

IN THE MATTER OF: :
:
Brothers Burger Bar, LLC, :
t/a Aroma :
707 H Street NE : Protest
Retailer CR - ANC 6C : Hearing
License No. 112502 :
Case #19-PRO-00017 :
:
(Application for a New :
License) :

Wednesday
June 5, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson

BOBBY CATO, JR., Member

JAMES SHORT, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT:

JEFF MISKIRI, APPLICANT

DARYL JONES, APPLICANT

JOEL KELTY, ANC 6C

INVESTIGATOR RHODA GLASGOW, ABRA

CONTENTS

Opening Statement

Applicant.19

Protestant25

Closing Statement

Applicant.140

Protestant144

WITNESS

DIRECT CROSS REDIRECT RECROSS

RHODA GLASGOW	31	53	58	
DARYL JONES	62	66		
JEFF MISKIRI	82	92	104	107
JOEL KELTY	115	138		

EXHIBIT NO.

IDENT

REC'D

Board

1	Neighborhood Commission 6C email to the Director, Fred Mosby, re: concerns with Aroma's application	43
2	Email from Mr. Kelty to Ms. Glasgow, re: concerns with Aroma's application	43
3	Photograph of front of the store	43
4	Photograph of inside of the Aroma	43
5	Photograph of the bar area of Aroma	43
6	Photograph of kitchen and restroom area of Aroma	43
7	Photograph of the kitchen of Aroma	43
8	Photograph of hallway leading to the kitchen of Aroma	43
9	Photograph of the bathrooms at Aroma	43

10	Photograph of a small, empty closet at Aroma	43
11	Photograph of staircase at Aroma	43
12	Zoning District	43
13	GIS report of the licensees near Aroma	43
14	GIS report indicating schools near Aroma	43
15	Notice of Public hearing for Aroma application	43
16	Establishments near Aroma and the bus stop	43
17	Bus stop near Aroma and upcoming stops	43
18	Parking in vicinity of Aroma	43
19	Parking time zones and the parking limitations near Aroma	43
20	Service calls made to the area	43

1	Copy of application form submitted by the Applicant	134
2	Roll call transcript	134
3	DCRA Corporate Registration Records for Brothers Burger Bar, LLC	134
4	Record showing administrative actions taken by ABRA against Po Boy Jim	134
5	DCRA records showing Felicity Lounge	134
6	Document showing location of nearby Residential District	134
7	ABL meeting information	134
8	Letters from residents	134

9	Records of DCRA administrative	134
	actions taken against	
	Applicant	
10	Photographs of neighboring	134
	businesses	
11	Document showing neighboring	134
	schools and daycare facilities	
13	Tabulation of CT and CR	134
	licenses along H Street,	
	Northeast, in ANC 6C	
14	Settlement Agreement with	134

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

2:32 p.m.

CHAIRMAN ANDERSON: Okay. We're back
on the record.

Our next case is a protest hearing
case, No. 19-PRO-00017, Aroma, License No.
112502.

Will the parties please approach and
identify themselves for the record, please?

MR. MISKIRI: Good afternoon.

Jeff Miskiri, partner.

CHAIRMAN ANDERSON: What's your name,
sir?

MR. MISKIRI: Jeff Miskiri.

CHAIRMAN ANDERSON: And who are you,
sir?

MR. MISKIRI: I'm a partner.

CHAIRMAN ANDERSON: Good afternoon.

You can have a seat.

MR. JONES: Good afternoon.

Daryl Jones. I'm the owner.

CHAIRMAN ANDERSON: Good afternoon,

1 Mr. Jones.

2 Yes, sir?

3 MR. KELTY: Good afternoon.

4 My name is Joel Kelty. I am
5 representing ANC 6C. I am the SMD Commissioner
6 for 6C05.

7 CHAIRMAN ANDERSON: All right. This
8 is a protest hearing. This is an application for
9 a new license. It's an application for a new
10 license. And so, let me ask -- clearly, there
11 has been no, you couldn't settle this. So,
12 you're here today for the Board to make a
13 decision.

14 Is there a way that we can -- all
15 right, let me ask the question: what is it that
16 ANC is asking us to do?

17 MR. KELTY: We're asking for denial of
18 the application.

19 CHAIRMAN ANDERSON: So, your position
20 is that, not even with conditions, you're saying
21 that we should deny the application?

22 MR. KELTY: We've gone to great

1 lengths to try to make a compromise with the
2 Applicant. We've been unsuccessful in doing so.
3 And there are very serious misrepresentations of
4 the Applicant --

5 CHAIRMAN ANDERSON: No, I'm just -- we
6 don't have to go there -- I'm just saying
7 sometimes people can -- say, for example, we're
8 moving forward to a protest hearing and we have
9 agreed and there are certain issues that we can't
10 come to agreement. And so, what I could say, if
11 there issues you could agree to, then we could
12 memorialize, we could issue a license and
13 memorialize to say, issue a Board order to say
14 these are the conditions that, if the license is
15 granted, that can be given. So, you're saying
16 that -- and that's fine. All right.

17 All right. Hold on. Has either side
18 ever participated in a protest hearing before?

19 MR. KELTY: No.

20 CHAIRMAN ANDERSON: No? All right.
21 So, how this operates is that what we're asking
22 to ask, the way the process is that I'm going to

1 ask -- the Board will call its witness, which is
2 a Board agent. You should have a copy of the
3 report that was written by --

4 MR. KELTY: I do not.

5 CHAIRMAN ANDERSON: I'll make sure
6 that you get a copy.

7 Does the other side have a copy of the
8 Board report?

9 MR. JONES: In hard copy, no, sir, but
10 I do have the email.

11 MR. KELTY: When did the email go out?

12 CHAIRMAN ANDERSON: So, you don't have
13 a copy of the Board report? You're sure you
14 don't have a copy of the report that was written
15 by the investigator?

16 MR. MISKIRI: I don't think I do, but
17 let me look.

18 CHAIRMAN ANDERSON: How would -- both
19 sides are supposed to have gotten a copy of the
20 report that was issued. How would they receive,
21 how would -- by email? How would they have
22 received a copy of the report?

1 All right. Can we get a copy of the
2 Board report, that both sides can have a copy of
3 it? So, the Board agent, the way the process is
4 set, our investigator, we'll call her to testify.
5 The Board members will ask questions of our
6 investigator regarding the nature of the report.
7 And once we ask questions, then the licensee will
8 have an opportunity, the Applicant will have an
9 opportunity to ask questions of the Board agent.
10 And then, you will have questions of the Board
11 agent. And then, the parties will, then -- the
12 Board might have other questions.

13 Once that's done, then the licensee
14 will put, will present -- I'm sorry -- the
15 Applicant will present its case. And once the
16 licensee presents its case, then you will have an
17 opportunity to cross-examine the witnesses,
18 whatever witnesses the licensee has. The Board
19 will ask questions, and we'll go back and forth.

20 Once the Applicant has presented its
21 case, then you will have an opportunity. Then,
22 as the ANC, then you present your case. You will

1 have whatever documents or witnesses that you
2 have. And once that's done, then the Board will
3 have closing, both sides will do closing
4 arguments and we will have -- then, the Board
5 will issue a decision within 45 days, whether or
6 not we will grant the license, whether or not
7 we'll deny the license. And if we grant the
8 license, will there be conditions on the granting
9 of the license? And that's how that will go.

10 How many witnesses do you have you're
11 calling?

12 MR. JONES: No eye witnesses. We just
13 have, we have evidence of Applicant's that is the
14 court.

15 CHAIRMAN ANDERSON: So, both of you
16 are going to testify?

17 MR. MISKIRI: Yes.

18 CHAIRMAN ANDERSON: You're not calling
19 any more?

20 What about the ANC? Do you have any
21 witnesses you're going to call? Or you're the
22 witness?

1 MR. KELTY: I am the sole person
2 testifying.

3 CHAIRMAN ANDERSON: All right. Then,
4 the process is, the way, normally, the process
5 goes is that each side has an hour and a half to
6 present its case. But since we're talking about
7 three people -- I usually don't put time limits
8 on because I want everyone to have an opportunity
9 to present. But I think in this particular case,
10 since we only have three people, or four
11 witnesses, I would hope that it doesn't take
12 three hours to go through, but stranger things
13 have occurred.

14 All right. So, let me wait until --
15 once we have copies of the Board Order -- I'm
16 sorry -- the Board report, then the Board will
17 call its first witness. So, let me just wait for
18 a couple of minutes. So, we can figure out how
19 you can get a copy of your report, of the report.

20 MR. KELTY: Do I understand that the
21 Applicant received a copy of the report already?

22 CHAIRMAN ANDERSON: The question I'm

1 asking the Agency is, how is that -- I don't know
2 how these reports are transmitted to the parties.
3 I don't know.

4 MR. KELTY: I'm just going to check my
5 junk mail and make sure it's not --

6 CHAIRMAN ANDERSON: Normally, both
7 sides have a copy. So, I don't know how they're
8 given. So, I just ask this simple question, and
9 I've been told neither side has it. So, neither
10 side is aware of the findings of the Board?

11 MR. KELTY: He has it, right?

12 CHAIRMAN ANDERSON: How did you get
13 it, sir? How did you get a copy of the --

14 MR. JONES: It was sent through email.

15 CHAIRMAN ANDERSON: When was it sent
16 through email?

17 MR. JONES: I'm checking right now.

18 CHAIRMAN ANDERSON: And who sent it to
19 you?

20 (Pause.)

21 At least Mr. --

22 MR. KELTY: Kelty.

1 CHAIRMAN ANDERSON: -- Kelty --

2 K-I-L-T --

3 MR. KELTY: K-E-L-T-Y.

4 CHAIRMAN ANDERSON: K-E-L-T -- Kelty.

5 Mr. Kelty can check his email to see if he has
6 it.

7 MR. KELTY: I do not have it. Do we
8 know who it did it come from?

9 CHAIRMAN ANDERSON: I think Mr. Jones,
10 I think, is checking his email, since he said he
11 has it. So, if you can tell me --

12 MR. JONES: I either have that or --

13 CHAIRMAN ANDERSON: I'm sorry?

14 MR. JONES: I say I either have the
15 actual document or an updated about it. You
16 know, someone sent it sometime.

17 CHAIRMAN ANDERSON: All right. Well,
18 I'll get a copy. I'll provide you both with a
19 copy, so at least you can follow along when our
20 agent investigator is testifying.

21 Who is Steve O'Neal?

22 MR. KELTY: Steve O'Neal is the Chair

1 of the NC6C Alcohol Beverage Licensing Committee.

2 CHAIRMAN ANDERSON: All right. So, on
3 Wednesday, May 29th, at 7:58 a.m., Ms. April
4 Randall from the ABC Board -- I'm sorry -- the
5 Assistant General Counsel for the Alcoholic
6 Beverage Regulation Administration, sent an email
7 with the protest hearing report to Mr. Daryl
8 Jones and Mr. Steve O'Neal.

9 MR. KELTY: I'm sorry, what date was
10 that?

11 CHAIRMAN ANDERSON: May 29th at 7:58
12 a.m., yes.

13 MR. KELTY: Okay. Well,
14 unfortunately, I didn't receive it. I'll have to
15 speak with Steve and see --

16 CHAIRMAN ANDERSON: It was sent to
17 Steve O'Neal. And what did you say that person
18 is the Chair of?

19 MR. KELTY: He's the Chair of our
20 Committee, but I'm actually representing the
21 protestant and it should have gone to me. I
22 provided my ANC email address multiple times. We

1 also have a full ANC email for receiving official
2 correspondence.

3 CHAIRMAN ANDERSON: But it appears
4 that the Agency has been sending emails
5 consistently to Mr. --

6 MR. KELTY: I have received email from
7 Ms. Randall.

8 CHAIRMAN ANDERSON: I'm sorry, you
9 said what?

10 MR. KELTY: I have received other
11 emails from Ms. Randall, but not this one.

12 CHAIRMAN ANDERSON: But I think she
13 has been sending emails to Daryl Jones -- I'm
14 sorry -- Steve O'Neal, because she had sent
15 another email again to him on April, on May 23rd,
16 to remind him. And so, I don't understand why,
17 if he's -- I guess I don't understand why that he
18 has not --

19 MR. KELTY: It may be not be material.
20 If I could just take a quick look at this, maybe
21 we can not worry about it.

22 CHAIRMAN ANDERSON: Yes. No, I'm just

1 saying, this is -- the ABRA investigator is going
2 to testify about the report.

3 MR. KELTY: Great.

4 CHAIRMAN ANDERSON: So, she's going to
5 go through her report and testify about it. So,
6 you can listen to what it is and ask her a
7 question, based on the testimony she's going to
8 give regarding the report. Okay?

9 MR. KELTY: Sounds good.

10 CHAIRMAN ANDERSON: All right. So,
11 the Board will call it's first witness and the --
12 well, I'm sorry. Uh-uh. I apologize. I did not
13 give you the proper procedures.

14 So, the proper procedures to follow in
15 this matter occurs. It is that I made my opening
16 statement.

17 Are there any preliminary matters that
18 anyone wants to bring to our attention? This is
19 not about the case-in-chief, but is there like
20 any administrative matters that you want to bring
21 to the attention of the Board?

22 MR. KELTY: There are technical errors

1 and misrepresentations in the application that I
2 believe are grounds for immediate denial of the
3 license. If you would like to discuss those
4 before we get into the rest of it, I'd be happy
5 to do so.

6 CHAIRMAN ANDERSON: That appears to be
7 more, a little bit more substantive. So, that's
8 more substantive. So, in testimony, you can
9 bring that out.

10 All right. With that said, then each
11 side would have an opportunity to an opening
12 statement.

13 So, we'll start with the Applicant.
14 Do you have an opening statement? So, basically,
15 tell us why we are here today and what it is that
16 you're seeking from the Board. Once that's done,
17 then the Protestant would also have an
18 opportunity to give us an opening statement, in a
19 sense of what it is that the Protestant wants us
20 to do.

21 So, from the Applicant's perspective,
22 what's your opening statement? What is this?

1 Why are we here today and what is it you're
2 seeking from the Board?

3 OPENING STATEMENT ON BEHALF OF THE APPLICANT

4 MR. JONES: We're here today because
5 we were unable to come to an agreement with the
6 ANC after meeting with them several times. We
7 went over several different settlement
8 agreements.

9 CHAIRMAN ANDERSON: I don't want to
10 hear what -- settlement agreements are -- we're
11 here just to --

12 MR. MISKIRI: Just to have a fair
13 share to be able to operate our business.

14 CHAIRMAN ANDERSON: And so, what is it
15 that you want us -- what is it you're asking from
16 us?

17 MR. JONES: Approval of our
18 application, sir.

19 MR. MISKIRI: Our application.

20 CHAIRMAN ANDERSON: And what is it
21 specifically?

22 MR. MISKIRI: For an opportunity to be

1 able to compete with competitors. We want to be
2 able to have the hours that -- the hours. We
3 want to be able to have a summer garden. We just
4 want our fair share compared to other, you know
5 -- to be able to compete with this. You know,
6 being high rent in D.C. and seeing that we put
7 all our money into this business, we want to be
8 able to, we want to when Aroma decides, not when
9 the ANC decides.

10 We want to have a summer garden just
11 like our neighbors two doors down to us. And we
12 want to have, we want to be able to have our own
13 promotion and bring a promotion, so we can be
14 able to compete and not have a statute of
15 limitations like the ANC has presented us, which
16 we believe is not fair. We already have a low
17 CFO. So, we want to be able to maximize our
18 potential in dollars as much as possible.

19 CHAIRMAN ANDERSON: So, you're asking
20 for -- what hours are you asking? What
21 specifically in the sense of hours, what are you
22 asking for?

1 MR. MISKIRI: On the weekends, Friday
2 and Saturday, so 3:00 a.m., just like a -- and
3 Sunday to 2:00 a.m. I think the only issue was
4 Friday and Saturday.

5 CHAIRMAN ANDERSON: So, you're asking
6 for a Friday? You're asking -- this is for the
7 business itself or for the interior or for the
8 exterior?

9 MR. MISKIRI: Interior.

10 CHAIRMAN ANDERSON: So, Friday and
11 Saturday, 3:00 a.m. And so, Monday through -- I
12 guess Sunday through Thursday, what time?

13 MR. MISKIRI: Was that 1:00 a.m.?

14 MR. JONES: 1:00 a.m.

15 MR. MISKIRI: 1:00 a.m.

16 CHAIRMAN ANDERSON: 1:00 a.m. So,
17 what time are you asking to be open in the
18 mornings?

19 MR. MISKIRI: We are not open during
20 the mornings. But --

21 CHAIRMAN ANDERSON: What time are you
22 asking us to be open? What's on your

1 application? What was advertised as the opening
2 hours? So, I guess that can go back to --

3 MR. MISKIRI: Well, we will be open at
4 3:00 p.m. So, we won't be open -- on Saturday
5 and Sunday, we're open around the clock.

6 CHAIRMAN ANDERSON: All right. Okay.
7 What was -- all right. On the --

8 MR. KELTY: If I may, I have their
9 application.

10 CHAIRMAN ANDERSON: No, I have it.
11 So, basically, you're asking to be
12 open from Sunday, Sunday through Thursday, from
13 11:00 a.m. to 2:00 a.m., and from Friday and
14 Saturday from 11:00 a.m. to 3:00 a.m. And you're
15 asking for entertainment from Sunday through
16 Thursday, 11:00 a.m. to 2:00 a.m. and Friday from
17 11:00 a.m. to 3:00 a.m.

18 And I don't see, I don't see on the
19 application that there is a -- you did not
20 request a summer garden on your license
21 application.

22 MR. KELTY: Sir, it's on page 1 of the

1 application.

2 CHAIRMAN ANDERSON: I'm looking
3 through it, and maybe there's an error in the
4 report that was done by the -- in the report that
5 was done by our investigator. I don't see in our
6 report, the report, I don't see any reference to
7 a summer garden.

8 MR. JONES: And the thing with the
9 summer garden, the summer garden is on the second
10 floor. So, it doesn't pertain to this current
11 situation because we only have a CFO for the
12 first floor.

13 MR. MISKIRI: But we want to add
14 because we don't want to be back at the Board
15 again.

16 CHAIRMAN ANDERSON: All right. Hold
17 on. Let me -- all right, hold on.

18 MR. KELTY: If it helps, the
19 Investigator's Report, on page 2, in the first
20 paragraph, references the summer garden.

21 CHAIRMAN ANDERSON: What paragraph?

22 MR. KELTY: On page 2, the first page

1 with text in the report I just received, in the
2 first paragraph, about halfway down, it mentions
3 a proposed summer garden with seating for
4 approximately 30 patrons. And then, also,
5 additional endorsements, it also lists summer
6 garden.

7 CHAIRMAN ANDERSON: Where is the
8 notice that was provided to the ANC when it was
9 protested? Okay. All right.

10 So, what are the hours -- all right.
11 So, you're asking for hours Sunday through
12 Thursday, 11:00 a.m. to 2:00, 11:00 a.m. to 2:00
13 a.m. for the summer garden and from, Friday
14 through Saturday, from 11:00 a.m. to 3:00 a.m.
15 for the interior of the property and, also, the
16 same hours for the summer garden?

17 MR. MISKIRI: We're willing to
18 negotiate our summer garden.

19 CHAIRMAN ANDERSON: But --

20 MR. MISKIRI: They don't want us to
21 have it at all. I'm saying something different.

22 CHAIRMAN ANDERSON: That's what you're

1 asking for?

2 MR. MISKIRI: Yeah, that's what we
3 applied for, correct.

4 CHAIRMAN ANDERSON: All right. All
5 right. So, basically, you're asking -- so,
6 what's been requested then, you're asking for a
7 seating capacity of a hundred, total occupancy of
8 130; summer garden, 30 seats. You're asking for
9 an entertainment endorsement inside of the
10 premises and a second-floor summer garden with,
11 also, a cover charge. And you're asking for
12 basically hours from -- for the summer garden and
13 for the interior, Sunday through Thursday, from
14 11:00 a.m. to 2:00 a.m., and Friday and Saturday,
15 from 11:00 to 3:00 a.m.? Yes.

16 So, does the ANC wish to make an
17 opening statement? What is it that the ANC, as
18 its opening statement, what is the ANC saying to
19 the Board.

20 OPENING STATEMENT ON BEHALF OF THE PROTESTANT

21 MR. KELTY: I have a prepared
22 statement. And if it's helpful to you and the

1 transcriber and the Board, I can provide you a
2 copy. I apologize, it's a little long.

3 The ANC 6C protests the license
4 application of Brothers Burger Bar, LLC, who
5 requests a CR license at 707 H Street, on the
6 following basis:

7 The Applicant willfully misrepresented
8 critical aspects of the proposed establishment in
9 the license application.

10 The Applicant does not meet the
11 criteria for licensure.

12 The proposed establishment does not
13 conform to construction codes or other relevant
14 laws.

15 And the proposed establishment will
16 disturb the peace, order, and quiet of the
17 surrounding neighborhood and adversely impact
18 property values.

19 The ANC respectfully requests that the
20 application be denied, in accordance with Section
21 25-401, because the Applicant has willfully
22 misrepresented on its license application the

1 true nature of the planned establishment, as well
2 as the true identity of the establishment's
3 ownership. In addition to being a criminal
4 violation of the D.C. Code, the Applicant's
5 willful misrepresentations raise substantive
6 questions regarding whether the Applicant and its
7 members are of good character and generally fit
8 for the responsibilities of licensure.

9 The ANC also requests denial of the
10 application because the premises to be occupied
11 do not meet the minimum standards for licensure,
12 as set forth in D.C. Code Title 23, Chapter 3,
13 Subtitle 2, specifically relating to emergency
14 egress, structural loading, and meaningful
15 separation of the premises to be occupied from
16 that portion of the premises that may not be
17 legally occupied due to zoning restrictions.

18 The ANC further requests denial of the
19 application on the basis of the proposed
20 establishment's detrimental impacts on peace,
21 order, and quiet and adverse impacts on property
22 values.

1 The ANC expended considerable time and
2 effort in an attempt to negotiate a settlement
3 agreement with the Applicant to address concerns
4 regarding peace, order, and quiet and property
5 values. Ultimately, that effort was
6 unsuccessful.

7 The three primary objections to the
8 proposed establishment are the Applicant's
9 request to remain open until 3:00 a.m., the
10 Applicant's plans for a summer garden; i.e., a
11 roof deck, and the Applicant's intention to rely
12 heavily on outside promotions and special events
13 to sustain its business. The neighborhood
14 believes that these aspects of the application
15 render it incompatible with the residential
16 portion of the square in which the establishment
17 is located.

18 The Board has sufficient grounds to
19 deny the application solely on the basis of
20 defects and misrepresentations in the
21 application. Should the Board decline to deny
22 the application on the basis of these defects and

1 misrepresentations, the ANC will argue denial on
2 the basis that the proposed establishment doesn't
3 meet the Code requirements; is not appropriate
4 for the locality; will disrupt peace, order, and
5 quiet, and will adversely impact property values.

6 I'm going to speak first about defects
7 in the license application. I'll then pause and
8 see if you want to hear the rest of it.

9 CHAIRMAN ANDERSON: Well, the reason
10 I'm saying that, an opening statement is just
11 that. You're going to tell us, and then, you're
12 going to put it in. So, you don't necessarily in
13 your opening statement need to go through --
14 that's more so for closing. So, an opening
15 statement is giving us an overview of your case
16 and what it is that you intend to prove as we go
17 forward. And so, I would hope that --

18 MR. KELTY: Then, that would be an
19 opening statement.

20 CHAIRMAN ANDERSON: I'm sorry?

21 MR. KELTY: Then, what I just told you
22 would be an opening statement. I have

1 additional --

2 CHAIRMAN ANDERSON: Right.

3 MR. KELTY: -- detail specifically
4 about the misrepresentations and defects in the
5 application.

6 CHAIRMAN ANDERSON: All right.

7 MR. KELTY: I'll hold that until you
8 ask me --

9 CHAIRMAN ANDERSON: So, that's
10 information that you need to provide in your
11 case-in-chief, but that's information -- then,
12 that's your presentation of your case-in-chief.
13 Once they have provided their case-in-chief, then
14 you'll have an opportunity to present your case-
15 in-chief. And then, we'll see what evidence you
16 put on. And then, after all of that, then you
17 can do a closing statement. Then, you can tell
18 us what it is that you approve and what it is
19 that you want the Board to do.

20 So, all right. All right. So, what
21 the Board will do now is that we will call the
22 Board's first witness. And we'll call Ms. Rhoda

1 Glasgow.

2 Can you raise your right hand?

3 WHEREUPON,

4 INVESTIGATOR RHODA GLASGOW

5 having been called for examination by the ABRA
6 Board, and having been first duly sworn, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 CHAIRMAN ANDERSON: You can have a
10 seat, and please pull the microphone to you and
11 speak clearly in the microphone, please.

12 Can you state your name for the
13 record, please?

14 THE WITNESS: Rhoda Glasgow.

15 CHAIRMAN ANDERSON: And where are you
16 currently employed?

17 THE WITNESS: At the Alcoholic
18 Beverage Regulation Administration.

19 CHAIRMAN ANDERSON: And how long have
20 you been employed at the Agency?

21 THE WITNESS: Approximately four
22 months.

1 CHAIRMAN ANDERSON: And what are your
2 duties and responsibilities as an employee of the
3 Agency?

4 THE WITNESS: I conduct inspections
5 and investigations of licensed ABC establishments
6 in the District of Columbia.

7 CHAIRMAN ANDERSON: Are you familiar
8 with this establishment Aroma?

9 THE WITNESS: Yes, I was assigned to
10 this establishment on this protest investigation.

11 CHAIRMAN ANDERSON: And what
12 information, if any, were you able to find
13 regarding this establishment?

14 THE WITNESS: Well, I was assigned
15 this investigation of this, the Class CR new
16 application for Brothers Burger Bar, trading as
17 Aroma, located at 707 H Street, Northeast. The
18 application for Aroma was submitted by Mr. Daryl
19 Jones, and the application was protested by the
20 ANC 6C.

21 The ANC 6C submitted a letter to ABRA
22 opposing Aroma's application on the grounds that

1 the establishment will have an adverse impact on
2 peace, order, and quiet; real property value,
3 including noise and litter; residential parking
4 needs, and vehicular and pedestrian safety.

5 On May 15, I visited Aroma, which was
6 closed around the construction. However, I was
7 able to enter the premises to obtain interior
8 photos. Mr. Jones stated that he intends to
9 operate a summer garden, but is awaiting approval
10 from DCRA. He stated that, in the event of live
11 entertainment, he will provide security to
12 conduct ID checks and to ensure compliance with
13 D.C. laws and regulations.

14 On Wednesday, May 15, 2019, I
15 contacted the Office of Unified Communications
16 regarding service calls for the proposed license
17 address and was provided three service calls from
18 May 26th, 2018 until May 9th, 2019. These calls
19 were related to disturbance and parking
20 complaints. However, none of these calls were
21 affiliated with Aroma because they were closed at
22 the time.

1 On May 17, I received an email from
2 the ANC 6C Commissioner, Joel Kelty, who is
3 representing the ANC on this matter.

4 Commissioner Kelty stated that the two largest
5 objections the ANC has were that Mr. Jones
6 requested to remain open until 3:00 a.m. and a
7 request for the summer garden.

8 Commissioner Kelty stated that the
9 ANC's concerns were the hours of entertainment be
10 restricted to 1:00 a.m. during the week and 2:00
11 a.m. on the weekends. This is so that the
12 community cannot be impacted by the established
13 operations.

14 Mr. Kelty also stated that the
15 position or angle of the proposed summer garden
16 faces the residents across the alley that they
17 share and result in unacceptable noise for those
18 residents nearby.

19 According to the zoning regulations,
20 Aroma is located in N-16, mixed zone, which,
21 according to the GIS, as of May 14, 2019, there
22 are 26 ABRA licensed establishments operating

1 within 1200 feet of Aroma. Of those 21
2 establishments, one is considered A Class retail
3 licensed establishments selling beer, wine, and
4 spirits; three are Class B licensed
5 establishments; eight are Class CR restaurant
6 licensed establishments, and seven Class CT,
7 tavern, licensed establishments; one DR and one
8 Class DT establishment.

9 Out of the 21 establishments in the
10 area, six have summer gardens endorsement and,
11 collectively, the latest time for each of their
12 summer garden operation is at 1:00 a.m. Of the
13 six establishments, five have voluntary
14 agreements, with the exception of Whole Foods.
15 Duffy's Irish Pub operates their summer garden
16 from Sunday through Thursday from 8:00 a.m. until
17 11:30 p.m. and on Saturday from 8:00 a.m. until
18 12:30 a.m. They also have cover charge and
19 sidewalk cafe endorsements.

20 Chupacabra -- probably I pronounced
21 that wrong -- Sunday through Thursday, they
22 operate their summer garden from 6:00 a.m. to

1 11:00 p.m.; Friday through Saturday, 8:00 a.m. to
2 12:00 a.m., and they only have a summer garden
3 endorsement as well as a sidewalk cafe.

4 Mythology and Lore, Dirty Water, from
5 11:00 a.m. until 11:00 p.m. Sunday through
6 Thursday; Friday through Saturday, 11:00 a.m. to
7 12:00 a.m. They have an endorsement, dancing and
8 cover charge endorsement.

9 The Wydown operates their summer
10 garden from 6:00 a.m. -- no, I'm sorry, they
11 don't have a summer garden -- from 6:00 a.m. to
12 1:00 a.m.

