREEN: That's still south.

11 MS. DANTZLER: I'm sorry. Scratch
12 that. I'm sorry. The Pitch is a tavern. Uno
13 Mas is a tavern. I'm sorry, so there's only two.

14 MR. GREEN: There's only two?

15 MS. DANTZLER: Yes.

16 MR. GREEN: And of those two, are they
17 currently operating with those extended hours or
18 do they just have those as part of their license?

19 MS. DANTZLER: When you say -- I'm
20 sorry, were you -- extended hours, you mean the
21 operating hours approved by the board?

22 MR. GREEN: Yeah, the operating hours
23 approved by the board versus --

24 MS. DANTZLER: Yes.

25 MR. GREEN: -- the operating hours

1 that they're actually operating.

2 MS. DANTZLER: Yes, they're operating
3 with the full approved hours of 2:00 a.m. and
4 3:00 a.m.

5 MR. GREEN: 20:00 a.m. and 3:00 a.m.?

6 MS. DANTZLER: Yes.

7 MR. GREEN: All right. Did you confirm
8 that or is that just from the -- what's on the
9 license?

10 MS. DANTZLER: Well, it's confirmed
11 through their license or even through ABRA
12 records.

13 MR. GREEN: So, you didn't actually
14 make a visit to confirm that they're operating
15 until 2:00 or 3:00 a.m., either of those
16 establishments respectively?

17 MS. DANTZLER: Well, I monitored the
18 area.

19 MR. GREEN: Have you observed either of
20 those operating until 2:00 or 3:00 a.m.
21 respectively?

22 MS. DANTZLER: I had not been to -- I
23 hadn't gone to these two establishments at the
24 end of the night, no.

25 MR. GREEN: Okay. So, you can't say

1 for sure if they're operating to the full extent
2 of their license hours?

3 MS. DANTZLER: Correct.

4 MR. GREEN: Okay. I think that was --
5 oh, in your observation of those properties on
6 the interior and exterior, would you say that
7 their trash receptacles were of similar size to
8 Seta Oasis or are they smaller?

9 MS. DANTZLER: I wasn't monitoring the
10 -- those establishments for trash concerns.

11 MR. GREEN: Okay. And, to the best of
12 your knowledge, have either of those
13 establishments to the north been cited for any
14 noise or any other violations?

15 MS. DANTZLER: No. I was not
16 monitoring those establishments for noise
17 violations or trash.

18 MR. GREEN: Okay. All right. Thank
19 you.

20 MS. DANTZLER: My pleasure.

21 CHAIRPERSON ANDERSON: Any questions by
22 the board members?

23 Mr. O'Brien, since this, you could
24 say, was your witness, do you have any redirect
25 for this witness?

1 MR. O'BRIEN: No, sir.

2 CHAIRPERSON ANDERSON: All right. Ms.
3 Dantzler, thank you very much for your testimony.
4 Have a great day.

5 MS. DANTZLER: My pleasure. Enjoy,
6 everyone.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you.

9 (Witness excused.)

10 CHAIRPERSON ANDERSON: Mr. O'Brien, do
11 you have another witness you wish to call?

12 MR. O'BRIEN: Yes, Mr. Chair, but I'd
13 like to ask for a little bit of guidance here.
14 Since you've ruled to limit the scope of
15 questioning to certain distinct issues, am I to
16 take it that you don't want to hear the
17 background of the applicant? That you don't want
18 to see his menu?

19 CHAIRPERSON ANDERSON: I mean, that
20 would be helpful, Mr. O'Brien. I'm just saying
21 to you -- I'm saying to you that the hard part is
22 that you got the license; however -- please mute
23 your mic.

24 But because this is a new -- this is
25 a new applicant, you can give us the flavor of

1 who it is, but you don't have to get in-depth,
2 but you can give us the flavor of who this person
3 is, his business knowledge and why is it that
4 he's asking for these endorsements.

5 But, yes, you can -- you can ask
6 background information, you can share the menu,
7 and we can get some idea because I think that can
8 influence whether or not we're going to add
9 restrictions to the license or whether or not
10 we're not going to add restrictions to the
11 license.

12 So, by the licensee presenting more
13 about his business model and who he is, I think
14 that would be helpful.

15 MR. O'BRIEN: All right. May I suggest
16 a five- or ten-minute recess in order that I may
17 try to solve this feedback problem?

18 CHAIRPERSON ANDERSON: Okay. It's
19 2:45. We'll be off the record until 2:55. All
20 right. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 2:45 p.m. and resumed at
23 2:58 p.m.)

24 CHAIRPERSON ANDERSON: Okay. We're
25 back on the record. I need the parties to

1 appear.

2 MR. GREEN: I'm present.

3 CHAIRPERSON ANDERSON: Thank you, Mr.
4 Green. And thank you for doing that because
5 that's one of the reasons why I always ask people
6 to -- I want you to be on camera so I always know
7 that you're there. So, I appreciate the fact
8 that you let me know that you're there, sir.

9 MR. GREEN: Yeah. You know, again, if
10 I would have known that the, you know,
11 requirement or desire to be on camera, I would
12 have been someplace else, but I just can't
13 violate that company policy.

14 CHAIRPERSON ANDERSON: No, that's -- I
15 guess probably what I will do -- and I guess
16 because most people -- because when we had the
17 protest hearing status, you were on camera. So,
18 maybe it wasn't -- that's why I --

19 MR. GREEN: I was also at the same
20 location. I wasn't on camera then.

21 CHAIRPERSON ANDERSON: And I didn't say
22 nothing?

23 MR. GREEN: No.

24 CHAIRPERSON ANDERSON: You sure about
25 that, Mr. Green?

1 MR. GREEN: I'm quite sure.

2 CHAIRPERSON ANDERSON: And I did not
3 say -- well, I guess maybe it's, you know, all
4 right.

5 MR. GREEN: Yeah, I -- like I said, if
6 I would have known, I would have been someplace
7 else, but I can't do that. It will cause more
8 issues for me then.

9 CHAIRPERSON ANDERSON: All right.
10 That's fine. All right. Are you ready, Mr.
11 O'Brien?

12 MR. O'BRIEN: Yes, Mr. Chair. Can you
13 discern any difference in feedback now?

14 CHAIRPERSON ANDERSON: I haven't heard
15 -- yeah, I'm still hearing the feedback. Yeah,
16 I'm still hearing the feedback, but we'll work
17 with it. Okay. Thanks.

18 Go ahead, sir.

19 MR. O'BRIEN: All right. I'm going to
20 call Anthony Swaby.

21 CHAIRPERSON ANDERSON: Okay. I'm going
22 to put myself on mute. So, someone needs to
23 remind me that if I'm talking, that -- all right.

24 Mr. Swaby, can you raise your right
25 hand, please. Do you swear or affirm to tell the

1 truth and nothing but the truth?

2 MR. SWABY: Yes, sir.

3 CHAIRPERSON ANDERSON: Okay. Your
4 witness.

5 MR. O'BRIEN: Mr. Swaby, state your
6 full name for the record.

7 MR. SWABY: Anthony Swaby.

8 MR. O'BRIEN: Mr. Swaby, where are you
9 from originally?

10 MR. SWABY: Jamaica.

11 MR. O'BRIEN: And how long have you
12 been in the United States?

13 MR. O'BRIEN: Since '98. So, that
14 would be 20 -- 26, 27 years.

15 MR. O'BRIEN: All right. And what
16 employment have you engaged in since you arrived
17 in the United States?

18 MR. SWABY: Um, I started -- I come
19 here to play soccer and I get hurt and I started
20 selling art. Traveling the Caribbeans selling
21 artwork.

22 MR. O'BRIEN: Are you saying,
23 "artwork"?

24 MR. SWABY: Yeah, art. Art and craft.
25 Like, paintings.

1 MR. O'BRIEN: Yes. Go ahead.

2 MR. SWABY: So, I finished doing that.
3 Then I am doing delivery. Been doing that for 24
4 years straight.

5 I deliver dry goods like bread, chips,
6 cookies. I do Nature Zone for 15 years. I
7 recently do Pepperidge Farm. I know you guys
8 know the cookies.

9 So, that's what I do for a living
10 right now, deliver job. So, I understand
11 everything.

12 MR. O'BRIEN: All right. What cooking
13 background do you have?

14 MR. SWABY: Um, I can make anything
15 from scratch, meaning I'm all plant-based, vegan,
16 vegetarian. That's what I cook.

17 MR. O'BRIEN: And who do you cook it
18 for?

19 MR. SWABY: I cook for -- I do catering
20 for, like, soccer games, soccer event, bicycle
21 event, golf, everything else. Still do my
22 delivery job.

23 MR. O'BRIEN: But catering, how large
24 of events, number of people do you sometimes
25 cater to?

1 MR. SWABY: So, a soccer event about 50
2 people. A bike ride -- bicycle ride is about 30.
3 Golf, that's the smallest. About 20.

4 MR. O'BRIEN: All right. How long have
5 you been considering opening a restaurant?

6 MR. SWABY: It's been a dream of mine
7 for the last 20 years.

8 MR. O'BRIEN: And what have you done in
9 the 20 years to try to open a restaurant?

10 MR. SWABY: I have, you know, my sister
11 open a small restaurant in Silver Spring named
12 Nice N' Spicy and I want to do this with me and
13 my family.

14 MR. O'BRIEN: All right. I'm going to
15 ask Ms. Mahmoud to put on the screen our Exhibit
16 No. 3.

17 Can you tell the board what Exhibit
18 No. 3 is, Mr. Swaby?

19 MR. SWABY: That's my menu for the
20 restaurant.

21 MR. O'BRIEN: Is that a final menu?

22 MR. SWABY: No, that's just working it.

23 MR. O'BRIEN: Okay. You have requested
24 hours of operation during the week ending at
25 midnight, and on weekends ending at 2:00 a.m.; is

1 that correct?

