

C-O-N-T-E-N-T-S

Closing Remarks by Respondent.97

WITNESS	DIRECT
Lisa Drazin	26
John Sage	63

EXHIBITS	IDENTIFIED	RECEIVED
1 - ABRA Application	101	101
2 - Lic. 074752 Approval	101	101
3 - Lic. Sale/Lien Docs.	101	101
4 - 4/22/13 Sales Receipt	101	101
5 - 6/4/18 Sales Receipt	101	101
6 - Renewal Application	101	101
7 - Demolition/Builder Permit	101	101
8 - DDOT Permit	101	101
9 - DC Office of Tax & Revenue Listing for Owner of 2006 18th Street, N.W.	101	101
10 - DC Office of Tax & Revenue Listing for Owner of 1815 Columbia Road	101	101
11 - DDOT TOPS Permit List	101	101
12 - ABRA Order 2017-515	101	101
13 - ABRA Order 2018-654	101	101
14 - ABRA Order 2018-370	101	101
15 - 9/27/17 ABRA Transcript	101	101

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

2 1:40 p.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is a Contested Fact-Finding
5 Hearing, Hopeful, Inc. t/a To Be Determined
6 (formerly Bobby Lew's Saloon), License No. 91955.

7 Would the parties, please, identify
8 themselves for the record, please?

9 MS. BELL: Good afternoon, Michelle
10 Bell, counsel for Hopeful, Inc.

11 CHAIRPERSON ANDERSON: Good afternoon,
12 Ms. Bell.

13 MS. DRAZIN: Lisa Drazin, President of
14 Hopeful, Inc.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Ms. Drazin. All right. We are here today at the
17 request of Lisa Drazin, license holder of
18 Retailer Class CR, ABRA-091955, attached to the
19 address of 1006 18th Street, N.W., Ms. Drazin
20 seeks to continue the safekeeping of her license
21 for another six months.

22 ABRA's records reflect that Ms.

1 Drazin's license, formerly Bobby Lew's, was
2 acquired in 2014. The license has never been
3 operated, has never been operable and has been
4 sitting in ABRA's safekeeping status for almost
5 five years.

6 Over the many years, the Board has had
7 multiple Fact-Finding Hearings to hear from Ms.
8 Drazin and ascertain her progress in returning
9 the license to operation or transferring the
10 license to one who will operate it.

11 In turn, Ms. Drazin has made multiple
12 commitments to provide documents and multiple
13 presentations that building permits were
14 forthcoming, that construction would be completed
15 within a year and that if the Board was patient
16 enough, we would soon receive a Certificate of
17 Occupancy.

18 Additionally, even when the Board
19 grants her a hearing, we have received multiple
20 requests for continuances and motions for
21 reconsideration.

22 It has become apparent to the Board

1 that Ms. Drazin's reasons for an extension are
2 repetitive, empty and lack demonstrable progress.

3 There has not -- there has only been
4 no return to operations, but in the alternative,
5 ABRA has not received an application to transfer
6 the license to a new owner.

7 Regardless, because Ms. Drazin's
8 license is at risk of cancellation, she is owed
9 an evidentiary hearing on her request to extend
10 the license in safekeeping and that brings us to
11 today's hearing.

12 The Board will be taking sworn
13 testimony from the licensee and any witnesses she
14 cares to present. The Board will review any
15 exhibits or documents the applicant would like to
16 move into the record. The Board will not be
17 presenting any witnesses and it takes
18 administrative notice of the documents that
19 comprise the Agency's official licensing file.

20 Before we begin, however, I want to
21 make these points very clear. The license that
22 is the subject matter of this hearing is

1 currently in safekeeping at the establishment's
2 original address, 2006 18th Street, N.W., not 1815
3 Columbia Road, N.W., where Ms. Drazin has
4 indicated that she would like to locate the
5 license.

6 Therefore, even if the license were
7 removed from safekeeping in order to commence
8 operations, Ms. Drazin would be required to file
9 a transfer to a new location application.

10 Second, additionally, because the
11 license has been in safekeeping for more than two
12 years, it will be necessary to file a renewal
13 application in accordance with DC Official Code §
14 25-791(f), which would subject the license to
15 placarding and possible Protest Hearing.

16 Thirdly, the moratorium on the number
17 of restaurant licenses in the Adams Morgan
18 neighborhood no longer exists. Thus, nothing
19 prevents Ms. Drazin from renovating her property
20 at 1815 Columbia Road and applying for a new CR
21 License in the future.

22 You needn't hold on to this one

1 currently in safekeeping. You can apply for a
2 new license.

3 Okay. Ms. Bell, the floor is your's.
4 You are welcome to provide us with brief opening
5 remarks of your record directly and of your --
6 you -- I'm sorry. You can do some opening
7 remarks and then you can proceed directly with
8 your case in chief.

9 MS. BELL: Thank you, Mr. Chairman.
10 Well, I spoke with Ms. Jenkins and she said she
11 was going to speak to the Board about this. I
12 had requested if we could --

13 MEMBER SILVERSTEIN: Could you,
14 please, speak into the mike?

15 MS. BELL: Sorry about that.

16 MEMBER SILVERSTEIN: Thank you.

17 MS. BELL: I spoke with Ms. Jenkins.
18 Well, we emailed and she said that she would
19 inform the Board that I had requested if we could
20 stipulate to the documents that came from ABRA
21 that is already in your record, if they could
22 already be marked as exhibits versus me taking

1 the time to actually have to do the foundational
2 questions for each and every document.

3 So you are looking at me and I'm
4 assuming Ms. Jenkins hasn't had a chance to speak
5 with you about it?

6 CHAIRPERSON ANDERSON: No, I have --
7 all right. Is it that -- did you provide -- you
8 provided? I'm sorry, what documents do you have?

9 MS. BELL: The exhibits --

10 CHAIRPERSON ANDERSON: All right.

11 MS. BELL: -- that I submitted.

12 CHAIRPERSON ANDERSON: Okay.

13 MS. BELL: It should be 15 of them.

14 CHAIRPERSON ANDERSON: Okay. You can
15 just identify them. You don't need to put -- you
16 don't need to do that. Just tell me what the
17 documents are that you want to -- you can just
18 identify what the documents are and I'll put them
19 in the record. You don't -- it's not --

20 MS. BELL: Okay.

21 CHAIRPERSON ANDERSON: We are not that
22 -- I'm not that formalistic.

1 MS. BELL: Okay.

2 CHAIRPERSON ANDERSON: Okay.

3 MS. BELL: Well, she just told me to
4 ask.

5 CHAIRPERSON ANDERSON: Okay. That's
6 fine. I'm not that formalistic, so I'll just ask
7 you whatever documents that you want to be a part
8 of the record, just identify it. You don't need
9 to lay a foundation.

10 MS. BELL: Got it. Thank you. And
11 the next thing is that Ms. Drazin wanted it to be
12 on the record that she does have a hearing
13 deficit in one of her ears and so there are
14 certain tones that she cannot hear. So if she
15 has -- if she asks for the question to be
16 repeated, if the Board so chooses to ask her
17 questions --

18 CHAIRPERSON ANDERSON: It won't be a
19 problem.

20 MS. BELL: Okay.

21 CHAIRPERSON ANDERSON: One of the
22 reasons why Mr. Silverstein asked you to speak in

1 the microphone --

2 MS. BELL: Yes.

3 CHAIRPERSON ANDERSON: -- is because
4 he also has a hearing deficit.

5 MS. BELL: Okay.

6 CHAIRPERSON ANDERSON: So we are
7 sympathetic to that, so it's not a problem for--

8 MEMBER SILVERSTEIN: Thank you, Mr.
9 Chair.

10 CHAIRPERSON ANDERSON: You're welcome,
11 Mr. Silverstein. So it's not a problem for you
12 to let me know that there -- that you can't hear.

13 MS. BELL: Okay.

14 CHAIRPERSON ANDERSON: I don't have a
15 problem with it. The Board doesn't have a
16 problem with that.

17 MS. BELL: Okay. Thank you, Mr.
18 Chairman. And so for the opening statement, good
19 afternoon, Board. My name is Michelle Bell and I
20 am representing Hopeful, Inc. We are here for
21 the Contested Fact-Finding Hearing and some of
22 what was already stated by Chairman Anderson, we

1 do agree with and some we do not. And the
2 testimony and evidence that we will present here
3 at the hearing should be able to let it be known
4 that the license in question, the 91955 License
5 owned by Ms. Drazin is not linked to the address
6 that Mr. Chairman Anderson spoke of.

7 CHAIRPERSON ANDERSON: What address is
8 that you are saying? It's not --

9 MS. BELL: So --

10 CHAIRPERSON ANDERSON: -- no, we are
11 saying that the license was originally issued at,
12 I think, the 20 --

13 MS. BELL: 2006 --

14 CHAIRPERSON ANDERSON: Right.

15 MS. BELL: -- correct.

16 CHAIRPERSON ANDERSON: That's where it
17 is at and the location that she wants to utilize
18 the license is 1815 Columbia.

19 MS. BELL: Well, the license when it
20 was with Mr. Lew Saloon was the 2006 address that
21 you spoke of.

22 CHAIRPERSON ANDERSON: Right.

1 MS. BELL: But when the application
2 and the transfer of sale and everything else took
3 place, this Board as well as ABRA approved that
4 the license was put into safekeeping with the
5 description of no location designated.

6 CHAIRPERSON ANDERSON: Right. But
7 that's what we are saying.

8 MS. BELL: So the way that it reads in
9 the record from transcripts from prior Fact-
10 Finding Hearings and the orders, it is saying
11 that that license that was changed over to No.
12 91955 is at the address of 2006, what is it 16th
13 Street?

14 MS. DRAZIN: 18th Street.

15 MEMBER SHORT: 18th.

16 MS. BELL: 18th Street, I'm sorry.

17 CHAIRPERSON ANDERSON: Right.

18 MS. BELL: However, when it was
19 transfer of sale to Ms. Drazin, there wasn't an
20 address to it. That was the whole caveat or
21 condition of the sale and the agreement, the
22 purchase, the transfer of sale, everything was

1 approved by ABRA with that description in it.

2 CHAIRPERSON ANDERSON: Yes, but I
3 think what we are saying though is that at some
4 point, the license has to be transferred to a new
5 address.

6 MS. DRAZIN: Right.

7 CHAIRPERSON ANDERSON: And so it has
8 not been officially. So even -- I say we are
9 both correct. So the last place the license was
10 was at the 2006, but because we do not have a new
11 address, so whenever a new location is
12 identified, that license has to be transferred to
13 that new location.

14 MS. BELL: And see, I think that is
15 where there was a miscommunication from what I
16 can tell from the record. And this actually
17 might make this a little bit easier is if there
18 was a transfer, because I believe you did ask Ms.
19 Drazin that question in the transcript, and that
20 is Exhibit 15, that if there was a transfer of
21 location done for this license, the 91955, would
22 that take it out of the safekeeping or would it

1 start the two-year clock?

2 And that was not addressed. Well, you
3 mentioned it and you brought it up, but it was
4 never fully fleshed out, so I think that's where
5 Ms. Drazin didn't understand what you were
6 saying, other than this license is linked to the
7 old address, but she knows that the agreement
8 said no location. So right now, the license
9 should not be linked to a location.

10 CHAIRPERSON ANDERSON: But it's --

11 MS. BELL: It should just be linked to
12 her name.

13 CHAIRPERSON ANDERSON: But because --
14 and if you look at our agenda today --

15 MS. BELL: Um-hum.

16 CHAIRPERSON ANDERSON: -- it says
17 Hopeful, Inc. t/a To Be Determined (formerly
18 Bobby Lew's Saloon), because that's where -- so
19 we have that identified, the new name of the
20 license. This License No. 91955 was attached to
21 Bobby Lew's Saloon and that's the license that we
22 are talking.

1 And so therefore until a new location
2 is identified, until a new business is
3 identified, we are still going to say this is
4 where this license came from until it is
5 transferred, because you are saying that -- she
6 said that it was, when she bought it,
7 transferred, but there is no location, so we have
8 to identify the location once it is.

9 And I'm not sure if -- is it -- are we
10 saying that the new location is the 1815 Columbia
11 Road?

12 MS. BELL: That's the location that
13 she is -- that she has been trying to say it is
14 going to be used there.

15 CHAIRPERSON ANDERSON: Right.

16 MS. BELL: But when you asked her
17 about, you know, there wasn't an application to
18 transfer to that location, it wasn't fleshed out
19 so that she understood. So the question now is
20 if she does put in the application to transfer to
21 that location, does it now start the two-year
22 time line where you have to have the occupancy

1 and all that other stuff done within that two
2 years?

3 CHAIRPERSON ANDERSON: But all --

4 MEMBER ALBERTI: No. The answer is
5 no.

6 CHAIRPERSON ANDERSON: The -- this is
7 basically where we have been on this period of
8 time. She has a license. Okay? And our goal
9 has always been, my goal has always been, because
10 remember this is probably -- I have been on this
11 Board now -- this is my fourth year.

12 MS. BELL: Okay.

13 CHAIRPERSON ANDERSON: Okay. And this
14 is one of the first cases that I had four years
15 ago. And this was going on even before I came
16 here. And so if you -- have you identified a
17 location? What is it that -- and I'm just
18 saying --

19 MS. BELL: Right.

20 CHAIRPERSON ANDERSON: -- these are
21 the questions. Have you identified a location?
22 And what is it that you are doing in this

1 location to utilize the license? And all I have
2 been told is that we have applied for permits.
3 We have done this. We have done this. We have
4 done this and we have done this. So I don't
5 really care.

6 The bottom line is that you tell us
7 what is it that you are doing active to bring
8 this license on board? If it should not -- I
9 mean, even if you are building a new building,
10 say for example you knock the building that it's
11 in and you are constructing a new building, it
12 doesn't take -- this is from 2014. It doesn't
13 take five years to build a new building.

14 So why is it taking so long? And I
15 understand, I mean, when this license and if I'm
16 wrong, maybe I'll -- I can be corrected on the
17 record, it's my understanding that at least when
18 she acquired this license, there was a moratorium
19 in this area. So therefore, you couldn't issue
20 new licenses.

21 MEMBER ALBERTI: No, that's not true.

22 CHAIRPERSON ANDERSON: That's why I

1 said if I'm correct -- if I'm incorrect, then
2 correct me.

3 MEMBER ALBERTI: It's not correct.
4 Okay.

5 CHAIRPERSON ANDERSON: Well, so say if
6 I'm incorrect.

7 MEMBER ALBERTI: You are incorrect.

8 CHAIRPERSON ANDERSON: Because and I
9 think the issue and I -- the issue I don't
10 understand and I know that Ms. Drazin has said
11 previously that you spent all this money for this
12 license and to lose it and there is no reason for
13 you to be holding onto this type of license any
14 more, because you can easily apply for a new
15 license in the area without any restrictions.

16 MEMBER ALBERTI: May I?

17 CHAIRPERSON ANDERSON: Go ahead, Mr.
18 Alberti.

19 MEMBER ALBERTI: So first of all, the
20 original -- the location of the license when Ms.
21 Drazin bought it was in a Moratorium Zone.

22 MS. BELL: Yes.

1 MEMBER ALBERTI: It no longer is. All
2 right?

3 MS. BELL: Right.

4 MEMBER ALBERTI: But from what we have
5 been told and what Ms. Drazin has represented is
6 that she has no plans to utilize the license, put
7 it into use at its former location, correct?

8 MS. BELL: Correct.

9 MEMBER ALBERTI: All right. We all
10 agree. The important thing that we are looking
11 at, the Board is looking at is when will this
12 license be put into use? When it is transferred,
13 where it is transferred is really not the
14 important issue here.

15 The important issue, the bottom line
16 is when will this license be put in use? All
17 right? So Ms. Drazin could transfer the license
18 to this new location and that transfer would not
19 be, how do I say it, approved until we had all of
20 the appropriate documents.

21 MS. BELL: Right.

22 MEMBER ALBERTI: Appropriate C of O,

1 a lease agreement, all those kinds of things that
2 show that the license is ready to be used there,
3 but it doesn't really matter when she attempts to
4 transfer this. What matters is if she did
5 transfer it to that new location and didn't use
6 it for another couple years, that still would be
7 of concern to us.

8 So the bottom line is when will this
9 license be put in use? When will it -- when will
10 the license be used as an operating
11 establishment? That is the question that we are
12 here for.

13 And so she, Ms. Drazin, has
14 represented that it would be transferred to the
15 Columbia Road address. That's the only reason
16 this Board mentions that address.

17 MS. BELL: Right.

18 MEMBER ALBERTI: But if she can
19 represent to us today that she has, how do I say,
20 that she can demonstrate that she has the ability
21 to place this elsewhere, well, we would entertain
22 that.

1 MS. BELL: Um-hum.

2 MEMBER ALBERTI: But she has to be
3 able to demonstrate -- what we are looking for
4 her to demonstrate today is that she has the
5 ability to open and use that license at some
6 location within the District in the near future,
7 that's the bottom line.

8 MS. BELL: Okay. Okay. I see what
9 you are saying and thank you for explaining that.

10 MEMBER ALBERTI: Okay.

11 MS. BELL: I think it was more of --
12 because I know that there was some concern with
13 that as well, but also the fact that even if she
14 was to prove that there was reasonable progress
15 in the reconstruction at the 1815 Columbia Road,
16 that it wouldn't matter, because the license is
17 still linked to the old address. I think that's
18 what --

19 MEMBER ALBERTI: That hasn't --

20 CHAIRPERSON ANDERSON: But that --

21 MEMBER ALBERTI: -- that is not --

22 CHAIRPERSON ANDERSON: Relevant.

1 MEMBER ALBERTI: -- the crux of any
2 concern here.

3 MS. BELL: Okay.

4 MEMBER ALBERTI: The Chair, what he
5 was pointing out about the transfer is that if
6 tomorrow Ms. Drazin said the construction is
7 done, I'm ready to open on Columbia Road, there
8 would still be the step of transferring the
9 license to that new location. All right?

10 MS. BELL: Okay.

11 MEMBER ALBERTI: And I think that
12 that's important. I'm going to step out here and
13 go sort of out of -- address sort of a new topic.
14 That is important to recognize that at any point
15 in time Ms. Drazin can apply for a new license.

16 MS. BELL: Right.

17 MEMBER ALBERTI: And the process of
18 applying for a new license is very similar for
19 the process of transfer. The steps you go
20 through, the hoops you have to jump through, all
21 of that is very similar if almost identical to
22 the transfer.

1 The application may look different,
2 but there would be notice to the community.
3 There would be opportunity for protest. You
4 would have to prove -- you would have to provide
5 all of the documents on the building, business
6 licenses, all of that would have to be provided
7 for the new location, which is the same you would
8 do for any new license.

9 So that, I think, is the point of
10 alerting you to the fact that there is going to
11 be that transfer step, but that's not really of
12 concern today.

13 MS. BELL: Okay. Thank you.

14 MEMBER ALBERTI: All right.

15 MS. BELL: Yes, so --

16 CHAIRPERSON ANDERSON: We can take a
17 recess if you need to talk to her.

18 MS. BELL: No.

19 CHAIRPERSON ANDERSON: All right.

20 MS. BELL: I'm fine.

21 MS. DRAZIN: I need to talk to you.

22 MS. BELL: Oh, you do?

1 MS. DRAZIN: Yes.

2 MS. BELL: Sorry. Can we --

3 CHAIRPERSON ANDERSON: So we can be
4 off the --

5 MS. BELL: -- recess?

6 CHAIRPERSON ANDERSON: -- record for
7 a couple of minutes, so you can -- yeah.

8 MS. BELL: Thank you.

9 CHAIRPERSON ANDERSON: All right.

10 (Whereupon, the above-entitled matter
11 went off the record at 2:00 p.m. and resumed at
12 2:01 p.m.)