13 And Whole Foods operates their summer
14 garden from 8:00 a.m. to 10:30 p.m. Sunday
15 through Saturday.

16 And Hikari Sushi & Sake Bar operates
17 their summer garden from 10:00 a.m. to 10:00 p.m.
18 Sunday through Thursday, and Friday through
19 Saturday, 10:00 a.m. to 12:00 a.m.

20 Now I would like to mention that in my
21 report I did not reflect schools within 400 feet
22 of Aroma. That was an error on my part, and I

1 would like the record to reflect that the three
2 schools within 400 feet of Aroma, Ludlow-Taylor
3 Elementary School and NCC at the Ludlow-Taylor
4 Daycare Center are 383 feet away. However,
5 Loving Care is currently closed. That was
6 located on H Street.

7 Aroma is a medium-sized establishment
8 with two stories. There are two main entrances
9 that are located at the front of the building
10 where one leads to the main entrance and the
11 other leads to the summer garden. It is located
12 in a heavily-populated commercial area comprised
13 of rows and retails, fast-food restaurant
14 establishments, and ABC licensed establishments.

15 In my visit to the establishment, I
16 was unable to determine what the interior of the
17 summer garden was supposed to be because it was
18 closed, pending DCRA approval, and was unable to
19 determine the layout of the interior. However,
20 the establishment plans to have a seating
21 capacity of 100 on the inside seating capacity
22 and 30 in the summer garden. Aroma has requested

1 an entertainment endorsement inside of the
2 premises and on the outdoor summer garden, with a
3 cover charge endorsement from ABRA. Aroma
4 intends on offering live music.

5 The hours they requested was Sunday
6 through Thursday, 11:00 a.m. to 2:00 a.m., and
7 Friday to Saturday, 11:00 a.m. to 3:00 a.m.
8 There is one Metro bus and one streetcar stop
9 located at the vicinity of Aroma. It is in the
10 700 block of H Street, and there are no public
11 parking or garages in that area. However, in the
12 700 block through the 800 block, needed parking
13 is offered from Monday through Saturday from 6:30
14 a.m. to 10:00 p.m. as zone parking, Zone 6
15 parking permit-holders.

16 And lastly, to address ANC's property
17 value concern, ABRA personnel are not qualified
18 to address these issues.

19 CHAIRMAN ANDERSON: Is that it?

20 THE WITNESS: Yes.

21 CHAIRMAN ANDERSON: Are there exhibits
22 attached to your report? Can you tell us what

1 the exhibits are?

2 THE WITNESS: Well, I don't have the
3 report on me. I don't have the report.

4 So, I have here -- these are all the
5 exhibits they gave you?

6 MR. KELTY: That's what I was just
7 handed.

8 THE WITNESS: Well, Exhibits 1 through
9 3 is missing from the packet that I have here.
10 So, does anyone have a full packet for me?

11 CHAIRMAN ANDERSON: Can we have our
12 copy up for the investigator, for the court?

13 MR. JONES: I have the full copy on --

14 CHAIRMAN ANDERSON: Not you, sir.

15 MR. JONES: Okay.

16 CHAIRMAN ANDERSON: Thank you. This
17 is not --

18 MR. JONES: That's okay.

19 CHAIRMAN ANDERSON: This is not
20 addressed to you. So, whatever unhappiness that
21 I have, it has nothing to do with the Protestant
22 or the Applicant. I just think that it's

1 confusing because she's look at the first picture
2 and that's Exhibit 3, but Exhibit 1 is -- that's
3 one of the reasons why; this is the Agency's
4 report --

5 MR. JONES: Okay.

6 CHAIRMAN ANDERSON: -- and I need the
7 Agency to tell me what is in the Agency's report.
8 As I said before, my displeasure is not addressed
9 to the Protestant or to the Applicant.

10 All right. So, I'm waiting for the
11 investigator to have a copy of the investigative
12 report.

13 MR. KELTY: Could I also have a copy
14 of Exhibits 1 through 3 as well, please? I don't
15 have the -- I gave her a copy of what was handed
16 to me, which was -- didn't have the exhibits.
17 I'm sorry, maybe I shouldn't have handed her my
18 copy because I think that was a mistake, and I
19 apologize.

20 CHAIRMAN ANDERSON: Maybe you
21 shouldn't have handed her your copies there. You
22 need to have your copy, and the investigator

1 needs to have a copy of her report.

2 I don't think the investigator has a
3 copy of her report.

4 (Pause.)

5 THE WITNESS: I still don't have 1
6 through -- do you have 1?

7 MR. KELTY: I have an exhibit marked
8 1 and an exhibit marked 2 --

9 THE WITNESS: Okay. Okay.

10 MR. KELTY: -- and an exhibit marked
11 3. I don't know if they're --

12 THE WITNESS: Okay. I've got them.

13 Okay. So, Exhibit 1 is actually the
14 Neighborhood Commission 6C email to the Director,
15 Fred Mosby, about their concerns for the
16 Applicant's hours of operation, that license that
17 they are requesting.

18 CHAIRMAN ANDERSON: All right.

19 THE WITNESS: Exhibit 2 is an email by
20 Mr. Kelty, sent to me, indicating the same issues
21 that he has, the same concerns he has about the
22 establishment in more detail.

1 Exhibit 3 is the front of the store.
2 As you can see, it's closed.

3 Exhibit 4 is the inside of the store.
4 This area here is the bar area facing outside.

5 Exhibit 5, again, is the interior of
6 the establishment, focus on the bar.

7 Exhibit 6, the focus is on, would be,
8 I'm assuming would be the kitchen area and the
9 restroom area.

10 Exhibit 7, again, the kitchen area.

11 Exhibit 8, it's a hallway leading to
12 the kitchen area.

13 Exhibit 9 is a photo of the dual
14 bathroom, male and female or unisex.

15 Exhibit 10, here we have, it's a small
16 closet that has nothing in it.

17 Exhibit 11 is a staircase. I believe
18 that's going towards the summer garden, but I had
19 no access to the summer garden. So, I'm not
20 sure.

21 Exhibit 12 is the Zoning District.

22 Exhibit 13 is the GIS report of the

1 licensees that are surrounding Aroma's
2 establishment.

3 Again, Exhibit 14 shows, is a GIS
4 report as well that's indicating the schools in
5 the area.

6 Exhibit 15 is the Notice of Public
7 Hearing for the application that Mr. Jones
8 applied for.

9 Exhibit 16 is the surrounding
10 establishments and the bus stop.

11 Exhibit 17 shows the bus stop and its
12 upcoming stops.

13 Exhibit 18 shows the parking around
14 the area of Aroma.

15 Exhibit 19 shows the parking time, the
16 time zones and the parking limitation.

17 And Exhibit 20, it's the service calls
18 that were made to that area for the prior
19 licensee.

20 [Whereupon, the documents
21 were marked as Board
22 Exhibits 1 through 20 for

1 identification.]

2 CHAIRMAN ANDERSON: I guess a question
3 -- I want to go back to Exhibit, I think that's
4 14. And maybe I'm confused. Is Ludlow-Taylor
5 within the circle or is it outside the circle?

6 THE WITNESS: It's 380, 383 feet away
7 from Aroma.

8 MR. MISKIRI: Where's that?

9 CHAIRMAN ANDERSON: Are there others?

10 THE WITNESS: There are only two.
11 According to the GIS report, there were three
12 schools in the area, but one is not there
13 anymore. It's closed. So, the only two that are
14 there are Ludlow-Taylor Elementary School and NCC
15 at Ludlow-Taylor Daycare Center.

16 CHAIRMAN ANDERSON: Well, the reason
17 I'm asking, if this establishment is within 400
18 feet, then we can't issue an license unless there
19 are other licensees in this area. So, are there
20 other ABC licenses in this area?

21 THE WITNESS: Yes, 21.

22 CHAIRMAN ANDERSON: I'm not talking

1 about within this GIS area. Or is this the only
2 -- is this the only license that's within 400
3 feet of this establishment? That's within 383?
4 Say, for example, if we have issued other
5 licenses for other establishments that are
6 within, that are already in the zone, then we can
7 grant this license. But if this is the only
8 license that's within that 388 (sic) of this
9 establishment, then we can't issue it. So,
10 that's what I'm trying to find some clarification
11 from the Agency here.

12 THE WITNESS: I don't have that
13 answer.

14 CHAIRMAN ANDERSON: So, what ABC
15 establishment is located -- are there others --

16 THE WITNESS: Yes.

17 CHAIRMAN ANDERSON: Are there -- it's
18 not for you, sir. You can tell me later on.

19 What other ABC establishment is
20 located close to 707 H Street, Northeast?

21 THE WITNESS: Po Boy Jim.

22 CHAIRMAN ANDERSON: What's Po Boy

1 Jim's address?

2 THE WITNESS: I didn't have that
3 information right --

4 CHAIRMAN ANDERSON: Not for you, sir.
5 This is not your time.

6 MR. MISKIRI: I'm sorry.

7 MEMBER SHORT: Please be respectful,
8 sir, please.

9 MR. MISKIRI: Oh, excuse me. I
10 apologize.

11 MEMBER SHORT: Be respectful.

12 MR. MISKIRI: I apologize.

13 CHAIRMAN ANDERSON: Is there anywhere
14 within your report -- is Po Boy Jim listed in
15 your report as an establishment that's listed
16 that was in the area?

17 THE WITNESS: Yes, I --

18 CHAIRMAN ANDERSON: Okay. So, what's
19 the address of Po Boy Jim?

20 THE WITNESS: 709 H Street, Northeast.

21 CHAIRMAN ANDERSON: Well, I stand
22 corrected. This is a restaurant. So, the 400

1 feet does not apply to a restaurant. All right.
2 Okay. Because I'm concerned that we're issuing a
3 license to an establishment that's within 400
4 feet, and especially since you did not mention
5 that in your report. So, that's what -- that was
6 the concern that I was having. But since they
7 are applying for a restaurant license, it's not
8 applicable in this particular case. All right.

9 All right. Let's see. Now you had
10 stated that you didn't have access to the summer
11 garden.

12 THE WITNESS: That's correct.

13 CHAIRMAN ANDERSON: What do you mean
14 you didn't have access to the summer garden?

15 THE WITNESS: Well, we -- he said that
16 the door was locked and it was, it wasn't safe
17 for us to actually go up there.

18 CHAIRMAN ANDERSON: So, we're being
19 asked to give a license to a summer garden and we
20 don't know whether or not -- and that the summer
21 garden doesn't exist?

22 THE WITNESS: Yes, because he said

1 that, the Applicant said that he was still
2 awaiting approval from DCRA.

3 CHAIRMAN ANDERSON: But do you know
4 whether or not the licensee was granted approval
5 for a summer garden?

6 THE WITNESS: I do not know.

7 CHAIRMAN ANDERSON: All right. Now,
8 for the establishment that has a summer garden --
9 so, let's go to, so Mythology and Lore, that's --
10 how far is that from the establishment?

11 THE WITNESS: That is on the 800 block
12 of H Street.

13 CHAIRMAN ANDERSON: Is that the same
14 side of it? Is that the same side --

15 THE WITNESS: Yes.

16 CHAIRMAN ANDERSON: No, that's not --

17 THE WITNESS: No, it's on the opposite
18 side.

19 CHAIRMAN ANDERSON: All right. So, I
20 guess from what I'm seeing from the licensees on
21 page 3 and 4, so there's no establishment that's
22 on that same side of the street that has a summer

1 garden, is that correct?

2 THE WITNESS: Yes, that is correct.

3 CHAIRMAN ANDERSON: Do you know what's
4 on the -- do you know whether or not are there
5 residents on the -- or how close are residents on
6 the opposite side of the street, on the even side
7 of the street? If you don't know, you don't
8 know.

9 THE WITNESS: I don't know, but -- no,
10 I do not know.

11 CHAIRMAN ANDERSON: Do you know how
12 far -- how far are the residents from this
13 establishment?

14 THE WITNESS: They mostly share -- the
15 residents that I believe that are the residents
16 share an alley with the establishment.

17 CHAIRMAN ANDERSON: All right.

18 THE WITNESS: So, it's not that far
19 away.

20 CHAIRMAN ANDERSON: All right. Do you
21 know, do you know whether or not Po Boy Jim has
22 an entertainment endorsement?

1 THE WITNESS: No, I do not.

2 CHAIRMAN ANDERSON: Do you know
3 whether or not Po Boy Jim has a cover charge
4 endorsement?

5 THE WITNESS: I do not know.

6 CHAIRMAN ANDERSON: All right. Do any
7 other Board Members have any other questions for
8 the witness? Go ahead, Mr. Short.

9 MEMBER SHORT: Good afternoon.

10 THE WITNESS: Good afternoon.

11 MEMBER SHORT: During your inspection,
12 in one of the exhibits I see an inspection
13 sticker that says -- okay, that's not ours. I'm
14 sorry.

15 Well, when you went inside the
16 building -- I guess this is Exhibit No. 11.

17 THE WITNESS: Okay.

18 MEMBER SHORT: Tell me again, what is
19 that a picture of?

20 THE WITNESS: It is a picture of a
21 staircase that goes to, I believe, what is the
22 summer garden.

1 MEMBER SHORT: And that comes from the
2 actual restaurant itself?

3 THE WITNESS: Yes.

4 MEMBER SHORT: So, it has no railing
5 there?

6 THE WITNESS: No.

7 MEMBER SHORT: What's under the steps?

8 THE WITNESS: It's just a table with
9 a bunch of stuff.

10 MEMBER SHORT: Is that paint? Does
11 that appear to be paint or some kind of building
12 materials?

13 THE WITNESS: Yeah, it's -- yeah, it
14 looks that way.

15 MEMBER SHORT: Okay. In your
16 estimation, how close are they to having this
17 cleared up and railings up to open up?

18 THE WITNESS: I mean it doesn't --

19 MEMBER SHORT: I know you're not a
20 construction person, but are they ready to open
21 for business?

22 THE WITNESS: From what I can tell

1 when I was there, no.

2 MEMBER SHORT: Okay.

3 THE WITNESS: There's a lot of work to
4 be done.

5 MEMBER SHORT: Thank you. Thank you
6 very much.

7 CHAIRMAN ANDERSON: Any other
8 questions by any of the Board Members?

9 (No response.)

10 Mr. Jones? And it can't be both
11 people asking. So, one person has to take the
12 lead. So, who's going to get the lead to ask
13 questions of the investigator? This is your
14 opportunity to ask questions of the investigator
15 on her report.

16 MR. MISKIRI: Oh, just on her report?

17 CHAIRMAN ANDERSON: On the report or
18 her testimony --

19 MR. MISKIRI: Base it off the
20 exhibits? Ask her questions?

21 CHAIRMAN ANDERSON: You can ask
22 whatever questions you have based on her

1 testimony and the report that was --

2 CROSS-EXAMINATION

3 BY MR. MISKIRI:

4 Q Good afternoon.

5 A Good afternoon.

6 MR. MISKIRI: First, I want to
7 apologize. I'm sorry, this is just kind of my
8 first -- I've been -- the first like that.

9 CHAIRMAN ANDERSON: When it's your
10 time -- that was our time asking questions.

11 MR. MISKIRI: Okay.

12 CHAIRMAN ANDERSON: This is your time
13 to ask questions. And this is what's going to
14 happen: you're going to ask questions.

15 MR. MISKIRI: Okay.

16 CHAIRMAN ANDERSON: Then, Mr. Kelty
17 will have an opportunity to ask questions. The
18 Board will ask questions, and then, I might give
19 you an opportunity to ask questions again. You
20 can only ask questions when I instruct you to ask
21 questions --

22 MR. MISKIRI: Yes, sir.

1 CHAIRMAN ANDERSON: -- because I'm the
2 one who runs this hearing.

3 MR. MISKIRI: Okay.

4 CHAIRMAN ANDERSON: So, this is your
5 opportunity to ask questions based on her report.

6 BY MR. MISKIRI:

7 Q Hello. Good afternoon. Excuse me.

8 A Good afternoon.

9 Q Are you aware of the Exhibit 19, the
10 establishment that is located right here?

11 A No, I am not. I do not know where the
12 establishment is at.

13 CHAIRMAN ANDERSON: Remember, we don't
14 know what you're talking about "right here".
15 So --

16 MR. MISKIRI: Right here with the
17 summaries --

18 CHAIRMAN ANDERSON: So, you're in
19 exhibit -- what exhibit?

20 MR. MISKIRI: Nineteen.

21 CHAIRMAN ANDERSON: Exhibit 19 of
22 her --

1 MR. MISKIRI: Nineteen.

2 CHAIRMAN ANDERSON: Right.

3 MR. MISKIRI: We have this facade. We
4 have rails up, and we have our seats, outside
5 seating. We have --

6 CHAIRMAN ANDERSON: So, what is
7 Exhibit 19?

8 MR. MISKIRI: That's a Mexican
9 restaurant that's located at 701 H Street with --
10 it's in a --

11 CHAIRMAN ANDERSON: Well, you're
12 asking --

13 MR. MISKIRI: Yes.

14 CHAIRMAN ANDERSON: So, you're asking
15 her about her report?

16 MR. MISKIRI: Yes.

17 CHAIRMAN ANDERSON: Go ahead. I
18 apologize.

19 THE WITNESS: The focus of Exhibit 19
20 was the parking signs and not the establishment
21 behind it.

22 BY MR. MISKIRI:

1 Q Correct. Getting the next question,
2 so, my question is, with exhibit -- is sidewalk
3 cafe and summer garden considered the same?

4 A No, it is not.

5 Q It's different?

6 A Yes.

7 Q Okay. All right. So, are you aware
8 of the establishment at 707 H Street?

9 A I am not aware of it, no. Wait. I'm
10 sorry?

11 Q Exhibit 18, two doors down from Aroma,
12 to the right of where the No U-Turn sign is.

13 A Uh-hum, yes.

14 Q Yes. So, are you aware like of their
15 hours?

16 A I am not aware, no.

17 Q Okay. So, excuse me, Exhibit 18,
18 which is called the Lore. They have hours that
19 goes to 3:00 a.m. and they're located two doors
20 down. The building in between is Po Boy Jim's.

21 CHAIRMAN ANDERSON: You're asking her
22 questions, sir.

1 THE WITNESS: The focus on Exhibit 18
2 was the parking situation, sir.

3 BY MR. MISKIRI:

4 Q The parking? Okay. All right.

5 MR. MISKIRI: So, just any question
6 like ask her does she have any issues when she --

7 BY MR. MISKIRI:

8 Q Did you see any threats when you
9 walked to the building or did you come -- see it
10 as being in danger to the community?

11 A I cannot answer that question, sir.

12 Q Okay.

13 MR. MISKIRI: I mean, that pretty much
14 is it. You know, everything else is self-
15 explanatory from the pictures.

16 CHAIRMAN ANDERSON: You don't have any
17 other questions for her?

18 MR. MISKIRI: No.

19 CHAIRMAN ANDERSON: Mr. Kelty, do you
20 have any questions for her?

21 MR. KELTY: I think just one.

22 CROSS-EXAMINATION

1 BY MR. KELTY:

2 Q I'm new at this, being a new
3 Commissioner, and this is my first protest
4 hearing. I'm trying to understand your scope of
5 work. Are you responsible for reviewing the
6 application or are you simply dispatched to do a
7 field investigation and, you know, after the
8 application has been accepted by ABRA?

9 A I am assigned to get all the facts and
10 put it in my report, the facts of the Applicant's
11 side and the ANC's side of the application.

12 Q Thank you.

13 MR. KELTY: That's all.

14 CHAIRMAN ANDERSON: Any other
15 questions by the Board Members?

16 (No response.)

17 No?

18 All right, Ms. --

19 MEMBER SILVERSTEIN: Very briefly.

20 CHAIRMAN ANDERSON: Yes, Mr.
21 Silverstein.

22 REDIRECT EXAMINATION

1 MEMBER SILVERSTEIN: Okay. To
2 confirm, the nearest -- the sidewalk cafes or
3 summer gardens in the area, is there a general
4 pattern of closing times?

5 THE WITNESS: No later than one
6 o'clock.

7 MEMBER SILVERSTEIN: In any of them?

8 THE WITNESS: 1:00 a.m. in any of
9 them, yes.

10 MEMBER SILVERSTEIN: And on weekdays?

11 THE WITNESS: The latest with any of
12 them is one o'clock, 1:00 a.m.

13 MEMBER SILVERSTEIN: On weekdays as
14 well as weekends?

15 THE WITNESS: Yes. Yes.

16 MEMBER SILVERSTEIN: And the
17 nearest --

18 THE WITNESS: They vary between 12:30
19 and 1:00 a.m., 12 o'clock/1:00 a.m., but no later
20 than 1:00 a.m. in the week and on weekends.

21 MEMBER SILVERSTEIN: And the nearest
22 residence to the --

1 THE WITNESS: To the establishment,
2 they share --

3 MEMBER SILVERSTEIN: -- to the
4 sidewalk cafe or summer garden would be?

5 THE WITNESS: The alleyway behind, the
6 alleyway behind the establishment.

7 MEMBER SILVERSTEIN: And you could --
8 and the approximate --

9 THE WITNESS: It would be like --

10 MEMBER SILVERSTEIN: It's a small
11 alleyway?

12 THE WITNESS: -- 15 feet maybe, 15-20
13 feet maybe.

14 MEMBER SILVERSTEIN: Okay. Thank you.
15 No further questions.

16 CHAIRMAN ANDERSON: Mr. Kelty, do you
17 wish to ask any question of the investigator
18 based on the questions that were asked by the
19 Board Members? It has to be based on the
20 questions that were asked by the Board Members.

21 MR. KELTY: No, I'll let it go.
22 That's all right.

1 CHAIRMAN ANDERSON: Mr. Jones or Mr.

2 -- I'm sorry -- Mr. --

3 MR. MISKIRI: Miskiri.

4 CHAIRMAN ANDERSON: -- Miskiri --

5 MR. MISKIRI: Yes, sir.

6 CHAIRMAN ANDERSON: -- do you have any
7 questions? Do you have any questions you have of
8 the Board Member -- I'm sorry -- of the witness,
9 based on the questions that were asked by the
10 Board Member? If you have any -- if you don't
11 have any, you don't have any.

12 MR. MISKIRI: No.

13 CHAIRMAN ANDERSON: All right. All
14 right, Ms. Glasgow, thank you for your testimony.
15 You can step down.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 CHAIRMAN ANDERSON: All right. Mr.
19 Miskiri, how do you plan to present
20 testimony/evidence to your case? You're going to
21 testify? Are you going to ask questions? Tell
22 me what, how you plan to -- this is your

1 opportunity -- or Mr. Jones -- how you plan to do
2 this.

3 MR. JONES: Say that again, sir?

4 CHAIRMAN ANDERSON: How do you plan to
5 provide testimony and evidence about why we
6 should offer this, we should approve your
7 license? How do you plan to do this?

8 MR. JONES: Just through the
9 testimony, sir.

10 CHAIRMAN ANDERSON: So, you're going
11 to testify?

12 MR. JONES: Correct.

13 CHAIRMAN ANDERSON: Can you raise your
14 right hand, please?

15 WHEREUPON,

16 DARYL JONES

17 having been called for examination by the
18 Applicant, and having been first duly sworn, was
19 examined and testified as follows:

20 CHAIRMAN ANDERSON: Go ahead, sir.

21 DIRECT EXAMINATION

22 MR. JONES: Well --

1 MEMBER SILVERSTEIN: Please move the
2 microphone closer to you. Yes, sir.

3 MR. JONES: So, I was on testifying
4 that we would get an approval on the license on
5 the basis that we're a brand-new business. We
6 don't have any violations. My personal
7 background is through public safety, through
8 public service. I worked as a firefighter for
9 the past four years.

10 I've met with the ANC Board and tried
11 to come to a settlement agreement on multiple
12 occasions. For example, he said that his main
13 two issues were the summer garden and the closing
14 at 3:00 a.m. I proposed an email to Mr. Kelty on
15 multiple occasions and one that detailed closing
16 at 2:00 a.m. and withdrawing the summer garden in
17 agreeance (sic) that he will remove the
18 stipulations of the --

19 CHAIRMAN ANDERSON: I don't
20 necessarily want to hear the discussions that you
21 two had in settlement.

22 MR. JONES: Okay.

1 CHAIRMAN ANDERSON: So, I don't want
2 -- that's not -- that's confidential. So, that's
3 not necessarily -- I don't want to hear that.

4 MR. JONES: Oh, okay, yes.

5 CHAIRMAN ANDERSON: So, just tell me
6 why -- how you present your case. So, I'm just
7 saying, normally, I don't -- when we get here, I
8 don't want to hear testimony about the discussion
9 that you had --

10 MR. JONES: Okay.

11 CHAIRMAN ANDERSON: -- during
12 settlements because that clearly it wasn't
13 settled, so it's not relevant for us.

14 MR. JONES: Okay.

15 CHAIRMAN ANDERSON: So, you don't have
16 to go through your negotiation and what is it you
17 wanted to give or didn't, or take. So, what you
18 need to do is tell me how you are presenting --
19 what is it you're trying to do and how is it that
20 you -- and what is it that you want us to do and
21 why.

22 MR. JONES: Okay. Well, again, at

1 this point, I've spent a great deal of my own
2 personal money in opening this establishment. I
3 just want the opportunity to compete on a fair
4 basis. There's other establishments in the area
5 that close within the time that ABRA provides and
6 that's the exact same thing, the same opportunity
7 that we were looking for.

8 I was looking to open a business just
9 on fair practices of what I read as far as the
10 hours of operation and just the certain things
11 that we could apply for in order to be successful
12 in the business. And that was the basis of
13 wanting to open the restaurant.

14 I don't feel that opening the
15 restaurant and running it in the manner that I
16 plan to, that it would be or show any poor
17 reflection on the neighborhood or the people of
18 the area. I just look to open up a restaurant
19 that would provide food and entertainment to the
20 area.

21 That's my testimony.

22 CHAIRMAN ANDERSON: Mr. Kelty, do you

1 have any questions you want to ask him?

2 MR. KELTY: I do not.

3 CHAIRMAN ANDERSON: Questions?

4 (No response.)

5 CROSS-EXAMINATION

6 Well, let me ask a question. So, have
7 you ever opened a restaurant before? Have you
8 ever worked in a restaurant, operated a
9 restaurant before, sir?

10 MR. JONES: I have not operated a
11 restaurant, but I have operated a catering
12 business and --

13 CHAIRMAN ANDERSON: Can you elaborate?
14 Sir --

15 MR. JONES: Yes?

16 CHAIRMAN ANDERSON: -- this is your
17 opportunity. You're asking us to do something.
18 So, this is your opportunity to tell the Board
19 why that the Board should give you an
20 opportunity. I shouldn't be pulling information
21 out of you. You're here at the Board.

22 MR. JONES: Okay.

1 CHAIRMAN ANDERSON: You're asking the
2 Board to give you a license to operate a
3 restaurant.

4 MR. JONES: Yes.

5 CHAIRMAN ANDERSON: So, if that's what
6 you want from the Board, you need to give us
7 information. So, if you have experience before,
8 you tell them what the experience is. This is
9 your opportunity. You know, we don't know, I
10 don't know who you are.

11 MR. JONES: Yes.

12 CHAIRMAN ANDERSON: I don't know
13 nothing about you. You are coming to the Board
14 asking for a license. So, you need to tell the
15 Board -- this is your opportunity to -- I'm
16 asking you a question, to tell the Board why the
17 Board should, why that you -- if you want to open
18 a restaurant, what is it -- what do you bring to
19 the table? What is it that --

20 Sir, you'll get your chance. This is
21 his opportunity. He is under oath. You have
22 asked questions. Now the Board is going to ask

1 questions, and back and forth.

2 So, I'm asking the questions, that you
3 need to present information about what is it that
4 -- so, the question I'm asking you, have you ever
5 operated a restaurant before? And you said you
6 have operated a catering business. So, I don't
7 know nothing. So, this is an opportunity for you
8 to tell the Board.

9 MR. JONES: So, I've operated a meal-
10 prepping catering service for the past six years
11 where I provide different meal plans for people
12 who want to lose weight or party events for just
13 small business offices and things of that nature.

14 Honestly, I came to this opportunity
15 with Jeff, with his background in the restaurant
16 industry, and that's why I'm here.

17 CHAIRMAN ANDERSON: All right. So,
18 what catering company have you -- did you own a
19 catering company?

20 MR. JONES: So, yes. It's through my
21 fitness business, Elite Performance Fitness, LLC.

22 CHAIRMAN ANDERSON: So, what's the

1 name of the -- so, you had a catering license?

2 MR. JONES: It's all through this
3 service.

4 CHAIRMAN ANDERSON: What is that?

5 MR. JONES: It's -- what do you mean
6 what is that?

7 CHAIRMAN ANDERSON: What's the name of
8 it?

9 MR. JONES: It was provided through my
10 fitness company.

11 CHAIRMAN ANDERSON: All right. So,
12 what's your background?

13 MR. JONES: I'm a Virginia
14 firefighter, and I've owned and operated my
15 personal training business for the past 10 years,
16 Elite Performance Fitness, LLC.

17 CHAIRMAN ANDERSON: So, what type of
18 food do you plan to, what type of food do you
19 plan to serve at this restaurant?

20 MR. JONES: A mix between Caribbean
21 and American cuisine.

22 CHAIRMAN ANDERSON: Do you have a

1 menu?