2 MR. SWABY: Yes.

3 MR. O'BRIEN: All right. What do you
4 understand that midnight and 2:00 a.m. mean?

5 MR. SWABY: All the patrons got to
6 leave at 2:00 or at 12:00.

7 MR. O'BRIEN: Okay. Now, as a
8 practical matter, how does the requirement that
9 all patrons be out at closing relate to
10 operations?

11 MR. SWABY: So, operations, we don't
12 take no orders between -- after 10:30 and after
13 12:30.

14 MR. O'BRIEN: That's an hour and a half
15 before each closing hour that you stop taking
16 orders?

17 MR. SWABY: Yes.

18 MR. O'BRIEN: Why do you need an hour
19 and a half to stop taking orders?

20 MR. SWABY: Because we got to prepare
21 the food for the last person to enjoy and we got
22 to get all patrons out on time.

23 MR. O'BRIEN: Okay. Do you pre-make
24 food?

25 MR. SWABY: No.

1 MR. O'BRIEN: Prepare in advance?

2 MR. SWABY: No. We make it from
3 scratch.

4 MR. O'BRIEN: You've asked for an
5 entertainment endorsement and I will tell you, to
6 save time, that an entertainment endorsement is
7 required if you have a live performer or if you
8 have a DJ.

9 Do you intend to have live performers?

10 MR. SWABY: No, not really.

11 MR. O'BRIEN: How about a DJ?

12 MR. SWABY: A DJ three days a week.
13 They use my equipment in the restaurant where I
14 can turn it down and I can manage what they play
15 out.

16 MR. O'BRIEN: Will you allow DJs to
17 bring in their own sound equipment?

18 MR. SWABY: No.

19 MR. O'BRIEN: How will they amplify it?

20 MR. SWABY: To how I manage it.

21 MR. O'BRIEN: Do you have a sound
22 system already installed?

23 MR. SWABY: Yes.

24 MR. O'BRIEN: Will the DJs have to hook
25 up --

1 MR. SWABY: Yes.

2 MR. O'BRIEN: -- to your sound system?

3 MR. SWABY: Yes.

4 MR. O'BRIEN: And will you be able to
5 monitor the volume?

6 MR. SWABY: Yes.

7 MR. O'BRIEN: Okay. Will you have --
8 in the summer garden, will you have any speakers
9 at all?

10 MR. SWABY: No.

11 MR. O'BRIEN: When you took over the
12 restaurant site, were there speakers on the
13 summer garden?

14 MR. SWABY: Yes, there was.

15 MR. O'BRIEN: And what happened to
16 them?

17 MR. SWABY: I removed them.

18 MR. O'BRIEN: Okay. So, you're not
19 going to even have recorded music on the summer
20 garden; is that correct?

21 MR. SWABY: Yes.

22 MR. O'BRIEN: All right. What
23 provisions have you made for trash removal?

24 MR. SWABY: We require -- we have two
25 trash can in the back that we get from Waste

1 Management. Five days a week.

2 MR. O'BRIEN: Okay. I want to go back
3 to the entertainment endorsement for a moment.

4 Have you requested approval of a cover
5 charge?

6 MR. SWABY: No.

7 MR. O'BRIEN: Have you requested
8 approval of dancing?

9 MR. SWABY: No.

10 MR. O'BRIEN: I understood you to say
11 that you were -- I want to make sure that I
12 understand this correctly.

13 Did you say there were no -- not going
14 to be any live performers?

15 MR. SWABY: No. Once a month if --
16 maybe once a month, but not a band.

17 MR. O'BRIEN: If not a band, then what?

18 MR. SWABY: Just from the speakers.

19 MR. O'BRIEN: But how many live
20 performers if it's not a band?

21 MR. SWABY: What do you mean live?

22 MR. O'BRIEN: Are you talking about one
23 person?

24 MR. SWABY: One person. One person.
25 Just one individual.

1 MR. O'BRIEN: Okay. How often?

2 MR. SWABY: Maybe once a month.

3 MR. O'BRIEN: Okay. And I don't know
4 if you answered this question: Trash pickup will
5 be how often?

6 MR. SWABY: Five days a week.

7 MR. O'BRIEN: All right. What are you
8 going to do to avoid a rodent problem, a rat
9 problem?

10 MR. SWABY: We have -- get a person
11 that service us to -- it's normally every week,
12 but we're not open. So, it's two times a month.

13 MR. O'BRIEN: A person. What do you
14 mean a person?

15 MR. SWABY: Pest -- I forgot the name
16 of the company.

17 MR. O'BRIEN: Is it a pest control --

18 MR. SWABY: Yeah, pest control company.

19 MR. O'BRIEN: Okay. Would you agree
20 that there is limited parking in the area?

21 MR. SWABY: Yes, I do.

22 MR. O'BRIEN: All right. So, what are
23 you going to do to discourage people from driving
24 to your restaurant?

25 MR. SWABY: Well, I have on the website

1 -- I'm going to post on the website about the --
2 we are close to the Metro. About 1200 feet, I
3 think. I don't -- from the restaurant and we try
4 to tell them to take Uber or Lyft.

5 MR. O'BRIEN: Okay. I'm asking you to
6 look at the -- at this map that's Exhibit No. 1.

7 MS. MAHMOUD: Let me share this.

8 (Pause.)

9 MR. O'BRIEN: I'm asking Ms. Mahmoud to
10 hover the cursor over the --

11 CHAIRPERSON ANDERSON: I'm sorry, hold
12 on one minute. I'm sorry, Mr. O'Brien. I was
13 taking some notes and I was told that Mr. Green
14 had raised his hand.

15 Is that true, Mr. Green?

16 MR. GREEN: No. I was explaining that
17 was not.

18 CHAIRPERSON ANDERSON: Sorry. Okay.
19 All right.

20 So ahead, Mr. O'Brien.

21 MR. O'BRIEN: Okay. I'm asking Mr.
22 Swaby to look at the map that's Exhibit No. 1 and
23 can you see the blue dot near the top?

24 MR. SWABY: Yes.

25 MR. O'BRIEN: What is that?

1 MR. SWABY: That's my -- that's the
2 restaurant.

3 MR. O'BRIEN: Okay. And then there's
4 a line drawn down to a red dot lower. What is
5 that red dot?

6 MR. SWABY: That's the Metro station.

7 MR. O'BRIEN: So, how far is your
8 restaurant from the Metro station?

9 MR. SWABY: Less than, I would say, a
10 block.

11 MR. O'BRIEN: Okay. Okay. We can take
12 that down.

13 Mr. Swaby, how will deliveries of
14 inventory and product be accepted at the
15 restaurant?

16 MR. SWABY: So, there's two ways we can
17 do the delivery. Depends on the size of the
18 truck. Depends on what they're bringing in.

19 So, the front, those -- like the beer
20 and the wine, those are big trucks. So, they
21 cannot come to the alley.

22 MR. O'BRIEN: They can or cannot?

23 MR. SWABY: They cannot come to the
24 alley. So, you got another size truck, a 16-foot
25 truck. Those are the smaller trucks.

1 So, those are, like, the one that
2 bring the produce and the different stuff. So,
3 those are the ones might be come to the back.

4 MR. O'BRIEN: When you say "the back,"
5 is there a public alley?

6 MR. SWABY: Yeah, there's an alley
7 there.

8 MR. O'BRIEN: The last thing is we've
9 discussed the request for extended hours for
10 holiday weekends. And that means you can stay
11 open later than midnight during the week and 2:00
12 a.m. during the weekends.

13 Are you still requesting that?

14 MR. SWABY: No.

15 MR. O'BRIEN: All right. So, can we
16 represent to the board that you're withdrawing
17 the holiday extended hours request?

18 MR. SWABY: Yes.

19 MR. O'BRIEN: Those are my questions of
20 Mr. Swaby.

21 CHAIRPERSON ANDERSON: Mr. Green, do
22 you have any questions?

23 MR. GREEN: Yes, I do. May I proceed?

24 CHAIRPERSON ANDERSON: Yes, sir.

25 MR. GREEN: Okay. Mr. Swaby, how are

1 you doing today?

2 MR. SWABY: I'm fine, sir.

3 MR. GREEN: So, let's talk about trash
4 pickup. You indicated that you are contracted
5 for five days a week of trash pickup.

6 What days specifically of the week are
7 those trash pickups scheduled for?

8 MR. SWABY: How are you, Mr. Green?
9 So, we are not in service at this moment. At
10 this moment, we're not in service.

11 We are paying for trash pickup, but
12 we're not in service. So, we are five days,
13 Monday through Friday.

14 MR. GREEN: So, are you contracted for
15 Monday through Friday or are you --

16 MR. SWABY: Yes, we are.

17 MR. GREEN: -- contracted for seven
18 days a week?

19 MR. SWABY: Huh? No, we are contracted
20 five days, yeah.

21 MR. GREEN: And of those five days, do
22 those include any pickups on the weekends,
23 specifically Friday, Saturday and Sunday?

24 MR. SWABY: That trash particular
25 company don't pick up Friday and -- Saturday and

1 Sunday.

2 MR. GREEN: So, with you operating a
3 restaurant that's going to generate significant
4 trash, how are you intending to deal with trash
5 on weekends if you don't have trash pickup on
6 Saturday and Sunday?

7 MR. SWABY: We can leave it inside. We
8 don't want the trash to overflow. So, whatever
9 we got, we can leave it inside.

10 MR. GREEN: And how is that going to
11 affect your rodent and abatement plan if you
12 leave your garbage inside?

13 MR. SWABY: It's not.

14 MR. GREEN: Okay. If that trash
15 company does not have the ability to do that and
16 you run out of space for storage inside, what are
17 you going to do with that trash?

