

ALSO PRESENT:

AMY SCHMIDT, OAG

JESSICA GUNZEL, OAG

MARK BRASHEARS, ABRA Investigator

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

2 9:59 a.m.

3 CHAIRPERSON ANDERSON: All right. So
4 what I will do, I'll give the parties -- it's
5 10:00 and it doesn't appear that the licensee is
6 here for 1230 DC, so what I will do, I will start
7 -- I'll give them 15 minutes and if the case is
8 not 15 minutes -- I'll come back here in 15
9 minutes. I'll call the case and find out from
10 the Government what it is that they want to do.

11 Okay. So we are in recess until
12 10:15.

13 (Whereupon, the above-entitled matter
14 went off the record at 9:59 a.m. and resumed at
15 10:18 a.m.)

16 CHAIRPERSON ANDERSON: All right. We
17 are back on the record. Our next case is Case
18 No. 18-CMP-00142, 1230 DC, License No. 100537.

19 Would the parties, please, approach
20 and identify themselves for the record, please?

21 MS. GUNZEL: Good morning. Jessica
22 Gunzel, Assistant Attorney General, representing

1 the District of Columbia.

2 CHAIRPERSON ANDERSON: Good morning,
3 Ms. Gunzel.

4 MS. SCHMIDT: Amy Schmidt, Assistant
5 Attorney General, representing the District of
6 Columbia.

7 CHAIRPERSON ANDERSON: Good morning,
8 Ms. Schmidt.

9 All right. I see that the licensee is
10 not here. Have you had any contact with the
11 licensee?

12 MS. GUNZEL: Recently, I have had no
13 communication with them. They have ceased to
14 respond to my phone calls. However, I do have
15 the ABRA ABC Board Personal Service Form which
16 indicates that they were served with the notice
17 with today's date on September 7, 2018.

18 CHAIRPERSON ANDERSON: Repeat what you
19 just said, please, I didn't hear. We had some
20 interference, so that's why I didn't hear.

21 MS. GUNZEL: Apologies. I have a copy
22 of the ABRA ABC Board Personal Service Form which

1 shows that a Mr. Obed K. Attakpah received the
2 notice, which listed today's hearing date, on
3 September 7, 2018. I have copies for the Board
4 as well.

5 CHAIRPERSON ANDERSON: And who is Mr.
6 Obed Attakpah?

7 MS. GUNZEL: According to my
8 documents, he is a managing member of the
9 establishment.

10 CHAIRPERSON ANDERSON: So what is it
11 that the Government wishes to do today?

12 MS. GUNZEL: The Government is
13 prepared to move forward in an ex parte manner if
14 the Board would allow it.

15 CHAIRPERSON ANDERSON: Okay. All
16 right. This matter was scheduled for a Show
17 Cause Hearing at 10:00. I waited. It's now
18 10:21 and the applicant, the licensee is not
19 here.

20 So we are going to move forward.
21 Pursuant to DC Official Code § 25-447, the Board
22 has the authority to proceed ex parte where the

1 licensee waives the hearing or fails to appear
2 unless a hearing is extended for good cause and
3 sufficient cause.

4 The Board's record reflects that the
5 licensee was properly served.

6 I'm sorry, Ms. Gunzel, when is it
7 that --

8 MS. GUNZEL: I believe it was
9 September 7, 2018.

10 CHAIRPERSON ANDERSON: So was served
11 on September 7, 2018. Seeing no notice here --
12 seeing no licensee here today and having no good
13 or sufficient cause to extend the hearing, the
14 Board will proceed with the Show Cause Hearing.

15 Does the Government wish to make an
16 opening statement?

17 MS. GUNZEL: Yes, and the Government
18 would like to note that they will have one
19 witness in their case in chief today.

20 CHAIRPERSON ANDERSON: All right.
21 Hold on one minute.

22 MS. GUNZEL: Okay. Good morning,

1 Board Members. In this case there are five
2 charges before the Board. The evidence will show
3 that on April -- or Saturday, April 28, 2018,
4 ABRA Investigator Mark Brashears visited 1230 DC
5 and determined that 1230 DC exceeded its ABC
6 License, there is a maximum capacity of 111
7 persons, by having over 300 patrons in the
8 establishment at one time.

9 Investigator Brashears will also
10 testify that the establishment failed to have an
11 owner or ABC Manager on duty during 1230 DC's
12 licensed hours of sales and that 1230 DC operated
13 beyond its Board-approved hours by staying open
14 until 2:30 a.m. when its hours of operation and
15 sales end at 2:00 a.m. on Fridays.

16 Finally, the District will show that
17 1230 DC operated a summer garden on the second
18 floor of the establishment and charged patrons a
19 cover charge without having endorsements for
20 either on its ABC license. Thank you.

21 CHAIRPERSON ANDERSON: Does the
22 Government have a witness to call?

1 MS. GUNZEL: Yes. The Government has
2 ABRA Investigator Mark Brashears.

3 CHAIRPERSON ANDERSON: Mr. Brashears,
4 can you raise your right hand, please?
5 Whereupon,

6 INVESTIGATOR MARK BRASHEARS
7 was called as a witness by Counsel for the
8 Complainant, and having been first duly sworn,
9 assumed the witness stand and was examined and
10 testified as follows:

11 INVESTIGATOR BRASHEARS: I do, sir.

12 CHAIRPERSON ANDERSON: Thank you.
13 Your witness.

14 MS. GUNZEL: Thank you.

15 DIRECT EXAMINATION

16 BY MS. GUNZEL:

17 Q Good morning, Investigator Brashears.
18 Please, state your name again and spell it for
19 the record.

20 A My name is Mark Brashears, that's M-A-
21 R-K B-R-A-S-H-E-A-R-S.

22 Q And are you currently employed?

1 A I am employed with ABRA as a
2 Supervisory Investigator.

3 Q Okay. And how long have you worked
4 for ABRA?

5 A A little over five years.

6 Q And how long have you been an
7 Investigator for ABRA?

8 A Five years.

9 Q Okay. And what are your primary job
10 responsibilities as an Investigator?

11 A To conduct regulatory inspections and
12 investigations of ABC licensed establishments
13 throughout the District of Columbia.

14 Q Okay. And do you typically write
15 investigative reports after you conduct an
16 inspection or investigation?

17 A Yes, I do.

18 Q Are you familiar with the ABC
19 establishment by the name of 1230 DC?

20 A Yes, I am.

21 Q Okay. Did you have an occasion to
22 visit 1230 DC on Saturday, April 28, 2018 at

1 approximately 1:15 a.m.?

2 A Yes, I did.

3 Q And is the establishment 1230 DC
4 located in the District of Columbia?

5 A Yes, ma'am, it is.

6 Q Okay. What was the purpose of your
7 visit that day?

8 A I was conducting ABRA and DCRA Noise
9 Task Force operations. I received a hotline call
10 from MPD stating that there was a large crowd of
11 people, approximately 200, on the sidewalk in
12 front of the establishment and they requested ABC
13 assistance.

14 Q Okay. Did you subsequently write an
15 investigative report after your visit?

16 A Yes, ma'am, I did.

17 Q Okay.

18 MS. GUNZEL: The District would like
19 to note that it will be relying on the record
20 before the Board in today's hearing.