2 MR. JONES: We have a -- yes.

3 CHAIRMAN ANDERSON: Where is the menu?

4 Did you provide us with a copy of the menu to say
5 the type of food you're planning to serve?

6 MR. JONES: I do have a copy of the
7 menu, but I don't have any hard copies of it.

8 CHAIRMAN ANDERSON: I know that when
9 we had the protest status here, and I told both
10 sides, if you have documents or witnesses that
11 you want to rely on, that you need to exchange
12 that seven days before. So, you didn't any
13 provide any documents to show the menu or
14 anything like that? That was not provided, is
15 that correct?

16 MR. JONES: Correct. So, I spoke --
17 and again, I guess it's just I guess my first
18 time, and not understanding exactly the means or
19 things that I need to provide, I spoke with Ms.
20 Randall and was trying to figure out what exactly
21 was what I should bring to the table.

22 CHAIRMAN ANDERSON: And so, she didn't

1 tell you? She never -- you spoke to her, and
2 what questions did you ask her?

3 MR. JONES: I asked her what should I
4 provide, what should I have as far as exhibits or
5 things of that nature. Because I wasn't sure
6 exactly how it went because I wasn't the one
7 protesting against anything. And she was like,
8 she pretty much responded -- I can't remember
9 exactly what she said, but it was pretty short.

10 CHAIRMAN ANDERSON: All right. Now,
11 from what I saw on this list of other
12 establishments -- and I heard a lot -- you're
13 saying you want to compete with the other
14 establishments on here. So, there are -- because
15 you're a restaurant. You're applying for a
16 restaurant license. So, therefore, you have DC
17 Harvest. You have Fancy Radish. You have Le
18 Grenier. You have The Wydown. You have, I
19 think, Po Boy Jim, Taqueria Fresca. You have, I
20 guess, Chupacabra. You have Hikari Sushi & Sake.

21 Are these the establishments you're
22 talking about that you're trying to be

1 competitive with? What establishment are you
2 saying that you want a fair -- you want to be
3 competitive with? Are these the establishments
4 or are there other -- if you have a copy of this
5 report, what establishments is it that you're
6 saying that you're trying to be competitive with?

7 MR. JONES: I mean, I was just saying
8 competitive in the food industry as a whole.

9 CHAIRMAN ANDERSON: But because I
10 heard, the reason I'm asking is because you're
11 talking -- you are a restaurant.

12 MR. JONES: Right.

13 CHAIRMAN ANDERSON: And most of the
14 other establishments on this list, they're not
15 restaurants. They're taverns, meaning that they
16 don't have to serve food.

17 MR. JONES: Yeah.

18 CHAIRMAN ANDERSON: So, who is it that
19 you're trying to be competitive with? Because
20 you have taverns. You're asking for an
21 entertainment endorsement. You're asking for a
22 cover charge. That's not typically what a

1 restaurant does. A restaurant is, they primarily
2 serve food.

3 See, I'm just trying to get an
4 understanding of what you're asking for. Because
5 when you're saying, "I'm trying to be competitive
6 with," "I want an opportunity to have," "I want
7 to open until 3:00 a.m.," do you know that, okay,
8 if you're going to open until 3:00 a.m., that you
9 have to serve food through 1:00 a.m.?

10 MR. JONES: Yes.

11 CHAIRMAN ANDERSON: But these other,
12 a lot of these other establishments on there,
13 they don't have to serve food, period. And I
14 don't necessarily -- and I guess I'm asking, a
15 typical restaurant doesn't have a cover charge.
16 So, if you're a restaurant selling food, why is
17 it that you're asking for a cover charge and
18 entertainment endorsement?

19 MR. JONES: Well, that was just in the
20 event that we had someone promote an event, if we
21 had like a comedian come in, or something like
22 that, to provide entertainment for people while

1 they ate. But this was, I was under the
2 assumption that we had to apply for that as a
3 whole in the event that we did have that. But we
4 don't have a cover charge or plan to have a cover
5 charge on a nightly basis, no.

6 CHAIRMAN ANDERSON: All right. All
7 right. You're also asking for a summer garden
8 and you're asking for entertainment in the summer
9 garden. So, why is it that you need
10 entertainment in a summer garden if you're a
11 restaurant?

12 MR. JONES: Just because people enjoy
13 to eat outside. I mean --

14 CHAIRMAN ANDERSON: Well, why do you
15 need entertainment? I mean, a typical -- I'm
16 asking; you tell me. I'm asking you -- these are
17 things you're asking me for. So, I'm asking you
18 why is it that, if you are a restaurant -- I
19 mean, we have lots of places where they say they
20 are a restaurant, but they're not a restaurant.
21 We had a hearing earlier with -- I saw a place
22 with a restaurant, and I looked at the video, and

1 I was asking the question about, are you truly a
2 restaurant, although they had a restaurant
3 license.

4 So, why is it, I guess, why is it that
5 we should provide, if we are going to do the
6 license, issue the license, why do you need a
7 cover charge or entertainment endorsement to have
8 a summer garden? I mean, I'm asking, why is it?
9 Are people going to be out eating on H Street in
10 a summer garden until 3:00 a.m. in the morning?
11 I'm asking.

12 MR. JONES: Well, again, my basis
13 behind that was just for promotional events, as
14 far as the entertainment and those things go.

15 CHAIRMAN ANDERSON: Any other
16 questions by any other Board Members? Go ahead,
17 Mr. Short?

18 MEMBER SHORT: Good afternoon.

19 MR. JONES: Hi.

20 MEMBER SHORT: As the Chairman was
21 just saying, we've had a real situation in this
22 city with people opening restaurants that morph

1 into nightclubs. And they have no intention on
2 being a restaurant. They just want endorsements
3 and they want entertainment endorsements. They
4 want to be able to bring in people to take over
5 their clubs and make a lot of money. And a lot
6 of them run into a lot of big problems.

7 So, if you just want a restaurant,
8 well, if we just gave you, if this Board granted
9 you a restaurant without an entertainment
10 endorsement, would you be okay with that?

11 MR. JONES: Yes.

12 MEMBER SHORT: You would?

13 MR. JONES: Yes, sir.

14 MEMBER SHORT: Okay. No cover charge?
15 You'd be okay with that?

16 MR. JONES: Yes, sir.

17 MEMBER SHORT: All right. And your
18 summer garden, is it -- how is it attached to
19 your building?

20 MR. JONES: The summer garden is
21 attached to the second floor. So, from my
22 understanding at the meeting where Ms. Fletcher

1 was, that in order to occupy the summer garden,
2 because it would be considered a large move or a
3 large renovation, then we would have to come back
4 through this process. So, I was under an
5 assumption that -- I wasn't even thinking about
6 the summer garden because it is on the second
7 floor and we don't have zoning for the second
8 floor currently.

9 MEMBER SHORT: Is it on the interior?

10 MR. JONES: The --

11 MEMBER SHORT: Or on the roof?

12 MR. JONES: It's on the roof, sir.

13 MEMBER SHORT: Okay. Now how many
14 people are you going to have up there?

15 MR. JONES: It's supposed to be 30.

16 MEMBER SHORT: One way up; one way
17 down?

18 MR. JONES: Yes, for patrons, yes, one
19 way up and one way --

20 MEMBER SHORT: So, if there is a fire
21 downstairs, how do the people upstairs get off
22 the --

1 MR. JONES: There's two different
2 exits for --

3 MEMBER SHORT: From the top?

4 MR. JONES: Yes, sir.

5 MEMBER SHORT: Two separate exits?

6 MR. JONES: Correct.

7 MEMBER SHORT: They're both on the
8 interior of the building?

9 MR. JONES: The exits?

10 MEMBER SHORT: Yeah.

11 MR. JONES: Yes, sir.

12 MEMBER SHORT: So, again, if the fire
13 is on the first floor, how do the people get off
14 the roof?

15 MR. JONES: Well, the second entrance
16 and the first floor entrance are separate
17 entrances. So, if there was a fire on the first
18 floor, I mean, it wouldn't affect the second
19 floor for them to exit through the --

20 MEMBER SHORT: You're a firefighter,
21 right?

22 MR. JONES: Yes, sir.

1 MEMBER SHORT: And the fire on the
2 first floor is not going to affect the second
3 floor?

4 MR. JONES: Yeah, if there's a fire on
5 the first floor, I can gladly tell you, as a
6 firefighter, that they can escape throughout the
7 second floor without an issue.

8 CHAIRMAN ANDERSON: I'm smiling. I'm
9 not sure if you know that. Mr. Short is a
10 retired firefighter.

11 MR. JONES: Oh, yes, sir.

12 CHAIRMAN ANDERSON: So, I just want
13 you to know that.

14 MR. JONES: Yes.

15 MEMBER SHORT: Thirty-three years.

16 MR. JONES: Okay.

17 CHAIRMAN ANDERSON: I want you to know
18 that.

19 MR. JONES: I mean, I'm not trying to
20 act like I --

21 MEMBER SHORT: One last question for
22 you.

1 MR. JONES: Yes, sir.

2 MEMBER SHORT: In one of the exhibits
3 -- I think it was Exhibit 19 -- where there was a
4 stairway leading to the second floor that has no
5 railings --

6 MR. JONES: Yes.

7 MEMBER SHORT: -- is that acceptable
8 in Virginia?

9 MR. JONES: In Virginia?

10 MEMBER SHORT: Yeah, if you had a
11 restaurant or had a nightclub, whatever else that
12 you had, if you had, leading to the second floor
13 where you want to sell food in your restaurant --

14 MR. JONES: There has to be a railing,
15 sir. And again, that railing is going to be put
16 in place. But, again, there is no -- we don't
17 have clearance to go to the second floor. But,
18 yes, there is a railing that would be put in
19 place and, no, that it's not acceptable --

20 MEMBER SHORT: Would you believe it or
21 not, right on the same street, H Street that
22 you're talking about, there was a restaurant that

1 was there, and they didn't have any business
2 using the second floor and they claimed they were
3 not going to use the second floor.

4 MR. JONES: Yes, sir.

5 MEMBER SHORT: And they got fined
6 three times for using the second floor because
7 they said it just got so crowded, they couldn't
8 help it.

9 MR. JONES: Well --

10 MEMBER SHORT: I know you wouldn't do
11 that.

12 MR. JONES: Yeah, I was going to say,
13 I don't want to --

14 MEMBER SHORT: You wouldn't do that.
15 I know you wouldn't do that.

16 MR. JONES: Yeah, that's not in my
17 character.

18 MEMBER SHORT: Not a problem.

19 MR. JONES: Yes, sir.

20 MEMBER SHORT: Mr. Chair, that's all
21 I have. Thank you.

22 CHAIRMAN ANDERSON: Any other

1 questions by the Board Members?

2 (No response.)

3 All right. Do you have any questions
4 of him, sir, based on the questions that were
5 asked by the Board?

6 MR. KELTY: No.

7 CHAIRMAN ANDERSON: All right, Mr.
8 Jones, thank you for your testimony.

9 (Witness excused.)

10 Do you have another witness you want
11 to call?

12 MR. JONES: Mr. Jeff Miskiri.

13 CHAIRMAN ANDERSON: Okay. Raise your
14 right hand, sir.

15 WHEREUPON,

16 JEFF MISKIRI

17 having been called for examination by the
18 Applicant, and having been first duly sworn, was
19 examined and testified as follows:

20 CHAIRMAN ANDERSON: What is it that
21 you want to say, sir?

22 DIRECT EXAMINATION

1 THE WITNESS: Just to elaborate a
2 little more about the questions that you was
3 asking Mr. Jones, we feel as though the
4 entertainment nature is needed, one, from my
5 experiences and my background. I am one of the
6 partners in Po Boy Jim, which is located right
7 next door. And seeing I've been in business
8 since 2014 on that street, I know how competitive
9 every establishment is, no matter what -- if
10 you're just a restaurant and you're offering
11 food, sometimes that's not just enough.

12 If you have entertainment -- and my
13 background, my mom being from the Islands, the
14 Caribbean Islands, the West Indies, the
15 entertainment, it's our culture; it's our belief;
16 it's, you know, the music or the vibe. It does
17 something to the soul. You know, you come out
18 from a long day at work. Not only did we want
19 good eats, but you want to be entertained. So,
20 we ask that -- if like there's a nice jazz band
21 playing, it's just a competitive edge that you
22 receive.

1 Not only that, you have people, you
2 have establishments that do, they pair food with
3 this entertainment. Fine. For example, you have
4 karaoke nights with discounted food. So, we're
5 not going at it as a full club, a full-blown
6 club. Ask that we're going at it as just trying
7 to have extra incentive, but still not lose our
8 identity, and we will offer great food and
9 service.

10 A lot of these restaurants -- my
11 background is in the restaurant field. I've been
12 doing it for 20 years, and I'm only 31. So, we
13 always preach good food and service. So, a lot
14 of events that we have done in the restaurant
15 aspect, it's always been based around food, where
16 we might have a brunch event where we serve a
17 midnight brunch as a late-night brunch. It's
18 uniqueness. It's a competitive edge. It's how
19 we make our money because no one, no other
20 establishments -- they might offer the same food,
21 but they're not doing it at that time of the day.
22 So, when we did this midnight brunch event, we

1 get extra incentives because we're the only
2 establishment that does this type of event at
3 this time of night. Brunch is usually during the
4 day; we're doing it at night.

5 So, we want to always have the option
6 to not just solely rely on food. I've been
7 having my restaurant for five years, and until
8 this day, I know when it's going to be slow and I
9 know what can give me the extra curve to make
10 more money. And that's entertainment.

11 You know, we feel like we're being
12 prejudged, for whatever the case may be. But,
13 like I said, this is a clean slate. There's
14 never been any fights or any mad drunkenness coming
15 out of Po Boy's, which is next door.

16 I'm doing this not only -- excuse me
17 -- I'm not only doing this for a personal gain,
18 but it's for the community. You know, I have
19 people who look up to me. I feed a lot of kids
20 in the neighborhood. Social recognition. I
21 bring my kids to work. You know, I show them the
22 ropes out, meaning I'm an entrepreneur, and how

1 rough and difficult it may be. So, I'm teaching
2 them the ropes.

3 We welcomed the neighborhood into the
4 establishment several times. They ignored it;
5 they didn't want to come in. Everything that
6 they put in place, we all agreed, we agreed to,
7 except for the last couple of issues. So, it
8 didn't work. So, that's why we're here.

9 But, like I said, I mean, it's been --
10 I've been for five years now, and if we have to
11 compete with known establishments, we have to
12 compete with corporate establishments, Chipotle,
13 Whole Foods, a lot of gentrification. So, we
14 need every aspect we can to make money. So, we
15 know what we have to do to control it. We know
16 the program that the police offers for security.

17 And like I said, H Street, we know H
18 Street. At the H Street Festival, I volunteered
19 for the H Street Festival before I even opened up
20 Po Boy's as an establishment. So, we know what
21 we need to do to make sure our business is
22 running correctly and smoothly. And it's not

1 going to be perfect. Yes, we will have hiccups.
2 But we will make sure that, if we do make a
3 mistake, we're accountable; we'll make sure we
4 fix that error.

5 And like I said, a lot of people know
6 me personally from, you know, from my
7 establishment. And I have a lot -- I hire 60
8 people and we'll be trying, I'm trying to create
9 more jobs.

10 And me and Daryl go back; we had this
11 dream of a business since we were kids and we
12 knew each other for a very long time. So, he
13 loves to cook. I love to cook. That's what
14 we're in it for, but I have to be realistic on
15 myself. I know that sometimes cooking and good
16 food isn't enough. Sometimes you need a little
17 bit of an edge to make it over the top. And all
18 that edge that we're asking for is a little live
19 entertainment. And we want to be able to compete
20 with feasible hours, you know, and that's that.
21 That's pretty much it.

22 CHAIRMAN ANDERSON: That's it? Do you

1 have anything else you want to say?

2 THE WITNESS: We did our research with
3 establishments. We know The Big Board that's in
4 the same corridor, they don't even have a
5 settlement agreement. They close at 3:00 a.m.
6 They have entertainment. They have a lesbian
7 night. So, that's a form of entertainment. So,
8 they basically do whatever they want, and they're
9 supposed to be a burger spot. So, if they're
10 just a burger spot, why do they have to do that
11 if they're just a restaurant? Obviously, there's
12 something that is not enough that somebody has to
13 go over the edge to bring in more money.

14 There's another spot. They have an
15 arcade room inside. Bar Elena -- excuse me --
16 that's the name, Bar Elena. They have an arcade
17 room. So, that's a form of entertainment. So,
18 they're enticing their guests with not only their
19 food, but they're giving some competitive edge.

20 And we haven't pinpointed what type of
21 entertainment we want to do, but we know we need
22 entertainment, no matter what, to compete with

1 other establishments.

2 There's a sidewalk cafe three doors
3 down at 701 H Street, a Mexican restaurant. So,
4 the same issues that they're worried about with
5 the summer garden with our building, it wouldn't
6 be no different from what's already going on
7 right now. This sidewalk cafe is always full,
8 and it's the same distance in terms of from the
9 residential to the business.

10 So, it's like, okay, because it's a
11 new establishment and it's a new ANC involved,
12 well, let's send a message; let's cap off --
13 let's not let them bring this stuff here because
14 of the new establishment. But we feel like
15 that's, at the Code, that's not fair. It's not.

16 Our rent is \$10,000 a month. We're
17 paying there as we speak. We should have been
18 open.

19 The issues about the railing on the
20 second and third floor, I already -- we know the
21 fire, I know the fire marshal in that area. I
22 know how stiff those fines are. We know not to

1 play those games. One simple fine and we'll be
2 out of business. The second floor, it's not even
3 -- you can't even walk. It's not even
4 presentable to walk up there. So, if we had a
5 full first floor, that's it. No one's going to
6 go up there and want to smell construction and
7 dust and see an old toilet sitting around.
8 Everything is gutted out.

9 We know we have to go present new
10 drawings and go through DCRA. We know the
11 process. No one's taking any shortcuts.

12 Po Boy's have an outside seating area
13 where I have a CFO walking, half outside seating.
14 So, no one's not trying to break the laws or
15 break the rules because we know the stiff
16 penalties. I mean, it could be detrimental to a
17 business, especially a small business where you
18 have to compete with, like I say, corporates and
19 known establishments.

20 The moment we signed this lease, we
21 took, I took even a bigger risk. Well, we took a
22 risk. We took a bigger risk because it's not a

1 known entity. So, basically, you're starting all
2 over again. It's like a newborn baby.

3 So, we just want our fair chance to be
4 able to make it, to inspire business, because
5 restaurants, 9 out of 10 restaurants close. And
6 why? Because they're not knowledgeable about
7 what to do. They don't think outside the box.
8 They don't try to go the extra mile.

9 So, we want to make sure -- we're
10 young. We have a target on our back. We want to
11 make sure that we do what we need to do, so we
12 can make it in business. And that's always about
13 creating jobs and economics. That's what we want
14 to do. We want to be successful. We went to
15 school. We went to college for this. He cooks.
16 I cook. We put our minds together and we just
17 want to make this work.

18 I did toy drives, WPTC, twice a year.
19 I feed the homeless Thanksgiving, so on and so
20 forth. So, I know, we know we're responsible
21 with what we're supposed to do. The radio
22 stations, they even know about the new spot. So,

1 we're going to carry it on over there. So,
2 that's all we're trying to do here, man. It's no
3 gimmicks. It's no "Oh, I think they're going to
4 do this." Or "We don't believe this will do
5 that." No, it's not what it is.

6 We have a full-service, we are a full-
7 service restaurant. We have a menu. We have a
8 niche. A lot of restaurants are going into this
9 restaurant lounge aspect, and that's all we're
10 doing.

11 We're offering just a little bit more
12 other than the food because we have to compete. H
13 Street is just like U Street or every other spot
14 that is offering unique service. So, we're just
15 trying to stay above, you know -- and that's it.
16 I'm done.

17 CHAIRMAN ANDERSON: Mr. Kelty,
18 questions?

19 MR. KELTY: Sure.

20 CROSS-EXAMINATION

21 BY MR. KELTY:

22 Q Has DCRA contacted you, either of you,

1 to conduct a property compliance inspection to
2 date?

3 A Property --

4 Q A property compliance inspection?
5 It's my understanding DCRA is supposed to be
6 reaching out to you for that.

7 A See, they don't reach out to us. They
8 would probably reach out to the landlord.

9 Q I'll take that as no.

10 How do you intend to comply with
11 Section 25-311, Section (c), which says, "No
12 license, except for a solicitor's license, shall
13 be issued to an applicant unless the applicant
14 has a valid certificate of occupancy for the
15 premises in which the establishment is located
16 and has all other licenses and permits required
17 by law or regulation for its business."?

18 A If it's not up-to-date, we'll go to
19 DCRA and handle it. We have a CFO for the first
20 floor. We passed the health inspection. So, we
21 took our steps. We have our sales and use tax
22 registered. So, every step we've taken, and

1 whenever there's an issue, we don't hide and duck
2 from it. We don't open the doors illegally. We
3 go down to DCRA and taxation and we fix it.

4 Q Perhaps I wasn't clear in my
5 questioning.

6 A Well, make it clear.

7 Q Your application is for an
8 establishment with a summer garden. You've
9 represented that you are not, that you don't have
10 a Certificate of Occupancy for a summer garden,
11 or even that the summer garden is completely
12 constructed. How do you plan to comply with this
13 regulation today that says a license shall not be
14 issued unless you're in full compliance; you have
15 a Certificate of Occupancy for what you've
16 applied for, and you're in compliance with all
17 the laws and regulations?

18 A At this point, we just want to work
19 with what we have. If we need to remove the
20 summer garden at this time-being, and reapply
21 later on, if we have the right to, we will do
22 that. We just want to work with what we have.

1 We have the first, we have the CFO for
2 the first floor. If we're not in compliance, we
3 know we can't use it. So, we're not, like I say,
4 we're not trying to break the laws. We know we
5 have to get an architect to provide a full set of
6 drawings for the second and third floor and for
7 the -- excuse me -- for the outside seating area.
8 So, that's how we plan to fix that. Any issues
9 that we have, we'll hire an architectural firm
10 like I had before, HapstakDemetriou, which is a
11 known, ranked architectural firm in D.C.

12 Other than that, I don't know how to
13 answer his questions.

14 Q How do you provide the required second
15 means of egress from the ground floor, required
16 by having an occupancy load of over 49
17 individuals, when your rear exit goes through a
18 kitchen, a trash room, and a locked steel gate?

19 A I'm not an architect. I can't answer
20 those questions. Once we pay an architect for
21 our services, then he will redesign the building
22 to make code. Like I said, we deal with

1 HapstakDemetriou. They're a known establishment,
2 a known architectural firm, and they don't cut
3 any corners.

4 Q I'll ask one last question. How is
5 that you were able to obtain a Certificate of
6 Occupancy from DCRA for 65 occupants in an
7 establishment that lacks a second means of
8 egress? How did you do that?

9 A What do you mean?

10 Q Did you personally go down there? Did
11 you hire an expediter? How did you obtain an
12 Occupancy Certificate for 65 occupants in a
13 building with a single means of egress

14 A It was a, there was a previous use.
15 The previous tenant was a restaurant. They had a
16 CFO. And what we did is it changed the use form.

17 MR. KELTY: That's all I have. Thank
18 you.

19 CHAIRMAN ANDERSON: Any questions by
20 any Board Members? Go ahead, Mr. Short.

21 CROSS-EXAMINATION

22 MEMBER SHORT: I must ask this

1 question.

2 THE WITNESS: Yes, sir.

3 MEMBER SHORT: I already know the
4 answer. The answer is, if you have a Certificate
5 of Occupancy for the first floor with more than
6 50 people, you must have a second means of egress
7 and it can't go through the kitchen. That's the
8 law.

9 So, what would you expect this Board
10 to do, with me knowing that? What would you
11 expect us to do?

12 THE WITNESS: We just have to fix the
13 issue, sir, or drop the CFO load under, to 50.
14 But, I repeat, like I said, we're not trying to
15 cut any corners and we're trying -- I mean,
16 that's safety. That's his department.

17 MEMBER SHORT: And you are affiliated
18 with Po Boy Jim's next door?

19 THE WITNESS: Yes, sir. Yes, sir, and
20 we have --

21 MEMBER SHORT: You've been here
22 before?

1 THE WITNESS: Well, my mother has,
2 yes.

3 MEMBER SHORT: And you were here with
4 her?

5 THE WITNESS: Yes, correct.

6 MEMBER SHORT: And so, you know how
7 people are supposed to conduct themselves?

8 THE WITNESS: Right.

9 MEMBER SHORT: And not shout out and
10 make noises and --

11 THE WITNESS: Correct, sir. I
12 apologize.

13 MEMBER SHORT: Oh, okay, I understand.
14 Okay.

15 But, again, Po Boy Jim's, when they
16 first opened up, was kind of rocky, but we
17 haven't seen them in a while. So, they're
18 getting along pretty well with the community,
19 correct?

20 THE WITNESS: Correct. H Street, yes,
21 we didn't have any issues. I mean, yes, correct.
22 Yes. Yes, sir. Yes, everything's fine.

1 MEMBER SHORT: There were some issues
2 with the alley and some other issues?

3 THE WITNESS: Yes, correct.

4 MEMBER SHORT: Yes.

5 THE WITNESS: Everything is under
6 control. We worked around that.

7 MEMBER SHORT: Okay. So, if you know
8 you have a problem already with over 50 people,
9 can you -- and you're talking about, I heard the
10 number a hundred someplace.

11 THE WITNESS: No, 69, the CFO, CFO of
12 69. But, I mean, like you said, we went through
13 the Zoning Departments and they knew -- they
14 looked at -- I don't work for DCRA. They seen
15 that and they --

16 MEMBER SHORT: Okay. I'll just make
17 one last statement and to make one more question.
18 I cannot -- I'm only one vote, Board Member -- go
19 against the Building and Fire Code, knowing that
20 someone could die. I'm not going against the
21 law.

22 THE WITNESS: Right.

1 MEMBER SHORT: So, you need to fix
2 that and maybe come back after you've got some of
3 those things ironed out. But the gentleman, Mr.
4 Jones, next to you, said, if you were to get a
5 restaurant license, then you wouldn't get a --
6 you wouldn't want an entertainment endorsement;
7 you wouldn't want all of those added things.

8 THE WITNESS: Don't want any, yes.

9 MEMBER SHORT: So, one of you gave me
10 one answer and the other one is giving me the
11 other answer. So, what is the answer between the
12 two of you? If you were to get a restaurant
13 Certificate of --

14 THE WITNESS: I think --

15 MEMBER SHORT: Excuse me. If you were
16 to get a restaurant license from this Board, and
17 you know you can't have over 50 people, and you
18 know you need to get that repaired, and you know
19 you're not going to be a nightclub, because I
20 know you want to have a competitive edge, and you
21 can't use the second floor and you can't use the
22 third floor, you're going to be solely a

1 restaurant, is that correct?

2 THE WITNESS: That's incorrect, sir.

3 MEMBER SHORT: Okay. No further
4 questions. Thank you very much. No further
5 questions, Mr. Chair.

6 CROSS-EXAMINATION

7 CHAIRMAN ANDERSON: So, give me some
8 information about your background, sir.

9 THE WITNESS: Me, personally, you
10 know, I was born and raised in D.C. I went to --

11 CHAIRMAN ANDERSON: I'm more so
12 interested in --

13 THE WITNESS: Restaurants?

14 CHAIRMAN ANDERSON: Yes.

15 THE WITNESS: Yes, sir. Okay. I
16 started, I went to community college, Prince
17 George's Community College. I took, went to
18 school for business administration, and I won a
19 business competition. And part of my business
20 competition was to open up a restaurant. I
21 received a grant for \$10,000.

22 So, I took the idea and I ran with it.

1 I partnered up. It was my mom. My mom, she
2 funded the majority of the Po Boy Jim's. And my
3 cousin and me opened up the restaurant back in
4 2014. We had a vision set on just having a
5 small, little carryout, quick service, not even a
6 sit-down restaurant.

7 We came across H Street. We found
8 this big, beautiful building. The offer from the
9 landlord was very presentable. So, we said,
10 let's try something new. We went to try a full-
11 fledged restaurant. We opened it up. It was an
12 instant success.

13 We had bumps, our rolls, just like any
14 human being. We had a couple of issues in terms
15 of a little fines and stuff like that, like you
16 mentioned before. But, like you said, we always
17 a created a culture and great experiences for
18 people.

19 Won the top minority-owned black
20 business in D.C. Voted No. 1 Cajun-Creole
21 restaurant in D.C. Voted tons of rewards.

22 CHAIRMAN ANDERSON: Well, tell me.

1 THE WITNESS: Just a lot of Cajun-
2 Creole awards, soul food restaurants, D.C. top 10
3 restaurants on H Street, No. 1 sandwich-sub shop
4 in D.C., the Washingtonian votes for the best
5 place to eat, neighborhood bars, so on and so
6 forth. Diversified, one of the most diversified
7 establishments on H Street. That's pretty much
8 it.

9 CHAIRMAN ANDERSON: So, what's going
10 to be -- and you have asked, you stated that you
11 are involved in Po Boy Jim's. So, what's the
12 difference going to be in the menu between this
13 place and Po Boy Jim's?

14 THE WITNESS: It's more fine, high-
15 end, fine dining. Po Boy's will make sandwiches
16 with a little bit of entrees. This is more
17 elegant, mor elegant food. You know, we're not
18 fine dining, but a little bit more upscale food.
19 Of course, they're still with the Southern roots.