13 CHAIRPERSON ANDERSON: Are you ready?

14 MS. BELL: Yes.

15 CHAIRPERSON ANDERSON: Do you have a
16 witness you want to call?

17 MS. BELL: Yes. I want to call Ms.
18 Lisa Drazin.

19 CHAIRPERSON ANDERSON: Okay. Can you
20 raise your right hand, please, Ms. Drazin?
21 Whereupon,

22 LISA DRAZIN

1 was called as a witness by Counsel for the
2 Respondent, and having been first duly sworn,
3 assumed the witness stand and was examined and
4 testified as follows:

5 MS. DRAZIN: Yes.

6 CHAIRPERSON ANDERSON: All right.
7 Have a seat, ma'am. Please, pull the microphone
8 next to you, so we can hear you clearly.

9 MS. DRAZIN: Yes, sir.

10 MS. BELL: Sorry, I'm just going to
11 hand her a copy of this exhibit.

12 CHAIRPERSON ANDERSON: And I just
13 wanted you to know that what is important to the
14 Board is what are the steps, where are we now to
15 get this license on board. Because as I said, I
16 have been here -- I have been in this seat as
17 Chair, May is going to be, four years and I
18 remember this case from my first year. All
19 right.

20 MS. BELL: And that's fine. We also
21 have her architect here.

22 CHAIRPERSON ANDERSON: I'm just

1 letting you know that that at least where -- from
2 where I am, so I have -- she has appeared in
3 front of me many times.

4 MS. BELL: Okay.

5 CHAIRPERSON ANDERSON: All right.

6 THE WITNESS: May I get my glasses?

7 CHAIRPERSON ANDERSON: You can, ma'am,
8 yes.

9 THE WITNESS: Thank you.

10 DIRECT EXAMINATION

11 BY MS. BELL:

12 Q Are you ready?

13 A Yeah.

14 Q Okay. So, Ms. Drazin, you have heard
15 the conversation that was held before you were
16 called to the stand, correct?

17 A Yes.

18 Q All right. Can you, please, tell us
19 what status -- what's the permit status at 1815
20 Columbia Road from the last Fact-Finding Hearing
21 you were in until today?

22 A As of September 17, 2018, we have four

1 valid building permits, eight permit approvals
2 and nine --

3 CHAIRPERSON ANDERSON: I can't hear
4 you, ma'am.

5 THE WITNESS: Oh, I'm sorry. As of
6 September 17, 2018, we have eight valid building
7 permits at 1815 Columbia Road. We have four of
8 eight valid permit approvals and we have nine
9 permits under review and about to be issued.

10 BY MS. BELL:

11 Q And do you remember which permits that
12 are, I guess, pending?

13 A I have a list in my book.

14 Q It should be Exhibit 11, if you --

15 A Exhibit 11?

16 Q -- Exhibit 11, please.

17 A Okay. Exhibits about to be issued and
18 under review include Green Energy Structural, Bay
19 Window, Zoning, Department of Energy and
20 Environment Storm Water and Soil Erosion, and
21 Department of Energy and Environment Green Area
22 Ratio.

1 MS. BELL: Were you able to hear that?
2 I know it was kind of hard over here.

3 CHAIRPERSON ANDERSON: Not really,
4 but --

5 THE WITNESS: Do you want me to repeat
6 it?

7 CHAIRPERSON ANDERSON: Please.

8 THE WITNESS: I'm very sorry. The
9 permits under review and about to be issued, and
10 those are the ones you want, correct?

11 BY MS. BELL:

12 Q Correct.

13 A Are Green Energy Structural, Zoning,
14 DOEE Storm Water and Soil Erosion, DOEE means
15 Department of Energy and Environment, DOEE Green
16 Area Ratio, DDOT, District Department of
17 Transportation Bay Window. We have some vault
18 and I believe that is all. I'm doing it from
19 memory.

20 Q If you take a look at Exhibit 11, is
21 this an -- it's a two page document. Is this an
22 accurate depiction of your current active

1 permits?

2 A These are active permits as of
3 September 17, 2018. These are -- Exhibit 11
4 consists of District Department of
5 Transportation, Transportation Operation Permit
6 System, DDOT TOPS Active Permits for use at 1815
7 Columbia Road. They include Washington Gas
8 excavation, Washington Gas disconnection and
9 Verizon Fios overhead work, String Telecom Wire
10 Fibre.

11 Q So the permits that are pending
12 currently, were you given an estimate of
13 approximately when you would be able to get those
14 permits?

15 A Very soon.

16 Q Would -- very soon, is that like six
17 months, three months, nine months?

18 A Oh, I would say three months.

19 Q And once you receive these permits,
20 what is your next step?

21 A Immediately to obtain the construction
22 loan, hire the general contractor, move forward

1 with demolition and construction.

2 Q Do you currently have an architect
3 helping you?

4 A I do.

5 Q Is this the architect that was on --
6 that we helping you from the time that you
7 started the reconstruction of this property?

8 A No.

9 Q How many architects have you had?

10 A Four.

11 Q And when you changed architects, did
12 it cause a delay in any of the permits getting
13 processed or any of the reconstruction?

14 A Yes.

15 Q What was the delays?

16 A Each architect had a specific
17 specialty and we had to get in line to -- for
18 them to address the work that we hired them to
19 do. They typically had a three month waiting
20 period before we could start work with them once
21 we hired them.

22 Q Do you currently have someone ready to

1 lease the space once it is completed?

2 A I have a firm, entertainment firm,
3 that has expressed an interest and I have a list
4 of at least 500 perspective food and beverage
5 tenants, but no one will --

6 MEMBER SHORT: Say that again, please.

7 THE WITNESS: I'm sorry.

8 MEMBER SHORT: Please repeat? I
9 didn't understand your last statement.

10 THE WITNESS: I'm sorry, sir. We have
11 had entertainment company express an interest in
12 taking the space very recently. I sent him a
13 Letter of Intent on December 6, 2018. He will
14 not go forward until we have permits.

15 I also have a list of more than 500
16 food and beverage tenants who have expressed an
17 interest in the space, but once again, we must
18 have permits for interests to solidify.

19 BY MS. BELL:

20 Q Now, I know you have heard Board
21 Members and myself have the conversation about
22 the current license, that you could just get a

1 new current license -- a new license versus keep
2 paying for the one that is in safekeeping.
3 You're looking at me, did you hear me or you need
4 me to repeat it?

5 A Could you repeat it and a little
6 slower?

7 Q Okay.

8 A Thank you.

9 Q You heard us speak of -- well, there
10 was conversations --

11 A That's better, I can hear.

12 Q That's better?

13 A Yeah.

14 Q -- of you could possibly just get a
15 new license versus keep asking for the current
16 one to stay in safekeeping. Could you explain
17 why you would rather keep the one in safekeeping
18 versus getting a new one?

19 A Oh, yes, yes. We purchased on March
20 4, 2013 and the Board, ABC Board approved the
21 transfer with sale of the issuance and the new
22 License 099515, which was an existing moratorium,

1 Adams Morgan Moratorium Zone License. During a
2 time when restaurant licenses were limited under
3 the Adams Morgan Moratorium, it was the only
4 license available and --

5 Q I'm sorry, not to interrupt you, but
6 we have already discussed about the license when
7 you got it in 2013.

8 A Right.

9 Q It was part of the moratorium. We
10 know that that has been lifted.

11 A Right.

12 Q So now why?

13 A The moratorium itself has not been
14 lifted. This is an existing moratorium license
15 under the AMMZ. The Moratorium Zone has been
16 modified and renewed, as I understand it, and is
17 currently in effect, if at least temporarily. It
18 has been extended from 1400 feet from the center
19 to 1800 feet, 1815 Columbia Road is an address
20 located in the Adams Morgan Moratorium Zone.

21 The moratorium can be renewed and
22 modified according to the dictates of the Board.

1 And they are influenced by neighborhood letters
2 and testimony.

3 One day the Board could decide to
4 limit restaurant liquor licenses again. We don't
5 know what the future will bring. Section 304.9
6 of the moratorium says that perspective changes
7 in moratorium language do not affect nor revoke
8 nor cancel existing moratorium licenses held by
9 owners.

10 Q So what damages would you -- how would
11 you be harmed if this license is canceled and you
12 have to get a new one?

13 A A minimum of \$100,000.

14 Q How did you come up with that number?

15 A We did an accounting of our books on
16 Friday and Monday and have a detailed accounting
17 record of our expenses with regard to this,
18 maintaining this liquor license.

19 Q And a few of the expenses, what's
20 included in those expenses?

21 A The purchase of the license, renewal
22 and safekeeping fees, attorney fees and setting

1 up a 401(k) that purchased the license, which is
2 a pension plan.

3 Q Okay. So in your opinion, your
4 estimates from what you know, how long of a
5 process would it be from now until you are able
6 to actually have someone lease the space?

7 A Could you repeat the question?

8 Q From now --

9 A Louder. Thank you.

10 Q Is that better?

11 A Yes.

12 Q Okay. In your opinion, from where you
13 are now in the permit process to the end of
14 reconstruction where you are at a point where you
15 can have someone potentially come in and lease?
16 What's the approximate time that you are thinking
17 from the knowledge that you have?

18 A I think you asked me when would a
19 perspective tenant make a firm offer to lease the
20 space?

21 Q No.

22 A No? I don't understand your question.

1 Q From now, today --

2 A I'm sorry. Yeah.

3 Q -- until reconstruction is finished.

4 All right?

5 A Okay. Until construction is

6 completed.

7 Q Correct.

8 A Okay.

9 Q Approximately about how much time do
10 you believe that would be?

11 A Oh, you are asking for from now to
12 Certificate of Occupancy. Is that correct?

13 Q Correct.

14 A I'm hesitant to give the Board an
15 expectation that I can't fulfill. The permitting
16 process is not under my control. Our best
17 estimate, our professional consultants' best
18 estimate is perhaps three months to the issuance
19 of the additional permits.

20 And we have been told by a general
21 contractor that it would take one year to
22 construct. But I can't give you exact dates.

1 Q Well, no. We're not asking for dates,
2 just --

3 A Right. I can give you the estimates--

4 Q -- an estimate.

5 A -- that our professional consultants
6 have shared with us in good faith and we only
7 speak here in good faith.

8 MS. BELL: I don't have any further
9 questions. I don't know if the Board does for
10 Ms. Drazin.

11 MEMBER ALBERTI: I have.

12 CHAIRPERSON ANDERSON: We have a
13 couple of questions. I think every -- well, go
14 ahead. All right. I think everybody is jumping
15 at the bit. So go ahead, Mr. Alberti and then
16 I'll ask.

17 MEMBER ALBERTI: So, yeah, these are
18 just very factual questions.

19 I mean, Ms. Drazin, I'm looking at
20 Exhibit 11, the one that you just referenced in
21 your testimony. And I see that this is a list of
22 permits from the Department of Transportation.

1 Is that correct?

2 THE WITNESS: Correct.

3 MEMBER ALBERTI: All right. There, in
4 this exhibit, are no permits from the Department
5 of Consumer and Regulatory Affairs, construction
6 permits. Is that correct?

7 THE WITNESS: We do have one. She
8 didn't include it in the exhibit.

9 MEMBER ALBERTI: All right. I am
10 looking at the database that DCRA provides to the
11 public. And as of -- well, back in October of
12 2016, you first applied for a construction/
13 demolition permit. That permit expired on -- in
14 May of 2017.

15 THE WITNESS: No, sir.

16 MEMBER ALBERTI: Well, this is what
17 I'm reading from the DCRA database.

18 THE WITNESS: Okay.

19 MEMBER ALBERTI: Since then there have
20 been three additional extensions. The fourth and
21 final -- it says here "Fourth and final extension
22 of demolition permit," and then it gives the

1 Permit Number D1700047, "to expire October 2018."

2 So that final demolition permit/
3 construction permit has expired. I see no
4 further permits pending in the DCRA database.
5 All right?

6 Additionally, I see a note from
7 October 18, 2018 also in the DCRA database that
8 says that "New construction for this project has
9 not been obtained from HPRB, Historic
10 Preservation Review Board." All right?

11 It goes on to say that the owner has
12 notified DCRA via email in October of 2018 that
13 the AE, I'm not sure what that is, has left the--
14 I guess architectural engineer has left the
15 project with significant structural concerns and
16 the neighbor technical -- and the neighbor
17 technical objections unresolved. Drawing shall
18 be submitted with new stamps and signatures.

19 So I know you are not the owner of
20 this building, are you? Are you the owner of
21 this building?

22 THE WITNESS: No, Bernice. I am the

1 trustee of the Bernice JJ's in trust and the
2 trust owns the building.

3 MEMBER ALBERTI: Okay. The trust owns
4 the building.

5 THE WITNESS: Yes.

6 MEMBER ALBERTI: And you manage the
7 trust? Is that correct?

8 THE WITNESS: Yes.

9 MEMBER ALBERTI: All right. So I can
10 ask you this question. Has new drawings been
11 submitted to DCRA?

12 MS. BELL: Wait, I'm sorry. I'm going
13 to have to object to that, because her witness is
14 the one that will testify to that.

15 CHAIRPERSON ANDERSON: But --

16 MEMBER ALBERTI: But she would know.

17 CHAIRPERSON ANDERSON: Hold on, Mr.
18 Alberti.

19 MEMBER ALBERTI: If she doesn't know,
20 that's fine. She can say so.

21 MS. BELL: I --

22 CHAIRPERSON ANDERSON: I'm sorry --

1 MEMBER ALBERTI: All right. Go ahead.

2 CHAIRPERSON ANDERSON: -- you raised
3 an objection. What's the nature of the
4 objection?

5 MS. BELL: So okay, she is willing to
6 answer it.

7 CHAIRPERSON ANDERSON: But -- all
8 right.

9 THE WITNESS: Mr. Alberti, the -- you
10 are reading, I believe, from the Property
11 Verification Information?

12 MEMBER ALBERTI: Yes.

13 THE WITNESS: 2.0. Please note the
14 caveat at the bottom of the page, which says "The
15 DCRA is not responsible for inaccurate,
16 fraudulent or false information found on that
17 page."

18 I had a meeting with Permit Operations
19 and Permit Operations told me on November 7, 2018
20 that our permits were still in -- our permit
21 application was still in effect. That we would
22 be given once we uploaded all the new documents,

1 the three-day review, and we would receive
2 permits.

3 This is a verbal offer from Permit
4 Operations. They erased -- you can get into the,
5 I think it is, PIV System .20 two-ways through
6 our address and also through our lot and square
7 and the last time I looked, and admittedly I
8 haven't looked for about 30 days, if you entered
9 on, at least from my computer in my office, from
10 1815 Columbia Road, those comments have been
11 erased by Permit Operations.

12 Now, when you go in on the lot and
13 block, you do find those comments. And I wrote
14 to Permit Operations about this discrepancy and
15 the inaccuracy and they said just work with us
16 and you -- and please, again, take a look at that
17 huge 2 inch caveat written at the bottom of the
18 page.

19 DCRA is not responsible for
20 inaccurate, false, and forged information on that
21 system.

22 MEMBER ALBERTI: Okay. That's

1 consistent with my understanding here.

2 So from what you just told me, as of
3 November 7th when you had your discussion, new
4 drawings had not been submitted. Is that
5 correct?

6 THE WITNESS: That's correct.

7 MEMBER ALBERTI: All right. So my
8 question was have you submitted new drawings to
9 date?

10 THE WITNESS: No.

11 MEMBER ALBERTI: All right.

12 THE WITNESS: May I continue?

13 MEMBER ALBERTI: No. That's all I
14 needed to know.

15 So to date, all right, what is the
16 status of the HPRB approval?

17 THE WITNESS: Hum, HPRB requires to do
18 -- requires us to do one review and we performed
19 that 120-day review during October. I'm sorry,
20 during the fall of 2016 and we completed our
21 presentation of our hearing on October 27, 2016.

22 MEMBER ALBERTI: So simple question,

1 do you have HPRB approval to go forward with
2 construction permits?

3 THE WITNESS: HPRB does not give
4 approval of non-contributing buildings
5 construction permits.

6 MEMBER ALBERTI: Yes, they do. HPRB,
7 if you are going -- this building is in an
8 Historic District. Is that correct?

9 THE WITNESS: It's a non-contributing
10 building --

11 MEMBER ALBERTI: But answer my
12 question, please.

13 THE WITNESS: -- to an Historic
14 District.

15 MEMBER ALBERTI: Is it in an Historic
16 District?

17 THE WITNESS: Yes.

18 MEMBER ALBERTI: Yes. So HPRB would
19 have to give approval of any exterior
20 construction. So my question is have you gotten
21 HPRB approval for the construction application?
22 Well, for the -- the present application can not

1 go forward until you get HPRB approval.

2 So have you gotten HPRB approval?

3 THE WITNESS: No.

4 MEMBER ALBERTI: Thank you.

5 THE WITNESS: Permit Operations told
6 us that HPRB made a mistake, that we only had to
7 go to review once and that we were to continue
8 forward to obtain our permits.

9 MEMBER ALBERTI: Thank you. I have no
10 further questions.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: Good afternoon, Ms.
13 Drazin. I can remember the very first time I saw
14 you sitting in the same spot.

15 Can you graphically give us a
16 description of what the building looked like and
17 what condition it was in when you bought it or
18 your foundation bought it?

19 THE WITNESS: Oh, thank you for
20 asking.

21 MEMBER SHORT: Um-hum.

22 THE WITNESS: 1815 Columbia Road was

1 purchased by my family in 1986/1987.

2 MEMBER SHORT: So what kind of
3 condition was it in? Was it a functioning
4 business there at that time?

5 THE WITNESS: Yes.

6 MEMBER SHORT: What kind of business
7 was it?

8 THE WITNESS: A retail liquor store.

9 MEMBER SHORT: Okay. Now, when did
10 the liquor store close?

11 THE WITNESS: January -- December 31,
12 2015. I'm sorry, 2005. December 31, 2005.

13 MEMBER SHORT: Okay. I know the city
14 quite well and I know the address and I do
15 remember that store.

16 I'll simply say this to you, from 2005
17 when the liquor store closed to date, have there
18 been any other businesses operating out of that
19 location, that address?

20 THE WITNESS: Yes. Foot Locker
21 Retail, Inc.

22 MEMBER SHORT: They operated a

1 business? What kind of business did they
2 operate?

3 THE WITNESS: A shoe store.

4 MEMBER SHORT: Okay. How long did the
5 shoe store last?

6 THE WITNESS: They stayed for the term
7 of their lease, which was five years.

8 MEMBER SHORT: So what year did they
9 leave, did they move out?

10 THE WITNESS: September 2011.

11 MEMBER SHORT: Okay. Have there been
12 any other businesses in that location since 2011?

13 THE WITNESS: No, sir.

14 MEMBER SHORT: Okay. What was the
15 condition when they moved out, of the building?
16 Exterior and interior.

17 THE WITNESS: The roof was leaking.
18 I was patching it every few months. And it was
19 an old building with low pressure water and low
20 pressure gas.

21 MEMBER SHORT: Okay. Since the very
22 first time you came and asked for an extension,

1 the very first time to this date, what
2 improvements have you made on that building to
3 operate a business in it?

4 THE WITNESS: We have been working
5 with Washington Gas since 2005 to bring a high-
6 pressured gas main to the building. During July
7 of 20 --

8 MEMBER SHORT: Okay. Can I stop you
9 real quick?

10 THE WITNESS: -- 18, they --

11 MEMBER SHORT: Okay. That sound good.

12 THE WITNESS: -- abandoned the low
13 pressure gas line.

14 MEMBER SHORT: So you -- okay. So it
15 is your testimony that from 2000 -- when did the
16 gas company start again?

17 THE WITNESS: The first time I
18 contacted them was right after my father died
19 around June 2005.

20 MEMBER SHORT: So from 2005 to 2019,
21 you haven't been able to get the gas line fixed?

22 THE WITNESS: I -- it has to be

1 replaced.

2 MEMBER SHORT: Well, I'm still asking.
3 Over that period of time, you have not been able
4 to get the repairs made to have that building
5 used again?

6 THE WITNESS: Well, sir, a replacement
7 of a gas line is far different from repair of a
8 gas line.

9 MEMBER SHORT: I do understand that.
10 The last time you were in and the time before
11 that, you were telling us about all these
12 problems, the same problems, and that you had
13 someone that you had hired that was going to take
14 care of that for you.