21 CHAIRPERSON ANDERSON: Sure.

22 MS. GUNZEL: I'm going to hand you a

1 copy of your investigative report now. I also
2 have copies available for the Board, if needed.

3 CHAIRPERSON ANDERSON: Sure.

4 (Whereupon, the above-
5 referred to document was
6 marked as Complainant
7 Exhibit No. 1 for
8 identification.)

9 BY MS. GUNZEL:

10 Q Okay. So what happened when you first
11 arrived at the establishment?

12 A When I first arrived at the
13 establishment, I made contact with the MPD
14 officer on the scene who stated that -- well,
15 several MPD officers. They stated that they had
16 responded because there is a large crowd of
17 people blocking the sidewalk and out in the
18 street.

19 And they stated that they believed the
20 establishment to be overcrowded because the
21 establishment was holding the line no longer
22 allowing people inside.

1 Q Did you attempt to enter the
2 establishment?

3 A Yes, ma'am, I did.

4 Q Okay. Were you able to get inside?

5 A I got as far as -- I went up the
6 stairs and into the entryway, made contact with a
7 security person, but the first floor of the
8 establishment stairwell was too crowded, so I
9 decided not to go in at that time.

10 Q Okay. So you remained outside the
11 establishment?

12 A Yes, ma'am.

13 Q Okay. Did someone representing the
14 establishment come out to talk to you?

15 A Yes, ma'am.

16 Q Okay. And what did they say to you?

17 A An unidentified male approached.
18 Well, when I spoke with security at the entryway,
19 I requested to speak with an ABC Manager/owner.
20 The security stated that they would find the ABC
21 Manager and send him out.

22 I went back out and waited with MPD

1 and a few minutes later, an unidentified male
2 approached me and stated that he was the owner of
3 the establishment.

4 Q Okay. And were you able to confirm
5 that he was an ABC Manager of the establishment
6 or owner?

7 A Well, I basically asked him what
8 qualified him to be an owner? If he was listed
9 on the corporation documents or ABRA records as
10 an owner and he stated that he was not.

11 Q Did you attempt to enter 1230 DC
12 again?

13 A Yes, I did.

14 Q And did you gain entry this time?

15 A Yes, I did.

16 Q Okay. So where did you go once you
17 were inside the establishment?

18 A Myself and the DCRA Investigator that
19 accompanied me, we made our way through the front
20 door to the first floor behind the bar.

21 Q Okay. Where did you go after you
22 visited the bar?

1 A We made our way through the first
2 floor into the kitchen area. The kitchen area is
3 separated from the main establishment by a series
4 of curtains.

5 Q I see. While you were walking through
6 the first floor of the establishment, did you
7 notice a lot of patrons in the establishment?

8 A Yes. It was very crowded.

9 Q Okay. Where did you go after the
10 kitchen?

11 A After we left the kitchen, there was
12 a back stairwell, we ascended the stairwell onto
13 the second floor.

14 Q Okay. Was it also crowded on the
15 second floor?

16 A The second floor was crowded to the
17 point that we didn't feel it was safe to try to
18 push our way through.

19 Q Okay. Did you observe a rooftop deck
20 on the second floor?

21 A Yes. As I looked to the left of the
22 second floor landing, there is a roof deck with

1 sliding glass doors.

2 Q Okay. Were there patrons on this
3 rooftop deck?

4 A Yes, ma'am.

5 Q Okay. Were the patrons drinking
6 alcoholic beverages?

7 A Yes, ma'am.

8 Q So did you stay in the establishment
9 after you observed the rooftop deck?

10 A No, ma'am. We went back down the
11 stairs and back out to the front.

12 Q Okay. Did you speak with anyone
13 outside the establishment?

14 A Yes, ma'am.

15 Q Who did you speak with?

16 A An individual approached himself
17 stating he was the ABC Manager.

18 Q Okay. Were you able to identify this
19 individual?

20 A Yes, ma'am. He provided his driver's
21 license and stated that he was an ABC Manager,
22 but currently did not possess his ABC Manager's

1 card.

2 Q Did you have a chance subsequently to
3 check to see if he was indeed an ABC Manager?

4 A Yes, ma'am. I documented his
5 information on-scene and upon returning to ABRA,
6 I discovered that he was an ABC Manager, had a
7 temporary manager's license, which had
8 subsequently expired.

9 Q Okay. So on the date of your visit,
10 April 28, 2018, was this individual licensed to
11 be an ABC Manager then?

12 A No, ma'am.

13 Q So what did you and this individual
14 speak about?

15 A Well, I advised him that the
16 establishment was very crowded and requested that
17 he provide me with the ABC license and the
18 Certificate of Occupancy, because I was unable to
19 locate them when I entered the establishment. He
20 brought those documents out to me.

21 Q And was the ABC license you observed
22 the same license that is shown in Exhibit 2 of

1 the investigative report?

2 A Yes, ma'am.

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

8 BY MS. GUNZEL:

9 Q And was the Certificate of Occupancy
10 that you observed the same certificate that is
11 shown in Exhibit of the investigative report?

12 A Yes, ma'am.

13 Q Okay.

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

19 BY MS. GUNZEL:

20 Q Did you have a chance to review the
21 ABC license?

22 A Yes, ma'am, I did.

1 Q And what did that review reveal?

2 A The review revealed that the hours of
3 sales for that day at the establishment were from
4 11:00 a.m. to 2:00 a.m. The hours of operation
5 were from 11:00 a.m. to 2:00 a.m. The only
6 endorsement that was on the license was for
7 entertainment and the capacity of the license on
8 the ABC license was 111.

9 Q So you were still standing outside the
10 establishment during this conversation. Is that
11 correct?

12 A That's correct.

13 Q Were there any patrons waiting outside
14 the establishment waiting to get in?

15 A Yes, ma'am.

16 Q Okay. Did you have a chance to speak
17 with any of them?

18 A Yes, ma'am, I did.

19 Q And what did they tell you?

20 A I spoke with several people waiting in
21 the crowd and they stated that the entry fee that
22 night was between \$40 and \$60 depending on if you

1 exercised the early bird option to purchase your
2 tickets.

3 Q I see. But it was your testimony
4 earlier that 1230 DC only had an endorsement for
5 entertainment on its ABC license. Is that
6 correct?

7 A That is correct.

8 Q Okay. So as of April 28, 2018, DC --
9 or sorry, 1230 DC did not have an endorsement to
10 charge a cover charge?

11 A That's correct.

12 Q Okay. All right. Okay. So what
13 happened next?

14 A A short time later, approximately 45
15 minutes after arriving at the establishment, an
16 ABC Manager arrived at the location.

17 Q Okay. And so you said approximately
18 45 minutes. Earlier you stated that you arrived
19 around 1:15 a.m. Is that correct?

20 A Yes, ma'am.

21 Q So this is -- so this ABC Manager
22 arrives some time around 1:50 to 2:00 a.m. Is

1 that correct?