18 MR. SWABY: Um, can you -- can you
19 repeat, please?

20 MR. GREEN: Yeah. You said you have
21 storage space inside to keep your waste if you
22 don't have it in your exterior trash containers.

23 How large is that interior space to be
24 able to store that?

25 MR. SWABY: It's more than -- more than

1 2500 square feet, I think, in the -- in there.

2 MR. GREEN: You have 2500 square feet
3 of internal storage for trash storage for
4 overflow?

5 MR. SWABY: If. If, Mr. Green. If.
6 If we need it.

7 MR. GREEN: Is that trash storage that
8 you're talking that's external, is that on your
9 summer garden area?

10 MR. SWABY: No.

11 MR. GREEN: Where would that be at in
12 the location?

13 MR. SWABY: I don't -- I don't
14 understand the question, Mr. Green.

15 MR. GREEN: Yeah. My question is -- my
16 question is for that trash internally, where is
17 that 2500 square feet of trash storage that
18 you're going to store that overflow or excess
19 garbage until trash can be picked up? Can you
20 describe that location to us?

21 MR. SWABY: Mr. Green, we're not going
22 to have that much trash if we're picking up trash
23 five days a week.

24 MR. GREEN: I'm talking specifically on
25 the weekends.

1 MR. SWABY: On the weekends we don't --
2 we're going to have place to put it, Mr. Green.
3 That's all I'm saying to you.

4 You asked me where I put it. We have
5 a basement. Listen, Mr. Green. We have a
6 basement.

7 MR. GREEN: Okay. I'm just asking you
8 to describe the storage place -- space for it,
9 that's all. Is that a basement, as you say?

10 MR. SWABY: Yeah, we got a basement.
11 If we need to put the trash there, we can leave
12 it there.

13 MR. GREEN: Okay. And I'm going to
14 take a step back to the entertainment
15 endorsement.

16 So, you said you're going to have live
17 performers possibly one time a month?

18 MR. SWABY: Yes.

19 MR. GREEN: And what's the nature of
20 that live performance? Will it be instrument-
21 based? Will it be vocal? Will it be -- what
22 will that live entertainment entail?

23 MR. SWABY: No band. No band. Just
24 vocal.

25 MR. GREEN: Just vocal?

1 MR. SWABY: Yes.

2 MR. GREEN: And where would -- would
3 there be music accompanying that?

4 MR. SWABY: Music accompanying that?

5 MR. GREEN: Would there be a soundtrack
6 or whatever for that person to sing to?

7 MR. SWABY: Yes, is a soundtrack.

8 MR. GREEN: Okay. And in that one time
9 per month that you're talking about possibly
10 doing that, what is to keep you from, you know,
11 expanding that to multiple nights a week until
12 2:00 a.m.?

13 MR. SWABY: No, that's what I want is
14 one time a month. That's it.

15 MR. GREEN: Okay. And on your live or
16 your DJ, will you be advertising that DJ?

17 MR. SWABY: It all depends.

18 MR. GREEN: On? Can you explain?

19 MR. SWABY: It all depends on that time
20 of the month who I'm bringing there.

21 MR. GREEN: And where are you bringing
22 these DJs from? I'm just trying to understand.

23 MR. SWABY: Local or -- it can be local
24 or international. Both.

25 MR. GREEN: Okay. And you said there

1 will be no cover charge for these performers that
2 you're going to bring in local or international?

3 MR. SWABY: No.

4 MR. GREEN: Okay. And soundproofing of
5 the establishment, has there been any
6 soundproofing done of the establishment?

7 MR. SWABY: Not at this moment. We're
8 not open. So, we are trying to open. So, once
9 we are open, all these things we can work on.

10 MR. GREEN: So, in that sense, how
11 would the community -- how are you planning on
12 interacting with the community to deal with sound
13 issues since there is no soundproofing in place
14 in the building?

15 MR. SWABY: Can I ask you a question,
16 Mr. Green?

17 MR. O'BRIEN: No, you have to answer
18 his questions.

19 MR. SWABY: Oh, okay.

20 CHAIRPERSON ANDERSON: What's the
21 question?

22 MR. O'BRIEN: If you don't understand
23 the question --

24 MR. SWABY: Yeah, go ahead. I don't
25 understand what he said.

1 MR. GREEN: I said since there is no
2 soundproofing in the building, as you just
3 indicated, how are you planning to mitigate that
4 with community concerns?

5 MR. SWABY: So, um, working -- we are
6 working and just like you're policing me, we can
7 call you to see if it work.

8 MR. GREEN: What do you mean I'm
9 policing you? Can you explain?

10 MR. SWABY: All this. The questions
11 you're asking me, how I'm going to take care of
12 it. And I said I will.

13 MR. GREEN: Okay. I want to step right
14 back to another thing. So, you said that you are
15 a -- were you a partner/owner of the -- was it
16 Nice N' Spices or Spicy N' Nice?

17 MR. SWABY: Well, my sister own the
18 restaurant. We own the restaurant.

19 MR. GREEN: So, what is your ownership
20 of that restaurant?

21 MR. SWABY: Is a family restaurant,
22 sir.

23 MR. GREEN: Again, what is your
24 percentage of ownership of that restaurant?

25 MR. O'BRIEN: Objection. Relevance.

1 MR. GREEN: Well, he entered into the
2 record and he's --

3 MR. O'BRIEN: Mr. Chair, you're muted.

4 MR. GREEN: You're on mute.

5 CHAIRPERSON ANDERSON: Mr. Green, it's
6 not relevant what percentage he owns. He says
7 that he has an ownership stake in it. You have
8 asked the question.

9 I'm not quite sure why you need to
10 know what percentage he owns of the restaurant.
11 It's not relevant to this.

12 It's a restaurant outside of D.C. So,
13 it's not relevant to -- that's not information
14 that the board needs, sir.

15 MR. GREEN: I understand that. He made
16 it an issue within the board hearing. So, I'm
17 asking the question to understand what his
18 percentage of ownership and experience was since
19 he entered that is part of his experience.

20 CHAIRPERSON ANDERSON: He said that he
21 -- you're asking what percentage of ownership he
22 has and I don't think that's relevant.

23 If you want to ask him about his
24 experience, you can ask him that, sir, but
25 whether he owns one percent, five percent, ten

1 percent, it's not a restaurant that we regulate
2 because it's not in D.C.

3 MR. GREEN: I --

4 CHAIRPERSON ANDERSON: I don't think
5 it's relevant. So, let's move on, sir. You can
6 ask him about his experience in that restaurant,
7 but his ownership percentage is not relevant.
8 So, let's move on, please, okay.

9 MR. GREEN: Okay. So, can you tell us
10 about your experiences with that restaurant, what
11 you're responsible for as part of that?

12 MR. SWABY: I have people working
13 there. So, I mean, I don't understand. You got
14 to rephrase -- ask me the question much better.
15 I don't understand what you're asking me.

16 MR. GREEN: What is your --

17 CHAIRPERSON ANDERSON: Hold on, hold
18 on, hold on. Mr. Swaby, I think this is very
19 simple. You said you have -- you have ownership
20 stake in a building, okay?

21 Are you a silent owner? Are you --

22 MR. SWABY: Yes, I am.

23 CHAIRPERSON ANDERSON: Okay. Then say
24 that, sir. So, therefore, you don't have any
25 day-to-day responsibility in the business.

1 That's what he's asking.

2 MR. SWABY: Okay.

3 CHAIRPERSON ANDERSON: So, let's move
4 on.

5 MR. SWABY: Silent owner, sir.

6 MR. GREEN: Okay. So, also what's your
7 catering company? Is that based in the District
8 or is that also based in Maryland?

9 MR. SWABY: Maryland.

10 MR. GREEN: Okay. So, none of that
11 catering work that you did was in the District of
12 Columbia?

13 MR. SWABY: No.

14 MR. GREEN: Okay. As far as your
15 experience running a restaurant, it's tied to the
16 catering company and -- and the restaurant --
17 bear with me one second.

18 So, do you have any experience
19 managing a restaurant that has a Class A
20 endorsement?

21 CHAIRPERSON ANDERSON: Hold on. Hold
22 on a minute. Hold on Mr. Green. Before you
23 answer that question, Mr. O'Brien, our IT
24 specialist, he has put some information in the
25 chat to see -- you can try that to see if that

1 can address some of your -- some of the issues.
2 I think he has sent you a private message.

3 So, can you look at that, please, to
4 see if that will help because this is -- this is
5 just -- it's getting -- it's -- my concern is
6 that I'm not quite sure if -- and with us, being
7 the court reporter, I'm not sure that person is
8 able to capture everything that's being said
9 because of the echo.

10 (Pause.)

11 MR. GREEN: I think they are frozen.

12 CHAIRPERSON ANDERSON: No, they're not
13 frozen, sir. I think they're checking the -- I
14 think they went to go read the message that was
15 sent to them.

16 (Pause.)

17 CHAIRPERSON ANDERSON: Mr. O'Brien, are
18 you guys checking to see, because I'm not getting
19 any response from you guys.

20 MR. O'BRIEN: Yes. We've been reading
21 the message and Ms. Mahmoud, I believe, has tried
22 to reduce our outgoing volume.

23 MS. MAHMOUD: Is there any difference?

24 CHAIRPERSON ANDERSON: Yes.

25 MS. MAHMOUD: Okay.

1 CHAIRPERSON ANDERSON: All right.

2 Let's -- well, no, but let's try to see again.

3 That's all right.

4 I think you had asked the question,
5 Mr. Green, I apologize, but I was trying to
6 figure out how to solve this echo.

7 MR. GREEN: Right. So, Mr. Swaby, so
8 your experience is from the catering company and
9 being a silent partner in the restaurant with
10 your sister in Maryland. Both of those in
11 Maryland.