15 And so you give us the same testimony
16 today that you gave twice before. So it's kind
17 of hard for me to believe that all of this time,
18 your building permits and I have heard you say
19 that the process is cumbersome and I understand
20 DCRA and I do understand the inspection process
21 for the city, but it's hard for me to believe
22 that over a 10 year period or more, you can't get

1 a gas line fixed and all the other construction
2 permits that you have told us you would provide
3 for us every time, did you bring any construction
4 permits today? Any new ones?

5 THE WITNESS: I'm sorry, sir, I don't
6 understand.

7 MEMBER SHORT: Did you bring any
8 construction applications for us to look at
9 today? In your testimony, you said there was
10 something, but did you bring what you said you
11 had already worked on today?

12 THE WITNESS: Yes, we have eight
13 approvals for permits and we have nine more--

14 MEMBER SHORT: I asked you --

15 THE WITNESS: -- to go.

16 MEMBER SHORT: -- building
17 construction permits. Building construction from
18 DCRA?

19 THE WITNESS: I believe that my
20 architect could better answer your question.

21 MEMBER SHORT: Does he have those
22 documents?

1 THE WITNESS: (No audible answer.)

2 MEMBER SHORT: Okay. Not that we
3 won't believe him, but we have heard you say this
4 time and time again, but you don't bring any
5 documents. And the last time I questioned you
6 the same way. I asked you are you going to bring
7 some documents and you said yes, I will. And
8 yes, you did, and let me say this to you, you
9 didn't bring any documents then, you don't have
10 any documents today. Is that correct?

11 Documents, not a witness. Documents showing that
12 you have been to DCRA, you have construction
13 ready to take place on this building and that for
14 10 years now you have finally got the permits
15 that you were looking for.

16 THE WITNESS: We applied for permits
17 on November 15, 2017.

18 MEMBER SHORT: Building construction
19 permits?

20 THE WITNESS: Building permits were
21 applied for on November 15, 2017.

22 MEMBER SHORT: Are they expired as Mr.

1 Alberti just stated?

2 THE WITNESS: The demolition permit
3 expired. The utilities were working under the
4 umbrella of the demolition permit. We will
5 obtain another demolition permit in conjunction
6 with the building permits.

7 MEMBER SHORT: Okay. Thank you very
8 much for your testimony. That's all I have, Mr.
9 Chair.

10 CHAIRPERSON ANDERSON: Any other
11 questions by any of the Board Members?

12 I mean, Ms. Drazin, one of the things
13 while you have been testifying, I have been
14 looking at your -- the transcript which is
15 Exhibit 15.

16 THE WITNESS: I'm sorry, sir, I
17 couldn't hear you.

18 CHAIRPERSON ANDERSON: I've been
19 looking at the transcript, which is Exhibit 15,
20 which is your testimony here in front of me on
21 September 27, 2017. Okay. And it does not
22 appear to me between September 27, 2017 and now

1 we are here January 9, 2019, that there has been
2 any movement in having any type of renovations or
3 demolition or anything done on this property.

4 So let me ask you a question, ma'am.
5 In September 2017, you said that you were
6 applying from some demolition permits. Can you
7 tell us what specific demolition was done on the
8 property between September 27, 2017 and now?

9 THE WITNESS: Washington Gas --

10 CHAIRPERSON ANDERSON: No, that's not
11 the question I asked you, ma'am.

12 THE WITNESS: They demolished --

13 CHAIRPERSON ANDERSON: What was
14 demolished?

15 THE WITNESS: -- connection on my
16 property.

17 CHAIRPERSON ANDERSON: What was
18 specifically demolished between -- and when was
19 that? Between September 27, 2017 and today, tell
20 me what specifically was demolished?

21 THE WITNESS: On July -- during July
22 2018, Washington Gas dug up the front public

1 space owned by the property, demolished the
2 sidewalk owned by the property by 1815 Columbia
3 Road, by the trust, dug down 10 feet and
4 disconnected and removed a low pressure gas line.

5 They recovered the surface and put
6 down new concrete. Verizon Fios came to the site
7 during the same time period, July/August of 2018.
8 They removed wires and cables from the rear
9 exterior of the building. That is considered an
10 act of demolition.

11 CHAIRPERSON ANDERSON: Hold on. All
12 right. Let me -- I'm not putting words in -- I
13 don't want to make up any words, so I'm going
14 back to the transcript, your own words. Okay?
15 So that's why I'm trying to direct you back to
16 the page. Hold on.

17 All right. All right. On page 15 of
18 this transcript, you made some comment about to
19 say and I -- "so I brought a stack of 20
20 documents to show you reasonable progress. I
21 can't bring you large sheets of paper or whatever
22 you might have expected in the past, because the

1 recent construction process of demolition and
2 rebuilding that building is now done digitally."

3 So what I'm asking you what specific
4 demolition, if any, have you done to this
5 property? Not what Washington Gas has done. Not
6 what Verizon has done. But tell me what you --
7 is it correct that you have applied for a
8 demolition permit from DCRA? Is that correct?

9 THE WITNESS: When?

10 CHAIRPERSON ANDERSON: I'm asking you,
11 ma'am. Have you applied for a demolition permit
12 from DCRA?

13 MS. BELL: Sorry, for clarification
14 purposes, there is the one you were speaking of.

15 MEMBER ALBERTI: We just -- I will
16 just put it back into the record.

17 MS. BELL: Is it in fact --

18 MEMBER ALBERTI: I just mentioned four
19 demolition construction permits that all of which
20 have expired. The last one dating from May of
21 2017 through October of 2018. So I think the
22 question from the Chair is with respect to those

1 demolition permits, the ones from DCRA, what
2 construction has taken place with respect to
3 those DCRA demolition permits?

4 THE WITNESS: We have pulled down
5 ceiling tiles.

6 MEMBER ALBERTI: Okay. Thank you.

7 MS. BELL: Anything else?

8 CHAIRPERSON ANDERSON: I'm asking the
9 questions, Ms. Bell, so if she doesn't -- I mean,
10 the problem I'm having, okay, I'm trying to move
11 the ball ahead. And so therefore, I'm trying to
12 find out what progress has been made since the
13 last time. I'm reading the transcript from
14 September of 2017.

15 Okay. I'm reading the transcript and
16 I have not heard anything different today that
17 wasn't presented to me a year and a half ago. We
18 are at the same space.

19 I know that the question that was
20 stated before was that, you know, we are in a
21 Moratorium Zone. We are not in a Moratorium
22 Zone. The Board is not going to do -- we are

1 moving away from moratoriums. So it's not like--
2 and it's a CR, it's a restaurant.

3 So therefore, we are not -- I don't
4 think there will ever be another moratorium in
5 this city for a restaurant. I think that we are
6 open to business. We want restaurants. And so I
7 believe that this city will continue issuing
8 licenses for restaurants.

9 So holding on to a license because --
10 I'm not sure if the Board is going to change its
11 mind for -- because we might put another
12 moratorium in the area. When we, in the Adams
13 Morgan area, put another moratorium, restaurants
14 were not included.

15 But my position and the questions I'm
16 asking, just tell me what progress has been.
17 Because even if we were to say for example, I was
18 to say to the Board let's grant her the
19 extension, the extension would be through March
20 31, 2019. We are in January, it's for another
21 two months.

22 And you can't tell me that there has

1 been any substantial change that is going to be
2 done between now and March, because you have to
3 come and apply for another extension again for
4 September.

5 And so I try to be forward looking and
6 to say even if we -- say even if we were to grant
7 this today, decide that it's not contested, we
8 will -- to say we will grant the extension, the
9 extension granted would be will be through March
10 31, 2019.

11 MS. BELL: Well, I'm sorry, are you
12 finished?

13 CHAIRPERSON ANDERSON: Yeah. I don't
14 have any other questions for her. She can -- if
15 the Board doesn't have any questions, if you have
16 any follow-up questions, you can and then you can
17 ask her whatever questions. I don't have any
18 other questions for her.

19 MS. BELL: No, I didn't have any other
20 questions. I was going to actually ask the
21 Board.

22 CHAIRPERSON ANDERSON: So I mean, you

1 can step down, Ms. Drazin.

2 MS. BELL: You can step down, Ms.
3 Drazin.

4 (Whereupon, the witness was excused.)

5 MS. BELL: So when you mentioned the
6 substantial -- I think so I can explain it or
7 possibly have the testimony from her architect
8 speak to it.

9 CHAIRPERSON ANDERSON: All right.
10 Well, then you can bring -- you have now known --
11 you are the one who gave us a copy of our
12 transcripts.

13 MS. BELL: Right.

14 CHAIRPERSON ANDERSON: And so
15 therefore you know the testimony that was given a
16 year and a half ago and my hope is that we have
17 moved -- we have looked at what happened, what
18 the testimony was in 2017 and then we can say
19 this is where we are now in 2019 and this is our
20 plan to bring the license on board, because
21 that's -- is that perfectly clear to you, this
22 extension would be through March 31, 2019. Okay?

1 And so even if we were to grant it,
2 what is going to happen? Isn't she going to
3 request another extension again in March for
4 September of 2019? And then you are going to say
5 to me then when September 2019 comes, you are
6 going to request another one, because it does not
7 appear to me that there is going to be any
8 movement.

9 I think what we have always asked for
10 is if you can say we have applied for demolition
11 permit. We have demolished the building. These
12 are the architectural structures. We have the
13 architect on board. We have done this. We have
14 done this. The building is moving. This is
15 where we are. Then one can say there is progress
16 going on.

17 I can't -- I mean, if -- a perfect
18 example, you have -- you need to demolish the
19 building, you apply for the permit. The building
20 has to be demolished. Okay. So I can say the
21 building has been demolished. We now need to
22 rebuild. In order to rebuild, this is what we

1 need to do.

2 You have the architect. These are the
3 plans. We have submitted them to DCRA. We are
4 waiting for approval. The Board can't say well,
5 we are not going to do it if you have told me
6 that the building has been demolished, that we
7 have now -- we are waiting for DCRA to approve
8 our plans. Once the plans are approved, then we
9 need to get these permits. We are applying for
10 them.

11 But what we have here, let's see, are
12 the permits that were issued. They have been
13 expired. And I think that's what Mr. Alberti
14 said, I think the last demolition permit was
15 granted by DCRA, I think that has been expired.
16 And I think, if I heard correctly, that they are
17 not going to give another one, issue another one.

18 So how are they going to demolish the
19 building if DCRA is not going to give you another
20 permit to demolish the building?

21 MS. BELL: I'm not sure if I heard
22 that.

1 CHAIRPERSON ANDERSON: I think that's
2 what --

3 MS. BELL: DCRA is not going to give
4 another one, but --

5 MEMBER ALBERTI: Just to be clear, my
6 understanding is that there wouldn't be an
7 extension on the current permit. They would have
8 to go through a new application.

9 MS. BELL: Right.

10 MEMBER ALBERTI: I don't know what
11 that entails, but it's obvious from DCRA's notes
12 that we can assume that there would have to be a
13 new application process implemented for
14 demolition.

15 MS. BELL: Right.

16 MEMBER ALBERTI: But that isn't -- we
17 are now in January and that hasn't happened.

18 CHAIRPERSON ANDERSON: So you can
19 bring the architect if you need to to testify.
20 Why don't you identify him for the record,
21 please? Call him by name, please.

22 MS. BELL: All right. I'm going to

1 call Mr. John Sage to the stand.

2 CHAIRPERSON ANDERSON: I'm sorry,
3 what? I'm sorry, what is his name?

4 MS. BELL: Mr. John Sage.

5 CHAIRPERSON ANDERSON: Stand up.
6 Stand, Mr. -- oh, that's fine. Raise your right
7 hand, please, sir.

8 Whereupon,

9 JOHN SAGE
10 was called as a witness by Counsel for the
11 Respondent, and having been first duly sworn,
12 assumed the witness stand and was examined and
13 testified as follows:

14 MR. SAGE: Yes.

15 CHAIRPERSON ANDERSON: All right.
16 Have a seat.

17 DIRECT EXAMINATION

18 BY MS. BELL:

19 Q Mr. Sage, what is your role concerning
20 Hopeful, Inc. and the property at 1815 Columbia
21 Road?

22 A I have been contacted to help her

1 complete the revisions for the current permit
2 submission and acquire building permits.

3 CHAIRPERSON ANDERSON: I'm sorry, who
4 is he?

5 MS. BELL: That's what he was trying
6 to say.

7 CHAIRPERSON ANDERSON: No. Can you --

8 MS. BELL: I just didn't hear him.

9 CHAIRPERSON ANDERSON: -- oh, can you
10 just do some background? So I need to know who
11 he is. I need to know his professional
12 background.

13 MS. BELL: Okay.

14 CHAIRPERSON ANDERSON: So he can --
15 that's what I meant. So --

16 MS. BELL: I'm sorry.

17 BY MS. BELL:

18 Q You already stated your name. Are you
19 employed, Mr. Sage?

20 A Yes.

21 Q Okay. How are you employed or where
22 are you employed?

1 A I am self-employed with a firm called
2 Alter Urban Architecture here in Washington, D.C.

3 MEMBER SHORT: That name again?

4 THE WITNESS: Alter Urban
5 Architecture.

6 MEMBER SHORT: Okay.

7 BY MS. BELL:

8 Q And what is your position at Alter
9 Urban Architecture?

10 A I am the principal owner.

11 Q And what do you do for the company?

12 A I'm an architect.

13 Q So do you know Ms. Drazin?

14 A Yes.

15 Q How do you know her?

16 A She contacted me in November of 2018
17 needing help to help get her building permit.

18 Q So what do you actually know about the
19 status of -- the permit status concerning 1815
20 Columbia Road?

21 A There is a permit application for the
22 construction of a six story building currently

1 under review in what is the third review cycle.
2 There are multiple approvals that have been
3 provided and then there are a handful of trades
4 that need to be -- that need clarification
5 submitted for approval.

6 Q Okay. And what is your role
7 concerning what you just spoke of, the approval?

8 A I will assist in answering. So there
9 are -- the remaining, I believe, are zoning,
10 structural, there are energy and green comments
11 and mechanical, electrical and plumbing. So my
12 role will be to help coordinate the engineer's
13 work for the mechanical, electrical, plumbing for
14 instance. And then there are additional comments
15 for green review and energy review that will
16 require additional drawings from me to satisfy
17 the comments from the reviewers.

18 Q And in your opinion, approximately,
19 how long would it take for you to do the drawings
20 and submit them and answer the comments or
21 address the comments?

22 A So the -- in my initial review, I am

1 not the original architect. I'm coming into this
2 project new and so the -- my initial review of
3 the project so far sees that the mechanical,
4 electrical, plumbing engineer, for instance, has
5 provided the necessary revisions and
6 clarifications and they just have not been
7 submitted to DCRA yet.

8 My work is -- to answer your question,
9 I would say 30 to 60 days.

10 Q So in approximately 30 to 60 days,
11 just lay it out for me what can you accomplish?

12 A In 30 to 60 days, we would have all of
13 the comments answered, documented through
14 drawings, specifications and submitted through
15 ProjectDox, which is the DCRA Building Permit
16 Platform for review again by the city's
17 reviewers.

18 Q And what's the next step after you
19 have submitted for review?

20 A If all goes well, the permit is
21 issued. Otherwise, the reviewers may have
22 further comments.

1 Q So if everything is -- it has gone
2 well, like you plan, your next step is to do
3 what?

4 A Well, once the building permit is
5 issued, we will complete construction documents
6 and assist in the beginning -- the bidding and
7 procurement process. And then construction, we
8 will provide construction administration services
9 during the course of construction for the
10 project.

11 Q And your best estimate of how long it
12 would take to finish the construction project?

13 A I think from the point of
14 construction, a contractor should be able to do
15 12 to 18 months. It seems reasonable.

16 MS. BELL: I don't have any further
17 questions.

18 CHAIRPERSON ANDERSON: Do we have any
19 questions by any Board Members? Go ahead, Mr.
20 Short.

21 MEMBER ALBERTI: Mr. Short.

22 MEMBER SHORT: Good afternoon, sir.

1 So you mentioned -- when you were talking about
2 the permits, you didn't mention anything about
3 the fire permits. Does a six story building
4 require a standard pipe for a sprinkler system?

5 THE WITNESS: Yes. The DC Water
6 permit has been submitted for and approved.

7 MEMBER SHORT: Who does your fire
8 alarm drawings for you?

9 THE WITNESS: The fire alarm drawings
10 are typically done by the contractor, by the
11 general contractor. We -- fire review is one of
12 the currently approved trades under the current
13 permit application.

14 MEMBER SHORT: So have you applied
15 through the Fire Marshal's office yet for those
16 permits?

17 THE WITNESS: The sprinkler and fire
18 alarm are typically permitted separately during
19 construction. So the fire review for the
20 building --

21 MEMBER SHORT: I'm not disputing that.

22 THE WITNESS: Okay.

1 MEMBER SHORT: But when the drawings
2 are done, before the drawings are approved and
3 anything can move forward --

4 THE WITNESS: Um-hum.

5 MEMBER SHORT: -- that fire alarm
6 system has to be a part of those drawings,
7 correct?

8 THE WITNESS: Typically, the plans
9 submitted for the building permit are going to
10 state, yes, that this building is sprinklered,
11 it's fire alarmed per, you know, NFPA Standards,
12 etcetera. But for the actual permits of those
13 systems, the vendor creates the shop drawings and
14 submits those shop drawings to DCRA for approval
15 prior to their installation on the project.

16 MEMBER SHORT: So has any of that
17 taken place yet or are you saying all this is
18 what you are planning on doing, but you haven't
19 done any of this yet, correct?

20 THE WITNESS: Well, the first step is
21 the DC Water approval. Knowing that DC Water is
22 going to allow you to bring the main from the

1 street to the building, that has been completed.

2 The preliminary -- or the fire review
3 as part of the building permit submission has
4 been reviewed and approved. Although, the permit
5 has not been issued.

6 MEMBER SHORT: Okay. So you have
7 drawings that have been approved?

8 THE WITNESS: Yes.

9 MEMBER SHORT: Can those be provided
10 to this Board?

11 THE WITNESS: I don't see why not,
12 yeah.

13 MEMBER SHORT: When? How soon can
14 they be provided? The approved drawings, right?

15 THE WITNESS: They are approved as in
16 the reviewer has approved them in this. So the
17 building permit consists of multiple reviews.

18 MEMBER SHORT: I understand that. But
19 has the city signed-off on those plans? Because
20 you can have plans, but if they are not city-
21 approved, you can't move forward with them, can
22 you?

1 THE WITNESS: The building permit has
2 not been issued, but the --

3 MEMBER SHORT: Have the plans been
4 approved?

5 THE WITNESS: Partially.

6 MEMBER SHORT: The plans.

7 THE WITNESS: Partially. A permit has
8 not been issued, but it has been --

9 MEMBER SHORT: Okay.

10 THE WITNESS: -- the reviews are
11 ongoing.

12 MEMBER SHORT: That's a yes or no
13 answer. Have they been approved by the city?

14 THE WITNESS: I have to disagree that
15 it's not a yes or no answer, because it's not.
16 It's a building permit has not been issued. The
17 specific question that you asked has fire been
18 reviewed and approved? The answer is yes.

19 MEMBER SHORT: One last question.

20 THE WITNESS: Okay.

21 MEMBER SHORT: Can you provide
22 whatever you have to this Board to prove that Ms.

1 Drazin's project is moving forward and that the
2 drawings, as you have testified under oath, are
3 ready?

4 THE WITNESS: They -- DCRA -- yes.

5 MEMBER SHORT: Okay. You can provide
6 those?

7 THE WITNESS: Yes.

8 MEMBER SHORT: Okay. Can someone
9 answer that question? Can they be provided?

10 MS. BELL: If you have them, you can
11 submit them to me and I can provide them.

12 CHAIRPERSON ANDERSON: But I mean,
13 isn't it our -- hold on.

14 MS. DRAZIN: Well, there are two ways
15 we can achieve --

16 CHAIRPERSON ANDERSON: Hold on, hold
17 on, hold on one minute. Who would have provided
18 these plans? Is that you, sir?