2 A I believe it was, approximately, 1:50
3 a.m.

4 Q Okay. And did you ask this ABC
5 Manager where he had been previously?

6 A Yes, ma'am, I did and he stated that
7 he had departed the establishment earlier to get
8 ice.

9 Q Okay. So you arrived at the
10 establishment at, approximately, 1:15 a.m.
11 However, up until this point, you were not able
12 to find an ABC Manager or owner until this ABC
13 Manager arrived at 1:50 a.m., that's correct?

14 A That's correct.

15 Q Okay. And you testified earlier that
16 you reviewed the ABC license and you observed the
17 establishment's hours of operation and sales. Is
18 that correct?

19 A That's correct, ma'am.

20 Q And what were the establishment's
21 hours of sales for Fridays?

22 A The hours of sales are from 11:00 a.m.

1 to 2:00 a.m.

2 Q Okay. So to your knowledge, there was
3 no ABC Manager or owner present at the
4 establishment from 1:15 to 1:50, which does fall
5 during 1230 DC's license hours of sales for
6 Fridays. Is that correct?

7 A That's correct, ma'am.

8 Q Okay. So what did you do after you
9 spoke with this ABC Manager?

10 A I advised him of the violations that
11 I had observed.

12 Q Okay. Did you re-enter the
13 establishment or did you stay outside?

14 A Yes, ma'am, I did re-enter the
15 establishment at approximately 2:30 a.m. Patrons
16 could still be -- were still visible through the
17 front window consuming alcohol, so I re-entered
18 the establishment.

19 Q Okay. Taking a few steps back, I do
20 apologize, when you were outside the
21 establishment, earlier you mentioned that there
22 were patrons outside. Did you happen to count

1 how many patrons were coming out or waiting to
2 get into the establishment?

3 A Yes, ma'am. Based on the crowded
4 conditions, it was difficult to get a head count
5 from inside, so after I spoke with the ABC
6 Manager and apprised him of the violations, he
7 began to send people out. I stood outside with
8 the DCRA Inspector and MPD and a head count of
9 people exiting the establishment.

10 Q Okay. And approximately how many
11 people did you count?

12 A One moment. I believe it was 270.

13 Q 270 patrons. Okay. Did you -- sorry.
14 And earlier you did testify that you reviewed the
15 establishment's ABC license and noted that their
16 maximum capacity was 111 persons. Is that
17 correct?

18 A That's correct.

19 Q Okay. Did you have a chance to review
20 ABRA records after your visit to determine
21 whether 1230 DC applied for and received approval
22 to increase its total capacity as of April 28,

1 2018?

2 A Yes, ma'am, I conducted an ABRA record
3 review of the establishment's ABC license, their
4 Certificate of Occupancy, ABC license
5 application, pretty much all the standard
6 documents and they matched what I found in the
7 establishment and there were no substantial
8 changes requested.

9 Q Okay. So is it fair to say that as of
10 April 28th the establishment had not received
11 Board-approval to increase its maximum capacity?

12 A That is correct.

13 Q Okay. So earlier you stated that you
14 re-entered the establishment. Again,
15 approximately what time was this?

16 A It was, approximately, 2:30 a.m.

17 Q Okay. And what did you observe once
18 you re-entered the establishment?

19 A Well, as I walked through the front
20 door, I noted a cashbox that was closed on a
21 table right there in the, I guess you would call
22 it the, vestibule.

1 Q Um-hum. Did you take a photograph of
2 the -- what you believed was a cashbox?

3 A Yes, ma'am, I did.

4 Q Okay. And is that photograph the
5 photograph that is labeled Exhibit 5 in the
6 investigative report?

7 A Yes, ma'am, it is.

8 Q Okay.

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

14 BY MS. GUNZEL:

15 Q So earlier you testified that you
16 heard patrons outside the establishment stating
17 that they had paid a cover charge of
18 approximately \$40 to \$60. Is that correct?

19 A Yes.

20 Q Okay. So based on your experience as
21 an ABRA Investigator, is it fair to say that the
22 presence of the cashbox combined with patrons'

1 claims that they had paid some sort of cover
2 charge, did that indicate to you that 1230 DC was
3 charging a cover charge on April 28, 2018?

4 A Well, yes, ma'am, it did and in
5 addition to that, having observed the cashbox,
6 the individual who approached with the expired
7 ABC Manager's license when I inquired with him
8 about the situation, he stated that the
9 establishment was collecting money for a benefit.

10 Q Okay. So this individual who was an
11 ABC Manager he admitted that the establishment
12 was collecting money that night. Is that
13 correct?

14 A No, ma'am. No, he was the individual
15 that claimed to be an ABC Manager, but had the
16 expired license.

17 Q Okay.

18 A But he acknowledged the reason for the
19 cashbox and why the proceeds were being taken.

20 Q Understood. So this was the
21 individual who had the temporary license that had
22 since expired?

1 A That is correct, ma'am.

2 Q Understood. Okay. So did you review
3 ABRA records to check whether the establishment
4 had received a cover charge endorsement as of
5 April 28th?

6 A I did, ma'am, and they had not.

7 Q Okay. So taking a few steps back
8 again, you testified earlier that you re-entered
9 the establishment at approximately 2:30 a.m.,
10 correct?

11 A Yes, ma'am.

12 Q Okay. Were there patrons still in the
13 establishment, at this time?

14 A Yes, ma'am, there were.

15 Q Okay. And was the establishment still
16 open and serving alcoholic beverages?

17 A Yes, ma'am, they were.

18 Q Approximately, how many patrons did
19 you observe on the first floor of the
20 establishment?

21 A There were approximately 25 people on
22 the first floor.

1 Q Okay. And were any of them consuming
2 alcohol?

3 A Yes, ma'am, they were.

4 Q Okay. Did you go back up to the
5 second floor of the establishment?

6 A Yes, ma'am, I did.

7 Q And approximately how many people were
8 located on the second floor?

9 A Approximately 10 people.

10 Q And were they consuming alcoholic
11 beverages?

12 A Yes, ma'am, they were.

13 Q Okay. Did you take photographs of the
14 patrons who were still in the establishment at
15 around 2:30 a.m.?

16 A Yes, ma'am, I did.

17 Q And are these photographs the
18 photographs seen in Exhibit 6, 7, 8, 9, 10 and 11
19 of the investigative report?

20 A Yes, ma'am.

21 (Whereupon, the above-
22 referred to documents were

1 marked as Complainant
2 Exhibit No. 6 through 11 for
3 identification.)

4 BY MS. GUNZEL:

5 Q Okay. And you testified earlier that
6 you reviewed 1230 DC's ABC license and that you
7 observed the hours of operation and sales,
8 correct?

9 A Yes, ma'am.

10 Q And remind me again, what were the
11 hours of operation and sales for Fridays?

12 A That would be 11:00 a.m. to 2:00 a.m.

13 Q Okay. So the establishment was still
14 open and operating and allowing patrons to
15 consume alcohol more than 30 minutes after its
16 listed closing time. Is that accurate to say?

17 A Yes, ma'am. And I would also note
18 after having the actual ABC Manager aware of the
19 situation.

20 Q Okay. So you informed the ABC Manager
21 and, however, the establishment still remained
22 open?

1 A Yes, ma'am.

2 Q Did you have a chance to review ABRA
3 records after your visit to see if the
4 establishment had received Board-approval to
5 extend its hours of operation and sales as of
6 April 28, 2018?