20 A lot of business owners on H Street
21 own multiple establishments. Like the owner for
22 Sticky Rice, he owns like six-seven

1 establishments. A lot of owners own multiple
2 businesses and with different concepts and
3 niches. So, that's kind of where the direction
4 we was going with.

5 CHAIRMAN ANDERSON: So, what's the
6 concept? What's the niche? What is it?

7 THE WITNESS: It's a combination of
8 Caribbean and soul food, but it's -- so, you
9 combine them both because the instance of one is
10 a little bit more upscale.

11 CHAIRMAN ANDERSON: I don't have any
12 other questions. All right. Any other Board
13 Members have any questions?

14 Do you have any questions, sir?

15 MR. KELTY: No.

16 CHAIRMAN ANDERSON: No?

17 Is there any clarification? Based on
18 the questions asked, do you need to provide any
19 clarification?

20 REDIRECT EXAMINATION

21 THE WITNESS: Yes. I just had a
22 question for Mr. Short. I know you have your

1 mind set on this whole CFO, the people zoning the
2 code. Like I said, it was the previous -- so, we
3 weren't aware of what the load, the calculation
4 load is. So, could you -- do you know, do you
5 know why they would give us a CFO --

6 MEMBER SHORT: I would suggest that
7 you get a Code book or go down to the office and
8 talk with the fire marshal and talk with the
9 building inspectors. Because the bottom line is,
10 I can't tell you from this podium what to do,
11 because if something happens, then you can say,
12 "The Board told me."

13 THE WITNESS: No, I wouldn't. No, no,
14 no.

15 MEMBER SHORT: So, I wouldn't dare do
16 that.

17 THE WITNESS: Okay.

18 MEMBER SHORT: And if you own a
19 business, I would hope that you would want to
20 take the responsibility of learning as much as
21 you possibly could about safety and business and
22 everything else that's going on, besides making

1 the money. You want to make the money safely.

2 THE WITNESS: Correct.

3 MEMBER SHORT: And the reason why
4 we've been kind of successful in this city, not
5 like a lot of other cities where there's a lot of
6 fires in places of public assembly, it's because
7 the laws have been adhered to.

8 THE WITNESS: Correct.

9 MEMBER SHORT: And when people don't
10 adhere to laws, they're asking for trouble.

11 THE WITNESS: Yes, sir.

12 MEMBER SHORT: So, I want it on the
13 public record that I'm saying to you, as a Board
14 Member, I'm concerned about you having more than
15 50 people on that first floor and no way to get
16 out except for going through the kitchen, if
17 there's a fire on H Street.

18 THE WITNESS: Okay.

19 MEMBER SHORT: And then, you have to
20 run to the alley, correct?

21 THE WITNESS: Yes, sir.

22 MEMBER SHORT: Okay.

1 REXCROSS-EXAMINATION

2 CHAIRMAN ANDERSON: All right. And
3 following up, let me ask a question. You said
4 you have a current Certificate of Occupancy for a
5 restaurant in that location, in this specific
6 location?

7 THE WITNESS: Yes.

8 CHAIRMAN ANDERSON: And it is current?

9 THE WITNESS: Yes, sir.

10 CHAIRMAN ANDERSON: And what's the
11 occupancy load for this Certificate of Occupancy?

12 THE WITNESS: A hundred and twenty-
13 five or something. It was over a hundred. Had
14 two means of ingress, has sprinklers.

15 CHAIRMAN ANDERSON: No, I'm saying,
16 what is --

17 THE WITNESS: Over a hundred people.
18 I kind of know -- I don't know off the top of my
19 head, but it's two floors, over a hundred people.

20 CHAIRMAN ANDERSON: But two floors?
21 Now did the certificate -- did the previous
22 restaurant, did they occupy just one floor or two

1 floors?

2 THE WITNESS: Of the newest, this
3 establishment?

4 CHAIRMAN ANDERSON: No, you said you
5 have a Certificate of Occupancy. You have a
6 current certificate? Okay.

7 THE WITNESS: Correct.

8 CHAIRMAN ANDERSON: Right.

9 THE WITNESS: Yes, sir.

10 CHAIRMAN ANDERSON: Is that for one
11 floor or for two floors?

12 THE WITNESS: One floor. One floor.

13 CHAIRMAN ANDERSON: And so, what does
14 that Certificate of Occupancy say?

15 THE WITNESS: Sixty-nine people --

16 CHAIRMAN ANDERSON: So, it --

17 THE WITNESS: -- standing.

18 CHAIRMAN ANDERSON: So, it's --

19 THE WITNESS: Total people, 69 people.

20 CHAIRMAN ANDERSON: So, the
21 Certificate of Occupancy for the space that you
22 have said that there is a standing capacity for

1 69 people?

2 THE WITNESS: Yes, sir.

3 CHAIRMAN ANDERSON: So, if it says 69
4 people, why were you asking us for 100 people?
5 Because I think what you had requested, you had
6 said -- I know you had also requested a summer
7 garden, but you had also -- I think you had asked
8 us for, you had asked us for a seating capacity
9 of 100 on the inside and 30. So, you had asked
10 for 130. So, how --

11 THE WITNESS: No, the summer garden is
12 only about 15-20.

13 CHAIRMAN ANDERSON: I'm just telling
14 you what this that you had asked us for. What
15 was asked for, it says that -- and it maybe in
16 the Investigator's Report. Maybe it's wrong.

17 MR. JONES: Yes, it may be because
18 there's two different CFOs. The first one may
19 reflect a hundred people, and we had to change it
20 and get a second one that reflected only the 69
21 to occupy the first floor.

22 CHAIRMAN ANDERSON: So, the current

1 Certificate of Occupancy that you have, it says
2 it's 69?

3 MR. JONES: Yes, sir.

4 CHAIRMAN ANDERSON: So, therefore, if
5 it says 69, and then, we can't approve a hundred
6 if your Certificate of Occupancy said 69.

7 THE WITNESS: Okay.

8 CHAIRMAN ANDERSON: The ABC Board will
9 only issue -- the ceiling --

10 THE WITNESS: Correct.

11 CHAIRMAN ANDERSON: -- is what your
12 Certificate of Occupancy is. It's not, and the
13 Board will not issue a license until you present
14 us, if you haven't done it with a Certificate of
15 Occupancy -- and the total occupancy will be
16 what's on the Certificate of Occupancy as a
17 ceiling, not as a floor.

18 THE WITNESS: Okay. But I have it on
19 my phone right here.

20 MR. JONES: I've got it right here,
21 too.

22 THE WITNESS: You've got it?

1 Fifty-nine. Excuse me. Fifty-nine.

2 CHAIRMAN ANDERSON: So, the
3 Certificate of Occupancy that you currently have,
4 it says what?

5 MR. JONES: It's first floor occupant
6 load, 59 people.

7 THE WITNESS: Approved, both Building
8 Code restaurant; approved, Zoning Code
9 restaurant; approved, Zoning, eating and drinking
10 establishment. So, I think --

11 CHAIRMAN ANDERSON: The total is 59
12 people?

13 MEMBER SHORT: Has the fire department
14 inspected you yet?

15 MR. JONES: Yes, sir.

16 MEMBER SHORT: What is it? You have
17 the sign-off from the fire department, too?

18 MR. JONES: No, the fire department
19 has not come to do the inspection.

20 MEMBER SHORT: Okay.

21 MR. JONES: We just had the other --

22 MEMBER SHORT: All right.

1 CHAIRMAN ANDERSON: All right. Any
2 other questions by the Board Members?

3 (No response.)

4 Do you have any questions, based on
5 this, the questions we asked?

6 MR. KELTY: No.

7 CHAIRMAN ANDERSON: All right. No?

8 All right. Do you have anything that
9 you want to -- is that it? Do you rest?

10 THE WITNESS: Yes, I have one last
11 thing. Am I able to -- because I have the fire
12 marshal's number. It's in my card, a business
13 card. If I call them and, then, I let them know
14 about the occupancy load, and so on and so forth,
15 and then, he tells me the Code and says that I am
16 in Code, can I -- am I able to give that
17 information via email to you guys?

18 CHAIRMAN ANDERSON: Well, that's a --
19 we're going to go with what we have. So,
20 basically, where I am right now, you have told us
21 that you have a Certificate of Occupancy for
22 69 --

1 THE WITNESS: Fifty-nine.

2 CHAIRMAN ANDERSON: -- 59.

3 THE WITNESS: Fifty-nine.

4 CHAIRMAN ANDERSON: And whatever, if
5 the Board was to approve the license, the license
6 would, no, it not be more than what your
7 Certificate of Occupancy is. And so, therefore,
8 so that would be the feeling. So, that would be
9 the feeling. So, if you present us with a
10 Certificate of Occupancy that says 50 people or
11 40 people or like 10 people, that's what it is.
12 So, we're not going to -- the ABC Board wouldn't
13 issue, it wouldn't issue a license that says a
14 hundred people if your Certificate of Occupancy
15 says another number.

16 Your Certificate of Occupancy can say
17 a hundred people, but if our license, if we issue
18 a license to you, and if our license says 50, in
19 order for you to accommodate a hundred, you would
20 have to come back to us to say, "Oh, by the way,
21 I have a new Certificate of Occupancy, and my
22 Certificate of Occupancy now says a hundred. So,

1 you should change our license to issue a capacity
2 of a hundred."

3 THE WITNESS: Okay.

4 CHAIRMAN ANDERSON: So, the numbers
5 that, if we approve it, whatever number that we
6 approve is what's in your current Certificate of
7 Occupancy.

8 All right. All right. So, that's the
9 presentation that you wish to make, is that
10 correct?

11 THE WITNESS: Yes.

12 CHAIRMAN ANDERSON: All right. All
13 right. So, Mr. Kelty, it's your opportunity to
14 present your case. How do you plan to present
15 your case?

16 MR. KELTY: I'll be presenting the
17 case on behalf of the ANC.

18 CHAIRMAN ANDERSON: So, you have no
19 witnesses? You're the only witness?

20 MR. KELTY: I'm the witness.

21 CHAIRMAN ANDERSON: Okay. Raise your
22 right hand, please.

1 WHEREUPON,

2 JOEL KELTY

3 having been called for examination by the
4 Protestant, and having been first duly sworn, was
5 examined and testified as follows:

6 CHAIRMAN ANDERSON: Go ahead, sir.

7 DIRECT EXAMINATION

8 THE WITNESS: First of all, by way of
9 a little background about myself, not only am I
10 an ANC Commissioner, I'm also a licensed
11 architect. And I'm a former EMT and a former
12 wildland firefighter. And I've done a fair
13 amount of work with the Department of General
14 Services on fire department and police facilities
15 in the District. So, some of my technical
16 background may come out in what I'm about to say.

17 So, as I mentioned in my opening
18 statement, I'm going to first talk about defects
19 in the application and misrepresentations, and
20 then, I'll get into defects in the actual
21 physical characteristics of the establishment.
22 And then, I'll end with adverse impacts on the

1 neighborhood.

2 And so, in box 18 of the application
3 form submitted by the Applicant, which is in
4 Exhibit 1 that I have submitted, the Applicant
5 lists only Daryl Jones as a member. The
6 Applicant left the percentage ownership box blank
7 on the form, which, in the opinion of the
8 Protestant, should have resulted in a rejection
9 of the application. The total number of shares
10 outstanding is also blank, leaving open the
11 question of whether Mr. Jones owns all shares.
12 For reasons unknown, ABRA accepted the incomplete
13 application.

14 In sworn testimony at the roll call
15 hearing and, in fact, today, Mr. Jeff Miskiri
16 represented that he is a partner in the
17 establishment. You can see that on lines 16
18 through 18 of the roll call transcript, which is
19 Exhibit 2.

20 Mr. Jones confirmed Mr. Miskiri's
21 partnership status in the venture on several
22 other occasions. The DCRA Corporate Registration

1 record for Brothers Burger Bar, LLC, confirms
2 that Mr. Miskiri has ownership, participates in
3 the establishment. That's in Exhibit 3, page 2.

4 Therefore, the response provided in
5 box 18 on the ABRA application is not accurate.
6 Given that the Applicant has misrepresented the
7 true ownership of the establishment, neither the
8 Board nor the public can be certain as to whether
9 there are other partners in the venture who may
10 not meet the criteria for licensure, including
11 25-301(A)(3)(a), which disqualifies an applicant
12 that has a prior felony conviction in the past 10
13 years.

14 The Applicant also appears to violate
15 25-301(A)(5), which requires the Applicant to be
16 the true and actual owner of the establishment,
17 and that he or she intends to operate for his or
18 her self and not as an agent of any other
19 individual partnership or entity.

20 25-401 states that the making of a
21 false statement, whether made with or without the
22 knowledge of consent of the Applicant, shall, at

1 the discretion of the Board, constitute
2 sufficient cause for denial of the application or
3 revocation of the license.

4 There are also other errors or
5 misrepresentations in the application. The trade
6 name is blank, but in ABRA documents as Aroma and
7 as Felicity Lounge on DCRA documents, as shown in
8 Exhibit 5.

9 When asked in Question 7 whether it
10 holds any other licenses for the sale of
11 alcoholic beverages, the Applicant answered in
12 the negative. See the third page of Exhibit 3.
13 The Applicant is defined in 25-101(6) as, "As the
14 context requires, the individual applicant, each
15 member of an applicant partnership or limited
16 liability company, or each of the principal
17 officers, directors, and shareholders of an
18 applicant corporation" -- it goes on and on, but
19 I think you get the idea.

20 Since many businesses are held in
21 limited liability companies, as Mr. Miskiri
22 testified earlier today, each owning and

1 operating a single location, the context requires
2 this section to include not only the LLC making
3 application, but also its individual officers,
4 directors, and shareholders.

5 Partner Jeff Miskiri, who by
6 definition is included in the term "applicant,"
7 currently holds at least the following licenses:
8 ABRA 087903 and ABRA 105468. Therefore, the
9 Applicant's response to the question is not
10 accurate.

11 In Section 12 of the application, the
12 Applicant misstated distances from the proposed
13 establishment to facilities caring for children.
14 Now while I recognize that this isn't pertinent
15 for a restaurant license, it's a willful
16 misstatement of the truth, and I think that's why
17 it's worth mentioning.

18 Specifically, under daycare center,
19 the Applicant identified the distance to the
20 nearest facility is 0.3 miles, which is 1,584
21 feet. Kiddie University, located in the next
22 block at 806 H Street, is actually located less

1 than 400 feet from the proposed establishment.
2 I'm not sure why your investigator didn't see
3 that.

4 Sherwood Rec Center is described as 1
5 mile away, when it is actually approximately 400
6 feet from the property, also shown in Exhibit 11.

7 The nearest school is not J.O. Wilson,
8 as the Applicant indicated, but, rather, Ludlow-
9 Taylor, which is less than 450 feet from the
10 subject property, also shown in Exhibit 11.

11 These errors are too great to be
12 considered minor measurement discrepancies, and
13 therefore, the Protestant believes they are
14 intentional.

15 The Applicant failed to provide a
16 detailed explanation, as required, for Questions
17 19A, B, and C, regarding how the proposed
18 establishment will impact the surrounding
19 community. 25-311 makes it clear that it is
20 incumbent upon the Applicant to demonstrate to
21 the Board's satisfaction that the proposed
22 establishment will not have deleterious effects

1 on the surrounding locality.

2 Item 20 asks whether any
3 administrative action has been taken against the
4 Applicant in the past 10 years, and specifically
5 asks about alcohol law violations. As
6 established previously, the Applicant in this
7 case includes Mr. Miskiri. As shown in Exhibit
8 4, ABRA has taken a number of administrative
9 actions against Po Boy Jim, an adjacent licensee
10 which Mr. Miskiri owns.

11 DCRA has also taken administrative
12 action against the Applicant in issuing several
13 Stop Work Orders related to illegal construction
14 at the property and revoking its original
15 Certificate of Occupancy, as shown in Exhibit 9.

16 Mr. Miskiri, who it had been
17 established is a partner, neither signed the
18 application nor otherwise attested to the
19 truthfulness and accuracy of the application, as
20 required in 25-401(C).

21 Those are errors in the application.
22 Now we're going to talk about the Applicants.

1 The Applicant does not meet the criteria for
2 granting of a license. As previously discussed,
3 the Applicant in this context includes the
4 partners, including Mr. Miskiri. D.C. Corporate
5 Registration records, as well as his own
6 representations, indicate that Mr. Miskiri owns
7 the adjacent licensed establishment, Po Boy Jim,
8 at 709 H Street, Northeast, Exhibit 3.

9 The investigative history for Po Boy
10 Jim, Exhibit 4, documents a long list of ABRA
11 violations, including for failure to control
12 litter, operating a summer garden without the
13 required endorsement, failing to file quarterly
14 reports, and failure to have appropriate
15 staffing.

16 Section 25-301(A)(1) requires the
17 Board to consider prior violations of the
18 District's alcohol laws and regulations by the
19 Applicant for establishments owned or controlled
20 by the Applicant in evaluating suitability for a
21 licensure. The long list of prior violations at
22 the adjacent establishment controlled by the

1 Applicant renders the Applicant unsuitable for
2 licensure, and the Board should deny the license
3 application on this basis.

4 Because the true ownership of the
5 establishment is in question, the Board cannot be
6 certain that there are not other members of the
7 Applicant, such as a convicted felon who would
8 not be eligible for licensure without further
9 ABRA investigation.

10 Let's talk about the proposed
11 operation. I think the Board has picked up on
12 this in their questioning.

13 The Applicant has represented that the
14 establishment will be a full-service restaurant
15 and has applied for a CR license. However, the
16 Corporate Registration Fee establishment lists as
17 its trade name Felicity Lounge -- that's in
18 Exhibit 5 -- as does the Certificate of
19 Occupancy, also in Exhibit 5.

20 While the term, quote, "lounge" is not
21 well-defined in ABRA regulations, it is not
22 typically used to refer to a full-service

1 restaurant. The only time the phrase "lounge" is
2 used in the regulations is to refer to a space
3 for consumption of alcoholic beverages within a
4 hotel. A restaurant, per Section 25-101, shall,
5 quote, "be held out to and known to the public as
6 primarily a food service establishment." The
7 term "lounge" does not convey that the primary
8 purpose of the establishment is the provision of
9 food, but, rather, that it is a place for other
10 leisure activity, such as listening to music.

11 The Protestant, myself, traveled to
12 Silver Spring to observe operations at a lounge
13 that was established by the Applicant's brother.
14 The lounge included large openings onto the
15 street as well as rooftop tenant area in which a
16 disc jockey was playing loud music. The music
17 could be heard inside the front door of another
18 establishment across Georgia Avenue, which is
19 four lanes wide at this point.

20 On the basis of its observations, the
21 Protestant, me, believes that a lounge does not
22 meet the criteria to be classified as a

1 restaurant, as defined in ABRA regulations.

2 It is the Protestant's belief that the
3 Applicant has submitted for a restaurant license
4 rather than a tavern or a nightclub license in
5 order to circumvent the requirement of 25-314(C)
6 that the Board consider whether the proximity of
7 the proposed establishment from residents of the
8 District would generate a substantial adverse
9 impact on residents of the District.

10 Now I'm going to talk about
11 qualifications of the establishment. The
12 proposed establishment does not meet the minimum
13 requirements for occupancy under District laws
14 governing construction and occupancy. Through
15 failures at DCRA, the Applicant was able to
16 obtain Building Permits B1609458 and B1807658, as
17 well as Certificate of Occupancy 1802784, to
18 occupy the second and third floors of the
19 premises, in violation of the District zoning
20 regulations. DCRA revoked the permits and CofO
21 after being alerted to the problem by ANC 6C.
22 That's Exhibit 9.

1 The Applicant, subsequently and
2 explicitly, was able to obtain CO 1901866 for 65
3 persons, Exhibit 9, despite the fact that no new
4 Building Permit was issued and the existing
5 building does not meet current Code requirements,
6 including for emergency egress. Specifically,
7 the D.C. Construction Code requires that
8 restaurants with occupancies in excess of 49
9 persons have a second means of egress.

10 While the establishment has a rear
11 door, it exits through a trash room with a locked
12 steel gate. The path of egress is blocked by
13 trash cans, which are shown in my Exhibit 10.
14 And you can also see interior shots of that same
15 egress route in the investigator's exhibits in
16 her report. The Construction Code prohibits
17 exiting through a trash room at all, and the
18 Certificate of Occupancy for 65 persons should
19 never have been granted, simply on this basis.

20 In an email of March 6th, Zoning
21 Administrator Matt LeGrant indicated that DCRA
22 would be conducting additional property

1 inspections to confirm the property meets the
2 legal requirements for occupancy. To date, the
3 Protestant has not received a response from DCRA
4 with the results of that investigation.

5 The ANC requests the Board not accept
6 the Applicant's Certificate of Occupancy in
7 fulfillment of the requirements of 25-311(C)
8 until such an inspection has been performed and
9 DCRA has confirmed the project meets all
10 Construction Code requirements.

11 Screenshots from DCRA's Property
12 Information Verification System, Exhibit 9,
13 demonstrate that there are existing holds on the
14 property for illegal construction. The status of
15 these holds remains uncertain in the absence of
16 clarification from DCRA.

17 The evidence presented, and as
18 described above, reasonably determines that the
19 establishment for which the license is sought is
20 in violation of one or more of the Construction
21 Codes and other laws and rules of the District.
22 And therefore, the regulations require that the

1 Board deny the license. See Section 25-344,
2 "Denial - Public Health and Safety".

3 And I'll also point out that in the
4 Investigator's Report, which I just reviewed
5 today, as Mr. Short correctly pointed out, there
6 is a staircase without a railing. I've been in
7 the property, and the second floor doesn't even
8 have adequate ceiling height to get to the roof.

9 I'll finish up with adverse impacts on
10 peace, order, and quiet. The Applicant has
11 failed to meet the requirements of 25-311, which
12 states that, "The Applicant shall bear the burden
13 of proving to the satisfaction of the Board that
14 the establishment is appropriate for the locality
15 in which it is located."

16 The investigator mentioned it's in the
17 NC-16 Zone, which is what used to be called the
18 Retail Subdistrict. And while it's commercial in
19 zoning, the property borders an RF-1 Residential
20 District directly across a 10-foot-wide public
21 alley. The investigator said it's 15 feet. It's
22 actually 10 feet. That's shown in Exhibit 6.

1 Neighbors within this square attended
2 an ABL meeting on March 4th, 2019, in which the
3 Applicant failed to appear, despite numerous
4 invitations to do so, Exhibit 7. The neighbors
5 who did show up expressed universal opposition to
6 the proposed establishment on the grounds of
7 unacceptable noise, litter, and disorder, as well
8 as impacts on vehicular and pedestrian safety.
9 Other neighbors submitted correspondence, in
10 Exhibit 8, opposing the proposed establishment.

11 The Applicant is required to
12 demonstrate to the satisfaction of the Board that
13 it is appropriate. The Appellant has provided no
14 documentation fulfilling this requirement. As
15 outlined in email correspondence, dated February
16 28th, from a constituent and, also, a letter from
17 another constituent, Mr. Knobby -- and those are
18 both in Exhibit 8 -- the neighborhood feels
19 strongly that the proposed establishment presents
20 a threat to peace, order, and quiet.

21 The ANC requests, among other reasons,
22 that the application be denied on the basis of

1 adverse impacts to peace, order, and quiet, and
2 because it is unresponsive to the statutory
3 requirement to prove to the satisfaction of the
4 Board that it is appropriate for the locality.

5 I've written a little bit about
6 daycares. I'm going to skip that because we've
7 determined it's not applicable.

8 I will speak a little bit about undue
9 concentration of licensed establishments. The
10 Board is required to consider whether the license
11 would create an overconcentration of
12 establishments and whether there would be an
13 adverse impact. Such is the case with this
14 application. In the 700 block, as shown in the
15 photos of Exhibit 10 and in the Investigator's
16 Report, there is Allure Lounge, Po Boy Jim's, the
17 subject property, a barber shop that is in the
18 process of being converted into another, quote,
19 "lounge," unquote, and Fresca Taqueria &
20 Rosticeria.

21 As noted in the constituent letter to
22 the Board, there has been an increase in illegal

1 activity and adverse impact on peace, order, and
2 quiet since Allure opened. The Protestant
3 approached MPD, the Metropolitan Police
4 Department, requesting crime data from the 700
5 block of H Street. And while a formal response
6 is not provided, Captain Polleo of the 1st
7 District, Sector 2, reported two recent assault
8 with dangerous weapon cases in the subject area
9 as a result of nightlife, both within 200 feet of
10 the subject property. Both resident observations
11 and MPD's response establish that there is a
12 reasonable cause to believe additional
13 establishments in the 700 block would result in
14 an undue concentration of licensed establishments
15 and further exacerbate adverse impacts on the
16 surrounding neighborhood.

17 The Applicant proposes operating daily
18 until 2:00 a.m. during the week and 3:00 a.m. on
19 weekends. These hours are inconsistent with
20 other licensees in the locality; will harm peace,
21 order, and quiet, and adversely impact property
22 values. The ANC went to great lengths to try to

1 convince the Applicant to reduce its operating
2 hours, but was ultimately unsuccessful.

3 The western end of H Street is
4 primarily residential in character and, in fact,
5 the bulk of it is in H Street Overlay Residential
6 Subdistrict. Half of the licenses established on
7 this end of H Street close before midnight. Of
8 those that operate after midnight, there are only
9 two licensed to operate until the statutory
10 maximum of 3:00 a.m., The Big Board at 421 H
11 Street and Allure Lounge at 711 H Street.

12 The Big Board's license predates the
13 ANC's policy of seeking settlement agreements
14 with all establishments. However, The Big Board
15 has generated few, if any, complaints.

16 It is unclear how Allure was able to
17 obtain a settlement agreement to operate to
18 statutory limits. That was before my tenure on
19 the Commission. I personally believe it was in
20 error. Allure has received four noise complaints
21 in the past several years as well as other
22 regulatory investigations, including for a

1 Certificate of Occupancy issued in error and
2 failure to bring the building up to current Codes
3 when the use changed from a tax preparation
4 office to a tavern. Like the proposed
5 establishment, Allure is marketed as a lounge as
6 well as a hookah bar, despite being licensed as a
7 tavern and lacking the required Health
8 Department's smoking exception. It's actually
9 illegal to have hookah bars in the District
10 unless you're one of the seven businesses in the
11 District that have an exemption from the
12 Department of Health for smoking.

13 Operating until 3:00 a.m. is also not
14 necessary. Exhibit 13 contains a tabulation of
15 all CT and CR licenses along H Street and in
16 ANC 6C. As the table indicates, the vast
17 majority of establishments close well before 3:00
18 a.m. Other establishments have demonstrated that
19 it is economically feasible to operate a business
20 that closes before 2:00. If ABRA chooses to
21 grant the license, the Applicant will not be
22 harmed by restricting its hours to midnight

1 during the week and 1:00 or 2:00 a.m. on the
2 weekends.

3 Special events and outside promotions.
4 A settlement agreement with the previously-
5 licensed establishment at the subject address
6 contained a total prohibition on outside
7 promotions. That agreement is in Exhibit 14.

8 [Whereupon, the documents
9 were marked as Protestant
10 Exhibits 1 through 11 and 13
11 through 14 for
12 identification.]

13 THE WITNESS: The Applicant
14 represented to the ANC that its business plan
15 requires outside promotions in order to be
16 viable. In the interest of compromise, the ANC
17 offered to consider permitting three outside
18 promotions in any 12-week period in exchange for
19 certain assurances, including penalties of the
20 youth operating hours, that the outside
21 promotions would not contribute to adverse
22 neighborhood impacts. The 3-in-12 promotions in

1 any 12-week period language is consistent with
2 the previous settlement agreements accepted by
3 ABRA at other establishments within the ANC. The
4 Applicant rejected the proposed compromise
5 outright.

6 The ANC objects to special events and
7 outside promotions on the basis that the
8 operators of such events are not engaged with the
9 community, have not been vetted by ABRA, and are
10 more likely than the operator to create a
11 disturbance in neighborhood peace, order, and
12 quiet. There's also the potential for adverse
13 impacts on parking because outside promotions
14 bring in outside patrons, not neighborhood
15 residents.

16 The proliferation of marijuana gifting
17 parties at licensed establishments, as well as
18 the other types of businesses on H Street, and
19 their accompanying disturbance, demonstrates that
20 the ANC's concern is legitimate.

21 The application includes a proposed
22 summer garden endorsement. The proposed roof

1 deck, i.e., summer garden, would directly face
2 the residents across the alley and result in
3 unacceptable noise for those residents nearby.
4 It should be noted that the roof deck requires
5 zoning relief from the Board of Zoning
6 Adjustment. Because the summer garden cannot be
7 legally occupied without this relief, which the
8 Applicant has not even applied for, the Applicant
9 is not eligible for a summer garden endorsement,
10 per 25-311(C), which states that "No license
11 shall be issued unless the establishment has all
12 necessary licenses and permits required by law or
13 regulation."

14 It should be noted that the ANC will
15 almost certainly oppose any request for zoning
16 relief to permit a roof deck at this location or
17 for occupancy of the upper floors in excess of
18 the maximum allowable floor area ratio permitted
19 in the zone. Should the Board disregard the
20 numerous justifications for denial and decide to
21 issue a license, it should not include a summer
22 garden endorsement.

1 In conclusion, the ANC would like to
2 see a bona fide restaurant with experienced,
3 capable management occupy this currently vacant
4 retail storefront. However, any future
5 establishment cannot be permitted to create undue
6 burdens on those residents who are its immediate
7 neighbors.