19 THE WITNESS: So that's the -- that's
20 part of the trouble she has been having is that
21 it was a different architect that submitted the
22 initial submission to DCRA. So I have access to

1 the drawings as part of my review to, you know,
2 decide whether or not I was going to take the
3 project on to help her get to the permit
4 approval.

5 And so I personally, my firm has not
6 created any new drawings, but there is a
7 submission of architectural, mechanical,
8 electrical, plumbing, structural set of drawings
9 in the ProjectDox system, DCRA's Permit Platform,
10 as well as supporting documents.

11 Assuming that it is okay for you to
12 provide them, I don't see why. It seems like
13 that would solve a lot of the issues.

14 MS. DRAZIN: We can provide you with
15 about 200 or more paper documents or we can show
16 you on a computer the actual upload of the
17 documents under the permit number at DCR -- on
18 DCRA ProjectDox. So you can see the actual
19 documents uploaded for review by the reviewers.

20 MEMBER ALBERTI: Can I ask a real
21 quick question to be helpful here?

22 Sir, as an architect, you probably

1 know the systems better than anyone at DCRA.

2 THE WITNESS: Okay.

3 MEMBER ALBERTI: She is saying that
4 you can access them online at DCRA.

5 THE WITNESS: Correct.

6 MEMBER ALBERTI: Can they be
7 downloaded from that site? Do you know?

8 THE WITNESS: Yes, they can be.

9 MEMBER ALBERTI: So they could be
10 downloaded.

11 THE WITNESS: Yes.

12 MEMBER ALBERTI: And presented to the
13 Board electronically?

14 THE WITNESS: Yes.

15 MEMBER ALBERTI: Okay. That's all I
16 wanted to know. Thank you.

17 CHAIRPERSON ANDERSON: Any -- all
18 right. Do you have any other questions?

19 MEMBER ALBERTI: I have questions.

20 CHAIRPERSON ANDERSON: Do you have any
21 other questions, Mr. Short?

22 MEMBER SHORT: I didn't get an answer

1 because you kind of --

2 CHAIRPERSON ANDERSON: Oh, okay.

3 MEMBER SHORT: -- interrupted me.

4 CHAIRPERSON ANDERSON: So --

5 MEMBER SHORT: I wanted to know when
6 they can produce the drawings.

7 CHAIRPERSON ANDERSON: Well, okay.

8 Now, we know that the documents can be
9 downloaded, so we know that. So therefore, if --
10 we can ask at -- depending on how this Board is
11 going to go, then we can say it should be -- this
12 information could be provided to the Board within
13 24 hours because you can -- if you can go online
14 and access something and download it and email
15 it, it can be provided to the Board within 24
16 hours. That would not be an issue.

17 MEMBER ALBERTI: Give them 48.

18 CHAIRPERSON ANDERSON: No, I'm just
19 saying to Mr. Short is that if it's -- if we are
20 saying it's something that is online, you can go
21 online at any point and download documents and
22 email it. So that's why I'm just saying like in

1 24 hours it can be done. I'm not saying I'm
2 going to say do it in 24 hours.

3 So if you need that document, Mr.
4 Short, at the end of the hearing, we will -- if
5 we are going to ask for it, depending on where we
6 are going to go, we will ask and we will ask for
7 a time line for this to be provided.

8 MEMBER SHORT: Thank you, Mr. Chair.

9 CHAIRPERSON ANDERSON: What other
10 questions do you have, sir?

11 MEMBER SHORT: No, that's all I have.
12 Thank you.

13 CHAIRPERSON ANDERSON: Mr. Alberti?

14 MEMBER ALBERTI: So, Mr. Sage, you are
15 a licensed architect in the District?

16 THE WITNESS: Yes.

17 MEMBER ALBERTI: Okay.

18 THE WITNESS: Yes.

19 MEMBER ALBERTI: Great. And this is
20 a six story building. Is that correct, that is
21 being proposed?

22 THE WITNESS: Correct.

1 MEMBER ALBERTI: All right. Is this
2 the sort of construction project you usually do
3 design for?

4 THE WITNESS: I do a mixed bag,
5 residential, commercial, so, yes, it's larger
6 than my typical work, but yes.

7 MEMBER ALBERTI: Okay. Have you ever
8 done anything this large?

9 THE WITNESS: As far as building size,
10 yes. The -- for 10 units residential units, no,
11 but I do --

12 MEMBER ALBERTI: So explain as much as
13 you know --

14 THE WITNESS: Um-hum.

15 MEMBER ALBERTI: -- what is envisioned
16 for this building.

17 THE WITNESS: It is a six story
18 structure. It is including a basement. The
19 basement and first floor will be basically a
20 concrete platform, which will be the commercial
21 space. The lower level will also include some
22 shared space for the residential units above and

1 then the Floor 2 through 6 both have two, I guess
2 they would be, studio apartments.

3 MEMBER ALBERTI: So how many units?
4 Just tell me.

5 THE WITNESS: There are 10 units.

6 MEMBER ALBERTI: 10 units.

7 THE WITNESS: There is an elevator.

8 MEMBER ALBERTI: So this would be a
9 first for you? Is that correct?

10 THE WITNESS: A first 10-unit --

11 MEMBER ALBERTI: This type of
12 building.

13 THE WITNESS: -- project.

14 MEMBER ALBERTI: Scope, size and
15 nature of building would be sort of a first for
16 you?

17 THE WITNESS: Yes.

18 MEMBER ALBERTI: Okay. Do you
19 actually have a contract to do this with Ms.
20 Drazin?

21 THE WITNESS: I do -- it is not
22 signed, but it is in review.

1 MEMBER ALBERTI: Okay.

2 THE WITNESS: This, we were in the
3 process of finalizing that when this hearing came
4 about.

5 MEMBER ALBERTI: Okay. Very good.
6 But you are not a design -- you are not a
7 building firm, so you would just do the design
8 and then consult with the construction company,
9 right?

10 THE WITNESS: Correct.

11 MEMBER ALBERTI: And as far as you
12 know, bids have not going out for construction at
13 all?

14 THE WITNESS: And you know, in loose
15 conversation, she has told me about conversations
16 she has had with general contractors in
17 preparation for construction, but --

18 MEMBER ALBERTI: But you haven't had
19 any?

20 THE WITNESS: No.

21 MEMBER ALBERTI: And you haven't been
22 privy to them?

1 THE WITNESS: No.

2 MEMBER ALBERTI: All right. Okay.

3 Now, you mentioned 30 to -- okay. I'm trying to
4 understand exactly where you are in presenting
5 plans to DCRA for permits. All right? What is
6 the first discipline that you would seek approval
7 for?

8 THE WITNESS: It doesn't work like
9 that any more.

10 MEMBER ALBERTI: Okay.

11 THE WITNESS: With the ProjectDox
12 system, you used to submit and the plans
13 literally moved from desk to desk.

14 MEMBER ALBERTI: Right, right.

15 THE WITNESS: The ProjectDox system,
16 the online submission, once it is uploaded, all
17 the reviewers have access to the submission --

18 MEMBER ALBERTI: Okay.

19 THE WITNESS: -- at the same time.

20 MEMBER ALBERTI: Okay. All right. So
21 when you gave us this 30 to 60 days --

22 THE WITNESS: Um-hum.

1 MEMBER ALBERTI: -- period, that was
2 to do what exactly?

3 THE WITNESS: That was to complete
4 answering the remaining comments that have been
5 received back from the reviewers that did -- so
6 you either get approved or you get an HFC, a Hold
7 For Correction.

8 MEMBER ALBERTI: Right.

9 THE WITNESS: And so I would say
10 roughly 60 percent have been approved, including
11 fire and the remaining have hope for correction.
12 And so that means that there is questions. They
13 want clarifications. Sometimes it's just a
14 matter of clarifying the drawing.

15 MEMBER ALBERTI: Sure.

16 THE WITNESS: And sometimes you have
17 to actually change something.

18 MEMBER ALBERTI: Okay. So have you
19 seen those, the status of those? Have you seen
20 the drawings and the status of those comments and
21 questions as a whole?

22 THE WITNESS: So I have seen the

1 drawings. I have checked -- I have done a
2 preliminary check against the comments. As I
3 mentioned, the MEP engineer for instance who
4 holds the bulk of those -- a book of that scope
5 has actually completed their drawings and they
6 just have not been submitted yet, because you do
7 it all at once. So yes, to answer your question.

8 MEMBER ALBERTI: Well, so my follow-up
9 question is having seen those comments and holds,
10 how much additional work do you anticipate after
11 you --

12 THE WITNESS: That's the 30 to 60 time
13 line suggested.

14 MEMBER ALBERTI: Okay. 30 to 60 days.
15 And then you would have to get approval on the
16 final design?

17 THE WITNESS: So it goes -- and then
18 so it goes back to the system and DCRA, they
19 state that they have another 30 days to complete
20 the re-review.

21 MEMBER ALBERTI: Okay. I got you. I
22 got you. But you really haven't started the

1 process yet, because you aren't under contract
2 with Ms. Drazin. Is that correct?

3 THE WITNESS: I mean, I guess.

4 MEMBER ALBERTI: You have reviewed
5 them?

6 THE WITNESS: Yeah. I mean, I have
7 done a significant amount of review to be willing
8 to take the project on for instance.

9 MEMBER ALBERTI: Okay. All right.
10 Very good. Thank you.

11 THE WITNESS: Um-hum.

12 MEMBER ALBERTI: Now, there is this
13 question of you are aware that this in an
14 Historic District, right?

15 THE WITNESS: Yes.

16 MEMBER ALBERTI: Okay. And so you are
17 aware that it needs HPRB approval?

18 THE WITNESS: As has been explained to
19 me, the hearing that was attended, the building
20 was determined a non-contributing factor.

21 MEMBER ALBERTI: Right.

22 THE WITNESS: And so Ms. Drazin has

1 been instructed by, I don't remember off the top
2 of my head, someone at DCRA or HPRB as part of
3 this next submission, just to state that the
4 building is a non-contributing --

5 MEMBER ALBERTI: Sure. But it is in
6 an Historic District, right?

7 THE WITNESS: Yes.

8 MEMBER ALBERTI: And as an architect,
9 would you agree that any new construction, this
10 is basically new construction. You are going up
11 four floors, five floors from a one story
12 building, right? Any new construction would have
13 to get HPRB approval. Is that correct?

14 THE WITNESS: Yes. But my
15 understanding is that they presented the proposed
16 design to the board.

17 MEMBER ALBERTI: And?

18 THE WITNESS: And that I'm not clear.
19 My -- that it was okayed, it was --

20 MEMBER ALBERTI: Because I'm confused,
21 so I have holds here. I have a current hold on--

22 THE WITNESS: Yeah, it's my --

1 MEMBER ALBERTI: -- approval from
2 HPRB.

3 THE WITNESS: All I can say is if, you
4 know, assuming the information I have been given
5 is accurate --

6 MEMBER ALBERTI: Okay.

7 THE WITNESS: -- often times changes,
8 things happen in the system where a communication
9 is not clear across the different boards and
10 reviewers and sometimes things just get caught --

11 MEMBER ALBERTI: No, I understand.

12 THE WITNESS: -- inadvertently.

13 MEMBER ALBERTI: I'm quite familiar
14 with that, those processes. Okay.

15 And your estimate is 12 months to 18
16 months to construct the building?

17 THE WITNESS: I mean, it's doable.
18 It's not -- you know, typically I'll tell you,
19 the contractor is the one that needs to give you
20 the, you know, time estimate.

21 MEMBER ALBERTI: I know, but if you
22 are --

1 THE WITNESS: It's not a complicated--

2 MEMBER ALBERTI: -- doing the -- I'm
3 asking your estimate.

4 THE WITNESS: -- but, yeah. So, yes,
5 the building is not a complicated structure. As
6 I said, it's a concrete base with a wood frame on
7 top and it's -- there is an elevator, which is
8 probably the item that has the longest lead time.

9 MEMBER ALBERTI: Okay. So have you
10 dealt with HPRB before?

11 THE WITNESS: Yes.

12 MEMBER ALBERTI: All right. And you
13 are aware that DCRA will not issue permits until
14 HPRB approval has been given?

15 THE WITNESS: Yes.

16 MEMBER ALBERTI: Is that correct? All
17 right. Would it be part of your responsibilities
18 to represent this to HPRB?

19 THE WITNESS: I would say --

20 MEMBER ALBERTI: Answer their
21 questions.

22 THE WITNESS: -- so no.

1 MEMBER ALBERTI: Whether it is the
2 board or the staff or whatever?

3 THE WITNESS: Typically, no. What I
4 provide are -- is the documentation, the drawings
5 for instance, but HPRB falls outside of my
6 typical scope as an additional service.

7 MEMBER ALBERTI: Generally, I mean.
8 I'm just speaking in general from what I know.
9 It's usually the architect who is -- represents
10 the client --

11 THE WITNESS: Yes.

12 MEMBER ALBERTI: -- at HPRB.

13 THE WITNESS: Yes.

14 MEMBER ALBERTI: Unless it is --

15 THE WITNESS: Certainly, we would --

16 MEMBER ALBERTI: -- something like a
17 backyard fence that usually gets pretty
18 complicated.

19 THE WITNESS: Certainly we would
20 provide the drawings, materials, specifications,
21 etcetera.

22 MEMBER ALBERTI: But you don't --

1 right now it isn't -- you are not aware that you
2 would be asked to come and explain it to HPRB and
3 have the discussion with them?

4 THE WITNESS: Not currently. I mean,
5 my scope is to help acquire a building permit, so
6 I --

7 MEMBER ALBERTI: All right. No, I
8 understand that.

9 THE WITNESS: I'm amenable to be
10 there, so I'm not going to do the rest and then
11 not show up at HPRB.

12 MEMBER ALBERTI: No, I know. I know.
13 I just want to make sure I understand who is
14 doing what and when is all. That's really where
15 this is going.

16 THE WITNESS: Okay.

17 MEMBER ALBERTI: We get very concrete
18 answers, not iffy, well, maybe they are doing it,
19 maybe they are not and that sort of thing.

20 Okay. I have no further questions.

21 Thank you.

22 CHAIRPERSON ANDERSON: Sir, when is it

1 that plan to execute a contract?

2 THE WITNESS: It could be this week.
3 Our draft is with Ms. Drazin. She is reviewing
4 it based on the changes we -- I used the standard
5 AIA contracts and so there are some slight
6 modifications that happened, so she is just
7 reviewing that.

8 CHAIRPERSON ANDERSON: I think I'm
9 asking you this question because you told me that
10 she retained your -- contacted you in November.
11 We are now in January. You are testifying here
12 today.

13 THE WITNESS: Um-hum.

14 CHAIRPERSON ANDERSON: This is a
15 Contested Fact-Finding Hearing. And I'm -- I
16 still don't know that -- I still do not know that
17 whether or not you are the architect that is
18 going to do this work.

19 THE WITNESS: Right. So I mean -- I'm
20 sorry.

21 CHAIRPERSON ANDERSON: And so
22 therefore, we grant this -- if we were to grant

1 this extension and I was told that I could not
2 agree with the architect, so therefore we have to
3 -- we need another six months to go find another
4 architect. And so therefore we need more
5 extensions because we have to find another
6 architect.

7 I mean, during this process, we were
8 asked that we need to give a continuance because
9 I can't find a lawyer. This lawyer won't retain
10 my services. This lawyer does this and this
11 lawyer does that. And this is the problem that
12 we have been facing this entire time.

13 So one of the things that -- one of
14 the reasons that we have been having these
15 hearings is to get some concrete answers about
16 where we are to move this project along. And if
17 the Board is not being provided concrete
18 measurable progress, I don't see how the Board
19 would agree to grant this extension.

20 And that's where we are. So you are
21 saying that you believe that a contract will be
22 signed when, sir?

1 THE WITNESS: I think over the next
2 week or so. We have -- I have been through the
3 process of determining what the project is, the
4 project scope. I have met with Ms. Drazin and
5 spoken with her extensively. She has provided
6 ample amount of information concerning the status
7 of the current submission and we are at the -- I
8 am at the point where I proceeded beyond the
9 decision making process to the final contract
10 writing process to start the work.

11 But it is not signed today right now
12 as I am sitting here.

13 CHAIRPERSON ANDERSON: Okay.

14 MEMBER ALBERTI: Can I just real
15 quickly?

16 CHAIRPERSON ANDERSON: Go ahead, Mr.
17 Alberti.

18 MEMBER ALBERTI: I know you can't
19 really say, but at the end of 60 -- if you were
20 to start next week with Ms. Drazin and you said
21 30 to 60 days to get your plans altogether and
22 answer the questions for DCRA, what would we

1 expect to see from DCRA at the end of that 60
2 days?

3 THE WITNESS: A building permit.

4 Well, no, no, no, I'm sorry. At the end of that,
5 the submission, so in the ProjectDox Platform,
6 the status of the project would change from
7 applicant resubmit to under review.

8 MEMBER ALBERTI: Okay. And that
9 review typically takes how many days?

10 THE WITNESS: 30.

11 MEMBER ALBERTI: 30. All right. Is
12 there usually any progress indicated along the
13 way?

14 THE WITNESS: I mean you can track the
15 status. You can see which reviewers have opened
16 up the file and looked.

17 MEMBER ALBERTI: Which ones have
18 approved and which ones haven't?

19 THE WITNESS: Yeah. And to be honest,
20 typically, especially for something like this
21 that is in Cycle 2 and 3, a lot of the reviewers
22 are just waiting to get the correct revisions in

1 front of their desk, so they can get this project
2 off there.

3 MEMBER ALBERTI: So you would expect
4 to see approval from --

5 THE WITNESS: Within the first week,
6 it's not unusual to start seeing approvals.

7 MEMBER ALBERTI: Seeing approval from
8 at least some of the reviewers. How many
9 reviewers are we talking about here?

10 THE WITNESS: Off the top of my head,
11 zoning has asked for just a copy of the stamped
12 demolition drawings, which were provided, so
13 that --

14 MEMBER ALBERTI: Okay. That's usually
15 quite quick.

16 THE WITNESS: There is zoning. There
17 is structural.

18 MEMBER ALBERTI: Um-hum.

19 THE WITNESS: There is green review.

20 MEMBER ALBERTI: Um-hum.

21 THE WITNESS: And then there is energy
22 review. There is the HPRB and I believe that is

1 it. All the mechanical, electrical, plumbing
2 revisions that have been completed are in regard
3 to the green and energy review. The mechanical,
4 electrical, plumbing has been approved.

5 Mechanical, electrical, plumbing,
6 fire, elevator.

7 MEMBER ALBERTI: Okay. So zoning is
8 probably not an issue here.

9 THE WITNESS: Correct.

10 MEMBER ALBERTI: We pretty much know
11 what the zoning is.

12 THE WITNESS: Um-hum.

13 MEMBER ALBERTI: And I haven't seen
14 any zoning cases or exceptions or anything like
15 that.

16 THE WITNESS: Um-hum.

17 MEMBER ALBERTI: Pending for this
18 case. So structure you say is pretty much
19 finished? I mean, there aren't any comments?

20 THE WITNESS: To maybe try to -- I
21 don't see any comments that are not readily or
22 are easily not difficult to satisfy.

1 MEMBER ALBERTI: Okay. And okay,
2 greening?

3 THE WITNESS: Um-hum.

4 MEMBER ALBERTI: Green space?

5 THE WITNESS: Green, energy, yeah.

6 MEMBER ALBERTI: Green, energy.

7 THE WITNESS: I'm saying in general,
8 the green review, the energy review, the
9 structural review, none of the comments there,
10 from what I see, required design changes. There
11 are clarifications.

12 MEMBER ALBERTI: Okay. But -- and you
13 know nothing about HPRB?

14 THE WITNESS: Correct.

15 MEMBER ALBERTI: All right. Thank
16 you.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any of the Board Members? Do you
19 have any follow-up questions you want to ask him,
20 ma'am?

