



HABTEM TEKLE, Translator  
INVESTIGATOR KEVIN PUENTE, DC ABRA  
FRANCIS JENKINS, DC MPD  
HEWITT OKBAGABRR, Witness  
DAVID ANDREW, Witness  
KEN GILES, Witness

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

2 10:13 a.m.

3 CHAIRPERSON ANDERSON: Good morning,  
4 everyone. I would like to welcome you to our  
5 meeting scheduled for the District of Columbia  
6 Alcoholic Beverage Control Board.

7 Today is December 5, 2019. I would  
8 like to introduce Members of the Board with us  
9 today. To my right is Mr. Bobby Cato. To my  
10 left is Mr. James Short.

11 My name is Donovan Anderson. I'm  
12 Chairman of the Board. We have three members in  
13 attendance today. We do have a quorum to conduct  
14 business today.

15 I would like to mention three things  
16 before we get started. First of all, if you have  
17 any electronic devices, pagers, cell phones or  
18 such please make certain that they are turned off  
19 to avoid any interruption of the proceeding.

20 Secondly, there is a piece of paper on  
21 each table. When you come forward as your case  
22 is called, please take a seat at the table and  
23 please sign in. This is to ensure the correct  
24 spelling of your name for the record.

25 Lastly, please note that today's

1 hearing, today's meeting of the Alcoholic  
2 Beverage Control Board is governed by the Open  
3 Meetings Act. Please address any questions or  
4 concerns to the Office of Open Government at  
5 [opengovernmentoffice@dc.gov](mailto:opengovernmentoffice@dc.gov).

6 I would note the approximate time is  
7 10:15 a.m. We're off the record for a minute,  
8 please.

9 (Whereupon, the above-entitled matter  
10 went off the record at 10:15 a.m. and resumed at  
11 10:15 a.m.)

12 CHAIRPERSON ANDERSON: Well actually,  
13 we are back on the record. All right, our first  
14 case and only case today is a protest hearing  
15 Case Number 19-PRO-00050, Betty's Gojo, License  
16 Number 102500.

17 Would the parties please approach and  
18 identify themselves for the record? And before we  
19 go on the record, it's my understanding that we  
20 have a translator here today.

21 MR. TEKLE: Yes, Your Honor. I'm the  
22 interpreter.

23 CHAIRPERSON ANDERSON: On behalf of  
24 how many?

25 MR. TEKLE: Two, sir.

1                   CHAIRPERSON ANDERSON: All right. So,  
2 let me -- what language is this?

3                   MR. TEKLE: Tigrinya.

4                   CHAIRPERSON ANDERSON: Okay. Hold on,  
5 please. Would you both stand and raise your  
6 hands, please?

7                   (Interpreters sworn in.)

8                   CHAIRPERSON ANDERSON: All right,  
9 thank you. There's a sign in sheet there. You  
10 can, I would like everyone to sign in there. You  
11 also as the interpreter sign in and put next to  
12 your name that you're the interpreter, okay.

13                   So, I would ask everyone to identify  
14 themselves for the record. I'll start with the  
15 Licensee.

16                   MR. BIANCO: Good morning, Mr.  
17 Chairman. My name is Richard Bianco. I  
18 represent the Licensee in this matter. I have  
19 here the two owners of the Licensee entity  
20 present to my left.

21                   And I'm going to ask that they clearly  
22 and slowly state their names for the record.

23                   MR. EMBAY: My name is Kibreck Embay,  
24 the owner of Betty Gojo.

25                   CHAIRPERSON ANDERSON: Give me your

1 last name again, sir, Mr. --

2 MR. EMBAY: Embay.

3 MEMBER SHORT: Can you spell it for  
4 us, please?

5 MR. EMBAY: E-M-B-A-Y.

6 MEMBER SHORT: Thank you.

7 MS. WELDEGEBREL: My name is Abebe  
8 Weldegebrel.

9 CHAIRPERSON ANDERSON: Can you spell  
10 your name again for me, please?

11 MS. WELDEGEBREL: Last name, W-E-L-D-  
12 E-G-E-B-R-E-L.

13 CHAIRPERSON ANDERSON: Good morning.  
14 The Protestant, now we're at the Protestant.

15 MS. BLACK: I am. I'm Gale Black,  
16 Chair of Advisory Neighborhood Commission 4A  
17 representing ANC 4A today.

18 MEMBER SHORT: Spell your last name,  
19 please.

20 MS. BLACK: B-L-A-C-K.

21 MEMBER SHORT: ANC, which --

22 MS. BLACK: 4A.

23 MS. JEFFERSON: Hi, good morning. I'm  
24 Naima Jefferson representing Shepherd Park  
25 Citizens Association.



1 MR. BERGMAN: Carl Bergman, B-E-R-G-M-  
2 A-N. I'm Vice President and represent Shepherd  
3 Park Citizens Association.

4 CHAIRPERSON ANDERSON: Good morning.

5 MS. EDWARDS: Paula Edwards, P-A-U-L-  
6 A, E-D-W-A-R-D-S, Treasurer, Shepherd Park  
7 Citizens Association.

8 MR. MUSGROVE: George Derek Musgrove.

9 CHAIRPERSON ANDERSON: Hold on,  
10 please.

11 MR. MUSGROVE: Sure.

12 CHAIRPERSON ANDERSON: Yes, sir.

13 MR. MUSGROVE: George Derek Musgrove,  
14 designated representative for a group of 15.

15 CHAIRPERSON ANDERSON: Okay, all  
16 right. So, there are one, two, three Protestants  
17 in this group, okay. Is that correct? Because  
18 there are three Protestants, I'm going to ask  
19 that you guys designate one person to do the  
20 hearing.

21 And what that means is that I'll have  
22 one person should do, we'll have a person doing  
23 opening, closing and the cross examination of  
24 witnesses. And so, therefore you can switch who  
25 is going to do what parts.

1           But we shouldn't have more than one  
2 person cross examining. Is that clear how this  
3 will be done? All right. This is a protest  
4 hearing.

5           And the way this works is that if you  
6 haven't done a protest hearing before, the Board  
7 will present its witness, the Board will call a  
8 witness who, as done in our report, the person  
9 will testify about the report.

10          The Board will ask questions of this  
11 witness. Once the Board has asked questions of  
12 this witness, then the Board, then the Applicant  
13 would have an opportunity to cross examine the  
14 Board's witness.

15          Once the Applicant has cross examined  
16 the Board's witness, then the Protestant would  
17 have an opportunity to cross examine the Board's  
18 witness. And the Board might ask additional  
19 questions.

20          And once that's done, the Applicant  
21 will put its case in chief on. Each side, the  
22 process that each side will have you can do a  
23 five minute opening, a five minute closing and  
24 you have an hour and a half to present your case.

25          I will ask that you do not spend a

1 significant amount of time doing cross  
2 examination because that takes away from your  
3 time. So, I think it's best to spend more of  
4 your time with direct examination of your  
5 witnesses. Yes, Ms. Jefferson.

6 MS. JEFFERSON: Thank you, Chair. For  
7 clarification, how does the time work when there  
8 is a translator?

9 CHAIRPERSON ANDERSON: I've not really  
10 been a stickler for time. But I'm telling you  
11 that you have a time limit although there is, we  
12 have no other hearing today.

13 But I am saying that I don't want to  
14 be here all day today. As I said, I left here at  
15 1:00 a.m. this morning and I got home at 2:00.  
16 And I do have somewhere to go at 6 o'clock this  
17 evening.

18 That is the only comment I have. But  
19 I will give you sufficient time to present your  
20 case. However, I'll ask that we don't have  
21 redundant testimony.

22 I don't need ten people to tell me the  
23 same thing. And if you're going to call a  
24 witness they should have a different perspective  
25 of what's going on.

1                   And so, use your time. I'm not sure  
2 how many witnesses that we have. Let me start  
3 with the Applicant, how many witnesses do you  
4 have?

5                   MR. BIANCO: Two. I do have a third  
6 but, I have named a third but I don't think I'm  
7 going to be calling them.

8                   CHAIRPERSON ANDERSON: All right. So,  
9 you currently have two witnesses. And so, how  
10 many witnesses do the Protestants have?

11                  MS. JEFFERSON: At max, five.

12                  CHAIRPERSON ANDERSON: They have five,  
13 all right. And so, I know that it will drag on  
14 because we have an interpreter. So, that's fine.  
15 But I've not been a stickler for time.

16                  But I just want us to, I'm saying you  
17 have an hour and a half. But use your time  
18 wisely. I know that both sides care about it  
19 that's why they're here today. All right, yes,  
20 ma'am.

21                  MS. BLACK: Question. There is  
22 testimony in the record from Ken Giles and ANC 4A  
23 had noted the exhibits and the testimony. Will  
24 we be able to refer to that?

25                  CHAIRPERSON ANDERSON: I don't know

1 what you're talking about, ma'am.

2 MS. BLACK: I understand that Ken  
3 Giles was dismissed for whatever reason.

4 CHAIRPERSON ANDERSON: I don't know  
5 who Ken Giles is. I don't.

6 MS. BLACK: He is one of the  
7 protestants on this matter and he had extensive  
8 record that ANC 4A noted in our exhibit list.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. BLACK: We wanted to make sure  
11 that was included. That's, I'm just raising this  
12 as a procedural matter right now.

13 CHAIRPERSON ANDERSON: Off the top of  
14 my head I don't remember who Ken Giles was. So,  
15 if he was a protestant maybe he wasn't granted  
16 standing.

17 But if he's here today he can testify.  
18 If he's identified on another person's witness  
19 list he could easily, he can testify if he's  
20 identified whatever and you can rely on his  
21 documents and he can testify if he's identified.

22 But the difference, I guess, and off  
23 the top of my head I don't remember if that he  
24 wasn't granted standing as a protestant. But  
25 that doesn't mean he cannot join any other group

1 and testify.

2 MS. BLACK: I think it was because he  
3 was not an owner of the property although he's a  
4 resident, clearly a resident of ANC 4A.

5 CHAIRPERSON ANDERSON: Right. So, you  
6 can be a protestant. You can join in a group.  
7 You just won't have standing because you're not  
8 an owner or the ANC belong to a civic  
9 association.

10 All right. The only diversion I'm  
11 going to make today from our, the procedures that  
12 I just ordered is that it's my understanding that  
13 the Protestant had subpoenaed the Commander of  
14 the Fourth District.

15 And I was told that the Commander is  
16 not here but he did send Lieutenant Jenkins in  
17 his place to represent him. So, just to  
18 accommodate him because he wants to be back out  
19 on the street, what I'm going to do is that the  
20 Board will present its case and we'll have our  
21 witness.

22 But before the Applicant puts its case  
23 on we'll just have that one witness testify. And  
24 so, the Protestant can call the one, that one  
25 witness, elicit testimony.

1                   Once that testimony is elicited then  
2 we'll switch back and then the Applicant will  
3 present its case, okay. All right, are there any  
4 other preliminary matters before we start?

5                   MR. BIANCO: I did have just one, Mr.  
6 Chair.

7                   CHAIRPERSON ANDERSON: Yes.

8                   MR. BIANCO: I'd like to invoke the  
9 rule on witnesses so anybody who is named as a  
10 witness that is not either a Protestant or  
11 corporative representative should be instructed  
12 to be outside of the room during opening, closing  
13 and testimony.

14                   CHAIRPERSON ANDERSON: So, all the  
15 folks in the room who will be called today as a  
16 witness, can you identify all the witnesses? Who  
17 are the witnesses that will be called? So, can  
18 you please stand?

19                   And so, because Mr., so there's only  
20 four, so who is the fifth? I know that --

21                   MS. JEFFERSON: I'm one of them.

22                   CHAIRPERSON ANDERSON: Okay. Yes, no  
23 you can stay because you are, because since you  
24 are the designated representative you have to  
25 stay, but the other witnesses so --

1 MS. BLACK: What about the Open  
2 Government Rule? I mean I don't understand how  
3 it can be open and then not allow the public to  
4 sit in here.

5 CHAIRPERSON ANDERSON: This is not the  
6 public, ma'am. The person is a witness. And  
7 even if you, Mr. Bianco has called the witness  
8 which is part of our rule on witnesses meaning  
9 that if either party you can do the same thing  
10 too.

11 Either party can say that if a person  
12 is going to testify I'm asking that they be  
13 excluded so they don't sit in the courtroom and  
14 listen to the other person's testimony. So, it  
15 has nothing to do with the open government.

16 This is not the ABC Board that does  
17 that. This is just one of the parties exercising  
18 their right. And if they had more witnesses, I  
19 believe the only two witnesses are the owners.  
20 Is that correct?

21 MR. BIANCO: That's not correct.

22 CHAIRPERSON ANDERSON: Who is the  
23 other witness?

24 MR. BIANCO: Mr. Embay is one of my  
25 witnesses.



1 CHAIRPERSON ANDERSON: Yes. And who  
2 is the other witness?

3 MR. BIANCO: And then I have my two  
4 witnesses.

5 CHAIRPERSON ANDERSON: And it's two  
6 witnesses and they're leaving the room also.  
7 Yes.

8 MS. JEFFERSON: May I ask a  
9 clarification? So, your motion is to ask that  
10 all witnesses that are not or just ours?

11 MR. BIANCO: All witnesses.

12 CHAIRPERSON ANDERSON: All witnesses.  
13 But that doesn't, that's not applicable to,  
14 because you are the designated representative and  
15 you're going to be a witness you are going to be  
16 here.

17 But all witnesses who are not then you  
18 have to step out of the room. And we'll find  
19 somewhere outside just, you can stay outside and  
20 there's a room that, Mr. Pru (phonetic), can you  
21 show these witnesses where they can sit, please?

22 Thank you. Mr. Pru will, and so once  
23 we are ready for you we will call you. All  
24 right, okay, all right. Any other preliminary  
25 issue that needs to be brought to my attention

1 before we start?

2 Any other preliminary issue before we  
3 start? Any other preliminary issue before we  
4 start? We can start, all right. So, we'll start  
5 with the Applicant's opening statement.

6 MR. BIANCO: I'll try to be brief in  
7 light of the Board's late night last night.

8 CHAIRPERSON ANDERSON: We're fine,  
9 we're fine. I'm having my coffee.

10 MR. BIANCO: Betty's Gojo is the  
11 establishment that we're here to discuss today.  
12 And they are a small, family owned Ethiopian  
13 restaurant on upper Georgia Avenue.

14 It's owned and run day to day  
15 operations by a husband and wife team, seated  
16 next to me, Kibreck and Abebe. And it's their  
17 only job.

18 It's their only source of income.  
19 It's the investment of their nest egg. They came  
20 into this business in April of 2018 with no  
21 meaningful restaurant experience.

22 It's their first foray into the  
23 restaurant business. And at the end of the  
24 hearing today the evidence will show that the  
25 operation of the establishment before they came

1 in --

2 CHAIRPERSON ANDERSON: Hold on a  
3 minute, Mr. Bianco, sorry to interrupt you.

4 MR. BIANCO: Sure.

5 CHAIRPERSON ANDERSON: All right.  
6 We're paying a translator for translation  
7 services. I expect translation services to  
8 occur. If there are no translation services then  
9 the Board should not be paying for a translator.

10 Mr. Translator, we're paying you to  
11 translate for the parties. If you're not going  
12 to translate for the party, then we're not going  
13 to pay for a translator because that says to me  
14 the party doesn't need a translator.

15 MR. BIANCO: There's translation  
16 services. There are two translators and they are  
17 switching back and forth.

18 CHAIRPERSON ANDERSON: I know that,  
19 Mr. Bianco.

20 MR. TEKLE: Do you want me to raise my  
21 voice?

22 CHAIRPERSON ANDERSON: During the  
23 first, I didn't hear or see nothing going on. I  
24 just want to make sure when the first translator  
25 was there it appeared to me that he was doing an

1 appropriate job in translating.

2 When we switched off to the second  
3 translator it did not appear to me that there was  
4 any translating. Maybe his version of  
5 translating is a little bit different.

6 I just want to make sure that there is  
7 actual translation going on --

8 MR. BIANCO: Understood.

9 CHAIRPERSON ANDERSON: -- since we are  
10 paying for those services. Okay, I apologize to  
11 interrupt. Go ahead.

12 MR. BIANCO: So, they acquired the  
13 establishment in 2018 with no meaningful  
14 restaurant experience and they are first time in  
15 the business.

16 Once the Board hears the evidence  
17 today it will show that the operation of the  
18 establishment before they took over is very  
19 different from the way the operations established  
20 today.

21 They have made improvements. They  
22 have put best practices in place. And a lot of  
23 what they have done has been in response to  
24 complaints by the neighbors.

25 Notwithstanding their efforts,

1 especially within the last six months the  
2 neighbors have not been willing to work with them  
3 and want nothing more than this establishment to  
4 be closed at all costs.

5 At the end of the day, we'll be able  
6 to establish that Betty's Gojo as it's run today  
7 is appropriate for the area, for the neighborhood  
8 and their license should be renewed. Thank you.

9 CHAIRPERSON ANDERSON: Thank you. Who  
10 is going to do the opening? Yes, Ms. Jefferson.

11 MS. JEFFERSON: Thank you so much.  
12 Naima Jefferson, Shepherd Park Citizens  
13 Association. Good morning, Chair Anderson and  
14 Members of the Board. I am here representing the  
15 Shepherd Park Citizens Association.

16 CHAIRPERSON ANDERSON: Remember that  
17 I just told them they need to translate. So,  
18 therefore I need you to go a little bit slower to  
19 make sure that the District's dollars are spent  
20 wisely. Okay, all right. Go ahead, now.

21 MS. JEFFERSON: I am the president of  
22 the Shepherd Park Citizens Association which we  
23 will refer to as the SPCA. I will be leading the  
24 collective group of protestants which includes  
25 the SPCA, ANC 4A and the group of 15.

1 I will do the opening and ANC 4A,  
2 Chair Black will do the closing. Should time  
3 permit, I will be called as a witness and Ms.  
4 Paula Edwards will examine me.

5 Since ANC 4A is also one of the  
6 protestants, we request that the Board  
7 recognizes, per the D.C. Code that the ANC's  
8 properly adopted written recommendations are  
9 entitled to great weight from the Board.

10 The SPCA, which is in ANC 4A, has been  
11 an association under one name or another since  
12 1917 and has consistently been a powerful voice  
13 used to express the sentiment of our community.  
14 Our community encompasses attractive, stable, low  
15 density, single family residential neighborhoods  
16 like Shepherd Park, Colonial Village, North  
17 Portal Estates and Walter Reed and includes both  
18 sides of Georgia Avenue.

19 Our community is known for its park  
20 like ambience, sense of community, open space and  
21 family atmospheres. Establishments that are  
22 known as bars or night clubs have no place in our  
23 community.

24 Betty's Gojo is located within our  
25 boundaries. In 2016, the SPCA in good faith

1 entered into a settlement agreement. We believe  
2 that having an ABRA license in the District of  
3 Columbia should be an honor and a privilege and  
4 not a right.

5 This privilege carries great  
6 responsibility to the city and the communities in  
7 which licensees operate.

8 However, in this case the application  
9 for renewal that is before the Board mocks the  
10 entire regulatory process for alcohol licensing  
11 in the District of Columbia in that our  
12 community, city leaders and officials and even  
13 members from the Civic and Citizens Federation  
14 question why this establishment's license has not  
15 already been revoked and question what does it  
16 take for revocation and wonder why our community  
17 and all of these volunteers and neighbors that  
18 you see behind me have had to take off work to  
19 attend a protest hearing for this Applicant's  
20 application for renewal.

21 As we will spell out today and you  
22 will hear through testimony and exhibits on the  
23 record and submitted in evidence, we are  
24 protesting on multiple grounds.

25 We do not believe that the

1 establishment is appropriate for our community.  
2 It has had an adverse impact on the peace, order  
3 and quiet.

4 The establishment has affected the  
5 peace on multiple occasions when the police  
6 department has been called to investigate  
7 complaints such as assaults, noise, rowdiness,  
8 gun shots and fights to name a few.

9 The establishment has had an adverse  
10 impact on real property value and has even been  
11 associated with damaged real and personal  
12 property. The establishment also impacts  
13 residential parking needs and vehicular and  
14 pedestrian safety.

15 Since opening in 2016, Betty's Gojo  
16 has either not turned in a quarterly report or  
17 when they did submit a quarterly report they have  
18 yet to demonstrate one quarter where they even  
19 met the food sales requirements to qualify as a  
20 restaurant under ABRA rules and regulations.

21 I want to make sure that we give  
22 credit where credit is due. Betty's Gojo should  
23 at least be nominated, if not awarded, the most  
24 likely to violate ABRA laws and regulations and  
25 crowned as an establishment with the most ABRA



1 violations in a single licensure period.

2 To make it plain, they have a poor and  
3 egregious record of compliance with laws and have  
4 an investigative history that demonstrates,  
5 regardless of the excuses provided, or the  
6 conditions even proffered by this Board to keep  
7 the establishment operating, the lack of  
8 compliance with ABRA laws and regulations and  
9 other D.C. laws is guaranteed, continual, ongoing  
10 and not an isolated incident.

11 We believe that this establishment  
12 poses a danger to the health and safety of the  
13 public. And also whether taken individually or  
14 collectively, there should be no doubt that the  
15 Applicant is unfit for licensure.

16 The Applicant cannot continue to claim  
17 ignorance. There is a legal principle that a  
18 person who is aware of the law may not escape  
19 liability by violating that law merely because  
20 they are unaware of the content.

21 In this incident case the dangerous  
22 environment that the Applicant has created  
23 operates and even perpetuates presents a  
24 continuing and imminent danger to our community.  
25 And the Applicant has a clear breach of the

1 public's trust.

2 MPD, our Ward 4 Council Member and  
3 communities on both side of Georgia Avenue want  
4 this establishment closed immediately. Today we  
5 pray that the Board will deny the renewal  
6 application and suspend and revoke the license  
7 immediately in order to protect the public safety  
8 and welfare. Thank you.

9 CHAIRPERSON ANDERSON: The Board will  
10 now call its first witness. I call Mr. Kevin  
11 Puente. Mr. Puente, can you raise your right  
12 hand, please?

13 WHEREUPON,

14 KEVIN PUENTE  
15 was called as a witness by Counsel for the Board  
16 and, having been first duly sworn, assumed the  
17 witness stand, was examined and testified as  
18 follows:

19 DIRECT EXAMINATION

20 CHAIRPERSON ANDERSON: Mr. Puente, can  
21 you state your name for the record, please?

22 MR. PUENTE: Kevin Puente.

23 CHAIRPERSON ANDERSON: And where are  
24 you currently employed?

25 MR. PUENTE: At the Alcoholic Beverage

1 Regulation Administration.

2 CHAIRPERSON ANDERSON: And how long  
3 have you been employed by the Agency?

4 MR. PUENTE: Approximately four years.

5 CHAIRPERSON ANDERSON: And what are  
6 your duties and responsibilities?

7 MR. PUENTE: I conduct investigations  
8 and inspections of licensed agency establishments  
9 in the District of Columbia.

10 CHAIRPERSON ANDERSON: Are you  
11 familiar with Betty's Gojo?

12 MR. PUENTE: Yes.

13 CHAIRPERSON ANDERSON: And how is it  
14 you're familiar with this establishment?

15 MR. PUENTE: I conducted a protest  
16 investigation.

17 CHAIRPERSON ANDERSON: And did there  
18 come a time that you wrote a report?

19 MR. PUENTE: Yes.

20 CHAIRPERSON ANDERSON: And can you  
21 share with us what is it you were able to find as  
22 a result of your investigation on Betty's Gojo?

23 MR. PUENTE: Yes. I conducted a  
24 protest investigation of Betty's Gojo Restaurant  
25 and Lounge, LLC trading as Betty's Gojo which is

1 located at 7616 Georgia Avenue, NW.

2 Betty's Gojo is located on the 7600  
3 Block of Georgia Avenue NW between Shepherd Road,  
4 NW to the south; Georgia Avenue, NW to the east;  
5 Georgia Avenue's alley NW to the north and Kalmia  
6 Street, NW to the west.

7 Renewal application for Betty's Gojo  
8 was protested by ANC 4A, Shepherd Park Citizens  
9 Association and group of 15 being represented by  
10 George Musgrove. The protest issues for all the  
11 protestants involved the following.

12 Adverse impact on the peace, order,  
13 quiet including noise and litter provisions,  
14 residential parking and vehicular and pedestrian  
15 safety.

16 According to the District of Columbia  
17 GIS, there are no schools, recreation centers or  
18 public libraries or day care centers located  
19 within 400 feet of the establishment.

20 It was brought to my attention that  
21 next to Betty's Gojo was a private religious  
22 school called Academia de La Porta.

23 MR. TEKLE: Mr. Chairman.

24 CHAIRPERSON ANDERSON: Yes.

25 MR. TEKLE: The interpreter would like

1 the witness to speak a little slower.

2 CHAIRPERSON ANDERSON: Yes. I was  
3 about to remind you. Thank you, sir. Mr.  
4 Puente, please be mindful.

5 MR. PUENTE: So, next to the  
6 establishment there's a private religious school.  
7 I confirmed with the District of Columbia Public  
8 Schools that school is not an accredited D.C.  
9 school with the District.

10 There are five licensed ABC  
11 establishments within 1,200 feet of Betty's Gojo.  
12 The five ABC licensed establishments in the area  
13 consist of two Class A retail license which sell  
14 beer, wine and spirits; three class CR restaurant  
15 licenses.

16 There are no ABC establishments with  
17 a summer garden endorsement within 1,200 feet of  
18 Betty's Gojo. All five licensed agencies have  
19 settlement agreements and one establishment,  
20 Champion's Kitchen has an entertainment  
21 endorsement.

22 On October 10, 2019, I visited Betty's  
23 Gojo and spoke to Mr. Bianco and Mr. Embay. I  
24 was advised that it was a family owned business  
25 and any loss of the ABC license or loss of the

1 business would be devastating.

2 (PA Announcement)

3 THE WITNESS: Any loss of the ABC  
4 license or loss of the business would be  
5 devastating to the family and its income. Mr.  
6 Embay advised --

7 CHAIRPERSON ANDERSON: Let's stay off  
8 the record for about five minutes and let me see  
9 what's going on.

10 (Whereupon, the above-entitled matter  
11 went off the record at 10:44 a.m. and resumed at  
12 10:54 a.m.)

13 CHAIRPERSON ANDERSON: All right. We  
14 are back on the record. Go ahead, Mr. Puente.

15 MR. PUENTE: I was advised by Mr.  
16 Embay that he does not use promoters anymore and  
17 only uses music off You Tube. Mr. Embay stated  
18 that he has been trying to work with the  
19 protestants and community.

20 On October 12, 2019, I telephonically  
21 spoke with Mr. Musgrove, the representative for  
22 the group of five or more. Mr. Musgrove stated  
23 the following.

24 They are constantly disturbed by the  
25 noise disturbances, fights, have to deal with

1 trash and litter from the patrons. Their group  
2 is constantly awakened throughout the week at  
3 night time.

4 The group of five or more feels that  
5 the establishment has a history of longstanding  
6 problems as reflected in the Metropolitan Police  
7 Department calls for service as well as the ABRA  
8 hotline calls.

9 On October 14, 2019, I telephonically  
10 spoke with Ms. Naima Jefferson, the President of  
11 the Shepherd Park Citizens Association and Paula  
12 Edwards, the Vice President. They both stated  
13 the following.

14 The establishment has a history of  
15 long series of issues, has multiple settlement  
16 agreement violations, lots of fights and  
17 disturbances. Ms. Jefferson stated that the  
18 establishment has a history of not filing  
19 quarterly statements, DOH violated establishment  
20 for hookah.

21 Ms. Jefferson stated that the SPCA  
22 sent notices to cure. At one point she was  
23 threatened by the establishment and had to  
24 contact Commander Griffin of the MPD.

25 Ms. Edwards stated that the

1 establishment has an egregious record constantly  
2 operating after hours, patrons congregating in  
3 the parking lot behind the establishment. Ms.  
4 Jefferson stated that the private religious  
5 school next door to the establishment has made  
6 several complaints.

7 At one point the window on the school  
8 was broken from the patrons from Betty's Gojo and  
9 the establishment, the school had to pay for its  
10 own window. Ms. Jefferson stated that Betty's  
11 Gojo is not a benefit to the community because of  
12 the constant issues, disturbances, lack of  
13 respect for the law.

14 Ms. Jefferson stated that the peace,  
15 order and quiet and economic development are all  
16 being affected by Betty's Gojo. Ms. Jefferson  
17 stated that Betty's Gojo is not a restaurant and  
18 acts more like a night club.

19 Ms. Jefferson stated that if the  
20 establishment was audited the books or records  
21 will show that it does not make food. Ms.  
22 Jefferson lastly added that Councilman Brandon  
23 Todd who represents Ward 4 sent a letter to ABRA  
24 with concerns regarding Betty's Gojo and that  
25 alone should speak volumes.



1                   On October 25, 2019, I received an  
2 email from ANC 4A Chair, Gale Black regarding  
3 Betty's Gojo. Commissioner Black advised me of  
4 the following.

5                   The ANC 4A asked the license not to be  
6 renewed. It should not require this level of  
7 effort to obtain peace, order and quiet as well  
8 as compliance.

9                   Commissioner Black stated that the  
10 establishment has not reached out to the ANC 4A  
11 regarding the matters. Prior to the submission  
12 of their application they invited the  
13 establishment to their May meeting but the owners  
14 never responded or showed up to the meeting.

15                   Their attorney later reached out to  
16 explore whether a settlement agreement could be  
17 reached after the application was submitted but  
18 was unable to guarantee that the concerns would  
19 be addressed, that any agreement could be  
20 enforced.

21                   The ANC 4A wants the violations to  
22 cease. Within the establishment there are no  
23 nearby Metro subway stops in the vicinity of  
24 Betty's Gojo.

25                   There are eight Metro bus stops near

1 Betty's Gojo along Alaska Avenue, Kalima Rd, NW;  
2 Eastern Avenue, NW and Georgia Avenue, NW. The  
3 establishment was monitored by ABRA personnel for  
4 a total of 17 times from August 23, 2019, to  
5 August 30, 2019, with one violation found.

6 On October 31, 2019, the establishment  
7 was found operating without an ABC manager or  
8 owner on duty. I monitored the establishment on  
9 15 occasions and during those 15 times I observed  
10 at night time on the weekends there was limited  
11 parking.

12 Patrons were exiting. Some were loud.  
13 Some were causing loud music from the cars. As  
14 recently as November 23rd I was, responded to a  
15 noise complaint.

16 When I got there at approximately 2:45  
17 there was a food truck parked outside of the  
18 establishment. Myself and another ABRA  
19 investigator sat across the street from the  
20 establishment and observed patrons exiting the  
21 establishment up until 3 o'clock getting food and  
22 started to become disorderly.

23 I had to call MPD for assistance  
24 because we observed multiple fights about to  
25 start. MPD had the food truck leave the area

1 immediately and told the crowd to go home.

2 There were 22 noise complaints  
3 reported to ABRA that were associated with  
4 Betty's Gojo from August 2018 to November 2019.  
5 And there's one case still pending with the  
6 establishment.

7 On July 3, 2019, the establishment was  
8 found operating after hours allowing patrons to  
9 exit with open containers and interfering with an  
10 investigator that's still pending with the OIG.  
11 There were 41 calls for service from the Office  
12 of Unified Communication from September 2018 to  
13 September 2019.

14 Thirty-six of those calls were MPD  
15 filed as calls for D.C. Fire, EMS. And on one of  
16 those calls on May 13, 2019, resulted in an MPD  
17 Chief of Police closure of the establishment.  
18 That's all, Mr. Chair.