8 The application before the Board today
9 does not meet the technical requirements for
10 licensure nor the spirit of the law, whose
11 purpose, in part, is to reduce conflict between
12 the operating businesses and their adjacent
13 residential and commercial neighbors. The
14 willful misrepresentations and defects in the
15 application demonstrate that the Applicant does
16 not meet the requirements for licensure. The
17 physical characteristics of the property and its
18 questionable DCRA licensing status render the
19 premises unsuitable for licensure at this time.
20 The adverse impacts on peace, order, and quiet
21 and diminution of property values and adverse
22 impacts on parking render the proposed

1 establishment fundamentally incompatible with
2 this locality. We respectfully request the
3 application, therefore, be denied.

4 CHAIRMAN ANDERSON: Who is going to
5 question him? Do you have any questions?

6 MR. MISKIRI: I have one question.

7 CHAIRMAN ANDERSON: It's the same as
8 when he asked questions. It's not -- you're free
9 to ask him.

10 CROSS-EXAMINATION

11 BY MR. MISKIRI:

12 Q What does an establishment that is not
13 in the District -- first of all, that's
14 prejudgment. That person is not my brother. I
15 have -- he's not even my brother. We have -- we
16 don't even speak, for one. So, what does that
17 establishment have to do with -- an establishment
18 in Montgomery County, Maryland, have to do with
19 an establishment that's located on H Street?

20 A So, last weekend, I happened to go to
21 an establishment in Silver Spring completely
22 unrelated to this case with my family. And I

1 happened to notice while I was there that there
2 was loud music coming across the street, and it
3 was coming from an establishment called Society
4 Lounge. And so, I was wondering, what is a
5 lounge? And this is just one example of what a
6 lounge apparently is, since it's not defined in
7 ABRA regulations. I thought it was relevant.

8 MR. MISKIRI: That's the only question
9 I have.

10 THE WITNESS: It was random chance
11 that I picked that lounge and not some other
12 lounge, to be honest with you.

13 MR. MISKIRI: I bet.

14 CHAIRMAN ANDERSON: That's the only
15 question you have?

16 Questions by the Board Members?

17 (No response.)

18 All right. I don't have any
19 questions.

20 All right. All right. This is an
21 opportunity for the Applicant to provide us a
22 closing statement, and then, the Protestant would

1 have an opportunity to provide us a closing
2 statement.

3 So, what I need you to -- the closing
4 statement now is for you to tell us what is it
5 that you are asking the Board to do. So, from
6 your perspective, so be very specific in telling
7 the Board what is it you ask the Board, what is
8 it that you want the Board to do.

9 And then, the Protestant, I will ask
10 the same question in your closing, for you to
11 tell us what it is, what is it that you are
12 seeking from the Board.

13 The Applicant goes first.

14 CLOSING STATEMENT ON BEHALF OF THE APPLICANT

15 MR. MISKIRI: Yes, sir. Well, what it
16 is that we're trying to do is have the Board
17 grant us a license, an entertainment license, so
18 we can be able to not only serve food, but a form
19 of entertainment. If there are rules and
20 restrictions, we want you guys to be able to come
21 up with it. We want a fair share in terms of all
22 the 26 license applicants that's in the area.

1 Like I said, I guess I am a partner in
2 this business. The majority ownership is with
3 Daryl. But, like you said, my little
4 involvement, I'm going to speak up for what I
5 believe is right and guide my friend because I
6 have the experience of owning an establishment.
7 I mean, this is his first time.

8 So, we just wanted our fair share, and
9 I believe that the ANC never gave us a fair share
10 or tried to compromise with us at all.
11 Everything that he said to us is personal
12 opinions and his beliefs and his backgrounds.
13 We've been prejudged and executed by him. And
14 that's fine. That's cool, what I'm saying. But
15 I don't have to answer to him. We're answering
16 to the Board and we want our license.

17 We spent, well, Daryl has took out
18 numerous loans through his fire department,
19 through his credit union, and, you know, he's the
20 money behind the business. It's his business,
21 and I'm just a minority partner.

22 And we want to be able to not only

1 make his money back, his contributions back, but
2 gain a profit from this. That's what we're in
3 business for.

4 We know the rules. We know the laws.
5 We know the regulations. And we will abide by
6 it. You know, D.C. has changed its
7 gentrification. It's diverse, but, you know,
8 there's still opportunity.

9 And we believe that we did our part
10 with the landlord and he didn't have any
11 questions about the tenant, and he owns most of
12 the properties on H Street and all over. So, we
13 did our part. We gave it our hard-earned money.
14 And actually, if we don't get this license and if
15 it doesn't go through, we're out of luck; we
16 don't get any of that money back. He's not going
17 to say, "Hey, I'll give you your money back. I'm
18 going to give you this money back for doing
19 this." It's our loss. So, we know it's a risk
20 in taking what we did.

21 And we know that ABRA Board takes
22 their rules and stuff very seriously, and so do

1 we. I have little children who's -- they're in
2 my life daily and I know that life is, you know,
3 you have to be responsible and follow the rules.

4 All these codes and zoning and stuff
5 that he's presented to us, I guess he believes
6 that we're going to be operating the second floor
7 without a permit, and so on and so forth. I
8 would never put anyone's life in risk. Like I
9 said, I'm a father, you know, a husband, and I do
10 stuff the right way.

11 Like I said, yes, Po Boy has had
12 issues with the trash, and so on and so forth,
13 but we're still in business. We just got
14 audited. We did our books, and so on and so
15 forth.

16 But Daryl, he shouldn't get punished
17 for Po Boy Jim. It's a new Applicant. It's a
18 new establishment. I would think, you know, I'm
19 a minority owner, and we just -- we believe he
20 wants his fair share. It's very bad for him per
21 se right now because he's very sad.

22 When he got the space, I sold him on

1 it. You know, the landlord told me -- I say,
2 "Hey, I'm not a greedy person. I have a buddy of
3 mine who" -- you know, I did it just to build my
4 brand in terms of cooking in the kitchen. So, I
5 presented -- me and Daryl are like brothers -- I
6 presented the opportunity to him and we want to
7 continue to grow, you know. I mean, he's a full-
8 time fire fighter, so I know that he needs help,
9 and that's what I'm here for.

10 And we just want our license, so we
11 will be able to make our money and prove to the
12 community that we're not a problem, that we won't
13 be a problem, that we will follow the rules and
14 laws, that we will not cut any corners, sir. I
15 know how important that is.

16 And that's all I have to say.

17 CHAIRMAN ANDERSON: Mr. Kelty?

18 CLOSING STATEMENT ON BEHALF OF THE PROTESTANT

19 MR. KELTY: The ANC went to great
20 lengths to attempt compromise with the Applicant.
21 As I mentioned, we were unsuccessful. I
22 personally have expended an incredible amount of

1 time on this protest.

2 The poor business decisionmaking of
3 the Applicant is unfortunate. And to be honest
4 with you, I feel badly for Mr. Jones. However,
5 that is not the ANC's concern nor is it ABRA's
6 concern.

7 The application submitted doesn't meet
8 the requirements for an Applicant. The Applicant
9 doesn't meet the requirements for licensure. The
10 building doesn't meet the requirements. And the
11 proposed establishment is not suitable for this
12 location.

13 On that basis, I ask the Board deny
14 the application.

15 Thank you.

16 CHAIRMAN ANDERSON: I would like to
17 thank both sides for its application, your
18 presentation today.

19 Oh, it's quarter to 5:00.

20 Do you wish to make Proposed Findings
21 of Fact and Conclusions of Law, meaning that, do
22 you want to read the transcript, make closing --

1 write some legal briefs? Or do you want the
2 Board to make a decision based on the
3 presentation that was made today? You can waive.
4 You can say -- or you can waive your right to do
5 so.

6 MR. KELTY: I'm not sure if this is
7 permitted, but I have a written copy of my
8 statement, which I would like to provide to the
9 Board, if that's permitted. And is that
10 permitted?

11 CHAIRMAN ANDERSON: It is, but I guess
12 basically the statement that he just made.
13 That's what you read from. Well, it's already in
14 the transcript. So, because you made your
15 statement, the transcriber has already -- so we
16 do have your statement.

17 MR. KELTY: Okay. I'm sorry. Then,
18 please repeat your question. I got sidetracked
19 with that.

20 CHAIRMAN ANDERSON: No, I'm just
21 saying, at the end of the case, normally, one
22 could -- you're listening; you could ask for a

1 copy of the transcript. And then, you'll say
2 this is what we approve. Basically, you
3 formulate legal opinions to the Board to say this
4 is what, based on the evidence, was presented.
5 This is not you going out and bringing more
6 testimony, more evidence.

7 MR. KELTY: I think I've made our
8 position clear, and I'll waive that option.

9 CHAIRMAN ANDERSON: All right. That's
10 fine.

11 And you're, I feel you're in
12 agreement, too. All right. That's fine.

13 All right.

14 MR. MISKIRI: Is it okay if I say one
15 other thing or are we done? I mean, if it's
16 overboard, just don't worry about it.

17 CHAIRMAN ANDERSON: Well, the burden
18 is on you to --

19 MR. MISKIRI: That's fine.

20 CHAIRMAN ANDERSON: The burden is on
21 you to approve that. So, if you want to make one
22 final statement, you can, sir.

1 MR. MISKIRI: I just want to, you
2 know, through mediation and all this stuff, we
3 left off with the ANC where they wanted to give
4 us the license; they wanted to give us the deal,
5 but the only issue --

6 CHAIRMAN ANDERSON: I don't want,
7 that's why I don't want to --

8 MR. MISKIRI: Oh, you don't want to
9 bother?

10 CHAIRMAN ANDERSON: I don't know --
11 that's why --

12 MR. MISKIRI: Okay.

13 CHAIRMAN ANDERSON: That's what I'm
14 saying; I didn't -- I don't want to go through
15 what was discussed at mediation --

16 MR. MISKIRI: Okay.

17 CHAIRMAN ANDERSON: -- and stuff.

18 MR. MISKIRI: Okay.

19 CHAIRMAN ANDERSON: And I remember
20 when I started at the beginning, I said, tell me
21 the deal.

22 MR. MISKIRI: Okay.

1 CHAIRMAN ANDERSON: Say, for example,
2 if the ANC had said, "Yes, grant them the
3 license, but these are the conditions that I
4 want," and if you had agreed to those conditions,
5 then the Board would memorialize a Board Order --

6 MR. MISKIRI: Okay.

7 CHAIRMAN ANDERSON: -- and issue it,
8 so we didn't have to go through.

9 MR. MISKIRI: Okay.

10 CHAIRMAN ANDERSON: Or we would have
11 just had testimony on the hours, if that was the
12 only sticking issue.

13 Say, for example, you agreed on every
14 other issue, and there's just an issue that you
15 couldn't agree to. So, the Board would
16 memorialize what the issues are and, then, we
17 would take testimony on what it is you couldn't
18 agree. But we didn't start off that way.

19 MR. MISKIRI: Okay, okay.

20 CHAIRMAN ANDERSON: So --

21 MR. MISKIRI: That's not the way I was
22 leaning towards, but that's okay.

1 CHAIRMAN ANDERSON: Right. But the
2 ANC says, "I don't want you to grant the
3 license." And you're saying you want the
4 license.

5 MR. MISKIRI: Right.

6 CHAIRMAN ANDERSON: And so, the
7 decision that the Board needs to make is whether
8 or not we're going to grant the license.

9 MR. MISKIRI: Okay.

10 CHAIRMAN ANDERSON: And if we grant
11 the license, will we give you everything you
12 need, everything you asked for? If we grant the
13 license, would we give some, don't give some, put
14 conditions, or will we go with the ANC and not
15 grant the license? And that's the decision that
16 we're now left with.

17 One of the reasons that I've said to
18 you, both sides at the status, is that I always
19 tell folks to try to settle it because, if you
20 settle it, it's your neighborhood; you live
21 there; you work there, so, therefore, you
22 determine.

1 Now it is that we are now left to make
2 this decision, and maybe both sides will be
3 happy. I don't know. I don't know. Whatever
4 decision we make, someone is going to be unhappy.

5 MR. MISKIRI: Okay.

6 CHAIRMAN ANDERSON: But this is a
7 decision that we now -- it's now our decision
8 that we have to make, and that's where we are.

9 So, all right. All right. As
10 Chairperson of the Alcoholic Beverage Control
11 Board for the District of Columbia, in accordance
12 with D.C. Official Code Section 2574(b) of the
13 Open Meetings Act, I move that the ABC Board hold
14 a closed meeting for the purpose of seeking legal
15 advice from our counsel on Case No. 19-PRO-00017,
16 Aroma, pursuant to D.C. Official Code Section
17 2574(b) of the Open Meetings Act, and
18 deliberating upon Case No. 19-PRO-00017, Aroma,
19 for the reasons cited in D.C. Official Code
20 Section 2574(b)(13) of the Open Meetings Act.

21 Is there a second?

22 MEMBER SHORT: Second.

1 MEMBER SILVERSTEIN: Second.

2 CHAIRMAN ANDERSON: Mr. Short and Mr.
3 Silverstein seconded the motion.

4 I will now take a roll call vote on
5 the motion before us, now that it has been
6 seconded.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRMAN ANDERSON: Mr. Short?

10 MEMBER SHORT: I agree.

11 CHAIRMAN ANDERSON: Mr. Cato?

12 MEMBER CATO: I agree.

13 CHAIRMAN ANDERSON: Mr. Anderson.

14 As it appears that the motion has
15 passed, I hereby give notice that the ABC Board
16 will recess these proceedings to hold a closed
17 meeting in the ABC Board room conference room,
18 pursuant to Section 2574(b) of the Open Meetings
19 Act.

20 We will deliberate upon this matter
21 and we will issue a decision within 45 days.

22 Thank you very much for your

1 presentation, and have a great day.

2 All right. As the Chairperson of the
3 Alcoholic Beverage Control Board for the District
4 of Columbia, in accordance with D.C. Official
5 Code Section 2574(b) of the Open Meetings Act, I
6 move that the ABC Board hold a closed meeting for
7 the purpose of seeking legal -- I move that the
8 ABC Board hold a closed meeting on June 12th,
9 2019, for the purpose of seeking legal advice
10 from our counsel in the matters identified on the
11 Board's legal licensing and investigative agenda
12 for June 12th, 2019, as published in The D.C.
13 Register on June 7th, 2019.

14 Is there a second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIRMAN ANDERSON: Mr. Silverstein
17 has seconded the motion.

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

20 Mr. Silverstein?

21 MEMBER SILVERSTEIN: I agree.

22 CHAIRMAN ANDERSON: Mr. Short?

1 MEMBER SHORT: I agree.

2 CHAIRMAN ANDERSON: Mr. Cato?

3 MEMBER CATO: I agree.

4 CHAIRMAN ANDERSON: Mr. Anderson. I
5 agree.

6 As it appears that the motion has
7 passed, I hereby give notice that the ABC Board
8 will hold this closed meeting, pursuant to the
9 Open Meetings Act. Notes will also be posted on
10 the ABC Board hearing room bulletin board, placed
11 on the electronic calendar on ABRA's website, and
12 published in The D.C. Register in as timely a
13 manner as practical.

14 It is 4:53 p.m., and we are adjourned
15 for the day.

16 (Whereupon, at 4:53 p.m., the
17 proceedings were adjourned.)
18
19
20
21
22

A			
a.m 15:3,12 21:2,3	accepted 58:8 116:12 135:2	115:22 125:8 128:9 130:1,13	99:2 106:20 128:21 136:2
21:11,13,14,15,16	access 42:19 47:10	131:1,15 134:21	alleyway 60:5,6,11
22:13,13,14,14,16	47:14	135:12 137:20,21	allowable 136:18
22:16,17,17 24:12	accommodate	adversely 26:17	Allure 130:16 131:2
24:12,13,14,14	113:19	29:5 131:21	132:11,16,20
25:14,14,15 28:9	accompanying	advertised 22:1	133:5
34:6,10,11 35:12	135:19	advice 151:15	American 69:21
35:16,17,18,22	accountable 87:3	153:9	amount 115:13
36:1,2,5,6,7,10,11	accuracy 121:19	affect 78:18 79:2	144:22
36:12,14,17,19,19	accurate 117:5	affiliated 33:21	ANC 1:7 2:19 5:13
38:6,6,7,7,14	119:10	97:17	7:5,16 10:22
56:19 59:8,12,19	act 79:20 151:13,17	afternoon 6:10,18	11:20 15:22 16:1
59:19,20 63:14,16	151:20 152:19	6:20,22 7:3 50:9	19:6 20:9,15 24:8
73:7,8,9 75:10	153:5 154:9	50:10 53:4,5 54:7	25:16,17,18 26:3
88:5 131:18,18	action 121:3,12	54:8 75:18	26:19 27:9,18
132:10 133:13,18	actions 5:4,9 121:9	Agency 13:1 16:4	28:1 29:1 32:20
134:1	activity 124:10	31:20 32:3 40:7	32:21 34:2,3,5
ABC 15:4 32:5	131:1	45:11	63:10 89:11
37:14 44:20 45:14	actual 14:15 51:2	Agency's 40:3,7	114:17 115:10
45:19 110:8	115:20 117:16	agenda 153:11	125:21 127:5
113:12 151:13	add 23:13	agent 9:2 10:3,9,11	129:21 131:22
152:15,17 153:6,8	added 100:7	14:20 117:18	133:16 134:14,16
154:7,10	addition 27:3	agree 8:11 149:15	135:3,6 136:14
abide 142:5	additional 24:5	149:18 152:8,10	137:1 141:9
ABL 5:7 129:2	30:1 126:22	152:12 153:21	144:19 148:3
able 19:13 20:1,2,3	131:12	154:1,3,5	149:2 150:2,14
20:5,8,12,14,17	address 15:22 28:3	agreeance 63:17	ANC's 34:9 38:16
32:12 33:7 76:4	33:17 38:16,18	agreed 8:9 86:6,6	58:11 132:13
87:19 91:4 96:5	46:1,19 134:5	149:4,13	135:20 145:5
112:11,16 125:15	addressed 39:20	agreement 5:14	Anderson 1:19
126:2 132:16	40:8	8:10 19:5 28:3	2:10 6:3,12,15,18
140:18,20 141:22	adequate 128:8	63:11 88:5 132:17	6:22 7:7,19 8:5,20
144:11	adhere 106:10	134:4,7 147:12	9:5,12,18 11:15
ABRA 2:20 5:4 17:1	adhered 106:7	agreements 19:8	11:18 12:3,22
31:5 32:21 34:22	adjacent 121:9	19:10 35:14	13:6,12,15,18
38:3,17 58:8 65:5	122:7,22 137:12	132:13 135:2	14:1,4,9,13,17
116:12 117:5	adjourned 154:14	ahead 50:8 55:17	15:2,11,16 16:3,8
118:6 119:8,8	154:17	62:20 75:16 96:20	16:12,22 17:4,10
121:8 122:10	Adjustment 136:6	115:6	18:6 19:9,14,20
123:9,21 125:1	administration	alcohol 15:1 121:5	20:19 21:5,10,16
133:20 135:3,9	15:6 31:18 101:18	122:18	21:21 22:6,10
139:7 142:21	administrative 5:4	alcoholic 1:2,15,16	23:2,16,21 24:7
ABRA's 145:5	5:9 17:20 121:3,8	15:5 31:17 118:11	24:19,22 25:4
154:11	121:11	124:3 151:10	29:9,20 30:2,6,9
absence 127:15	Administrator	153:3	31:9,15,19 32:1,7
accept 127:5	126:21	alerted 125:21	32:11 38:19,21
acceptable 80:7,19	adverse 27:21 33:1	alley 34:16 49:16	39:11,14,16,19

40:6,20 41:18
 44:2,9,16,22
 45:14,17,22 46:4
 46:13,18,21 47:13
 47:18 48:3,7,13
 48:16,19 49:3,11
 49:17,20 50:2,6
 52:7,17,21 53:9
 53:12,16 54:1,4
 54:13,18,21 55:2
 55:6,11,14,17
 56:21 57:16,19
 58:14,20 60:16
 61:1,4,6,13,18
 62:4,10,13,20
 63:19 64:1,5,11
 64:15 65:22 66:3
 66:13,16 67:1,5
 67:12 68:17,22
 69:4,7,11,17,22
 70:3,8,22 71:10
 72:9,13,18 73:11
 74:6,14 75:15
 79:8,12,17 81:22
 82:7,13,20 87:22
 92:17 96:19 101:7
 101:11,14 102:22
 103:9 104:5,11,16
 107:2,8,10,15,20
 108:4,8,10,13,16
 108:18,20 109:3
 109:13,22 110:4,8
 110:11 111:2,11
 112:1,7,18 113:2
 113:4 114:4,12,18
 114:21 115:6
 138:4,7 139:14
 144:17 145:16
 146:11,20 147:9
 147:17,20 148:6
 148:10,13,17,19
 149:1,7,10,20
 150:1,6,10 151:6
 152:2,9,11,13,13
 153:16,22 154:2,4
 154:4
angle 34:15
answer 45:13 57:11

95:13,19 97:4,4
 100:10,11,11
 141:15
answered 118:11
answering 141:15
anymore 44:13
anyone's 143:8
apologize 17:12
 26:2 40:19 46:10
 46:12 53:7 55:18
 98:12
apparently 139:6
appear 51:11 129:3
appears 16:3 18:6
 117:14 152:14
 154:6
Appellant 129:13
applicable 47:8
 130:7
applicant 2:17,18
 3:2,4 5:1,9 8:2,4
 10:8,15,20 12:21
 18:13 19:3 26:7
 26:10,21 27:6
 28:3 39:22 40:9
 48:1 62:18 82:18
 93:13,13 116:3,4
 116:6 117:6,11,14
 117:15,22 118:11
 118:13,14,15,18
 119:6,12,19 120:8
 120:15,20 121:4,6
 121:12 122:1,3,19
 122:20 123:1,1,7
 123:13 125:3,15
 126:1 128:10,12
 129:3,11 131:17
 132:1 133:21
 134:13 135:4
 136:8,8 137:15
 139:21 140:13,14
 143:17 144:20
 145:3,8,8
Applicant's 11:13
 18:21 27:4 28:8
 28:10,11 41:16
 58:10 119:9
 124:13 127:6

applicants 121:22
 140:22
application 1:9
 3:13,15 4:15 5:1
 7:8,9,18,21 18:1
 19:18,19 22:1,9
 22:19,21 23:1
 26:4,9,20,22
 27:10,19 28:14,19
 28:21,22 29:7
 30:5 32:16,18,19
 32:22 43:7 58:6,8
 58:11 94:7 115:19
 116:2,9,13 117:5
 118:2,5 119:3,11
 121:18,19,21
 123:3 129:22
 130:14 135:21
 137:8,15 138:3
 145:7,14,17
applied 25:3 43:8
 94:16 123:15
 136:8
apply 47:1 65:11
 74:2
applying 47:7
 71:15
approach 6:8
approached 131:3
appropriate 29:3
 122:14 128:14
 129:13 130:4
approval 19:17
 33:9 37:18 48:2,4
 63:4
approve 30:18 62:6
 110:5 113:5 114:5
 114:6 147:2,21
approved 111:7,8,9
approximate 60:8
approximately 24:4
 31:21 120:5
April 15:3 16:15
arcade 88:15,16
architect 95:5,19
 95:20 115:11
architectural 95:9
 95:11 96:2

area 3:17,19 4:20
 35:10 37:12 38:11
 42:4,4,8,9,10,12
 43:5,14,18 44:12
 44:19,20 45:1
 46:16 59:3 65:4
 65:18,20 89:21
 90:12 95:7 124:15
 131:8 136:18
 140:22
argue 29:1
arguments 11:4
Aroma 1:6 3:17,18
 3:19,20,21,22
 4:10,11,13,14,15
 4:16,17,18,19 6:6
 20:8 32:8,17,18
 33:5,21 34:20
 35:1 36:22 37:2,7
 37:22 38:3,9
 43:14 44:7 56:11
 118:6 151:16,18
Aroma's 3:13,15
 32:22 43:1
asked 47:19 60:18
 60:20 61:9 67:22
 71:3 82:5 103:10
 104:18 109:7,8,9
 109:14,15 112:5
 118:9 138:8
 150:12
asking 7:16,17 8:21
 13:1 19:15 20:19
 20:20,22 21:5,6
 21:17,22 22:11,15
 24:11 25:1,5,6,8
 25:11 44:17 52:11
 53:10 55:12,14
 56:21 66:17 67:1
 67:14,16 68:2,4
 72:10,20,21 73:4
 73:14,17 74:7,8
 74:16,16,17,17
 75:1,8,11 83:3
 87:18 106:10
 109:4 140:5
asks 121:2,5
aspect 84:15 86:14

92:9
aspects 26:8 28:14
assault 131:7
assembly 106:6
assigned 32:9,14
 58:9
Assistant 15:5
assuming 42:8
assumption 74:2
 77:5
assurances 134:19
ate 74:1
attached 38:22
 76:18,21
attempt 28:2
 144:20
attended 129:1
attention 17:18,21
attested 121:18
audited 143:14
Avenue 124:18
awaiting 33:9 48:2
awards 103:2
aware 13:10 54:9
 56:7,9,14,16
 105:3

B

B 35:4 120:17
B1609458 125:16
B1807658 125:16
baby 91:2
back 6:3 10:19 22:2
 23:14 44:3 68:1
 77:3 87:10 91:10
 100:2 102:3
 113:20 142:1,1,16
 142:17,18
background 63:7
 68:15 69:12 83:5
 83:13 84:11 101:8
 115:9,16
backgrounds
 141:12
bad 143:20
badly 145:4
band 83:20
bar 1:6 3:17 5:3

26:4 32:16 36:16
 42:4,6 88:15,16
 117:1 133:6
barber 130:17
bars 103:5 133:9
Base 52:19
based 17:7 52:22
 54:5 60:18,19
 61:9 82:4 84:15
 104:17 112:4
 146:2 147:4
basically 18:14
 22:11 25:5,12
 88:8 91:1 112:20
 146:12 147:2
basis 26:6 27:19
 28:19,22 29:2
 63:5 65:4,12 74:5
 75:12 123:3
 124:20 126:19
 129:22 135:7
 145:13
bathroom 42:14
bathrooms 3:21
bear 128:12
beautiful 102:8
beer 35:3
beginning 148:20
behalf 19:3 25:20
 114:17 140:14
 144:18
belief 83:15 125:2
beliefs 141:12
believe 18:2 20:16
 42:17 49:15 50:21
 80:20 92:4 131:12
 132:19 141:5,9
 142:9 143:19
believes 28:14
 120:13 124:21
 143:5
best 103:4
bet 139:13
Beverage 1:2,15,16
 15:1,6 31:18
 151:10 153:3
beverages 118:11
 124:3

bide 137:2
big 76:6 88:3 102:8
 132:10,12,14
bigger 90:21,22
bit 18:7 87:17 92:11
 103:16,18 104:10
 130:5,8
black 102:19
blank 116:6,10
 118:6
block 38:10,12,12
 48:11 119:22
 130:14 131:5,13
blocked 126:12
board 1:2,15 3:11
 7:12 8:13 9:1,2,8
 9:13 10:2,3,5,9,10
 10:12,18 11:2,4
 12:15,16,16 13:10
 15:4 17:11,21
 18:16 19:2 23:14
 25:19 26:1 28:18
 28:21 30:19,21
 31:6 43:21 50:7
 52:8 53:18 58:15
 60:19,20 61:8,10
 63:10 66:18,19,21
 67:2,6,13,15,16
 67:17,22 68:8
 75:16 76:8 82:1,5
 88:3 96:20 97:9
 99:18 100:16
 104:12 105:12
 106:13 110:8,13
 112:2 113:5,12
 117:8 118:1
 122:17 123:2,5,11
 125:6 127:5 128:1
 128:13 129:12
 130:4,10,22
 132:10,14 136:5
 136:19 137:8
 139:16 140:5,7,7
 140:8,12,16
 141:16 142:21
 145:13 146:2,9
 147:3 149:5,5,15
 150:7 151:11,13

152:15,17 153:3,6
 153:8 154:7,10,10
Board's 30:22
 120:21 132:12
 153:11
BOBBY 2:11
bona 137:2
book 105:7
books 143:14
borders 128:19
born 101:10
bother 148:9
bottom 105:9
box 91:7 116:2,6
 117:5
Boy 5:4 45:21,22
 46:14,19 49:21
 50:3 56:20 71:19
 83:6 97:18 98:15
 102:2 103:11,13
 121:9 122:7,9
 130:16 143:11,17
Boy's 85:15 86:20
 90:12 103:15
brand 144:4
brand-new 63:5
break 90:14,15 95:4
briefly 58:19
briefs 146:1
bring 17:18,20 18:9
 20:13 67:18 70:21
 76:4 85:21 88:13
 89:13 133:2
 135:14
bringing 147:5
brother 124:13
 138:14,15
brothers 1:6 5:3
 26:4 32:16 117:1
 144:5
brunch 84:16,17,17
 84:22 85:3
buddy 144:2
build 144:3
building 1:17 37:9
 50:16 51:11 56:20
 57:9 76:19 78:8
 89:5 95:21 96:13