21 MS. BELL: No, Mr. Chairman.

22 CHAIRPERSON ANDERSON: You can step

1 down, sir.

2 THE WITNESS: Thank you.

3 (Whereupon, the witness was excused.)

4 CHAIRPERSON ANDERSON: Any other --
5 where are we now? Do you want to make -- do you
6 want to do a closing? What do you want to --

7 MS. BELL: I can do a quick closing.
8 We do not have any other witnesses.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. BELL: So I do want to have on the
11 record in the closing statement that, you know,
12 we did submit the building permit that --

13 CHAIRPERSON ANDERSON: Why don't you
14 just identify the documents that are -- that you
15 submitted and I'll move them into the evidence.

16 MS. BELL: Got it.

17 MEMBER ALBERTI: So just for clarity
18 of the record when you talk about building
19 permits, would you distinguish between -- you
20 presented a bunch of permits. DDOT permits are
21 generally, in layman's terms, not called zoning
22 permits or construction permits.

1 So would you -- when you talk about
2 permits, would you reference the Agency from
3 which the permits came?

4 MS. BELL: I was going to do that when
5 I listed the --

6 CHAIRPERSON ANDERSON: She is going
7 to --

8 MEMBER ALBERTI: Right. No, just so
9 we have it on the record and it's clear to
10 everybody.

11 CHAIRPERSON ANDERSON: Well, she has
12 already -- the documents are already submitted.

13 MEMBER ALBERTI: All right.

14 CHAIRPERSON ANDERSON: Were submitted.

15 MEMBER ALBERTI: All right.

16 CHAIRPERSON ANDERSON: So I'm just
17 asking just to clarify for the record just to
18 identify the documents. These are no new
19 documents. These are the documents that we have
20 in front of us in the folder. So I just need --

21 MEMBER ALBERTI: No, I know. It's
22 just--

1 CHAIRPERSON ANDERSON: All right.

2 MEMBER ALBERTI: -- how they are
3 referred to.

4 CHAIRPERSON ANDERSON: All right.

5 MS. BELL: Thank you. So we have the
6 ABRA application.

7 CHAIRPERSON ANDERSON: That's exhibit
8 what?

9 MS. BELL: Exhibit 1.

10 CHAIRPERSON ANDERSON: Okay.

11 MS. BELL: Exhibit 2 is approval of
12 license, which was the original license 074752.

13 Exhibit 3 is the agreement for sale of
14 alcoholic beverage license, release of judgment
15 liens and release of new system finance and
16 statement that was between the seller, which was
17 Bobby Lew's Saloon, as well as the buyer, Ms.
18 Drazin for Hopeful, Inc.

19 Exhibit 4 is the ABRA sales receipt
20 for April 22, 2013.

21 Exhibit 5 is the ABRA sales receipt
22 for June 4, 2018.

1 Exhibit 6 is the ABRA renewal
2 application.

3 Exhibit 7 is the demolition builder
4 permit for 1815 Columbia Road, N.W.

5 Exhibit 8 is the DC DDOT permit
6 listing for 1815 Columbia Road.

7 Exhibit 9 is the DC Office of Tax and
8 Revenue listing for the owner of 2006 18th Street,
9 N.W.

10 Exhibit 10 is the DC Office of Tax and
11 Revenue listing for 1815 -- I'm sorry, the owner
12 of 1815 Columbia Road, N.W., D.C.

13 Exhibit 11 is the DDOT TOPS Active
14 Permits List.

15 Exhibit 12 is the ABRA Order 2017-515.

16 Exhibit 13 is the ABRA Order 2018-654.

17 Exhibit 14 was the ABRA Order 2018-
18 370.

19 And Exhibit 15 was the ABRA transcript
20 dated 9/27/2017.

21 CHAIRPERSON ANDERSON: All right. So
22 these documents are moved into as a part of the

1 record. Okay.

2 ((Whereupon, the above-
3 referred to documents were
4 marked as Respondent Exhibit
5 No. 1 through 15 for
6 identification and were
7 received into evidence.)

8 MS. BELL: Thank you. So after
9 hearing the testimony from Ms. Drazin, as far as
10 the progress of what is happening at 1815
11 Columbia Road and the testimony from Mr. John
12 Sage, who is speaking as the pending or
13 perspective architect on the project. It has
14 been stated that in about 30 to 60 days, the
15 suggestions, reviews, the comments will be
16 addressed.

17 The documents needed or requested will
18 be submitted so things actually will progress and
19 move on, so that the proper construction permits
20 and there were some other pending permits would
21 be received and they can actually move into the
22 construction part, which should take

1 approximately 12 to 18 months, but again, the
2 contractor will be the person to give a better
3 estimate of it.

4 With all of the things that were said
5 during the testimony and the exhibits that were
6 just -- that were submitted, there is significant
7 progress being made at 1815 Columbia Road, N.W.,
8 based on what you have heard and what you have
9 seen today. And it's enough to satisfy the, I
10 believe it is, 25 -- DC Code 25-791, which was at
11 issue at the last Fact-Finding Hearing where you
12 either had to prove that there was, you know, a
13 reasonable cause for it to stay in safekeeping,
14 extend the period of time that it's in
15 safekeeping.

16 And unfortunately, there have been
17 setbacks, but there has been progress made from
18 the September 2017 Fact-Finding Hearing up until
19 now where things are actually moving forward.

20 So we are asking and requesting the
21 Board not to cancel the license, to extend the
22 time that it is in safekeeping. We do understand

1 that the next -- well, the extension would expire
2 in March of 2019, but by that time, that should
3 be within the 30 to 60 days that Mr. Sage spoke
4 of during this testimony, so there should be some
5 progress that would be able to be reported there.

6 MEMBER ALBERTI: Can I ask a quick
7 question?

8 MS. BELL: Yes.

9 CHAIRPERSON ANDERSON: Go ahead.

10 MEMBER ALBERTI: So actually 30 to 60
11 days, 57 days or whatever, approximately 60 days
12 from Friday or from the beginning of next week is
13 March 8th, right?

14 MS. BELL: Correct.

15 MEMBER ALBERTI: So you say it should
16 be -- given his testimony, it should certainly be
17 done by then. He says basically the comments are
18 inconsequential and easy to address is what I'm
19 understanding him to say. I mean, those are my
20 words, but that's my impression.

21 MS. BELL: Okay.

22 MEMBER ALBERTI: The next step is to

1 hire a contractor. If we were to do this, what
2 would we expect to see as proof that Ms. Drazin
3 is moving forward to hire a contractor, a
4 builder?

5 CHAIRPERSON ANDERSON: Well, I --
6 before even going there, Mr. Alberti, one of the
7 things that I would have asked for first and
8 foremost is that I was going to ask when is it
9 that you can provide us with a written contract
10 with this architect? And secondly when is it and
11 I'm not -- I don't know what the Board is going
12 to do, but when is it could you provide us with a
13 written contract with the architect? When is it
14 could you provide us a copy of the building, the
15 architectural drawings that were provided to
16 DCRA?

17 Because I'm not -- if the Board is
18 going to consider and I don't know what the Board
19 is going to do, but if the Board is going to
20 consider, I don't want the next time, because you
21 have not hired -- I mean, I'm surprised that you
22 have had an architect that -- who is working on

1 this project since November and we are now
2 January 9th and you haven't signed a contract with
3 him.

4 He came and testified today. Then
5 what I'm -- then tomorrow or after this hearing
6 is over if we make a decision, you come back for
7 an extension is that we couldn't agree on terms,
8 so therefore, I need another six months to go
9 hire another architect.

10 And so therefore, all this architect
11 was saying I'm not the one who did the design. I
12 don't know whether or not I have permission to
13 provide it. So in order to show that this
14 project is moving along, there are certain things
15 that we need to do.

16 So the first question would be when
17 could you provide us with a copy of a signed
18 contract with an architect? When can you provide
19 us with the architectural designs that were
20 provided to DCRA? Then we could talk about when
21 is it that you are going to provide us with a
22 signed contract with a contractor.

1 Because at least we will know -- if we
2 know that there are signed contracts with these,
3 then that's a significant more movement than a
4 year ago. I have not seen any movement between
5 September 2017 and today. I have not seen any.
6 Nothing has been presented, based on what was
7 presented today in reviewing the contract -- I'm
8 sorry, in reviewing the transcript from September
9 2017, Ms. Drazin, her testimony is basically the
10 same word for word, like it was like she was
11 reading from the transcript that she had in front
12 of her.

13 So what has changed? And what is
14 going to change? Because as I stated before,
15 even if we were to grant this extension today,
16 she has to come back again and request an
17 extension, because it's only for six months.

18 MS. BELL: Understood, Mr. Chairman.
19 So to get the documents downloaded, all of the
20 ones that you are requesting, in addition to the
21 contract from Mr. Sage, would 10 business days be
22 okay? Would that be acceptable to the Board?

1 CHAIRPERSON ANDERSON: You are saying
2 this is how long it would take you to do this?
3 So I mean, I'm not going to -- 10 business days
4 kind of sounds reasonable. I'm not -- and I'm
5 not saying the Board is going to agree.

6 MS. BELL: No, I understand that.

7 CHAIRPERSON ANDERSON: And I'm not
8 saying the Board -- and I don't know what I'm
9 going to do.

10 MS. BELL: Right.

11 CHAIRPERSON ANDERSON: I mean, we are
12 going to deliberate and make a decision. I don't
13 know what, but I guess what I'm saying is that to
14 show that you are serious about this, this would
15 show that there are progress.

16 MS. BELL: Well, we are very serious
17 about it and from the amount of documents that
18 would have to be downloaded and printed and sent
19 to the Board --

20 CHAIRPERSON ANDERSON: It doesn't have
21 to be printed. I mean, if it's downloaded, it
22 can be emailed. We will give you -- I'm sorry,

1 we will give you -- if it can be downloaded on --

2 MEMBER SHORT: Mr. Chair, please?

3 CHAIRPERSON ANDERSON: Yes, Mr. Short.

4 MEMBER SHORT: With all due respect,
5 to look at plans with the wiring and plumbing and
6 all of that, you can't see that on a computer
7 screen. That's the reason why she is saying
8 print it out. You go page-to-page --

9 CHAIRPERSON ANDERSON: But I don't --
10 we are not looking --

11 MEMBER ALBERTI: The Agency can print
12 out.

13 CHAIRPERSON ANDERSON: Yeah, but we
14 are not looking at it from that --

15 MEMBER ALBERTI: The Agency can print
16 out what it needs, Mr. Short.

17 CHAIRPERSON ANDERSON: Right. We are
18 not looking at it from that perspective. I think
19 our position is that are there architectural
20 plans? I mean, I'm not an architect.

21 MS. BELL: I understand.

22 CHAIRPERSON ANDERSON: So I'm not

1 going to be looking to say it's just to say that
2 these are architectural plans that were provided
3 to DCRA and this is where DCRA is in the review
4 process of these specific plans. Right.

5 MEMBER ALBERTI: And as part of that
6 may I ask that the plans and the comments from
7 DCRA.

8 MEMBER SHORT: Okay. And again --

9 MEMBER ALBERTI: So that we know --

10 MEMBER SHORT: -- some of that you
11 won't see on a computer screen. They stamp that
12 on the plans when they have been on --

13 MEMBER ALBERTI: I understand.

14 MEMBER SHORT: Any good person, like
15 Mr. Sage, can draw up anything on a computer
16 screen.

17 CHAIRPERSON ANDERSON: Well, but this
18 is what we are saying. This is --

19 MEMBER ALBERTI: We can always --

20 CHAIRPERSON ANDERSON: -- this is --

21 MEMBER ALBERTI: -- follow-up with
22 DCRA.

1 MEMBER SHORT: Okay.

2 CHAIRPERSON ANDERSON: -- what we are
3 presenting. This is the information that was
4 already presented to DCRA.

5 MS. BELL: Okay.

6 CHAIRPERSON ANDERSON: Meaning that
7 these are all public information. Anyone, I
8 could sit at my computer right now, I pull it up
9 and I should be able to see these plans, because
10 they are already --

11 MEMBER SHORT: And how would you know
12 DCRA has looked at them?

13 CHAIRPERSON ANDERSON: No, because it
14 will tell you. I'm going --

15 MEMBER SHORT: Okay.

16 CHAIRPERSON ANDERSON: I guess what
17 I'm --

18 MEMBER SHORT: I have no more to say.

19 CHAIRPERSON ANDERSON: No, but, no, I
20 hear what you are saying, Mr. Short.

21 This is -- what I'm told is that these
22 are the plans that were provided to DCRA.

1 MEMBER ALBERTI: And the comments.

2 CHAIRPERSON ANDERSON: And so meaning
3 that if we have the file number, anyone could go
4 at any point and look to see what was presented
5 to DCRA.

6 MEMBER ALBERTI: I think you need an
7 account. I think you need their account to do
8 that, but I'm not sure that anyone can go.

9 CHAIRPERSON ANDERSON: But I'm saying
10 it from the perspective that we will know that
11 this is something that was provided to DCRA
12 previously.

13 MEMBER ALBERTI: I absolutely agree.

14 CHAIRPERSON ANDERSON: And not just
15 today, yeah.

16 MEMBER ALBERTI: It's like they
17 download the architectural plans and the
18 comments, documentation on the comments that DCRA
19 has made on all of that, which should be on file,
20 if that is downloaded and provided to us
21 electronically, then we can work from that point
22 on.

1 CHAIRPERSON ANDERSON: All right.

2 MS. BELL: Well, for clarification
3 purposes, do you want what is downloaded like now
4 or after the architect answers and does what he
5 is supposed to do?

6 CHAIRPERSON ANDERSON: I want to
7 know --

8 MS. BELL: That's what I'm asking.

9 CHAIRPERSON ANDERSON: -- we were told
10 this was done. I'm not asking anyone to go
11 create something today and we are going to submit
12 architectural plans today.

13 MS. BELL: No, no, no, not that. I'm
14 just saying because Mr. Sage already testified
15 that he has seen them and that they can be --
16 some things just need to be uploaded.

17 MEMBER ALBERTI: I would say what they
18 can have --

19 MS. BELL: So that's what I'm asking.

20 MEMBER ALBERTI: -- within 10 days.

21 MS. BELL: Are you asking us --

22 MEMBER ALBERTI: Whatever they can

1 have in 10 days.

2 MS. BELL: -- for what we are
3 uploading in response to the comments or are you
4 asking --

5 CHAIRPERSON ANDERSON: All right.

6 MS. BELL: -- for what is already
7 there?

8 CHAIRPERSON ANDERSON: You are stating
9 -- you are asking for 10 days, so I need -- so
10 you have 10 days to provide --

11 MS. BELL: 10 business days?

12 CHAIRPERSON ANDERSON: -- 10 business
13 days to provide this information.

14 MS. BELL: Okay.

15 MEMBER ALBERTI: 10 business days?
16 That's two weeks. I'm sorry, I think that this
17 should be able to be done --

18 CHAIRPERSON ANDERSON: Well --

19 MEMBER ALBERTI: They have -- just let
20 me say --

21 CHAIRPERSON ANDERSON: -- I have --
22 these are two things.

1 MEMBER ALBERTI: I know. I
2 understand. But you have an -- well --

3 CHAIRPERSON ANDERSON: They haven't
4 signed him up yet.

5 MEMBER ALBERTI: Let's just say the
6 plans themselves. You have someone who you are
7 going to contract with who says pretty easy, he
8 can do it in 24 hours. You can download that
9 stuff. All right? So this is what I have been
10 told from the architect. So it seems to me that
11 within 5 business days this should be able to be
12 provided to us.

13 Now, the contract is something else.
14 I mean, I understand there may be discussions
15 between Ms. Drazin and the architect, so, you
16 know, 10 business days is fine. But I think
17 within 5 business days we should be able to get
18 the downloaded information from DCRA, because
19 this was the testimony of their witness that it
20 could be done in 24 hours.

21 MS. BELL: So for my understanding, we
22 were doing it as one submission.

1 CHAIRPERSON ANDERSON: And that's --

2 MS. BELL: Which would be the contract
3 and the documents. Do you --

4 CHAIRPERSON ANDERSON: -- where I was.

5 MEMBER ALBERTI: Can we do it as two?
6 Just to make sure that we have it?

7 CHAIRPERSON ANDERSON: I would -- this
8 is --

9 MEMBER ALBERTI: All right. Fine,
10 fine.

11 CHAIRPERSON ANDERSON: This is a
12 Contested Fact-Finding Hearing and we are
13 seriously considering taking away, not granting
14 this extension. They have asked for 10 business
15 days to provide us certain information. I
16 believe that is reasonable and I would agree to
17 10 business days.

18 That doesn't necessarily mean that
19 this Board is going to grant the extension. This
20 is just you are saying that you can provide us
21 this information and so, therefore, I'll hold the
22 record open for 10 days to see what is it that is

1 provided. If this is not provided, then you know
2 what the decision is.

3 MS. BELL: Um-hum.

4 CHAIRPERSON ANDERSON: I don't know
5 even if it is provided, I still don't know what
6 the decision is, but because, as I stated before,
7 we had a hearing in September 2017 and in my
8 estimation, we have made no progress, that's in
9 my estimation. Nothing. There is nothing that
10 changed a year and a half ago than where we are
11 today, nothing. Nothing in my estimation.

12 You might see otherwise, but in my
13 estimation nothing has changed. Okay. What else
14 did you want to say, ma'am?

15 MS. BELL: No, that was it. I just
16 wanted to make sure if it was what is currently
17 there or what is --

18 CHAIRPERSON ANDERSON: What is
19 currently there.

20 MS. BELL: -- submitted. Okay.

21 CHAIRPERSON ANDERSON: What is
22 submitted. I'm not asking -- because if you are

1 adding stuff, that tells me that the testimony
2 that was made today was not correct.

3 MS. BELL: No, no, no, when I say--

4 CHAIRPERSON ANDERSON: So I'm asking
5 for --

6 MS. BELL: -- added or -- I mean,
7 because he already expressed, Mr. Sage, already
8 said in his testimony that they were going to
9 respond to --

10 CHAIRPERSON ANDERSON: I don't know
11 when he was planning to respond to whatever,
12 but --

13 MS. BELL: So if he responds before
14 the 10 business days is up, is what I was asking,
15 did you want to see it?

16 CHAIRPERSON ANDERSON: You asked for
17 10 days. If you are provided the response within
18 10 days, then fine.

19 MS. BELL: To do that, but if not,
20 what is current there.

21 CHAIRPERSON ANDERSON: If not, what
22 was already -- I'm not asking you to create

1 anything. I'm just asking for what already
2 exists. If he was in the 10 business days, was
3 planning to provide his response, yes, he could
4 provide the response, but that's not --

5 MS. BELL: Okay.

6 CHAIRPERSON ANDERSON: -- necessary.

7 MS. BELL: Okay.

8 CHAIRPERSON ANDERSON: Anything else?

9 MS. BELL: Thank you.

10 CHAIRPERSON ANDERSON: Anything else
11 you want to say?

12 MS. BELL: No, Mr. Chairman.

13 CHAIRPERSON ANDERSON: All right.

14 As Chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia and in accordance with DC Official Code
17 Section 2-574(b) of the Open Meetings Act, I move
18 that the ABC Board hold a closed meeting for the
19 purpose of seeking legal advice from our counsel
20 on Contested Fact-Finding Hearing Hopeful, Inc.,
21 License No. 91955, pursuant to DC Official Code
22 Section 2-574(b)(4) of the Open Meetings Act and

1 deliberating upon Contested Fact-Finding Hearing
2 Hopeful, Inc. t/a To Be Determined (formerly
3 Bobby Lew's Saloon), License No. 91955, for the
4 reasons cited in DC Official Code Section 2-
5 574(b)(13) of the Open Meetings Act.

6 Is there a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion. I will now take a roll call
10 vote on the motion before us now that it has been
11 seconded.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON ANDERSON: Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON ANDERSON: Mr. Alberti?