19 CHAIRPERSON ANDERSON: Are there  
20 exhibits attached to your report?

21 MR. PUENTE: Yes.

22 CHAIRPERSON ANDERSON: And what are  
23 those exhibits? Please identify them?

24 MR. PUENTE: Exhibit 1 is a copy of  
25 the renewal application. Exhibit 2 is a copy of

1 the ANC 4A protest letter. Exhibit 3 is a copy  
2 of the Shepherd Park Citizens Association protest  
3 letter.

4 Exhibit 4 is a copy of the group of  
5 five or more protest letter. Exhibit 5 is a copy  
6 of Commissioner, ANC 4 Chair, Commissioner  
7 Black's responses. Exhibit 6 is a copy of the  
8 D.C. Zoning map.

9 Exhibit 7 is the GIS map of 1,200  
10 feet. Exhibit 8 is the GIS map of 400 feet.  
11 Exhibit 9 is the photograph of the front of the  
12 establishment on Georgia Avenue.

13 Exhibit 10 is inside the establishment  
14 of the dining area. Exhibit 11 is a photograph  
15 of the bar. Exhibit 12 is a photograph of the  
16 bar as well as more dining area.

17 Exhibit 13 is the back dining area.  
18 Exhibit 14 is another angle of that back dining  
19 area. Exhibit 15 is a photograph of the back  
20 dining area as well.

21 Exhibit 16 is the hallway corridor  
22 leading to the back door. Exhibit 17 is the  
23 kitchen. Exhibit 18 is the back of the  
24 establishment as well as the parking lot.

25 Exhibit 19 is the stairway leading

1 down to the basement level. Exhibit 20 is more  
2 of the basement. Exhibit 21 shows the bar area  
3 of the basement area.

4 Exhibit 22 is a photograph of the  
5 menu. Exhibit 23 is the back side of the menu.  
6 Exhibit 24 is my regulatory inspection I  
7 conducted at the establishment. Exhibit 25 is a  
8 map showing the nearby Metro bus stops from  
9 Betty's Gojo.

10 Exhibit 26 is a parking meter on  
11 Georgia Avenue, NW. Exhibit 27 is the photograph  
12 of the street parking on Georgia Avenue across  
13 from the establishment.

14 Exhibit 28 is parking on Alaska  
15 Avenue, NW. Exhibit 29 is calls for service from  
16 D.C. Fire, EMS. Exhibit 30 is MPD's calls for  
17 service. And Exhibit 31 is the hotline noise  
18 complaint log that was sent to me.

19 (Whereupon, the documents referred to  
20 were marked as Board Exhibit 1 through 31 for  
21 identification.)

22 CHAIRPERSON ANDERSON: So, I just, let  
23 me go back to, it's 32. So, how many calls for  
24 noise infractions or calls for noise infractions  
25 were you able to find for this establishment?

1 MR. PUENTE: I was given that there  
2 was 22 noise complaints received to ABRA from  
3 August 2018 to November 2019.

4 CHAIRPERSON ANDERSON: How many?

5 MR. PUENTE: Twenty-two.

6 CHAIRPERSON ANDERSON: Do you know  
7 whether or not out of the 22 how many of these  
8 were substantiated?

9 MR. PUENTE: From what I could tell,  
10 none were.

11 CHAIRPERSON ANDERSON: Okay. You had  
12 testified about, I think you said you went there.  
13 There was some food truck and there was like,  
14 what are the hours of this establishment?

15 MR. PUENTE: The hours of them are  
16 8:00 a.m. to 3:00 a.m.

17 CHAIRPERSON ANDERSON: And so, you're  
18 talking about a food truck. Do you know why  
19 there was a food truck?

20 MR. PUENTE: I do not. My supervisor  
21 called me, said he got a noise complaint around  
22 2:45 on November 23rd. Myself and an  
23 investigator went.

24 When we got there we didn't hear any  
25 music. All we heard was the food truck, the

1 engine from the food truck running. We got there  
2 at 2:45.

3 We sat there until 3 o'clock. At 3  
4 o'clock all the patrons exited. People were  
5 getting food. People were starting to argue.

6 Someone's car almost got hit by  
7 someone else's car. Then at approximately 3:15  
8 it started to get a little out of hand. I had to  
9 call MPD over the radio and they came immediately  
10 and told the food truck to go as well as the  
11 crowd to leave.

12 CHAIRPERSON ANDERSON: But the  
13 establishment was closed by 3 o'clock?

14 MR. PUENTE: Yes. Me and my partner,  
15 we observed everyone exited the establishment and  
16 went to the food truck and ordered food.

17 CHAIRPERSON ANDERSON: And how many  
18 times again did you personally monitor this  
19 establishment?

20 MR. PUENTE: Fifteen times.

21 CHAIRPERSON ANDERSON: And out of the  
22 15 times, did you observe any ABRA violations  
23 during the time of your --

24 MR. PUENTE: No. The establishment  
25 shut down on time. We went in one time after

1 3:30 and made sure no one was inside. No one was  
2 inside.

3 There was limited street parking on  
4 some weekends. During the day time there was  
5 plenty of street parking. It was quiet. The  
6 establishment wasn't open during the day time.  
7 So, mainly at night time in the evening it was  
8 open.

9 CHAIRPERSON ANDERSON: Now, Betty's  
10 Gojo they have a restaurant license. So, in your  
11 observation of this establishment, can you tell  
12 me, do you get a sense this is a restaurant, this  
13 is a, what is your sense of monitoring the  
14 establishment?

15 MR. PUENTE: From the times I  
16 monitored it on one occasion I had seen people  
17 eating food.

18 I was mainly perplexed on November 23rd why  
19 there was a food truck parked out front and  
20 patrons were leaving from the establishment to  
21 get food when the establishment is a restaurant  
22 so, the kitchen could have been open until 3:00  
23 a.m.

24 CHAIRPERSON ANDERSON: Do you know  
25 what time, if you know, what time does the



1 kitchen have to be for a restaurant?

2 MR. PUENTE: So, for a restaurant they  
3 can be open up until closing time. For our law  
4 rights if the restaurant wants to shut down the  
5 kitchen two hours prior to closing they can shut  
6 it down at 1 o'clock.

7 CHAIRPERSON ANDERSON: Okay. Can you  
8 just, do you have a picture of what the interior  
9 of the restaurant looks like again?

10 MR. PUENTE: Yes.

11 CHAIRPERSON ANDERSON: Which one is  
12 that?

13 MR. PUENTE: It's going to be Exhibits  
14 10 through 21.

15 CHAIRPERSON ANDERSON: I don't have  
16 any other questions for you. Does any other  
17 Board Members have any other questions? Yes, Mr.  
18 Short.

19 MEMBER SHORT: Good morning,  
20 Investigator. When you visit this establishment  
21 after 12, midnight, on how many occasions have  
22 you been there after 12, midnight?

23 MR. PUENTE: Quite a bit. I can't, I  
24 don't know the exact number, sir.

25 MEMBER SHORT: The activities inside

1 of the club are they eating, are they, what  
2 activities are they, do you see when you go to  
3 investigate this establishment?

4 MR. PUENTE: From my experience there  
5 is people eating. There's not many people  
6 eating. Music is playing. Hookah smoke, people  
7 sitting down doing hookah, some people dancing.

8 MEMBER SHORT: Can you explain to this  
9 Board hookah and who regulates it and is it  
10 proper for this restaurant?

11 MR. PUENTE: Hookah is regulated by  
12 Department of Health. From my understanding from  
13 speaking with DOH officials there's only ten  
14 licensed hookah establishments in the District.

15 But DOH is so overwhelmed that they  
16 can't regulate every single place. So, hookah is  
17 a type of smoking device with charcoal and you  
18 smoke flavored stuff through a water thing you  
19 smoke and that's how I can explain it.

20 MEMBER SHORT: Does this  
21 establishment, Betty's Gojo, do they have a  
22 license for hookah?

23 MR. PUENTE: No, I do not believe so.

24 MEMBER SHORT: They do have a health  
25 license for smoking hookah?

1 MR. PUENTE: No.

2 MEMBER SHORT: But they are doing it  
3 every time you go there?

4 MR. PUENTE: The times I've been there  
5 I've seen people doing it.

6 MEMBER SHORT: Have you ever  
7 questioned them if they are allowed to do that?

8 MR. PUENTE: No.

9 MEMBER SHORT: Has it been reported to  
10 the Health Department?

11 MR. PUENTE: Yes, from my  
12 understanding it has.

13 MEMBER SHORT: Thank you. That's all  
14 I have, Mr. Chair.

15 CHAIRPERSON ANDERSON: Any other  
16 questions by any Board Members? Mr. Bianco.

17 CROSS EXAMINATION

18 MR. BIANCO: Yes. So, I'd like to  
19 direct your attention to Page 7. Do you have  
20 your report in front of you?

21 MR. PUENTE: Yes.

22 MR. BIANCO: Okay. I'd like to direct  
23 your attention to Page 7 which details your days  
24 and hours of visits to the premises. And I just  
25 want to clarify some language.

1                   Where you write in the findings NAVF  
2 that stands for no ABRA violations found?

3                   MR. PUENTE: Yes.

4                   MR. BIANCO: Okay. And again, in your  
5 findings once you noted that there was loitering  
6 and other times you noted that it was people  
7 talking outside. Is that the same behavior,  
8 different behavior?

9                   Do you make any differentiation  
10 between the two?

11                   MR. PUENTE: The same behavior.  
12 People outside talking and congregating.

13                   MR. BIANCO: And you note that there's  
14 no on-site parking for vehicles but street  
15 parking only, correct?

16                   MR. PUENTE: Yes. I was told that  
17 there are some spots available in the back in  
18 that parking lot.

19                   MR. BIANCO: Did you learn how many?

20                   MR. PUENTE: I believe, Mr. Embay told  
21 me eight.

22                   MR. BIANCO: Now, I want to look at  
23 some of the photos you provided which I think  
24 speak to the Board's concern about the set-up of  
25 the establishment.

1                   Let's look at in your exhibits Number  
2 10. And that's the establishment facing out on  
3 Georgia Avenue, correct?

4                   MR. PUENTE: Yes.

5                   MR. BIANCO: Okay. And it appears  
6 there's booth seating with low tables there. Do  
7 you see that?

8                   MR. PUENTE: Yes.

9                   MR. BIANCO: And in the course of your  
10 experience as an ABRA investigator, have you in  
11 the past had occasion to investigate Ethiopian  
12 restaurants?

13                   MR. PUENTE: Yes.

14                   MR. BIANCO: And the low tables, in  
15 your experience, are they dining tables or  
16 cocktail tables?

17                   MR. PUENTE: I've seen them used for  
18 both.

19                   MR. BIANCO: How about in this  
20 particular establishment?

21                   MR. PUENTE: Both.

22                   MR. BIANCO: Now, I want to look at  
23 Exhibit Number 30 to your report. And Exhibit  
24 Number 30, I believe, is the calls to MPD.

25                   MR. PUENTE: Yes.

1                   MR. BIANCO: Okay. I want to focus  
2 for a second on the column that says type. Do  
3 you see there where it says type?

4                   MR. PUENTE: Yes.

5                   MR. BIANCO: And do you have an  
6 understanding of what that means, type?

7                   MR. PUENTE: I do not. I tried  
8 reaching out to MPD. That's the Office of  
9 Unified Communications abbreviation. So, the  
10 officer I spoke with couldn't provide me much.

11                   MR. BIANCO: Okay. And the, so you  
12 don't know what the abbreviations there stand  
13 for?

14                   MR. PUENTE: No.

15                   MR. BIANCO: Okay. And there's no way  
16 from Exhibit 30 to tell who made these calls?

17                   MR. PUENTE: No.

18                   MR. BIANCO: And if we flip over to  
19 Exhibit Number 31. These are the noise  
20 complaints, correct?

21                   MR. PUENTE: Yes.

22                   MR. BIANCO: And that was sent to you  
23 in the form of an email?

24                   MR. PUENTE: Yes.

25                   MR. BIANCO: And it states in the

1 email, does it not, that all of the noise  
2 complaints were from the same individual, Ken  
3 Giles, correct?

4 MR. PUENTE: Yes.

5 MR. BIANCO: And none of them resulted  
6 in an actual violation as far as you know?

7 MR. PUENTE: As far as I know, no.

8 MR. BIANCO: Now, you gave some  
9 testimony in response to Board questions about  
10 the 11/23 incident.

11 MR. PUENTE: Yes.

12 MR. BIANCO: Was that written up as a  
13 violation?

14 MR. PUENTE: No.

15 MR. BIANCO: Okay. And were you, do  
16 you know what time the food truck arrived at this  
17 location?

18 MR. PUENTE: I do not know.

19 MR. BIANCO: And during the course of  
20 your investigation, did you discover that the  
21 food truck was in any way related to my client's  
22 establishment?

23 MR. PUENTE: Yes. As Mr. Embay was  
24 out there that night he told me the food truck  
25 was supposed to leave at 2:30 and he didn't know

1 why it was still there at almost 3 o'clock.

2 MR. BIANCO: Okay. And it was parked  
3 on the public street or private property?

4 MR. PUENTE: Public street.

5 MR. BIANCO: Okay. Brief indulgence,  
6 Mr. Chair. That may be it. I just want to see,  
7 I may have one or two more questions. And when  
8 you arrived you say Mr. Embay was outside or he  
9 was inside?

10 MR. PUENTE: When I arrived he was  
11 initially inside. Around 3 o'clock he came  
12 outside.

13 MR. BIANCO: Okay. Did you attempt to  
14 enter the establishment or were you just on the  
15 sidewalk?

16 MR. PUENTE: I was on the sidewalk.  
17 The investigator I was with went inside the  
18 establishment.

19 MR. BIANCO: Okay. Did you witness  
20 Mr. Embay making any efforts to disburse the  
21 crowd?

22 MR. PUENTE: No.

23 MR. BIANCO: And is, in your opinion,  
24 does anything, can anything be done by the  
25 establishment to mitigate people congregating



1 outside on a public sidewalk?

2 MR. PUENTE: Yes, because there's a  
3 doorman or security guard there. So, he should  
4 be kind of telling people to leave, to get going.  
5 Especially when I saw the two groups about to  
6 start an altercation he could have called 911,  
7 called MPD. But MPD did not, I had to call MPD.

8 MR. BIANCO: But as a general matter,  
9 not necessarily on that night in particular.

10 MR. PUENTE: In general, I've always  
11 been told if establishments can't get people away  
12 from it call MPD or 911.

13 MR. BIANCO: The appropriate protocol  
14 would be when people are congregating call MPD?

15 MR. PUENTE: Yes, if they're having  
16 trouble.

17 MR. BIANCO: Okay. And there were a  
18 number of calls to MPD. We can't tell the source  
19 from the information.

20 MR. PUENTE: Yes, I can't speak to  
21 that.

22 MR. BIANCO: It could very well be  
23 from my client. That's all I have. Thank you,  
24 sir.

25 CHAIRPERSON ANDERSON: Who is going to

1 do the cross? Go ahead, Ms. Jefferson.

2 MS. JEFFERSON: Thank you. Thank you,  
3 Investigator Puente. So, you mentioned on Page 2  
4 of your report that the renewal application was  
5 submitted by Mr., I'm sorry, Embay. I'm sorry, I  
6 can't, Embay.

7 And my question for you is, did you  
8 look into who the owners were of Betty's Gojo at  
9 any time?

10 MEMBER SHORT: Excuse me. I think you  
11 have papers over the top of your microphone.

12 MS. JEFFERSON: Thank you, I'm sorry.  
13 I will repeat my question. Did you look into who  
14 the owners of Betty's Gojo might be?

15 MR. PUENTE: Yes. On file it's Mr.  
16 Embay, then Abebe Weldegebrel. That's what we  
17 have on file and that's all I can determine right  
18 now.

19 MS. JEFFERSON: Okay. But at no time  
20 did you check with DCRA?

21 MR. PUENTE: No.

22 MS. JEFFERSON: Okay. You mentioned  
23 also on page 2 some of the reasons that the  
24 protestants are protesting the renewal  
25 application.

1                   Specifically, I want to draw your  
2 attention to Exhibit 3 which is from the Shepherd  
3 Park Citizens Association protest letter. Do you  
4 have it?

5                   MR. PUENTE: Yes.

6                   MS. JEFFERSON: Did you read the  
7 entire letter?

8                   MR. PUENTE: Yes.

9                   MS. JEFFERSON: Okay. And I wanted to  
10 point out if you look on the third paragraph  
11 there are four bullets. And when, can you just  
12 read those four, please.

13                  MR. PUENTE: Betty's Gojo has an  
14 adverse impact on peace, order and quiet  
15 including noise and litter, not limited but  
16 including human fecal matter and used condoms.

17                  Betty's Gojo has had an adverse effect  
18 on real property values. Betty's Gojo adversely  
19 impacts residential parking and vehicular and  
20 pedestrian safety.

21                  And Betty's Gojo when compared with  
22 nearby ABRA Class C restaurants such as the Nile  
23 Market and Kitchen has a poor record of  
24 compliance with ABRA laws and regulations and has  
25 violated the settlement agreement on numerous

1 occasions.

2 MS. JEFFERSON: Is that the same as  
3 what you put in Paragraph 3 when you reference  
4 Exhibit 3?

5 MR. PUENTE: Minus the part about the  
6 fecal matter and used condoms.

7 MS. JEFFERSON: And what about Bullet  
8 four, is that somewhere on Paragraph 3?

9 MR. PUENTE: No.

10 MS. JEFFERSON: Okay. So, that  
11 portion was omitted from your report?

12 MR. PUENTE: Yes.

13 MS. JEFFERSON: Is there a reason it  
14 was omitted?

15 MR. PUENTE: No, just trying to  
16 compile everything I may have overlooked some  
17 stuff.

18 MS. JEFFERSON: Okay, fair enough.  
19 The next question I have is on Exhibit 2. You  
20 spoke with Mr. Giles.

21 MR. PUENTE: Yes.

22 MS. JEFFERSON: And have you, did Mr.  
23 Giles tell you where he lives?

24 MR. PUENTE: Right above Betty's Gojo.

25 MS. JEFFERSON: And you've also

1 mentioned that you've done over the past four  
2 years lots of investigative inspections and  
3 investigations.

4 MR. PUENTE: Yes.

5 MS. JEFFERSON: Do any of those  
6 include responding to these noise calls or other  
7 issues?

8 MR. PUENTE: Noise calls in general or  
9 just to this establishment?

10 MS. JEFFERSON: To this particular  
11 establishment.

12 MR. PUENTE: I responded a few times.  
13 I don't know the exact number off the top of my  
14 head.

15 MS. JEFFERSON: And that was outside  
16 of this inspection?

17 MR. PUENTE: Yes.

18 MS. JEFFERSON: Okay. And at any  
19 point in time did you meet Mr. Giles?

20 MR. PUENTE: I have not personally,  
21 no.

22 MS. JEFFERSON: You have not  
23 personally met Mr. Giles. Okay. Let's see, you  
24 mentioned in your report on Page 3 that Mr. Embay  
25 said that they used MPD's reimbursable detail

1 officers.

2 MR. PUENTE: Yes.

3 MS. JEFFERSON: The night where you  
4 saw the food truck, was MPD there?

5 MR. PUENTE: No.

6 MS. JEFFERSON: They were not there.  
7 What about any of the other times in the evenings  
8 that you, did you ever see MPD already over  
9 there?

10 MR. PUENTE: No.

11 MS. JEFFERSON: Okay. You also say  
12 that you, I just want to make a clarification.  
13 Your verbal testimony on that page you mention  
14 Mr. Musgrove but the report says Mr. --

15 MR. PUENTE: I caught that.

16 MS. JEFFERSON: You caught that, okay.  
17 Thank you. The times that you visited, did you  
18 see the surrounding businesses or establishments?

19 MR. PUENTE: Yes.

20 MS. JEFFERSON: Okay. Did you happen  
21 to see Academia de La Porta?

22 MR. PUENTE: Yes.

23 MS. JEFFERSON: On Page 6, you  
24 reference that we advised you that it was a  
25 private school.

1 MR. PUENTE: Yes.

2 MS. JEFFERSON: I'm curious as to why  
3 you checked with DCPS if it was a private school?

4 MR. PUENTE: Just to confirm that it  
5 was not a public school or a private school with  
6 D.C. Public Schools because sometimes some stuff  
7 will show up on the GIS. So, we just double  
8 checked.

9 MS. JEFFERSON: Okay, okay. And you  
10 also mentioned on Page 6, the interior you've got  
11 several exhibits, Exhibit 10, 11, 12, 13, 15, 16,  
12 17, 18, 19, 20 and 21.

13 Did you at any time when you  
14 personally made inspections, did you count the  
15 number of seats in the establishment on both the  
16 main entrance and the basement?

17 MR. PUENTE: No, I have not.

18 MS. JEFFERSON: You did not, okay.  
19 And when you went to the basement was there a  
20 means of egress?

21 MR. PUENTE: Not that I could tell,  
22 no.

23 MS. JEFFERSON: Okay. Were people  
24 smoking hookah down there?

25 MR. PUENTE: Not when I was there.

1 Every time I've been there the basement was not  
2 operating.

3 MS. JEFFERSON: Okay. On Page 7, you  
4 mentioned that the company picks up trash twice a  
5 week, D.G. Trash and Hauling. Did you personally  
6 witness them picking up the trash or that's what  
7 you were told?

8 MR. PUENTE: That's what I was told by  
9 Mr. Embay.

10 MS. JEFFERSON: Okay. And it was your  
11 earlier testimony that none of your visits  
12 resulted in an ABRA violation.

13 MR. PUENTE: Yes.

14 MS. JEFFERSON: But when I compare on  
15 Page 7, October 31st, no ABC manager with Item  
16 Number 1 on Page 9, it appears to have a  
17 violation.

18 MR. PUENTE: Yes, that was by another  
19 investigator.

20 MS. JEFFERSON: That was by, so there  
21 was one?

22 MR. PUENTE: Yes, one ABRA violation,  
23 yes, by someone else.

24 MS. JEFFERSON: How many other  
25 investigators visited besides you?



1 MR. PUENTE: Two others.

2 MS. JEFFERSON: Two others, okay. You  
3 also mentioned in your report on Page 8 that  
4 there are no parking spots for on-site vehicles.  
5 This is under residential parking and vehicular  
6 safety, VII, am I giving you the right thing,  
7 yes, Page 8?

8 MR. PUENTE: Yes, I see it.

9 MS. JEFFERSON: Was that based on your  
10 observation?

11 MR. PUENTE: That was an oversight on  
12 my part. I was told there was eight. The  
13 parking lot back there I was told that's mixed  
14 with the residents above the establishment as  
15 well.

16 MS. JEFFERSON: So, those eight aren't  
17 exclusively for this?

18 MR. PUENTE: From my understanding  
19 what I was told that they had eight parking  
20 spaces back there. So, I'm not sure if he's  
21 counting all eight or just eight in general.

22 MS. JEFFERSON: Okay. And there are  
23 other establishments that have, where it appears  
24 that there is parking behind other buildings in  
25 that --

1 MR. PUENTE: Yes.

2 MS. JEFFERSON: So, there's no way to  
3 know who has what parking space?

4 MR. PUENTE: Yes.

5 MS. JEFFERSON: Okay. Sorry, on Page  
6 9, you say you observed 36 calls for service for  
7 the same period. In your experience over the  
8 four years what are the average number of calls  
9 of service for MPD over that time frame?

10 MR. BIANCO: I'm going to object as it  
11 calls for speculation.

12 MS. JEFFERSON: I'm asking based on  
13 his experience.

14 CHAIRPERSON ANDERSON: I'm going to  
15 sustain the objection. I mean that's  
16 speculation. So, let's move on. Ask another  
17 question, please.

18 MS. JEFFERSON: Okay. So, you also  
19 mentioned that there were 22 noise complaints and  
20 that was your Exhibit 31.

21 MR. PUENTE: Yes.

22 MS. JEFFERSON: And on that Exhibit 31  
23 there was a date. I'm trying to find the paper.  
24 There it is. I want to call your attention to  
25 July 3, 2019.

1                   And then I want to refer you back to  
2 your report on Page 9 under ABRA investigative  
3 history.

4                   MR. PUENTE:   Okay.

5                   MS. JEFFERSON:   So, your previous  
6 testimony my understanding was that those noise  
7 complaints did not result in any violations.  Is  
8 that correct?

9                   MR. PUENTE:   Yes.

10                  MS. JEFFERSON:   But those are the same  
11 date, correct?

12                  MR. PUENTE:   Yes.

13                  MS. JEFFERSON:   So, would you say that  
14 your prior testimony may have been inaccurate?

15                  MR. PUENTE:   Yes.  It wasn't a noise  
16 violation.  The investigators that responded that  
17 night violated the establishment for operating  
18 outside of their hours, failing to follow a  
19 security plan, allowing patrons to exit with open  
20 containers and interfering with an investigation.

21                  MS. JEFFERSON:   Okay.  Did you at any  
22 point read the settlement agreement?

23                  MR. PUENTE:   Yes.

24                  MS. JEFFERSON:   Okay.  And did you  
25 reference it anywhere in your report?

1 MR. PUENTE: No.

2 MS. JEFFERSON: Not at all, okay. So,  
3 you don't have any actual knowledge as to whether  
4 they violated any terms of the settlement  
5 agreement?

6 MR. PUENTE: Here in mine, no.

7 MS. JEFFERSON: Okay. So, I have a  
8 question about the process in general. So, as an  
9 inspector, how do you know what to look for? Is  
10 there like a manual that you have or a checklist?

11 MR. PUENTE: Yes. If you go to  
12 Exhibit Number 24. This is a regulatory  
13 inspection form that we always fill out when we  
14 do an inspection.

15 CHAIRPERSON ANDERSON: Which one, is  
16 it 24 or 25?

17 MR. PUENTE: I have it as 24.

18 CHAIRPERSON ANDERSON: Mine says 25.  
19 The exhibit that I have says 25.

20 MR. PUENTE: There was an updated  
21 protest report so you may have gotten another  
22 version.

23 CHAIRPERSON ANDERSON: I'm only  
24 working with what's given to me. So, Number 24  
25 is the menu and Number 25 is the, so you're

1 saying it's supposed to be --

2 MR. PUENTE: 24.

3 CHAIRPERSON ANDERSON: So, the  
4 regulatory inspection is Exhibit 20 what?

5 MR. PUENTE: 24.

6 CHAIRPERSON ANDERSON: Okay, go ahead.

7 MR. PUENTE: So, on that inspection  
8 form when we enter establishment we put the time  
9 we enter. We fill out the license information to  
10 ensure that it's all correct.

11 We identify an owner or an agency  
12 manager that's present during the hours of sales.  
13 We check to see the certificate of occupancy. We  
14 write that down.

15 We copy the hours of operation and  
16 sales. We're checking to ensure that the license  
17 is posted, there's ABC window lettering on the  
18 posted records showing all their alcohol invoices  
19 for the last three years.

20 That the warning sign is posted. If  
21 they get alcohol from outside the District that  
22 they have the import permits. And then we advise  
23 them of the quarterly statements.

24 And that's really about it. Then we  
25 check for other stuff. For the remaining of the

1 regulation book we just look for other stuff that  
2 we think might be in violation as well throughout  
3 the regs.

4 MS. JEFFERSON: Other regs?

5 MR. PUENTE: DCMR. So, we all know  
6 the DCMR, the ABRA investigators. So, if we see  
7 something that sticks out we'll address that as  
8 well.

9 MS. JEFFERSON: Okay. So, this  
10 checklist is not exhaustive?

11 MR. PUENTE: No. This is what we fill  
12 out any time we find a violation, any time we do  
13 an unannounced inspection throughout the course  
14 of the year.

15 MS. JEFFERSON: Okay. So, is there  
16 some type of training that you have to know when  
17 to go refer to the regulations and when not to?

18 MR. PUENTE: Yes. When I was hired I  
19 went through an extensive training process. Then  
20 throughout the year we attend trainings. We get  
21 updated trainings on new laws, regulations we  
22 introduced.

23 MS. JEFFERSON: Okay. On Exhibit 17,  
24 can you identify what that is again?

25 MR. PUENTE: That's the kitchen.

1 MS. JEFFERSON: Okay. And --

2 CHAIRPERSON ANDERSON: Can I see  
3 what's Exhibit 17, please? I guess I need to  
4 find out what exhibit was moved. So, that's, all  
5 right, go ahead.

6 MS. JEFFERSON: It's 18 in the old  
7 report.

8 CHAIRPERSON ANDERSON: Right. I still  
9 have the old report. All right.

10 MS. JEFFERSON: When this picture was  
11 taken, did you see any food?

12 MR. PUENTE: No. The establishment  
13 was closed. I had a scheduled meeting with Mr.  
14 Bianco and Mr. Embay.

15 MS. JEFFERSON: Okay. So, did you  
16 open their refrigerator?

17 MR. PUENTE: No, I did not.

18 MS. JEFFERSON: Okay. When, you  
19 mentioned the MPD logs. Based on your  
20 experience, do the MPD logs capture every  
21 complaint a community may have?

22 MR. PUENTE: I really can't speak to  
23 that. That's going to be an MPD question.

24 MS. JEFFERSON: Okay. You mention on  
25 one of the visits that there was, sorry, I think

1 when you mentioned that there was the fight about  
2 to break out, did you see any security there?

3 MR. PUENTE: I saw a gentleman  
4 standing inside the doorway.

5 MS. JEFFERSON: Okay. But you didn't  
6 see anyone else?

7 MR. PUENTE: No, that was it.

8 MS. JEFFERSON: Just one, okay. Is it  
9 typical, in your experience for a restaurant to  
10 have a food truck with patrons leaving to go get  
11 food from the food truck and not eating at the  
12 restaurant?

13 MR. PUENTE: From my experience I've  
14 only seen it for an event or some kind of event  
15 is happening or a festival.

16 MS. JEFFERSON: Okay. And your  
17 previous testimony was that you did not go in the  
18 establishment?

19 MR. PUENTE: No, my partner went in.

20 MS. JEFFERSON: Your partner went in,  
21 okay. Okay, thank you.

22 CHAIRPERSON ANDERSON: All right, Mr.  
23 Puente. Thank you for your testimony. You can  
24 step down.

25 MR. BIANCO: Mr. Anderson, actually if



1 I could recross for two more questions.

2 CHAIRPERSON ANDERSON: From my  
3 witness, Mr. Bianco.

4 MR. BIANCO: I'm requesting permission  
5 as opposed to asserting a right.

6 CHAIRPERSON ANDERSON: Two questions  
7 but then I would have to give them an  
8 opportunity. But it's only based on the  
9 questions that Mr. Bianco, two questions of Mr.  
10 Bianco.

11 MR. BIANCO: Yes. Thank you very much  
12 for your indulgence. Speaking specifically about  
13 the 1031 violation, has that been adjudicated to  
14 your knowledge?

15 MR. PUENTE: No, not yet.

16 MR. BIANCO: And speaking directly to  
17 the issue of surrounding businesses that Ms.  
18 Jefferson asked you about, are you aware  
19 approximately how far Champion's Kitchen is from  
20 this establishment?

21 MR. PUENTE: It's not far. Maybe half  
22 a block at most.

23 MR. BIANCO: Okay, thank you.

24 CHAIRPERSON ANDERSON: Do you have any  
25 questions based on those, based on the questions

1 that were asked by Mr. Bianco, two questions, no  
2 new ground? Just based on those two questions.  
3 No?

4 MS. JEFFERSON: No.

5 CHAIRPERSON ANDERSON: All right.  
6 Thank you, Mr. Puente. You can step down. All  
7 right. What we're going to do, we're going to go  
8 out of order.

9 So, who called, who subpoenaed the  
10 Lieutenant? All right. So, where's Lieutenant  
11 Jenkins? Could you raise your right hand,  
12 please?