12 Do you have any experience running a
13 restaurant that has an entertainment endorsement?

14 MR. SWABY: Yes, I do.

15 MR. GREEN: What restaurant would that
16 be?

17 MR. SWABY: No, you asked me a
18 question. So, I said, yes, I do. We hire people
19 that -- I have staff of people that been in this
20 kind of industry that manage this kind of
21 business. So, that's where my expertise hiring
22 people for this.

23 MR. GREEN: So, you brought in people
24 to actually manage and run the restaurant for you
25 that have entertainment --

1 MR. SWABY: With me. With me.

2 MR. GREEN: With you.

3 MR. SWABY: Yes.

4 MR. GREEN: Okay. And have you all
5 developed a security plan or anything like that
6 for this entertainment endorsement?

7 MR. SWABY: Yes. We already get --
8 yes, we do.

9 MR. GREEN: So, you developed a
10 security plan for the restaurant?

11 MR. SWABY: Yes.

12 MR. GREEN: Okay. Have you shared that
13 with the board or anyone else?

14 CHAIRPERSON ANDERSON: Mr. Green, a
15 security plan is not required for a CR restaurant
16 -- for a restaurant unless there is some reason
17 that the board orders that.

18 So, if he wants to -- but I'm just
19 saying the law does not require that for a CR
20 that they have a security plan.

21 MR. GREEN: All right.

22 CHAIRPERSON ANDERSON: You can pursue
23 that, but I'm just saying there is no requirement
24 for him to have one to have a -- to qualify for a
25 CR license, okay?

1 MR. GREEN: I understand that and that
2 will become relevant later on. There's a reason
3 why I'm asking the question.

4 All right. And lastly around
5 deliveries, what is preventing full deliveries to
6 the front of the restaurant for all of your
7 delivery needs to run the restaurant; your
8 provisions, your alcohol beverage, those things?

9 MR. SWABY: Depends on the size of the
10 truck, Mr. Green.

11 MR. GREEN: So, there's nothing that
12 would prevent you from limiting your providers
13 from delivering only through the front?

14 MR. SWABY: Um, Mr. Green, you got six
15 different size of truck, okay? So, the size of
16 truck can go in the back is a 16-footer. That
17 bring all the produce.

18 Beer and wine and any kind of alcohol
19 cannot come through the back. Have to come
20 through the front.

21 MR. GREEN: Is that because they're
22 delivered with a bigger truck?

23 MR. SWABY: Yes.

24 MR. GREEN: So, my question is there's
25 nothing preventing you from requiring those

1 providers that have smaller truck from delivering
2 through the front.

3 MR. SWABY: So, the produce come
4 through the back where the refrigerator and
5 everything is. It's right -- everything is right
6 there. So --

7 MR. GREEN: I understand that. My
8 question is, is there anything that's limiting
9 you from requiring your providers to deliver
10 through the front of the restaurant?

11 MR. SWABY: No.

12 MR. GREEN: Okay. Thank you. Next
13 question around parking, have you all -- have you
14 all looked into valet parking, or establishing a
15 valet parking zone, knowing that there's limited
16 parking within the community?

17 MR. SWABY: Um, two things about that.
18 We cannot hire a company -- we can hire a company
19 to do that, but everything was based on us.

20 MR. GREEN: Again, have you all
21 investigated and looked into that option?

22 MR. SWABY: Not at this moment.

23 MR. GREEN: Okay. Have you looked into
24 providing parking in any of the adjacent parking
25 buildings for your patrons?

1 MR. SWABY: So, again, Mr. Green, this
2 all depends, at this moment, what we going to do.
3 We still looking into other things to work on,
4 but we already put on the website -- we're going
5 to put on the website we have a Metro down the
6 street like a block away and we can use rideshare
7 or Uber. That's the same thing I think, yeah.

8 MR. GREEN: Right. I understand that,
9 but I'm saying have you investigated any
10 alternative parking solutions for your patrons?
11 That's my question.

12 MR. SWABY: No.

13 MR. GREEN: Okay. And lastly, as far
14 as your -- as far as the actual restaurant, if
15 the entertainment endorsement, the summer garden
16 license and the extended hours are not part of,
17 you know, you charging a cover for those
18 additional things, what's the -- what is the need
19 for them within your business plan?

20 MR. O'BRIEN: Objection.

21 CHAIRPERSON ANDERSON: Mr. Green --

22 MR. SWABY: That's a long question.

23 CHAIRPERSON ANDERSON: Hold on, hold
24 on, Mr. -- all right. Mr. Swaby, if your lawyer
25 says an objection, sir, that says for you to be

1 quiet, okay?

2 If your lawyer says that, don't answer
3 the question until I say you need to answer the
4 question, sir, all right?

5 Mr. Green --

6 MR. SWABY: Um-hm.

7 CHAIRPERSON ANDERSON: -- in order to
8 have cover charge, you have to have a cover
9 charge endorsement.

10 He's not requesting a cover charge
11 endorsement. So, therefore, he cannot have cover
12 charge. So, why are we asking about cover
13 charges, sir?

14 MR. GREEN: No, no, I -- again, I'm
15 sorry if it didn't come through clear. My
16 question is if you are not charging a cover
17 charge and you're not planning on doing that, can
18 you explain the need for in your -- can you
19 explain the need for the entertainment
20 endorsement, the extended hours and the summer
21 garden as part of your business plan?

22 CHAIRPERSON ANDERSON: All right. But,
23 Mr. Green, there's no extended hours. The
24 holiday extended hours, he's not asking for that.

25 MR. GREEN: Okay.

1 CHAIRPERSON ANDERSON: So, that's not
2 an issue.

3 MR. GREEN: I'll take that part of it
4 back.

5 CHAIRPERSON ANDERSON: And you need an
6 entertainment endorsement to have trivia, okay?
7 If you're going to do trivia, because the way the
8 law is -- it's because of the way our law is
9 written. He would need an entertainment
10 endorsement to do that, sir.

11 So, I think you might be thinking that
12 he needs -- because he's having entertainment
13 endorsement, he needs that -- he's going to have
14 a wild party going on, but I'm just saying if he
15 wants to have, like, trivia or something as
16 trivial as trivia, he would have to have an
17 entertainment endorsement, just to inform you.

18 If you still want to ask your
19 questions about entertainment endorsement, sir,
20 go ahead; but, again, there's no extended hours.

21 He's not asking for that and he's not
22 asking for a cover charge. So, do you still need
23 to ask that question?

24 MR. GREEN: Well, yeah. As part of the
25 entertainment endorsement, he is asking for the

1 hours to go until 2:00 a.m., correct?

2 CHAIRPERSON ANDERSON: I don't know.
3 I can't answer that for him, sir. So, you can --

4 MR. O'BRIEN: That is correct.

5 MR. GREEN: So, my question is, what
6 is the need for the -- extending the hours until
7 2:00 a.m. with the entertainment endorsement if
8 you don't plan on covering, you know, if you do
9 not plan on charging a cover charge? What is the
10 impact to your business plan if this is not
11 approved?

12 MR. O'BRIEN: Objection, Mr. Chair.
13 That question makes no sense.

14 CHAIRPERSON ANDERSON: I don't see the
15 relevancy of -- Mr. Green, I don't see the
16 relevancy of you asking the question the way you
17 did. So, I'm going to sustain the -- I'm going
18 to sustain the objection.

19 If you have -- the way you asked the
20 question, sir, it does not --

21 MR. GREEN: Okay. Let me -- let me
22 rephrase it. If the entertainment endorsement is
23 not approved, will that impact your business
24 plan?

25 MR. SWABY: Yes.

1 MR. GREEN: Can you explain in what
2 way?

3 MR. SWABY: The vibes.

4 MR. GREEN: Can you explain? Expand.

5 MR. SWABY: The vibes. You come to eat
6 and you come to drink and listen to music.
7 That's it. That's the vibes.

8 MR. GREEN: So, you're saying that you
9 cannot create, quote/unquote, vibes without a DJ
10 there?

11 CHAIRPERSON ANDERSON: That's not the
12 question that was asked, sir. You're asking
13 about an entertainment endorsement. You are
14 mixing apples with oranges, sir.

15 MR. GREEN: I am --

16 CHAIRPERSON ANDERSON: Hold on, sir.

17 MR. GREEN: Go ahead.

18 CHAIRPERSON ANDERSON: Having an
19 entertainment endorsement doesn't mean that you
20 have a DJ.

21 So, you either ask about DJ or ask
22 about entertainment. They are not intertwined,
23 sir, okay?

24 So, either ask him about a DJ or ask
25 about -- but don't -- they're not together. Not

1 because he has an entertainment -- not because
2 he's requesting entertainment endorsement.

3 That doesn't necessarily mean that
4 there's a DJ involved with that, sir, okay? So,
5 they're two -- they're distinct.

6 MR. GREEN: Okay. Without a DJ and
7 your request for the entertainment endorsement,
8 will that affect your business plan?

9 MR. SWABY: Mr. Green, you are -- you
10 said three -- five question ago, your last
11 question. So, can you tell me when is the last
12 question you going to give to me?

13 MR. O'BRIEN: No. Okay.

14 CHAIRPERSON ANDERSON: Mr. Swaby, you
15 don't ask -- all right.

16 MR. SWABY: I'm sorry.

17 CHAIRPERSON ANDERSON: Mr. Swaby, you
18 don't ask questions, sir. You have a lawyer
19 there to protect you. If he believes that
20 there's an objection -- and he has been doing a
21 great job so far in raising objections, sir.

22 Mr. Green will ask you a question. If
23 you don't have an answer, I don't have an answer
24 and let's move on, sir.

25 You don't ask him questions, sir.

1 Let's move on.

2 MR. SWABY: I'm sorry, sir.

3 MR. GREEN: Can he answer the question?

4 CHAIRPERSON ANDERSON: What is the
5 question, Mr. Green?

6 MR. GREEN: Again, if the board does
7 not approve the entertainment endorsement to
8 allow you to have a DJ there, will that impact
9 your business plan?