17 MEMBER ALBERTI: I agree.

18 CHAIRPERSON ANDERSON: Mr. Cato?

19 MEMBER CATO: I agree.

20 CHAIRPERSON ANDERSON: Mr. Anderson?

21 I agree.

22 As it appears that the motion has

1 passed, I hereby give notice that the ABC Board
2 will recess these proceedings to hold a closed
3 meeting in the ABC Board conference room pursuant
4 to Section 2-574(b) of the Open Meetings Act.

5 Thank you very much. We will issue a
6 decision in 90 days. But you are aware that 10
7 business days from today, you will provide us
8 with the requested documents. And once we
9 receive the documents, within 90 days, we will
10 issue a decision.

11 All right. Thank you.

12 MS. BELL: Yes, thank you.

13 (Whereupon, the Contested Fact-Finding
14 Hearing was concluded at 3:29 p.m.)
15
16
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18
19
20
21
22

A

abandoned 48:12
ABC 32:20 118:18
 120:1,3
ability 20:20 21:5
able 11:3 21:3 28:1
 29:13 35:5 48:21 49:3
 68:14 103:5 110:9
 113:17 114:11,17
above- 101:2
above-entitled 24:10
ABRA 2:7,15,15,16,16
 5:5 7:20 12:3 13:1
 99:6,19,21 100:1,15
 100:16,17,19
ABRA's 3:22 4:4
ABRA-091955 3:18
absolutely 111:13
acceptable 106:22
access 73:22 75:4
 76:14 81:17
accomplish 67:11
account 111:7,7
accounting 34:15,16
accurate 28:22 86:5
achieve 73:15
acquire 64:2 89:5
acquired 4:2 17:18
act 54:10 118:17,22
 119:5 120:4
active 17:7 28:22 29:2,6
 100:13
actual 70:12 74:16,18
Adams 6:17 33:1,3,20
 57:12
added 117:6
adding 117:1
addition 106:20
additional 36:19 38:20
 66:14,16 83:10 88:6
additionally 4:18 6:10
 39:6
address 3:19 6:2 11:5,7
 11:20 12:12,20 13:5
 13:11 14:7 20:15,16
 21:17 22:13 30:18
 33:19 42:6 46:14,19
 66:21 103:18
addressed 14:2 101:16
administration 68:8
administrative 5:18
admittedly 42:7
advice 118:19
AE 39:13
Affairs 38:5
affect 34:7
afternoon 3:9,11,15
 10:19 45:12 68:22

Agency 98:2 108:11,15
Agency's 5:19
agenda 14:14
ago 16:15 56:17 59:16
 106:4 116:10
agree 11:1 19:10 85:9
 91:2,19 105:7 107:5
 111:13 115:16 119:13
 119:15,17,19,21
agreement 12:21 14:7
 20:1 99:13
ahead 18:17 37:14,15
 41:1 56:11 68:19
 92:16 103:9
AIA 90:5
alarm 69:8,9,18 70:5
alarmed 70:11
alcoholic 1:2,13,13
 99:14 118:14
alerting 23:10
allow 70:22
Alter 65:2,4,8
alternative 5:4
altogether 92:21
amenable 89:9
AMMZ 33:15
amount 84:7 92:6
 107:17
ample 92:6
answer 16:4 41:6 44:11
 50:20 51:1 66:20 67:8
 72:13,15,18 73:9
 75:22 83:7 87:20
 92:22
answered 67:13
answering 66:8 82:4
answers 89:18 91:15
 112:4
anticipate 83:10
apartments 79:2
apparent 4:22
appear 52:22 60:7
appeared 26:2
appears 119:22
applicant 5:15 93:7
application 2:7,10 5:5
 6:9,13 12:1 15:17,20
 23:1 41:21 44:21,22
 62:8,13 65:21 69:13
 99:6 100:2
applications 50:8
applied 17:2 38:12
 51:16,21 55:7,11
 60:10 69:14
apply 7:1 18:14 22:15
 58:3 60:19
applying 6:20 22:18
 53:6 61:9

appropriate 19:20,22
approval 2:8 43:16 44:1
 44:4,19,21 45:1,2
 61:4 66:5,7 70:14,21
 74:4 81:6 83:15 84:17
 85:13 86:1 87:14 94:4
 94:7 99:11
approvals 27:1,8 50:13
 66:2 94:6
approve 61:7
approved 12:3 13:1
 19:19 32:20 61:8 69:6
 69:12 70:2 71:4,7,14
 71:15,16,21 72:4,13
 72:18 82:6,10 93:18
 95:4
approximate 35:16
approximately 29:13
 36:9 66:18 67:10
 102:1 103:11
April 99:20
architect 25:21 30:2,5
 30:16 50:20 59:7
 60:13 61:2 62:19
 65:12 67:1 73:21
 74:22 77:15 85:8 88:9
 90:17 91:2,4,6 101:13
 104:10,13,22 105:9
 105:10,18 108:20
 112:4 114:10,15
architects 30:9,11
architectural 39:14
 60:12 74:7 104:15
 105:19 108:19 109:2
 111:17 112:12
Architecture 65:2,5,9
area 17:19 18:15 27:21
 28:16 57:12,13
ascertain 4:8
asked 9:22 15:16 35:18
 47:22 50:14 51:6
 53:11 60:9 72:17 89:2
 91:8 94:11 104:7
 115:14 117:16
asking 32:15 36:11
 37:1 45:20 49:2 55:3
 55:10 56:8 57:16 87:3
 90:9 98:17 102:20
 112:8,10,19,21 113:4
 113:9 116:22 117:4
 117:14,22 118:1
asks 9:15
assist 66:8 68:6
assume 62:12
assumed 25:3 63:12
assuming 8:4 74:11
 86:4
attached 3:18 14:20

attempts 20:3
attended 84:19
attorney 34:22
audible 51:1
available 33:4
aware 84:13,17 87:13
 89:1 120:6

B

back 38:11 54:14,15
 55:16 82:5 83:18
 105:6 106:16
background 64:10,12
backyard 88:17
bag 78:4
ball 56:11
base 87:6
based 90:4 102:8 106:6
basement 78:18,19
basically 16:7 78:19
 85:10 103:17 106:9
Bay 27:18 28:17
beginning 68:6 103:12
believe 13:18 28:18
 36:10 41:10 49:17,21
 50:19 51:3 57:7 66:9
 91:21 94:22 102:10
 115:16
Bernice 39:22 40:1
best 36:16,17 68:11
better 32:11,12 35:10
 50:20 75:1 102:2
beverage 1:2,13,13
 31:4,16 99:14 118:15
beyond 92:8
bidding 68:6
bids 80:12
bit 13:17 37:15
block 42:13
board 1:2,13 4:6,15,18
 4:22 5:12,14,16 7:11
 7:19 9:16 10:15,19
 12:3 16:11 17:8 19:11
 20:16 25:14,15 31:20
 32:20,20 33:22 34:3
 36:14 37:9 39:10
 52:11 56:22 57:10,18
 58:15,21 59:20 60:13
 61:4 68:19 71:10
 72:22 75:13 76:10,12
 76:15 85:16 88:2
 91:17,18 96:18
 102:21 104:11,17,18
 104:19 106:22 107:5
 107:8,19 115:19
 118:15,18 120:1,3
boards 86:9
Bobby 1:6,18 3:6 4:1

14:18,21 99:17 119:3
book 27:13 83:4
books 34:15
bottom 17:6 19:15 20:8
 21:7 41:14 42:17
bought 15:6 18:21
 45:17,18
brief 7:4
bring 17:7 34:5 48:5
 50:3,7,10 51:4,6,9
 54:21 59:10,20 62:19
 70:22
brings 5:10
brought 14:3 54:19
build 17:13
builder 100:3 104:4
building 1:14 4:13 17:9
 17:9,10,11,13 23:5
 27:1,6 39:20,21 40:2
 40:4 44:7,10 45:16
 47:15,19 48:2,6 49:4
 49:18 50:16,17 51:13
 51:18,20 52:6 54:9
 55:2 60:11,14,19,19
 60:21 61:6,19,20 64:2
 65:17,22 67:15 68:4
 69:3,20 70:9,10 71:1
 71:3,17 72:1,16 77:20
 78:9,16 79:12,15 80:7
 84:19 85:4,12 86:16
 87:5 89:5 93:3 97:12
 97:18 104:14
buildings 44:4
bulk 83:4
bunch 97:20
business 15:2 23:5
 46:4,6 47:1,1 48:3
 57:6 106:21 107:3
 113:11,12,15 114:11
 114:16,17 115:14,17
 117:14 118:2 120:7
businesses 46:18
 47:12
buyer 99:17

C

C 19:22
C-O-N-T-E-N-T-S 2:1
cables 54:8
calendar 3:4
call 24:16,17 62:21 63:1
 119:9
called 25:1 26:16 63:10
 65:1 97:21
cancel 34:8 102:21
canceled 34:11
cancellation 5:8
care 17:5 49:14

cares 5:14
case 3:3 7:8 25:18
 95:18
cases 16:14 95:14
Cato 1:18 119:18,19
caught 86:10
cause 30:12 102:13
caveat 12:20 41:14
 42:17
ceiling 56:5
center 33:18
certain 9:14 105:14
 115:15
certainly 88:15,19
 103:16
Certificate 4:16 36:12
Chair 10:9 22:4 25:17
 52:9 55:22 77:8 108:2
Chairman 7:9 10:18,22
 11:6 96:21 106:18
 118:12
chance 8:4
change 57:10 58:1
 82:17 93:6 106:14
changed 12:11 30:11
 106:13 116:10,13
changes 34:6 86:7 90:4
 96:10
check 83:2
checked 83:1
chief 7:8
chooses 9:16
cited 119:4
city 46:13 49:21 57:5,7
 71:19 72:13
city's 67:16
city- 71:20
clarification 55:13 66:4
 112:2
clarifications 67:6
 82:13 96:11
clarify 98:17
clarifying 82:14
clarity 97:17
Class 3:18
clear 5:21 59:21 62:5
 85:18 86:9 98:9
clearly 25:8
client 88:10
clock 14:1
close 46:10
closed 46:17 118:18
 120:2
closing 2:2 97:6,7,11
Code 6:13 102:10
 118:16,21 119:4
Columbia 1:1 2:14 6:3
 6:20 11:18 15:10

20:15 21:15 22:7
 26:20 27:7 29:7 33:19
 42:10 45:22 54:2
 63:20 65:20 100:4,6
 100:12 101:11 102:7
 118:16
come 34:14 35:15 58:3
 89:2 105:6 106:16
comes 60:5
coming 67:1
commence 6:7
comment 54:18
comments 42:10,13
 66:10,14,17,20,21
 67:13,22 82:4,20 83:2
 83:9 95:19,21 96:9
 101:15 103:17 109:6
 111:1,18,18 113:3
commercial 78:5,20
commitments 4:12
communication 86:8
community 23:2
company 31:11 48:16
 65:11 80:8
complete 64:1 68:5
 82:3 83:19
completed 4:14 31:1
 36:6 43:20 71:1 83:5
 95:2
complicated 87:5 88:18
complicated-- 87:1
comprise 5:19
computer 42:9 74:16
 108:6 109:11,15
 110:8
concern 20:7 21:12
 22:2 23:12
concerning 63:19
 65:19 66:7 92:6
concerns 39:15
concluded 120:14
concrete 54:6 78:20
 87:6 89:17 91:15,17
condition 12:21 45:17
 46:3 47:15
conference 120:3
confused 85:20
conjunction 52:5
connection 53:15
consider 104:18,20
considered 54:9
considering 115:13
consistent 43:1
consists 29:4 71:17
construct 36:22 86:16
constructing 17:11
construction 4:14 22:6
 29:21 30:1 36:5 38:5

39:3,8 44:2,5,20,21
 50:1,3,8,17,17 51:12
 51:18 55:1,19 56:2
 65:22 68:5,7,8,9,12
 68:14 69:19 78:2 80:8
 80:12,17 85:9,10,12
 97:22 101:19,22
construction/ 38:12
consult 80:8
consultants 37:5
consultants' 36:17
Consumer 38:5
contacted 48:18 63:22
 65:16 90:10
contested 1:6 3:4 10:21
 58:7 90:15 115:12
 118:20 119:1 120:13
continuance 91:8
continuances 4:20
continue 3:20 43:12
 45:7 57:7
contract 79:19 84:1
 90:1 91:21 92:9 104:9
 104:13 105:2,18,22
 106:7,21 114:7,13
 115:2
contractor 29:22 36:21
 68:14 69:10,11 86:19
 102:2 104:1,3 105:22
contractors 80:16
contracts 90:5 106:2
control 1:2,13,13 36:16
 118:15
conversation 26:15
 31:21 80:15
conversations 32:10
 80:15
coordinate 66:12
copy 25:11 59:11 94:11
 104:14 105:17
correct 11:15 13:9 18:1
 18:2,3 19:7,8 26:16
 28:10,12 36:7,12,13
 38:1,2,6 40:7 43:5,6
 44:8 51:10 55:7,8
 70:7,19 75:5 77:20,22
 79:9 80:10 84:2 85:13
 87:16 93:22 95:9
 96:14 103:14 117:2
corrected 17:16
correction 82:7,11
correctly 61:16
counsel 1:21 3:10 25:1
 63:10 118:19
couple 20:6 24:7 37:13
course 68:9
CR 1:7 3:18 6:20 57:2
create 112:11 117:22

created 74:6
creates 70:13
crux 22:1
cumbersome 49:19
current 28:22 31:22
 32:1,15 62:7 64:1
 69:12 85:21 92:7
 117:20
currently 6:1 7:1 29:12
 30:2,22 33:17 65:22
 69:12 89:4 116:16,19
cycle 66:1 93:21

D

D.C 1:14 65:2 100:12
D1700047 39:1
damages 34:10
database 38:10,17 39:4
 39:7
date 43:9,15 46:17 48:1
dated 100:20
dates 36:22 37:1
dating 55:20
day 34:3
days 42:8 67:9,10,12
 81:21 83:14,19 92:21
 93:2,9 101:14 103:3
 103:11,11,11 106:21
 107:3 112:20 113:1,9
 113:10,11,13,15
 114:11,16,17 115:15
 115:17,22 117:14,17
 117:18 118:2 120:6,7
 120:9
DC 2:11,13 6:13 69:5
 70:21,21 100:5,7,10
 102:10 118:16,21
 119:4
DCR 74:17
DCRA 38:10,17 39:4,7
 39:12 40:11 41:15
 42:19 49:20 50:18
 51:12 55:8,12 56:1,3
 61:3,7,15,19 62:3
 67:7,15 70:14 73:4,22
 74:18 75:1,4 81:5
 83:18 85:2 87:13
 92:22 93:1 104:16
 105:20 109:3,3,7,22
 110:4,12,22 111:5,11
 111:18 114:18
DCRA's 62:11 74:9
DDOT 2:11,14 28:16
 29:6 97:20 100:5,13
dealt 87:10
December 31:13 46:11
 46:12
decide 34:3 58:7 74:2

decision 92:9 105:6
 107:12 116:2,6 120:6
 120:10
deficit 9:13 10:4
delay 30:12
delays 30:15
deliberate 107:12
deliberating 119:1
demolish 60:18 61:18
 61:20
demolished 53:12,14
 53:18,20 54:1 60:11
 60:20,21 61:6
demolition 30:1 38:13
 38:22 39:2 52:2,4,5
 53:3,6,7 54:10 55:1,4
 55:8,11,19 56:1,3
 60:10 61:14 62:14
 94:12 100:3
Demolition/Builder
 2:10
demonstrable 5:2
demonstrate 20:20
 21:3,4
Department 27:19,21
 28:15,16 29:4 37:22
 38:4
depending 76:10 77:5
depiction 28:22
description 12:5 13:1
 45:16
design 78:3 80:6,7
 83:16 85:16 96:10
 105:11
designated 12:5
designs 105:19
desk 81:13,13 94:1
detailed 34:16
determined 1:6 3:5
 14:17 84:20 119:2
determining 92:3
dictates 33:22
died 48:18
different 23:1 49:7
 56:16 73:21 86:9
difficult 95:22
digitally 55:2
direct 2:4 26:10 54:15
 63:17
directly 7:5,7
disagree 72:14
discipline 81:6
disconnected 54:4
disconnection 29:8
discrepancy 42:14
discussed 33:6
discussion 43:3 89:3
discussions 114:14

disputing 69:21
distinguish 97:19
District 1:1 21:6 28:16
 29:4 44:8,14,16 77:15
 84:14 85:6 118:15
doable 86:17
Docs 2:8
document 8:2 28:21
 77:3
documentation 88:4
 111:18
documented 67:13
documents 4:12 5:15
 5:18 7:20 8:8,17,18
 9:7 19:20 23:5 41:22
 50:22 51:5,7,9,10,11
 51:11 54:20 68:5
 74:10,15,17,19 76:8
 76:21 97:14 98:12,18
 98:19,19 100:22
 101:3,17 106:19
 107:17 115:3 120:8,9
DOEE 28:14,14,15
doing 16:22 17:7 28:18
 70:18 87:2 89:14,18
 114:22
Donovan 1:15,17
download 76:14,21
 111:17 114:8
downloaded 75:7,10
 76:9 106:19 107:18
 107:21 108:1 111:20
 112:3 114:18
draft 90:3
draw 109:15
drawing 39:17 82:14
drawings 40:10 43:4,8
 66:16,19 67:14 69:8,9
 70:1,2,6,13,14 71:7
 71:14 73:2 74:1,6,8
 76:6 82:20 83:1,5
 88:4,20 94:12 104:15
Drazin 1:21 2:5 3:13,13
 3:16,17,19 4:8,11 6:3
 6:8,19 9:11 11:5
 12:14,19 13:6,19 14:5
 18:10,21 19:5,17
 20:13 22:6,15 23:21
 24:1,18,20,22 25:5,9
 26:14 37:10,19 45:13
 52:12 59:1,3 65:13
 73:14 74:14 79:20
 84:2,22 90:3 92:4,20
 99:18 101:9 104:2
 106:9 114:15
Drazin's 4:1 5:1,7 73:1
due 108:4
dug 53:22 54:3

duly 25:2 63:11

E

ears 9:13
easier 13:17
easily 18:14 95:22
easy 103:18 114:7
effect 33:17 41:21
eight 27:1,6,8 50:12
either 82:6 102:12
electrical 66:11,13 67:4
 74:8 95:1,4,5
electronically 75:13
 111:21
elevator 79:7 87:7 95:6
email 39:12 76:14,22
emailed 7:18 107:22
employed 64:19,21,22
empty 5:2
energy 27:18,19,21
 28:13,15 66:10,15
 94:21 95:3 96:5,6,8
engineer 39:14 67:4
 83:3
engineer's 66:12
entails 62:11
entered 42:8
entertain 20:21
entertainment 31:2,11
entire 91:12
Environment 27:20,21
 28:15
envisioned 78:15
erased 42:4,11
Erosion 27:20 28:14
especially 93:20
establishment 20:11
establishment's 6:1
estimate 29:12 36:17
 36:18 37:4 68:11
 86:15,20 87:3 102:3
estimates 35:4
estimates-- 37:3
estimation 116:8,9,11
 116:13
etcetera 70:12 88:21
everybody 37:14 98:10
evidence 11:2 97:15
 101:7
evidentiary 5:9
exact 36:22
exactly 81:4 82:2
EXAMINATION 26:10
 63:17
examined 25:3 63:12
example 17:10 57:17
 60:18
excavation 29:8

exceptions 95:14
excused 59:4 97:3
execute 90:1
exhibit 13:20 25:11
 27:14,15,16 28:20
 29:3 37:20 38:4,8
 52:15,19 99:7,9,11,13
 99:19,21 100:1,3,5,7
 100:10,13,15,16,17
 100:19 101:4
exhibits 2:7 5:15 7:22
 8:9 27:17 102:5
existing 32:22 33:14
 34:8
exists 6:18 118:2
expect 93:1 94:3 104:2
expectation 36:15
expected 54:22
expenses 34:17,19,20
expire 39:1 103:1
expired 38:13 39:3
 51:22 52:3 55:20
 61:13,15
explain 32:16 59:6
 78:12 89:2
explained 84:18
explaining 21:9
express 31:11
expressed 31:3,16
 117:7
extend 1:9 5:9 102:14
 102:21
extended 33:18
extension 5:1 38:21
 47:22 57:19,19 58:3,8
 58:9 59:22 60:3 62:7
 91:1,19 103:1 105:7
 106:15,17 115:14,19
extensions 38:20 91:5
extensively 92:5
exterior 44:19 47:16
 54:9