13 WHEREUPON,

14 FRANCIS JENKINS  
15 was called as a witness by Counsel for the  
16 Protestant and, having been first duly sworn,  
17 assumed the witness stand, was examined and  
18 testified as follows:

19 CHAIRPERSON ANDERSON: All right,  
20 thank you. Your witness, Ms. Jefferson.

21 MS. JEFFERSON: Thank you, Lieutenant  
22 Jenkins. Can you, for the record, state your  
23 name and which station you are assigned to?

24 MR. JENKINS: Lieutenant Francis  
25 Jenkins, Fourth District.

1                   CHAIRPERSON ANDERSON: Lieutenant, can  
2 you pull the microphone closer to you, please?  
3 Thank you.

4                   MS. JEFFERSON: And which PSA are you  
5 responsible for?

6                   MR. JENKINS: 401, 402, 403.

7                   MS. JEFFERSON: And Betty's Gojo,  
8 which is why we're here today, where is that  
9 located?

10                  MR. JENKINS: PSA 401.

11                  MS. JEFFERSON: Okay. And are you  
12 familiar with the community surrounding?

13                  MR. JENKINS: Yes.

14                  MS. JEFFERSON: How long have you been  
15 serving that PSA?

16                  MR. JENKINS: January of 2018.

17                  MS. JEFFERSON: And did you bring some  
18 documents with you today?

19                  MR. JENKINS: Yes, I brought a few.

20                  MS. JEFFERSON: Okay. Can you share  
21 with us which documents you brought?

22                  CHAIRPERSON ANDERSON: No. He can't  
23 bring any documents.

24                  MS. JEFFERSON: I subpoenaed them.

25                  MR. BIANCO: They're not part of the

1 record. I haven't seen them.

2 CHAIRPERSON ANDERSON: Right. We can  
3 only, documents have to be in the record as part  
4 of the PIP. So, he can testify from memory. You  
5 can ask him. But he cannot testify from  
6 documents that are not disclosed.

7 MS. JEFFERSON: Okay. Well there's a  
8 possibility they might be already.

9 CHAIRPERSON ANDERSON: Yes, Mr.  
10 Bianco.

11 MR. BIANCO: I would ask that he not  
12 refer to the documents that have not been shared  
13 with counsel. I don't know what he's looking at.

14 CHAIRPERSON ANDERSON: I'm asking the  
15 lieutenant not to, and he knows not to look at a  
16 document that you have not been handed by Ms.  
17 Jefferson. Thank you.

18 MR. JENKINS: Yes.

19 MS. JEFFERSON: So, I'll start with  
20 this. Have you ever responded to a call for  
21 service to Betty's Gojo?

22 MR. JENKINS: I have never responded  
23 to.

24 MS. JEFFERSON: Okay. Have officers  
25 that report to you ever responded?

1 MR. JENKINS: Yes.

2 MS. JEFFERSON: Okay. And how often  
3 do you believe that officers respond to calls for  
4 service per week or based on your knowledge? Let  
5 me say, based on your knowledge.

6 MR. JENKINS: Based on my knowledge we  
7 did an query into the calls to service to that  
8 location and to the 7600 Block of Georgia Avenue.  
9 Ran an inquiry from October 30, 2018, to October  
10 30, 2019.

11 There were 36 direct calls for service  
12 to 7616 Georgia Avenue, NW. There were an  
13 additional 85 calls for service for that  
14 particular block, 7600 Block of Georgia Avenue.  
15 And to include other addresses within that block  
16 there were 318 calls for service.

17 MS. JEFFERSON: You said 318?

18 MR. JENKINS: Yes, ma'am.

19 MS. JEFFERSON: To the 7600 Block?

20 MR. JENKINS: To different addresses  
21 within that block.

22 MS. JEFFERSON: Different addresses on  
23 that block. And that's over just one calendar  
24 year?

25 MR. JENKINS: Yes.

1 MS. JEFFERSON: Okay. And did you run  
2 any similar reports for let's say the 7700 Block  
3 of Georgia Avenue?

4 MR. JENKINS: I did not.

5 MS. JEFFERSON: Okay. Did any of  
6 these calls of service result in any of your  
7 officers having to write, what I believe you call  
8 incident reports?

9 MR. JENKINS: Yes.

10 MS. JEFFERSON: Do you know how many?

11 MR. JENKINS: I don't know how many  
12 offhand. I would say between five and ten actual  
13 reports.

14 CHAIRPERSON ANDERSON: Lieutenant,  
15 you're speaking to us not to her. So --

16 MR. JENKINS: I'm sorry. I would say  
17 maybe between five and ten actual reports were  
18 made.

19 MS. JEFFERSON: And do you know the  
20 nature of those violations?

21 MR. JENKINS: We had an assault, ABRA  
22 violation, this report. Those were some of them.

23 MS. JEFFERSON: So, I'm going to  
24 direct everyone to Exhibit 26.

25 (Whereupon, the document referred to

1 was marked as Protestant Exhibit 26 for  
2 identification.)

3 CHAIRPERSON ANDERSON: Is that from  
4 your PIP? Mr. Bianco, do you have Exhibit 26?

5 MR. BIANCO: I do.

6 CHAIRPERSON ANDERSON: Yes, you can  
7 hand it to him.

8 MS. JEFFERSON: Okay. Can you share  
9 with us the date on that report?

10 CHAIRPERSON ANDERSON: Can you have  
11 him, ask him to identify the document first?

12 MS. JEFFERSON: I'm sorry, thank you.  
13 Can you please identify the document?

14 MR. JENKINS: Well, this is a PD-251  
15 public incident report.

16 MS. JEFFERSON: Okay, thank you. And  
17 what is the report date?

18 MR. JENKINS: The report date is  
19 September 1, 2018.

20 MS. JEFFERSON: Okay. And how many  
21 responding officers are listed?

22 MR. JENKINS: I have one listed on  
23 this report.

24 MS. JEFFERSON: And how many assistant  
25 officers?

1 MR. JENKINS: They have none listed on  
2 the report.

3 MS. JEFFERSON: Okay. I'm sorry to go  
4 back to this. But would the date, can you share  
5 the time as well, I'm sorry?

6 MR. JENKINS: 4:40 a.m.

7 MS. JEFFERSON: 4:40 a.m., okay. And  
8 what was the offense?

9 MR. JENKINS: Simple assault.

10 MS. JEFFERSON: Simple assault. And  
11 what was the address?

12 MR. JENKINS: 7616 Georgia Avenue, NW.

13 MS. JEFFERSON: Okay. Does the simple  
14 assault show what the factor was?

15 MR. JENKINS: Yes.

16 MS. JEFFERSON: And can you share that  
17 with us?

18 MR. JENKINS: Are you talking about --

19 CHAIRPERSON ANDERSON: What exhibit  
20 are we at?

21 MS. JEFFERSON: 24, 26, sorry.

22 CHAIRPERSON ANDERSON: Can I see  
23 Exhibit 26? Let me see what it looks like,  
24 please? I just want to see. All right, hold on.

25 I probably was looking at the wrong



1 one. Go ahead, I don't have, just go ahead,  
2 please, yes.

3 MS. JEFFERSON: Okay, I'm sorry. Was  
4 there a weapon or force involved?

5 MR. JENKINS: The victim was punched  
6 with a fist.

7 MS. JEFFERSON: Punched with a fist.  
8 And is there a public narrative at the bottom?

9 MR. JENKINS: Yes.

10 MS. JEFFERSON: Can you read that for  
11 us, please?

12 MR. BIANCO: Mr. Anderson, I'm going  
13 to object. There's no foundation for this  
14 document. It hasn't been authenticated and now  
15 he's reading from a report where he has no  
16 personal knowledge.

17 And not only that, the name of the  
18 person who actually did take the report isn't  
19 here, isn't available for cross examination.  
20 It's inappropriate.

21 CHAIRPERSON ANDERSON: I can't find  
22 the exhibit. And so, I was letting you guys go  
23 ahead while I try to find it. But I don't have  
24 it, the exhibits.

25 Does someone have an extra copy of

1 that exhibit that I can have so I can --

2 MR. BIANCO: Given the volume of  
3 documents I have everything electronically. So,  
4 I don't have a paper copy.

5 CHAIRPERSON ANDERSON: I'm looking  
6 under the PIP for Protestant and I can't, I don't  
7 have the document. So, it's hard for me to --

8 MS. JEFFERSON: It should be in the  
9 record under exhibit --

10 CHAIRPERSON ANDERSON: I don't have  
11 it. Just give her a copy so I can copy or look  
12 at it, okay. I have the big book. It's not in  
13 there, okay. That's why I'm asking.

14 And I'm looking at documents, not the  
15 same ones. So, in order for me to make a ruling  
16 I need to, I thought I could have winged it. But  
17 now there's an objection.

18 I need to have the document in front  
19 of me. Exhibit 26, I have that.

20 MS. JEFFERSON: May I ask a question  
21 while we're waiting?

22 CHAIRPERSON ANDERSON: No, you can't  
23 ask, yes, you can't ask a question unless you  
24 want to withdraw the question that you asked  
25 because he raised an objection and I need to rule

1 whether or not he can answer the question.

2 MS. JEFFERSON: It's related to his  
3 objection.

4 CHAIRPERSON ANDERSON: Well, why don't  
5 you withdraw the question.

6 MS. JEFFERSON: I'll withdraw the  
7 question.

8 CHAIRPERSON ANDERSON: Fine, so go  
9 ahead.

10 MS. JEFFERSON: Lieutenant, is it part  
11 of your job responsibility to review these public  
12 incident reports?

13 MR. JENKINS: Sometimes, when it's  
14 associated with an arrest.

15 MS. JEFFERSON: Okay. Do you recall  
16 whether you reviewed the specific one that was  
17 before you?

18 MR. JENKINS: I do not recall.

19 MS. JEFFERSON: Okay. But that's the  
20 typical practice to do that, for an officer to  
21 complete one and then you review?

22 MR. JENKINS: A lieutenant of our  
23 sector will review all arrests.

24 MS. JEFFERSON: I'm sorry.

25 MR. JENKINS: A lieutenant of our

1       borough will review all arrest reports.

2                   MS. JEFFERSON: All the arrest  
3 reports.

4                   MR. JENKINS: Correct.

5                   MS. JEFFERSON: Okay. And let me hand  
6 that back. So, in that specific instance, are  
7 you able to ascertain whether there was an arrest  
8 or do these reports reflect whether an arrest  
9 actually occurs?

10                  MR. JENKINS: The 251 involved an  
11 arrest. I don't know if there's a 163 among  
12 these report notes.

13                  MS. JEFFERSON: I'm sorry. I don't  
14 know what a --

15                  MR. JENKINS: I'm sorry. A PD-163 is  
16 an arrest report. I don't know if these report  
17 numbers are also associated with any PD-163 that  
18 would indicate an arrest.

19                  MS. JEFFERSON: Okay.

20                  MR. JENKINS: But if it's just the PD-  
21 251 which is what this document is, it's just an  
22 open case report.

23                  MS. JEFFERSON: Okay. So, have you  
24 reviewed any incident reports that came from  
25 offenses at this establishment at any time?

1 MR. JENKINS: I don't recall any  
2 actual report at that address.

3 MS. JEFFERSON: Okay. I would like to  
4 present Exhibit 30.

5 CHAIRPERSON ANDERSON: You can, all  
6 you have to do is you ask for Exhibit 30 and show  
7 it to the witness. Ask him to identify it and  
8 you will ask questions.

9 At the end of him asking, at the end  
10 of taking testimony then if you want to move it  
11 into evidence then you would request to move it  
12 into evidence.

13 But prior to you just pull the  
14 document, show it to him and ask him to identify  
15 it and you can have him testify from the document  
16 if he's familiar with it.

17 MS. JEFFERSON: Okay, thank you. I'm  
18 going to hand you an exhibit. This is Exhibit  
19 30. Can you turn to the third page? Do you have  
20 that copy, sir, Chair?

21 (Whereupon, the document referred to  
22 was marked as Protestant Exhibit 30 for  
23 identification.)

24 CHAIRPERSON ANDERSON: I don't have  
25 your exhibits. And that's what it is. I don't

1 have a copy of -- I have the ANC's exhibits. I  
2 have the group of five or more exhibits, but I do  
3 not have your exhibits.

4 So, that's, the Shepherd Park Citizens  
5 Association submitted a separate exhibit, right?

6 MS. JEFFERSON: Yes.

7 CHAIRPERSON ANDERSON: Yes, I don't  
8 have your packet. That's why, all right. But  
9 well let me see the document just in case there's  
10 going to be an objection so at least, just let me  
11 look at it then I'll have you, they're going to  
12 try to find the documents.

13 Okay, you can, here it is, I'm sorry.  
14 Go ahead, you can. I'll just look, but go ahead  
15 we're going to try to locate so I can look at it.  
16 So, go ahead.

17 MS. JEFFERSON: Can you tell me what  
18 this letter is?

19 MR. JENKINS: It's a club closure  
20 request.

21 MS. JEFFERSON: Okay. Have you seen  
22 this letter before?

23 MR. JENKINS: I have not seen this  
24 particular letter, no.

25 MS. JEFFERSON: Are you aware that

1 there was a letter written?

2 MR. JENKINS: Yes.

3 MS. JEFFERSON: Okay. And how did you  
4 become aware of it?

5 MR. JENKINS: When I was assigned to,  
6 when I was summoned for this hearing.

7 MS. JEFFERSON: For this hearing. But  
8 other than that you, as the PSA 01 Lieutenant you  
9 were not aware that there was a closure letter  
10 from the Chief of Police?

11 MR. JENKINS: No, ma'am.

12 MS. JEFFERSON: Are there other  
13 lieutenants who cover PSA 401?

14 MR. JENKINS: Yes.

15 MS. JEFFERSON: Okay. And is, can you  
16 just, did you know that there was a closure of  
17 this establishment?

18 MR. JENKINS: Yes.

19 MS. JEFFERSON: You did know, okay.  
20 And how did you know?

21 MR. BIANCO: I'm going to object. The  
22 basis of the testimony is going to be that  
23 somebody told him.

24 MS. JEFFERSON: That's what police  
25 officers do.

1                   CHAIRPERSON ANDERSON: I'm sorry, go  
2 ahead.

3                   MR. BIANCO: He's testifying about a  
4 letter that has not been authenticated, that he  
5 didn't write, that he never knew about and it's,  
6 at this point there's been no foundation should  
7 not be part of the case.

8                   MS. JEFFERSON: I'm just going to say  
9 police officers, everything that they get is  
10 reported from somebody else unless they actually  
11 witness it themselves. That's part of their job.

12                  MR. BIANCO: I mean, I can't cross  
13 examine somebody who is not here.

14                  CHAIRPERSON ANDERSON: I mean, in this  
15 particular case, it's a matter of public record  
16 that there was, the Chief of Police sent a  
17 closure letter and that this Board acted on the  
18 closure as part of their investigative history.

19                  MR. BIANCO: There's a line in the  
20 investigative history and I agree that's fair  
21 game for the investigator. But due respect, this  
22 hasn't been established as public record or  
23 business record.

24                               There's no evidence that it's  
25 contemporaneously kept in the ordinary course of



1 their business. All of these are required for  
2 admission of such a document.

3 So, I realize they may be purporting  
4 that all of those things are true. But without  
5 testimony to support it, it's simply  
6 inadmissible.

7 CHAIRPERSON ANDERSON: Where are you  
8 going with this testimony, Ms. Jefferson?

9 MS. JEFFERSON: My question was  
10 basically to find out whether he was aware that  
11 they had received a MPD closure and he answered  
12 the question.

13 MR. BIANCO: Mr. Anderson, we'll  
14 stipulate to the fact that there was a closure.  
15 We don't need to go around five minutes of  
16 testimony. The Board acted. The Board knows  
17 that it acted.

18 CHAIRPERSON ANDERSON: So, I'll  
19 sustain the objection. Let's move on.

20 MS. JEFFERSON: Okay. On average when  
21 there are calls for service to Betty's how many  
22 officers typically go?

23 MR. JENKINS: At least two squad cars,  
24 at least two officers. But if there's a major  
25 incident or significant incident at a club

1 there's going to be, typically three to four  
2 scout cars and anywhere between four to five  
3 officers for a club incident because we know  
4 there is a large crowd.

5 MS. JEFFERSON: Okay. So, unless  
6 there's, I just want to make sure that I  
7 understood your testimony correct. When you get  
8 those calls for service, and you mentioned  
9 earlier there were over 30, there are at least  
10 two officers that respond.

11 MR. JENKINS: Yes.

12 MS. JEFFERSON: Within the same car.

13 MR. JENKINS: They could be two  
14 separate cars.

15 MS. JEFFERSON: They could be two  
16 separate cars that are sent out. And what makes  
17 the difference between whether it's in one car or  
18 two? Is it based on where they are?

19 MR. JENKINS: Typically, the manpower  
20 for the night we have officers, we can have two  
21 officers per car. Typically we have one officer  
22 per vehicle.

23 MS. JEFFERSON: So, if there's a noise  
24 complaint is that a, or a noise call for service  
25 is it typically one officer who responds or two?

1 MR. JENKINS: A noise, depending if  
2 it's disorderly or non-disorderly calls require  
3 two officers.

4 MS. JEFFERSON: Okay. Where there's  
5 a fight?

6 MR. JENKINS: Definitely two officers.

7 MS. JEFFERSON: Okay. What about if  
8 there's an assault that results in someone being  
9 taken in an ambulance?

10 MR. JENKINS: That would require two  
11 officers. The only thing that requires only one  
12 officer is a standard report. So just something  
13 like that.

14 MS. JEFFERSON: Okay. Are you aware  
15 that an ABRA investigator was assaulted at 7616  
16 Georgia Avenue?

17 MR. BIANCO: I'm going to object.  
18 That assumes facts not in evidence. There's no  
19 foundation.

20 MS. JEFFERSON: It's public record.  
21 There's a court case.

22 CHAIRPERSON ANDERSON: Well, I'm going  
23 to sustain the objection. You need to ask the  
24 question a different way because your, ask the  
25 question a different way.

1                   You're not an attorney and I'm going  
2 to do this. Maybe you need to ask another  
3 question, is he aware of, you can ask him about  
4 it, yes.

5                   MS. JEFFERSON: Okay. Do you have any  
6 knowledge of a report or of an ABRA investigator  
7 being assaulted at 7616 Georgia Avenue?

8                   MR. JENKINS: Yes.

9                   MS. JEFFERSON: Did you review the  
10 report for that particular incident?

11                  MR. JENKINS: I reviewed it, but not  
12 on the night of. I reviewed it once I found out  
13 that it had occurred.

14                  MS. JEFFERSON: Okay. Can you tell us  
15 any information about the incident itself, the  
16 type of assault?

17                  MR. JENKINS: I know there was --

18                  MR. BIANCO: I'm going to object again  
19 as this witness has no personal knowledge of this  
20 except for reading a report that's not in  
21 evidence --

22                  MS. JEFFERSON: That's his job.

23                  MR. BIANCO: -- hasn't been presented.  
24 The fact that there's a report, I agree would be  
25 his job. But the details, the contents are all

1 hearsay. I don't have the opportunity to cross  
2 examine on that.

3 CHAIRPERSON ANDERSON: I'm going to  
4 overrule the objection. You can cross examine  
5 him on the basis of his knowledge. Go ahead, you  
6 can answer the question, sir, if you can.

7 MR. JENKINS: An investigator was on  
8 scene at 7616 Georgia Avenue, NW at Betty's Gojo  
9 and he was taking photos of the establishment.  
10 And two patrons approached him.

11 One slapped his cell phone out of his  
12 hand. The other kicked the cell phone so it was  
13 thrown into the street. The investigator picked  
14 up the phone and again recording or taking  
15 pictures of the suspects and digitally summoned  
16 for police to respond.

17 MPD responded out. It was determined  
18 that the, through the video surveillance and the  
19 victim's testimony that he was assaulted. The  
20 suspects returned to the scene and were  
21 ultimately placed under arrest for simple  
22 assault, APO on the ABRA investigator.

23 MS. JEFFERSON: Can you explain what  
24 an APO is? I'm sorry, we don't know what that  
25 is.

1 MR. JENKINS: I'm sorry. It's an  
2 assault on a police officer but it's also  
3 considered on any D.C. official working in any  
4 capacity.

5 MS. JEFFERSON: And is that a  
6 misdemeanor or is that a felony? What level does  
7 that rise to?

8 MR. JENKINS: This particular APO was  
9 a misdemeanor.

10 MS. JEFFERSON: Misdemeanor, okay. In  
11 the regular course of doing police work the  
12 police department uses numbers to identify these  
13 public incident reports. Is that correct?

14 MR. JENKINS: Yes.

15 MS. JEFFERSON: And so, you have I  
16 think still Exhibit 26 in front of you.

17 MR. JENKINS: Yes.

18 MS. JEFFERSON: Okay. Does it show a  
19 CCN number?

20 MR. JENKINS: Yes. That's the Central  
21 complaint number.

22 MS. JEFFERSON: So, that's what CCN  
23 stands for?

24 MR. JENKINS: Yes, ma'am.

25 MS. JEFFERSON: Okay. And what is

1 that number?

2 MR. JENKINS: For this assault that  
3 occurred on September 1st it's 18, that stands  
4 for the year.

5 MS. JEFFERSON: Okay.

6 MR. JENKINS: 146557.

7 MS. JEFFERSON: And you mentioned the  
8 18 means the year. What do those other numbers  
9 mean?

10 MR. JENKINS: Those are just the  
11 random numbers.

12 MS. JEFFERSON: Okay. I would like to  
13 admit that as evidence.

14 CHAIRPERSON ANDERSON: That's Exhibit  
15 26?

16 MR. BIANCO: That's Exhibit 26 and  
17 again we object. This witness has no personal  
18 knowledge of what occurred on that evening. He  
19 is in no position to testify about it.

20 I can't cross examine him on what  
21 exactly happened or what the basis of his  
22 understanding is about whether or not this  
23 individual who assaulted whomever was in any way  
24 related to my client's establishment. It leaves  
25 me in the dark.

1 MS. JEFFERSON: The two are separate  
2 questions. My question was --

3 CHAIRPERSON ANDERSON: We're talking  
4 about the document. That's, you want to  
5 introduce the document in evidence and he's  
6 saying that he objects to the introduction of the  
7 document into evidence.

8 MS. JEFFERSON: This is police  
9 records. They're publicly available. You can go  
10 to any station and get them. It goes to the  
11 weight of the evidence.

12 MR. BIANCO: I don't disagree. But it  
13 requires a custodian of records to authenticate  
14 the document and you don't have a custodian of  
15 records or at least not someone who can establish  
16 this one.

17 MS. JEFFERSON: We --

18 CHAIRPERSON ANDERSON: I'm going to  
19 overrule the objection. I'll admit it to  
20 evidence over Petitioner's, I'm sorry,  
21 Applicant's objection. So, I'll admit Exhibit 26  
22 to the record.

23 (Whereupon, the document previously  
24 marked as Protestant Exhibit 26 for  
25 identification was received into evidence.)



1 MS. JEFFERSON: Thank you so much.  
2 So, I've attended PSA meetings before. I think  
3 they're open to the public. You have them, is it  
4 once a month?

5 MR. JENKINS: Once a quarter.

6 MS. JEFFERSON: Once a quarter, okay.  
7 And at these meetings the, is it the normal  
8 practice that the lieutenants or captains give  
9 crime statistics?

10 MR. JENKINS: Yes.

11 MS. JEFFERSON: Do they ever give  
12 details about specific locations?

13 MR. JENKINS: Not unless inquired in  
14 the meeting.

15 MS. JEFFERSON: Okay. Have you  
16 attended any of the PSA meetings since being  
17 there in 2018?

18 MR. JENKINS: I've attended maybe  
19 three meetings.

20 MS. JEFFERSON: Okay. Did this  
21 establishment, meaning Betty's Gojo, did anyone  
22 ever mention it?

23 MR. JENKINS: No, ma'am.

24 MS. JEFFERSON: Okay. How many  
25 officers report to you?

1 MR. JENKINS: I'm sorry.

2 MS. JEFFERSON: On average.

3 MR. JENKINS: On average, the entire  
4 shift reports to you. But if you're talking  
5 about PSA 401 members there are 12 members  
6 assigned the PSA 401.

7 MS. JEFFERSON: On a shift?

8 MR. JENKINS: On a midnight shift.

9 MS. JEFFERSON: On a midnight shift?

10 MR. JENKINS: Yes, ma'am.

11 MS. JEFFERSON: Okay. Have you ever,  
12 and I may, please forgive me if I'm asked this  
13 question. Have you ever responded to any call to  
14 7616 Georgia Avenue?

15 MR. JENKINS: I have not been to 7616  
16 Georgia Avenue.

17 MS. JEFFERSON: Okay. What about the  
18 alley behind 7616 Georgia Avenue?

19 MR. JENKINS: I have not responded to  
20 the alley.

21 MS. JEFFERSON: Okay.

22 MR. JENKINS: Just typically  
23 lieutenants don't respond to calls unless we have  
24 a major incident.

25 MS. JEFFERSON: Okay. And would a

1 closure be considered or an incident that rises  
2 to the level of a closure, would that be  
3 something that a lieutenant would normally be  
4 called to come after the responding officers?

5 MR. JENKINS: Yes.

6 MS. JEFFERSON: Okay. Given your  
7 knowledge, the people who report to you respond  
8 to a wide range of police calls.

9 How would you characterize the number  
10 of, sorry, calls for service to this location,  
11 this particular location versus other similar  
12 establishments in your PSA? Would you say it's  
13 average, low, high?

14 MR. JENKINS: I would say high. Most  
15 likely because there is no security there. So,  
16 you get a high number of calls.

17 MS. JEFFERSON: Okay, thank you. No  
18 further. Well, no questions right now.

19 CHAIRPERSON ANDERSON: Mr. Bianco.

20 CROSS EXAMINATION

21 MR. BIANCO: You just testified that  
22 you would characterize calls to this  
23 establishment as a high number. Did you compare  
24 it to other calls to other establishments in the  
25 area for the purpose of today's testimony?

1 MR. JENKINS: No.

2 MR. BIANCO: So, what's your basis for  
3 saying that?

4 MR. JENKINS: Based on the query that  
5 we ran for this address.

6 MR. BIANCO: And that's the one that  
7 came up with the 36 calls for this particular  
8 address?

9 MR. JENKINS: That is correct.

10 MR. BIANCO: Are you familiar with an  
11 establishment called Champion's Kitchen?

12 MR. JENKINS: Yes.

13 MR. BIANCO: And did you run a similar  
14 search on Champion's Kitchen?

15 MR. JENKINS: No.

16 MR. BIANCO: Okay. And that  
17 establishment is only a couple hundred feet away  
18 from Betty's Gojo, correct?

19 MR. JENKINS: It's in the 7700 Block.

20 MR. BIANCO: I don't have any further  
21 questions.

22 CHAIRPERSON ANDERSON: Any questions  
23 by the Board Members? Yes, Mr. Short.

24 MEMBER SHORT: Good morning,  
25 Lieutenant Jenkins.

1 MR. JENKINS: Good morning.

2 MEMBER SHORT: Thank you for your  
3 service. Thank you for being here this morning.  
4 I'm particularly concerned about the resources  
5 from the Fourth District that are expended for  
6 this particular establishment.

7 Could you quantify or give us an  
8 example on a monthly basis how many calls go to  
9 7616 Georgia Avenue and how many resources from  
10 MPD are required, on average?

11 MR. JENKINS: I can't quantify the  
12 monthly response to that location. But on  
13 average if you total the incident.

14 MEMBER SHORT: It's a restaurant,  
15 correct?

16 MR. JENKINS: Correct.

17 MEMBER SHORT: Are they operating as  
18 a club?

19 MR. JENKINS: They don't have any, a  
20 restaurant license.

21 MEMBER SHORT: It's licensed as a  
22 restaurant. But how do they operate? Well, let  
23 me ask another question. How many restaurants  
24 are in the Fourth District?

25 MR. JENKINS: That I can't answer.

1                   MEMBER SHORT: How many restaurants  
2 are on Georgia Avenue?

3                   MR. JENKINS: Quite a few. I can't  
4 give a number.

5                   MEMBER SHORT: The average restaurant  
6 on Georgia Avenue get the same police responses  
7 as Betty's Gojo?

8                   MR. JENKINS: The average restaurant,  
9 no. The problem restaurants, yes.

10                  MEMBER SHORT: Would you consider  
11 Betty Gojo a problem restaurant?

12                  MR. JENKINS: Yes.

13                  MEMBER SHORT: And it costs an  
14 inordinate amount of police resources. Is that  
15 correct?

16                  MR. JENKINS: Correct.

17                  MEMBER SHORT: Do you think an RDO  
18 when they are open after 12, midnight would help  
19 the situation?

20                  MR. JENKINS: Yes.

21                  MEMBER SHORT: So, an RDO would be the  
22 answer that you would give as a lieutenant with  
23 your experience. How many years experience do  
24 you have, Lieutenant?

25                  MR. JENKINS: Seventeen years.

1                   MEMBER SHORT: Seventeen years. And  
2 so, you're saying an RDO detail at the front door  
3 of Betty's Gojo, 7616 Georgia Avenue, NW, would  
4 alleviate some of the stresses for resources in  
5 the Fourth District MPD, Washington D.C.?

6                   MR. JENKINS: I think it would  
7 alleviate a lot of it.

8                   MEMBER SHORT: I do thank you very  
9 much. Thank you for your time today, sir, and  
10 thank you for your answers.

11                  MR. JENKINS: Yes, sir.

12                  MS. JEFFERSON: I have a --

13                  CHAIRPERSON ANDERSON: No, Ms.  
14 Jefferson.

15                  MS. JEFFERSON: Okay.

16                  CHAIRPERSON ANDERSON: This is the  
17 Board's opportunity. And so, when the Board and  
18 if I have a question to ask and then we'll go  
19 back and, all right.

20                  Mr. Bianco, do you have any questions  
21 to ask the Lieutenant based on the questions that  
22 were asked by Mr. Short?

23                  MR. BIANCO: I do not, sir.

24                  CHAIRPERSON ANDERSON: Ms. Jefferson,  
25 do you have a question to ask the Lieutenant

1 based on the question that was asked by Mr.  
2 Short?

3 MS. JEFFERSON: Yes.

4 CHAIRPERSON ANDERSON: Go ahead.

5 MS. JEFFERSON: Board Member Short  
6 asked about the calls for service for other  
7 restaurants on Georgia Avenue. In your 17 years  
8 of experience, how often did you receive a call  
9 for service for an incident at a specific 100  
10 Block that's really for something on another  
11 block?

12 MR. BIANCO: I'm going to object. I  
13 mean, I suppose it's a technical objection. It's  
14 compound. But the practical one is I don't  
15 understand the question.

16 MS. JEFFERSON: So, let me clarify the  
17 question.

18 CHAIRPERSON ANDERSON: Yes.

19 MS. JEFFERSON: You have a 7600 Block  
20 and you have a 7700 Block, okay. And every  
21 street in D.C. has 100 blocks, correct?

22 MR. JENKINS: Yes.

23 MS. JEFFERSON: So, Board Member Short  
24 asked you about the calls for service on Georgia  
25 Avenue. And my question is, in your experience



1 in 17 years, how often does someone call for an  
2 incident such as on the 7600 Block when it's  
3 really for an incident on the 7700 Block? Is  
4 that normal?

5 MR. JENKINS: You're talking about an  
6 individual calling police in reference to a crime  
7 that occurred it happens quite often where they  
8 go to another location.

9 If you're talking about an incident  
10 that happened on a certain location such as an  
11 establishment or a school or store or something  
12 like that, the reported incident location would  
13 usually be to that particular block.

14 MS. JEFFERSON: Okay. So, it's not  
15 for another block if it's related to a specific  
16 establishment?

17 MR. JENKINS: Most of the time it  
18 would be that particular block.

19 MS. JEFFERSON: Okay. No further  
20 questions.

21 CHAIRPERSON ANDERSON: Lieutenant,  
22 thank you very much for your testimony.

23 MS. JEFFERSON: Thank you so much.

24 CHAIRPERSON ANDERSON: You can step  
25 down. Have a good day. All right. We'll take a

1 five minute break and then we'll have the  
2 Protestant, I'm sorry, we'll have the Licensee  
3 present its case.