10 CHAIRPERSON ANDERSON: He has answered
11 that question, sir. Let's move on.

12 MR. SWABY: Yes.

13 CHAIRPERSON ANDERSON: He said, yes.
14 Let's move on.

15 MR. GREEN: And my followup question to
16 that is, can you please describe that impact to
17 that business?

18 MR. O'BRIEN: Objection. What's the
19 relevance?

20 CHAIRPERSON ANDERSON: Sustained. You
21 have asked the question. The restaurant is not
22 open. He said that it's going to impact it.

23 Let's move on, sir. That's not
24 relevant right here. Let's move on.

25 MR. GREEN: Okay.

1 CHAIRPERSON ANDERSON: I get the point.
2 You do not want the board to -- you do not want
3 the board to approve an entertainment
4 endorsement. I got the point. Let's move on.

5 MR. GREEN: Okay. That's it for now.
6 Thank you.

7 CHAIRPERSON ANDERSON: It's not for
8 now, sir. This is your only chance to --

9 MR. GREEN: That's it.

10 CHAIRPERSON ANDERSON: -- ask --

11 MR. GREEN: That's it, sir.

12 CHAIRPERSON ANDERSON: No, the reason
13 why I'm -- I'm letting you know that this is your
14 only opportunity to ask questions. If you don't
15 ask him now, you're not going to have another
16 opportunity.

17 MR. GREEN: All right.

18 CHAIRPERSON ANDERSON: That's all I was
19 --

20 MR. GREEN: I understand that. When I
21 saw "for now," meaning that I have an opportunity
22 to speak later on.

23 MR. GREEN: Thank you, sir. All right.
24 Fine.

25 Any questions by any board members?

1 Hearing none, Mr. O'Brien, do you have
2 any redirect?

3 MR. O'BRIEN: No, sir.

4 CHAIRPERSON ANDERSON: All right. Mr.
5 Swaby, thank you very much for your testimony
6 today.

7 (Witness excused.)

8 CHAIRPERSON ANDERSON: Do you have
9 another witness, Mr. O'Brien?

10 MR. O'BRIEN: No. We'll rest subject
11 to the introduction of Exhibit No. 1, which was
12 the map depicting the distance from the
13 establishment to the --

14 CHAIRPERSON ANDERSON: Hold on.

15 MR. O'BRIEN: -- Metro station.

16 CHAIRPERSON ANDERSON: Hold on a
17 minute. Hold on. Exhibit No. 1.

18 Mr. Green, do you have any objection
19 to the board moving Exhibit No. 1 in the record?

20 MR. GREEN: No, that's fine.

21 CHAIRPERSON ANDERSON: What's the next
22 one, sir?

23 MR. O'BRIEN: Exhibit No. 3, which was
24 the proposed menu.

25 CHAIRPERSON ANDERSON: Mr. Green, any

1 objection?

2 MR. GREEN: No.

3 CHAIRPERSON ANDERSON: Without
4 objection -- any other exhibits?

5 MR. O'BRIEN: No. Exhibit No. 2 we did
6 not move -- we did not introduce.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. O'BRIEN; So, with the introduction
9 of 1 and 3 we rest.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you very much.

12 All right. Mr. Green, how do you plan
13 to present your case, sir?

14 MR. GREEN: Just testimony as far as
15 around the nonstandard license.

16 CHAIRPERSON ANDERSON: Okay. I need
17 you to raise your right hand. Tell me when
18 you've raised your right hand, sir.

19 MR. GREEN: Hand is raised.

20 CHAIRPERSON ANDERSON: Do you swear or
21 affirm to tell the truth and nothing but the
22 truth?

23 MR. GREEN: I do.

24 CHAIRPERSON ANDERSON: And I just want
25 to remind you that Mr. O'Brien will have an

1 opportunity to cross examine you, sir, okay?

2 MR. GREEN: Sure.

3 CHAIRPERSON ANDERSON: All right.

4 MR. GREEN: Look forward to it.

5 CHAIRPERSON ANDERSON: Go ahead, sir.

6 MR. GREEN: All right. So, again, my
7 name is Jeffrey Green. I'm a long-term resident
8 of the 3800 block of 8th Street.

9 I've lived through three
10 establishments at the subject address, and so
11 have my neighbors, through various times over the
12 last 15 years.

13 In that time, we've experienced two
14 operators -- two separate operators. Both of
15 those operators going out of business just
16 because of failed business plans and bad
17 operating process.

18 The second operator -- most current
19 operator was 1865 Steak and -- I can't remember
20 the full name of it, but they went out of
21 business due to a number of concerns.

22 But during that time, me and my
23 neighbors lived through multiple calls to ABRA
24 with noise reports due to the building materials
25 and nonsound insulation of that building that's

1 the subject here.

2 Those reports were made to ABRA.
3 Those were followed up on. They were fined a
4 couple of times because of that. That's a closed
5 case and I understand that.

6 During that time, also, we lived
7 through rat infestation and repeated deluge of
8 garbage from the establishment there because of
9 the size and location of this particular
10 property.

11 The property is limited in size to be
12 able to handle trash removal, trash storage in
13 this location, which leads to rodent and rat
14 issues in our community that are longstanding and
15 ongoing even with the restaurant being closed and
16 not reopen at this point in time.

17 Additionally, our community is
18 inundated, because of location, as the requesters
19 have presented in the location with the Metro in
20 proximity to the Metro which causes us to become
21 a de facto parking lot for people who are parking
22 and riding the Metro to events downtown or to
23 work or school or whatever it may be.

24 Our community has become a parking lot
25 to that -- because of its location in proximity

1 to the Metro.

2 The introduction of this restaurant
3 with the late-night hours will contribute to
4 that.

5 As the investigator indicated during
6 her testimony, parking is limited within our
7 community not just because of the location of the
8 Metro, but in addition to all the apartment
9 buildings and residents who live in the immediate
10 area, which means that parking is constrained and
11 this restaurant will do nothing but add to that
12 concern an issue for the community.

13 The next issue is with deliveries and
14 the community has made a big concern with
15 deliveries to this property because there is an
16 opportunity for deliveries to be made to through
17 the front of the establishment.

18 There's nothing limiting the
19 proprietors from requesting their providers to
20 deliver through the front except for they like to
21 double-park and park in the rear of the alley,
22 which is a public alley, but in doing so they
23 prevent residents from being able to get to their
24 off-street parking if they have that.

25 Lastly -- sorry, one second.

1 (Pause.)

2 MR. GREEN: Lastly, the community is
3 greatly concerned about the entertainment
4 endorsement of the restaurant.

5 As we stated when we got on the --
6 started talking with the board today, we have no
7 concerns with them opening up a restaurant. The
8 community welcomes that.

9 The issue becomes around the
10 entertainment endorsement and the noise and other
11 additional things that are brought with that.

12 The applicants have said that they're
13 willing to limit or going to limit their live
14 music or whatever it is, entertainment, to
15 possibly one time a month, but there's nothing
16 preventing them from deciding that, hey, our
17 business isn't working, to expanding that to
18 multiple days per month.

19 They've also indicated that, you know,
20 hey, we only plan on having a DJ on Friday,
21 Saturday, Sunday and there's nothing limiting
22 them from expanding that, you know, on a whim
23 because they have that endorsement.

24 The community is greatly concerned
25 with that because, in our eyes, that creates a --

1 allows them to operate as a de facto nightclub
2 because of that entertainment endorsement.

3 Now, I understand that, you know, as
4 part of the, you know, laws that entertainment
5 endorsement is needed for other reasons. But
6 once that entertainment is -- entertainment
7 endorsement is issued, there's nothing preventing
8 them from modifying or expanding what they said
9 they were going to do with that entertainment
10 endorsement or the way that they were going to
11 present or provide entertainment to their guests
12 to create this, quote/unquote, vibe within the
13 establishment.

14 Again, the community welcomes them as
15 a restaurant and wants to, you know, them to be a
16 community partner, but we have grave concerns
17 around the issues that I've spoken to -- spoken
18 to and about.

19 And, you know, we ask the board to
20 limit their ability to have that entertainment as
21 well as put some guidelines or guardrails around
22 what's required for parking, for deliveries, for
23 trash collection and those things. Thank you
24 very much.

25 CHAIRPERSON ANDERSON: Thank you. Mr.

1 O'Brien?

2 MR. O'BRIEN: I'm going to show you
3 what's -- Mr. Green, I'm going to show you what's
4 been marked as Exhibit No. 2.

5 Can you put that up, Ms. Mahmoud?

6 It's up. Mr. Green, do you recognize
7 what is depicted in Exhibit No. 2?

8 MR. GREEN: Can you scroll down to the
9 street? Yep.

10 MR. O'BRIEN: Okay. Am I correct the
11 restaurant occupies two of the three smaller
12 buildings in the middle?

13 MR. GREEN: That's correct.

14 MR. O'BRIEN: Okay. You don't want
15 deliveries in the rear. You want all deliveries
16 in the front; is that correct?

17 MR. GREEN: It's not that I only want
18 deliveries in the front of the property. There
19 is nothing limiting deliveries to the front of
20 the property, but it prohibits community members
21 from entering and exiting parking for the
22 buildings adjacent, the properties within the
23 alleyway.

24 MR. O'BRIEN: Well, won't deliveries
25 from the front result in traffic congestion along

1 busy Georgia Avenue?

2 MR. GREEN: That is how all of the
3 businesses along Georgia Avenue have deliveries
4 and I don't understand how you're making a
5 distinction between a delivery of beverage
6 service from a large truck to deliveries with a
7 smaller truck and it looks like there's a (audio
8 interference) there.