99:19 102:8 105:9
 111:7 125:16
 126:4,5 133:2
 145:10
bulk 132:5
bulletin 154:10
bumps 102:13
bunch 51:9
burden 128:12
 147:17,20
burdens 137:6
burger 1:6 5:3 26:4
 32:16 88:9,10
 117:1
bus 4:16,17 38:8
 43:10,11
business 19:13
 20:7 21:7 28:13
 51:21 63:5 65:8
 65:12 66:12 68:6
 68:13,21 69:15
 81:1 83:7 86:21
 87:11 89:9 90:2
 90:17,17 91:4,12
 93:17 101:18,19
 101:19 102:20
 103:20 105:19,21
 112:12 133:19
 134:14 141:2,20
 141:20 142:3
 143:13 145:2
businesses 5:10
 104:2 118:20
 133:10 135:18
 137:12

C

c 93:11 120:17
cafe 35:19 36:3
 56:3 60:4 89:2,7
cafes 59:2
Cajun- 103:1
Cajun-Creole
 102:20
calculation 105:3
calendar 154:11
call 5:2 9:1 10:4
 11:21 12:17 17:11

30:21,22 82:11
 112:13 116:14,18
 152:4 153:18
called 31:5 56:18
 62:17 82:17 115:3
 128:17 139:3
calling 11:11,18
calls 4:20 33:16,17
 33:18,20 43:17
cans 126:13
cap 89:12
capable 137:3
capacity 25:7 37:21
 37:21 108:22
 109:8 114:1
Captain 131:6
card 112:12,13
Care 37:5
Caribbean 69:20
 83:14 104:8
caring 119:13
carry 92:1
carryout 102:5
case 1:8 6:5,6
 10:15,16,21,22
 12:6,9 29:15 47:8
 61:20 64:6 85:12
 114:14,15,17
 121:7 130:13
 138:22 146:21
 151:15,18
case- 30:14
case-in-chief 17:19
 30:11,12,13
cases 131:8
catering 66:11 68:6
 68:10,18,19 69:1
Cato 2:11 152:11
 152:12 154:2,3
cause 118:2 131:12
ceiling 110:9,17
 128:8
center 37:4 44:15
 119:18 120:4
certain 8:9 65:10
 117:8 123:6
 134:19
certainly 136:15

certificate 93:14
 94:10,15 96:5,12
 97:4 100:13 107:4
 107:11,21 108:5,6
 108:14,21 110:1,6
 110:12,14,16
 111:3 112:21
 113:7,10,14,16,21
 113:22 114:6
 121:15 123:18
 125:17 126:18
 127:6 133:1
CFO 20:17 23:11
 90:13 93:19 95:1
 96:16 97:13 99:11
 99:11 105:1,5
CFOs 109:18
Chair 14:22 15:18
 15:19 81:20 101:5
Chairman 6:3,12,15
 6:18,22 7:7,19 8:5
 8:20 9:5,12,18
 11:15,18 12:3,22
 13:6,12,15,18
 14:1,4,9,13,17
 15:2,11,16 16:3,8
 16:12,22 17:4,10
 18:6 19:9,14,20
 20:19 21:5,10,16
 21:21 22:6,10
 23:2,16,21 24:7
 24:19,22 25:4
 29:9,20 30:2,6,9
 31:9,15,19 32:1,7
 32:11 38:19,21
 39:11,14,16,19
 40:6,20 41:18
 44:2,9,16,22
 45:14,17,22 46:4
 46:13,18,21 47:13
 47:18 48:3,7,13
 48:16,19 49:3,11
 49:17,20 50:2,6
 52:7,17,21 53:9
 53:12,16 54:1,4
 54:13,18,21 55:2
 55:6,11,14,17
 56:21 57:16,19

58:14,20 60:16
 61:1,4,6,13,18
 62:4,10,13,20
 63:19 64:1,5,11
 64:15 65:22 66:3
 66:13,16 67:1,5
 67:12 68:17,22
 69:4,7,11,17,22
 70:3,8,22 71:10
 72:9,13,18 73:11
 74:6,14 75:15,20
 79:8,12,17 81:22
 82:7,13,20 87:22
 92:17 96:19 101:7
 101:11,14 102:22
 103:9 104:5,11,16
 107:2,8,10,15,20
 108:4,8,10,13,16
 108:18,20 109:3
 109:13,22 110:4,8
 110:11 111:2,11
 112:1,7,18 113:2
 113:4 114:4,12,18
 114:21 115:6
 138:4,7 139:14
 144:17 145:16
 146:11,20 147:9
 147:17,20 148:6
 148:10,13,17,19
 149:1,7,10,20
 150:1,6,10 151:6
 152:2,9,11,13
 153:16,22 154:2,4
Chairperson 1:18
 2:10 151:10 153:2
chance 67:20 91:3
 139:10
change 109:19
 114:1
changed 96:16
 133:3 142:6
Chapter 27:12
character 27:7
 81:17 132:4
characteristics
 115:21 137:17
charge 25:11 35:18
 36:8 38:3 50:3

72:22 73:15,17
74:4,5 75:7 76:14
check 13:4 14:5
checking 13:17
14:10
checks 33:12
children 119:13
143:1
Chipotle 86:12
chooses 133:20
Chupacabra 35:20
71:20
circle 44:5,5
circumvent 125:5
cited 151:19
cities 106:5
city 75:22 106:4
claimed 81:2
clarification 45:10
104:17,19 127:16
Class 32:15 35:2,4
35:5,6,8
classified 124:22
clean 85:13
clear 94:4,6 120:19
147:8
clearance 80:17
cleared 51:17
clearly 7:10 31:11
64:12
clock 22:5
close 45:20 49:5
51:16 65:5 88:5
91:5 132:7 133:17
closed 33:6,21 37:5
37:18 42:2 44:13
151:14 152:16
153:6,8 154:8
closer 63:2
closes 133:20
closet 4:10 42:16
closing 3:4 11:3,3
29:14 30:17 59:4
63:13,15 139:22
140:1,3,10,14
144:18 145:22
club 84:5,6
clubs 76:5

code 27:4,12 29:3
89:15 95:22 99:19
105:2,7 111:8,8
112:15,16 126:5,7
126:16 127:10
151:12,16,19
153:5
codes 26:13 127:21
133:2 143:4
CofO 125:20
collectively 35:11
college 91:15
101:16,17
Columbia 1:1 32:6
151:11 153:4
combination 104:7
combine 104:9
come 8:10 14:8
19:5 57:9 63:11
73:21 77:3 83:17
86:5 100:2 111:19
113:20 115:16
140:20
comedian 73:21
comes 51:1
coming 67:13
85:14 139:2,3
commercial 37:12
128:18 137:13
Commission 3:12
41:14 132:19
Commissioner 7:5
34:2,4,8 58:3
115:10
Committee 15:1,20
Communications
33:15
community 34:12
57:10 85:18 98:18
101:16,17 120:19
135:9 144:12
companies 118:21
company 68:18,19
69:10 118:16
compared 20:4
compete 20:1,5,14
65:3 71:13 86:11
86:12 87:19 88:22

90:18 92:12
competition 101:19
101:20
competitive 72:1,3
72:6,8,19 73:5
83:8,21 84:18
88:19 100:20
competitors 20:1
complaints 33:20
132:15,20
completely 94:11
138:21
compliance 33:12
93:1,4 94:14,16
95:2
comply 93:10 94:12
comprised 37:12
compromise 8:1
134:16 135:4
141:10 144:20
concentration
130:9 131:14
concept 104:6
concepts 104:2
concern 38:17 47:6
135:20 145:5,6
concerned 47:2
106:14
concerns 3:13,14
28:3 34:9 41:15
41:21
conclusion 137:1
Conclusions
145:21
conditions 7:20
8:14 11:8 149:3,4
150:14
conduct 32:4 33:12
93:1 98:7
conducting 126:22
conference 152:17
confidential 64:2
confirm 59:2 127:1
confirmed 116:20
127:9
confirms 117:1
conflict 137:11
conform 26:13

confused 44:4
confusing 40:1
consent 117:22
consider 122:17
125:6 130:10
134:17
considerable 28:1
considered 35:2
56:3 77:2 120:12
consistent 135:1
consistently 16:5
constituent 129:16
129:17 130:21
constitute 118:1
constructed 94:12
construction 26:13
33:6 51:20 90:6
121:13 125:14
126:7,16 127:10
127:14,20
consumption 124:3
contacted 33:15
92:22
contained 134:6
contains 133:14
CONTENTS 3:1
context 118:14
119:1 122:3
continue 144:7
contribute 134:21
contributions
142:1
control 1:2,15,16
86:15 99:6 122:11
151:10 153:3
controlled 122:19
122:22
converted 130:18
convey 124:7
convicted 123:7
conviction 117:12
convince 132:1
cook 87:13,13
91:16
cooking 87:15
144:4
cooks 91:15
cool 141:14

copies 12:15 40:21
70:7
copy 5:1 9:2,6,7,9
9:13,14,19,22
10:1,2 12:19,21
13:7,13 14:18,19
26:2 39:12,13
40:11,13,15,18,22
41:1,3 70:4,6 72:4
146:7 147:1
corners 96:3 97:15
144:14
corporate 5:3 86:12
116:22 122:4
123:16
corporates 90:18
corporation 118:18
correct 25:3 47:12
49:1,2 56:1 62:12
70:15,16 78:6
98:5,11,19,20,21
99:3 101:1 106:2
106:8,20 108:7
110:10 114:10
corrected 46:22
correctly 86:22
128:5
correspondence
16:2 129:9,15
corridor 88:4
counsel 15:5
151:15 153:10
County 138:18
couple 12:18 86:7
102:14
course 103:19
court 11:14 39:12
cousin 102:3
cover 25:11 35:18
36:8 38:3 50:3
72:22 73:15,17
74:4,4 75:7 76:14
CR 1:7 5:13 26:5
32:15 35:5 123:15
133:15
create 87:8 130:11
135:10 137:5
created 102:17

creating 91:13
credit 141:19
Creole 103:2
crime 131:4
criminal 27:3
criteria 26:11
117:10 122:1
124:22
critical 26:8
CROSS 3:6
CROSS-EXAMIN...
53:2 57:22 66:5
92:20 96:21 101:6
138:10
cross-examine
10:17
crowded 81:7
CT 5:13 35:6
133:15
cuisine 69:21
culture 83:15
102:17
current 23:10 107:4
107:8 108:6
109:22 114:6
126:5 133:2
currently 31:16
37:5 77:8 111:3
119:7 137:3
curve 85:9
cut 96:2 97:15
144:14

D

D.C 1:18 20:6 27:4
27:12 33:13 95:11
101:10 102:20,21
103:2,4 122:4
126:7 142:6
151:12,16,19
153:4,12 154:12
daily 131:17 143:2
dancing 36:7
danger 57:10
dangerous 131:8
dare 105:15
Daryl 2:18 3:7 6:21
15:7 16:13 32:18

62:16 87:10 116:5
141:3,17 143:16
144:5
data 131:4
date 15:9 93:2
127:2
dated 129:15
day 83:18 84:21
85:4,8 153:1
154:15
daycare 5:11 37:4
44:15 119:18
daycares 130:6
days 11:5 70:12
152:21
DC 71:16
DCRA 5:3,5,9 33:10
37:18 48:2 90:10
92:22 93:5,19
94:3 96:6 99:14
116:22 118:7
121:11 125:15,20
126:21 127:3,9,16
137:18
DCRA's 127:11
deal 65:1 95:22
148:4,21
decide 136:20
decides 20:8,9
decision 7:13 11:5
146:2 150:7,15
151:2,4,7,7
152:21
decisionmaking
145:2
deck 28:11 136:1,4
136:16
decline 28:21
defects 28:20,22
29:6 30:4 115:18
115:20 137:14
defined 118:13
125:1 139:6
definition 119:6
deleterious 120:22
deliberate 152:20
deliberating 151:18
demonstrate

120:20 127:13
129:12 137:15
demonstrated
133:18
demonstrates
135:19
denial 7:17 18:2
27:9,18 29:1
118:2 128:2
136:20
denied 26:20
129:22 138:3
deny 7:21 11:7
28:19,21 123:2
128:1 145:13
department 97:16
111:13,17,18
115:13,14 131:4
133:12 141:18
Department's
133:8
Departments 99:13
described 120:4
127:18
despite 126:3 129:3
133:6
detail 30:3 41:22
detailed 63:15
120:16
determine 37:16,19
150:22
determined 130:7
determines 127:18
detrimental 27:20
90:16
die 99:20
difference 103:12
different 19:7 24:21
56:5 68:11 78:1
89:6 104:2 109:18
difficult 86:1
diminution 137:21
dining 103:15,18
DIRECT 3:6 31:8
62:21 82:22 115:7
direction 104:3
directly 128:20
136:1

Director 3:12 41:14
directors 118:17
 119:4
Dirty 36:4
disc 124:16
discounted 84:4
discrepancies
 120:12
discretion 118:1
discuss 18:3
discussed 122:2
 148:15
discussion 64:8
discussions 63:20
disorder 129:7
dispatched 58:6
displeasure 40:8
disqualifies 117:11
disregard 136:19
disrupt 29:4
distance 89:8
 119:19
distances 119:12
District 1:1 4:12 5:6
 32:6 42:21 115:15
 125:8,9,13,19
 127:21 128:20
 131:7 133:9,11
 138:13 151:11
 153:3
District's 122:18
disturb 26:16
disturbance 33:19
 135:11,19
diverse 142:7
diversified 103:6,6
document 5:6,11
 14:15
documentation
 129:14
documents 11:1
 43:20 70:10,13
 118:6,7 122:10
 134:8
doing 8:2 84:12,21
 85:4,16,17 92:10
 142:18
dollars 20:18

Donovan 1:19 2:10
door 47:16 83:7
 85:15 97:18
 124:17 126:11
doors 20:11 56:11
 56:19 89:2 94:2
downstairs 77:21
DR 35:7
drawings 90:10
 95:6
dream 87:11
drinking 111:9
drives 91:18
drop 97:13
drunkness 85:14
DT 35:8
dual 42:13
duck 94:1
due 27:17
Duffy's 35:15
duly 31:6 62:18
 82:18 115:4
dust 90:7
duties 32:2

E

earlier 74:21
 118:22
eat 74:13 103:5
eating 75:9 111:9
eats 83:19
economically
 133:19
economics 91:13
edge 83:21 84:18
 87:17,18 88:13,19
 100:20
effects 120:22
effort 28:2,5
egress 27:14 95:15
 96:8,13 97:6
 126:6,9,12,15
eight 35:5
either 8:17 14:12
 14:14 92:22
elaborate 66:13
 83:1
electronic 154:11

elegant 103:17,17
Elementary 37:3
 44:14
Elena 88:15,16
eligible 123:8 136:9
Elite 68:21 69:16
email 3:12,14 9:10
 9:11,21 13:14,16
 14:5,10 15:6,22
 16:1,6,15 34:1
 41:14,19 63:14
 112:17 126:20
 129:15
emails 16:4,11,13
emergency 27:13
 126:6
employed 31:16,20
employee 32:2
empty 4:10
EMT 115:11
endorsement 25:9
 35:10 36:3,7,8
 38:1,3 49:22 50:4
 72:21 73:18 75:7
 76:10 100:6
 122:13 135:22
 136:9,22
endorsements 24:5
 35:19 76:2,3
engaged 135:8
enjoy 74:12
ensure 33:12
enter 33:7
entertained 83:19
entertainment
 22:15 25:9 33:11
 34:9 38:1 49:22
 65:19 72:21 73:18
 73:22 74:8,10,15
 75:7,14 76:3,9
 83:4,12,15 84:3
 85:10 87:19 88:6
 88:7,17,21,22
 100:6 140:17,19
enticing 88:18
entity 91:1 117:19
entrance 37:10
 78:15,16

entrances 37:8
 78:17
entrees 103:16
entrepreneur 85:22
error 23:3 36:22
 87:4 132:20 133:1
errors 17:22 118:4
 120:11 121:21
escape 79:6
especially 47:4
 90:17
establish 131:11
established 34:12
 121:6,17 124:13
 132:6
establishment 26:8
 26:12,15 27:1
 28:8,16 29:2 32:8
 32:10,13 33:1
 35:8 37:7,15,20
 41:22 42:6 43:2
 44:17 45:3,9,15
 45:19 46:15 47:3
 48:8,10,21 49:13
 49:16 54:10,12
 55:20 56:8 60:1,6
 65:2 72:1 83:9
 85:2 86:4,20 87:7
 89:11,14 93:15
 94:8 96:1,7 108:3
 111:10 115:21
 116:17 117:3,7,16
 119:13 120:1,18
 120:22 122:7,22
 123:5,14,16 124:6
 124:8,18 125:7,11
 125:12 126:10
 127:19 128:14
 129:6,10,19 133:5
 134:5 136:11
 137:5 138:1,12,17
 138:17,19,21
 139:3 141:6
 143:18 145:11
establishment's
 27:2,20
establishments
 4:16 32:5 34:22

35:2,3,5,6,7,9,13
 37:14,14 43:10
 45:5 65:4 71:12
 71:14,21 72:3,5
 72:14 73:12 84:2
 84:20 86:11,12
 88:3 89:1 90:19
 103:7,21 104:1
 122:19 130:9,12
 131:13,14 132:14
 133:17,18 135:3
 135:17
estimation 51:16
evaluating 122:20
event 33:10 73:20
 73:20 74:3 84:16
 84:22 85:2
events 28:12 68:12
 75:13 84:14 134:3
 135:6,8
everything's 98:22
evidence 11:13
 30:15 62:5 127:17
 147:4,6
exacerbate 131:15
exact 65:6
exactly 70:18,20
 71:6,9
examination 31:5,8
 58:22 62:17,21
 82:17,22 104:20
 115:3,7
examined 31:7
 62:19 82:19 115:5
example 8:7 45:4
 63:12 84:3 139:5
 149:1,13
exception 35:14
 133:8
excess 126:8
 136:17
exchange 70:11
 134:18
excuse 46:9 54:7
 56:17 85:16 88:15
 95:7 100:15 111:1
excused 61:17 82:9
executed 141:13

exemption 133:11
exhibit 3:10 40:2,2
 41:7,8,10,13,19
 42:1,3,5,7,10,11
 42:13,15,17,21,22
 43:3,6,9,11,13,15
 43:17 44:3 50:16
 54:9,19,19,21
 55:7,19 56:2,11
 56:17 57:1 80:3
 116:4,19 117:3
 118:8,12 120:6,10
 121:7,15 122:8,10
 123:18,19 125:22
 126:3,13 127:12
 128:22 129:4,10
 129:18 130:15
 133:14 134:7
exhibits 38:21 39:1
 39:5,8 40:14,16
 43:22 50:12 52:20
 71:4 80:2 126:15
 134:10
exist 47:21
existing 126:4
 127:13
exit 78:19 95:17
exiting 126:17
exits 78:2,5,9
 126:11
expect 97:9,11
expediter 96:11
expended 28:1
 144:22
experience 67:7,8
 141:6
experienced 137:2
experiences 83:5
 102:17
explanation 120:16
explanatory 57:15
explicitly 126:2
expressed 129:5
exterior 21:8
extra 84:7 85:1,9
 91:8
eye 11:12

F

facade 55:3
face 136:1
faces 34:16
facilities 5:11
 115:14 119:13
facility 119:20
facing 42:4
fact 116:15 126:3
 132:4 145:21
facts 58:9,10
failed 120:15
 128:11 129:3
failing 122:13
failure 122:11,14
 133:2
failures 125:15
fair 19:12 20:4,16
 65:3,9 72:2 89:15
 91:3 115:12
 140:21 141:8,9
 143:20
false 117:21
familiar 32:7
family 138:22
Fancy 71:17
far 48:10 49:12,12
 49:18 65:9 71:4
 75:14
fast-food 37:13
father 143:9
feasible 87:20
 133:19
February 129:15
Fee 123:16
feed 85:19 91:19
feel 65:14 83:3
 85:11 89:14 145:4
 147:11
feeling 113:8,9
feels 129:18
feet 35:1 36:21 37:2
 37:4 44:6,18 45:3
 47:1,4 60:12,13
 119:21 120:1,6,9
 128:21,22 131:9
Felicity 5:5 118:7
 123:17

felon 123:7
felony 117:12
female 42:14
Festival 86:18,19
field 58:7 84:11
Fifty-nine 111:1,1
 113:1,3
fighter 144:8
fighths 85:14
figure 12:18 70:20
file 122:13
final 147:22
find 32:12 45:10
findings 13:10
 145:20
fine 8:16 84:3 90:1
 98:22 103:14,15
 103:18 141:14
 147:10,12,19
fined 81:5
fines 89:22 102:15
finish 128:9
fire 77:20 78:12,17
 79:1,4 89:21,21
 99:19 105:8
 106:17 111:13,17
 111:18 112:11
 115:14 141:18
 144:8
firefighter 63:8
 69:14 78:20 79:6
 79:10 115:12
fires 106:6
firm 95:9,11 96:2
first 12:17 17:11
 23:12,19,22 24:2
 29:6 30:22 31:6
 40:1 53:6,8,8 58:3
 62:18 70:17 78:13
 78:16,17 79:2,5
 82:18 90:5 93:19
 95:1,2 97:5 98:16
 106:15 109:18,21
 111:5 115:4,8,18
 138:13 140:13
 141:7
fit 27:7
fitness 68:21,21

69:10,16
five 35:13 85:7
 86:10 107:13
fix 87:4 94:3 95:8
 97:12 100:1
fledged 102:11
Fletcher 76:22
floor 23:10,12
 76:21 77:7,8
 78:13,16,18,19
 79:2,3,5,7 80:4,12
 80:17 81:2,3,6
 89:20 90:2,5
 93:20 95:2,6,15
 97:5 100:21,22
 106:15 107:22
 108:11,12,12
 109:21 110:17
 111:5 128:7
 136:18 143:6
floors 107:19,20
 108:1,11 125:18
 136:17
focus 42:6,7 55:19
 57:1
folks 150:19
follow 14:19 17:14
 143:3 144:13
following 26:6
 107:3 119:7
follows 31:7 62:19
 82:19 115:5
food 65:19 69:18
 69:18 70:5 72:8
 72:16 73:2,9,13
 73:16 80:13 83:11
 84:2,4,8,13,15,20
 85:6 87:16 88:19
 92:12 103:2,17,18
 104:8 124:6,9
 140:18
Foods 35:14 36:13
 86:13
form 5:1 88:7,17
 96:16 116:3,7
 140:18
formal 131:5
former 115:11,11

formulate 147:3
forth 10:19 27:12
 68:1 91:20 103:6
 112:14 143:7,12
 143:15
forward 8:8 29:17
found 102:7
four 12:10 31:21
 63:9 124:19
 132:20
Fred 3:13 41:15
free 138:8
Fresca 71:19
 130:19
Friday 21:1,4,6,10
 22:13,16 24:13
 25:14 36:1,6,18
 38:7
friend 141:5
front 3:15 37:9 42:1
 124:17
fulfilling 129:14
fulfillment 127:7
full 16:1 39:10,13
 84:5 89:7 90:5
 94:14 95:5
full- 92:6 102:10
 144:7
full-blown 84:5
full-service 92:6
 123:14,22
fundamentally
 138:1
funded 102:2
further 27:18 60:15
 101:3,4 123:8
 131:15
future 137:4

G

gain 85:17 142:2
games 90:1
garages 38:11
garden 20:3,10
 22:20 23:7,9,9,20
 24:3,6,13,16,18
 25:8,10,12 28:10
 33:9 34:7,15

35:12,15,22 36:2
 36:10,11,14,17
 37:11,17,22 38:2
 42:18,19 47:11,14
 47:19,21 48:5,8
 49:1 50:22 56:3
 60:4 63:13,16
 74:7,9,10 75:8,10
 76:18,20 77:1,6
 89:5 94:8,10,11
 94:20 109:7,11
 122:12 135:22
 136:1,6,9,22
gardens 35:10 59:3
gate 95:18 126:12
general 15:5 59:3
 115:13
generally 27:7
generate 125:8
generated 132:15
gentleman 100:3
gentrification
 86:13 142:7
George's 101:17
Georgia 124:18
getting 56:1 98:18
gifting 135:16
gimmicks 92:3
GIS 4:13,14 34:21
 42:22 43:3 44:11
 45:1
give 17:8,13 18:18
 47:19 53:18 64:17
 66:19 67:2,6 85:9
 101:7 105:5
 112:16 142:17,18
 148:3,4 150:11,13
 150:13 152:15
 154:7
given 8:15 13:8
 117:6
giving 29:15 88:19
 100:10
gladly 79:5
Glasgow 2:20 3:7
 3:14 31:1,4,14
 61:14
go 8:6 9:11 10:19

11:9 12:12 17:5
 22:2 29:13,16
 44:3 47:17 48:9
 50:8 55:17 60:21
 62:20 64:16 75:14
 75:16 80:17 87:10
 88:13 90:6,9,10
 91:8 93:18 94:3
 96:10,20 97:7
 99:18 105:7
 112:19 115:6
 138:20 142:15
 148:14 149:8
 150:14
goes 12:5 50:21
 56:19 95:17
 118:18 140:13
going 8:22 11:16
 11:21 13:4 17:1,4
 17:7 29:6,11,12
 42:18 52:12 53:13
 53:14 61:20,21
 62:10 67:22 73:8
 75:5,9 77:14 79:2
 80:15 81:3,12
 84:5,6 85:8 87:1
 89:6 90:5 92:1,3,8
 99:20 100:19,22
 103:9,12 104:4
 105:22 106:16
 112:19 113:12
 115:18 121:22
 125:10 130:6
 138:4 141:4
 142:16,18 143:6
 147:5 150:8 151:4
good 6:10,18,20,22
 7:3 17:9 27:7 50:9
 50:10 53:4,5 54:7
 54:8 75:18 83:19
 84:13 87:15
gotten 9:19
governing 125:14
grant 11:6,7 45:7
 101:21 133:21
 140:17 149:2
 150:2,8,10,12,15
granted 8:15 48:4

76:8 126:19
granting 11:8 122:2
great 7:22 17:3
 65:1 84:8 102:17
 120:11 131:22
 144:19 153:1
greedy 144:2
Grenier 71:18
ground 95:15
grounds 18:2 28:18
 32:22 129:6
grow 144:7
guess 16:17 21:12
 22:2 44:2 48:20
 50:16 70:17,17
 71:20 73:14 75:4
 141:1 143:5
 146:11
guests 88:18
guide 141:5
gutted 90:8
guys 112:17 140:20

H

H 1:7 5:13 26:5
 32:17 37:6 38:10
 45:20 46:20 48:12
 55:9 56:8 75:9
 80:21 86:17,17,18
 86:19 89:3 92:12
 98:20 102:7 103:3
 103:7,20 106:17
 119:22 122:8
 131:5 132:3,5,7
 132:10,11 133:15
 135:18 138:19
 142:12
half 12:5 90:13
 132:6
halfway 24:2
hallway 3:20 42:11
hand 31:2 62:14
 82:14 114:22
handed 39:7 40:15
 40:17,21
handle 93:19
happen 53:14
happened 138:20

139:1
happens 105:11
happy 18:4 151:3
HapstakDemetriou
 95:10 96:1
hard 9:9 70:7
hard-earned
 142:13
harm 131:20
harmed 133:22
Harvest 71:17
head 107:19
health 93:20 128:2
 133:7,12
hear 19:10 29:8
 63:20 64:3,8
heard 71:12 72:10
 99:9 124:17
hearing 1:7,16 4:15
 6:5 7:8 8:8,18
 15:7 43:7 54:2
 58:4 74:21 116:15
 154:10

heavily 28:12
heavily-populated
 37:12
height 128:8
held 118:20 124:5
Hello 54:7
help 81:8 144:8
helpful 25:22
helps 23:18
Hey 142:17 144:2
Hi 75:19
hiccups 87:1
hide 94:1
high 20:6
high- 103:14
Hikari 36:16 71:20
hire 87:7 95:9 96:11
history 122:9
hold 8:17 23:16,17
 30:7 151:13
 152:16 153:6,8
 154:8
holds 118:10 119:7
 127:13,15
homeless 91:19

honest 139:12
 145:3
Honestly 68:14
hookah 133:6,9
hope 12:11 29:17
 105:19
hotel 124:4
hour 12:5
hours 12:12 20:2,2
 20:20,21 22:2
 24:10,11,16 25:12
 34:9 38:5 41:16
 56:15,18 65:10
 87:20 131:19
 132:2 133:22
 134:20 149:11
human 102:14
hundred 25:7 99:10
 107:12,13,17,19
 109:19 110:5
 113:14,17,19,22
 114:2
husband 143:9

I

i.e 28:10 136:1
ID 33:12
idea 101:22 118:19
IDENT 3:10
identification 44:1
 134:12
identified 119:19
 153:10
identify 6:9
identity 27:2 84:8
ignored 86:4
illegal 121:13
 127:14 130:22
 133:9
illegally 94:2
immediate 18:2
 137:6
impact 26:17 29:5
 33:1 120:18 125:9
 130:13 131:1,21
impacted 34:12
impacts 27:20,21
 115:22 128:9