F

facing 91:12
fact 1:6 21:13 23:10
 55:17
Fact- 12:9
Fact-Finding 3:4 4:7
 10:21 26:20 90:15
 102:11,18 115:12
 118:20 119:1 120:13
factor 84:20
factual 37:18
faith 37:6,7
fall 43:20
falls 88:5
false 41:16 42:20

familiar 86:13
family 46:1
far 49:7 67:3 78:9 80:11
 101:9
father 48:18
fees 34:22,22
feet 33:18,19 54:3
fence 88:17
Fibre 29:10
file 5:19 6:8,12 93:16
 111:3,19
final 38:21,21 39:2
 83:16 92:9
finalizing 80:3
finally 51:14
finance 99:15
find 42:13 56:12 91:3,5
 91:9
Finding 1:7 12:10
fine 9:6 23:20 25:20
 40:20 63:6 114:16
 115:9,10 117:18
finish 68:12
finished 36:3 58:12
 95:19
Fios 29:9 54:6
fire 69:3,7,9,11,15,17
 69:19 70:5,11 71:2
 72:17 82:11 95:6
firm 31:2,2 35:19 65:1
 74:5 80:7
first 16:14 18:19 25:2
 25:18 38:12 45:13
 47:22 48:1,17 63:11
 70:20 78:19 79:9,10
 79:15 81:6 94:5 104:7
 105:16
five 4:5 17:13 47:7
 85:11
fixed 48:21 50:1
fleshed 14:4 15:18
floor 7:3 78:19 79:1
floors 85:11,11
folder 98:20
follow-up 58:16 83:8
 96:19 109:21
follows 25:4 63:13
food 31:4,16
Foot 46:20
for-- 10:7
foremost 104:8
forged 42:20
formalistic 8:22 9:6
former 19:7
formerly 1:6 3:6 4:1
 14:17 119:2
forthcoming 4:14
forward 29:22 31:14

44:1 45:1,8 58:5 70:3
 71:21 73:1 102:19
 104:3
found 41:16
foundation 9:9 45:18
foundational 8:1
four 16:14 25:17 26:22
 27:7 30:10 55:18
 85:11
fourth 16:11 38:20,21
frame 87:6
fraudulent 41:16
Friday 34:16 103:12
front 26:3 52:20 53:22
 94:1 98:20 106:11
fulfill 36:15
fully 14:4
functioning 46:3
further 37:8 39:4 45:10
 67:22 68:16 89:20
future 6:21 21:6 34:5

G

gas 29:7,8 47:20 48:5,6
 48:13,16,21 49:7,8
 50:1 53:9,22 54:4
 55:5
general 29:22 36:20
 69:11 80:16 88:8 96:7
generally 88:7 97:21
getting 30:12 32:18
give 36:14,22 37:3 44:3
 44:19 45:15 49:15
 61:17,19 62:3 76:17
 86:19 91:8 102:2
 107:22 108:1 120:1
given 29:12 41:22
 59:15 86:4 87:14
 103:16
gives 38:22
glasses 26:6
goal 16:8,9
gotten 44:20 45:2
grant 57:18 58:6,8 60:1
 90:22,22 91:19
 106:15 115:19
granted 58:9 61:15
granting 115:13
grants 4:19
graphically 45:15
green 27:18,21 28:13
 28:15 66:10,15 94:19
 95:3 96:4,5,6,8
greening 96:2
guess 27:12 39:14 79:1
 84:3 107:13 110:16

H

half 56:17 59:16 116:10
hand 24:20 25:11 63:7
handful 66:3
happen 60:2 86:8
happened 59:17 62:17
 90:6
happening 101:10
hard 28:2 49:17,21
harmed 34:11
head 85:2 94:10
hear 4:7 9:14 10:12
 25:8 27:3 28:1 32:3
 32:11 52:17 64:8
 110:20
heard 26:14 31:20 32:9
 49:18 51:3 56:16
 61:16,21 102:8
hearing 1:7,13 3:5 4:19
 5:9,11,22 6:15 9:12
 10:4,21 11:3 26:20
 43:21 77:4 80:3 84:19
 90:15 101:9 102:11
 102:18 105:5 115:12
 116:7 118:20 119:1
 120:14
hearings 4:7 12:10
 91:15
held 26:15 34:8
help 63:22 65:17,17
 66:12 74:3 89:5
helpful 74:21
helping 30:3,6
hesitant 36:14
HFC 82:6
high- 48:5
hire 29:22 104:1,3
 105:9
hired 30:18,21 49:13
 104:21
Historic 39:9 44:8,13
 44:15 84:14 85:6
hold 6:22 40:17 54:11
 54:16 73:13,16,16,17
 82:6 85:21 115:21
 118:18 120:2
holder 3:17
holding 18:13 57:9
holds 83:4,9 85:21
honest 93:19
hoops 22:20
hope 59:16 82:11
Hopeful 1:5 3:5,10,14
 10:20 14:17 63:20
 99:18 118:20 119:2
hours 76:13,16 77:1,2
 114:8,20
HPRB 39:9 43:16,17
 44:1,3,6,18,21 45:1,2

45:6 84:17 85:2,13
86:2 87:10,14,18 88:5
88:12 89:2,11 94:22
96:13
huge 42:17
Hum 43:17

I

identical 22:21
identification 101:6
identified 2:7 13:12
14:19 15:2,3 16:16,21
identify 3:7 8:15,18 9:8
15:8 62:20 97:14
98:18
iffy 89:18
Immediately 29:21
implemented 62:13
important 19:10,14,15
22:12,14 25:13
impression 103:20
improvements 48:2
inaccuracy 42:15
inaccurate 41:15 42:20
inadvertently 86:12
inch 42:17
include 27:18 29:7 38:8
78:21
included 34:20 57:14
including 78:18 82:10
inconsequential
103:18
incorrect 18:1,6,7
indicated 6:4 93:12
influenced 34:1
inform 7:19
information 41:11,16
42:20 76:12 86:4 92:6
110:3,7 113:13
114:18 115:15,21
initial 66:22 67:2 73:22
inspection 49:20
installation 70:15
instance 66:14 67:4
83:3 84:8 88:5
instructed 85:1
Intent 31:13
interest 31:3,11,17
interests 31:18
interior 47:16
interrupt 33:5
interrupted 76:3
issuance 32:21 36:18
issue 17:19 18:9,9
19:14,15 61:17 76:16
87:13 95:8 102:11
120:5,10
issued 11:11 27:9,17

28:9 61:12 67:21 68:5
71:5 72:2,8,16
issues 74:13
issuing 57:7
item 87:8

J

JAMES 1:19
January 1:11 46:11
53:1 57:20 62:17
90:11 105:2
Jenkins 7:10,17 8:4
JJ's 40:1
John 2:5 63:1,4,9
101:11
JR 1:18
judgment 99:14
July 48:6 53:21,21
July/August 54:7
jump 22:20
jumping 37:14
June 48:19 99:22
just-- 98:22

K

keep 32:1,15,17
kinds 20:1
knock 17:10
Knowing 70:21
knowledge 35:17
known 11:3 59:10
knows 14:7

L

lack 5:2
language 34:7
large 54:21 78:8
larger 78:5
lawyer 91:9,9,10,11
lay 9:9 67:11
layman's 97:21
lead 87:8
leaking 47:17
lease 20:1 31:1 35:6,15
35:19 47:7
leave 47:9
left 39:13,14
legal 118:19
let's 57:18 61:11 114:5
Letter 31:13
letters 34:1
letting 26:1
level 78:21
Lew 11:20
Lew's 1:6 3:6 4:1 14:18
14:21 99:17 119:3
Lic 2:8,8
license 1:8 3:6,17,20

4:1,2,9,10 5:6,8,10,21
6:5,6,11,14,21 7:2
11:4,4,11,18,19 12:4
12:11 13:4,9,12,21
14:6,8,20,20,21 15:4
16:8 17:1,8,15,18
18:12,13,15,20 19:6
19:12,16,17 20:2,9,10
21:5,16 22:9,15,18
23:8 25:15 31:22 32:1
32:1,15,22 33:1,4,6
33:14 34:11,18,21
35:1 57:9 59:20 99:12
99:12,14 102:21
118:21 119:3

licensed 77:15

licensee 1:21 5:13

Licensee's 1:21

licenses 6:17 17:20

23:6 33:2 34:4,8 57:8

licensing 5:19

liens 99:15

lifted 33:10,14

like-- 57:1

limit 34:4

limited 33:2

line 15:22 17:6 19:15

20:8 21:7 30:17 48:13

48:21 49:7,8 50:1

54:4 77:7 83:13

linked 11:5 14:6,9,11

21:17

liquor 34:4,18 46:8,10

46:17

Lisa 1:21 2:5 3:13,17

24:18,22

list 2:14 27:13 31:3,15

37:21 100:14

listed 98:5

listing 2:12,13 100:6,8

100:11

literally 81:13

little 13:17 32:5

loan 29:22

locate 6:4

located 33:20

location 6:9 11:17 12:5

13:11,13,21 14:8,9

15:1,7,8,10,12,18,21

16:17,21 17:1 18:20

19:7,18 20:5 21:6

22:9 23:7 46:19 47:12

Locker 46:20

long 17:14 35:4 47:4

66:19 68:11 107:2

longer 6:18 19:1

longest 87:8

look 14:14 23:1 28:20

42:16 50:8 108:5
111:4

looked 42:7,8 45:16

59:17 93:16 110:12

looking 8:3 19:10,11

21:3 32:3 37:19 38:10

51:15 52:14,19 58:5

108:10,14,18 109:1

loose 80:14

lose 18:12

lot 42:6,12 74:13 93:21

Louder 35:9

low 47:19,19 48:12 54:4

lower 78:21

M

ma'am 25:7 26:7 27:4

53:4,11 55:11 96:20

116:14

main 48:6 70:22

maintaining 34:18

making 92:9

manage 40:6

March 32:19 57:19 58:2

58:9 59:22 60:3 103:2

103:13

marked 7:22 101:4

Marshal's 69:15

materials 88:20

matter 1:4 5:22 20:3

21:16 24:10 82:14

matters 20:4

mean 17:9,15 37:19

52:12 56:9 58:22

60:17 73:12 84:3,6

86:17 88:7 89:4 90:19

91:7 93:14 95:19

103:19 104:21 107:3

107:11,21 108:20

114:14 115:18 117:6

meaning 110:6 111:2

means 28:14 82:12

meant 64:15

measurable 91:18

mechanical 66:11,13

67:3 74:7 95:1,3,5

meeting 1:3 41:18

118:18 120:3

Meetings 118:17,22

119:5 120:4

Members 31:21 52:11

68:19 96:18

memory 28:19

mention 69:2

mentioned 14:3 55:18

59:5 69:1 81:3 83:3

mentions 20:16

MEP 83:3

met 1:13 92:4
Michelle 1:21 3:9 10:19
microphone 10:1 25:7
mike 1:18 7:14
mind 57:11
minimum 34:13
minute 73:17
minutes 24:7
miscommunication
 13:15
mistake 45:6
mixed 78:4
modifications 90:6
modified 33:16,22
Monday 34:16
money 18:11
month 30:19
months 3:21 29:17,17
 29:17,18 36:18 47:18
 57:21 68:15 86:15,16
 91:3 102:1 105:8
 106:17
moratorium 6:16 17:18
 18:21 32:22 33:1,3,9
 33:13,14,15,20,21
 34:6,7,8 56:21,21
 57:4,12,13
moratoriums 57:1
more-- 50:13
Morgan 6:17 33:1,3,20
 57:13
motion 119:9,10,22
motions 4:20
move 5:16 29:22 47:9
 56:10 70:3 71:21
 91:16 97:15 101:19
 101:21 118:17
moved 47:15 59:17
 81:13 100:22
movement 53:2 60:8
 106:3,4
moving 57:1 60:14 73:1
 102:19 104:3 105:14
multiple 4:7,11,12,19
 66:2 71:17

N

N.W 1:14 2:12 3:19 6:2
 6:3 100:4,9,12 102:7
name 10:19 14:12,19
 62:21 63:3 64:18 65:3
nature 41:3 79:15
near 21:6
necessarily 115:18
necessary 6:12 67:5
 118:6
need 8:15,16 9:8 23:17
 23:21 32:3 60:18,21

61:1,9 62:19 64:10,11
 66:4,4 77:3 91:3,4,8
 98:20 105:8,15 111:6
 111:7 112:16 113:9
needed 43:14 101:17
needing 65:17
needn't 6:22
needs 84:17 86:19
 108:16
neighbor 39:16,16
neighborhood 6:18
 34:1
never 4:2,3 14:4
new 5:6 6:9,20 7:2 13:4
 13:10,11,13 14:19
 15:1,2,10 17:9,11,13
 17:20 18:14 19:18
 20:5 22:9,13,15,18
 23:7,8 32:1,1,15,18
 32:21 34:12 39:8,18
 40:10 41:22 43:3,8
 50:4 54:6 62:8,13
 67:2 74:6 85:9,10,12
 98:18 99:15
NFPA 70:11
NICK 1:17
nine 27:2,8 29:17 50:13
non-contributing 44:4
 44:9 84:20 85:4
note 39:6 41:13
notes 62:11
notice 5:18 23:2 120:1
notified 39:12
November 41:19 43:3
 51:17,21 65:16 90:10
 105:1
number 6:16 34:14 39:1
 74:17 111:3

O

O 19:22
oath 73:2
object 40:13
objection 41:3,4
objections 39:17
obtain 29:21 45:8 52:5
obtained 39:9
obvious 62:11
occupancy 4:17 15:22
 36:12
October 38:11 39:1,7
 39:12 43:19,21 55:21
offer 35:19 42:3
office 2:11,13 42:9
 69:15 100:7,10
official 5:19 6:13
 118:16,21 119:4
officially 13:8

okayed 85:19
old 14:7 21:17 47:19
on-- 85:21
once 15:8 29:19 30:20
 31:1,17 41:22 45:7
 61:8 68:4 81:16 83:7
 120:8
ones 28:10 50:4 56:1
 93:17,18 106:20
ongoing 72:11
online 75:4 76:13,20,21
 81:16
open 21:5 22:7 57:6
 115:22 118:17,22
 119:5 120:4
opened 93:15
opening 7:4,6 10:18
operable 4:3
operate 4:10 47:2 48:3
operated 4:3 46:22
operating 20:10 46:18
operation 4:9 29:5
operations 5:4 6:8
 41:18,19 42:4,11,14
 45:5
opinion 35:3,12 66:18
opportunity 23:3
order 2:15,15,16 6:7
 60:22 100:15,16,17
 105:13
orders 12:10
original 6:2 18:20 67:1
 99:12
originally 11:11
outside 88:5
overhead 29:9
owed 5:8
owned 11:5 54:1,2
owner 2:12,13 5:6
 39:11,19,20 65:10
 100:8,11
owners 34:9
owns 40:2,3

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 3:2 24:11,12
 120:14
page 28:21 41:14,17
 42:18 54:16,17
page-to-page 108:8
paper 54:21 74:15
part 9:7 33:9 70:6 71:3
 73:20 74:1 85:2 87:17
 100:22 101:22 109:5
Partially 72:5,7
parties 3:7

passed 120:1
patching 47:18
patient 4:15
paying 32:2
pending 27:12 29:11
 39:4 95:17 101:12,20
pension 35:2
percent 82:10
perfect 60:17
perfectly 59:21
performed 43:18
period 16:7 30:20 49:3
 49:22 54:7 82:1
 102:14
permission 105:12
permit 2:10,11,14 26:19
 27:1,8 29:5 35:13
 38:13,13,22 39:1,3
 41:18,19,20 42:3,11
 42:14 45:5 52:2,4,5
 55:8,11 60:11,19
 61:14,20 62:7 64:1
 65:17,19,21 67:15,20
 68:4 69:6,13 70:9
 71:3,4,17 72:1,7,16
 74:3,9,17 89:5 93:3
 97:12 100:4,5
permit/ 39:2
permits 4:13 17:2 27:1
 27:7,9,11 28:9 29:1,2
 29:6,11,14,19 30:12
 31:14,18 36:19 37:22
 38:4,6 39:4 41:20
 42:2 44:2,5 45:8
 49:18 50:2,4,13,17
 51:14,16,19,20 52:6
 53:6 55:19 56:1,3
 61:9,12 64:2 69:2,3
 69:16 70:12 81:5
 87:13 97:19,20,20,22
 97:22 98:2,3 100:14
 101:19,20
permitted 69:18
permitting 36:15
person 102:2 109:14
personally 74:5
perspective 31:4 34:6
 35:19 101:13 108:18
 111:10
pipe 69:4
PIV 42:5
placarding 6:15
place 12:3 13:9 20:21
 51:13 56:2 70:17
plan 35:2 59:20 68:2
 90:1
planning 70:18 117:11
 118:3

plans 19:6 61:3,8,8
 70:8 71:19,20 72:3,6
 73:18 81:5,12 92:21
 108:5,20 109:2,4,6,12
 110:9,22 111:17
 112:12 114:6
platform 67:16 74:9
 78:20 93:5
please 3:7,8 7:14 24:20
 25:7 26:18 27:16 28:7
 31:6,8 41:13 42:16
 44:12 62:21,21 63:7
 108:2
plumbing 66:11,13 67:4
 74:8 95:1,4,5 108:5
point 13:4 22:14 23:9
 35:14 68:13 76:21
 92:8 111:4,21
pointing 22:5
points 5:21
position 57:15 65:8
 108:19
possible 6:15
possibly 32:14 59:7
potentially 35:15
preliminary 71:2 83:2
preparation 80:17
present 1:16,20 5:14
 11:2 44:22
presentation 43:21
presentations 4:13
presented 56:17 75:12
 85:15 97:20 106:6,7
 110:4 111:4
presenting 5:17 81:4
 110:3
Preservation 39:10
President 3:13
presiding 1:15
pressure 47:19,20
 48:13 54:4
pressured 48:6
pretty 88:17 95:10,18
 114:7
prevents 6:19
previously 18:11
 111:12
principal 65:10
print 108:8,11,15
printed 107:18,21
prior 12:9 70:15
privy 80:22
probably 16:10 74:22
 87:8 95:8
problem 9:19 10:7,11
 10:15,16 56:10 91:11
problems 49:12,12
proceed 7:7

proceeded 92:8
proceedings 120:2
process 22:17,19 35:5
 35:13 36:16 49:19,20
 55:1 62:13 68:7 80:3
 84:1 91:7 92:3,9,10
 109:4
processed 30:13
processes 86:14
procurement 68:7
produce 76:6
professional 36:17
 37:5 64:11
progress 4:8 5:2 21:14
 54:20 56:12 57:16
 60:15 91:18 93:12
 101:10,18 102:7,17
 103:5 107:15 116:8
project 39:8,15 67:2,3
 68:10,12 70:15 73:1
 74:3 78:2 79:13 84:8
 91:16 92:3,4 93:6
 94:1 101:13 105:1,14
ProjectDox 67:15 74:9
 74:18 81:11,15 93:5
proof 104:2
proper 101:19
property 6:19 30:7
 41:10 53:3,8,16 54:1
 54:2 55:5 63:20
proposed 77:21 85:15
protest 6:15 23:3
prove 21:14 23:4 72:22
 102:12
provide 4:12 7:4 8:7
 23:4 50:2 68:8 72:21
 73:5,11 74:12,14 88:4
 88:20 104:9,12,14
 105:13,17,18,21
 113:10,13 115:15,20
 118:3,4 120:7
provided 8:8 23:6 66:3
 67:5 71:9,14 73:9,17
 76:12,15 77:7 91:17
 92:5 94:12 104:15
 105:20 109:2 110:22
 111:11,20 114:12
 116:1,1,5 117:17
provides 38:10
public 38:11 53:22
 110:7
pull 25:7 110:8
pulled 56:4
purchase 12:22 34:21
purchased 32:19 35:1
 46:1
purpose 118:19
purposes 55:14 112:3

pursuant 118:21 120:3
put 8:15,18 12:4 15:20
 19:6,12,16 20:9 54:5
 55:16 57:11,13
putting 54:12