9 MR. O'BRIEN: Okay, but I don't believe
10 that answers my question. Would restriction of
11 deliveries to the front not result in traffic
12 congestion/obstruction on busy Georgia Avenue?

13 MR. GREEN: It would not make it any
14 more congested than it already is.

15 MR. O'BRIEN: I'm looking, Mr. Green --
16 I'm not going to put it up on the screen. You
17 can take that -- well, let me go back to that.

18 The two tall buildings on each side
19 bookending the restaurant and the other building,
20 the two tall buildings, are they residential?

21 MR. GREEN: Yes, they are.

22 MR. O'BRIEN: Okay. No one in those
23 buildings has protested this application, have
24 they?

25 MR. GREEN: Those are rental

1 buildings.

2 MR. O'BRIEN: Did you not understand
3 my question, Mr. Green?

4 MR. GREEN: Again, they're rental
5 buildings.

6 MR. O'BRIEN: My question is, no one in
7 those buildings has protested this application;
8 is that correct?

9 MR. GREEN: Again, Mr. O'Brien, those
10 are rental buildings and the residents who live
11 there vacated those buildings because of noise.

12 MR. O'BRIEN: The ANC did not protest
13 this application, did it?

14 MR. GREEN: The ANC and the ward in the
15 single member district has not protested a single
16 liquor license within the single member district.

17 MR. O'BRIEN: So, is the answer to my
18 question the ANC did not protest this
19 application?

20 MR. GREEN: Again, the ANC did not
21 protest this application and they have not
22 protested the application of any applicant within
23 the single member district.

24 MR. O'BRIEN: Okay. You did not
25 cooperate with the Investigator Dantzler in her

1 investigation of this; is that correct?

2 MR. GREEN: I would not classify it as
3 non-cooperation. I would classify it as I was
4 out of the country.

5 MR. O'BRIEN: And so, you had no email
6 access outside of the country; is that correct?

7 MR. GREEN: That is correct.

8 MR. O'BRIEN: Okay. You did not
9 respond to an email inquiry from the single
10 member district ANC commissioner to discuss this
11 matter; is that correct?

12 MR. GREEN: The single member district
13 ANC was not party to the protest.

14 MR. O'BRIEN: My question is, you did
15 not respond to an email from the single member
16 district commissioner, ANC commissioner, to
17 discuss this matter; is that correct?

18 MR. GREEN: I had no obligation to
19 respond to him.

20 MR. O'BRIEN: We can play word games
21 all afternoon. How about saying no 00

22 MR. GREEN: I had no obligation to --

23 MR. O'BRIEN: -- (simultaneous
24 speaking) response. If that's the truth --

25 MR. GREEN: I had no obligation to

1 respond to him --

2 CHAIRPERSON ANDERSON: All right. Hold
3 on.

4 MR. GREEN: -- because he was not --

5 CHAIRPERSON ANDERSON: All right. Mr.
6 Green, you clearly can answer this question with
7 a yes or a no, sir.

8 You do not -- he asked you a direct
9 question, sir. Yes or no. Simple as that.
10 Let's move on.

11 The question is that did you respond
12 to an email from the ANC commissioner? Yes or
13 no, sir.

14 MR. GREEN: So --

15 CHAIRPERSON ANDERSON: Sir, it's a yes
16 or no. Whether or not it's your obligation or
17 not, did you -- yes or no. That's all we need,
18 sir, and let's move on.

19 MR. GREEN: Okay. So, the ANC
20 commissioner was emailed by myself when this
21 protest started and I got a nonresponse from the
22 ANC commissioner.

23 CHAIRPERSON ANDERSON: Is there another
24 question, Mr. O'Brien?

25 MR. O'BRIEN: Yeah. I'll move on, Mr.

1 Chair.

2 Mr. Green, I'm looking at the protest
3 that you filed in this case. It's -- I don't
4 have it on the screen. It's dated August 19th,
5 2024, and it is stamped "Received," presumably,
6 by ABRA. It's a one, two, three-page letter
7 signed by you.

8 Are you familiar with that document?

9 MR. GREEN: Correct.

10 MR. O'BRIEN: Okay. You composed that
11 document, didn't you?

12 MR. GREEN: Yes, I did.

13 MR. O'BRIEN: All right. And then you
14 went out and solicited seven other signatures to
15 form a protestant group; is that correct?

16 MR. GREEN: The solicitation was
17 grouped.

18 MR. O'BRIEN: Now, you composed the
19 document and you asked seven other people to sign
20 it; is that correct?

21 MR. GREEN: Again, are you asking me to
22 answer the question or are you leading me to --

23 CHAIRPERSON ANDERSON: Mr. Green, hold
24 on. Mr. Green, he asked you a question, sir.
25 Can you please respond directly to the question,

1 sir?

2 Mr. Green, just answer the question,
3 sir. You will have an opportunity to explain
4 later on.

5 MR. GREEN: Okay.

6 CHAIRPERSON ANDERSON: Right now, sir,
7 just answer the question.

8 Is there a question, Mr. O'Brien?

9 MR. O'BRIEN: Yes. Mr. Green, after
10 composing this protest document, you solicited
11 signatures from seven other people; is that
12 correct?

13 MR. GREEN: No.

14 MR. O'BRIEN: All right. What's
15 incorrect about that?

16 MR. GREEN: So, there was a community
17 discussion about protesting the license.
18 Multiple of us got together and had a discussion.
19 I drafted the letter and they signed onto it.

20 MR. O'BRIEN: All right.

21 MR. GREEN: I did not solicit anything.

22 MR. O'BRIEN: All right. You drafted
23 the letter. Did they all sit in the room with
24 you while you were drafting it?

25 MR. GREEN: No. They reviewed it

1 before signing based on our conversation we had
2 prior to it being drafted.

3 MR. O'BRIEN: And after you drafted it,
4 how did you get it in front of those seven other
5 people?

6 MR. GREEN: They're my neighbors. So,
7 I went over and they signed it.

8 MR. O'BRIEN: So, you presented to each
9 of the other seven people and said, here, sign
10 it, correct?

11 MR. GREEN: Again, it was drafted after
12 our conversation.

13 MR. O'BRIEN: Where are those seven
14 other people today?

15 MR. GREEN: They're at work.

16 MR. O'BRIEN: So, no one, other than
17 you, has considered this serious enough to show
18 up today; is that correct?

19 MR. GREEN: That is not the case. They
20 signed on to the letter because they were
21 protesting the concerns with the same things that
22 I am.

23 MR. O'BRIEN: All right. I listened to
24 your opening statement and to your direct
25 examination.

1 I counted 21 times you stating the
2 community wants this, and the community wants
3 that, and the community's feeling is this, and
4 the community's feeling is that.

5 I ask you, who anointed you, Mr.
6 Green, the community spokesman?

7 MR. GREEN: They -- my neighbors
8 requested that I take the lead on this after we
9 had a discussion about it.

10 So, they are the ones who (audio
11 interference) to lead this effort.

12 MR. O'BRIEN: So, the community is you
13 and the seven other signatories to the protest;
14 is that correct?

15 MR. GREEN: These are the other
16 signatories. The other signatories are the
17 neighbors who are at risk of being affected by
18 this restaurant.

19 They are the property owners, and not
20 the renters, of the other properties that are
21 adjacent to the restaurant.

22 MR. O'BRIEN: So, the community does
23 not include the ANC; is that correct?

24 MR. GREEN: The ANC does not live in
25 the immediate block or is affected by this

1 restaurant.

2 MR. O'BRIEN: And the community does
3 not include the residents of the two tall
4 apartment buildings in the immediate block; is
5 that correct?

6 MR. GREEN: They did not sign on. We
7 -- we're a protest group of five or more, not of
8 the entire community.

9 Do you have endorsements from anyone
10 in the community, from the ANC?

11 MR. O'BRIEN: I'm asking the questions,
12 Mr. Green.

13 CHAIRPERSON ANDERSON: Mr. Green -- Mr.
14 Green, Mr. O'Brien is asking you questions, sir.
15 You do not ask questions of him.

16 MR. GREEN: Okay.

17 MR. O'BRIEN: And I'll stop there, Mr.
18 Chair. Thank you.

19 CHAIRPERSON ANDERSON: Thank you. Any
20 questions by any board members?

21 Ms. Quinn?

22 MEMBER QUINN: Yes. Mr. Green, I'd be
23 interested to hear what would be a satisfactory
24 solution to your concerns about rat abatement,
25 trash pickup and parking.

1 MR. GREEN: Again, and I'm not sure if
2 I'm able to reference the discussions with --

3 MEMBER QUINN: No, you are not.

4 MR. GREEN: Okay. So, what would be a
5 solution for all that would be -- the applicant
6 for parking specifically -- for the applicant to
7 look into a parking zone for valet parking, to
8 contract with -- possibly contract with one of
9 the apartment buildings that does have parking
10 lots within their buildings to see if there is
11 able to get space for that -- for those valets to
12 use that to address that issue.

13 On to deliveries. The deliveries to
14 make all the requests for all their provisioners
15 to deliver to the front of the property.

16 As you can see, there is curb space as
17 indicated from the photo that Mr. O'Brien showed
18 with an Amazon truck out in front of the
19 restaurant. So --

20 MEMBER QUINN: Actually, I didn't ask
21 about deliveries. I asked about rat abatement,
22 trash and parking.

23 MR. GREEN: Okay.

24 MEMBER QUINN: And you've already
25 addressed parking.

1 MR. GREEN: Okay. Rat abatement, it
2 would be for them to have service and rat
3 abatement services, you know, once a week and to
4 have Saturday and Sunday trash pickup to remove
5 that from the community.

6 MEMBER QUINN: Okay. And one last
7 question. Is there any business that you're
8 aware of in your immediate area that has rat
9 abatement treatment once a week?