129:8 130:1
 131:15 134:22
 135:13 137:20,22
important 144:15
in-chief 30:15
incentive 84:7
incentives 85:1
include 119:2
 136:21
included 119:6
 124:14
includes 121:7
 122:3 135:21
including 33:3
 117:10 122:4,11
 126:6 132:22
 134:19
incompatible 28:15
 138:1
incomplete 116:12
inconsistent
 131:19
incorrect 101:2
increase 130:22
incredible 144:22
incumbent 120:20
indicate 122:6
indicated 120:8
 126:21
indicates 133:16
indicating 4:14
 41:20 43:4
Indies 83:14
individual 117:19
 118:14 119:3
individuals 95:17
industry 68:16 72:8
information 5:7
 30:10,11 32:12
 46:3 66:20 67:7
 68:3 101:8 112:17
 127:12
ingress 107:14
inside 3:16 25:9
 37:21 38:1 42:3
 50:15 88:15 109:9
 124:17
inspected 111:14

inspection 50:11
50:12 93:1,4,20
111:19 127:8
inspections 32:4
127:1
inspectors 105:9
inspire 91:4
instance 104:9
instant 102:12
instruct 53:20
intend 29:16 93:10
intends 33:8 38:4
117:17
intention 28:11
76:1
intentional 120:14
interest 134:16
interested 101:12
interior 21:7,9
24:15 25:13 33:7
37:16,19 42:5
77:9 78:8 126:14
investigation 32:10
32:15 58:7 123:9
127:4
investigations 32:5
132:22
investigative 40:11
122:9 153:11
investigator 2:20
9:15 10:4,6 14:20
17:1 23:5 31:4
39:12 40:11,22
41:2 52:13,14
60:17 120:2
128:16,21
investigator's
23:19 109:16
126:15 128:4
130:15
invitations 129:4
involved 89:11
103:11
involvement 141:4
Irish 35:15
ironed 100:3
Islands 83:13,14
issue 8:12,13 11:5

21:3 44:18 45:9
75:6 79:7 94:1
97:13 110:9,13
113:13,13,17
114:1 136:21
148:5 149:7,12,14
149:14 152:21
issued 9:20 45:4
93:13 94:14 126:4
133:1 136:11
issues 8:9,11 38:18
41:20 57:6 63:13
86:7 89:4,19 95:8
98:21 99:1,2
102:14 143:12
149:16
issuing 47:2 121:12
Item 121:2

J

J.O 120:7
JAMES 2:12
jazz 83:20
Jeff 2:17 3:8 6:11
6:14 68:15 82:12
82:16 116:15
119:5
Jim 5:4 45:21 46:14
46:19 49:21 50:3
71:19 83:6 121:9
122:7,10 143:17
Jim's 46:1 56:20
97:18 98:15 102:2
103:11,13 130:16
jobs 87:9 91:13
jockey 124:16
Joel 2:19 3:8 7:4
34:2 115:2
Jones 2:18 3:7 6:20
6:21 7:1 9:9 11:12
13:14,17 14:9,12
14:14 15:8 16:13
19:4,17 21:14
23:8 32:19 33:8
34:5 39:13,15,18
40:5 43:7 52:10
61:1 62:1,3,8,12
62:16,22 63:3,22

64:4,10,14,22
66:10,15,22 67:4
67:11 68:9,20
69:2,5,9,13,20
70:2,6,16 71:3
72:7,12,17 73:10
73:19 74:12 75:12
75:19 76:11,13,16
76:20 77:10,12,15
77:18 78:1,4,6,9
78:11,15,22 79:4
79:11,14,16,19
80:1,6,9,14 81:4,9
81:12,16,19 82:8
82:12 83:3 100:4
109:17 110:3,20
111:5,15,18,21
116:5,11,20 145:4

JR 2:11

June 1:12 153:8,12
153:13

junk 13:5

justifications
136:20

K

K-E-L-T 14:4

K-E-L-T-Y 14:3

K-I-L-T 14:2

karaoke 84:4

Kelty 2:19 3:8,14
7:3,4,17,22 8:19

9:4,11 12:1,20

13:4,11,22,22

14:1,3,4,5,7,22

15:9,13,19 16:6

16:10,19 17:3,9

17:22 22:8,22

23:18,22 25:21

29:18,21 30:3,7

34:2,4,8,14 39:6

40:13 41:7,10,20

53:16 57:19,21

58:1,13 60:16,21

63:14 65:22 66:2

82:6 92:17,19,21

96:17 104:15

112:6 114:13,16

114:20 115:2
144:17,19 146:6
146:17 147:7

Kiddie 119:21

kids 85:19,21 87:11

kind 51:11 53:7

98:16 104:3 106:4
107:18

kitchen 3:18,19,21

42:8,10,12 95:18

97:7 106:16 144:4

knew 87:12 99:13

Knobby 129:17

know 13:1,3,7 14:8
14:16 20:4,5

41:11 47:20 48:3

48:6 49:3,4,7,8,9

49:10,11,21,21

50:2,5 51:19

54:11,14 57:14

58:7 67:9,9,10,12

68:7 70:8 73:7

79:9,13,17 81:10

81:15 83:8,16,17

85:8,9,11,18,21

86:15,15,17,20

87:5,6,15,20 88:3

88:21 89:20,21,22

89:22 90:9,10,15

91:20,20,22 92:15

95:3,4,12 97:3

98:6 99:7 100:17

100:18,18,20

101:10 103:17

104:22 105:4,5

107:18,18 109:6

112:13 141:19

142:4,4,5,6,7,19

142:21 143:2,2,9

143:18 144:1,3,7

144:8,15 148:2,10

151:3,3

knowing 97:10

99:19

knowledge 117:22

knowledgeable

91:6

known 86:11 90:19

91:1 95:11 96:1,2
124:5

L

lacking 133:7
lacks 96:7
landlord 93:8 102:9
142:10 144:1
lanes 124:19
language 135:1
large 77:2,3 124:14
largest 34:4
lastly 38:16
late-night 84:17
latest 35:11 59:11
law 93:17 97:8
99:21 121:5
136:12 137:10
145:21
laws 26:14 33:13
90:14 94:17 95:4
106:7,10 122:18
125:13 127:21
142:4 144:14
layout 37:19
Le 71:17
lead 52:12,12
leading 3:20 42:11
80:4,12
leads 37:10,11
leaning 149:22
learning 105:20
lease 90:20
leaving 116:10
left 116:6 148:3
150:16 151:1
legal 127:2 146:1
147:3 151:14
153:7,9,11
legally 27:17 136:7
legitimate 135:20
LeGrant 126:21
leisure 124:10
lengths 8:1 131:22
144:20
lesbian 88:6
let's 47:9 48:9
89:12,12,13

102:10 123:10
letter 32:21 129:16
130:21
Letters 5:8
liability 118:16,21
license 1:8,10 6:6
7:9,10 8:12,14
11:6,7,8,9 18:3
22:20 26:3,5,9,22
29:7 33:16 41:16
44:18 45:2,7,8
47:3,7,19 62:7
63:4 67:2,14 69:1
71:16 75:3,6,6
93:12,12 94:13
100:5,16 110:13
113:5,5,13,17,18
113:18 114:1
118:3 119:15
122:2 123:2,15
125:3,4 127:19
128:1 130:10
132:12 133:21
136:10,21 140:17
140:17,22 141:16
142:14 144:10
148:4 149:3 150:3
150:4,8,11,13,15
licensed 32:5 34:22
35:3,4,6,7 37:14
115:10 122:7
130:9 131:14
132:9 133:6 134:5
135:17
licensee 10:7,13,16
10:18 43:19 48:4
121:9
licensees 4:13 43:1
44:19 48:20
131:20
licenses 5:13 44:20
45:5 93:16 118:10
119:7 132:6
133:15 136:12
licensing 15:1
137:18 153:11
licensure 26:11
27:8,11 117:10

122:21 123:2,8
137:10,16,19
145:9
life 143:2,2,8
limitation 43:16
limitations 4:19
20:15
limited 118:15,21
limits 12:7 132:18
line 105:9
lines 116:17
list 71:11 72:14
122:10,21
listed 46:14,15
listen 17:6
listening 124:10
146:22
lists 24:5 116:5
123:16
litter 33:3 122:12
129:7
little 18:7 26:2 83:2
87:16,18 92:11
102:5,15 103:16
103:18 104:10
115:9 130:5,8
141:3 143:1
live 33:10 38:4
87:18 150:20
LLC 1:6 5:3 26:4
68:21 69:16 117:1
119:2
load 95:16 97:13
105:3,4 107:11
111:6 112:14
loading 27:14
loans 141:18
locality 29:4 121:1
128:14 130:4
131:20 138:2
located 28:17 32:17
34:20 37:6,9,11
38:9 45:15,20
54:10 55:9 56:19
83:6 93:15 119:21
119:22 128:15
138:19
location 5:6 107:5

107:6 119:1
136:16 145:12
locked 47:16 95:18
126:11
long 26:2 31:19
83:18 87:12
122:10,21
look 9:17 16:20
40:1 65:18 85:19
looked 74:22 99:14
looking 23:2 65:7,8
looks 51:14
Lore 36:4 48:9
56:18
lose 68:12 84:7
loss 142:19
lot 52:3 71:12 73:12
76:5,5,6 84:10,13
85:19 86:13 87:5
87:7 92:8 103:1
103:20 104:1
106:5,5
lots 74:19
loud 124:16 139:2
lounge 5:5 92:9
118:7 123:17,20
124:1,7,12,14,21
130:16,19 132:11
133:5 139:4,5,6
139:11,12
love 87:13
loves 87:13
Loving 37:5
low 20:16
luck 142:15
Ludlow- 120:8
Ludlow-Taylor 37:2
37:3 44:4,14,15

M

mad 85:14
mail 13:5
main 37:8,10 63:12
majority 102:2
133:17 141:2
making 105:22
117:20 119:2
male 42:14

man 92:2	145:10	menu 70:1,3,4,7,13	misrepresentatio...
management 137:3	meeting 1:3 5:7	92:7 103:12	8:3 18:1 27:5
manner 65:15	19:6 76:22 129:2	message 89:12	28:20 29:1 30:4
154:13	151:14 152:17	met 1:16 63:10	115:19 118:5
March 126:20 129:2	153:6,8 154:8	Metro 38:8	137:14
marijuana 135:16	Meetings 151:13,17	Metropolitan 131:3	misrepresented
marked 41:7,8,10	151:20 152:18	Mexican 55:8 89:3	26:7,22 117:6
43:21 134:9	153:5 154:9	microphone 31:10	missing 39:9
marketed 133:5	meets 127:1,9	31:11 63:2	misstated 119:12
marshal 89:21	member 2:11,12,13	midnight 84:17,22	misstatement
105:8	46:7,11 50:9,11	132:7,8 133:22	119:16
marshal's 112:12	50:18 51:1,4,7,10	MIKE 2:13	mistake 40:18 87:3
Maryland 138:18	51:15,19 52:2,5	mile 91:8 120:5	mix 69:20
material 16:19	58:19 59:1,7,10	miles 119:20	mixed 34:20
materials 51:12	59:13,16,21 60:3	mind 105:1	mom 83:13 102:1,1
Matt 126:21	60:7,10,14 61:8	minds 91:16	moment 90:20
matter 1:5 17:15	61:10 63:1 75:18	mine 144:3	Monday 21:11
34:3 83:9 88:22	75:20 76:12,14,17	minimum 27:11	38:13
152:20	77:9,11,13,16,20	125:12	money 20:7 65:2
matters 17:17,20	78:3,5,7,10,12,20	minor 120:12	76:5 84:19 85:10
153:10	79:1,15,21 80:2,7	minority 141:21	86:14 88:13 106:1
maximize 20:17	80:10,20 81:5,10	143:19	106:1 141:20
maximum 132:10	81:14,18,20 96:22	minority-owned	142:1,13,16,17,18
136:18	97:3,17,21 98:3,6	102:19	144:11
meal 68:11	98:9,13 99:1,4,7	minutes 12:18	Montgomery
meal- 68:9	99:16,18 100:1,9	Miskiri 2:17 3:8	138:18
mean 47:13 51:18	100:15 101:3	6:10,11,14,14,17	month 89:16
57:13 69:5 72:7	105:6,15,18 106:3	9:16 11:17 19:12	months 31:22
74:13,15,19 75:8	106:9,12,14,19,22	19:19,22 21:1,9	mor 103:17
78:18 79:19 86:9	111:13,16,20,22	21:13,15,19 22:3	morning 75:10
90:16 96:9 97:15	116:5 118:15	23:13 24:17,20	mornings 21:18,20
98:21 99:12 141:7	151:22 152:1,8,10	25:2 44:8 46:6,9	morph 75:22
144:7 147:15	152:12 153:15,21	46:12 52:16,19	Mosby 3:13 41:15
meaning 72:15	154:1,3	53:3,6,11,15,22	mother 98:1
85:22 145:21	members 10:5 27:7	54:3,6,16,20 55:1	motion 152:3,5,14
meaningful 27:14	50:7 52:8 58:15	55:3,8,13,16,22	153:17,19 154:6
means 70:18 95:15	60:19,20 75:16	57:3,5,7,13,18	move 63:1 77:2
96:7,13 97:6	82:1 96:20 104:13	61:3,3,4,5,12,19	151:13 153:6,7
107:14 126:9	112:2 123:6	82:12,16 116:15	moving 8:8
measurement	139:16	117:2 118:21	MPD 131:3
120:12	memorialize 8:12	119:5 121:7,10,16	MPD's 131:11
mediation 148:2,15	8:13 149:5,16	122:4,6 138:6,11	multiple 15:22
medium-sized 37:7	mention 36:20 47:4	139:8,13 140:15	63:11,15 103:21
meet 26:10 27:11	mentioned 102:16	147:14,19 148:1,8	104:1
29:3 117:10 122:1	115:17 128:16	148:12,16,18,22	music 38:4 83:16
124:22 125:12	144:21	149:6,9,19,21	124:10,16,16
126:5 128:11	mentioning 119:17	150:5,9 151:5	139:2
137:9,16 145:7,9	mentions 24:2	Miskiri's 116:20	Mythology 36:4

48:9	neighboring 5:10 5:11	numerous 129:3 136:20 141:18	offering 38:4 83:10 92:11,14
N	neighbors 20:11 129:1,4,9 137:7 137:13	O	offers 86:16
N-16 34:20	neither 13:9,9 117:7 121:17	o'clock 59:6,12	office 33:15 105:7 133:4
N.W 1:17	never 71:1 85:14 126:19 141:9 143:8	o'clock/1:00 59:19	officers 118:17 119:3
name 6:12 7:4 31:12 69:1,7 88:16 118:6 123:17	new 1:9 7:9,9 32:15 58:2,2 89:11,11 89:14 90:9 91:22 102:10 113:21 126:3 143:17,18	O'Neal 14:21,22 15:8,17 16:14	offices 68:13
nature 10:6 27:1 68:13 71:5 83:4	newborn 91:2	oath 67:21	official 16:1 151:12 151:16,19 153:4
NC-16 128:17	newest 108:2	objections 28:7 34:5	Oh 46:9 52:16 64:4 79:11 92:3 98:13 113:20 145:19 148:8
NC6C 15:1	nice 83:20	objects 135:6	okay 6:3 15:13 17:8 22:6 24:9 39:15 39:18 40:5 41:9,9 41:12,13 46:18 47:2 50:13,17 51:15 52:2 53:11 53:15 54:3 56:7 56:17 57:4,12 59:1 60:14 63:22 64:4,10,14,22 66:22 73:7 76:10 76:14,15 77:13 79:16 82:13 89:10 98:13,14 99:7,16 101:3,15 105:17 106:18,22 108:6 110:7,18 111:20 114:3,21 146:17 147:14 148:12,16 148:18,22 149:6,9 149:19,19,22 150:9 151:5
NCC 37:3 44:14	niche 92:8 104:6	observations 124:20 131:10	old 90:7
NE 1:7	niches 104:3	observe 124:12	once 10:7,13,15,20 11:2 12:15 18:16 30:13 95:20
near 4:13,14,16,17 4:19	night 85:3,4 88:7	obtain 33:7 96:5,11 125:16 126:2 132:17	one's 90:5,11,14
nearby 5:6 34:18 136:3	nightclub 80:11 100:19 125:4	Obviously 88:11	open 21:17,19,22 22:3,4,5,12 28:9 34:6 51:17,20 65:8,13,18 67:17 73:7,8 89:18 94:2 101:20 116:10 151:13,17,20
nearest 59:2,17,21 119:20 120:7	nightclubs 76:1	occasions 63:12,15 116:22	
necessarily 29:12 63:20 64:3 73:14	nightlife 131:9	occupancies 126:8	
necessary 133:14 136:12	nightly 74:5	occupancy 25:7 93:14 94:10,15 95:16 96:6,12 97:5 107:4,11,11 108:5,14,21 110:1 110:6,12,15,15,16 111:3 112:14,21 113:7,10,14,16,21 113:22 114:7 121:15 123:19 125:13,14,17 126:18 127:2,6 133:1 136:17	
need 29:13 30:10 40:6,22 64:18 67:6,14 68:3 70:11,19 74:9,15 75:6 86:14,21 87:16 88:21 91:11 94:19 100:1,18 104:18 140:3 150:12	nights 84:4	occupant 111:5	
needed 38:12 83:4	Nineteen 54:20 55:1	occupants 96:6,12	
needs 33:4 41:1 144:8 150:7	noise 33:3 34:17 129:7 132:20 136:3	occupied 27:10,15 27:17 136:7	
negative 118:12	noises 98:10	occupy 77:1 107:22 109:21 125:18 137:3	
negotiate 24:18 28:2	normally 12:4 13:6 64:7 146:21	occurred 12:13	
negotiation 64:16	Northeast 5:13 32:17 45:20 46:20 122:8	occurs 17:15	
neighborhood 3:12 26:17 28:13 41:14 65:17 85:20 86:3 103:5 116:1 129:18 131:16 134:22 135:11,14 150:20	noted 130:21 136:4 136:14	offer 62:6 84:8,20 102:8	
	Notes 154:9	offered 38:13 134:17	
	notice 4:15 24:8 43:6 139:1 152:15 154:7		
	number 99:10 112:12 113:15 114:5 116:9 121:8		
	numbers 114:4		

152:18 153:5
154:9
opened 66:7 86:19
98:16 102:3,11
131:2
opening 3:2 17:15
18:11,14,18,22
19:3 22:1 25:17
25:18,20 29:10,13
29:14,19,22 65:2
65:14 75:22
115:17
openings 124:14
operate 19:13 33:9
35:22 67:2 117:17
132:8,9,17 133:19
operated 66:8,10
66:11 68:5,6,9
69:14
operates 8:21
35:15 36:9,13,16
operating 34:22
119:1 122:12
131:17 132:1
133:13 134:20
137:12 143:6
operation 35:12
41:16 65:10
123:11
operations 34:13
124:12
operator 135:10
operators 135:8
opinion 116:7
opinions 141:12
147:3
opportunity 10:8,9
10:17,21 12:8
18:11,18 19:22
30:14 52:14 53:17
53:19 54:5 62:1
65:3,6 66:17,18
66:20 67:9,15,21
68:7,14 73:6
114:13 139:21
140:1 142:8 144:6
oppose 136:15
opposing 32:22

129:10
opposite 48:17
49:6
opposition 129:5
option 85:5 147:8
order 8:13 12:15
26:16 27:21 28:4
29:4 33:2 65:11
77:1 113:19 125:5
128:10 129:20
130:1 131:1,21
134:15 135:11
137:20 149:5
Orders 121:13
original 121:14
outdoor 38:2
outlined 129:15
outright 135:5
outside 28:12 42:4
44:5 55:4 74:13
90:12,13 91:7
95:7 134:3,6,15
134:17,20 135:7
135:13,14
outstanding 116:10
overboard 147:16
overconcentration
130:11
Overlay 132:5
overview 29:15
owned 69:14
122:19
owner 6:21 103:21
117:16 143:19
owners 103:20
104:1
ownership 27:3
116:6 117:2,7
123:4 141:2
owning 118:22
141:6
owns 103:22
116:11 121:10
122:6 142:11

P

P-R-O-C-E-E-D-I-...
6:1

p.m 6:2 22:4 35:17
36:1,5,14,17
38:14 154:14,16
packet 39:9,10
page 22:22 23:19
23:22,22 48:21
117:3 118:12
paint 51:10,11
pair 84:2
paragraph 23:20,21
24:2
parking 4:18,19,19
33:3,19 38:11,12
38:14,15 43:13,15
43:16 55:20 57:2
57:4 135:13
137:22
part 36:22 101:19
137:11 142:9,13
participated 8:18
participates 117:2
particular 12:9 47:8
parties 6:8 10:11
13:2 135:17
partner 6:11,17
116:16 119:5
121:17 141:1,21
partnered 102:1
partners 83:6 117:9
122:4
partnership 116:21
117:19 118:15
party 68:12
passed 93:20
152:15 154:7
path 126:12
patrons 24:4 77:18
135:14
pattern 59:4
pause 13:20 29:7
41:4
pay 95:20
paying 89:17
peace 26:16 27:20
28:4 29:4 33:2
128:10 129:20
130:1 131:1,20
135:11 137:20

pedestrian 33:4
129:8
penalties 90:16
134:19
pending 37:18
people 8:7 12:7,10
52:11 65:17 68:11
73:22 74:12 75:9
75:22 76:4 77:14
77:21 78:13 84:1
85:19 87:5,8 97:6
98:7 99:8 100:17
102:18 105:1
106:9,15 107:17
107:19 108:15,19
108:19 109:1,4,4
109:19 111:6,12
113:10,11,11,14
113:17
percentage 116:6
perfect 87:1
Performance 68:21
69:16
performed 127:8
period 73:13
134:18 135:1
permit 126:4
136:16 143:7
permit-holders
38:15
permits 93:16
125:16,20 136:12
permitted 136:18
137:5 146:7,9,10
permitting 134:17
person 12:1 15:17
51:20 52:11
138:14 144:2
personal 63:6 65:2
69:15 85:17
141:11
personally 87:6
96:10 101:9
132:19 144:22
personnel 38:17
persons 126:3,9,18
perspective 18:21
140:6

pertain 23:10
pertinent 119:14
phone 110:19
photo 42:13
Photograph 3:15
 3:16,17,18,19,20
 3:21 4:10,11
Photographs 5:10
photos 33:8 130:15
phrase 124:1
physical 115:21
 137:17
picked 123:11
 139:11
picture 40:1 50:19
 50:20
pictures 57:15
pinpointed 88:20
place 74:21 80:16
 80:19 86:6 103:5
 103:13 124:9
placed 154:10
places 74:19 106:6
plan 61:19,22 62:1
 62:4,7 65:16
 69:18,19 74:4
 94:12 95:8 114:14
 134:14
planned 27:1
planning 70:5
plans 28:10 37:20
 68:11
play 90:1
playing 83:21
 124:16
please 6:8,9 31:10
 31:11,13 40:14
 46:7,8 62:14 63:1
 114:22 146:18
Po 5:4 45:21,22
 46:14,19 49:21
 50:3 56:20 71:19
 83:6 85:15 86:20
 90:12 97:18 98:15
 102:2 103:11,13
 103:15 121:9
 122:7,9 130:16
 143:11,17

podium 105:10
point 65:1 94:18
 124:19 128:3
pointed 128:5
police 86:16 115:14
 131:3
policy 132:13
Polleo 131:6
poor 65:16 145:2
portion 27:16 28:16
position 7:19 34:15
 147:8
possible 20:18
possibly 105:21
posted 154:9
potential 20:18
 135:12
practical 154:13
practices 65:9
preach 84:13
predates 132:12
prejudged 85:12
 141:13
prejudgment
 138:14
preliminary 17:17
premises 25:10
 27:10,15,16 33:7
 38:2 93:15 125:19
 137:19
preparation 133:3
prepared 25:21
prepping 68:10
present 2:8,15
 10:14,15,22 12:6
 12:9 30:14 61:19
 64:6 68:3 90:9
 110:13 113:9
 114:14,14
presentable 90:4
 102:9
presentation 30:12
 114:9 145:18
 146:3 153:1
presented 10:20
 20:15 127:17
 143:5 144:5,6
 147:4

presenting 64:18
 114:16
presents 10:16
 129:19
presiding 1:19
pretty 57:13 71:8,9
 87:21 98:18 103:7
previous 96:14,15
 105:2 107:21
 135:2
previously 121:6
 122:2
previously- 134:4
primarily 73:1
 124:6 132:4
primary 28:7 124:7
Prince 101:16
principal 118:16
prior 43:18 117:12
 122:17,21
probably 35:20
 93:8
problem 81:18 99:8
 125:21 144:12,13
problems 76:6
procedures 17:13
 17:14
proceedings
 152:16 154:17
process 8:22 10:3
 12:4,4 77:4 90:11
 130:18
profit 142:2
program 86:16
prohibition 134:6
prohibits 126:16
project 127:9
proliferation
 135:16
promote 73:20
promotion 20:13
 20:13
promotional 75:13
promotions 28:12
 134:3,7,15,18,21
 134:22 135:7,13
pronounced 35:20
proper 17:13,14

properties 142:12
property 24:15
 26:18 27:21 28:4
 29:5 33:2 38:16
 93:1,3,4 120:6,10
 121:14 126:22
 127:1,11,14 128:7
 128:19 130:17
 131:10,21 137:17
 137:21
proposed 24:3 26:8
 26:12,15 27:19
 28:8 29:2 33:16
 34:15 63:14
 119:12 120:1,17
 120:21 123:10
 125:7,12 129:6,10
 129:19 133:4
 135:4,21,22
 137:22 145:11,20
proposes 131:17
protest 1:7 6:5 7:8
 8:8,18 15:7 32:10
 58:3 70:9 145:1
protestant 3:3,5
 15:21 18:17,19
 25:20 39:21 40:9
 115:4 116:8
 120:13 124:11,21
 127:3 131:2 134:9
 139:22 140:9
 144:18
Protestant's 125:2
protested 24:9
 32:19
protesting 71:7
protests 26:3
prove 29:16 130:3
 144:11
provide 14:18 26:1
 30:10 33:11 62:5
 65:19 68:11 70:4
 70:13,19 71:4
 73:22 75:5 95:5
 95:14 104:18
 120:15 139:21
 140:1 146:8
provided 15:22

24:8 30:13 33:17
69:9 70:14 117:4
129:13 131:6
provides 65:5
proving 128:13
provision 124:8
proximity 125:6
Pub 35:15
public 4:15 38:10
43:6 63:7,8 106:6
106:13 117:8
124:5 128:2,20
published 153:12
154:12
pull 31:10
pulling 66:20
punished 143:16
purpose 124:8
137:11 151:14
153:7,9
pursuant 151:16
152:18 154:8
put 10:14 12:7 20:6
29:12 30:16 58:10
80:15,18 86:6
91:16 143:8
150:13

Q

qualifications
125:11
qualified 38:17
quarter 145:19
quarterly 122:13
question 7:15
12:22 13:8 17:7
44:2 56:1,2 57:5
57:11 60:17 66:6
67:16 68:4 75:1
79:21 96:4 97:1
99:17 104:22
107:3 116:11
118:9 119:9 123:5
138:5,6 139:8,15
140:10 146:18
questionable
137:18
questioning 94:5

123:12
questions 10:5,7,9
10:10,12,19 27:6
50:7 52:8,13,14
52:20,22 53:10,13
53:14,17,18,19,20
53:21 54:5 56:22
57:17,20 58:15
60:15,18,20 61:7
61:7,9,21 66:1,3
67:22 68:1,2 71:2
75:16 82:1,3,4
83:2 92:18 95:13
95:20 96:19 101:4
101:5 104:12,13
104:14,18 112:2,4
112:5 120:16
138:5,8 139:16,19
142:11
quick 16:20 102:5
quiet 26:16 27:21
28:4 29:5 33:2
128:10 129:20
130:1 131:2,21
135:12 137:20
quote 123:20 124:5
130:18

R

radio 91:21
Radish 71:17
railing 51:4 80:14
80:15,18 89:19
128:6
railings 51:17 80:5
rails 55:4
raise 27:5 31:2
62:13 82:13
114:21
raised 101:10
ran 101:22
Randall 15:4 16:7
16:11 70:20
random 139:10
ranked 95:11
ratio 136:18
reach 93:7,8
reaching 93:6

read 65:9 145:22
146:13
ready 51:20
real 33:2 75:21
realistic 87:14
reapply 94:20
rear 95:17 126:10
reason 29:9 44:16
72:10 106:3
reasonable 131:12
reasonably 127:18
reasons 40:3
116:12 129:21
150:17 151:19
Rec 120:4
REC'D 3:10
receive 9:20 15:14
83:22
received 9:22 12:21
16:6,10 24:1 34:1
101:21 127:3
132:20
receiving 16:1
recess 152:16
recognition 85:20
recognize 119:14
record 5:4 6:4,9
31:13 37:1 106:13
117:1
records 5:3,5,9
122:5
RECROSS 3:6
RECROSS-EXAM...
107:1
redesign 95:21
REDIRECT 3:6
58:22 104:20
reduce 132:1
137:11
Reeves 1:17
refer 123:22 124:2
reference 23:6
references 23:20
reflect 36:21 37:1
109:19
reflected 109:20
reflection 65:17
regarding 10:6 17:8

27:6 28:4 32:13
33:16 120:17
Register 153:13
154:12
registered 93:22
Registration 5:3
116:22 122:5
123:16
regulation 15:6
31:18 93:17 94:13
136:13
regulations 33:13
34:19 94:17
122:18 123:21
124:2 125:1,20
127:22 139:7
142:5
regulatory 132:22
rejected 135:4
rejection 116:8
related 33:19
121:13
relating 27:13
relevant 26:13
64:13 139:7
relief 136:5,7,16
rely 28:11 70:11
85:6
remain 28:9 34:6
remains 127:15
remember 54:13
71:8 148:19
remind 16:16
remove 63:17
94:19
render 28:15
137:18,22
renders 123:1
renovation 77:3
rent 20:6 89:16
repaired 100:18
repeat 97:14
146:18
report 4:13,14 9:3,8
9:13,14,20,22
10:2,6 12:16,19
12:19,21 15:7
17:2,5,8 23:4,4,6