Q

question 9:15 11:4
 13:19 15:19 20:11
 35:7,22 40:10 43:8,22
 44:12,20 50:20 53:4
 53:11 55:22 56:19
 67:8 72:17,19 73:9
 74:21 83:7,9 84:13
 90:9 103:7 105:16
questioned 51:5
questions 8:2 9:17
 16:21 37:9,13,18
 45:10 52:11 56:9
 57:15 58:14,15,16,17
 58:18,20 68:17,19
 75:18,19,21 77:10
 82:12,21 87:21 89:20
 92:22 96:18,19
quick 48:9 74:21 94:15
 97:7 103:6
quickly 92:15
quite 46:14 86:13 94:15

R

raise 24:20 63:6
raised 41:2
Ratio 27:22 28:16
re-review 83:20
readily 95:21
reading 38:17 41:10
 56:13,15 106:11
reads 12:8
ready 20:2 22:7 24:13
 26:12 30:22 51:13
 73:3
real 48:9 74:20 92:14
rear 54:8
reason 18:12 20:15
 108:7
reasonable 21:14 54:20
 68:15 102:13 107:4
 115:16
reasons 5:1 9:22 91:14
 119:4
rebuild 60:22,22
rebuilding 55:2
receipt 2:9,9 99:19,21
receive 4:16 29:19 42:1
 120:9
received 2:7 4:19 5:5
 82:5 101:7,21
recess 23:17 24:5

120:2
recognize 22:14
reconsideration 4:21
reconstruction 21:15
 30:7,13 35:14 36:3
record 3:8 5:16 7:5,21
 8:19 9:8,12 12:9
 13:16 17:17 24:6,11
 34:17 55:16 62:20
 97:11,18 98:9,17
 101:1 115:22
records 3:22
recovered 54:5
Reeves 1:14
reference 98:2
referenced 37:20
referred 99:3 101:3
reflect 3:22
regard 34:17 95:2
Regardless 5:7
Regulatory 38:5
release 99:14,15
Relevant 21:22
remaining 66:9 82:4,11
remarks 2:2 7:5,7
remember 16:10 25:18
 27:11 45:13 46:15
 85:1
removed 6:7 54:4,8
renewal 2:10 6:12
 34:21 100:1
renewed 33:16,21
renovating 6:19
renovations 53:2
repair 49:7
repairs 49:4
repeat 28:5 31:8 32:4,5
 35:7
repeated 9:16
repetitive 5:2
replaced 49:1
replacement 49:6
reported 103:5
represent 20:19 87:18
represented 19:5 20:14
representing 10:20
represents 88:9
request 1:9 3:17 5:9
 60:3,6 106:16
requested 7:12,19
 101:17 120:8
requesting 102:20
 106:20
requests 4:20
require 66:16 69:4
required 6:8 96:10
requires 43:17,18
residential 78:5,10,22

respect 55:22 56:2
 108:4
respond 117:9,11
Respondent 2:2 25:2
 63:11 101:4
responds 117:13
response 113:3 117:17
 118:3,4
responsibilities 87:17
responsible 41:15
 42:19
rest 89:10
restaurant 6:17 33:2
 34:4 57:2,5
restaurants 57:6,8,13
restrictions 18:15
resubmit 93:7
resumed 24:11
retail 46:8,21
Retailer 1:7 3:18
retain 91:9
retained 90:10
return 5:4
returning 4:8
Revenue 2:11,13 100:8
 100:11
review 5:14 27:9,18
 28:9 39:10 42:1 43:18
 43:19 45:7 66:1,1,15
 66:15,22 67:2,16,19
 69:11,19 71:2 74:1,19
 79:22 84:7 93:7,9
 94:19,22 95:3 96:8,8
 96:9 109:3
reviewed 71:4 72:18
 84:4
reviewer 71:16
reviewers 66:17 67:17
 67:21 74:19 81:17
 82:5 86:10 93:15,21
 94:8,9
reviewing 90:3,7 106:7
 106:8
reviews 71:17 72:10
 101:15
revisions 64:1 67:5
 93:22 95:2
revoke 34:7
risk 5:8
Road 2:14 6:3,20 15:11
 20:15 21:15 22:7
 26:20 27:7 29:7 33:19
 42:10 45:22 54:3
 63:21 65:20 100:4,6
 100:12 101:11 102:7
role 63:19 66:6,12
roll 119:9
roof 47:17

room 1:14 120:3
roughly 82:10

S

safekeeping 1:9 3:20
 4:4 5:10 6:1,7,11 7:1
 12:4 13:22 32:2,16,17
 34:22 102:13,15,22
Sage 2:5 63:1,4,9,14,19
 64:19 77:14 101:12
 103:3 106:21 109:15
 112:14 117:7
sale 12:2,19,21,22
 32:21 99:13
Sale/Lien 2:8
sales 2:9,9 99:19,21
Saloon 1:7 3:6 11:20
 14:18,21 99:17 119:3
satisfy 66:16 95:22
 102:9
saw 45:13
say-- 117:3
saying 11:8,11 12:7,10
 13:3 14:6 15:5,10
 16:18 21:9 70:17 75:3
 76:19,20,22 77:1
 91:21 96:7 105:11
 107:1,5,8,13 108:7
 109:18 110:20 111:9
 112:14 115:20
says 14:16 34:6 38:21
 39:8 41:14 103:17
 114:7
scope 79:14 83:4 88:6
 89:5 92:4
screen 108:7 109:11,16
seat 25:7,16 63:16
second 6:10 119:6,7
seconded 119:9,11
secondly 104:10
Section 34:5 118:17,22
 119:4 120:4
seeing 94:6,7
seek 81:6
seeking 118:19
seeks 3:20
seen 82:19,19,22 83:9
 95:13 102:9 106:4,5
 112:15
sees 67:3
self-employed 65:1
seller 99:16
sent 31:12 107:18
separately 69:18
September 26:22 27:6
 29:3 47:10 52:21,22
 53:5,8,19 56:14 58:4
 60:4,5 102:18 106:5,8

116:7
serious 107:14,16
seriously 115:13
service 88:6
services 68:8 91:10
set 74:8
setbacks 102:17
setting 34:22
shared 37:6 78:22
sheets 54:21
shoe 47:3,5
shop 70:13,14
Short 1:19 12:15 31:6,8
 45:11,12,21 46:2,6,9
 46:13,22 47:4,8,11,14
 47:21 48:8,11,14,20
 49:2,9 50:7,14,16,21
 51:2,18,22 52:7 65:3
 65:6 68:20,21,22 69:7
 69:14,21 70:1,5,16
 71:6,9,13,18 72:3,6,9
 72:12,19,21 73:5,8
 75:21,22 76:3,5,19
 77:4,8,11 108:2,3,4
 108:16 109:8,10,14
 110:1,11,15,18,20
 119:7,8,14,15
show 20:2 54:20 74:15
 89:11 105:13 107:14
 107:15
showing 51:11
sidewalk 54:2
signatures 39:18
signed 79:22 91:22
 92:11 105:2,17,22
 106:2 114:4
signed-off 71:19
significant 39:15 84:7
 102:6 106:3
Silverstein 1:18 7:13,16
 9:22 10:8,11 119:12
 119:13
similar 22:18,21
simple 43:22
simply 46:16
sir 25:9 31:10 38:15
 47:13 49:6 50:5 52:16
 63:7 68:22 73:18
 74:22 77:10 89:22
 91:22 97:1
sit 110:8
site 54:6 75:7
sitting 4:4 45:14 92:12
six 3:21 29:16 65:22
 69:3 77:20 78:17 91:3
 105:8 106:17
size 78:9 79:14
slight 90:5

slower 32:6
Soil 27:20 28:14
solidify 31:18
solve 74:13
soon 4:16 29:15,16
 71:13
sorry 7:6,15 8:8 12:16
 24:2 25:10 27:5 28:8
 31:7,10 33:5 36:2
 40:12,22 43:19 46:12
 50:5 52:16 55:13
 58:11 63:2,3 64:3,16
 90:20 93:4 100:11
 106:8 107:22 113:16
sort 22:13,13 78:2
 79:15 89:19
sound 48:11
sounds 107:4
space 31:1,12,17 35:6
 35:20 54:1 56:18
 78:21,22 96:4
speak 7:11,14 8:4 9:22
 32:9 37:7 59:8
speaking 55:14 88:8
 101:12
specialty 30:17
specific 30:16 53:7
 55:3 72:17 109:4
specifically 53:18,20
specifications 67:14
 88:20
spent 18:11
spoke 7:10,17 11:6,21
 66:7 103:3
spoken 92:5
spot 45:14
sprinkler 69:4,17
sprinklered 70:10
square 42:6
stack 54:19
staff 88:2
stamp 109:11
stamped 94:11
stamps 39:18
stand 25:3 26:16 63:1,5
 63:6,12
standard 69:4 90:4
Standards 70:11
start 14:1 15:21 30:20
 48:16 92:10,20 94:6
started 30:7 83:22
state 70:10 83:19 85:3
stated 10:22 52:1 56:20
 64:18 101:14 106:14
 116:6
statement 10:18 31:9
 97:11 99:16
stating 113:8

status 4:4 26:19,19
43:16 65:19,19 82:19
82:20 92:6 93:6,15
stay 32:16 102:13
stayed 47:6
step 22:8,12 23:11
29:20 59:1,2 67:18
68:2 70:20 96:22
103:22
steps 22:19 25:14
stipulate 7:20
stop 48:8
store 46:8,10,15,17
47:3,5
Storm 27:20 28:14
story 65:22 69:3 77:20
78:17 85:11
street 1:14 2:12 3:19
6:2 12:13,14,16 71:1
100:8
String 29:9
structural 27:18 28:13
39:15 66:10 74:8
94:17 96:9
structure 78:18 87:5
95:18
structures 60:12
studio 79:2
stuff 16:1 114:9 117:1
subject 5:22 6:14
submission 64:2 71:3
73:22 74:7 81:16,17
85:3 92:7 93:5 114:22
submit 66:20 73:11
81:12 97:12 112:11
submits 70:14
submitted 8:11 39:18
40:11 43:4,8 61:3
66:5 67:7,14,19 69:6
70:9 73:21 83:6 97:15
98:12,14 101:18
102:6 116:20,22
substantial 58:1 59:6
suggested 83:13
suggestions 101:15
Suite 1:14
supporting 74:10
supposed 112:5
surface 54:5
surprised 104:21
sworn 5:12 25:2 63:11
sympathetic 10:7
system 29:6 42:5,21
69:4 70:6 74:9 81:12
81:15 83:18 86:8
99:15
systems 70:13 75:1

T

t/a 1:6 3:5 14:17 119:2
taken 56:2 70:17
takes 5:17 93:9
talk 23:17,21 97:18 98:1
105:20
talking 14:22 69:1 94:9
Tax 2:11,13 100:7,10
technical 39:16,17
Telecom 29:9
tell 8:16 13:16 17:6
26:18 53:7,19 55:6
57:16,22 79:4 86:18
110:14
telling 49:11
tells 117:1
temporarily 33:17
tenant 35:19
tenants 31:5,16
term 47:6
terms 97:21 105:7
testified 25:4 63:13
73:2 105:4 112:14
testify 40:14 62:19
testifying 52:13 90:11
testimony 5:13 11:2
34:2 37:21 48:15
49:15 50:9 52:8,20
59:7,15,18 101:9,11
102:5 103:4,16 106:9
114:19 117:1,8
thank 7:9,16 9:10 10:8
10:17 21:9 23:13 24:8
26:9 32:8 35:9 45:4,9
45:19 52:7 56:6 75:16
77:8,12 84:10 89:21
96:15 97:2 99:5 101:8
118:9 120:5,11,12
the-- 39:13
things 20:1 52:12 86:8
86:10 91:13 101:18
102:4,19 104:7
105:14 112:16 113:22
third 66:1
Thirdly 6:16
three 29:17,18 30:19
36:18 38:20
three-day 42:1
tiles 56:5
times 26:3 86:7
today 3:16 14:14 20:19
21:4 23:12 26:21 36:1
49:16 50:4,9,11 51:10
53:19 56:16 58:7
90:12 92:11 102:9
105:4 106:5,7,15
111:15 112:11,12
116:11 117:2 120:7

today's 5:11
to 9:3 17:2 19:5 36:20
41:19 43:2 45:5 50:2
61:5 80:15 90:9 91:1
110:21 112:9 114:10
tomorrow 22:6 105:5
tones 9:14
top 85:1 87:7 94:10
topic 22:13
TOPS 2:14 29:6 100:13
track 93:14
trades 66:3 69:12
transcript 2:16 13:19
52:14,19 54:14,18
56:13,15 100:19
106:8,11
transcripts 12:9 59:12
transfer 5:5 6:9 12:2,19
12:22 13:18,20 15:18
15:20 19:17,18 20:4,5
22:5,19,22 23:11
32:21
transferred 13:4,12
15:5,7 19:12,13 20:14
transferring 4:9 22:8
Transportation 28:17
29:5,5 37:22
trouble 73:20
true 17:21
trust 40:1,2,3,7 54:3
trustee 40:1
try 58:5 95:20
trying 15:13 54:15
56:10,11 64:5 81:3
turn 4:11
twice 49:16
two 6:11 16:1 28:21
57:21 73:14 79:1
113:16,22 115:5
two-ways 42:5
two-year 14:1 15:21
type 18:13 53:2 79:11
typical 78:6 88:6
typically 30:19 69:10,18
70:8 86:18 88:3 93:9
93:20

U

Um-hum 14:15 21:1
45:21 70:4 78:14
81:22 84:11 90:13
94:18,20 95:12,16
96:3 116:3
umbrella 52:4
understand 14:5 17:15
18:10 31:9 33:16
35:22 49:9,19,20 50:6
71:18 81:4 86:11 89:8

89:13 102:22 107:6
108:21 109:13 114:2
114:14
understanding 17:17
43:1 62:6 85:15
103:19 114:21
understood 15:19
106:18
unfortunately 102:16
units 78:10,10,22 79:3
79:5,6
unresolved 39:17
unusual 94:6
upload 74:16
uploaded 41:22 74:19
81:16 112:16
uploading 113:3
Urban 65:2,4,9
use 19:7,12,16 20:5,9
21:5 29:6
usually 78:2 88:9,17
93:12 94:14
utilities 52:3
utilize 11:17 17:1 19:6

V

valid 27:1,6,8
vault 28:17
vendor 70:13
verbal 42:3
Verification 41:11
Verizon 29:9 54:6 55:6
versus 7:22 32:1,15,18
vote 119:10

W

W 1:15,17
Wait 40:12
waiting 30:19 61:4,7
93:22
wanted 9:11 25:13
75:16 76:5 116:16
wants 11:17
Washington 1:14 29:7
29:8 48:5 53:9,22
55:5 65:2
wasn't 12:19 15:17,18
56:17
water 27:20 28:14
47:19 69:5 70:21,21
way 12:8 51:6 93:13
ways 73:14
Wednesday 1:11
week 90:2 92:2,20 94:5
103:12
weeks 113:16
welcome 7:4 10:10
went 24:11

willing 41:5 84:7
Window 27:19 28:17
Wire 29:9
wires 54:8
wiring 108:5
witnesses 5:13,17 97:8
wood 87:6
word 106:10,10
words 54:12,13,14
 103:20
work 29:9 30:18,20
 42:15 66:13 67:8 78:6
 81:8 83:10 90:18
 92:10 111:21
worked 50:11
working 48:4 52:3
 104:22
wouldn't 21:16 62:6
writing 92:10
written 42:17 104:9,13
wrong 17:16
wrote 42:13

X

Y

year 4:15 16:11 25:18
 36:21 47:8 49:22
 56:17 59:16 106:4
 116:10
years 4:5,6 6:12 16:2
 16:14 17:13 20:6
 25:17 47:7 51:14
your's 7:3

Z

Zone 18:21 33:1,15,20
 56:21,22
zoning 27:19 28:13
 66:9 94:11,16 95:7,11
 95:14 97:21

0

074752 2:8 99:12
099515 32:22

1

1:40 3:2
10 2:13 49:22 51:14
 54:3 78:10 79:5,6
 100:10 106:21 107:3
 112:20 113:1,9,10,11
 113:12,15 114:16
 115:14,17,22 117:14
 117:17,18 118:2
 120:6
10-unit 79:10
100,000 34:13

1006 3:19
101 2:7,7,8,8,8,9,9,9
 2:10,10,10,10,11,11
 2:12,12,14,14,14,14
 2:15,15,15,15,16,16
 2:16,16
11 2:14 27:14,15,16
 28:20 29:3 37:20
 100:13
12 2:15 68:15 86:15
 100:15 102:1
120-day 43:19
13 2:15 100:16
14 2:16 100:17
1400 33:18
14th 1:14
15 2:16 8:13 13:20
 51:17,21 52:15,19
 54:17 100:19 101:5
16th 12:12
17 26:22 27:6 29:3
18 39:7 48:10 68:15
 86:15 102:1
1800 33:19
1815 2:14 6:2,20 11:18
 15:10 21:15 26:19
 27:7 29:6 33:19 42:10
 45:22 54:2 63:20
 65:19 100:4,6,11,12
 101:10 102:7
18th 2:12 3:19 6:2
 12:14,15,16 100:8
1986/1987 46:1

2

2 2:8 42:17 79:1 93:21
 99:11
2- 119:4
2-574(b) 118:17 120:4
2-574(b)(4) 118:22
2.0 41:13
2:00 24:11
2:01 24:12
20 11:12 42:5 48:7
 54:19
200 74:15
2000 1:14 48:15
20009 1:14
2005 46:12,12,16 48:5
 48:19,20
2006 2:12 6:2 11:13,20
 12:12 13:10 100:8
2011 47:10,12
2013 32:20 33:7 99:20
2014 4:2 17:12
2015 46:12
2016 38:12 43:20,21
2017 38:14 51:17,21

52:21,22 53:5,8,19
 55:21 56:14 59:18
 102:18 106:5,9 116:7
2017-515 2:15 100:15
2018 26:22 27:6 29:3
 31:13 39:1,7,12 41:19
 53:22 54:7 55:21
 65:16 99:22
2018- 100:17
2018-370 2:16
2018-654 2:15 100:16
2019 1:11 48:20 53:1
 57:20 58:10 59:19,22
 60:4,5 103:2
22 99:20
24 76:13,15 77:1,2
 114:8,20
25 102:10
25-791 102:10
25-791(f) 6:14
26 2:5
27 43:21 52:21,22 53:8
 53:19

3

3 2:8 93:21 99:13
3:29 120:14
30 42:8 67:9,10,12 81:3
 81:21 83:12,14,19
 92:21 93:10,11
 101:14 103:3,10
304.9 34:5
31 46:11,12 57:20 58:10
 59:22
370 100:18

4

4 2:9 32:20 99:19,22
4/22/13 2:9
400S 1:14
401(k) 35:1
48 76:17

5

5 2:9 99:21 114:11,17
500 31:4,15
57 103:11
574(b)(13) 119:5

6

6 2:10 31:13 79:1 100:1
6/4/18 2:9
60 67:9,10,12 81:21
 82:10 83:12,14 92:19
 92:21 93:1 101:14
 103:3,10,11
63 2:5

7

7 2:10 41:19 100:3
7th 43:3

8

8 2:11 100:5
8th 103:13

9

9 1:11 2:11 53:1 100:7
9/27/17 2:16
9/27/2017 100:20
90 120:6,9
91955 1:8 3:6 11:4
 12:12 13:21 14:20
 118:21 119:3
97 2:2
9th 105:2

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In the matter of: Hopeful, Inc.

Before: DCABRA

Date: 01-09-19

Place: Washington, DC

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