4 And once the Licensee has presented  
5 its case then we'll decide if we're going to do a  
6 lunch break. I will make that determination  
7 based on how many witnesses that we have and how  
8 much, where we are in the day, okay, because I  
9 want to make sure that it's over by 5 o'clock.  
10 Yes.

11 MS. JEFFERSON: Is it possible if I  
12 could get a check for my time, please?

13 CHAIRPERSON ANDERSON: As I said,  
14 that's not an issue.

15 MS. JEFFERSON: Okay, thank you.

16 CHAIRPERSON ANDERSON: The only issue  
17 I'm keeping everyone to is that --

18 MS. JEFFERSON: You've got somewhere  
19 to go.

20 CHAIRPERSON ANDERSON: -- at the end  
21 of the day because we're not going to, that  
22 hearing is going to take more than three hours.  
23 I try to be fair especially we don't have another  
24 hearing today.

25 But I don't want, I want you to be

1 mindful of everyone's time. So, we'll take a,  
2 it's 12:14 and we'll be back, we'll come back on  
3 the record at 12:20 and then we'll have the  
4 Applicant present its case, okay.

5 (Whereupon, the above-entitled matter  
6 went off the record at 12:13 p.m. and resumed at  
7 12:28 p.m.)

8 CHAIRPERSON ANDERSON: Who is your  
9 first witness?

10 MR. BIANCO: We call Hewitt Okbagabrr.

11 CHAIRPERSON ANDERSON: I'm sorry,  
12 what's it?

13 MR. BIANCO: Hewitt Okbagabrr. Can  
14 you stand, please? Can you stand? Can you raise  
15 your right hand, please?

16 WHEREUPON,

17 HEWITT OKBAGABRR  
18 was called as a witness by Counsel for the  
19 Applicant and, having been first duly sworn,  
20 assumed the witness stand, was examined and  
21 testified as follows:

22 CHAIRPERSON ANDERSON: Have a seat and  
23 pull the microphone close to your face when you  
24 speak?

25 MEMBER SHORT: Can you have her spell

1 her last name?

2 CHAIRPERSON ANDERSON: No, he's going  
3 to do that.

4 DIRECT EXAMINATION

5 MR. BIANCO: Hewitt, is it okay if I  
6 call you by your first name?

7 MS. OKBAGABRR: Sure.

8 MR. BIANCO: Okay, great. Are you  
9 familiar with Betty's Gojo?

10 CHAIRPERSON ANDERSON: Ask her to  
11 identify herself for the record, please.

12 MR. BIANCO: Sure. Can you please  
13 state your full name for the record?

14 MS. OKBAGABRR: Hewitt Okbagabrr.

15 MR. BIANCO: Okay. And could you  
16 spell your last name, please, for the Board?

17 MS. OKBAGABRR: O-K-B-A-G-A-B-R-R.

18 CHAIRPERSON ANDERSON: Pull the  
19 microphone closer to you because I can't hear  
20 you.

21 MR. BIANCO: Hewitt, can you tell the  
22 Board if you are familiar with Betty's Gojo at  
23 7616 Georgia Avenue, NW?

24 MS. OKBAGABRR: Yes, I am.

25 MR. BIANCO: Okay. And how do you

1 know it?

2 MS. OKBAGABRR: I go there to hang  
3 out.

4 MR. BIANCO: Is there any other way  
5 that you're familiar with that establishment?

6 MS. OKBAGABRR: I have a business like  
7 500 feet from there.

8 MR. BIANCO: Okay. And what's the  
9 name of your business?

10 MS. OKBAGABRR: Nahom Ingera and  
11 Grocery.

12 MR. BIANCO: And what's the address of  
13 your business?

14 MS. OKBAGABRR: 7714 Georgia Avenue,  
15 NW.

16 MR. BIANCO: Okay. And how often do  
17 you go to Betty's Gojo to hang out?

18 MS. OKBAGABRR: Three times a week.

19 MR. BIANCO: Three times a week. And  
20 what times do you go there?

21 MS. OKBAGABRR: From, sometimes from  
22 midnight to 1:30 and sometimes from 9:00 to 2:00  
23 a.m.

24 MR. BIANCO: And shift back to your  
25 business for a moment. You just own the business

1 or you do you actually work there?

2 MS. OKBAGABRR: I work there too.

3 MR. BIANCO: Okay. And what hours do  
4 you work at your business?

5 MS. OKBAGABRR: We open at night from  
6 3:00 p.m. to 11:00 a.m.

7 MR. BIANCO: And those are the hours  
8 that you're actually there?

9 MS. OKBAGABRR: Yes.

10 MR. BIANCO: And what do you do when  
11 you're working at your business?

12 MS. OKBAGABRR: We bake Ethiopian  
13 food.

14 MR. BIANCO: So, you bake food. And  
15 the times that you go to Betty's Gojo, is it just  
16 during the week or is it on both, is it both  
17 during the weekend?

18 MS. OKBAGABRR: Both.

19 MR. BIANCO: And can you describe it  
20 for me?

21 MS. OKBAGABRR: I visit to get food  
22 and to hang out with my friend. It is a good  
23 place to hang out for me.

24 MR. BIANCO: Is it too loud for you?

25 MS. OKBAGABRR: No. There is no DJ

1 upstairs. I don't know about downstairs. But  
2 there is no DJ, just regular music.

3 MR. BIANCO: Regular music. By  
4 regular music what do you mean?

5 MS. OKBAGABRR: Like YouTube, TV.

6 MR. BIANCO: Okay. And have you  
7 noticed anything about the age, the general age  
8 of the crowd that goes there?

9 MS. OKBAGABRR: Not teenager age but  
10 it 25 through 35 is the people that come  
11 upstairs.

12 CHAIRPERSON ANDERSON: Ma'am, can you  
13 speak up, please?

14 MEMBER SHORT: Speak into the  
15 microphone. Thank you.

16 MS. OKBAGABRR: Okay.

17 MR. BIANCO: How long have you been  
18 going to Betty's Gojo?

19 MS. OKBAGABRR: More than three years.

20 MR. BIANCO: I'm sorry, did you say  
21 more than two years or more than three?

22 MS. OKBAGABRR: Three.

23 MR. BIANCO: Okay. And did you go  
24 there when there was a prior owner?

25 MS. OKBAGABRR: Yes.

1 MR. BIANCO: Do you know who the prior  
2 owner was?

3 MS. JEFFERSON: Objection.

4 CHAIRPERSON ANDERSON: What's the  
5 nature of the objection?

6 MS. JEFFERSON: It's already been  
7 established that there was no prior owner, that  
8 this was a continuance of ownership. There was a  
9 stock transfer. You all did an order on that.

10 CHAIRPERSON ANDERSON: I'm going to  
11 overrule the objection. She can answer that  
12 because I don't, I mean, I don't know. So, let  
13 me see what we're dealing with this.

14 So, go ahead. You can ask the  
15 question.

16 MR. BIANCO: Who was that prior owner?

17 MS. OKBAGABRR: Betty.

18 MR. BIANCO: So, the actual Betty of  
19 Betty's Gojo?

20 MS. OKBAGABRR: Yes.

21 MR. BIANCO: Okay. And what are the,  
22 or are there any differences between how Betty  
23 ran the establishment and how Kibreck and Abebe  
24 run it?

25 MS. OKBAGABRR: When Betty was there



1 it used to be very crowded. Now it's not that  
2 crowded. There's not that much people.

3 MR. BIANCO: So, your business is a  
4 few doors down from Betty's Gojo. But where do  
5 you live?

6 MS. OKBAGABRR: I live in 6650 Georgia  
7 Avenue, six blocks from that.

8 MR. BIANCO: And the times when you  
9 have been at Betty's Gojo, have you ever seen any  
10 fights?

11 MS. OKBAGABRR: No.

12 MR. BIANCO: Any other disturbances?

13 MS. OKBAGABRR: No.

14 MR. BIANCO: So, have you ever noticed  
15 any trash or garbage on the sidewalk near the  
16 street in front of Betty's?

17 MS. OKBAGABRR: No, I never have.

18 MR. BIANCO: Have you ever seen anyone  
19 from Betty's tending to trash or garbage on the  
20 street?

21 MS. OKBAGABRR: No.

22 MR. BIANCO: Could you please describe  
23 what happens when you go there and when you  
24 enter? Can you walk me through that process?

25 MS. OKBAGABRR: When I go there is

1 security that check the ID first. If I have a  
2 bag they check my bag first.

3 MR. BIANCO: Do you ever get patted  
4 down when you go in?

5 MS. OKBAGABRR: No. I don't go  
6 downstairs.

7 MR. BIANCO: You don't go downstairs.

8 MS. OKBAGABRR: No.

9 MR. BIANCO: Okay. So, have you seen  
10 security guards inside of Betty's Gojo?

11 MS. OKBAGABRR: Yes.

12 MR. BIANCO: And can you describe what  
13 they're doing inside of Betty's Gojo?

14 MS. OKBAGABRR: Check the ID and  
15 sometimes there are two security, downstairs. I  
16 don't go downstairs but I see them when they come  
17 up and out, yes.

18 MR. BIANCO: And is there access to  
19 the rear parking lot from the inside of Betty's  
20 Gojo?

21 MS. OKBAGABRR: There is a parking lot  
22 on the back side.

23 MR. BIANCO: How do you get to it?

24 MS. OKBAGABRR: You cannot get in the  
25 back door through the bar.

1 MR. BIANCO: Why can't you get out the  
2 back door?

3 MS. OKBAGABRR: The doors are locked.

4 MR. BIANCO: The door is locked.

5 MS. OKBAGABRR: Yes.

6 MR. BIANCO: Okay. So, if you're  
7 going to go to the parking lot you have to --

8 MS. OKBAGABRR: You have to go the  
9 main entrance.

10 MR. BIANCO: Do you ever eat there?

11 MS. OKBAGABRR: Yes.

12 MR. BIANCO: Is the food good?

13 MS. OKBAGABRR: It's good, yes.

14 MR. BIANCO: What's your favorite?

15 MS. OKBAGABRR: Lamb.

16 MR. BIANCO: The lamb, okay. How  
17 often do you eat there?

18 MS. OKBAGABRR: Maybe once a week.

19 MR. BIANCO: Once a week.

20 MS. OKBAGABRR: Yes.

21 MR. BIANCO: And when you go there to  
22 eat are there other customers eating?

23 MS. OKBAGABRR: Yes.

24 MR. BIANCO: And when you're working  
25 your overnight shifts at your business, do you

1 ever hear any disturbances?

2 MS. OKBAGABRR: No.

3 MR. BIANCO: Have you ever seen any  
4 customers coming from Betty's causing trouble at  
5 your place?

6 MS. OKBAGABRR: Never, no.

7 MR. BIANCO: Do you think Betty's Gojo  
8 is bad for the neighborhood?

9 MS. OKBAGABRR: I don't think so.

10 MR. BIANCO: Do you think it's good  
11 for the neighborhood?

12 MS. OKBAGABRR: It's good.

13 MR. BIANCO: Why?

14 MS. OKBAGABRR: Because I don't see  
15 anything wrong. It is not that loud. Whenever I  
16 go it's good.

17 MR. BIANCO: Is there a rear exit to  
18 your business?

19 MS. OKBAGABRR: No.

20 MR. BIANCO: Have you ever been in the  
21 parking lot behind Betty's?

22 MS. OKBAGABRR: Yes.

23 MR. BIANCO: And what have you  
24 observed, if anything, when you went back there?

25 MS. OKBAGABRR: I didn't see anything.

1 There were just cars parked and they walked to  
2 the front door.

3 MR. BIANCO: Okay. I don't have any  
4 further questions. Ms. Jefferson is now going to  
5 ask you some questions.

6 CROSS EXAMINATION

7 MS. JEFFERSON: Hi.

8 MS. OKBAGABRR: Hi.

9 MS. JEFFERSON: Have you ever smoked  
10 hookah when you've been at Betty's?

11 MS. OKBAGABRR: I don't smoke.

12 MS. JEFFERSON: But you've seen people  
13 do it?

14 MS. OKBAGABRR: Upstairs?

15 MS. JEFFERSON: Anywhere?

16 MS. OKBAGABRR: I only see upstairs.  
17 I don't go downstairs.

18 MS. JEFFERSON: And I believe your  
19 previous testimony was that you make food?

20 MS. OKBAGABRR: No, we bake the  
21 Ethiopian food. It's making bread.

22 MS. JEFFERSON: Is Betty's one of your  
23 clients?

24 MS. OKBAGABRR: No, they are not.

25 MS. JEFFERSON: No further, no

1 questions.

2 CHAIRPERSON ANDERSON: All right, Mr.  
3 Short.

4 MEMBER SHORT: Good afternoon. You  
5 just mentioned you always come in the front door  
6 when you come into Betty's?

7 MS. OKBAGABRR: Yes.

8 MEMBER SHORT: And you mentioned  
9 something about the back door.

10 MS. OKBAGABRR: I park my car if there  
11 is no parking at the front. And I have to walk  
12 through the front door because --

13 MEMBER SHORT: Everybody comes through  
14 the front door.

15 MS. OKBAGABRR: Yes.

16 MEMBER SHORT: That's where you get  
17 your ID checked. But now, the back door, is it  
18 always locked?

19 MS. OKBAGABRR: It's always locked,  
20 yes. When I try to open it is locked.

21 MEMBER SHORT: If something happened  
22 at the front door or caught fire or something  
23 like that, how would you get out?

24 MS. OKBAGABRR: I would have to ask  
25 the owners to open it because it's locked.

1                   MEMBER SHORT: In an emergency, do you  
2 think it would be, do you think that's good you  
3 have to wait for someone to unlock an exit door?

4                   MS. OKBAGABRR: I don't think so. But  
5 at the same time because they don't want people  
6 to come through and that's why they lock it.

7                   MEMBER SHORT: I do understand that.  
8 But the law says they must have two means of  
9 egress when you're inside of the club. So, you  
10 have to have a front door so people can get out  
11 and a back door.

12                   That's what the law says. So, maybe  
13 you need to ask them about that the next time  
14 you're there because maybe they need to put a  
15 security person at that back door. But the back  
16 door should be open.

17                   MS. OKBAGABRR: Okay.

18                   MEMBER SHORT: And we're probably  
19 going to ask one of our investigators to check  
20 the next time he's there.

21                   MS. OKBAGABRR: Okay.

22                   MEMBER SHORT: Thank you very much.

23                   MS. OKBAGABRR: You're welcome.

24                   CHAIRPERSON ANDERSON: Do you have any  
25 questions, Ms. Jefferson, based on the questions

1 that Mr. Short asked?

2 MS. JEFFERSON: No.

3 CHAIRPERSON ANDERSON: Mr. Bianco, do  
4 you have any questions based on the questions Mr.  
5 Short asked?

6 MR. BIANCO: No further questions.

7 CHAIRPERSON ANDERSON: Thank you,  
8 ma'am, for your testimony. You may step down.

9 MR. BIANCO: Mr. Chair, if I could  
10 step outside and get my next witness.

11 CHAIRPERSON ANDERSON: Sure.

12 MR. BIANCO: Thank you very much.

13 CHAIRPERSON ANDERSON: Who is your  
14 next witness, sir?

15 MR. BIANCO: David Andrew.

16 CHAIRPERSON ANDERSON: Can you raise  
17 your right hand, Mr. Andrew?

18 WHEREUPON,

19 DAVID ANDREW

20 was called as a witness by Counsel for the  
21 Applicant and, having been first duly sworn,  
22 assumed the witness stand, was examined and  
23 testified as follows:

24 CHAIRPERSON ANDERSON: Have a seat  
25 please and pull the microphone close to you, sir?



1 DIRECT EXAMINATION

2 MR. BIANCO: David, is that your last  
3 name or is it Andrew or Andrews?

4 MR. ANDREW: Drew with no S.

5 MR. BIANCO: With no, s, okay. Sorry  
6 about that. Can you just for the record state  
7 your full name?

8 MR. ANDREW: David Andrew.

9 MR. BIANCO: And, Mr. Andrew, where do  
10 you work?

11 MR. ANDREW: I own Prestige Event  
12 Management.

13 MR. BIANCO: And that's your company?

14 MR. ANDREW: Yes.

15 MR. BIANCO: Okay. How long have you  
16 owned that company?

17 MR. ANDREW: Thirteen years.

18 CHAIRPERSON ANDERSON: Pull the  
19 microphone closer to you, Mr. Andrew.

20 MR. ANDREW: Sorry, 13 years.

21 MR. BIANCO: And what does that  
22 company do?

23 MR. ANDREW: We provide security,  
24 bodyguards, venues, marketing, credit card  
25 processing, video surveillance, venues,

1 promoters, everything for the industry.

2 MR. BIANCO: Do you provide security  
3 to bars, restaurants and night clubs?

4 MR. ANDREW: Yes.

5 MR. BIANCO: How many bars,  
6 restaurants and night clubs do you represent in  
7 D.C.?

8 MR. ANDREW: Currently just in D.C.?

9 MR. BIANCO: Just in D.C.

10 MR. ANDREW: Six, seven.

11 MR. BIANCO: How about, I'm sorry,  
12 seven. And is that including Betty's?

13 MR. ANDREW: Yes.

14 MR. BIANCO: Okay. And how many  
15 overall?

16 MR. ANDREW: Eleven.

17 MR. BIANCO: And how would you  
18 characterize Betty's? Is it a restaurant, like a  
19 bar or a night club?

20 MR. ANDREW: A restaurant and lounge.

21 MR. BIANCO: So, you're familiar with  
22 the establishment that we're here about, Betty's  
23 Gojo, correct?

24 MR. ANDREW: Yes.

25 MR. BIANCO: Okay. And they're one of

1 your clients?

2 MR. ANDREW: Yes.

3 MR. BIANCO: And when did you start  
4 providing security for Betty's Gojo?

5 MR. ANDREW: I forget the exact date.  
6 It hasn't been that long. A few months.

7 MR. BIANCO: Has it been six months?

8 MR. ANDREW: Yes, about six.

9 MR. BIANCO: And when you started  
10 working at Betty's did you enter into a contract  
11 with them?

12 MR. ANDREW: Yes, but I've never  
13 worked there.

14 MR. BIANCO: You've never personally  
15 worked there?

16 MR. ANDREW: No.

17 MR. BIANCO: But you're familiar with  
18 the contract?

19 MR. ANDREW: Yes.

20 MR. BIANCO: Did you write the  
21 contract?

22 MR. ANDREW: Yes.

23 MR. BIANCO: Does the contract call  
24 for manpower to be provided to Betty's from your  
25 company?

1 MR. ANDREW: Yes.

2 MR. BIANCO: Okay. And what  
3 specifically does it provide with respect to the  
4 number of people you are to provide?

5 MR. ANDREW: It depends on the size of  
6 the crowd and where their parties are located,  
7 whether on the first floor or the lower. It's  
8 basically based on the agreement they made with  
9 ABRA to reopen before I took over.

10 MR. BIANCO: And that was in May of  
11 2019?

12 MR. ANDREW: I believe so, yes.

13 MR. BIANCO: And did Betty's provide  
14 you a copy of that agreement?

15 MR. ANDREW: No.

16 MR. BIANCO: How were you aware of it?

17 MR. ANDREW: The last attorney told  
18 me.

19 MR. BIANCO: And --

20 MR. ANDREW: But in the transfer we  
21 didn't question, there was, if they have  
22 customers upstairs and downstairs they have to  
23 one security at the door at all times to check ID  
24 and enforce capacity and search men and check all  
25 bags.

1 MR. BIANCO: And when there's  
2 something going on downstairs?

3 MR. ANDREW: You have to have one  
4 downstairs as well.

5 MR. BIANCO: Okay. And does --

6 MS. JEFFERSON: I'm going to object.

7 CHAIRPERSON ANDERSON: What's the --

8 MS. JEFFERSON: He's not testifying to  
9 his personal knowledge. He hasn't been there.  
10 He hasn't established the foundation that he's  
11 actually even been there.

12 CHAIRPERSON ANDERSON: I believe that  
13 Mr., and maybe if I'm wrong maybe I can be  
14 corrected. I think Mr. Andrew said that he's the  
15 owner of Prestige Security Management which is  
16 the company that's providing security to the  
17 establishment. That's what he testified to.

18 MS. JEFFERSON: But being an owner and  
19 working there --

20 CHAIRPERSON ANDERSON: But he stated  
21 that he has never been there. So, he doesn't,  
22 the owner doesn't have to be there. I'm taking  
23 that he's giving testimony about, on fulfilling  
24 the contract.

25 MS. JEFFERSON: Well, he said he never

1 saw the contract.

2 MR. ANDREW: No, I said -- should I be  
3 answering?

4 CHAIRPERSON ANDERSON: No, no. All  
5 right, I'm going to allow him to testify. But  
6 let me see, read on. Go ahead and you can just  
7 ask the question.

8 MR. BIANCO: Well, to be clear you  
9 have seen the contract?

10 MR. ANDREW: Yes, you asked me and I  
11 said I wrote it.

12 MR. BIANCO: You wrote it?

13 MR. ANDREW: Right.

14 MR. BIANCO: Okay. And --

15 MR. ANDREW: I said I hadn't seen the  
16 security plan.

17 MR. BIANCO: So, what the contract  
18 calls for is two security guards when there's an  
19 event downstairs.

20 MR. ANDREW: Yes, yes. And if it's a  
21 larger event there has to be a third one.

22 CHAIRPERSON ANDERSON: Well, why don't  
23 you just let, Mr. Bianco, don't lead the witness.  
24 I mean, if he signed the contract you need to ask  
25 him what is the contract asks for rather than

1 telling him what it is.

2 So, you're an attorney so you know  
3 better than that. So, please ask the witness a  
4 proper question.

5 MR. BIANCO: You're correct, Mr.  
6 Chair. I'm just trying to get through this as  
7 judiciously as possible.

8 CHAIRPERSON ANDERSON: Okay.

9 MR. BIANCO: So, what does the  
10 contract call for in terms of manpower?

11 MR. ANDREW: One security at the front  
12 door. One security downstairs if they're having  
13 an event downstairs. If they have a large event  
14 of they have an event on both floors I have to  
15 have a third one who roams both floors.

16 MR. BIANCO: And who is responsible  
17 for providing that manpower?

18 MR. ANDREW: Prestige, my company.

19 MR. BIANCO: Is it you personally or  
20 a company?

21 MR. ANDREW: As far as scheduling?

22 MR. BIANCO: Yes.

23 MR. ANDREW: It's me personally.

24 MR. BIANCO: And do you provide that  
25 security in accordance with the contract?

1 MR. ANDREW: Yes.

2 MS. JEFFERSON: Object. We don't have  
3 the contract to authenticate what his services  
4 actually encompass.

5 CHAIRPERSON ANDERSON: I'm going to  
6 overrule the objection, Ms. Jefferson. Unless  
7 you can prove otherwise, Mr. Andrew has  
8 identified himself as an owner of Prestige  
9 Management that provides security service.

10 So, unless you can say that there is  
11 no security there, that he's not the owner, I  
12 mean, I'm going to overrule the objection. So,  
13 you can answer the question based on who Mr.  
14 Andrew states that he is.

15 On cross examination you can ask all  
16 those questions then.

17 (PA Announcement)

18 MR. BIANCO: So, the people that you  
19 schedule for Betty's Gojo, is it always the same  
20 people or do you send different people there?

21 MR. ANDREW: Different people.

22 MR. BIANCO: And how are your people  
23 trained?

24 MR. ANDREW: They're trained by me and  
25 by the managers that I train. And they have to



1 go through the security force training program by  
2 Nightclub Security and trained and taught by  
3 Robert Smith within 90 days of being hired  
4 otherwise they can't work anymore or get a raise.

5 MR. BIANCO: And what qualifies you  
6 to --

7 MEMBER SHORT: Can you speak into the  
8 microphone, please, Mr. Andrew? Speak into the  
9 microphone.

10 MR. BIANCO: And what qualifies you to  
11 train people?

12 MR. ANDREW: Thirty years of  
13 experience. I just stopped working myself six  
14 years ago except for special events. But before  
15 that I worked other than Park and Love every  
16 major club in D.C., Maryland and Virginia.

17 MR. BIANCO: Have you ever personally  
18 been there during operating hours?

19 MR. ANDREW: Yes.

20 MR. BIANCO: And what nights have you  
21 been there?

22 MR. ANDREW: Tuesday.

23 MR. BIANCO: What's going on there on  
24 Tuesday?

25 MR. ANDREW: There's a West African

1 Night which is primarily downstairs. And the  
2 regular customers was Ethiopian upstairs  
3 drinking, ordering food.

4 MR. BIANCO: And what have you  
5 personally observed, I'm sorry, let me take a  
6 step back. Have you been there on nights other  
7 than Tuesdays?

8 MR. ANDREW: I have been there for a  
9 couple of meetings with people socially with  
10 before I had the contract, before I knew the  
11 owners. I don't remember what those, they  
12 weren't like late night. They were like for  
13 lunch, dinner or stuff like that.

14 CHAIRPERSON ANDERSON: I can't hear  
15 you, Mr. Andrew.

16 MEMBER SHORT: Please speak into the  
17 microphone.

18 MR. ANDREW: You want me to repeat  
19 that?

20 CHAIRPERSON ANDERSON: No.

21 MR. ANDREW: Okay.

22 CHAIRPERSON ANDERSON: But I'm just  
23 saying that I can't hear you.

24 MR. BIANCO: On the nights you were,  
25 on the Tuesdays nights that you were there what,

1 if anything, did you notice about the noise level  
2 at that restaurant?

3 MR. ANDREW: No one was on the floor  
4 when you first walk in. There was some light  
5 mood music or anything. And downstairs, I mean,  
6 it's normal lounge, club sound music.

7 But, I mean, it's in the basement so  
8 you can't even hear it upstairs on the main  
9 floor. You can't hear it outside from the park  
10 which is only because I have been.

11 MR. BIANCO: Is your company to  
12 provide security to control the public sidewalk  
13 in front of the establishment?

14 MR. ANDREW: Well, to control it, no.  
15 To make sure that they don't loiter and that they  
16 leave, yes. We try to do that.

17 MR. BIANCO: And how do you accomplish  
18 that?

19 MR. ANDREW: Let people know please  
20 disburse. If you're waiting your Uber please,  
21 you know, step away from the premises or go  
22 across the street. That's it.

23 You can't force them to leave the  
24 public sidewalk. You try to.

25 MR. BIANCO: Okay. Are you familiar

1 with the rear lot behind the property?

2 MR. ANDREW: Not really, no. I mean,  
3 I know it's there. I haven't been back there.

4 MR. BIANCO: Do your people check the  
5 lot periodically?

6 MR. ANDREW: No.

7 MR. BIANCO: From the time your  
8 company started providing security at Betty's  
9 what changes, if any, have you put into place?

10 MR. ANDREW: I mean, that's difficult  
11 to answer because I don't know what was happening  
12 before then. All I know is that, how my  
13 employees operate.

14 They search everyone thoroughly from  
15 collar to ankle each time they come in. They  
16 check their ID each time they come in. They use  
17 their flashlight to search all women's bags, all  
18 DJ's backpacks. Any bag that comes in gets  
19 searched.

20 We can't pat down the females. We  
21 don't have a female security there. But we will  
22 search things thoroughly. The lights are on  
23 about ten minutes until closing time.

24 The music is off or the DJ has to turn  
25 the music down low to let people know it's time

1 to go. You have five minutes. You have to get  
2 your drinks. Head to the door and everyone has  
3 to be out by 2 o'clock except staff.

4 MR. BIANCO: Thank you, Mr. Andrew.  
5 I don't have any further questions. Ms.  
6 Jefferson is going to have some for you now.

7 MR. ANDREW: Okay.

8 MS. JEFFERSON: We meet again.

9 MR. ANDREW: Hi.

10 CROSS EXAMINATION

11 MS. JEFFERSON: Let me ask you, where  
12 is your business licensed?

13 MR. ANDREW: To the Taxation Office in  
14 Baltimore.

15 MS. JEFFERSON: In Baltimore, so not  
16 in the District of Columbia?

17 MR. ANDREW: No, it's a Maryland  
18 license.

19 MS. JEFFERSON: Okay. Do you know  
20 that it is illegal to operate a business in the  
21 District of Columbia without a business license?

22 MR. BIANCO: Objection.

23 CHAIRPERSON ANDERSON: Hold on.  
24 What's the nature of the objection?

25 MR. BIANCO: Calls for a legal

1 conclusion.

2 MS. JEFFERSON: Do you have a D.C.  
3 license? I withdraw. Do you have a D.C.  
4 license?

5 MR. ANDREW: No.

6 MS. JEFFERSON: Okay. Have you  
7 observed any camera system or anything at the  
8 premises?

9 MR. ANDREW: Yes.

10 MS. JEFFERSON: Have you observed the  
11 cameras themselves or the video feed from the  
12 cameras?

13 MR. ANDREW: Just the cameras  
14 themselves.

15 MS. JEFFERSON: Just the cameras. So,  
16 you don't know whether they work or not?

17 MR. ANDREW: No.

18 MS. JEFFERSON: Okay. You mentioned  
19 your prior testimony was that you hadn't been to  
20 the rear of the lot.

21 So, I'm curious how did you know that  
22 the security that you're providing for Betty's  
23 Gojo is adequate and would be able to mitigate  
24 any issues or security concerns that they had?

25 MR. ANDREW: In the back lot?

1 MS. JEFFERSON: Behind, behind.

2 MR. ANDREW: I don't. I say that we  
3 don't provide, we don't check, the security does  
4 not deal with the back lot.

5 MS. JEFFERSON: So, when you get a  
6 contract do you ever go out and assess the  
7 establishment and the surroundings?

8 MR. ANDREW: Yes.

9 MS. JEFFERSON: But this time you  
10 didn't?

11 MR. ANDREW: Not the back lot. I was  
12 told they didn't use it. I was told that the  
13 entrance was and the exit was in the front.

14 MS. JEFFERSON: Okay. So, no exit  
15 from the back. You mentioned that you didn't  
16 know what was happening prior to you having the  
17 contract.

18 So, how do you know in a situation  
19 like that what type of level of services that you  
20 need to provide for a particular establishment?

21 MR. ANDREW: Well, I didn't say I  
22 didn't know what was happening. I stated that I  
23 didn't know what their security did before, what  
24 their security procedures were.

25 As far as judging what they need

1 that's going to be based on, number one, their  
2 capacity. Number two, what they are willing to  
3 pay for.

4 I can't force a client to take things  
5 they're not going to pay for. And number three,  
6 the professionalism of my company, my employees.

7 MS. JEFFERSON: Okay. You were here  
8 about maybe a month and a half ago here before  
9 the Board --

10 MR. ANDREW: Yes.

11 MS. JEFFERSON: -- testifying as a  
12 witness for Champion Kitchen.

13 MR. ANDREW: Yes.

14 MS. JEFFERSON: I'm sorry, I'm  
15 pausing.

16 (PA Announcement)

17 MS. JEFFERSON: And do you recall your  
18 other testimony, any of it? Okay. During that  
19 particular proceeding which was before this Board  
20 you made the allegation that the issues that our  
21 community has complained about were attributed to  
22 Betty's Gojo. Do you recall that?

23 MR. ANDREW: No, not the issues. You  
24 asked me about whether or not I had provided  
25 security for Champions when it was on the



1 Maryland side and was I there. And I said, yes.

2 And you asked me was I there when they  
3 had a stabbing. And I said, no, that was, the  
4 allegation was by Betty's Gojo. But I  
5 misunderstood your question when I said that.