23:6,19 24:1
 36:21 38:22 39:3
 39:3 40:4,7,12
 41:1,3 42:22 43:4
 44:11 46:14,15
 47:5 52:15,16,17
 53:1 54:5 55:15
 58:10 72:5 109:16
 126:16 128:4
 130:16
reported 131:7
reports 13:2 122:14
representations
 122:6
represented 94:9
 116:16 123:13
 134:14
representing 7:5
 15:20 34:3
request 22:20 28:9
 34:7 136:15 138:2
requested 25:6
 34:6 37:22 38:5
 109:5,6
requesting 41:17
 131:4
requests 26:5,19
 27:9,18 127:5
 129:21
require 127:22
required 93:16
 95:14,15 120:16
 121:20 122:13
 129:11 130:10
 133:7 136:12
requirement 125:5
 129:14 130:3
requirements 29:3
 125:13 126:5
 127:2,7,10 128:11
 137:9,16 145:8,9
 145:10
requires 117:15
 118:14 119:1
 122:16 126:7
 134:15 136:4
research 88:2
residence 59:22

resident 131:10
residential 5:6
 28:15 33:3 89:9
 128:19 132:4,5
 137:13
residents 5:8 34:16
 34:18 49:5,5,12
 49:15,15 125:7,9
 135:15 136:2,3
 137:6
respectful 46:7,11
respectfully 26:19
 138:2
responded 71:8
response 52:9
 58:16 66:4 82:2
 112:3 117:4 119:9
 127:3 131:5,11
 139:17
responsibilities
 27:8 32:2
responsibility
 105:20
responsible 58:5
 91:20 143:3
rest 18:4 29:8 112:9
restaurant 35:5
 37:13 46:22 47:1
 47:7 51:2 55:9
 65:13,15,18 66:7
 66:8,9,11 67:3,18
 68:5,15 69:19
 71:15,16 72:11
 73:1,1,15,16
 74:11,18,20,20,22
 75:2,2 76:2,7,9
 80:11,13,22 83:10
 84:11,14 85:7
 88:11 89:3 92:7,9
 96:15 100:5,12,16
 101:1,20 102:3,6
 102:11,21 107:5
 107:22 111:8,9
 119:15 123:14
 124:1,4 125:1,3
 137:2
restaurants 72:15
 75:22 84:10 91:5

91:5 92:8 101:13
 103:2,3 126:8
restricted 34:10
restricting 133:22
restrictions 27:17
 140:20
restroom 3:19 42:9
result 34:17 131:9
 131:13 136:2
resulted 116:8
results 127:4
retail 35:2 128:18
 137:4
Retailer 1:7
retails 37:13
retired 79:10
reviewed 128:4
reviewing 58:5
revocation 118:3
revoked 125:20
revoking 121:14
rewards 102:21
RF-1 128:19
Rhoda 2:20 3:7
 30:22 31:4,14
Rice 103:22
right 7:7,15 8:16,17
 8:20 10:1 12:3,14
 13:11,17 14:17
 15:2 17:10 18:10
 22:6,7 23:16,17
 24:9,10 25:4,5
 30:2,6,20,20 31:2
 40:10 41:18 46:3
 47:1,8,9 48:7,19
 49:17,20 50:6
 54:10,14,16 55:2
 56:7,12 57:4
 58:18 60:22 61:13
 61:14,18 62:14
 68:17 69:11 71:10
 72:12 74:6,7
 76:17 78:21 80:21
 82:3,7,14 83:6
 89:7 94:21 98:8
 99:22 104:12
 107:2 108:8
 110:19,20 111:22

112:1,7,8,20
 114:8,8,12,13,22
 139:18,20,20
 141:5 143:10,21
 146:4 147:9,12,13
 150:1,5 151:9,9
 153:2
risk 90:21,22,22
 142:19 143:8
rocky 98:16
roll 5:2 116:14,18
 152:4 153:18
rolls 102:13
roof 28:11 77:11,12
 78:14 128:8
 135:22 136:4,16
rooftop 124:15
room 1:17 88:15,17
 95:18 126:11,17
 152:17,17 154:10
roots 103:19
ropes 85:22 86:2
Rosticeria 130:20
rough 86:1
route 126:15
rows 37:13
rules 90:15 127:21
 140:19 142:4,22
 143:3 144:13
run 76:6 106:20
running 65:15
 86:22
runs 54:2

S

sad 143:21
safe 47:16
safely 106:1
safety 33:4 63:7
 97:16 105:21
 128:2 129:8
Sake 36:16 71:20
sale 118:10
sales 93:21
sandwich-sub
 103:3
sandwiches 103:15
satisfaction 120:21

128:13 129:12
130:3
Saturday 21:2,4,11
22:4,14 24:14
25:14 35:17 36:1
36:6,15,19 38:7
38:13
saw 71:11 74:21
saying 7:20 8:6,15
17:1 24:21 25:18
29:10 64:7 71:13
72:2,6,7 73:5
75:21 106:13
107:15 141:14
146:21 148:14
150:3
says 50:13 93:11
94:13 109:3,15
110:1,5 111:4
112:15 113:10,13
113:15,18,22
150:2
school 37:3 44:14
91:15 101:18
120:7
schools 4:14 5:11
36:21 37:2 43:4
44:12
scope 58:4
Screenshots
127:11
se 143:21
seat 6:19 31:10
seating 24:3 25:7
37:20,21 55:5
90:12,13 95:7
109:8
seats 25:8 55:4
second 23:9 76:21
77:6,7 78:15,18
79:2,7 80:4,12,17
81:2,3,6 89:20
90:2 95:6,14 96:7
97:6 100:21
109:20 125:18
126:9 128:7 143:6
151:21,22 152:1
153:14,15

second-floor 25:10
seconded 152:3,6
153:17,19
section 26:20 93:11
93:11 119:2,11
122:16 124:4
128:1 151:12,16
151:20 152:18
153:5
Sector 131:7
security 33:11
86:16
see 14:5 15:15
22:18,18 23:5,6
29:8 30:15 42:2
47:9 50:12 57:8,9
73:3 90:7 93:7
116:17 118:12
120:2 126:14
128:1 137:2
seeing 20:6 48:20
83:7
seeking 18:16 19:2
132:13 140:12
151:14 153:7,9
seen 98:17 99:14
self 117:18
self- 57:14
sell 80:13
selling 35:3 73:16
send 89:12
sending 16:4,13
sense 18:19 20:21
sent 13:14,15,18
14:16 15:6,16
16:14 41:20
separate 78:5,16
separation 27:15
serious 8:3
seriously 142:22
serve 69:19 70:5
72:16 73:2,9,13
84:16 140:18
service 4:20 33:16
33:17 43:17 63:8
68:10 69:3 84:9
84:13 92:7,14
102:5 124:6

services 95:21
115:14
set 10:4 27:12 95:5
102:4 105:1
settle 7:11 150:19
150:20
settled 64:13
settlement 5:14
19:7,10 28:2
63:11,21 88:5
132:13,17 134:4
135:2
settlements 64:12
seven 35:6 70:12
133:10
share 19:13 20:4
34:17 49:14,16
60:2 140:21 141:8
141:9 143:20
shareholders
118:17 119:4
shares 116:9,11
Sherwood 120:4
shop 103:3 130:17
short 2:12 46:7,11
50:8,9,11,18 51:1
51:4,7,10,15,19
52:2,5 71:9 75:17
75:18,20 76:12,14
76:17 77:9,11,13
77:16,20 78:3,5,7
78:10,12,20 79:1
79:9,15,21 80:2,7
80:10,20 81:5,10
81:14,18,20 96:20
96:22 97:3,17,21
98:3,6,9,13 99:1,4
99:7,16 100:1,9
100:15 101:3
104:22 105:6,15
105:18 106:3,9,12
106:19,22 111:13
111:16,20,22
128:5 151:22
152:2,9,10 153:22
154:1
shortcuts 90:11
shots 126:14

shout 98:9
show 65:16 70:13
85:21 129:5
showing 5:4,5,6,11
shown 118:7 120:6
120:10 121:7,15
126:13 128:22
130:14
shows 43:3,11,13
43:15
sic 45:8 63:17
side 8:17 9:7 12:5
13:9,10 18:11
48:14,14,18,22
49:6,6 58:11,11
sides 9:19 10:2
11:3 13:7 70:10
145:17 150:18
151:2
sidetracked 146:18
sidewalk 35:19
36:3 56:2 59:2
60:4 89:2,7
sign 56:12
sign-off 111:17
signed 90:20
121:17
signs 55:20
Silver 124:12
138:21
Silverstein 2:13
58:19,21 59:1,7
59:10,13,16,21
60:3,7,10,14 63:1
152:1,3,7,8
153:15,16,20,21
simple 13:8 90:1
simply 58:6 126:19
single 96:13 119:1
sir 6:13,16 7:2 9:9
13:13 19:18 22:22
39:14 45:18 46:4
46:8 53:22 56:22
57:2,11 61:5 62:3
62:9,20 63:2 66:9
66:14 67:20 76:13
76:16 77:12 78:4
78:11,22 79:11

80:1,15 81:4,19
 82:4,14,21 97:2
 97:13,19,19 98:11
 98:22 101:2,8,15
 104:14 106:11,21
 107:9 108:9 109:2
 110:3 111:15
 115:6 140:15
 144:14 147:22
sit-down 102:6
sitting 90:7
situation 23:11
 57:2 75:21
six 35:10,13 68:10
six-seven 103:22
Sixty-nine 108:15
skip 130:6
slate 85:13
slow 85:8
small 4:10 42:15
 60:10 68:13 90:17
 102:5
SMD 7:5
smell 90:6
smiling 79:8
smoking 133:8,12
smoothly 86:22
Social 85:20
Society 139:3
sold 143:22
sole 12:1
solely 28:19 85:6
 100:22
solicitor's 93:12
somebody 88:12
someplace 99:10
sorry 10:14 12:16
 14:13 15:4,9 16:8
 16:14 17:12 29:20
 36:10 40:17 46:6
 50:14 53:7 56:10
 61:2,8 146:17
sought 127:19
soul 83:17 103:2
 104:8
Sounds 17:9
Southern 103:19
space 108:21 124:2

143:22
speak 15:15 29:6
 31:11 89:17 130:8
 138:16 141:4
special 28:12 134:3
 135:6
specific 107:5
 140:6
specifically 19:21
 20:21 27:13 30:3
 119:18 121:4
 126:6
spent 65:1 141:17
spirit 137:10
spirits 35:4
spoke 70:16,19
 71:1
spot 88:9,10,14
 91:22 92:13
Spring 124:12
 138:21
sprinklers 107:14
square 28:16 129:1
staffing 122:15
staircase 4:11
 42:17 50:21 128:6
stairway 80:4
stand 46:21
standards 27:11
standing 108:17,22
start 18:13 149:18
started 101:16
 148:20
starting 91:1
state 31:12
stated 33:8,10 34:4
 34:8,14 47:10
 103:10
statement 3:2,4
 17:16 18:12,14,18
 18:22 19:3 25:17
 25:18,20,22 29:10
 29:13,15,19,22
 30:17 99:17
 115:18 117:21
 139:22 140:2,4,14
 144:18 146:8,12
 146:15,16 147:22

states 117:20
 128:12 136:10
stations 91:22
status 70:9 116:21
 127:14 137:18
 150:18
statute 20:14
statutory 130:2
 132:9,18
stay 92:15
steel 95:18 126:12
step 61:15 93:22
steps 51:7 93:21
Steve 14:21,22 15:8
 15:15,17 16:14
sticker 50:13
sticking 149:12
Sticky 103:22
stiff 89:22 90:15
stipulations 63:18
stop 4:16,17 38:8
 43:10,11 121:13
stops 4:17 43:12
store 3:16 42:1,3
storefront 137:4
stories 37:8
stranger 12:12
street 1:7,17 5:13
 26:5 32:17 37:6
 38:10 45:20 46:20
 48:12,22 49:6,7
 55:9 56:8 75:9
 80:21,21 83:8
 86:17,18,18,19
 89:3 92:13,13
 98:20 102:7 103:3
 103:7,20 106:17
 119:22 122:8
 124:15 131:5
 132:3,5,7,11,11
 133:15 135:18
 138:19 139:2
 142:12
streetcar 38:8
strongly 129:19
structural 27:14
stuff 51:9 89:13
 102:15 142:22

143:4,10 148:2,17
Subdistrict 128:18
 132:6
subject 120:10
 130:17 131:8,10
 134:5
submitted 5:1
 32:18,21 116:3,4
 125:3 129:9 145:7
subsequently
 126:1
substantial 125:8
substantive 18:7,8
 27:5
Subtitle 27:13
success 102:12
successful 65:11
 91:14 106:4
sufficient 28:18
 118:2
suggest 105:6
suitability 122:20
suitable 145:11
Suite 1:18
summaries 54:17
summer 20:3,10
 22:20 23:7,9,9,20
 24:3,5,13,16,18
 25:8,10,12 28:10
 33:9 34:7,15
 35:10,12,15,22
 36:2,9,11,13,17
 37:11,17,22 38:2
 42:18,19 47:10,14
 47:19,20 48:5,8
 48:22 50:22 56:3
 59:3 60:4 63:13
 63:16 74:7,8,10
 75:8,10 76:18,20
 77:1,6 89:5 94:8
 94:10,11,20 109:6
 109:11 122:12
 135:22 136:1,6,9
 136:21
Sunday 21:3,12
 22:5,12,12,15
 24:11 25:13 35:16
 35:21 36:5,14,18

38:5
supposed 9:19
 37:17 77:15 88:9
 91:21 93:5 98:7
sure 9:5,13 13:5
 42:20 71:5 79:9
 86:21 87:2,3 91:9
 91:11 92:19 120:2
 146:6
surrounding 26:17
 43:1,9 120:18
 121:1 131:16
Sushi 36:16 71:20
sustain 28:13
sworn 31:6 62:18
 82:18 115:4
 116:14
System 127:12

T

t/a 1:6
table 51:8 67:19
 70:21 133:16
tabulation 5:13
 133:14
take 12:11 16:20
 52:11 64:17 76:4
 93:9 105:20
 149:17 152:4
 153:18
taken 5:4,9 93:22
 121:3,8,11
takes 142:21
talk 105:8,8 115:18
 121:22 123:10
 125:10
talking 12:6 44:22
 54:14 71:22 72:11
 80:22 99:9
Taqueria 71:19
 130:19
target 91:10
tavern 35:7 125:4
 133:4,7
taverns 72:15,20
tax 93:21 133:3
taxation 94:3
Taylor 120:9

teaching 86:1
technical 17:22
 115:15 137:9
tell 14:11 18:15
 29:11 30:17 38:22
 40:7 45:18 50:18
 51:22 61:21 64:5
 64:18 66:18 67:8
 67:14,16 68:8
 71:1 74:16 79:5
 102:22 105:10
 140:4,11 148:20
 150:19
telling 109:13 140:6
tells 112:15
tenant 96:15
 124:15 142:11
tenure 132:18
term 119:6 123:20
 124:7
terms 89:8 102:14
 140:21 144:4
testified 31:7 62:19
 82:19 115:5
 118:22
testify 10:4 11:16
 17:2,5 61:21
 62:11
testifying 12:2
 14:20 63:3
testimony 17:7
 18:8 52:18 53:1
 61:14 62:5,9 64:8
 65:21 82:8 116:14
 147:6 149:11,17
testimony/eviden...
 61:20
text 24:1
thank 39:16 52:5,5
 58:12 60:14 61:14
 61:16 81:21 82:8
 96:17 101:4
 145:15,17 152:22
Thanksgiving
 91:19
thing 23:8 65:6
 112:11 147:15
things 12:12 65:10

68:13 70:19 71:5
 74:17 75:14 100:3
 100:7
think 9:16 12:9 14:9
 14:10 16:12 21:3
 39:22 40:18 41:2
 44:3 57:21 71:19
 80:3 91:7 92:3
 100:14 109:5,7
 111:10 118:19
 119:16 123:11
 143:18 147:7
thinking 77:5
third 89:20 95:6
 100:22 118:12
 125:18
Thirty-three 79:15
thought 139:7
threat 129:20
threats 57:8
three 12:7,10,12
 28:7 33:17 35:4
 37:1 44:11 81:6
 89:2 134:17
Thursday 21:12
 22:12,16 24:12
 25:13 35:16,21
 36:6,18 38:6
time 4:19 12:7
 21:12,17,21 28:1
 33:22 35:11 43:15
 43:16 46:5 53:10
 53:10,12 65:5
 70:18 84:21 85:3
 87:12 124:1
 137:19 141:7
 144:8 145:1
time-being 94:20
timely 154:12
times 15:22 19:6
 59:4 81:6 86:4
Title 27:12
today 7:12 18:15
 19:1,4 94:13
 116:15 118:22
 128:5 137:8
 145:18 146:3
toilet 90:7

told 13:9 29:21 70:9
 105:12 112:20
 144:1
tons 102:21
top 78:3 87:17
 102:19 103:2
 107:18
total 25:7 108:19
 110:15 111:11
 116:9 134:6
toy 91:18
trade 118:5 123:17
trading 32:16
training 69:15
transcriber 26:1
 146:15
transcript 5:2
 116:18 145:22
 146:14 147:1
transmitted 13:2
trash 95:18 126:11
 126:13,17 143:12
traveled 124:11
tried 63:10 141:10
trouble 106:10
true 27:1,2 117:7
 117:16 123:4
truly 75:1
truth 119:16
truthfulness
 121:19
try 8:1 91:8 102:10
 102:10 131:22
 150:19
trying 45:10 58:4
 64:19 70:20 71:22
 72:6,19 73:3,5
 79:19 84:6 87:8,8
 90:14 92:2,15
 95:4 97:14,15
 140:16
twenty- 107:12
twice 91:18
two 20:11 34:4 37:8
 37:8 44:10,13
 56:11,19 63:13,21
 78:1,5 100:12
 107:14,19,20,22

108:11 109:18
131:7 132:9
type 69:17,18 70:5
85:2 88:20
types 135:18
typical 73:15 74:15
typically 72:22
123:22

U

U 92:13
U-Turn 56:12
Uh-hum 56:13
Uh-uh 17:12
ultimately 28:5
132:2
unable 19:5 37:16
37:18
unacceptable
34:17 129:7 136:3
uncertain 127:15
unclear 132:16
understand 12:20
16:16,17 58:4
98:13
understanding
70:18 73:4 76:22
93:5
undue 130:8
131:14 137:5
unfortunate 145:3
unfortunately
15:14
unhappiness 39:20
unhappy 151:4
Unified 33:15
union 141:19
unique 92:14
uniqueness 84:18
unisex 42:14
universal 129:5
University 119:21
unknown 116:12
unquote 130:19
unrelated 138:22
unresponsive
130:2
unsuccessful 8:2

28:6 132:2 144:21
unsuitable 123:1
137:19
up-to-date 93:18
upcoming 4:17
43:12
updated 14:15
upper 136:17
upscale 103:18
104:10
upstairs 77:21
use 81:3 93:21 95:3
96:14,16 100:21
100:21 133:3
usually 12:7 85:3

V

vacant 137:3
valid 93:14
value 33:2 38:17
values 26:18 27:22
28:5 29:5 131:22
137:21
vary 59:18
vast 133:16
vehicular 33:4
129:8
venture 116:21
117:9
Verification 127:12
vett 135:9
viable 134:16
vibe 83:16
vicinity 4:18 38:9
video 74:22
violate 117:14
violation 27:4
125:19 127:20
violations 63:6
121:5 122:11,17
122:21
Virginia 69:13 80:8
80:9
vision 102:4
visit 37:15
visited 33:5
voluntary 35:13
volunteered 86:18

vote 99:18 152:4
153:18
Voted 102:20,21
votes 103:4

W

W 1:19 2:10
wait 12:14,17 56:9
waiting 40:10
waive 146:3,4
147:8
walk 90:3,4
walked 57:9
walking 90:13
want 12:8 17:20
19:9,15 20:1,3,4,7
20:8,10,12,12,17
23:13,14 24:20
29:8 30:19 44:3
53:6 63:20 64:1,3
64:8,20 65:3 66:1
67:6,17 68:12
70:11 71:13 72:2
72:2 73:6,6 76:2,3
76:4,7 79:12,17
80:13 81:13 82:10
82:21 83:18,19
85:5 86:5 87:19
88:1,8,21 90:6
91:3,9,10,13,14
91:17 94:18,22
100:6,7,8,20
105:19 106:1,12
112:9 140:8,20,21
141:16,22 144:6
144:10 145:22
146:1 147:21
148:1,6,7,8,14
149:4 150:2,3
wanted 64:17 141:8
148:3,4
wanting 65:13
wants 17:18 18:19
143:20
Washington 1:18
Washingtonian
103:4
wasn't 47:16 64:12

71:5,6 77:5 94:4
Water 36:4
way 7:14 8:22 10:3
12:4 51:14 77:16
77:16,19,19
106:15 113:20
115:8 143:10
149:18,21
we'll 10:4,19 11:7
18:13 30:15,22
87:3,8 90:1 93:18
95:9
we're 6:3 7:17 8:7
8:21 12:6 19:4,10
22:5 24:17 47:2
47:18 63:5 84:4,6
85:1,4,11 86:8
87:3,14,18 89:16
91:9,20,21 92:1,2
92:9,11,14 95:2,3
95:4 97:14,15
103:17 112:19
113:12 121:22
140:16 141:15
142:2,15 143:6,13
144:12 150:8,16
we've 7:22 8:2
75:21 93:22 106:4
130:6 141:13
weapon 131:8
website 154:11
Wednesday 1:11
15:3 33:14
week 34:10 59:20
131:18 134:1
weekdays 59:10,13
weekend 138:20
weekends 21:1
34:11 59:14,20
131:19 134:2
weight 68:12
welcomed 86:3
well-defined
123:21
went 19:7 50:15
71:6 91:14,15
99:12 101:10,16
101:17 102:10

131:22 144:19
weren't 105:3
West 83:14
western 132:3
wide 124:19
wildland 115:12
willful 27:5 119:15
 137:14
willfully 26:7,21
willing 24:17
Wilson 120:7
wine 35:3
wish 25:16 60:17
 114:9 145:20
withdrawing 63:16
witness 3:6 9:1
 11:22 12:17 17:11
 30:22 31:14,17,21
 32:4,9,14 38:20
 39:2,8 41:5,9,12
 41:19 44:6,10,21
 45:12,16,21 46:2
 46:17,20 47:12,15
 47:22 48:6,11,15
 48:17 49:2,9,14
 49:18 50:1,5,8,10
 50:17,20 51:3,6,8
 51:13,18,22 52:3
 55:19 57:1 59:5,8
 59:11,15,18 60:1
 60:5,9,12 61:8,16
 61:17 82:9,10
 83:1 88:2 97:2,12
 97:19 98:1,5,8,11
 98:20 99:3,5,11
 99:22 100:8,14
 101:2,9,13,15
 103:1,14 104:7,21
 105:13,17 106:2,8
 106:11,18,21
 107:7,9,12,17
 108:2,7,9,12,15
 108:17,19 109:2
 109:11 110:7,10
 110:18,22 111:7
 112:10 113:1,3
 114:3,11,19,20
 115:8 134:13

139:10
witnesses 10:17,18
 11:1,10,12,21
 12:11 70:10
 114:19
won 101:18 102:19
wondering 139:4
work 52:3 58:5
 83:18 85:21 86:8
 91:17 94:18,22
 99:14 115:13
 121:13 150:21
worked 63:8 66:8
 99:6
worried 89:4
worry 16:21 147:16
worth 119:17
wouldn't 78:18
 81:10,14,15 89:5
 100:5,6,7 105:13
 105:15 113:12,13
WPTC 91:18
write 146:1
written 9:3,14
 130:5 146:7
wrong 35:21
 109:16
Wydown 36:9
 71:18

X

Y

yeah 25:2 51:13,13
 72:17 78:10 79:4
 80:10 81:12,16
year 91:18
years 63:9 68:10
 69:15 79:15 84:12
 85:7 86:10 117:13
 121:4 132:21
young 91:10
youth 134:20

Z

zone 34:20 38:14
 38:14 45:6 128:17
 136:19
zones 4:19 43:16

zoning 4:12 27:17
 34:19 42:21 77:7
 99:13 105:1 111:8
 111:9 125:19
 126:20 128:19
 136:5,5,15 143:4

0

0.3 119:20
087903 119:8

1

1 3:12 22:22 39:8
 40:2,14 41:5,6,8
 41:13 43:22
 102:20 103:3
 116:4 120:4
 134:10
1,584 119:20
1:00 21:13,14,15,16
 34:10 35:12 36:12
 59:8,12,19,20
 73:9 134:1
10 42:15 69:15 91:5
 103:2 113:11
 117:12 121:4
 126:13 128:22
 130:15
10-foot-wide
 128:20
10,000 89:16
 101:21
10:00 36:17,17,19
 38:14
10:30 36:14
100 37:21 109:4,9
104 3:8
105468 119:8
107 3:8
11 42:17 50:16
 120:6,10 134:10
11:00 22:13,14,16
 22:17 24:12,12,14
 25:14,15 36:1,5,5
 36:6 38:6,7
11:30 35:17
112502 1:8 6:7
115 3:8

12 42:21 59:19
 119:11
12-week 134:18
 135:1
12:00 36:2,7,19
12:30 35:18 59:18
1200 35:1
12th 153:8,12
13 42:22 133:14
 134:10
130 25:8 109:10
134 5:1,2,3,4,5,6,7
 5:8,9,10,11,13,14
138 3:8
14 34:21 43:3 44:4
 134:7,11
140 3:4
144 3:5
14th 1:17
15 33:5,14 43:6
 60:12 128:21
15-20 60:12 109:12
16 43:9 116:17
17 34:1 43:11
18 43:13 56:11,17
 57:1 116:2,18
 117:5
1802784 125:17
19 3:2 43:15 54:9
 54:21 55:7,19
 80:3
19-PRO-00017 1:8
 6:6 151:15,18
1901866 126:2
19A 120:17
1st 131:6

2

2 3:14 23:19,22
 27:13 41:8,19
 116:19 117:3
 131:7
2:00 21:3 22:13,16
 24:12,12 25:14
 34:10 38:6 63:16
 131:18 133:20
 134:1
2:32 6:2

20 43:17,22 84:12
 121:2
200 131:9
2000 1:17
20009 1:18
2014 83:8 102:4
2018 33:18
2019 1:12 33:14,18
 34:21 129:2 153:9
 153:12,13
21 35:1,9 44:21
23 27:12
23rd 16:15
25 3:3
25-101 124:4
25-101(6) 118:13
25-301(A)(1) 122:16
25-301(A)(3)(a)
 117:11
25-301(A)(5) 117:15
25-311 93:11
 120:19 128:11
25-311(C) 127:7
 136:10
25-314(C) 125:5
25-344 128:1
25-401 26:21
 117:20
25-401(C) 121:20
2574(b) 151:12,17
 152:18 153:5
2574(b)(13) 151:20
26 34:22 140:22
26th 33:18
28th 129:16
29th 15:3,11

3

3 3:15 27:12 39:9
 40:2,14 41:11
 42:1 48:21 117:3
 118:12 122:8
3-in-12 134:22
3:00 21:2,11 22:4
 22:14,17 24:14
 25:15 28:9 34:6
 38:7 56:19 63:14
 73:7,8 75:10 88:5

131:18 132:10
 133:13,17
30 24:4 25:8 37:22
 77:15 109:9
31 3:7 84:12
380 44:6
383 37:4 44:6 45:3
388 45:8

4

4 3:16 42:3 48:21
 121:8 122:10
4:53 154:14,16
40 113:11
400 36:21 37:2
 44:17 45:2 46:22
 47:3 120:1,5
400S 1:18
421 132:10
43 3:12,14,15,16,17
 3:18,19,20,21
 4:10,11,12,13,14
 4:15,16,17,18,19
 4:20
45 11:5 152:21
450 120:9
49 95:16 126:8
4th 129:2

5

5 1:12 3:17 42:5
 118:8 123:18,19
5:00 145:19
50 97:6,13 99:8
 100:17 106:15
 113:10,18
53 3:7
58 3:7
59 111:6,11 113:2

6

6 3:18 38:14 42:7
 128:22
6:00 35:22 36:10,11
6:30 38:13
60 87:7
62 3:7
65 96:6,12 126:2,18
66 3:7

69 99:11,12 108:19
 109:1,3,20 110:2
 110:5,6 112:22
6C 1:7 2:19 3:12
 5:13 7:5 26:3
 32:20,21 34:2
 41:14 125:21
 133:16
6C05 7:6
6th 126:20

7

7 3:19 42:10 118:9
 129:4
7:58 15:3,11
700 38:10,12
 130:14 131:4,13
701 55:9 89:3
707 1:7 26:5 32:17
 45:20 56:8
709 46:20 122:8
711 132:11
7th 153:13

8

8 3:20 42:11 129:10
 129:18
8:00 35:16,17 36:1
 36:14
800 38:12 48:11
806 119:22
82 3:8

9

9 3:21 42:13 91:5
 121:15 125:22
 126:3 127:12
92 3:8
9th 33:18

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Brothers Burger Bar, LLC, t/a Aroma

Before: DC ABRA

Date: 06-05-19

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.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com