7 A Yes, ma'am, I did.

8 Q And had they received such approval?

9 A No, ma'am.

10 Q So earlier you mentioned that on the
11 second floor you observed a rooftop deck. Did
12 you have a chance to go back to the rooftop deck?

13 A Yes, ma'am, I did.

14 Q Okay. And were there any patrons on
15 the deck?

16 A No, ma'am, not at that time.

17 Q Okay. Were there any individuals at
18 all on the deck?

19 A There were what appeared to be
20 custodial people waitresses, whatnot cleaning up
21 the second floor balcony.

22 Q Okay. Were there any tables, chairs,

1 glasses anything like that located on the rooftop
2 deck?

3 A There were tables, chairs, there were
4 hookah pipes. There was a portable bar setup at
5 the back of the roof deck.

6 Q Okay. Did you take a photograph of
7 the deck at this time?

8 A Yes, ma'am, I did.

9 Q Is the photograph labeled Exhibit 12
10 in your investigative report, the photograph that
11 you took?

12 A Yes, ma'am, it is.

13 Q Okay.

14 (Whereupon, the above-
15 referred to document was
16 marked as Complainant
17 Exhibit No. 12 for
18 identification.)

19 BY MS. GUNZEL:

20 Q So you testified when you first
21 arrived at 1230 DC you had made your way to the
22 second floor and observed the rooftop deck packed

1 with patrons. Is that accurate to say?

2 A Yes, ma'am.

3 Q Okay. So based on your knowledge and
4 experience as an ABRA Investigator, did it appear
5 that 1230 DC was operating a summer garden?

6 A Yes, ma'am.

7 Q But 1230 DC did not have an
8 endorsement for a summer garden on ABC license,
9 correct?

10 A That's correct.

11 Q They only had one endorsement for
12 entertainment on their license?

13 A Yes, ma'am, that's correct.

14 Q Did you subsequently check to see if
15 the establishment had applied for and received a
16 summer garden endorsement as of April 28th?

17 A Yes, ma'am, I did.

18 Q And had they received such an
19 endorsement?

20 A They had not.

21 Q Okay.

22 MS. GUNZEL: The Board's indulgence.

1 The District has no further questions. Thank
2 you.

3 CHAIRPERSON ANDERSON: Thank you. Any
4 questions by any Board Members? Mr. Short?

5 MEMBER SHORT: Good morning still, Mr.
6 Brashears.

7 THE WITNESS: Good morning, sir.

8 MEMBER SHORT: Investigator Brashears,
9 I'm just a little troubled that your original
10 time that you got there at this location?

11 THE WITNESS: 1:15 a.m.

12 MEMBER SHORT: 1:15 a.m. And when was
13 it, what time, approximately, was it when you
14 counted the 201 people outside on the exterior?

15 THE WITNESS: It was approximately
16 1:15 a.m. when I arrived. The MPD officer told
17 me of the numbers and basically the line went
18 both ways down the sidewalk and out into the
19 street. MPD had to be called due to the fact
20 that people were impeding traffic.

21 MEMBER SHORT: My God. Okay. So how
22 long did it take it to get at least the traffic

1 situation on the exterior of the building, how
2 long did it take MPD to clear that?

3 THE WITNESS: I believe they were
4 still on-scene directing traffic when I left the
5 area at 3:00 a.m.

6 MEMBER SHORT: And this establishment
7 was still selling alcohol?

8 THE WITNESS: They were still selling
9 alcohol. Basically, after I notified the ABC
10 Manager, he went in and began to send people out,
11 but there didn't really seem to be any urgency.
12 People were loitering, drinking, drinks were
13 still being served.

14 And from what I found out speaking
15 with MPD in a subsequent social media search, the
16 establishment had originally advertised their
17 event until 3:30 a.m., because my question to the
18 MPD officer is why are people still showing up at
19 2:00? Why are they still in line knowing the
20 establishment closes and the MPD officer stated
21 well, they advertised until 3:30 a.m.

22 MEMBER SHORT: Okay. Do you have any

1 history with this particular establishment with
2 ABC?

3 THE WITNESS: Not prior to this night,
4 no, sir.

5 MEMBER SHORT: Have you been back
6 since?

7 THE WITNESS: Yes, sir.

8 MEMBER SHORT: Are they still
9 conducting business? Okay. I would simply just
10 ask this question. Did you -- did they call the
11 Fire Department or any other Agency about the
12 over-crowding?

13 THE WITNESS: Yes, sir. We contacted
14 the Fire Marshal and he met us at the location.

15 MEMBER SHORT: Okay. All right.
16 That's all I have. Thank you, Mr. Chair. Thank
17 you.

18 CHAIRPERSON ANDERSON: Any other
19 questions by any Board Members? Any follow-up
20 questions by you, Ms. Gunzel?

21 MS. GUNZEL: No, Mr. Chair.

22 CHAIRPERSON ANDERSON: Okay. Thank

1 you, Mr. Brashears. You can step down.

2 THE WITNESS: Yes, sir.

3 (Whereupon, the witness was excused.)

4 CHAIRPERSON ANDERSON: Does the
5 Government have another witness?

6 MS. GUNZEL: No, the District only had
7 the one witness, Mr. Chair.

8 CHAIRPERSON ANDERSON: And does the
9 Government rest?

10 MS. GUNZEL: Yes.

11 CHAIRPERSON ANDERSON: Does the
12 Government wish to make a closing statement?

13 MS. GUNZEL: A brief closing
14 statement.

15 CHAIRPERSON ANDERSON: Sure. Go
16 ahead, please.

17 MS. GUNZEL: Members of the Board,
18 today the Government has provided sufficient
19 evidence for the Board to find that on April 28,
20 2018, 1230 DC exceeded the maximum capacity
21 listed on its ABC license by having multiple
22 patrons, 300, over 300 patrons in the

1 establishment at one time.

2 The establishment also failed to have
3 an owner or ABC Manager on duty during its hours
4 of sales. It operated beyond its Board-approved
5 hours. It operated a summer garden without an
6 endorsement. And it charged patrons a cover
7 charge without an endorsement.

8 We heard from ABRA Investigator Mark
9 Brashears that during his visit to the
10 establishment on this date, he observed over 200
11 patrons coming out of the establishment at one
12 time. However, Investigator Brashears also told
13 us that when he reviewed the establishment's ABC
14 license, he observed that the establishment's
15 maximum capacity is 111 persons.

16 Investigator Brashears also testified
17 that 1230 DC did not have an ABC Manager or owner
18 present during its hours of sales and that the
19 establishment continued to operate and sell
20 alcohol past 2:30 a.m. even though the
21 establishment's hours of operation and sales end
22 at 2:00 a.m. on Fridays.

1 Investigator Brashears also testified
2 that he observed a summer garden set up with
3 tables, chairs and covered with glasses and
4 hookah pipes and that he observed patrons who
5 claimed that they were charged a cover charge.

6 However, Investigator Brashears told
7 us that 1230 DC did not have an endorsement for a
8 summer garden or to charge a cover charge on its
9 ABC license.