6 But referring to that statement was  
7 based on that I had heard that they were, that  
8 they had an issue with a stabbing there. And I  
9 had heard that from ABRA officials.

10 MS. JEFFERSON: And I think you stated  
11 that you had to get them straight or something  
12 like that.

13 MR. ANDREW: I said I had just  
14 recently taken them over so I was going to  
15 straighten out whatever their issues were.

16 MS. JEFFERSON: Straighten out, okay.

17 MEMBER SHORT: Back in the mic, sir,  
18 back in the mic.

19 MR. ANDREW: Repeat it?

20 MEMBER SHORT: Just back in the mic.

21 MR. ANDREW: Sorry.

22 MS. JEFFERSON: So, there are a couple  
23 of situations that have happened at Betty's since  
24 2018. And you said you started this year. So,  
25 were you there on, what date was that or was your

1 staff? October 31st was your --

2 MR. ANDREW: Of this year?

3 MS. JEFFERSON: Yes.

4 MR. ANDREW: What day was it on?

5 MS. JEFFERSON: Thursday. I'm sorry,  
6 November 23rd.

7 MR. ANDREW: Do you know what day that  
8 was on?

9 MS. JEFFERSON: That was a Saturday.

10 MR. ANDREW: No.

11 MS. JEFFERSON: I'm sorry, I'm  
12 waiting. Were your employees there?

13 MR. ANDREW: No.

14 MS. JEFFERSON: So, there was no  
15 security that day?

16 MR. ANDREW: Not that I know of.

17 MS. JEFFERSON: So, how often do you  
18 provide security?

19 MR. ANDREW: When they request it.

20 MS. JEFFERSON: Only when they request  
21 it?

22 MR. ANDREW: Right.

23 MS. JEFFERSON: So, it's not there  
24 daily?

25 MR. ANDREW: No.

1 MS. JEFFERSON: Okay. No further  
2 questions.

3 CHAIRPERSON ANDERSON: So, Mr.  
4 Andrews, so you're saying that, okay, you've been  
5 working there for a couple of months and you only  
6 provide security when they request it?

7 MR. ANDREW: Yes. That's, any, almost  
8 90 percent of our clients. If they have a slow  
9 day, if they don't have a promoter, if they don't  
10 have a crowd that comes in they don't want to pay  
11 for security.

12 CHAIRPERSON ANDERSON: So, typically  
13 when do they request your service?

14 MR. ANDREW: Tuesday and Wednesday and  
15 now Fridays.

16 CHAIRPERSON ANDERSON: And what time  
17 is it that your staff shows up?

18 MR. ANDREW: 10:00 p.m. until close  
19 which is 2:00 a.m. weekdays, 3:00 a.m. on  
20 weekends and then however long it takes to get  
21 everyone out of there. So, usually about 15  
22 minutes after.

23 CHAIRPERSON ANDERSON: Now, you said  
24 you represent seven other, I guess, bars in D.C.  
25 Not represent, you provide security. What are

1 the establishments in D.C. that you provide  
2 security for?

3 MR. ANDREW: I would prefer not to  
4 list those.

5 CHAIRPERSON ANDERSON: I'm sorry.

6 MR. ANDREW: I would prefer not to  
7 list those.

8 MEMBER SHORT: Excuse me.

9 CHAIRPERSON ANDERSON: Mr. Andrew --

10 MR. ANDREW: This is a public forum.  
11 I've got a lot of competitors.

12 CHAIRPERSON ANDERSON: Mr. Andrew,  
13 you're here saying that you provide security and  
14 you provide security to other companies and other  
15 ABRAs. Do you provide security to other ABRA  
16 licensed establishments in D.C.?

17 MR. ANDREW: Everything in D.C. is  
18 ABRA licensed to have alcohol, yes.

19 CHAIRPERSON ANDERSON: And you're  
20 telling me that you would prefer not --

21 MR. ANDREW: I don't mind telling the  
22 Board.

23 CHAIRPERSON ANDERSON: -- telling the  
24 Board?

25 MR. ANDREW: I have no objection to

1 telling the Board anything, but preferably at a  
2 private function so I don't have, I mean, people  
3 coming behind me wanting to do things that would  
4 jeopardize my business.

5 I don't have a problem telling the  
6 Board anything. But the Board is not the only  
7 people here.

8 CHAIRPERSON ANDERSON: I'm not quite  
9 sure how to take that answer. But, you know --

10 MR. ANDREW: If you would like to pull  
11 me aside.

12 CHAIRPERSON ANDERSON: No, that's not  
13 necessary. I just think that, you know, in order  
14 for me to make a decision about whether or not  
15 they have security or proper security I'm trying  
16 to get some information about what type of  
17 security that they have.

18 MR. ANDREW: I can name you a few and  
19 I can also list plenty of prior clients. I mean,  
20 if I had known I had to bring references I would  
21 have brought that for you.

22 CHAIRPERSON ANDERSON: I'm not asking  
23 you for references, sir. Under, you stated that  
24 you represent, this is what, you stated, a  
25 question was asked and you stated that you

1 represent seven bars and restaurants in D.C. and  
2 that you represent 11 overall.

3 And I'm just following up to ask you  
4 what are these seven restaurants and bars in D.C.

5 MR. ANDREW: I understand, sir. And  
6 as I stated why I would prefer not to make that  
7 public to people other than the Board.

8 CHAIRPERSON ANDERSON: All right.

9 MR. ANDREW: Let's just say I've been  
10 in D.C. in this business long enough to know that  
11 everyone knows who you do business with and what  
12 you own. People tend to, that gives people other  
13 avenues to come after your business.

14 CHAIRPERSON ANDERSON: Go ahead, Mr.  
15 Cato.

16 MEMBER CATO: How are you doing, Mr.  
17 Andrew?

18 MR. ANDREW: I'm fine. How are you?

19 CHAIRPERSON ANDERSON: Andrew.

20 MEMBER CATO: Andrew. So, you  
21 typically provide services for clubs?

22 MR. ANDREW: Lounges. Mostly, Beacon  
23 Hotel has been one of my clients for nine years  
24 before they just got bought out. So, I mean,  
25 I've done a lot of different places.

1                   MEMBER CATO: So, why would you think  
2 that a restaurant would need to hire that  
3 security that would search somebody from collar  
4 to foot when they walk into a restaurant?

5                   MR. ANDREW: Well, it depends. A lot  
6 of high end restaurants have security staff. You  
7 may not see them. They may be in a suit or  
8 hanging around to make sure, you know, bums off  
9 the street don't come in.

10                   If someone gets too drunk they have  
11 someone to escort them out. It's always good to  
12 have a security presence to step in when  
13 necessary.

14                   But a lot of restaurants do. Most  
15 restaurants that I've dealt with for security  
16 have been when they have events.

17                   Restaurants they have to deal with,  
18 you know, supplement their income by allowing  
19 people to come in and throw parties or after  
20 wedding events or event planners, things like  
21 that.

22                   So, because they don't use security on  
23 a regular basis they need security for those  
24 events. Like the Beacon Hotel. They have their  
25 regular guys that walk around.

1           But they're usually like 60, 70 years  
2 old, retired cops who can't do anything except be  
3 a presence. But when they have parties on their  
4 rooftop or in their ballrooms they need security.  
5 So, I provide all the event security for the past  
6 nine years.

7           MEMBER CATO: So, this restaurant  
8 typically has events.

9           MR. ANDREW: I also said it was a  
10 restaurant lounge. I wouldn't qualify it as a  
11 restaurant. I would definitely qualify it as a  
12 restaurant lounge, I mean, because they have a DJ  
13 downstairs sometimes.

14           They have music. They have people  
15 that are, it's a lounge atmosphere. Even the  
16 restaurant is a lounge atmosphere. It's not just  
17 a straight fine dining restaurant.

18           They have good food, you know. There  
19 are chefs there and most of the people who are  
20 upstairs are ordering food. Even people who are  
21 downstairs when they have events downstairs are  
22 ordering food.

23           They always have someone in the  
24 kitchen. So, that's why I said restaurant  
25 lounge.



1 CHAIRPERSON ANDERSON: Do you have any  
2 other questions?

3 MEMBER CATO: No.

4 CHAIRPERSON ANDERSON: Yes, Mr. Short.

5 MEMBER SHORT: Mr. Andrew, I'm just  
6 kind of baffled by some of your answers.

7 MR. ANDREW: I'm sorry to hear that.

8 MEMBER SHORT: Wait a minute. I'm  
9 going to, maybe you can make me not be sorry that  
10 you're here to hear what you have to say too.  
11 But what I'm trying to figure out, I know in  
12 Maryland you have to be registered with the  
13 police department for security.

14 I know in Virginia you have to be  
15 registered and pay a license fee. Why don't you  
16 think you have to pay a license fee in the  
17 District to get registered with the Metropolitan  
18 Police Department?

19 MR. ANDREW: Well, that's a policy  
20 issue in D.C.

21 MEMBER SHORT: It's the law.

22 MR. ANDREW: I understand you. I also  
23 operate in Virginia and I don't have a license in  
24 Virginia.

25 MEMBER SHORT: Well, I'm not talking

1 about Virginia now.

2 MR. ANDREW: Well, I'm going to  
3 explain why --

4 MEMBER SHORT: I have authority in  
5 Virginia.

6 MR. ANDREW: I understand what you're  
7 saying. So, when I originally started, when I  
8 originally moved here in my first venue for  
9 Public Gardens when it was still the main club  
10 and I went to find out what I had to do to go to  
11 the Reeves Center and, you know, and get the  
12 security license.

13 I started LLC in D.C. to go through  
14 the full process. But then when I started going  
15 around to find out how the other security at all  
16 the other clubs in D.C. operate I found out that  
17 none of them are licensed.

18 And then when I talked to the  
19 representative at the time, I don't remember her  
20 name, who worked in the Reeves Center here who  
21 you had to go through which is basically a urine  
22 test, a background check and a test you took like  
23 15 minutes to take and now you're a licensed  
24 security guard.

25 MEMBER SHORT: Okay, that's good.

1 Thank you for that background because what I'm  
2 going to say and I'm going to say this on the  
3 record and I want everybody to hear this and it's  
4 going to be on the transcript.

5 The next time you come before this  
6 Board and you're not licensed in the District of  
7 Columbia and paying a fee like everybody else  
8 legally does, I'm going to make sure this Board  
9 and ABRA reports you to the Metropolitan Police  
10 Department.

11 MR. ANDREW: I understand. If you'll  
12 let me finish my answer.

13 MEMBER SHORT: Okay, wait a minute,  
14 please. I'm asking the questions, you answer,  
15 please. Thank you very much. I worked for the  
16 city for 33 years and I was in the Fire Marshal's  
17 Office for about half of those.

18 I remember the public guns. I know  
19 Marc and Ann Barnes, a whole lot of club owners.  
20 And most of the people that hire now I know are  
21 licensed. They are licensed.

22 MR. ANDREW: Who?

23 MEMBER SHORT: Sir, let me say this to  
24 you. You are not, correct?

25 MR. ANDREW: Are not what?

1                   MEMBER SHORT: Are you licensed to  
2 operate in Washington D.C.?

3                   MR. ANDREW: Through the Reeves  
4 Center, no.

5                   MEMBER SHORT: Okay.

6                   MR. ANDREW: I can tell you don't want  
7 to hear my answer.

8                   MEMBER SHORT: That's good. Thank  
9 you, thank you.

10                  MR. ANDREW: Can I get my attorney to  
11 ask me a question so I can get this on the record  
12 unbiased?

13                  CHAIRPERSON ANDERSON: Mr. Andrew --

14                  MEMBER SHORT: Everything is legal.

15                  CHAIRPERSON ANDERSON: Hold on.

16                  MR. ANDREW: You are not allowing me  
17 to answer.

18                  CHAIRPERSON ANDERSON: Hold on, Mr.  
19 Short. Mr. Andrew, you're under cross  
20 examination by the Board, sir.

21                  MR. ANDREW: Yes, sir.

22                  CHAIRPERSON ANDERSON: The Board asked  
23 you a question. You either answer the question  
24 or you don't have an answer or you say I can't  
25 answer that question.

1                   You don't ask the Board questions.  
2                   You don't ask your attorney to ask the Board  
3                   questions.

4                   MR. ANDREW: I want to ask him to ask  
5                   me a question.

6                   CHAIRPERSON ANDERSON: No, sir. You  
7                   can't do that.

8                   MR. ANDREW: I wasn't allowed to  
9                   answer the question fully. So, you're putting  
10                  something on record that's going to show a biased  
11                  position towards me when all I'm trying to do is  
12                  explain how the law works in D.C.

13                  CHAIRPERSON ANDERSON: Sir, you've  
14                  been asked a question and you answered the  
15                  question to the best of your abilities. If the  
16                  attorney who asks the question, I'm sorry, he  
17                  will have an opportunity to follow up.

18                  And if your attorney believes that he  
19                  needs to do something to rehabilitate your  
20                  testimony that's up to him. And, but you can't  
21                  ask him to ask you a question, sir, if you're in.

22                  MR. ANDREW: Can I be allowed to  
23                  answer the question?

24                  CHAIRPERSON ANDERSON: Well, I think  
25                  if Mr. Short asked you a yes or no answer you

1 answer yes or no.

2 It is up to your attorney, the person  
3 who presents you as a witness, sir, because if  
4 you were in a court of law, a court of law in  
5 Superior Court or Federal Court the judge would  
6 probably find you in contempt, sir, and have you  
7 arrested based on the behavior you just. So, I  
8 just want to --

9 MR. ANDREW: Okay.

10 CHAIRPERSON ANDERSON: This is  
11 informal. I don't have that power. But I'm just  
12 saying to you, sir, you have to be careful  
13 because it's just a certain type of demeanor in  
14 the sense that when I ask you a question and say  
15 if you're in court and the answers that you gave  
16 the judge would ask you to answer the question.

17 And if you refuse to answer questions  
18 he would either have you step down. I'm just  
19 advising you of that. But it is up to Mr.  
20 Bianco.

21 Once we go through the process I will  
22 give him an opportunity to ask follow up  
23 questions if he so chooses. And, but you can  
24 only speak when you're being addressed, sir.

25 All right. So, do you have another

1 question you want to ask, Mr. Short?

2 MEMBER SHORT: First of all, Mr.  
3 Andrew, let me apologize if my question made you  
4 feel uneasy. I'm just trying to get on the  
5 record so we can take care of this business  
6 appropriately.

7 Now on the contract that you did with  
8 this establishment, do you know the number that's  
9 on their certificate of occupancy? Do you know  
10 what a certificate of occupancy is?

11 MR. ANDREW: It was 49.

12 MEMBER SHORT: Excuse me.

13 MR. ANDREW: Forty-nine.

14 MEMBER SHORT: Would you believe I  
15 have in front of me the law says they can only  
16 have 44 in there? This is their certificate of  
17 occupancy that's registered with the District  
18 government.

19 And ABRA only goes by this and we give  
20 them on their ABRA, their ABC license the same  
21 numbers on here. So, if you're doing 49 you need  
22 to redo your contract.

23 MR. ANDREW: The contract doesn't have  
24 anything to do with the --

25 MEMBER SHORT: I haven't finished my

1 question. Mr. Andrew, you can only have 44  
2 people in there.

3 MR. ANDREW: Okay.

4 MEMBER SHORT: Now, can you explain to  
5 the Board your knowledge of hookah? What does it  
6 consist of and how is it served?

7 MR. ANDREW: I don't have anything to  
8 do with hookah, sir.

9 MEMBER SHORT: Do you have anything to  
10 do with exits and egress of buildings if you're  
11 head of security?

12 MR. ANDREW: Yes.

13 MEMBER SHORT: So, it's been testimony  
14 given today with this, for the establishment that  
15 person is there they go to the back door and try  
16 to get out and they can't get out because the  
17 exit door is locked.

18 And that testimony was if something  
19 happened they would have to wait for somebody to  
20 bring a key for them to get out. Is that true?

21 MR. ANDREW: Not to my knowledge.

22 MEMBER SHORT: Have you ever checked  
23 the rear exits when you've been there?

24 MR. ANDREW: When I first took it  
25 over. Are you saying the rear exit or the



1 downstairs rear exit?

2 MEMBER SHORT: The exit doors. Have  
3 you checked the exit doors at this establishment?

4 MR. ANDREW: I don't believe the  
5 downstairs door which is where customers  
6 downstairs would have to exit from in an  
7 emergency, I don't think that has a lock on it.

8 I think there's a lock on the upstairs  
9 exit door. But I'm not sure about that.

10 MEMBER SHORT: Is that legal?

11 MR. ANDREW: I don't know. I don't  
12 know that.

13 MEMBER SHORT: Let me tell you, no,  
14 you cannot lock the exit doors in a place of  
15 public assembly. And if the Fire Marshal comes  
16 he can either shut you down or give you a fine so  
17 you won't do it anymore.

18 And then report it to ABRA so it goes  
19 on your record. If I were you in charge on the  
20 contract with this business I would make sure  
21 that my personnel checked those exit doors  
22 during, before, during and after.

23 Make sure everybody is out and those  
24 doors should be, you know, what panic hardware  
25 is?

1 MR. ANDREW: What panic hardware is?

2 MEMBER SHORT: Panic hardware on  
3 doors. Panic hardware which is required for all  
4 places of public assembly over 50. So, maybe not  
5 in this because this is only 44. Just describe  
6 what you've seen in Betty's Gojo?

7 MR. ANDREW: Generally, at every venue  
8 we stop at ten people under the capacity and do  
9 one in and one out after that. So --

10 MEMBER SHORT: You said 49. So, the  
11 way you've been doing that --

12 MR. ANDREW: So, we would stop them at  
13 40.

14 MEMBER SHORT: Excuse me.

15 MR. ANDREW: You should stop them at  
16 40 and do one in and one out.

17 MEMBER SHORT: Does your security use  
18 clickers?

19 MR. ANDREW: Yes.

20 MEMBER SHORT: Okay, all right. And  
21 again, I apologize if the questions made you feel  
22 uneasy. But I would really like the next time  
23 you come before this Board if you are registered  
24 and paying taxes on a license in the District of  
25 Columbia.

1 MR. ANDREW: I do pay taxes.

2 MEMBER SHORT: Thank you very much.  
3 That's all I have, Mr. Chair.

4 CHAIRPERSON ANDERSON: Do you have any  
5 questions, Ms. Jefferson, based on the questions  
6 that were asked by the Board? No. Mr. Bianco,  
7 do you have any questions for the witness based  
8 on the questions that were asked by the Board?

9 MR. BIANCO: I do. Mr. Andrews --

10 CHAIRPERSON ANDERSON: Andrew.

11 REDIRECT

12 MR. BIANCO: Mr. Andrew, thank you,  
13 Mr. Anderson, not necessarily Andersons. Mr.  
14 Andrew, I want to ask you something to follow up  
15 on the question that Board Member Cato asked you  
16 about why you would have to pat somebody down at  
17 a club.

18 Are you aware of a Board order  
19 requiring that at Betty's Gojo?

20 MR. ANDREW: No.

21 MR. BIANCO: Okay. Moving on to the  
22 capacity issue that Mr. Short asked you about.  
23 Have you had occasion to review their posted  
24 liquor license for capacity?

25 MR. ANDREW: Not since the beginning.

1                   MR. BIANCO: Okay. Do you recall what  
2 the liquor license said with respect to capacity?

3                   MR. ANDREW: I thought it was 49. But  
4 as I said, either way we always stop ten below.

5                   MR. BIANCO: Understood. And you had  
6 a substantial colloquy with Mr. Short on the  
7 issue of licensure and you indicated that you  
8 were not given the opportunity to provide a full  
9 answer.

10                   Without taking a position on this  
11 issue, I do want to give you the opportunity to  
12 provide a complete answer.

13                   MR. ANDREW: Well, if you go to any  
14 club in D.C. and there maybe one percent, but 99  
15 percent you'll find that none of the security  
16 guards, bouncers, whatever you want to call them  
17 are not licensed through D.C.

18                   The reason, and that's the reason that  
19 law does not get enforced is because if you get  
20 licensed in D.C. you have to have a uniform and  
21 you have to wear a patch with your logo on a  
22 uniform like you see the DCRA in places like  
23 that.

24                   And club owners and our owners,  
25 restaurants they just don't want that in their

1 venues. And so, that's why that law has never  
2 been enforced.

3 They would literally have to shut down  
4 every club, restaurant, lounge in D.C. that has  
5 security because none of them are licensed. And  
6 I tried to follow the path.

7 And when I found that was going to  
8 hinder me if I got the license and then we would  
9 be required to have that uniform and the patch  
10 that I wouldn't have business. And so, that's  
11 why I've operated the way I have like everyone  
12 else ever since then.

13 Now, I do pay taxes in D.C. because as  
14 a taxable entity because I do business here I  
15 have to record that. So, I have to pay taxes  
16 through D.C. as well as to Maryland and as well  
17 as to Virginia when I do security there.

18 MR. BIANCO: Thank you very much, Mr.  
19 Andrew. I don't have any further questions.

20 CHAIRPERSON ANDERSON: Thank you for  
21 your testimony, Mr. Andrew. You can step down.  
22 Do you have another witness, sir?

23 MR. BIANCO: I do. I'm going to call  
24 Mr. Embay.

25 CHAIRPERSON ANDERSON: Is this your

1 last witness or do you have more witnesses?

2 MR. BIANCO: This is my last witness.

3 CHAIRPERSON ANDERSON: Okay. Can you  
4 raise your right hand, sir?

5 WHEREUPON,

6 KIBRECK EMBAY

7 was called for examination by Counsel for the  
8 Applicant and, having first been duly sworn,  
9 assumed the witness stand, was examined and  
10 testified as follows. NOTE: UNLESS OTHERWISE  
11 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE  
12 TRANSLATOR, WHO WAS ALSO FIRST DULY SWORN.

13 CHAIRPERSON ANDERSON: Have a seat.  
14 Pull the microphone and whoever is going to speak  
15 we need to hear it through the microphone.

16 DIRECT EXAMINATION

17 MR. BIANCO: Kibreck, for the record  
18 state your name and spell your last name.

19 MR. EMBAY: Kibreck Embay. My last  
20 name is E-M-B-A-Y.

21 MR. BIANCO: Kibreck, do you own  
22 Betty's Gojo?

23 MR. EMBAY: Yes.

24 MR. BIANCO: Are there any other  
25 owners of Betty's Gojo?

1 MR. EMBAY: My wife.

2 MR. BIANCO: And when did you and your  
3 wife purchase the establishment?

4 MS. JEFFERSON: Objection.

5 CHAIRPERSON ANDERSON: What's the  
6 nature of your objection?

7 MS. JEFFERSON: It's already been  
8 established on the record that there was no  
9 purchase. It was a stock exchange that ABRA made  
10 an order on this.

11 CHAIRPERSON ANDERSON: I don't know  
12 what it was, Ms. Jefferson. So, he's just, he's  
13 the owner of the restaurant and has ownership.  
14 And so, whether there was a purchase or a stock  
15 transfer I think he's just giving us some  
16 background information to let us know when it's,  
17 when the process started.

18 So, I'm going to overrule the  
19 objection. So, answer the question, sir.

20 MR. BIANCO: So, when did you purchase  
21 Betty's Gojo?

22 MR. EMBAY: In April of 2018.

23 MR. BIANCO: Before Betty's Gojo, did  
24 you ever run a restaurant?

25 MR. EMBAY: No.

1 MR. BIANCO: Did you ever work in a  
2 restaurant?

3 MR. EMBAY: No.

4 MR. BIANCO: Before owning Betty's  
5 Gojo, what did you do?

6 MR. EMBAY: I have a company so I used  
7 to work there.

8 MR. BIANCO: Why did you decide to buy  
9 Betty's Gojo?

10 MR. EMBAY: To run as a business, as  
11 a restaurant.

12 CHAIRPERSON ANDERSON: I'm sorry.  
13 What was that answer?

14 MR. EMBAY: Run it as a business, as  
15 a restaurant.

16 CHAIRPERSON ANDERSON: Okay.

17 MR. BIANCO: Do you work in the  
18 business?

19 MR. EMBAY: Yes.

20 MR. BIANCO: How often do you work  
21 there?

22 MR. EMBAY: Seven days.

23 MR. BIANCO: When did you start  
24 working there daily?

25 MR. EMBAY: Starting from the date of



1 purchase which is April 2018.

2 MR. BIANCO: And do you or your wife  
3 have any other jobs other than working at Betty's  
4 Gojo?

5 MR. EMBAY: No.

6 MR. BIANCO: Could you describe the  
7 establishment, please?

8 MR. EMBAY: Betty's Gojo has upstairs  
9 and downstairs. The upper side is completely a  
10 restaurant. And the downstairs sometimes we  
11 operate it with the help of a DJ or TV.

12 MR. BIANCO: Okay. How often do you  
13 have a DJ in the basement?

14 MR. EMBAY: It used to be about two  
15 times a week. But currently it's once a week.

16 MR. BIANCO: What night?

17 MR. EMBAY: Tuesday.

18 MR. BIANCO: And other than you and  
19 your wife, what other employees do you have?

20 MR. EMBAY: Six.

21 MR. BIANCO: And could you tell me  
22 what they do?

23 MR. EMBAY: You have people work in  
24 the kitchen, two bartenders and two servers.

25 MR. BIANCO: Now, I noticed that you

1 did not mention any security people as employees.  
2 But do you have a security company?

3 MR. EMBAY: Yes. And the reason why  
4 I did not mention them is because I only call  
5 them when I need.

6 MR. BIANCO: And that's Prestige  
7 Events that we just heard Mr. Andrew testify,  
8 correct?

9 MR. EMBAY: Yes.

10 MR. BIANCO: Now, I would like to  
11 direct your attention, you have a white binder in  
12 front of you that has all of our exhibits in it.  
13 Do you see that?

14 MS. JEFFERSON: I'm going to object to  
15 that. I would prefer that he present them to him  
16 instead of handing him a binder in which we don't  
17 see everything that's in there.

18 CHAIRPERSON ANDERSON: I'm sorry.

19 MS. JEFFERSON: I was just objecting.  
20 He's left a binder there for him to flip through.

21 CHAIRPERSON ANDERSON: He has the  
22 binder there then he will start directing him  
23 what specific document to look at. So, nothing  
24 is wrong with him having the binder as long as  
25 Mr. Bianco will tell him what document and then

1 he'll identify the document and then we'll look  
2 at it.

3 MS. JEFFERSON: It's not in here. I  
4 don't have his.

5 CHAIRPERSON ANDERSON: So, what's the  
6 first document that he is to look at?

7 MR. BIANCO: I'd like for you to  
8 direct your attention to Exhibit Number 4 in your  
9 binder, Tab Number 4.

10 CHAIRPERSON ANDERSON: I'm sorry. I  
11 don't have the documents. So, that's why I'm  
12 starting to, okay, go ahead. What documents are  
13 we talking about?

14 MR. BIANCO: On Exhibit 4.

15 CHAIRPERSON ANDERSON: What's Exhibit  
16 4?

17 MR. BIANCO: It's a photograph of the  
18 front of Betty's Gojo.

19 (Whereupon, the document referred to  
20 was marked as Applicant Exhibit 4 for  
21 identification.)

22 CHAIRPERSON ANDERSON: Okay, all  
23 right. Fine, go ahead.

24 MR. BIANCO: Do you recognize that,  
25 Mr. Ballam, sorry, Mr. Embay?

1 MR. EMBAY: Yes.

2 MR. BIANCO: What is it?

3 MR. EMBAY: Betty's Gojo.

4 MR. BIANCO: Okay. And is that the  
5 way that Betty's Gojo looks today?

6 MR. EMBAY: Yes.

7 MR. BIANCO: Okay. I noticed that  
8 there are two doors on the front of Betty's Gojo.  
9 Do both of those lead to your restaurant?

10 MR. EMBAY: No.

11 MR. BIANCO: Which one is to enter  
12 your restaurant?

13 MR. EMBAY: The one on the right is  
14 the entrance to the restaurant.

15 MR. BIANCO: Okay. And the door on  
16 the left, what's that for?

17 MR. EMBAY: It takes you upstairs.

18 MR. BIANCO: Okay. And you testified  
19 earlier that the restaurant is two floors. Is it  
20 the second floor and the first floor or the first  
21 floor and the basement?

22 MR. EMBAY: It's the first floor and  
23 the basement.

24 MR. BIANCO: What's on the second  
25 floor?

1 MR. EMBAY: Residents in them.

2 MR. BIANCO: Residents, okay. And at  
3 this point, at this time I would admission of  
4 Exhibit Number 4.

5 CHAIRPERSON ANDERSON: Do you have any  
6 objection?

7 MS. JEFFERSON: No.

8 CHAIRPERSON ANDERSON: So moved.

9 (Whereupon, the document previously  
10 marked as Applicant Exhibit 4 for identification  
11 was received into evidence.)

12 MR. BIANCO: And on nights when you  
13 have one security guard, where is that security  
14 guard stationed?

15 MR. EMBAY: In the front door.

16 MR. BIANCO: Okay. So, the front door  
17 on the right side of Exhibit Number 4, correct?

18 MR. EMBAY: Yes.

19 MR. BIANCO: Okay. Do you have a  
20 parking lot?

21 MR. EMBAY: We have a parking lot for  
22 six cars in the back.

23 MR. BIANCO: At the back. Who parks  
24 there?

25 MR. EMBAY: So, two for the residents

1 upstairs, two for us and two for our customers.

2 MR. BIANCO: And can customers park in  
3 the parking lot and enter through the back door?

4 MR. EMBAY: No.

5 MR. BIANCO: I would like to direct  
6 your attention to Exhibit Number 1 in the binder  
7 in front of you.

8 (Whereupon, the document referred to  
9 was marked as Applicant Exhibit 1 for  
10 identification.)

11 MR. EMBAY: Yes.

12 MR. BIANCO: And do you recognize  
13 that?

14 MR. EMBAY: Yes.

15 MR. BIANCO: And what is that?

16 MR. EMBAY: That's a view of parking  
17 and Georgia Avenue.

18 MR. BIANCO: And on Exhibit Number 1  
19 Betty's Gojo is marked by a red pin. Is that  
20 correct?

21 MR. EMBAY: Yes.

22 MR. BIANCO: And could you please  
23 describe for the Board which six spaces are  
24 allocated to 7616 Georgia Avenue?

25 MR. EMBAY: Behind the building. And

1 where the red vehicle is and the other vehicle I  
2 don't know what the color is. There are three  
3 parking lots where the red vehicle and there are  
4 also three parking lots where the other vehicles.

5 MR. BIANCO: Are you talking about the  
6 light blue vehicle behind 7616?

7 MR. EMBAY: Yes.

8 MR. BIANCO: Okay. And do you have  
9 the right to use any of the other spaces that are  
10 shown in the photo?

11 MR. EMBAY: No.

12 MR. BIANCO: Okay. And the photograph  
13 that you're looking at, does it truly and  
14 accurately depict how Betty's Gojo and the  
15 parking lot looks today?

16 MR. EMBAY: Yes.

17 MR. BIANCO: Move admission of Exhibit  
18 Number 1.

19 CHAIRPERSON ANDERSON: Do you have any  
20 objection?

21 MS. JEFFERSON: I'm sorry.

22 CHAIRPERSON ANDERSON: Do you have any  
23 objection to Exhibit Number 1 being in the  
24 record?

25 MS. JEFFERSON: No objection.

1 CHAIRPERSON ANDERSON: Yes, no, I need  
2 an answer from you, ma'am.

3 MS. JEFFERSON: I thought you heard  
4 me. I'm sorry. I said no. I'm sorry. I  
5 apologize.

6 CHAIRPERSON ANDERSON: So moved.

7 (Whereupon, the document previously  
8 marked as Applicant Exhibit 1 for identification  
9 was received into evidence.)