10 MR. GREEN: The apartment building has
11 --

12 MEMBER QUINN: No, I'm sorry. I should
13 have said a restaurant, an ABCA-licensed
14 restaurant.

15 MR. GREEN: There are --

16 MEMBER QUINN: Similar-type business.

17 MR. GREEN: Yeah, there are no other
18 ABRA or ABCA licensees within the immediate
19 block.

20 There is a licensee that I believe
21 will be applying for one in the 3700 block of
22 Georgia Avenue.

23 And then there are two restaurants
24 that the investigator spoke of that are to the
25 north. I forgot the name of it. Uno Mas or

1 whatever. But I don't know what their rat
2 abatement plans are.

3 MEMBER QUINN: Okay. So, the bottom
4 line is you're not aware of any restaurant in the
5 area that has rat abatement once a week.

6 MR. GREEN: I'm not aware of any
7 restaurant in the immediate area, but I am aware
8 of other properties that have that because of the
9 issue in the common space.

10 MEMBER QUINN: Okay. Thank you.

11 CHAIRPERSON ANDERSON: All right. Any
12 other questions by any board members?

13 Yes, Mr. Grant. Go ahead.

14 MEMBER GRANT: Just a question for the
15 applicant. Thank you all for being here today,
16 by the way.

17 Throughout the questioning process
18 this afternoon there have been a couple of
19 instances where, to summarize it, there's been
20 some TBD, "to be determined" sort of reasons
21 around planning with respect to the structure of
22 the concept of the business.

23 I just want to know, without going
24 into details around interactions with the
25 community, what is your plan to remain in contact

1 with the individuals in the community that are
2 concerned about the business?

3 When you determine the answers to some
4 of those unanswered questions, how do you devise
5 a plan to communicate to them efficiently and
6 effectively to let them know what's happening in
7 terms of the changes with your plans?

8 MR. O'BRIEN: Mrs. Swaby -- Melissa
9 Swaby will answer.

10 MS. SWABY: All right. So, the plan is
11 to have --

12 CHAIRPERSON ANDERSON: Hold on a
13 minute. Hold on. You can't ask him a question,
14 Mr. Grant. You have to ask Mr. Green because Mr.
15 Green is under cross examination.

16 So, your questions are only to Mr.
17 Green at --

18 MEMBER GRANT: My apologies, sir.

19 CHAIRPERSON ANDERSON: Hold on. Mr.
20 Green, what was -- you have your hands up there.
21 What's going on?

22 MR. GREEN: I was going to say how is
23 it Ms. Swaby can answer if she wasn't --

24 MEMBER GRANT: My apologies. My
25 apologies for that.

1 CHAIRPERSON ANDERSON: Mr. Green, I
2 have corrected the issue. You can put your hand
3 down.

4 You can only ask a question of Mr.
5 Green, Mr. Grant.

6 MEMBER GRANT: I retract the question.

7 CHAIRPERSON ANDERSON: Okay. Thank
8 you. All right.

9 Mr. O'Brien, do you have any recross
10 of Mr. Green based on the questions that were
11 asked of the board?

12 MR. O'BRIEN: No, sir.

13 CHAIRPERSON ANDERSON: Mr. Green, I'll
14 give you two minutes to clear up any -- I know
15 that Mr. O'Brien had asked you some questions and
16 you and him were going back and forth then
17 because he had yes or no.

18 And so, I'll give you two minutes to
19 -- if you want to further clear up any answers
20 that you were unable to answer, sir.

21 MR. GREEN: Yes. So, let me take the
22 ANC issue and explain there in detail. So, when
23 this -- before the community filed the protest,
24 we reached out to the ANC -- single member
25 district ANC and they did not respond to our

1 email or correspondence.

2 That email was sent to the board chair
3 of the ANC and the single member district. They
4 did not respond to us until the applicant reached
5 out to that single member and then they reached
6 out to us to try to solicit a compromised or
7 settlement agreement at that point in time.

8 At that point in time the community
9 felt that, you know, we were already -- they were
10 not party to the -- they were not party to the
11 protest. So, we did not engage them for further
12 conversations on that settlement agreement.

13 Next question I want to add some
14 clarification to is, did the community anoint me
15 as the leader of this?

16 No. We had a formal community
17 conversation in the alleyway about this based on
18 concerns we had seen from the other establishment
19 that was there. And we kind of walked through
20 and identified what our concerns were.

21 Yes, I did draft this. And then once
22 it was drafted and emailed and everyone agreed
23 upon what was put into the letter, we all signed
24 off on it.

25 So, I did not actively go out and

1 solicit neighbors to join the protest. These
2 neighbors were part of a conversation in the
3 alleyway before we even formally put together a
4 protest.

5 The last thing I'd like to address was
6 that the properties to -- the two rental
7 properties, renters in those properties and the
8 other apartment buildings, as the investigator
9 indicated, are rental.

10 So, those residents have moved in and
11 out of those buildings as they dealt with issues
12 from this -- from the prior establishment and
13 none of those people are no longer in the
14 community. So, we could not add them at that
15 point to the protest, those former residents.

16 Lastly, the ANC for the single member
17 district, as I said before, or tried to say
18 before, has not protested a single ABRA license
19 of ABCA license within the single member district
20 and they don't make it a -- what's the word I'm
21 looking for -- they don't make it a process of
22 protesting a license in order to get concessions
23 or standardized what the operating process and
24 procedure is across licensees.

25 CHAIRPERSON ANDERSON: All right, sir.

1 All right.

2 Do you rest now, sir? You have
3 presented your case.

4 MR. GREEN: I did have one additional
5 cross examine question for Mr. Swaby, but I don't
6 think I'm going to ask that at this point.

7 CHAIRPERSON ANDERSON: No, sir, you
8 don't have -- you've lost that opportunity.

9 MR. GREEN: Okay.

10 CHAIRPERSON ANDERSON: All right. So,
11 you have now rested.

12 MR. GREEN: One final thing. I would
13 like --

14 CHAIRPERSON ANDERSON: Hold on. You
15 would like to do what?

16 MR. GREEN: No, no, I have one final
17 statement.

18 CHAIRPERSON ANDERSON: No, I'm going to
19 give you an opportunity to do a closing
20 statement.

21 MR. GREEN: Okay.

22 CHAIRPERSON ANDERSON: So, you're still
23 going to have that. So, you're done testifying
24 and so that's why I'm saying -- you're now done
25 with your testimony and so you've rested.

1 MR. GREEN: Yes.

2 CHAIRPERSON ANDERSON: All right. So,
3 Mr. O'Brien will do closing and then you'll do
4 closing.

5 And so, in doing your closing, I would
6 ask that you be -- both parties be specific, what
7 is it that's being requested by the board.

8 Both parties have agreed that the
9 agent -- the board will approve the issuance of
10 the license.

11 And so, therefore, this -- the
12 testimony that was elicited is whether or not
13 there should be any conditions listed attached to
14 the license.

15 And so, therefore, this is the -- the
16 closing should address what, if any, conditions
17 should or should not be attached to the license.

18 And we can start off with you, Mr.
19 O'Brien.

20 MR. O'BRIEN: Your Honor -- I'm sorry,
21 Mr. Chair --

22 CHAIRPERSON ANDERSON: I'll take "Your
23 Honor," Mr. O'Brien. I'll never complain about
24 that.

25 (Laughter.)

1 MR. O'BRIEN: It's a force of habit,
2 Mr. Chair.

3 We have withdrawn the extended hours
4 endorsement. Other than that, no conditions
5 should be placed on the license.

6 The entertainment endorsement is, as
7 you state, for a variety of entertainment. He,
8 Mr. Swaby, has told you what the plans are, but
9 sometimes plans change as business evolves and
10 flexibility is required. So, I suggest that no
11 limits be placed on the entertainment
12 endorsement.

13 I don't know the board has ever
14 ordered Saturday and Sunday trash pickup in any
15 case even if it's available, which is
16 questionable.

17 I don't know that the board has ever
18 dictated the number of times rodent control
19 visits have to occur, but -- so in answer to your
20 specific question, Mr. Chair, you should not
21 place any further conditions on the application.

22 But what's troubling to me is that, in
23 essence, one person is here, first of all,
24 holding up these people from going into business
25 all these months and would purport to dictate,

1 well, I think Saturday and Sunday trash pickup.
2 One person. I think weekly rodent control. One
3 person.

4 Back a long time ago, I think, before
5 any -- I'm sure before any sitting board members
6 were here, one person could protest an ABC
7 application and hold up for months the processing
8 and the granting of the license and somebody
9 going into business. Just one person.

10 But quite a few years ago, maybe even
11 decades now, it was increased to five just to
12 avoid that ill of one person. And the evidence
13 here is that this is one person holding it up.

14 We heard 20 odd times, the community
15 feels this way, the community wants this. Well,
16 the ANC doesn't want it. Doesn't feel that way.
17 The residents of the adjacent apartment buildings
18 have not chimed in.

19 I think we finally, in cross
20 examination, established that "the community," as
21 Mr. Green uses it, is seven -- eight persons.
22 Seven of whom did not think it important enough
23 to show up today and express their opinions. So,
24 the community is one person seeking to dictate
25 how a licensee operates.

1 And I share your consternation, Mr.
2 Chair, with -- I will tell you we've had -- this
3 is the fourth proceeding. We had roll call, we
4 had mediation, we had status hearing, and today
5 the protest hearing.

6 Mr. Green has not appeared on camera
7 one time. Has not shown his face one time. And
8 I pull the criminal and jury instructions out and
9 I refer to instruction 2.2, credibility of
10 witnesses.

11 A judge instructs the jury, you may
12 consider anything that, in your judgment, affects
13 the credibility of any witness. For example, you
14 may consider the demeanor and behavior of the
15 witness on the witness stand. The witness'
16 manner of testifying. Whether the witness
17 impresses you as a truthful person and on.

18 Mr. Green's refusal to appear on
19 camera sharply and distinctly detracts from his
20 credibility. He won't show his face.