10 The District therefore has met its
11 burden and proven all five charges. The
12 Government defers to the Board's judgment on the
13 appropriate penalties for these violations,
14 keeping in mind that three of them are primary
15 tier violations all coming out of one visit.
16 Thank you.

17 CHAIRPERSON ANDERSON: Well, thank
18 you. Do you wish to make proposed findings of
19 fact and conclusions of law or do you waive your
20 right to do so?

21 MS. GUNZEL: The District waives its
22 right to do so.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 As Chairperson of the Alcoholic
4 Beverage Control Board for the District of
5 Columbia and in accordance with DC Official Code
6 Section 2-574(b), closed meetings, and 2-574,
7 Notice of Meetings, of the Open Meetings Act, I
8 move that the ABC Board hold a closed meeting for
9 the purpose of seeking legal advice from our
10 counsel on Case No. 18-CMP-00142, 1230 DC,
11 pursuant to DC Official Code Section 2-574(b)(4)
12 of the Open Meetings Act and deliberating upon
13 Case No. 18-CMP-00142, 1230 DC, for the reasons
14 cited in DC Official Code Section 2-574(b)(13) of
15 the Open Meetings Act.

16 Is there a second?

17 MEMBER SILVERSTEIN: Mr. Silverstein
18 and Mr. Short have seconded the motion.

19 I will now take a roll call vote on
20 the motion before us now that it has been
21 seconded.

22 Ms. Wahabzadah?

1 MEMBER WAHABZADAH: I agree.

2 CHAIRPERSON ANDERSON: Mr.

3 Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON ANDERSON: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON ANDERSON: Mr. Alberti?

8 MEMBER ALBERTI: I agree.

9 CHAIRPERSON ANDERSON: Mr. Cato?

10 MEMBER CATO: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson?

12 I agree.

13 As it appears that the motion has
14 passed, I hereby give notice that the ABC Board
15 will recess these proceedings to hold a closed
16 meeting in the ABC Board conference room pursuant
17 to Section 2-574(b) of the Open Meetings Act.

18 The Board will thank you very much for
19 your presentation today. And the Board will
20 issue a decision within 90 days. Thank you.

21 MS. GUNZEL: Thank you.

22 CHAIRPERSON ANDERSON: All right. We

1 will be in recess until our 11:00 hearing.

2 (Whereupon, the Show Cause Hearing was
3 concluded at 10:48 a.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A

a.m 4:2,14,15 8:14,15
11:1 19:4,4,5,5 20:19
20:22 21:3,10,13,22
22:1,15 24:16 27:9
28:15 29:12,12 33:11
33:12,16 34:5,17,21
37:20,22 41:3
ABC 1:9 3:8 5:15,22 8:5
8:11,20 10:12,18
11:12 13:19,20 14:5
16:17,21,22 17:3,6,11
17:17,21 18:21 19:8
20:5,16,21 21:4,12,12
21:16 22:3,9 23:5,15
24:3,4 26:7,11,15
29:6,18,20 32:8 34:9
35:2 36:21 37:3,13,17
38:9 39:8 40:14,16
able 13:4 14:4 16:18
21:11
above- 12:4 18:3,14
25:9 28:21 31:14
above-entitled 4:13
ABRA 2:13 5:15,22 8:4
9:2 10:1,4,7 11:8 14:9
17:5 23:20 24:2 25:21
27:3 30:2 32:4 37:8
accompanied 14:19
accurate 29:16 32:1
acknowledged 26:18
Act 39:7,12,15 40:17
actual 29:18
addition 26:5
admitted 26:11
advertised 34:16,21
advice 39:9
advised 17:15 22:10
Agency 35:11
agree 40:1,4,6,8,10,12
ahead 36:16
Alberti 1:19 40:7,8
alcohol 22:17 28:2
29:15 34:7,9 37:20
alcoholic 1:2,15,15
16:6 27:16 28:10 39:3
allow 6:14
allowing 12:22 29:14
Amy 2:11 5:4
ANC 1:7
Anderson 1:17,19 4:3
4:16 5:2,7,18 6:5,10
6:15 7:10,20 8:21 9:3
9:12 11:21 12:3 33:3
35:18,22 36:4,8,11,15
38:17 39:1 40:2,5,7,9
40:11,11,22
Apologies 5:21

apologize 22:20
appear 4:5 7:1 32:4
appeared 30:19
appears 40:13
applicant 6:18
application 24:5
applied 23:21 32:15
apprised 23:6
approach 4:19
approached 13:17 14:2
16:16 26:6
appropriate 38:13
approval 23:21 30:8
approximately 11:1,11
20:14,17 21:2,10
22:15 23:10 24:15,16
25:18 27:9,18,21 28:7
28:9 33:13,15
April 8:3,3 10:22 17:10
20:8 23:22 24:10 26:3
27:5 30:6 32:16 36:19
area 15:2,2 34:5
arrived 12:11,12 20:16
20:18 21:9,13 31:21
33:16
arrives 20:22
arriving 20:15
ascended 15:12
asked 14:7
assistance 11:13
Assistant 4:22 5:4
assumed 9:9
Attakpah 6:1,6
attempt 13:1 14:11
Attorney 4:22 5:5
authority 6:22
available 12:2
aware 29:18

B

B-R-A-S-H-E-A-R-S
9:21
back 4:8,17 13:22 15:12
16:10,11 22:19 27:7
28:4 30:12 31:5 35:5
balcony 30:21
bar 14:20,22 31:4
based 23:3 25:20 32:3
basically 14:7 33:17
34:9
began 23:7 34:10
believe 7:8 21:2 23:12
34:3
believed 12:19 25:2
benefit 26:9
Beverage 1:2,15,15
39:4
beverages 16:6 27:16

28:11
beyond 8:13 37:4
bird 20:1
blocking 12:17
Board 1:2,15 3:4 5:15
5:22 6:3,14,21 7:14
8:1,2 11:20 12:2 33:4
35:19 36:17,19 39:4,8
40:14,16,18,19
Board's 7:4 32:22 38:12
Board-approval 24:11
30:4
Board-approved 8:13
37:4
BOBBY 1:20
Brashears 2:13 3:5 8:4
8:9 9:2,3,6,11,17,20
33:6,8 36:1 37:9,12
37:16 38:1,6
brief 36:13
brought 17:20
building 1:16 34:1
burden 38:11
business 35:9