10 MR. BIANCO: Have you noticed people  
11 hanging out in the parking lot shown in Exhibit  
12 Number 1?

13 MR. EMBAY: Yes.

14 MR. BIANCO: How often?

15 MR. EMBAY: There are people always.

16 MR. BIANCO: And when you see people  
17 hanging out in the parking lot, what do you do  
18 about it, if anything?

19 MR. EMBAY: The first thing I do when  
20 I see people hanging around in there is to call  
21 the police. But one of the main problems my  
22 establishment has a community that they take  
23 those individuals who hang in the, associated  
24 with us but they are always there even when we  
25 are closed, when we are working and not working.



1 MR. BIANCO: So, when you call the  
2 police what happens?

3 MR. EMBAY: Most of the time they  
4 don't come. But when they do come they say to me  
5 that since they are on the other side they tell  
6 me that it is not my property.

7 MR. BIANCO: Okay. And do you only  
8 call the police, what times of day do you have to  
9 call the police about the people hanging out in  
10 the back?

11 MR. EMBAY: I do call the police  
12 whenever I see people hanging in there. We  
13 usually open at 4:00 p.m. And I also see people  
14 at night. So, whenever I see people in there I  
15 call the police.

16 MR. BIANCO: And the people that you  
17 see in the back lot, are they your customers?

18 MR. EMBAY: None of them is our  
19 customer.

20 MR. BIANCO: How do you know?

21 MR. EMBAY: I know my customers and  
22 everybody knows them. In fact, I asked the ANC  
23 to help me and last week he asked them to get him  
24 but they refused.

25 MR. BIANCO: Brief indulgence, Mr.

1 Anderson. I'm trying to streamline the testimony  
2 as much as possible.

3 All right, if we could turn all the  
4 way to Exhibit 7. Do you recognize, are you  
5 there yet?

6 (Whereupon, the document referred to  
7 was marked as Applicant Exhibit 7 for  
8 identification.)

9 MR. EMBAY: Yes.

10 MR. BIANCO: Okay. Do you recognize  
11 what Exhibit 7 shows?

12 MR. EMBAY: Yes.

13 MR. BIANCO: What is that?

14 MR. EMBAY: The back door.

15 MR. BIANCO: The back door of Betty's  
16 Gojo?

17 MR. EMBAY: Yes.

18 MR. BIANCO: Okay. And is that the  
19 way that it looks today?

20 MR. EMBAY: Yes.

21 MR. BIANCO: And I see that there are  
22 two signs posted on the back wall of Betty's  
23 Gojo. And I want to focus specifically on the  
24 sign that is to the right of the back door. Do  
25 you see what I'm talking about?

1 CHAIRPERSON ANDERSON: Are you talking  
2 about, what's Exhibit 7?

3 MR. BIANCO: Exhibit Number 7 is a  
4 photo of the rear of the establishment.

5 CHAIRPERSON ANDERSON: Does it have  
6 the car and the white truck at the back?

7 MR. BIANCO: That's correct.

8 CHAIRPERSON ANDERSON: All right.

9 MR. EMBAY: Yes.

10 MR. BIANCO: Okay. And the sign, the  
11 text is not legible. But could you tell the  
12 Board what that sign says?

13 MR. EMBAY: No loitering.

14 MR. BIANCO: I'm sorry, what?

15 MR. EMBAY: No loitering.

16 MS. JEFFERSON: I'm just going to  
17 object. That's like tiny.

18 CHAIRPERSON ANDERSON: Yes, I mean I  
19 don't know how --

20 MS. JEFFERSON: It could say, it could  
21 say like, pick up your dog food.

22 CHAIRPERSON ANDERSON: You see I took  
23 my glasses off. But maybe I thought maybe, but  
24 you didn't object so let's move on.

25 MS. JEFFERSON: No, I did. I just

1 did.

2 CHAIRPERSON ANDERSON: Let's move on.

3 MR. BIANCO: I move admission of  
4 Exhibit Number 7.

5 CHAIRPERSON ANDERSON: Do you have an  
6 objection?

7 MS. JEFFERSON: Yes, I do.

8 CHAIRPERSON ANDERSON: Why do you  
9 object to it, Ms. Jefferson?

10 MS. JEFFERSON: He can't read that  
11 sign. I can't read that.

12 CHAIRPERSON ANDERSON: Well, what's  
13 the purpose of this exhibit, Mr. Bianco?

14 MR. BIANCO: It shows the rear parking  
15 lot that is the subject of many of the complaints  
16 in this case. It shows that there is in fact a  
17 sign there.

18 But his testimony is what establishes  
19 the text on the sign. That's not what the  
20 exhibit is for. The exhibit has simply  
21 established that there is a sign there.

22 And Ms. Jefferson is free to put on  
23 evidence to impeach the testimony like someone  
24 who will say that the sign says something else.  
25 But that doesn't go to admissibility.

1 CHAIRPERSON ANDERSON: Yes, I'll  
2 overrule the objection. I mean, it's, I don't  
3 know what the sign says.

4 But I don't think, it's not my  
5 understanding that this is exhibit is moved into  
6 evidence to prove that there was a sign there  
7 that says no loitering.

8 MS. JEFFERSON: Well, he asked him.

9 CHAIRPERSON ANDERSON: Well, he can  
10 ask him. But that's not the purpose. From what  
11 I'm told this is just, this is the rear of the  
12 building.

13 So, I'm going to overrule the  
14 objection and I'm going to allow Exhibit 7.

15 (Whereupon, the document previously  
16 marked as Applicant Exhibit 7 for identification  
17 was received into evidence.)

18 MR. BIANCO: Kibreck, since May of  
19 2019, have you done anything differently in the  
20 way you run your day to day operations?

21 MR. EMBAY: Yes.

22 MR. BIANCO: What have you done  
23 differently?

24 MR. EMBAY: First of all, I changed  
25 the schedule to have the DJ in the basement just

1 one day a week. And in the upper level we  
2 changed the restaurant completely and the  
3 kitchen.

4 MR. BIANCO: Okay. Well, I want to  
5 drill down on that a little bit. When you said  
6 changed to make it a restaurant completely what  
7 do you mean? What specifically did you do?

8 MR. EMBAY: The upper level of our  
9 establishment used to look like, more like a  
10 club. So, we changed the seats and it looks like  
11 a, more like a restaurant.

12 And we also changed the old kitchen.  
13 We spent about \$8,000 for this because our  
14 intention is to make a legal restaurant.

15 MR. BIANCO: And what specifically,  
16 \$8,000 that you spent upgrading the kitchen, what  
17 did you do?

18 MR. EMBAY: For the \$3,000 we  
19 purchased six tables for the restaurant. And for  
20 the rest we got sink and refrigerator.

21 MR. BIANCO: And when your customers  
22 enter the establishment are they seated or do  
23 they just find a seat wherever?

24 MR. EMBAY: We seat them. There is a  
25 person who will seat them.

1 MR. BIANCO: And who is that person?

2 MR. EMBAY: If I'm around it would be  
3 me or else it would be the manager or the  
4 servers.

5 MR. BIANCO: And when you seat guests,  
6 do you give them menus?

7 MR. EMBAY: Yes.

8 MR. BIANCO: There was some testimony  
9 earlier in the day about the use of security  
10 cameras. Do you have security cameras?

11 MR. EMBAY: Yes.

12 MR. BIANCO: And how many security  
13 cameras do you have?

14 MR. EMBAY: Sixteen.

15 MR. BIANCO: Did you install those  
16 security cameras or were they there when you took  
17 over the restaurant?

18 MR. EMBAY: There were old ones and  
19 after we purchased it we installed new ones.

20 MR. BIANCO: When was that, that you  
21 installed new cameras?

22 MR. EMBAY: In 2018 when we purchased  
23 it.

24 MR. BIANCO: Okay. And are the  
25 cameras located both inside and outside of the

1 establishment or only inside?

2 MR. EMBAY: Four are outside and 12  
3 are inside.

4 MR. BIANCO: Okay. Are you aware of  
5 the complaints about Betty's Gojo from the  
6 neighbors?

7 MR. EMBAY: I didn't know this until  
8 I made application to renew the license. But  
9 after I made the renewal request I became aware  
10 of it and I'm trying to correct things.

11 MR. BIANCO: And did you attend any  
12 meetings of the Shepherd Park Citizens  
13 Association?

14 MR. EMBAY: I attended twice after I  
15 filed for renewal.

16 MR. BIANCO: Okay. And what happened  
17 in those meetings?

18 MR. EMBAY: There was a complaint  
19 about our establishment.

20 MR. BIANCO: And what did you say in  
21 response?

22 MR. EMBAY: On the first one I arrived  
23 there late so I only managed to speak to Stacy of  
24 ANC. And on the second one I went with you, with  
25 my lawyer that is.



1 MR. BIANCO: Okay. And did anyone  
2 from the Shepherd Park Citizens Association  
3 contact you after that meeting to discuss Betty's  
4 Gojo?

5 MS. JEFFERSON: Objection. He's not  
6 giving a time frame.

7 CHAIRPERSON ANDERSON: I mean you  
8 can't object to an answer. You have to object to  
9 a question. So, I'm going to overrule your  
10 objection.

11 You have to object to a question, not  
12 an answer.

13 MS. JEFFERSON: I was objecting to his  
14 question, I'm sorry. He didn't give a time  
15 frame. He left it very open ended.

16 MR. BIANCO: From the time of your  
17 renewal application until today, has anybody from  
18 Shepherd Park Citizens Association contacted you  
19 to discuss Betty's Gojo?

20 I'm sorry, strike that. From the time  
21 you attended Shepherd Park Citizens Association  
22 meeting until today has anybody from Shepherd  
23 Park Citizens Association contacted you?

24 MR. EMBAY: Mr. Stacy.

25 MR. BIANCO: I'm sorry, who is Mr.

1 Stacy?

2 MR. EMBAY: From the ANC.

3 MR. BIANCO: Stacy Lincoln from the  
4 ANC?

5 MR. EMBAY: Yes.

6 MR. BIANCO: How about from Shepherd  
7 Park Citizens?

8 MR. EMBAY: Nobody called me.

9 MR. BIANCO: And there was some  
10 testimony today from the investigator about an  
11 incident that took place. And I'm just checking  
12 the date.

13 I believe it was November 23, 2019,  
14 with a food truck parked outside. Do you  
15 remember that?

16 MR. EMBAY: I remember just hearing  
17 that from now.

18 MR. BIANCO: Were you there on  
19 November 23rd?

20 MR. EMBAY: Yes.

21 MR. BIANCO: Did you hire the food  
22 truck to come there that day?

23 MR. EMBAY: No.

24 MR. BIANCO: What, if anything, does  
25 your establishment have to do with the

1 proprietors?

2 MR. EMBAY: I don't have any  
3 association with it. And it was not parked in  
4 front of my establishment. It was a little bit  
5 behind between my establishment and Champion.

6 MR. BIANCO: Okay. Did you ask them  
7 to leave?

8 MR. EMBAY: I was downstairs in the  
9 basement so I was not aware of it. But when ABRA  
10 came, when the police came that's when I became  
11 aware of it.

12 MR. BIANCO: Thank you. I don't have  
13 any further questions.

14 CHAIRPERSON ANDERSON: Your questions.

15 CROSS EXAMINATION

16 MS. JEFFERSON: So, what efforts have  
17 you made to work with the community about their  
18 concerns?

19 MR. EMBAY: First of all, I believe  
20 the main concern of the community was coming from  
21 the people who were hanging out at the back side.

22 MS. JEFFERSON: That wasn't my  
23 question.

24 MR. EMBAY: And secondly, I completely  
25 took care of the cleanliness and those issues.

1 MS. JEFFERSON: Sometimes businesses  
2 hire consultants to help them work with the  
3 community and deal with issues. Have you all  
4 hired one?

5 MR. EMBAY: I have an accountant that  
6 I hire to do those kind of things.

7 MS. JEFFERSON: Okay. My direct  
8 question was to work with the community not  
9 accountant. Your accountant has nothing to do  
10 with our community. So, I'm going to repeat my  
11 question.

12 MR. BIANCO: I'm going to object. Her  
13 question was whether or not he hired a consultant  
14 to work with the community which he answered as  
15 he hired an accountant.

16 CHAIRPERSON ANDERSON: The question  
17 was has he hired any consultants to work with the  
18 community. He said that I hired an accountant.

19 One could say he answered the question  
20 but that's not the question that she was asking.  
21 So, why don't, if you want to answer the  
22 question, ask him has he hired any other  
23 consultants outside of the accountant to work  
24 with the company. Ask him that question.

25 MS. JEFFERSON: Have you hired any

1 other consultants outside of the accountant that  
2 you just mentioned to work specifically with the  
3 community on the issues that the community has  
4 raised?

5 MR. EMBAY: I did not. I hired a  
6 lawyer and since I know the complaint I try to  
7 take care of it and try to work with you. But I  
8 do not get any good reception.

9 MS. JEFFERSON: You mentioned that you  
10 called the police. Did you ever receive an  
11 incident report?

12 MR. EMBAY: I don't have it with me.  
13 If you saw one I can try to get it. But I would  
14 say that I call about once in two days and the 30  
15 or 50 calls that was being said was usually from  
16 me, from Betty Gojo related to those who hang out  
17 at the back which is not in the establishment  
18 that I work at.

19 MS. JEFFERSON: So, you hired a  
20 security company just for events, that was his  
21 testimony.

22 MR. BIANCO: Object to the  
23 characterization.

24 CHAIRPERSON ANDERSON: Rephrase that  
25 question. Ask him why --

1 MS. JEFFERSON: You hired security.  
2 If you were having problems in the back did you  
3 include that in part of your contract?

4 MR. EMBAY: To begin with the problem  
5 at the back is not our problem. The problem is,  
6 was ours and yours. But it has only been me who  
7 has been calling the police.

8 MS. JEFFERSON: Okay. You, did you  
9 sign the renewal application?

10 MR. EMBAY: Which application?

11 MS. JEFFERSON: The renewal  
12 application for this license.

13 MR. EMBAY: Yes, I did.

14 MS. JEFFERSON: Did you see the  
15 exhibits that the inspector presented, his  
16 report?

17 MR. EMBAY: Yes, I did.

18 MS. JEFFERSON: Okay. His Exhibit 1  
19 was your renewal application. Do you have a  
20 summer garden?

21 MR. EMBAY: What do you mean by summer  
22 garden?

23 MS. JEFFERSON: You filled out the  
24 application and I'm asking you. It has hours and  
25 then it says summer garden. Do you have one now?

1 You do have a summer garden. And where is that  
2 summer garden?

3 MR. EMBAY: At work.

4 MS. JEFFERSON: Where physically on  
5 the property is the summer garden?

6 MR. EMBAY: There is one at the front  
7 door and there is one inside.

8 MS. JEFFERSON: So, there's a summer  
9 garden inside and a summer garden in front.

10 MR. EMBAY: Yes.

11 MS. JEFFERSON: So, Mr. Bianco showed  
12 you, I'm trying to think what exhibit that was,  
13 that Exhibit 7. Do you still have it, your  
14 Exhibit 7?

15 MR. EMBAY: Yes.

16 MS. JEFFERSON: Is there a summer  
17 garden behind Betty's Gojo?

18 MR. EMBAY: No, in front and inside  
19 with the license.

20 MS. JEFFERSON: Okay. And are you  
21 aware that your current license does not have a  
22 summer garden?

23 MR. EMBAY: I don't know.

24 MS. JEFFERSON: Have you ever seen  
25 your license?

1 MR. EMBAY: Yes.

2 MS. JEFFERSON: Who did you purchase  
3 the business from?

4 MR. EMBAY: From Betty Etana.

5 MS. JEFFERSON: Was she the only  
6 owner?

7 MR. EMBAY: There were also two others  
8 with her.

9 MS. JEFFERSON: Do you know their  
10 names?

11 MR. EMBAY: Yes.

12 MS. JEFFERSON: Can you share them for  
13 the record, please?

14 MR. EMBAY: Messai and Farah  
15 (phonetic).

16 MS. JEFFERSON: Okay. Your business  
17 has hookah, correct?

18 MR. EMBAY: Yes.

19 MS. JEFFERSON: Do the smoke alarms  
20 ever go off?

21 MR. EMBAY: No.

22 MS. JEFFERSON: Do you have carbon  
23 monoxide detectors?

24 MR. EMBAY: I do.

25 MS. JEFFERSON: And do they ever go



1 off?

2 MR. EMBAY: No. There is, I have  
3 installed equipment to get the smoke out of the  
4 building.

5 MS. JEFFERSON: You've installed  
6 equipment to get the smoke out of the building.

7 MR. EMBAY: Yes.

8 MS. JEFFERSON: Do you have a license,  
9 a smoking exemption from the Department of Health  
10 for that hookah?

11 MR. EMBAY: Was, no license is given  
12 for hookah throughout the city.

13 MS. JEFFERSON: And that's your  
14 understanding?

15 MR. EMBAY: That's what I know and  
16 that's what it is.

17 MS. JEFFERSON: Okay. Have you seen  
18 the settlement agreement?

19 MR. EMBAY: For who?

20 MS. JEFFERSON: The settlement  
21 agreement that is attached to your license.

22 MR. EMBAY: I saw it after the  
23 complaint.

24 MS. JEFFERSON: Okay. Did you read  
25 it?

1           MR. EMBAY: To begin with our contract  
2 is, we passed but with the previous owner. And  
3 after the complaint I saw it and I read it.

4           MS. JEFFERSON: Are you aware that the  
5 license and the settlement agreement are  
6 together? So, when the license goes to a new  
7 owner so does the settlement agreement.

8           MR. BIANCO: I'm going to object.  
9 That calls for a legal conclusion. She's giving  
10 argument as opposed to asking questions of facts.

11           CHAIRPERSON ANDERSON: I'm not going  
12 to, I'm going to overrule that objection. I  
13 would hope that we all know that if there's a  
14 settlement agreement it goes with the license and  
15 that she's just trying to find out whether or not  
16 the owner of the establishment is aware that his  
17 settlement agreement, that's not illegal.

18           That's just elementary. So, you need  
19 to answer the question. So, I'm overruling the  
20 objection. So, answer the question, sir.

21           MR. EMBAY: I now know after the  
22 complaint.

23           MS. JEFFERSON: Okay. If you'll give  
24 me one second. Are you aware of the offer and  
25 compromise that the ABC Board before you gave you

1 after the closure?

2 MR. EMBAY: Yes.

3 MS. JEFFERSON: Did you read it?

4 MR. EMBAY: Yes.

5 MS. JEFFERSON: The security company  
6 that you hired, did you check to see if they were  
7 licensed, that they were?

8 MR. EMBAY: Yes.

9 MS. JEFFERSON: And how did you check  
10 that?

11 MR. EMBAY: When we entered into the  
12 contractual agreement he showed me his license  
13 and I showed him my license.

14 MS. JEFFERSON: Are you referring to  
15 driver's license?

16 MR. EMBAY: No. I'm referring to the  
17 business license.

18 MS. JEFFERSON: Okay. Were you aware  
19 under that OIC what the security requirements  
20 were?

21 MR. EMBAY: Yes.

22 MS. JEFFERSON: In your prior  
23 testimony you mentioned you have what I think was  
24 referred to as the ground level and the basement.  
25 Is that correct?

1 MR. EMBAY: Yes.

2 MS. JEFFERSON: How many seats do you  
3 have on the ground level? How many people can  
4 actually sit down?

5 MR. EMBAY: Maybe 25 or so.

6 MS. JEFFERSON: And what about in the  
7 basement?

8 MR. EMBAY: About 24, 23, 24.

9 MS. JEFFERSON: Twenty-three, 24,  
10 okay. So, that's minimum 47, okay. Do you have  
11 a written security plan?

12 MR. EMBAY: Yes.

13 MS. JEFFERSON: Okay. And did you  
14 submit it to ABRA and the Office of the OIG back  
15 in May?

16 MR. EMBAY: Yes.

17 MS. JEFFERSON: And it's part of the  
18 record?

19 MR. EMBAY: Yes.

20 MS. JEFFERSON: Okay.

21 CHAIRPERSON ANDERSON: Now, let me ask  
22 you, you said that you purchased this restaurant  
23 in 2016, is that correct, 2018, I'm sorry?

24 MR. EMBAY: Yes.

25 CHAIRPERSON ANDERSON: And in

1 purchasing this restaurant you had no previous  
2 experience in running a restaurant. Is that  
3 correct?

4 MR. EMBAY: I didn't have any.

5 CHAIRPERSON ANDERSON: Did you wife  
6 have any experience in running a restaurant?

7 MR. EMBAY: No. We were only running  
8 a store.

9 CHAIRPERSON ANDERSON: What do you  
10 call a store?

11 MR. EMBAY: Convenience store.

12 CHAIRPERSON ANDERSON: So, what did  
13 you sell in the convenience store?

14 MR. EMBAY: Grocery.

15 CHAIRPERSON ANDERSON: So, did you  
16 hire someone who had experience in running a  
17 restaurant when you bought this restaurant in  
18 2018?

19 MR. EMBAY: Usually the previous owner  
20 would be working there for about six months. But  
21 she did not stay for that long. She bought  
22 another restaurant and she left. And that's the  
23 reason why she want to sell it.

24 CHAIRPERSON ANDERSON: So, you were  
25 operating a restaurant and you had no experience

1 in operating a restaurant. Is that correct?

2 MR. EMBAY: I haven't run an  
3 establishment like that one. But I believed I  
4 had a general knowledge of how to run a business  
5 and I didn't think it was going to be that hard  
6 for me.

7 CHAIRPERSON ANDERSON: And the reason  
8 I'm asking you that, sir, is because I'm looking  
9 at the investigative history of your  
10 establishment. And there's a lot of violations.

11 Some already have been prosecuted and  
12 some have not been. And so, that's why I'm  
13 asking you what type of experience did you have  
14 in running a restaurant and running this type of  
15 business.

16 MR. EMBAY: You are right.

17 CHAIRPERSON ANDERSON: Now, if you  
18 want to run a restaurant why does your restaurant  
19 have to operate until 2 or 3 o'clock in the  
20 morning if you're running a restaurant?

21 MR. EMBAY: Our customers for our  
22 culture is usually up until 2:30 on Fridays and  
23 Saturdays. And when our customers go we don't  
24 really need anyone to tell them to go out.

25 CHAIRPERSON ANDERSON: So, what time

1 do you usually close your kitchen?

2 MR. EMBAY: 2:30.

3 CHAIRPERSON ANDERSON: So, your  
4 kitchen is operating until 2:30?

5 MR. EMBAY: Yes.

6 CHAIRPERSON ANDERSON: Now, why do you  
7 believe that the protestants are complaining  
8 about all this violence that has occurred close  
9 to your restaurant, if it's the actual restaurant  
10 or that block off where your restaurant is  
11 established, why is it that they are saying that  
12 all of this violence is occurring at your  
13 restaurant?

14 MR. EMBAY: This is a good question.  
15 First of all, those who are involved in violence  
16 are not associated with us or Champion. They are  
17 always there, 24 hours.

18 Because in front of us the people who  
19 are out there are not residents of that area. I  
20 believe the main problem is the people who hang  
21 out at the back, I believe, I work with the  
22 community I can make a fence so that those people  
23 don't come there.

24 And from now on we can work hand in  
25 hand with the community.

1                   CHAIRPERSON ANDERSON: I just, I want  
2 just a clarification. Mr. Puente when he  
3 testified earlier about the food truck, Mr.  
4 Puente stated that you told him that the food  
5 truck was supposed to leave at 2:30.

6                   But you just testified that you knew  
7 nothing about this food truck. So, can you  
8 explain to me about this food truck?

9                   MR. EMBAY: So, I did not say that to  
10 him because I was inside so I came out from  
11 inside. And secondly, the food truck is not  
12 associated with us and it was not in our  
13 premises.

14                   It was on a private area. It was on  
15 the street. And the customers were coming from  
16 all around. In fact, we did not have promotion.  
17 We had a very slow business at that time.

18                   CHAIRPERSON ANDERSON: What kind of  
19 food truck was this? What kind of food were they  
20 selling?

21                   MR. EMBAY: I think Jamaican food.

22                   CHAIRPERSON ANDERSON: So, you never  
23 had a conversation with Mr. Puente regarding the  
24 food truck?

25                   MR. EMBAY: What I remember telling



1 him is that I don't know about it because when I  
2 stepped out of my establishment I saw many people  
3 around the food truck.

4 CHAIRPERSON ANDERSON: But you said  
5 you were a restaurant, right? And you said that  
6 your kitchen closes at 2:30. Why would a food  
7 truck come in your block to sell food if you are  
8 a restaurant and you're closed at, and your  
9 kitchen has been operating?

10 I mean, you tell me why would and I'm  
11 not saying that it was in the area. But why  
12 would a food truck show up to park to compete  
13 with a restaurant at 2:30 in the morning?

14 MR. EMBAY: Okay. That is also  
15 surprising for me. But I do know that those  
16 kinds of food trucks they go around in D.C. and  
17 Silver Spring area where there are crowds of  
18 people and they set up.

19 That was the first time I saw the food  
20 truck in our area.

21 CHAIRPERSON ANDERSON: And were, so  
22 when you went outside and saw the food truck, so  
23 was it the, some of your customers who were at  
24 the food truck buying food? Do you know?

25 MR. EMBAY: I don't recall any of

1 them.

2 CHAIRPERSON ANDERSON: Now, regarding  
3 your history with ABRA, have you ever thought  
4 about changing the type of license that you have?

5 MR. EMBAY: To what can I change it?

6 CHAIRPERSON ANDERSON: I'm asking you.  
7 I mean, it's a matter of public record that  
8 you're not filing your quarterly, you've had  
9 several infractions from ABRA for not filing the  
10 quarterly statements on time. Is that correct?

11 MR. EMBAY: That is true. But the  
12 problem is not from me but from the accountant.  
13 I'm giving him all the details but he's not  
14 filing it on time. That's why I'm being asked to  
15 pay the fee.

16 CHAIRPERSON ANDERSON: So, are you  
17 paying your accountant to do this work?

18 MR. EMBAY: Yes.

19 CHAIRPERSON ANDERSON: So, if you are  
20 paying someone to do the work and they're not  
21 doing the work why is he still employed by you?

22 MR. EMBAY: For the 2019 quarterly  
23 reports they have been done, they have been filed  
24 on time. They are not late because I have been  
25 following them up.

1                   But hearing the complaints from the  
2 community I have been hurrying fast to do all  
3 those things.

4                   CHAIRPERSON ANDERSON: I wonder if  
5 there are anybody on the Board? Go ahead, Mr.  
6 Short.

7                   MEMBER SHORT: Good afternoon. You  
8 were here and heard Lieutenant Jenkins with the  
9 Fourth District Metropolitan Police Department  
10 who are first responders to your business  
11 describe your establishment as trouble.

12                   Why would he make that public  
13 statement under oath today?

14                   MR. BIANCO: Objection, calls for  
15 speculation. He has no idea why somebody  
16 testified the way that they did.

17                   CHAIRPERSON ANDERSON: Rephrase the  
18 question, Mr. Short. Ask a different way.

19                   MEMBER SHORT: Okay. Looking at your  
20 ABRA investigative history, you have 24 times  
21 that you've been cited by ABRA to come before  
22 this Board. What's causing that?

23                   MR. EMBAY: Which citation?

24                   CHAIRPERSON ANDERSON: The question is  
25 not, it wasn't specific. He said that you have

1       been called 24 times to come before the Board.

2       He's just asking you, why?

3                   He's not asking specifically what  
4       citation. Why is it that you were called 24  
5       times to come to the Board?

6                   MR. EMBAY: It's because of the  
7       complaint by the community.

8                   MEMBER SHORT: Okay. You owned  
9       Betty's, how many years have you and your wife  
10      owned this business?

11                  MR. EMBAY: About a year and nine  
12      months.

13                  MEMBER SHORT: So, what month in 2017  
14      did you buy this business, '18?

15                  MR. EMBAY: April.

16                  MEMBER SHORT: Excuse me.

17                  MR. EMBAY: April.

18                  MEMBER SHORT: April. Does that mean  
19      the license we put in your wife's name for ABRA  
20      in 2018?

21                  MR. EMBAY: Yes.

22                  MEMBER SHORT: Okay. Well, looking at  
23      your investigative history on May 1, 2018, did  
24      you own the business at that time?

25                  MR. EMBAY: Yes.

1                   MEMBER SHORT: Okay. According to  
2 your investigative history the first time you  
3 were cited by ABRA was May 1, 2018, when you  
4 failed to file your quarterly statement.

5                   The next time would have been May 6th.  
6 The next time you were cited would have been  
7 August 1, 2018, failed to file quarterly  
8 statement.

9                   The next time you were investigated  
10 was September 24, 2018, for assault with a deadly  
11 weapon. The next time you were cited would have  
12 been 11, November 11, 2018, failed to file  
13 quarterly statement.

14                   The next incident would have been  
15 January 9, 2019, operated outside of approved  
16 Board hours. The next time you were cited would  
17 have been February 2019, failed to file quarterly  
18 statement.

19                   The next incident would have been  
20 April 27, 2019, simple assault. The next  
21 incident would have been May 13, 2019, assault  
22 with a deadly weapon.

23                   The next incident was investigated by  
24 ABRA and the police department would have been  
25 July of 2019 where you were charged with

1 operating outside of approved hours. You just  
2 testified a minute ago that the community is  
3 causing these incidents.

4 How are the neighbors in your  
5 community around you been causing these  
6 particular incidents I just read from your  
7 investigative history?

8 MR. BIANCO: Mr. Chair, I would like  
9 to make a limited objection. Many of the 12  
10 violations that Mr. Short read off many have  
11 either not been adjudicated or the Board took no  
12 further action on.

13 I would ask that the inquiry be  
14 limited to only those issues that the Board took  
15 action on.

16 CHAIRPERSON ANDERSON: All right.

17 MEMBER SHORT: I'll agree with that.  
18 Of the 12 at least four or five of them were you  
19 failed. I'll strike that question.

20 What I would really like to ask is  
21 have you ever hired the Metropolitan Police for  
22 an RDO program which is the Reimbursement Police  
23 Detail which city businesses and establishments  
24 in the District of Columbia use to help them run  
25 a safer business. Have you ever used RDO?

1 MR. EMBAY: I did not hire because I  
2 have two security and there is also a police  
3 between my establishment and between Champion.  
4 And I thought it was not important. But from now  
5 on I can hire one.

6 MEMBER SHORT: Do you think with the  
7 accusations of loitering around your property and  
8 the testimony that a food truck was in front of  
9 your establishment at 2:30 in the morning, do you  
10 think an RDO would help you with that situation,  
11 help alleviate that situation?

12 MR. EMBAY: Very much so.

13 MEMBER SHORT: Again, can you repeat  
14 that answer?

15 MR. EMBAY: Very much so.

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

18 CHAIRPERSON ANDERSON: Any more  
19 questions by the Board Members? All right. Ms.  
20 Jefferson, any final questions as a witness based  
21 on the questions that were asked by the Board?

22 MS. JEFFERSON: No, thank you.

23 CHAIRPERSON ANDERSON: Mr. Bianco, any  
24 clarification that you would require from your  
25 client?

1 REDIRECT

2 MR. BIANCO: Yes. Kibreck, Ms.  
3 Jefferson asked you about a summer garden. Do  
4 you even know what that is?

5 MR. EMBAY: She showed me this one and  
6 I said, yes.

7 MR. BIANCO: Okay. Have you ever sold  
8 or served alcoholic beverages on the sidewalk in  
9 front of your establishment?

10 MR. EMBAY: No.

11 MR. BIANCO: Have you ever sold or  
12 served alcoholic beverages in the parking lot  
13 behind your establishment?

14 MR. EMBAY: It wouldn't be allowed  
15 for, to leave the premises.

16 MR. BIANCO: Have you ever served food  
17 anywhere outside of your establishment?

18 MR. EMBAY: No, it's not allowed.

19 MR. BIANCO: Have you ever set up  
20 tables and chairs anywhere outside your  
21 establishment?

22 MR. EMBAY: No.

23 MR. BIANCO: Okay, thank you.

24 CHAIRPERSON ANDERSON: Thank you, sir,  
25 for your testimony. You can step down. Do you



1 have any other witness, or do you rest?