21 And then you listened to evasive
22 answers on cross examination. He simply wouldn't
23 say yes or no.

24 I think it's -- I'll take that word
25 back. You didn't hear the word, but I'm not

1 going to say it.

2 I think it's quite outrageous that one
3 person has held this matter up in this fashion.
4 That's my closing, Mr. Chair.

5 CHAIRPERSON ANDERSON: Thank you, Mr.
6 O'Brien.

7 Mr. Green?

8 MR. GREEN: Sure. So, I'm not a party
9 of one. As part of the protest, there are seven
10 members to the protest, as noted and signed.

11 Yes, I am the representative. And if
12 Mr. O'Brien would like to call me the dictator
13 and the holder up of the process, that is not the
14 case.

15 I'm just the person who was designated
16 and identified from the community to lead the
17 effort. Now, that kind of gets away from the
18 facts of the matter here.

19 As a community, I've always said, you
20 know, we're not contesting of the licensee
21 getting their license to have the restaurant, the
22 CR license.

23 Our concern has always been around the
24 additional endorsements and then the effects of
25 the restaurant on the community.

1 The things that we've asked for are
2 minimal, you know. We didn't say that we don't
3 want a restaurant or we don't want them or we're
4 questioning their ability to run a restaurant.

5 What we're asking for, which is very
6 reasonable, is delivery through the front of the
7 restaurant, for looking into alternative parking
8 measures so that the community can find parking
9 when they get home in the evening, for rat
10 abatement to be scheduled, you know, in a
11 predictive manner so that it's, you know,
12 inclusive of what other establishments or
13 residents -- or rental properties and residents
14 are doing within the community to support that.

15 We ask that they do, you know,
16 expedient and on-time trash collection. And then
17 finally, you know, because we are residents and
18 we live in this community, you know, we are
19 property owners, we are not renters, that there's
20 a mutual respect around sound and what those
21 hours of operation are so that it's conducive for
22 us to coexist.

23 Now, if asking to find a median to
24 coexist is us holding up the process or I holding
25 up the process because we are in objection to the

1 restaurant, that's not the case.

2 We're just looking for mutual ground.
3 And the only way to get that mutual ground was
4 through that protest through ABRA.

5 As Mr. O'Brien said, you know, ABRA
6 may not have ever, you know, put restrictions on
7 when trash should be picked up or dictated that
8 or on parking restrictions and those things.

9 I may be in agreement with him. The
10 ABRA is not the place for these types of issues
11 to be legislated or negotiated, but because of
12 the process that we have, this is the only manner
13 and form that we have in order to get those
14 things accomplished.

15 If we don't have this form in order to
16 get that accomplished, where do we get it
17 accomplished at?

18 We can have an operator who does not
19 get their trash picked up, and then what do we
20 do? We go to Department of Sanitation. That
21 doesn't do anything but fine them.

22 Rat abatement, they can be fined.
23 Parking, zero impact to what they're doing or
24 what we can leverage for them in the community.

25 The only leverage that we have is

1 through the ABRA process and the protest process.
2 That's what we used.

3 The community showed up for the roll
4 call hearing. They all -- or else the protest
5 would not have gotten this far.

6 They were present. They were
7 acknowledged during the roll call hearing. They
8 were part of that roll call hearing.

9 So, there is a community here, other
10 than what Mr. O'Brien would like to think, that
11 showed up for that hearing at that point in time.

12 In closing, again, you know, we are
13 happy to see the restaurant within the community.
14 As I said, we're not protesting that part of the
15 license. We're only protesting the enhancements
16 and the wraparound things that we would like them
17 to do to be a cohesive part of the community.

18 And this is important that we draw
19 this line in the sand as a community, because our
20 ANC does not participate in the protest process.

21 As I said before, they have never
22 protested a license, that I am aware of, within
23 the entire ANC.

24 In closing, I like to say thank you
25 for your time and, again, please show some

1 compassion and respect for the community and
2 that's all that we've ever asked the licensee to
3 do.

4 Show some respect for the community
5 for those that live here. Thank you.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Green. The record is now closed. And so, let me
8 formally close this matter.

9 As chairperson of the Alcoholic
10 Beverage and Cannabis Board for the District of
11 Columbia in accordance with D.C. Official Code
12 Section 2-575 of the Open Meetings Act, I move
13 that ABC Board hold a closed meeting for the
14 purpose of seeking legal advice from our counsel
15 on Case No. 24-PRO-00094, Seta Oasis, pursuant to
16 D.C. Official Code Section 2-575(b)(4)(A) of the
17 Open Meetings Act and deliberating upon Case No.
18 24-PRO-00094, Seta Oasis, for the reasons cited
19 in D.C. Official Code Section 2-575(B)(13) of the
20 Open Meetings Act.

21 Is there a second?

22 MEMBER GRANT: Mr. Grant. I second the
23 motion.

24 CHAIRPERSON ANDERSON: Mr. Grant has
25 seconded the motion. I will now take a roll call

1 vote on the motion before us now that it has been
2 properly seconded.

3 Mr. Short?

4 MEMBER SHORT: Mr. Short. I agree.

5 CHAIRPERSON ANDERSON: Mr. Grant?

6 MEMBER GRANT: Mr. Grant. I agree.

7 CHAIRPERSON ANDERSON: Ms. Quinn?

8 member QUINN: Ms. Quinn. I agree.

9 CHAIRPERSON ANDERSON: And Mr.

10 Anderson. I agree. The matter pass four to
11 zero.

12 As it appears that the motion has
13 passed, I hereby give notice that ABC Board will
14 recess these proceedings to hold a closed meeting
15 pursuant to Section 2-575 of the Open Meetings
16 Act.

17 I would like to thank everyone. So,
18 the record is closed. The board will issue a
19 decision within 90 days.

20 We are now -- we're at the end of our
21 day and prior to closing the record I just want
22 to make a statement.

23 I announced this morning that today is
24 Board Member Short's last day on the board and
25 today is his last hearing. And I want to thank

1 him for his -- he has been serving the residents
2 of the District of Columbia since 2014 and today
3 is his last day on the board.

4 So, I want to thank him again for his
5 service to the residents of the District of
6 Columbia and wish him godspeed. Now, he can -- I
7 know that this is not -- I see you raise your
8 hand, Mr. O'Brien. Hold on a minute.

9 I know that this is not his last time
10 serving the residents of the District of
11 Columbia, but at least in this capacity today is
12 his last day, his last hearing, and I want to
13 once again thank him for his service.

14 I see you raise your hand, Mr.
15 O'Brien. Is there something you want to say?

16 MR. O'BRIEN: I just would like to also
17 thank Chief Short for ten years of service on the
18 board and, I guess, 30-plus years of service with
19 the fire department before that.

20 I, for one, have learned a lot from
21 Chief Short during his tenure on the board.
22 Especially with respect to life safety issues.

23 Chief Short has been diligent, he's
24 paid attention, he hasn't always ruled in my
25 favor. I'm going to overlook that at least this

1 afternoon, but I do thank you, Chief Short, also
2 for your service.

3 CHAIRPERSON ANDERSON: Thank you for
4 that, Mr. O'Brien.

5 And, Mr. Short, prior to closing the
6 record for the day, is there anything you want to
7 say, sir? You don't have to.

8 I'm not sure. Did anyone hear him?
9 You need to unmute yourself, sir.

10 MEMBER SHORT: I wanted to thank you,
11 Mr. Chairman, and my fellow board members, and
12 the citizens.

13 And thank you for those kind words,
14 Mr. O'Brien. It's been my pleasure to serve our
15 city one more time. Thank you.

16 CHAIRPERSON ANDERSON: And thank you
17 again, Mr. Short. And when the board reconvenes
18 on our next time, we'll have five members.

19 So, we're going to have two additional
20 members join the board, but neither of those
21 members are replacing Mr. Short because he is
22 irreplaceable. So, he's not been replaced on the
23 board.

24 All right. As Chairperson of the
25 Alcoholic Beverage and Cannabis Board for the

1 District of Columbia in accordance with Title III
2 Chapter 405 Office of Open Government, I move
3 that ABC Board hold a closed meeting on November
4 6th for the purpose of discussing and hearing
5 reports concerning ongoing or planned
6 investigations of alleged criminal or civil
7 misconduct or violations of law or regulations
8 and seek legal advice from our legal counsel on
9 the board's investigative agenda, legal agenda,
10 licensing agenda for November 6th as published in
11 the D.C. Register on November 1st.

12 Is there a second?

13 Mr. Short?

14 MEMBER SHORT: Mr. Short. I second.

15 CHAIRPERSON ANDERSON: All right.

16 Thank you, Mr. Short. All right. That's
17 appropriate. I will now take a roll call vote as
18 the motion before us now has been seconded.

19 Mr. Short?

20 MEMBER SHORT: Mr. Short. I agree.

21 CHAIRPERSON ANDERSON: Mr. Grant?

22 MEMBER GRANT: Mr. Grant. I agree.

23 CHAIRPERSON ANDERSON: Ms. Quinn?

24 MEMBER QUINN: Ms. Quinn. I agree.

25 CHAIRPERSON ANDERSON: And Mr.

1 Anderson. I agree. As it appears that a motion
2 has passed, I hereby give notice that ABC Board
3 will hold this closed meeting pursuant to the
4 Open Meetings Act.

5 Notice will also be posted on ABC
6 hearing room bulletin board, placed on electronic
7 calendar on ABCA's website, and published in the
8 D.C. Register in as timely a manner as practical.

9 We have adjourned for the day. Thank
10 you very much for your attention. Have a great
11 day. Bye-bye.

12 (Whereupon, the above-entitled matter
13 went off the record at 4:24 p.m.)
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A
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This is to certify that the foregoing transcript

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Date: 10-30-24

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