C

C 3:9
C-O-N-T-E-N-T-S 3:1
call 4:9 8:22 11:9 24:21
35:10 39:19
called 9:7 33:19
calls 5:14
capacity 1:9 8:6 19:7
23:16,22 24:11 36:20
37:15
card 17:1
case 1:8 4:7,9,17,17
7:19 8:1 39:10,13
cashbox 3:9 24:20 25:2
25:22 26:5,19
Cato 1:20 40:9,10
cause 1:6 6:17 7:2,3,13
7:14 41:2
ceased 5:13
certificate 17:18 18:9
18:10 24:4
Chair 35:16,21 36:7
Chairperson 1:16,19
4:3,16 5:2,7,18 6:5,10
6:15 7:10,20 8:21 9:3
9:12 11:21 12:3 33:3
35:18,22 36:4,8,11,15
38:17 39:1,3 40:2,5,7
40:9,11,22
chairs 30:22 31:3 38:3
chance 17:2 18:20
19:16 23:19 30:2,12
changes 24:8
charge 1:10 8:19 20:10
20:10 25:17 26:2,3
27:4 37:7 38:5,8,8
charged 8:18 37:6 38:5
charges 8:2 38:11
charging 26:3
check 17:3 27:3 32:14
chief 7:19
cited 39:14
claimed 26:15 38:5
claims 26:1
cleaning 30:20
clear 34:2
closed 24:20 39:6,8
40:15
closes 34:20
closing 3:3 29:16 36:12
36:13
Code 6:21 39:5,11,14
collecting 26:9,12
Columbia 1:1 5:1,6
10:13 11:4 39:5
combined 25:22
come 4:8 13:14
coming 23:1 37:11
38:15
communication 5:13
Complainant 3:2,3,7
9:8 12:6 18:5,16
25:11 29:1 31:16
concluded 41:3
conclusions 38:19
conditions 23:4
conduct 10:11,15
conducted 24:2
conducting 11:8 35:9
conference 40:16
confirm 14:4
Connexion 1:5
consume 29:15
consuming 22:17 28:1
28:10
contact 5:10 12:13 13:6
contacted 35:13
continued 37:19
Control 1:2,15,15 39:4
conversation 19:10
copies 6:3 12:2
copy 5:21 12:1
corporation 14:9
correct 19:11,12 20:6,7
20:11,19 21:1,13,14
21:18,19 22:6,7 23:17
23:18 24:12 25:18
26:13 27:1,10 29:8
32:9,10,13
counsel 9:7 39:10
count 22:22 23:4,8,11

counted 33:14
cover 1:10 8:19 20:10
 25:17 26:1,3 27:4
 37:6 38:5,8
covered 38:3
CR 1:7
CROSS 3:4
crowd 11:10 12:16
 19:21
crowded 13:8 15:8,14
 15:16 17:16 23:3
currently 9:22 16:22
curtains 15:4
custodial 30:20

D

D.C 1:16
date 5:17 6:2 17:9
 37:10
day 11:7 19:3
days 40:20
DC 1:6 3:8,9 4:6,18 6:21
 8:4,5,12,17 10:19,22
 11:3 14:11 20:4,8,9
 23:21 26:2 31:21 32:5
 32:7 36:20 37:17 38:7
 39:5,10,11,13,14
DC's 8:11 22:5 29:6
DCRA 11:8 14:18 23:8
decided 13:9
decision 40:20
deck 3:13 15:19,22 16:3
 16:9 30:11,12,15,18
 31:2,5,7,22
defers 38:12
deliberating 39:12
departed 21:7
Department 35:11
depending 19:22
determine 23:20
determined 8:5
difficult 23:4
DIRECT 3:4 9:15
directing 34:4
discovered 17:6
District 1:1 5:1,5 8:16
 10:13 11:4,18 33:1
 36:6 38:10,21 39:4
document 12:5 18:4,15
 25:10 31:15
documented 17:4
documents 6:8 14:9
 17:20 24:6 28:22
Donovan 1:17,19
door 14:20 24:20
doors 16:1
drinking 16:5 34:12
drinks 34:12

driver's 16:20
due 33:19
duly 9:8
duty 1:9 8:11 37:3

E

earlier 20:4,18 21:7,15
 22:21 23:14 24:13
 25:15 27:8 29:5 30:10
early 20:1
either 8:20
employed 9:22 10:1
endorsement 1:11,11
 19:6 20:4,9 27:4 32:8
 32:11,16,19 37:6,7
 38:7
endorsements 8:19
enter 13:1 14:11
entered 17:19
entertainment 19:7
 20:5 32:12
entry 14:14 19:21
entryway 13:6,18
establishment 6:9 8:8
 8:10,18 10:19 11:3,12
 12:11,13,20,21 13:2,8
 13:11,14 14:3,5,17
 15:3,6,7 16:8,13
 17:16,19 19:3,10,14
 20:15 21:7,10 22:4,13
 22:15,18,21 23:2,9
 24:7,10,14,18 25:16
 26:9,11 27:3,9,13,15
 27:20 28:5,14 29:13
 29:21 30:4 32:15 34:6
 34:16,20 35:1 37:1,2
 37:10,11,19
establishment's 21:17
 21:20 23:15 24:3
 37:13,14,21
establishments 10:12
event 34:17
evidence 8:2 36:19
ex 6:13,22
EXAMINATION 9:15
examined 9:9
exceeded 1:9 8:5 36:20
excused 36:3
exercised 20:1
Exhibit 12:7 17:22 18:6
 18:11,17 25:5,12
 28:18 29:2 31:9,17
EXHIBITS 3:6
exiting 23:9
experience 25:20 32:4
expired 17:8 26:6,16,22
extend 7:13 30:5
extended 7:2

exterior 33:14 34:1

F

fact 33:19 38:19
failed 8:10 37:2
fails 7:1
fair 24:9 25:21
fall 22:4
familiar 10:18
far 13:5
fee 19:21
feel 15:17
Finally 8:16
find 4:9 13:20 21:12
 36:19
findings 38:18
Fire 35:11,14
first 9:8 12:10,12 13:7
 14:20 15:1,6 27:19,22
 31:20
five 8:1 10:5,8 38:11
floor 8:18 13:7 14:20
 15:2,6,13,15,16,20,22
 27:19,22 28:5,8 30:11
 30:21 31:22
follow-up 35:19
follows 9:10
Force 11:9
Form 5:15,22
forward 6:13,20
found 24:6 34:14
Fridays 8:15 21:21 22:6
 29:11 37:22
front 11:12 14:19 16:11
 22:17 24:19
further 33:1

G

gain 14:14
garden 1:11 8:17 32:5,8
 32:16 37:5 38:2,8
General 4:22 5:5
give 4:4,7 40:14
glass 16:1
glasses 31:1 38:3
God 33:21
Government 4:10 6:11
 6:12 7:15,17 8:22 9:1
 36:5,9,12,18 38:12
Group 1:5
guess 24:21
Gunzel 2:12 4:21,22 5:3
 5:12,21 6:7,12 7:6,8
 7:17,22 9:1,14,16
 11:18,22 12:9 18:8,19
 25:14 29:4 31:19
 32:22 35:20,21 36:6
 36:10,13,17 38:21

40:21

H

hand 9:4 11:22
happen 22:22
happened 12:10 20:13
head 23:4,8
hear 5:19,20
heard 25:16 37:8
hearing 1:7,15 6:2,17
 7:1,2,13,14 11:20
 41:1,2
history 35:1
hold 7:21 39:8 40:15
holding 12:21
hookah 31:4 38:4
hotline 11:9
hours 1:10 3:10,10,11
 3:11,12,12 8:12,13,14
 19:2,4 21:17,21,22
 22:5 29:7,11 30:5
 37:3,5,18,21