2 MR. BIANCO: We rest.

3 CHAIRPERSON ANDERSON: All right.

4 It's 2:30. You have 45 minutes. Do you want to  
5 take a lunch break? No, I'm just saying do you  
6 want to take a lunch break?

7 By the way, do you need a break? All  
8 right, we'll take a break for half an hour.

9 MS. JEFFERSON: Our witness has to be  
10 somewhere in an hour.

11 CHAIRPERSON ANDERSON: What witness?

12 MS. JEFFERSON: Our first witness that  
13 we were about to bring.

14 CHAIRPERSON ANDERSON: How much time,  
15 no, how much time do you require? We'll take a  
16 ten minute, we'll take a 15 minute. He needs a  
17 break. Okay, so we'll take 15 minutes.

18 (Whereupon, the above-entitled matter  
19 went off the record at 2:34 p.m. and resumed at  
20 2:48 p.m.)

21 CHAIRPERSON ANDERSON: All right.

22 We're on back on the record. Does the Protestant  
23 have another witness?

24 MS. JEFFERSON: Yes. I'd like to call  
25 Ken Giles.

1                   CHAIRPERSON ANDERSON: Mr. Giles,  
2 raise your right hand please? Do you swear or  
3 affirm to tell the truth and nothing but the  
4 truth?

5                   MR. GILES: I do.

6 WHEREUPON,

7                   KEN GILES

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

12                   CHAIRPERSON ANDERSON: All right.  
13 Have a seat, sir.

14                   MR. GILES: Thank you.

15                   CHAIRPERSON ANDERSON: Your witness.

16                   DIRECT EXAMINATION

17                   BY MS. JEFFERSON:

18                   Q     Mr. Giles, thank you for coming.

19                   A     You're welcome.

20                   Q     Can you tell us where you live with  
21 respect to Betty's Gojo?

22                   A     I live in the front apartment right  
23 above the establishment. I live in the same  
24 building.

25                   Q     Okay. And have you filed complaints?

1           A       I have. Each complaint's at the ABRA  
2 website.

3                   CHAIRPERSON ANDERSON: Pardon me, let  
4 Mr. Giles state and spell his name for the record  
5 please.

6                   MS. JEFFERSON: I'm sorry?

7                   CHAIRPERSON ANDERSON: Have him just  
8 state his name for the record.

9                   MS. JEFFERSON: Okay.

10                  CHAIRPERSON ANDERSON: And get him to  
11 spell it.

12                  MR. GILES: Okay. My name is Ken  
13 Giles spelled G-I-L-E-S.

14                  CHAIRPERSON ANDERSON: Okay. Go  
15 ahead.

16                  MS. JEFFERSON: Sure.

17                  BY MS. JEFFERSON:

18           Q       My question was have you filed  
19 complaints, and I think you just responded.

20           A       I have, yes.

21           Q       Do you know how many?

22           A       By my count, 71 --

23           Q       Seventy-one.

24           A       -- over a three-year period.

25           Q       And when was the most recent

1 complaint?

2 A The day before yesterday.

3 Q And what was the nature of your  
4 complaint.

5 A Loud music that causes the floor to  
6 shake.

7 Q Okay. And when you have filed  
8 complaints over that three-year period, has an  
9 ABRA investigator ever come to your unit to speak  
10 with you?

11 A Twice. Mr. Florentine came twice, and  
12 Mr. Santos came once with Mr. Florentine.

13 Q Okay. And what was the nature of your  
14 complaint each time?

15 A Loud music and shaking the floor, and  
16 both Mr. Florentine and Mr. Santos substantiated  
17 that.

18 Q And do you know what year that was?

19 A It was about a month ago.

20 Q A month ago, for both complaints?

21 A The first one with Mr. Florentine was  
22 about two or three months ago.

23 Q So --

24 A So there were two separate incidents.  
25 One where Mr. Florentine came by himself, and

1 another time where he came with Mr. Santos.

2 Q And where do you park your vehicle?

3 A In the parking lot behind the  
4 building.

5 Q And have you ever had damage to your  
6 property?

7 A Three times. Three times my vehicle's  
8 been hit. The most serious damage to the right  
9 front passenger door. I did ask for video  
10 information from Betty's Gojo and I was never  
11 given any video.

12 Q Okay. Did they offer to pay for the  
13 damage?

14 A No.

15 Q Okay. Do you know who damaged the  
16 car?

17 A Not specifically. That's why I asked  
18 for video information.

19 Q Okay. Are you aware of the School  
20 Academia de la Recta Porta?

21 A Yes, it's the store front school  
22 that's right next door.

23 Q Okay. And have they had any property  
24 damage?

25 A Yes. There was a window broken during

1 a fight. In fact, I filed a report that night.  
2 I heard the window being broken.

3 Q Okay. And who was having the fight?

4 A People who had emerged from the front  
5 door of Betty's Gojo. I can see -- if I just  
6 look out the windows of my apartment, I can see  
7 the door as it opens. I can see the front door  
8 of the establishment as it opens, and I can see  
9 people coming out on to the sidewalk along  
10 Georgia Avenue.

11 Q Okay. And were the police called?

12 A Yes.

13 Q And was there any damage to property?

14 A The window was broken in the school  
15 right next door.

16 Q Okay. They talked about hookah. Have  
17 you smelled any kind of --

18 A Yes.

19 Q -- smoke or anything?

20 CHAIRPERSON ANDERSON: Mr. Giles?

21 MR. GILES: Yes, sir.

22 CHAIRPERSON ANDERSON: You have to let  
23 her finish asking a question before you answer,  
24 sir.

25 MR. GILES: Okay, I'm sorry. I was

1 just trying to move us along. Sorry.

2 CHAIRPERSON ANDERSON: No, sir. You  
3 have to wait until she asks a question before you  
4 answer.

5 BY MS. JEFFERSON:

6 Q And have you heard any fire alarms go  
7 off?

8 A Yes. There is a smoke alarm and a CO  
9 alarm right outside the apartment doors at the  
10 top of the abutting stairway, and both the smoke  
11 alarm and the CO alarm have gone off repeatedly.

12 Q In the hallway?

13 A In the hallway right outside our  
14 doors, yes.

15 Q Okay. You mentioned that you could  
16 hear music from Betty's Gojo.

17 A Yes.

18 Q So have you ever heard the smoke alarm  
19 go off inside of Betty's Gojo?

20 A No, I haven't.

21 Q Okay. But it has gone off in the  
22 hallway?

23 A Right. The hallway that is intended  
24 for the people who live upstairs, yes.

25 Q Okay. And has the fire department

1 ever been called?

2 A No, because we knew that it's coming  
3 from the smoke that wafts out of Betty's Gojo.  
4 Because the wall is abutting, there is a vent  
5 down at the street level between the wall, a heat  
6 vent, and that's where the smoke comes. And the  
7 smoke just rises up to the stairway and sets off  
8 the alarms.

9 Q Okay. So if you can smell smoke, can  
10 you smell food being cooked?

11 A No, I've never smelled food being  
12 cooked.

13 Q Have you ever been inside Betty's  
14 Gojo?

15 A A couple of times I've asked if they  
16 had received a package either a UPS package or a  
17 FedEx for me.

18 Q And did you see people eating?

19 A No, I've never seen that.

20 Q Okay. Have you seen people  
21 congregating in the parking lot behind?

22 A My windows don't open on the parking  
23 lot. They open on Georgia Avenue.

24 Q Okay. Can you hear people back there?

25 A Yes. Sometimes when I try to park my



1 car back there, I do see people in the parking  
2 lot, yes.

3 Q Okay. And what are they doing?

4 A Smoking and standing around, and  
5 sometimes I can't park my car there because there  
6 are no spaces left.

7 Q Okay. And are you allocated a space  
8 because you're a resident?

9 A Yes. I should have a space. It's not  
10 numbered. It's just somewhere in that vicinity I  
11 should have a space.

12 Q Have you ever observed people who may  
13 have been parking in the parking lot kind of  
14 walking around the building going into Betty's?

15 A Yes. And I myself have done that.  
16 The family that lives across the sidewalk between  
17 Betty's and the next building locks their gates.  
18 They lock the gate of the sidewalk. They lock  
19 the front and the back because they were trying  
20 to stop the shouting that was happening as people  
21 walked on that sidewalk. So they've locked that.  
22 So the only way you can get from the parking lot  
23 to Betty's is to walk around the other side and  
24 come around the front side.

25 Q This past Tuesday evening around 9:30,

1 10 o'clock, did you observe a crowd in front of  
2 Betty's Gojo?

3 A The report that I filed I think was  
4 more at one or two in the morning.

5 Q Okay.

6 A Wednesday morning. Tuesday night to  
7 Wednesday morning.

8 Q Okay.

9 A I did file a report about loud noise  
10 and shouting.

11 Q Okay. And is that a frequent  
12 occurrence?

13 A Yes, I can frequently hear shouting  
14 and fighting out on the sidewalk right along  
15 Georgia Avenue.

16 Q And prior to Betty's opening, how  
17 often did you hear fighting, shouting, yelling  
18 and screaming on Georgia Avenue?

19 A Never.

20 Q And how long have you lived there?

21 A I've lived there almost ten years.

22 Q Ten years, okay.

23 MR. BIANCO: This is his?

24 MS. JEFFERSON: Oh.

25 MR. BIANCO: Excuse me. I don't have

1 any objection to his complaints.

2 MS. JEFFERSON: You don't?

3 MR. BIANCO: If you want to put them  
4 in, put them in.

5 MS. JEFFERSON: Okay.

6 MR. BIANCO: That's fine. I just want  
7 to get those.

8 MS. JEFFERSON: I'm just trying to  
9 think which -- it was your exhibit?

10 MS. BLACK: It was his, but he has  
11 been disqualified so I hadn't referenced it.

12 MS. JEFFERSON: Okay. So --

13 FEMALE PARTICIPANT: He has no  
14 objection?

15 MALE PARTICIPANT: No, That's fine.

16 BY MS. JEFFERSON:

17 Q So the ANC submitted exhibits which  
18 included your e-complaints. I'm going to hand  
19 this to you. I don't know how to reference --  
20 what number is it for you?

21 A Well, I have numbered it Exhibit 47.

22 Q Okay. And this is with the ANC's  
23 submission?

24 A So I recognized this.

25 Q And did you write this?

1           A       I did.

2           Q       And can you just quickly?

3           A       Yes. This basically says that the  
4 carbon monoxide alarm was activated because of  
5 lots of smoke coming from Betty's Gojo. This was  
6 on Saturday, August 31st. And it said once the  
7 CO alarm got started, it didn't stop because  
8 there's no place for the smoke to go when it  
9 rises to the stop of the stairway. It just sits  
10 there and it keeps activating the alarm, and the  
11 alarm went on for hours, and it's pretty loud.

12          Q       Okay. So are you fearful for your  
13 health?

14          A       You know, I don't think there's enough  
15 CO that it's going to cause damage to me, but  
16 it's just a terrible, noisy nuisance, and it  
17 happens a lot.

18          Q       Okay.

19               MS. JEFFERSON: Oh, I'd like to move  
20 this into evidence.

21               CHAIRPERSON ANDERSON: Which one is  
22 this? What's the document?

23               MS. JEFFERSON: It's Exhibit 47.

24               CHAIRPERSON ANDERSON: It's part of  
25 the ANC complaint.

1 MS. JEFFERSON: Yes, it is.

2 CHAIRPERSON ANDERSON: Do you have any  
3 objection, Mister --

4 MR. BIANCO: No objection.

5 CHAIRPERSON ANDERSON: So moved.

6 MS. JEFFERSON: Your witness, Mr.  
7 Bianco.

8 CHAIRPERSON ANDERSON: You're done  
9 with him?

10 MR. BIANCO: I have no questions.

11 MS. JEFFERSON: You have to wait.

12 MR. GILES: Okay.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.  
14 Short.

15 MEMBER SHORT: Good afternoon, Mr.  
16 Giles.

17 MR. GILES: Good afternoon, Mr. Short.

18 MEMBER SHORT: We had a lot of  
19 testimony today, especially from a Lieutenant  
20 Jenkins with the 4th District.

21 MR. GILES: Okay.

22 MEMBER SHORT: And he described this  
23 establishment as a troubled business. I was  
24 saying to you, and I say this to you because I  
25 was a fireman in the city for 33 years, when that

1 detector goes off, don't take it for granted.

2 But if I were you --

3 MR. GILES: Yes?

4 MEMBER SHORT: -- I would call Engine  
5 22 right there on the street. And when smoke is  
6 making the alarm go off, we do have devices in  
7 the fire department that can read how dangerous  
8 it is because you go to sleep and you have carbon  
9 monoxide, you're not going to wake up. It's  
10 odorless, colorless, and it just make you drowsy,  
11 and you just drop and that's it.

12 MR. GILES: Okay, thank you.

13 MEMBER SHORT: I would call emergency  
14 services, just have them call the police  
15 department. Don't put your health at risk.

16 MR. GILES: All right. Thank you.

17 MEMBER SHORT: Okay? And the more  
18 documentation you have about your -- something  
19 that's happened, you might have grounds for  
20 taking further action. But at any rate, if  
21 you're going to document it appropriately, and if  
22 your smoke detector and CO are going off --

23 MR. GILES: Both are.

24 MEMBER SHORT: -- something's wrong.

25 MR. GILES: A lot of smoke coming from

1 --

2 MEMBER SHORT: If there's smoke in the  
3 building, something's got to give. How old is  
4 that building? Do you know?

5 MR. GILES: 1940s I think.

6 MEMBER SHORT: Yes. It doesn't have  
7 any of the modern stuff. And now just let me say  
8 this to you, the Fire Department's going to make  
9 some -- probably make some recommendations. But  
10 I wouldn't put myself at risk.

11 MR. GILES: All right. Thank you,  
12 sir.

13 MEMBER SHORT: Thank you. That's all  
14 I have, Mr. Chair.

15 CHAIRPERSON ANDERSON: All right.  
16 Thank you for your testimony, Mr. Giles. You can  
17 step down.

18 MR. GILES: You're welcome.

19 MS. JEFFERSON: I'd like to call the  
20 next witness, ANC 4a Chair Gale Black.

21 MALE PARTICIPANT: You can't take a  
22 look at it.

23 (Off mic comments.)

24 CHAIRPERSON ANDERSON: Okay. Raise  
25 your right hand, please, Ms. Black. Do you swear

1 or affirm to tell the truth and nothing but the  
2 truth?

3 MS. BLACK: Yes.

4 WHEREUPON,

5 GALE BLACK

6 was called as a witness by Counsel for the  
7 Protestant and, having been first duly sworn,  
8 assumed the witness stand, was examined and  
9 testifies as follows:

10 CHAIRPERSON ANDERSON: All right.

11 Thank you. Have a --

12 DIRECT EXAMINATION

13 BY MS. JEFFERSON:

14 Q All right. Can you give me your name  
15 for the record please?

16 A My name is Gale Black, B-L-A-C-K.

17 Q And share about how long have you been  
18 an ANC 4A commissioner?

19 A Probably about 12 years.

20 Q Okay. You are representing ANC 4A and  
21 you've submitted appealed exhibit list, correct?

22 A Correct.

23 Q Okay. I'm going to present a few  
24 exhibits, and I am going to ask you to identify  
25 the exhibits. Here's the first one listed as ANC



1 4A Exhibit 1.

2 A Yes.

3 MR. BIANCO: Mr. Chair, can I have a  
4 brief indulgence, I have everything  
5 electronically --

6 CHAIRPERSON ANDERSON: Yes.

7 MR. BIANCO: -- while I bring up the  
8 ANC's exhibits. Thank you.

9 BY MS. JEFFERSON:

10 Q Oh, I'm sorry, pages --

11 A Exhibit 1 is the May 17th, 2019 letter  
12 that was sent to ABRA regarding the application  
13 of Betty Gojos. It's identified as ANC 4A  
14 Exhibit 1. It attaches also the investigative  
15 history that we have as of the date that we  
16 submitted the letter.

17 Q Okay. And then that was your letter  
18 for protesting, correct?

19 A Yes.

20 Q Okay.

21 A The Protestant.

22 Q And I'd like to also present Exhibit 2  
23 to you, if you could tell me what that is?

24 A Exhibit 2 is the agenda for May 7th,  
25 2019, and it shows that this matter was listed on

1 the agenda for consideration.

2 Q And when you say this matter, what are  
3 you referring to?

4 A The ABRA license request from Betty  
5 Gojos.

6 MS. JEFFERSON: Okay. I would like to  
7 -- you want me to wait till the end to move --

8 CHAIRPERSON ANDERSON: Yeah, why don't  
9 you do that?

10 MS. JEFFERSON: Okay.

11 BY MS. JEFFERSON:

12 Q Exhibit 3, if you could --

13 A Yes. Exhibit 3, ANC 4A Exhibit 3 is  
14 the notice that we received telling us that there  
15 had been a request to renew the license, and that  
16 notice to us was dated April 29th from ABRA.

17 Q Okay.

18 CHAIRPERSON ANDERSON: I'm sorry.

19 A Oh, I'm sorry, wait a minute. It's a  
20 -- yes, it's from the ANC to Betty Gojos saying  
21 that we've been informed of your request to renew  
22 your license.

23 CHAIRPERSON ANDERSON: All right.

24 Q Exhibit 4 please.

25 A Exhibit 4 are the ANC's minutes of the

1 meeting from May 7th. Exhibit 4 just details the  
2 actions that were taken, and that we moved to  
3 submit a letter in opposition to the renewal of  
4 the ABRA license for Betty Gojos. And that was  
5 passed.

6 Q The next one is Exhibit 5.

7 A Exhibit 5 was the minutes from our  
8 October 2, 2018 regular public meeting, and it  
9 contains within it the objections that ANC 4A  
10 passed regarding problems. And was a resolution  
11 and complaints regarding Betty Gojos. And it's a  
12 detailed listing that goes through a number of  
13 concerns that had been raised with the ANC. And  
14 I particularly note that there are many that  
15 started March 2 of 2018 and onward. And this  
16 resolution was passed by the ANC 4A. I believe  
17 that the same document might appear in the SPCA's  
18 listing.

19 Q Okay. And in that document is one of  
20 the complaints that there is -- that the Shepherd  
21 Park Citizens Association is alleging that  
22 they're not in compliance with the settlement  
23 agreement?

24 A Yes.

25 Q Okay.

1           A       I'm trying to find that exact  
2 paragraph. I don't have my glasses on so it's --  
3 so, yes. All right.

4           Q       Okay. I think we've already touched  
5 upon the offer in compromise, but I'll present it  
6 anyway. I think the Board already has this. But  
7 this is Exhibit 6.

8           A       ANC 4A offers as Exhibit 6 the order  
9 approving the OIC that I received electronically  
10 when this matter was issued. ANCs often get  
11 information electronically, and this one told us  
12 that there had been this document entered with  
13 the Office of the Attorney General for D.C. and  
14 ABRA regarding Betty Gojos.

15          Q       Okay. And do you know what the  
16 incident was about?

17          A       All I know is that this offer of  
18 compromise detailed what was necessary to reopen  
19 the business and specified certain items be done.  
20 And the charge was summary suspension proceeding.  
21 Not sure if that's what you're asking.

22          Q       And when were you elected chair?

23          A       I was elected chair for 2019. So  
24 January 2nd, 2019.

25          Q       Okay. And over the course of the last

1 three years, at the ANC meetings that you've  
2 attended have you personally heard members of the  
3 community express complaints about Betty's Gojo?

4 A Yes.

5 Q Okay. During the ANC meetings, does  
6 MPD do updates to the ANC?

7 A The police give regular updates --

8 Q Okay.

9 A -- as part of our meeting, yes.

10 Q And at any point in time did they make  
11 any reference to any type of noise, fighting,  
12 assault, or anything of any nature?

13 A Are you talking about specific to  
14 Betty Gojo?

15 Q Yes, specific to Betty's Gojo.

16 A I am not recalling -- well, at the  
17 last meeting there was something regarding the  
18 same block, but I don't think that Betty Gojos  
19 was specifically mentioned.

20 Q Okay.

21 A Yes.

22 Q And then the last exhibit is Exhibit  
23 7.

24 A Okay. Exhibit 7 for ANC 4A were the  
25 responses that I submitted to the investigator.

1 He had posed three questions to me, and so I  
2 provided this written response and offered it  
3 verbatim into the record.

4 Q Okay.

5 A And I can verify the authenticity,  
6 that these are documents that I have personal  
7 knowledge of and maintained as part of the ANC  
8 business.

9 MS. JEFFERSON: So I'd like to move  
10 all seven of those documents into evidence.

11 MS. BLACK: There was one -- and I've  
12 heard there was no objection.

13 CHAIRPERSON ANDERSON: Ma'am, you're a  
14 witness, okay, so you can only speak when you're  
15 asked questions. And the motion that's on the  
16 table is that we're asked to move seven documents  
17 into evidence. That's the only pending question  
18 that's there. Now let's go back to ask Mr.  
19 Bianco if he had an objection?

20 MR. BIANCO: Perhaps surprisingly, I  
21 don't.

22 CHAIRPERSON ANDERSON: All right.

23 MR. BIANCO: And all seven can be  
24 admitted and we can move forward.

25 CHAIRPERSON ANDERSON: Without

1 objection, all seven documents are a part moved  
2 into evidence. Do you have any other questions?

3 MS. JEFFERSON: I'm trying to find --  
4 there is an Exhibit 8 reference that I'm just --  
5 I'm sorry, I'm trying to find where it is because  
6 --

7 CHAIRPERSON ANDERSON: Well, I don't  
8 have it in front of me, so I have seven exhibits.

9 MS. JEFFERSON: It's not in here.  
10 I'm not sure because I don't see the numbers.

11 CHAIRPERSON ANDERSON: Well, let's  
12 move on.

13 MS. JEFFERSON: Okay. So I'll just --  
14 this is Exhibit 8 I believe.

15 MALE PARTICIPANT: Mr. Bianco?

16 MS. JEFFERSON: Could you please  
17 confirm whether that's Exhibit --

18 MR. BIANCO: Hang on, I don't have an  
19 Exhibit 8.

20 CHAIRPERSON ANDERSON: I don't have an  
21 Exhibit 8.

22 MS. JEFFERSON: Okay.

23 CHAIRPERSON ANDERSON: All of us  
24 haven't had documents, but I've have had -- I  
25 have all seven.

1 MS. JEFFERSON: Okay.

2 CHAIRPERSON ANDERSON: I just don't  
3 have an eight.

4 MS. JEFFERSON: Okay.

5 CHAIRPERSON ANDERSON: And Mr. Bianco  
6 stated that he doesn't have an eight, so  
7 therefore there's no eight.

8 MS. BLACK: The --

9 CHAIRPERSON ANDERSON: Ma'am? Mr.  
10 Bianco stated he doesn't eight. So did you  
11 receive eight exhibits in your PIF Mr. Bianco?

12 MR. BIANCO: I received seven. I'm  
13 looking at their submission of an exhibit list  
14 and there are seven documents identified. There  
15 are numbers eight, nine and ten on the sheet but  
16 they are not -- there's nothing identified for  
17 eight, nine and ten.

18 CHAIRPERSON ANDERSON: So nothing  
19 identified eight, nine and ten. I don't have it  
20 in front of me. It's not in the record. So  
21 let's move on. And if you want to ask her about  
22 -- I mean the documents are not in the record  
23 because they haven't been disclosed, but if these  
24 are personal documents that she -- I mean if  
25 these are personal documents that she compiled,



1 you can ask her general questions. She can't  
2 look at the documents because they're not in the  
3 record, but you can ask her questions from the  
4 documents if you have it, but you can't show them  
5 to her.

6 MS. JEFFERSON: So the documents that  
7 are Exhibit 8 were actually the documents that  
8 were submitted by Mr. Giles, but he was  
9 dismissed.

10 MR. BIANCO: Aren't they in already?  
11 That was exhibit 47.

12 MS. JEFFERSON: I don't know.

13 MR. BIANCO: Correct?

14 MS. JEFFERSON: That was one page.  
15 That wasn't all of his submission.

16 CHAIRPERSON ANDERSON: All right. Are  
17 these documents in the record?

18 MS. JEFFERSON: Yes, they were  
19 submitted.

20 MR. BIANCO: Well, there is 47 of  
21 them, but --

22 CHAIRPERSON ANDERSON: All right. So  
23 what is this document, and why is this document  
24 important? Why can't --

25 MS. JEFFERSON: It has the list of all

1 the complaints that were made and what the nature  
2 of the complaint was.

3 CHAIRPERSON ANDERSON: Oh, but he  
4 testified. So I mean he testified he made all  
5 the complaints to ABRA. It's on the record and  
6 based on his direct testimony, I don't believe  
7 that we need any documents for that.

8 MS. JEFFERSON: Okay. I believe  
9 there's just a discrepancy in the number of e-  
10 complaints versus what the investigator had.

11 CHAIRPERSON ANDERSON: Like how many?

12 MS. JEFFERSON: Well, I think his  
13 number was 50 complaints, and I think the e-  
14 complaints were 22.

15 CHAIRPERSON ANDERSON: But he  
16 testified, we don't need the documents.

17 MS. JEFFERSON: Okay.

18 CHAIRPERSON ANDERSON: He testified.  
19 That's better. He testified on what -- he was a  
20 witness and testified so it's not necessary.  
21 Let's move on.

22 MS. JEFFERSON: That's --

23 CHAIRPERSON ANDERSON: That's it, Mr.  
24 Bianco.

25 MR. BIANCO: I do.

1 CROSS EXAMINATION

2 BY MR. BIANCO:

3 Q I want to inquire briefly on the issue  
4 of the establishment's efforts to mitigate the  
5 concerns of the ANC. You and I had some  
6 discussions on that subject, correct?

7 A Yes.

8 Q And were you aware of the discussions  
9 that Kibreck and myself had with Commissioner  
10 Lincoln on that subject?

11 A No.

12 Q Okay. Specifically directing your  
13 attention to the discussions that you and I had  
14 on that subject, there are some mitigating  
15 measures that the ANC was willing to put in place  
16 to alleviate concerns as to the ongoing  
17 operations of this establishment.

18 A Are you asking me a question?

19 Q I am. I'm asking you if there are  
20 mitigating concerns -- I'm sorry, mitigating  
21 measures that the establishment can put in place  
22 that would alleviate the ANC's concerns on this  
23 specific issue?

24 A I recall we had a discussion, and I  
25 recall your response was there was nothing that

1       could be put in place that would guarantee that  
2       this would not happen again.  And as you know,  
3       that's where the ANC is on this that we can  
4       appreciate the situation, but not hearing a  
5       willingness to put in place those requirements.

6               Q       What are the requirements?

7               A       Something that would guarantee that  
8       this would not happen again.  And that there  
9       wouldn't simply be a payment of fines and  
10       ignoring all of the rules and problems that were  
11       delineated especially after the OIC was entered  
12       and we have no proof that any of those things  
13       happened.

14              Q       And --

15              A       So our conversation was such that I  
16       shared with you we would love to try to reach  
17       some agreement, but you could not tell me and  
18       assure me that this would not happen again.

19              Q       Well, when you say this will not  
20       happen again, this, what do you mean by this?  
21       What will not happen again?

22              A       I can direct your attention again to  
23       the list of 22, or I think it was 20 items that  
24       we attached to the ANC 4A letter.  Subsequent to  
25       that there have been all the alleged violations

1 that have occurred after that time. So those  
2 including the noise, including the acknowledged  
3 loitering that's going on, whoever is  
4 responsible, it's acknowledged that it's  
5 happening. That long laundry list that calls for  
6 the police to be called more than any  
7 establishment that has ever come before 4A. So -  
8 -

9 Q So by this, this will never happen  
10 again, you mean any violations?

11 A Yes. I'm looking for full compliance  
12 with all the laws of D.C., yes.

13 Q Okay.

14 A Yes.

15 Q And when you say written guarantee,  
16 what do you mean by guarantee? How would one  
17 guarantee that there would be no violations again  
18 ever?

19 A That's up to you all to figure out. I  
20 mean as a business here in D.C., like I said,  
21 other businesses seem to find a way to comply.  
22 Not only with the reporting requirements, but the  
23 requirements for peace and quiet. And when you  
24 have it in writing what the police had suggested  
25 in terms of a security plan and having security

1 officers there, there's been an acknowledgment  
2 right now that there's a hookah bar operating  
3 downstairs and the testimony today that ten  
4 businesses have indeed got hookah licenses.  
5 Maybe they instead of saying they're a restaurant  
6 need to be changing their format and complying  
7 with the laws that apply to whatever that format  
8 is. We really shouldn't have to go through all  
9 of this to get peace and quiet for our  
10 neighborhood. We really shouldn't. So I'll stop  
11 there.

12 Q Of the issues that you have cited, how  
13 many violations have you personally witnessed?

14 A I have not personally witnessed any,  
15 but I have heard and seen enough and gone past it  
16 to observe the outside of the building to realize  
17 that what has been stated, I think that who do  
18 live right above it, they're all valid. I also  
19 have faith in the Office of the Attorney  
20 General in what they spelled out as problems.  
21 And the people who came to the 4A's meeting on  
22 May 7th, they were personally observing and  
23 providing us as the ANC with their perceptions, I  
24 have no reason to doubt the truth of all of that.

25 Q Right. And by those people who

1 attended your meeting, how many people spoke at  
2 that meeting?

3 A Now I'm going use from memory.

4 Q Please.

5 A But I would say probably about eight.

6 Q Eight.

7 A Now realizing that our ANC meetings  
8 cover many different topics. So we allot a  
9 certain amount of time to the topics, and others  
10 may want to talk but that's it. We also provided  
11 an opportunity to the owners to speak.

12 Q And do you know who these people were?

13 A I am not sure I recognized all, but I  
14 could probably look at our list of attendees.

15 Q Are they --

16 A And they are more than the people who  
17 are with the SPCA.

18 Q Okay. And is it people who are with  
19 the SPCA or Protestants in this case?

20 A There were more people.

21 Q Okay. Of them, how many were outside  
22 of this class of Protestants that are here?

23 A Well, ANC covers 16,000.

24 Q Well, but eight people spoke, so many  
25 of the eight were not part of the group?

1           A           That I mean I don't know how many  
2 people were not part of the groups. They didn't  
3 do that kind of a summary. I'm getting the  
4 feeling that you are pretty dismissive of the  
5 concerns of the community and of ANC 4A.

6           Q           Well, ma'am, there's no question  
7 pending. Okay, so I'm going to --

8           CHAIRPERSON ANDERSON: Well --

9           A           Well, there should be. I mean if  
10 you're asking me about --

11           CHAIRPERSON ANDERSON: Hold on, hold  
12 on, ma'am. Hold on, ma'am. Well, there was some  
13 type of question. I mean --

14           MR. BIANCO: Right. But was it --

15           CHAIRPERSON ANDERSON: You answered  
16 the question.

17           MR. BIANCO: Five steps down the road  
18 here.

19           CHAIRPERSON ANDERSON: Well, he asked  
20 the question, Mr. Bianco and she's answering the  
21 question. All right. Let's move on. Ma'am,  
22 wait till the question has been -- it's answered.  
23 It's been asked, you answer it, and okay. Let's  
24 move on, it's a long day. It's been a long 24  
25 hours for the Board. Okay? So please be mindful



1 of the Board. Go ahead, please.

2 MR. BIANCO: I'm just looking at the  
3 exhibit list to see if I had anything else. No,  
4 I don't have anything further. Thank you.

5 CHAIRPERSON ANDERSON: All right.  
6 You're protesting on the behalf of the ANC.

7 MS. BLACK: Yes.

8 CHAIRPERSON ANDERSON: What is it that  
9 your constituents want?

10 MS. BLACK: We want ABRA to deny the  
11 license renewal for the reasons that we listed in  
12 that May 17th letter. And we do it reluctantly,  
13 but it's the only one that I'm aware of in the  
14 many years that I've been -- where we've gotten  
15 to this point where we're just saying please do  
16 not renew this license.

17 CHAIRPERSON ANDERSON: Any questions  
18 by any of the Board members? Go ahead, Mr.  
19 Short?

20 MEMBER SHORT: Good afternoon again,  
21 Ms. Black.

22 MS. BLACK: Good afternoon.

23 MEMBER SHORT: Commissioner Black.

24 MS. BLACK: Yes.

25 MEMBER SHORT: Thank you for your

1 service, and how many years have you been the ANC  
2 commissioner?

3 MS. BLACK: I think about 12.

4 MEMBER SHORT: How many years have you  
5 resided in this community, or the community of  
6 your ANC?

7 MS. BLACK: Since '92. So whatever  
8 that is.

9 MEMBER SHORT: Pretty good time.

10 MS. BLACK: Yes.

11 MEMBER SHORT: When you moved in to  
12 your community, you mind saying what street or  
13 what area your --

14 MS. BLACK: Yes, my senior member  
15 district is 4A08 which is actually Crestwood.  
16 It's in the southern part of 4A.

17 MEMBER SHORT: I'm familiar with  
18 Crestwood, yes. In fact, it goes over to 16th  
19 Street.

20 MS. BLACK: Correct.

21 MEMBER SHORT: Yes. So can you  
22 describe what that neighborhood was like when you  
23 moved in in 1992?

24 MS. BLACK: My neighborhood of  
25 Crestwood is similar to Shepherd Park. It's

1 residential and quiet. It has a lot of  
2 homeowners. Pretty decent amount of owners. And  
3 I think that it's primarily single family homes  
4 in that area.

5 MEMBER SHORT: So you're just south of  
6 Walter Reed and the golf course on 16th Street,  
7 Rock Creek Park.

8 MS. BLACK: Yes.

9 MEMBER SHORT: All right.

10 MS. BLACK: Yes, surrounded by Rock  
11 Creek Park. Much of 4A is surrounded by Rock  
12 Creek Park.

13 MEMBER SHORT: Okay. So how have  
14 things changed since 1992 until 2019 in your  
15 opinion? Yes, just --

16 MS. BLACK: For ANC 4A there has been  
17 now the development at Walter Reed that's going  
18 on. The community is still very family oriented  
19 but we have more people moving in. I think that  
20 4A itself is pretty stable, but along Georgia  
21 Avenue, there are some issues with closures and -  
22 - yes, it's changing in a way that is not I think  
23 beneficial to those who reside.

24 MEMBER SHORT: Very strong rumors that  
25 you're going to be getting a very nice grocery

1 store there. Can you elaborate on that a little  
2 bit?

3 MS. BLACK: No, I can't.

4 MEMBER SHORT: Okay. Well, I'll just  
5 say this, and it's on the record, I served with  
6 the D.C. Fire Department for 33 years, and I was  
7 first assigned Engine 14 on North Capitol Street  
8 with second duty --

9 Black: Oh, yes.

10 MEMBER SHORT: -- in that area. So I  
11 got to know that area quite, quite, quite well.  
12 And I always dreamed one day I'd have a house --  
13 I guess that's the amen. I don't know. I still  
14 have a lot of friends and a lot of well-meaning  
15 citizens in that area. And I don't like this  
16 kind of situation, but I mean clearly something  
17 has to be done. And the applicant -- I don't  
18 know. I just would like to see us come to some  
19 kind of decision where it's good for everybody,  
20 but I don't know if that's going to work. I  
21 guess my last question would be, again, you went  
22 on the record and said again -- I guess I heard  
23 you but I'd just love to hear it again, what is  
24 it that 4A wants to do with -- 4A or 8 want to do  
25 with this?

1 MS. BLACK: Well, 4A because I'm  
2 speaking on behalf of the ANC as a whole.

3 MEMBER SHORT: Great. Thank you.

4 MS. BLACK: And 4A would like to have  
5 ABRA not grant this license. We think that there  
6 has always been a requirement to have a detail  
7 working -- police officers on detail patrolling.  
8 It hasn't happened. We have no reason to believe  
9 that if another opportunity was given, that  
10 anything would be any different. They just seem  
11 to pay the fines and not seem to be aware that  
12 there is an issue. And perhaps it's because  
13 these were new owners of a restaurant operating  
14 supposedly as a restaurant but who had no clue as  
15 to what is required in order to be compatible  
16 with the neighborhood that it's in. So I just  
17 think that you should not give them another  
18 opportunity to operate a business that they  
19 clearly are unqualified to handle.

20 MEMBER SHORT: Your testimony, and I  
21 guess all the testimony we've heard today has  
22 been quiet compelling. And thank you again, for  
23 your service to the city and to your community.  
24 Thank you. That's all I have, Mr. Chair.

25 CHAIRPERSON ANDERSON: Any questions,

1 Mr. Bianco?

2 MR. BIANCO: No more questions, no.

3 CHAIRPERSON ANDERSON: Ms. Jefferson,  
4 any questions based on the questions that were  
5 asked by the Board?

6 MS. JEFFERSON: No thank you.

7 CHAIRPERSON ANDERSON: No?

8 MS. JEFFERSON: I'm sorry.

9 CHAIRPERSON ANDERSON: Ms. Black,  
10 thank you very much for your testimony.

11 MS. BLACK: Thank you.

12 CHAIRPERSON ANDERSON: You can step  
13 down.

14 MS. JEFFERSON: Chair Anderson, I'd  
15 like to check the time?

16 CHAIRPERSON ANDERSON: How many more  
17 witnesses do you have, ma'am?

18 MS. JEFFERSON: Just one. I'd like to  
19 call Doctor --

20 MR. MUSGROVE: G. Derek Musgrove.

21 MS. JEFFERSON: -- G. Derek Musgrove

22 CHAIRPERSON ANDERSON: This is your  
23 last witness, right?

24 MS. JEFFERSON: Yes. If you got  
25 somewhere you need to go, I want to make you

1 happy today.

2 CHAIRPERSON ANDERSON: Normally people  
3 say to me. Raise your hand, sir. Do you swear  
4 or affirm to tell the truth and nothing but the  
5 truth?

6 MR. MUSGROVE: Yes.

7 Whereupon,

8 GEORGE DEREK MUSGROVE

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

13 CHAIRPERSON ANDERSON: All Right.  
14 Have a seat. Your witness.

15 MR. MUSGROVE: Okay.

16 DIRECT EXAMINATION

17 BY MS. JEFFERSON:

18 Q Could you please state your name for  
19 the record?

20 A Yes. My name is George Derek  
21 Musgrove.

22 Q And where do you live?

23 A I live at 7601 12th Street, Northwest.

24 Q And where is that in relationship to  
25 Betty's Gojo?

1           A       So the rear of my home is adjacent to  
2 Betty's Gojo in that we share the alley. I  
3 recall the name -- but the same alley.

4           Q       Okay. And have you ever called MPD  
5 for noise or disturbance?

6           A       Yes. So I have been calling either  
7 ABRA or MPD since 2016. I initially tried to  
8 submit my complaints via ABRA primarily for noise  
9 but also for fighting. Sometimes for speeding  
10 cars. And the interface was just too difficult,  
11 my apologies, and so I started calling MPD  
12 because an ABRA representative who attended an  
13 ANC meeting told me that that was the easiest way  
14 to do it. It's also the easiest thing to do at  
15 2:30 a.m. when you're not really that lucid.

16          Q       Okay. And have you witnessed any of  
17 these disturbances?

18          A       Yes.

19          Q       So my second floor bedroom window  
20 looks out over the alley, and there are some  
21 trees in the way, but I can see the parking lot  
22 behind Betty's Gojo, particularly in the winter  
23 when the foliage is not full. And I have seen  
24 from 2016 until the summer of 2019 and then  
25 sporadically since large groups of people playing



1 music, dancing outside their cars, drinking  
2 liquor, in certain cases fighting. There was one  
3 instance where a woman was yelling so much that I  
4 actually went and grabbed the bat that we put by  
5 our front door, ran out there because I thought  
6 she was being assaulted. Turns out she was just  
7 fighting with another woman. And I have tried to  
8 call MPD on every occasion so that I could keep a  
9 record.

10 Q When you take out your trash, do you  
11 put in front or in back?

12 A I put in the rear.

13 Q In the rear?

14 A Yes.

15 Q In the alley?

16 A Yes.

17 Q And do you happen to see across the  
18 alley and see what the back of Betty's looks  
19 like?

20 A Yes. So there are two things that I  
21 typically see when I take out my trash, and I do  
22 a lot of work on my house, and so I'm out there  
23 not just taking out the trash but on a pretty  
24 regular basis. And so you see two things. The  
25 first is that the alley can be a little trashy.

1 Now part of that can be blamed on the person who  
2 is directly across from Betty's Gojo, and they  
3 sometimes not secure their trash cans.

4 But you see a lot of trash in the  
5 parking lot behind Betty's itself, which people  
6 would just drop out of their car while they were  
7 hanging out back there. But what you'd also see  
8 is the people themselves. Young men sitting in  
9 their cars smoking marijuana, hanging out,  
10 listening to music. Back in 2016 people -- there  
11 was one point where folks actually had a full on  
12 soccer game in the alley at 1 a.m. behind my  
13 house. But it's not as bad as that now.  
14 Typically, you'll just see smaller groups of  
15 people. Every once in a while there will be a  
16 big fight. But it's not as bad as it was two  
17 years ago, it's still very bad.

18 Q And is your trash picked up on the  
19 weekdays or weekends?

20 A It is picked up on Monday mornings.

21 Q Okay. So on Saturday morning, have  
22 you ever gone out back -- have you seen litter  
23 and trash skewed around in the back of Betty's?

24 A I have, but on many of those occasions  
25 I cannot directly connect it to Betty's Gojo. My

1 complaints primarily deal with the noise and the  
2 loitering.

3 Q How long have you lived there?

4 A I've lived in my building since 2007.  
5 Not my building, my house since 2007. I started  
6 hearing the disturbances in 2016. Those  
7 continued very consistently through the summer of  
8 2019. And in my complaint with my PIF, I had  
9 listed all of the major disturbances since the  
10 summer of 2019, I counted three in the PIF, and  
11 that does not include the major disturbance that  
12 occurred on the 23rd right before Thanksgiving of  
13 this month. So that would be four in all since  
14 the summer.

15 Q So you're a designated representative  
16 for the group of 15?

17 A I am.

18 Q And what is your understanding of the  
19 other 14 people's -- the nature of their  
20 complaints?

21 MR. BIANCO: I'm going to object.  
22 Calls for hearsay. The other 14 folks are  
23 available to testify as witnesses.

24 MS. JEFFERSON: We don't have all day.

25 MR. BIANCO: They haven't been called.

1 And I can't cross examine Mr. Musgrove on the  
2 basis of the other people's knowledge, what they  
3 observed, when they observed it. It's not  
4 appropriate to have Mr. Musgrove relay their  
5 words to the Board when I can't cross-examine on  
6 what the basis is for their understanding?

7 CHAIRPERSON ANDERSON: Well, I'm going  
8 -- and the only reason I'm going to overrule the  
9 objection, Mr. Bianco, is because he is the  
10 designated representative for -- he's the  
11 spokesperson for the group. So I don't  
12 understand how you're objecting to the  
13 spokesperson for the group who is recognized as  
14 the spokesperson who they have designated, was  
15 given standing to represent the group. So I mean  
16 I don't understand how --

17 MR. BIANCO: I have standing to  
18 represent my client but I can't testify. I  
19 certainly couldn't put hearsay on the record. So  
20 --

21 CHAIRPERSON ANDERSON: Well --

22 MR. BIANCO: So I don't understand how  
23 -- what I don't understand is how it's  
24 appropriate to avoid cross-examination by having  
25 one person in a group say what somebody else

1 said.

2 MS. JEFFERSON: I'll withdraw the  
3 question and reframe it.

4 CHAIRPERSON ANDERSON: All right.

5 MS. JEFFERSON: Just for --

6 CHAIRPERSON ANDERSON: Okay, fine.

7 MS. JEFFERSON: -- time's sake.

8 BY MS. JEFFERSON:

9 Q How did the group of 15 come together?

10 A So when the noise and the  
11 disturbances, I mean when you get awakened at  
12 2:30 a.m. every Tuesday and Thursday for a couple  
13 of weeks and you start to lose it. And so when  
14 that occurred back in I think it was 2018 or so,  
15 I started walking the neighborhood and I went to  
16 all of the houses that abutted the alley that's  
17 connected to Betty's Gojo on 12th Street and on  
18 Alaska Avenue. And so that's 12th Street between  
19 Shepherd and Alaska, Alaska between 12th and  
20 Georgia.

21 I secured signatures from a majority  
22 of the people that lived in those properties, all  
23 of whom are homeowners, attesting to all of what  
24 was in our complaint which was issued to ABRA.  
25 All of them attested to, and it's written into

1 the complaint, loud parties, fights, people  
2 speeding. I did not personally experience  
3 property damage, but others did, primarily to  
4 their garages. And so that's how the group came  
5 together.

6 Q And when you say complaint, are you  
7 referring to your protest letter that was  
8 submitted to ABRA?

9 A Yes, the PIF.

10 Q Okay. The PIF or the protest letter?

11 A I'm sorry, the protest letter, and  
12 then I took the same information from the protest  
13 letter and put it in the PIF. Thank you.

14 MS. JEFFERSON: Okay. I'd like to  
15 move that letter -- I'm trying to think of what  
16 it is I --

17 MR. BIANCO: The letter's already in.  
18 It's attached to the --

19 MR. MUSGROVE: Yes.

20 MR. BIANCO: -- investigator's report.

21 MS. JEFFERSON: Okay.

22 BY MS. JEFFERSON:

23 Q Before 2016, how would you describe  
24 your nights? What was life like?

25 A It was quiet. It was just very quiet.

1 The type of noise that we experienced after  
2 Betty's Gojo opened was not existent at the time.

3 Q What's the impact had on your family?

4 A Just sleeplessness, honestly. You  
5 know, I think when I get awakened at 2:30 a.m., I  
6 just can't go back to sleep, and the same is the  
7 case for my wife. I'm fortunate that my youngest  
8 son sleeps on the front of the house, and so he  
9 does not hear the noise. My eldest son had  
10 complained about being awakened. And thankfully,  
11 he's nine so he's able to go back to sleep pretty  
12 quickly.

13 I on the other hand am not primarily  
14 because I actually get up, look out the window,  
15 see what is happening and then call the police.  
16 And that process takes a little while and so it's  
17 hard for me to go back to sleep.

18 Q Have you ever seen Mister -- I'm going  
19 to butcher?

20 MR. EMBAY: Embay

21 MS. JEFFERSON: Thank you. I always  
22 want to do the syllables a little different.

23 Q Have you seen Mr. Embay ever in the  
24 alley or behind Betty's Gojo?

25 A I have seen Mr. Embay in the alley

1 once I believe, but that was in the last couple  
2 of months. It might have been a month ago. And  
3 I believe I just drove past you, if I'm allowed  
4 to address you. But that was the only time.

5 Q Before this hearing, did you meet with  
6 the neighbors about Betty's Gojo?

7 A Yes. On several accessions in several  
8 different forms. And so I initially tried to  
9 gather up my neighbors, and that group eventually  
10 became the group of 15. I took our concerns to  
11 the SPCA and to the ANC. And so I and my  
12 neighbors, four or whom -- I'm sorry, five of  
13 whom were here earlier, one who has remained, we  
14 all went to those meetings and put our concerns  
15 before those two bodies in the hope that those  
16 two representative bodies of which all of us are  
17 a part could bring our concerns to the proper  
18 authorities.

19 Q Do you recall whether any of your  
20 neighbors shared with you whether Mr. Embay has  
21 reached out to them?

22 A The only person, and I can't speak to  
23 the content of their conversations, but the only  
24 person who I know has called Betty's Gojo and I  
25 don't know who she spoke to there was Joan Hoyt.



1 Her property is roughly directly behind Betty's  
2 Gojo, perhaps a little bit to its north. And she  
3 would call directly to the business. I was a  
4 little less -- I called the police.

5 MS. JEFFERSON: Mr. Bianco?

6 CHAIRPERSON ANDERSON: Your witness,  
7 Mr. Bianco.

8 CROSS-EXAMINATION

9 BY MR. BIANCO:

10 Q Mr. Musgrove, so you testified about  
11 the large groups of people congregating in the  
12 rear of the establishment, correct?

13 A Yes.

14 Q How do you know those individuals are  
15 customers of Betty's Gojo?

16 A Only because they parked on the  
17 property of Betty's Gojo and congregated on the  
18 property of Betty's Gojo.

19 Q So they could be customers of  
20 Champion's Kitchen for all you know?

21 A I suppose that's possible.

22 Q You testified that you made calls to  
23 the police when there's people congregated behind  
24 Betty's Gojo disturbing you, correct?

25 A Correct.

1           Q       And have you witnessed what MPD has  
2 done when responding to those calls?

3           A       Yes. On several occasions they have  
4 dispatched squad cars. Those squad cars have  
5 come out and asked people to leave. And people  
6 by and large have left. On other occasions folks  
7 have scattered on their own before the police got  
8 there.

9                       So for instance, there was an incident  
10 on September, I believe it was 23rd. It's in my  
11 actual PIF where there was a very long and loud  
12 fight. It took about 20 minutes to unfold, and  
13 it was occurring directly behind Betty's Gojo.  
14 And then shots rang out probably about a half a  
15 block away. All of those people then fled. And  
16 then MPD showed up. And so, yes, I have called  
17 them. Yes, they have come out in many occasions,  
18 but not all.

19           Q       You said that since the protests have  
20 been filed there's been marked improvement in the  
21 issues behind Betty's Gojo. Is that the case?

22           A       There has been a change, yes. And it  
23 has been -- there had been fewer disturbances but  
24 there still have been disturbances.

25           Q       Marked improvement is what -- marked

1 improvement is what you said in your PIF though,  
2 correct?

3 A Yes. And that's embedded within a  
4 sentence that gives it a bit more context.

5 Q That's all I have. Thank you very  
6 much, Mr. Musgrove.

7 CHAIRPERSON ANDERSON: Any questions  
8 by any Board members? Mr. Musgrove, you're one  
9 of the Protestant, you're the designated  
10 representative, so what is it that you're asking  
11 that the Board to do as far as your group is  
12 concerned?

13 MR. MUSGROVE: I and my neighbors are  
14 asking pretty much unequivocally that the license  
15 be revoked, or not be renewed.

16 CHAIRPERSON ANDERSON: All right. Any  
17 questions, Mr. Bianco?

18 MR. BIANCO: No more questions.

19 CHAIRPERSON ANDERSON: Ms. Jefferson?  
20 Just based on the questions that I had asked.

21 MS. JEFFERSON: Yes, I'm sorry. I was  
22 trying to listen.

23 REDIRECT EXAMINATION

24 BY MS. JEFFERSON:

25 Q Your earlier testimony was that you

1 can see the lot from the window of your house.

2 A Yes.

3 Q Have you seen anyone from Betty's  
4 attempt to disburse the people congregating back  
5 there?

6 A On one occasion, yes. And I'm going  
7 to approximate the time because I simply cannot  
8 say, and quite frankly, everything that happens  
9 to me in 2:30 in the evening is a bit off. But  
10 this was somewhere in the area of six months to a  
11 year ago, and there was a very large fight, and I  
12 do recall a person who appeared to be security, I  
13 could not tell in the darkness, shoeing people  
14 away and asking them to leave the parking lot.  
15 Those people after some protest did, in fact,  
16 leave. That was the one time that I saw a person  
17 of that description acting behind Betty's Gojo in  
18 the alley.

19 MS. JEFFERSON: No more questions.

20 CHAIRPERSON ANDERSON: Mr. Musgrove,  
21 thank you very much for your testimony, sir.

22 MR. MUSGROVE: Thank you.

23 CHAIRPERSON ANDERSON: You may step  
24 down. Does the Protestant rest? All right. No  
25 more witnesses. And the parties rest. Have both

1 sides moved into the evidence all the documents  
2 that you wish to move into evidence?

3 MR. BIANCO: Yes, sir.

4 MS. JEFFERSON: I'm sorry, I thought I  
5 already did that so I need to do it again?

6 CHAIRPERSON ANDERSON: You did what?

7 MS. JEFFERSON: Moved them into  
8 evidence? I need to do it again?

9 CHAIRPERSON ANDERSON: I said has all  
10 the parties moved into evidence all the  
11 documents?

12 MS. JEFFERSON: I'm sorry, there's a  
13 lot -- I just --

14 CHAIRPERSON ANDERSON: The question I  
15 had asked did the parties move all the documents  
16 into evidence that they wished to move into  
17 evidence? That's the question that I asked.  
18 Yes?

19 MS. JEFFERSON: Yes.

20 CHAIRPERSON ANDERSON: All right.

21 MS. JEFFERSON: I hope you heard that  
22 over drilling.

23 CHAIRPERSON ANDERSON: Yes, I heard  
24 that. All right.

25 MR. BIANCO: And for the record,

1 Betty's Gojo --

2 (LAUGHTER)

3 MS. JEFFERSON: That's good, but  
4 nobody testified about drilling.

5 MR. BIANCO: Attempted a joke.

6 CHAIRPERSON ANDERSON: All right. So  
7 are the parties ready for closing? Arguments to  
8 close?

9 MR. BIANCO: I would ask to submit  
10 proposed findings of fact and conclusions of law  
11 in lieu of closing.

12 CHAIRPERSON ANDERSON: Okay. I know  
13 that -- so, all right, so both parties are going  
14 to

15 MS. JEFFERSON: I'm sorry, the  
16 drilling is still continuing. So it's --

17 CHAIRPERSON ANDERSON: No, I'm not --  
18 I'm waiting for the drill to stop before I --

19 MS. JEFFERSON: Okay.

20 CHAIRPERSON ANDERSON: I would say  
21 that -- so both parties have elected not to do  
22 closing, and what --

23 FEMALE PARTICIPANT: Well, I don't --

24 CHAIRPERSON ANDERSON: All right, let  
25 me -- the Applicant has elected not to do closing

1 because the Applicant is going to do proposed  
2 findings of facts and conclusion of law. And I  
3 know that you're aware of what that is, Ms.

4 Jefferson. You have done that before.

5 MS. JEFFERSON: He said he is not, or  
6 he --

7 CHAIRPERSON ANDERSON: He said he is  
8 going to do that.

9 MS. JEFFERSON: Oh, okay.

10 CHAIRPERSON ANDERSON: Right. And do  
11 you want to do a closing?

12 MALE PARTICIPANT: Is she?

13 MS. BLACK: Yes.

14 MS. JEFFERSON: She's doing closing?

15 CHAIRPERSON ANDERSON: But --

16 MS. JEFFERSON: Yes.

17 CHAIRPERSON ANDERSON: Do you want to  
18 do a closing?

19 MS. BLACK: Yes, I think I would  
20 because in order to have it done.

21 CHAIRPERSON ANDERSON: Okay, fine.

22 MR. TEKLE: Excuse me, Mr. Chair?

23 CHAIRPERSON ANDERSON: Yes.

24 MR. TEKLE: The interpreter should  
25 like to get something to eat.

1 CHAIRPERSON ANDERSON: I'm sorry?

2 MR. TEKLE: The interpreters would  
3 like some time to get something to eat.

4 CHAIRPERSON ANDERSON: The hearing is  
5 over. So I'm sorry, but I thought we took a 15  
6 minute break so people could run across the  
7 street. I got some popcorn and some water. So  
8 that's what I did in the 15 minutes. And so the  
9 hearing will be over in five minutes, so I  
10 believe the interpreter can wait another five  
11 minutes --

12 MR. TEKLE: Yes, yes.

13 CHAIRPERSON ANDERSON: -- to get some  
14 food.

15 MR. TEKLE: Yes, Mr. Chair.

16 MS. BLACK: So we'll do a response of  
17 findings of fact when we get petitioner's  
18 statements?

19 CHAIRPERSON ANDERSON: all right.  
20 This is how the process works. At this juncture  
21 we will do closing. The applicant has elected  
22 not to do closing. You can still do closing.

23 MS. BLACK: Okay.

24 CHAIRPERSON ANDERSON: And you got  
25 five minutes to do that. Once you have done



1 closing, then the other question I asked you is  
2 do you want to -- do you wish to do proposed  
3 findings and fact and conclusion of law meaning  
4 that you will wait for the transcript, meaning  
5 that within about three weeks after today, the  
6 transcript will be available. You will read the  
7 transcript and then you'll do proposed findings  
8 and fact to say that this is what -- this is what  
9 the facts -- these are the facts that came out of  
10 the hearing and based on the law this is the  
11 decision that the Board should make. Now you're  
12 not bringing in new evidence. You are just  
13 wrapping up this hearing once you listen to the  
14 transcript, and oh, my God, listen to what I have  
15 to say here. Good luck to you both.

16 But it's not you waiting for them.  
17 It's due 30 days after you received the  
18 transcript. So therefore, he'll provide his,  
19 you'll provide that. But we'll send you the  
20 transcript and we'll tell you the date to say 30  
21 days after, that's when it's due after you  
22 receive the transcript.

23 And then the Board will issues a  
24 decision I think 60 days or 90 days after that  
25 basically. So today is December 5th, you'll

1 probably get the transcript in about two to three  
2 weeks before the end of the year. So your  
3 proposed findings of fact and conclusion of law  
4 will probably be issued -- will be due back some  
5 time in the latter part of January and 60 to 90  
6 days, January, February, March, April we'll issue  
7 a decision. But you can still do your closing.  
8 And I think Ms. Jefferson has done that before,  
9 the proposed findings of fact, conclusion of law.

10 MS. JEFFERSON: I hoped it is my last  
11 time.

12 CHAIRPERSON ANDERSON: I'm sorry?

13 MS. JEFFERSON: I hoped it was my last  
14 time. Nothing personal.

15 CHAIRPERSON ANDERSON: Well, you see  
16 what it is to be a lawyer. But as I said, so you  
17 can still do a closing if you want to do that.

18 MS. BLACK: Yes, I would.

19 CHAIRPERSON ANDERSON: All right. So  
20 go ahead.

21 MS. BLACK: ANC 4A opposes Betty's  
22 Gojo's request for renewal due to the numerous  
23 citations by ABRA and the number of police calls  
24 to the establishment. We believe Betty Gojo has  
25 had a negative effect on the peace, order and

1 quiet of the community, and we reference noise  
2 and litter.

3 In addition, our opposition takes into  
4 consideration the numerous complaints by  
5 residents and the adverse effect that we believe  
6 the establishment, at least operated by these  
7 owners, has had on the community. It impacts our  
8 quality of life and we believe public safety.

9 In terms of peace and order the record  
10 today documents that the Applicant's request  
11 should be denied. There should not be another  
12 renewal because the applicants did not come in  
13 with the knowledge and the wherewithal to operate  
14 a restaurant in conformity with the rules of D.C.

15 It's been documented by many that  
16 there have been repeated violations. It's just  
17 part of the history that's listed. It's been  
18 documented that the business is operating  
19 basically a hookah bar without a license. And  
20 the city has licensed at least then other hookah  
21 bars, but this is not one of them.

22 It has not followed requests, hasn't  
23 met those kind of requirements. And the ones  
24 that were filed demonstrate that they do not  
25 comply with the requirements that are in place to

1 operate a restaurant.

2 In terms of disturbing the peace  
3 again, we've made more than 22 calls, but those  
4 22 calls for noise, for example, were just for  
5 the period August 2018 to November of 2019  
6 disturbing the quality of life that includes  
7 sleep deprived in many of the folks here, and I  
8 think you probably share some idea of what sleep  
9 deprivation will do.

10 There have been vibrations of the  
11 building itself, litter violations, violence in  
12 terms of assaults with deadly weapons.  
13 Inadequate parking in the back. We've heard  
14 about the number of parking spaces. That the  
15 business has six employees on its own. There are  
16 only six place. Two of them are for residents.  
17 And the other four are pretty much for the owners  
18 of the business and then two would be available  
19 for the customers assuming that those parking  
20 spaces were just dedicated solely to Betty Gojo's  
21 which is not the case. You've heard testimony of  
22 that today.

23 You heard from Lieutenant Jenkins who  
24 -- 17 years of service he identified the business  
25 as troubled. He spoke of 36 calls that the

1 police have had just on this one particular  
2 business.

3 ANC 4A operates as an Advisory  
4 Neighborhood Commission. We meet, we've  
5 considered the information they came in at a  
6 public meeting duly noted. And we've offered our  
7 recommendation to you. And we urged at that time  
8 and still do that this license not be renewed.  
9 We think that the business has enough  
10 opportunities to comply and has not shown its  
11 ability to do that.

12 If there had been compliance, none of  
13 us would be here right now. But this is for all  
14 of those previous agreements including agreements  
15 with ABRA and the ANC. So we reluctantly concede  
16 that it is not in the public interest to let them  
17 in granting this request. We ask that you do not  
18 grant a license renewal. Thank you.

19 CHAIRPERSON ANDERSON: You know, I  
20 believe that's coming from the garage, and we're  
21 on the fourth floor. All right. So as was  
22 previously stated, the parties have elected to do  
23 proposed findings of fact and conclusion of law.  
24 And you will be provided a copy of the transcript  
25 within the next two to three weeks. And once the

1 transcript has been provided to you, you will be  
2 given the date, the deadline when the proposed  
3 findings of fact and conclusion of law will be  
4 due, and that will be due 30 days after you  
5 receive that transcript.

6 All right. So as chairperson of the  
7 Alcohol and Beverage Control Board for the  
8 District of Columbia in accordance with D.C.  
9 Official Code Section 2574(b) of the Open  
10 Meetings Act, I move that ABC Board hold a closed  
11 meeting for the purpose of seeking legal advice  
12 from our counsel on Case number 19-PRO-00050,  
13 Betty's Gojo pursuant to D.C. Official Code  
14 Section 2574(b)4 of the Open Meetings Act and  
15 deliberate upon 19-PRO-00050, Betty's Gojo for  
16 the reasons cited in D.C. Official Code Section  
17 2574(b)13 of the Open Meetings Act. Is there a  
18 second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON ANDERSON: Mr. Short has  
21 seconded the motion. I will now take a roll call  
22 vote before us on the motion now that it has been  
23 seconded. Mr. Short?

24 MEMBER SHORT: I agree.

25 CHAIRPERSON ANDERSON: Mr. Cato?

1 MEMBER CATO: I agree.

2 CHAIRPERSON ANDERSON: Mr. Anderson?

3 I agree. As it appears that the motion has  
4 passed, I hereby give notice that the ABC Board  
5 will recess its proceeding to hold a closed  
6 meeting in the ABC Board conference room pursuant  
7 to section 2574(b) of the Open Meetings Act.

8 I want to thank both parties for their  
9 presentation today. And it shows that you are  
10 concerned about your neighbors and the  
11 neighborhood, and the business. The Board, as I  
12 stated, will take this matter under advisement  
13 and will issue a decision. Thank you very much  
14 and have a good day.

15 MR. BIANCO: Thank you, Mr. Anderson  
16 and members. Appreciate you pushing through  
17 today.

18 MS. JEFFERSON: Thank you, Mr.  
19 Anderson. Thanks for your time.

20 (Simultaneous speaking)

21 (Whereupon, the above-entitled matter  
22 went off the record at 3:56 p.m.)

23

24

25

<b>A</b>	
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In the matter of: Bettys Gojo

Before: DC ABRA

Date: 12-05-19

Place: Washington, DC

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