I

ice 21:8
identification 12:8 18:7
 18:18 25:13 29:3
 31:18
identity 4:20 16:18
impeding 33:20
increase 23:22 24:11
indicate 26:2
indicates 5:16
individual 16:16,19
 17:10,13 26:6,10,14
 26:21
individuals 30:17
indulgence 32:22
information 17:5
informed 29:20
inquired 26:7
inside 12:22 13:4 14:17
 23:5
inspection 10:16
inspections 10:11
Inspector 23:8
interference 5:20
investigation 10:16
investigations 10:12
investigative 10:15
 11:15 12:1 18:1,11
 25:6 28:19 31:10
Investigator 2:13 8:4,9
 9:2,6,11,17 10:2,7,10
 14:18 25:21 32:4 33:8
 37:8,12,16 38:1,6
issue 40:20

J

JAMES 1:21
Jessica 2:12 4:21
job 10:9
JR 1:20
judgment 38:12

K

K 6:1
keeping 38:14
kitchen 15:2,2,10,11
knowing 34:19
knowledge 22:2 32:3

L

labeled 25:5 31:9
landing 15:22
large 11:10 12:16
law 38:19
left 15:11,21 34:4
legal 39:9
license 1:7 3:8 4:18 8:6
 8:20 16:21 17:7,17,21
 17:22 18:21 19:6,7,8
 20:5 21:16 22:5 23:15
 24:3,4 26:7,16,21
 29:6 32:8,12 36:21
 37:14 38:9
licensed 8:12 10:12
 17:10
licensee 4:5 5:9,11 6:18
 7:1,5,12
line 12:21 33:17 34:19
listed 6:2 14:8 29:16
 36:21
little 10:5 33:9
LLC 1:5
locate 17:19
located 11:4 28:8 31:1
location 20:16 33:10
 35:14
loitering 34:12
long 10:3,6 33:22 34:2
longer 12:21
looked 15:21
lot 15:7

M

M-A- 9:20
ma'am 11:5,16 13:3,12
 13:15 16:4,7,10,14,20
 17:4,12 18:2,12,22
 19:15,18 20:20 21:6
 21:19 22:7,14 23:3
 24:2 25:3,7 26:4,14
 27:1,6,11,14,17 28:3
 28:6,12,16,20 29:9,17
 30:1,7,9,13,16 31:8

31:12 32:2,6,13,17
main 15:3
male 13:17 14:1
Manager 1:9 8:11 13:21
 14:5 16:17,21 17:3,6
 17:11 20:16,21 21:5
 21:12,13 22:3,9 23:6
 26:11,15 29:18,20
 34:10 37:3,17

manager's 16:22 17:7
 26:7

Manager/owner 13:19
managing 6:8
manner 6:13

Mark 2:13 3:5 8:4 9:2,6
 9:20 37:8

marked 12:6 18:5,16
 25:11 29:1 31:16

Marshal 35:14

matched 24:6

matter 1:4 4:13 6:16

maximum 8:6 23:16

24:11 36:20 37:15

media 34:15

meeting 1:3 39:8 40:16

meetings 39:6,7,7,12

39:15 40:17

member 1:19,20,20,21

1:22 6:8 33:5,8,12,21

34:6,22 35:5,8,15

39:17 40:1,4,6,8,10

Members 8:1 33:4

35:19 36:17

mentioned 22:21 30:10

met 1:15 35:14 38:10

MIKE 1:20

mind 38:14

minute 7:21

minutes 4:7,8,9 14:1

20:15,18 29:15

moment 23:12

money 26:9,12

morning 4:21 5:2,7

7:22 9:17 33:5,7

motion 39:18,20 40:13

move 6:13,20 39:8

MPD 11:10 12:13,15

13:22 23:8 33:16,19

34:2,15,18,20

multiple 36:21

N

N.W 1:16

name 9:18,20 10:19

needed 12:2

NICK 1:19

night 19:22 26:12 35:3

Noise 11:8

note 7:18 11:19 29:17

noted 23:15 24:20

notice 5:16 6:2 7:11

15:7 39:7 40:14

notified 34:9

November 1:13

numbers 33:17

NW 1:6

O

O 3:9

OAG 2:11,12

Obed 6:1,6

observe 15:19 24:17

27:19

observed 16:9 17:21

18:10 21:16 22:11

26:5 29:7 30:11 31:22

37:10,14 38:2,4

occasion 10:21

Occupancy 17:18 18:9

24:4

officer 12:14 33:16

34:18,20

officers 12:15

Official 6:21 39:5,11,14

on-scene 17:5 34:4

once 14:16 24:17

open 8:13 27:16 29:14

29:22 39:7,12,15

40:17

opening 3:2 7:16

operate 37:19

operated 8:12,17 37:4,5

operating 1:10 29:14

32:5

operation 8:14 19:4

21:17 29:7,11 30:5

37:21

operations 11:9

option 20:1

original 33:9

originally 34:16

outside 13:10 16:13

19:9,13 22:13,20,22

23:7 25:16 33:14

over-crowding 35:12

overcrowded 12:20

owner 8:11 14:2,6,8,10

21:12 22:3 37:3,17

P

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

4:1

packed 31:22

PAGE 3:6

paid 25:17 26:1

parte 6:13,22

particular 35:1

parties 4:4,19

passed 40:14

patrons 3:10,10,11,11

3:12,12 8:7,18 15:7

16:2,5 19:13 22:15,22

23:1,13 25:16 27:12

27:18 28:14 29:14

30:14 32:1 36:22,22

37:6,11 38:4

patrons' 25:22

penalties 38:13

people 11:11 12:17,22

19:20 23:7,9,11 27:21

28:7,9 30:20 33:14,20

34:10,12,18

person 13:7

Personal 5:15,22

persons 8:7 23:16

37:15

phone 5:14

Photo 3:9,13

photograph 25:1,4,5

31:6,9,10

photographs 28:13,17

28:18

Pic 3:10,10,11,11,12,12

pipes 31:4 38:4

please 4:19,20 5:19 9:4

9:18 36:16

point 15:17 21:11

portable 31:4

possess 16:22

prepared 6:13

presence 25:22

present 1:18 2:9 22:3

37:18

presentation 40:19

presiding 1:17

pretty 24:5

previously 21:5

primary 10:9 38:14

prior 35:3

proceed 6:22 7:14

proceedings 40:15

proceeds 26:19

properly 7:5

proposed 38:18

proven 38:11

provide 17:17

provided 16:20 36:18

purchase 20:1

purpose 11:6 39:9

pursuant 6:21 39:11

40:16

push 15:18

Q

qualified 14:8
question 34:17 35:10
questions 33:1,4 35:19
 35:20

R

R-K 9:21
raise 9:4
re-enter 22:12,14
re-entered 22:17 24:14
 24:18 27:8
reason 26:18
reasons 39:13
received 6:1 11:9 23:21
 24:10 27:4 30:4,8
 32:15,18
recess 4:11 40:15 41:1
record 4:14,17,20 7:4
 9:19 11:19 24:2
records 14:9 23:20 27:3
 30:3
RECROSS 3:4
REDIR 3:4
Reeves 1:16
referred 12:5 18:4,15
 25:10 28:22 31:15
reflects 7:4
regulatory 10:11
relying 11:19
REMA 1:22
remained 13:10 29:21
remind 29:10
Repeat 5:18
report 11:15 12:1 18:1
 18:11 25:6 28:19
 31:10
reports 10:15
representing 4:22 5:5
 13:13
requested 11:12 13:19
 17:16 24:8
respond 5:14
responded 12:16
responsibilities 10:10
rest 36:9
resumed 4:14
Retailer 1:7
returning 17:5
reveal 19:1
revealed 19:2
review 18:20 19:1,2
 23:19 24:3 27:2 30:2
reviewed 21:16 23:14
 29:6 37:13
ROI 3:8
roll 39:19
roof 15:22 31:5
rooftop 3:13 15:19 16:3

16:9 30:11,12 31:1,22
room 1:16 40:16

S

safe 15:17
sales 8:12,15 19:3
 21:17,21,22 22:5 29:7
 29:11 30:5 37:4,18,21
Saturday 8:3 10:22
scene 12:14
scheduled 6:16
Schmidt 2:11 5:4,4,8
search 34:15
second 8:17 15:13,15
 15:16,20,22 28:5,8
 30:11,21 31:22 39:16
seconded 39:18,21
Section 39:6,11,14
 40:17
security 13:7,18,20
seeing 7:11,12
seeking 39:9
seen 28:18
sell 37:19
selling 34:7,8
send 13:21 23:7 34:10
separated 15:3
September 5:17 6:3 7:9
 7:11
series 15:3
served 5:16 7:5,10
 34:13
Service 5:15,22
serving 27:16
set 38:2
setup 31:4
short 1:21 20:14 33:4,5
 33:8,12,21 34:6,22
 35:5,8,15 39:18 40:5
 40:6
show 1:6 6:16 7:14 8:2
 8:16 41:2
showing 34:18
shown 17:22 18:11
shows 6:1
sidewalk 11:11 12:17
 33:18
Silverstein 1:20 39:17
 39:17 40:3,4
simply 35:9
sir 9:11 33:7 35:4,7,13
 36:2
situation 26:8 29:19
 34:1
sliding 16:1
social 34:15
sorry 7:6 20:9 23:13
sort 26:1

speak 13:19 16:12,15
 17:14 19:16
speaking 34:14
spell 9:18
spoke 13:18 19:20 22:9
 23:5
stairs 13:6 16:11
stairwell 13:8 15:12,12
stand 9:9
standard 24:5
standing 19:9
start 4:6
state 9:18
stated 12:14,15,19
 13:20 14:2,10 16:21
 19:21 20:18 21:6
 24:13 26:8 34:20
statement 3:2,3 7:16
 36:12,14
stating 11:10 16:17
 25:16
stay 16:8 22:13
staying 8:13
step 36:1
steps 22:19 27:7
stood 23:7
street 1:6,16 12:18
 33:19
subsequent 34:15
subsequently 11:14
 17:2,8 32:14
substantial 24:7
sufficient 7:3,13 36:18
Suite 1:16
summer 1:11 8:17 32:5
 32:8,16 37:5 38:2,8
Supervisory 10:2
sworn 9:8

T

t/a 1:6
table 24:21
tables 30:22 31:3 38:3
taken 26:19
talk 13:14
Task 11:9
tell 19:19
temporary 17:7 26:21
testified 9:10 21:15
 25:15 27:8 29:5 31:20
 37:16 38:1
testify 8:10 23:14
testimony 20:3
thank 8:20 9:12,14 33:1
 33:3 35:16,16,22
 38:16,17 39:2 40:18
 40:20,21
three 38:14

tickets 20:2
tier 38:15
today 6:11 7:12,19
 36:18 40:19
today's 5:17 6:2 11:20
told 33:16 37:12 38:6
total 23:22
traffic 33:20,22 34:4
troubled 33:9
try 15:17
typically 10:14

U

Um-hum 25:1
unable 17:18
Understood 26:20 27:2
unidentified 13:17 14:1
urgency 34:11

V

vestibule 24:22
violations 22:10 23:6
 38:13,15
visible 22:16
visit 10:22 11:7,15 17:9
 23:20 30:3 37:9 38:15
visited 8:4 14:22
vote 39:19

W

W 1:17,19
w/Alcohol 3:10,10,11
 3:11,12,12
Wahabzadah 1:22
 39:22 40:1
waited 6:17 13:22
waiting 19:13,14,20
 23:1
waitresses 30:20
waive 38:19
waives 7:1 38:21
walked 24:19
walking 15:5
Washington 1:16
way 14:19 15:1,18
 31:21
ways 33:18
Wednesday 1:13
went 4:14 13:5,22 16:10
 33:17 34:10
whatnot 30:20
window 22:17
wish 7:15 36:12 38:18
wishes 6:11
witness 3:4 7:19 8:22
 9:7,9,13 33:7,11,15
 34:3,8 35:3,7,13 36:2
 36:3,5,7

worked 10:3
write 10:14 11:14

X

Y

years 10:5,8

Z

0

1

1:15 11:1 20:19 21:10
 22:4 33:11,12,16
1:50 20:22 21:2,13 22:4
10 3:5,12 28:9,18
10:00 4:5 6:17
10:15 4:12
10:18 4:15
10:21 6:18
10:48 41:3
100537 1:7 4:18
11 3:12 28:18 29:2
11:00 19:4,5 21:22
 29:12 41:1
111 8:6 19:8 23:16
 37:15
12 3:13 31:9,17
1230 1:6,6 3:8,9 4:6,18
 8:4,5,11,12,17 10:19
 10:22 11:3 14:11 20:4
 20:9 22:5 23:21 26:2
 29:6 31:21 32:5,7
 36:20 37:17 38:7
 39:10,13
13 3:8
14th 1:16
15 4:7,8,8
18-CMP-00142 1:8 4:18
 39:10,13
19 3:8,9

2

2 3:8 17:22 18:6
2-574 39:6
2-574(b) 39:6 40:17
2-574(b)(13) 39:14
2-574(b)(4) 39:11
2:00 8:15 19:4,5 20:22
 22:1 29:12 34:19
 37:22
2:30 8:14 22:15 24:16
 27:9 28:15 37:20
200 11:11 37:10
2000 1:16
20009 1:16
201 33:14

2018 1:13 5:17 6:3 7:9
 7:11 8:3 10:22 17:10
 20:8 24:1 26:3 30:6
 36:20
25 27:21
25-447 6:21
26 3:9
270 23:12,13
28 1:13 8:3 10:22 17:10
 20:8 23:22 26:3 30:6
 36:19
28th 24:10 27:5 32:16
29 3:10,10,11,11,12,12
2F 1:7

3

3 3:9 18:17
3:00 34:5
3:30 34:17,21
30 29:15
300 8:7 36:22,22
32 3:13
37 3:3

4

40 19:22 25:18
400S 1:16
45 20:14,18

5

5 3:9 25:5,12

6

6 3:2,10 28:18 29:2
60 19:22 25:18

7

7 3:10 5:17 6:3 7:9,11
 28:18

8

8 3:11 28:18

9

9 3:11 28:18
9:59 4:2,14
90 40:20
9th 1:6

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 1230 DC

Before: DCABRA

Date: 11-28-18

Place: Washington, DC

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

Neal R Gross

Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701