

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
:
Nicholas Hospitality, :
Inc. :
t/a Mama 'San/Harlot :
2001 11th Street, N.W. : Show Cause
Retailer CT - ANC 1B : Hearing
License No. 114205 :
Case #21-CIT-00234 :
:
(Failed to Comply with :
the Mayor's Orders) :
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Wednesday
December 8, 2021

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member
ALSO PRESENT:
SARAH FASHBAUGH, DC ABRA Staff
ANTOINE WILLIAMS, DC OAG
AK - MR. ALIREZA KALANTAR, Applicant
DB - MR. DAVID BAILEY, Applicant
TP - INVESTIGATOR TAVRIL PROUT, DC ABRA

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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W-I-T-N-E-S-S-E-S

Name of Witness	DIRECT	CROSS	REDIRECT	RECROSS
Tavril Prout	19	28	--	51
Alireza Kalantar	56	67	92	--

E-X-H-I-B-I-T-S

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

2 (10:39 a.m.)

3 CHAIRPERSON ANDERSON: We're into the  
4 record. Good morning, everyone. As Chairperson,  
5 of the Alcoholic Board, from the District of  
6 Columbia and, in accordance with D.C. Official  
7 Code, Section 2576, of the Opens Meetings Act,  
8 I'm welcoming you to the regular scheduled  
9 meeting of the Alcoholic Beverage Control Board.

10 This meeting is being conducted,  
11 pursuant to guidance made available, by the  
12 District of Columbia's Office of Open Government,  
13 regarding electronic meetings held, by public  
14 bodies, during the public emergency.

15 Pursuant to this guidance, notice of  
16 today's meeting was provided 48 hours, in advance  
17 of meeting, on ABRA's Website and on the  
18 District's Central Meeting Calendar. The Notice  
19 includes the time, date, agenda and the call in  
20 or login information, for public participation.

21 This electronic meeting is being  
22 hosted, by a WebEx account, provided by the  
23 District of Columbia Government. Please address  
24 any questions, or complaints, to the OOG, at  
25 [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).

1                   My name is Donovan Anderson and I'm  
2 Chairman of the Board. I would like to introduce  
3 the other Members of the ABC Board, who are also  
4 participating, electronically, pursuant to  
5 Mayor's Order 2021-119. Please respond, when I  
6 announce your name. Mr. James Short.

7                   MEMBER SHORT: (No audible response.)

8                   CHAIRPERSON ANDERSON: You're on mute,  
9 Mr. Short. Mr. Short?

10                  MEMBER SHORT: Mr. James Short,  
11 present.

12                  CHAIRPERSON ANDERSON: Thank you. Mr.  
13 Bobby Cato?

14                  MEMBER CATO: Bobby Cato, present.

15                  CHAIRPERSON ANDERSON: Good morning,  
16 Mr. Cato. Ms. Rafi Crockett?

17                  MEMBER CROCKETT: Rafi Crockett,  
18 present.

19                  CHAIRPERSON ANDERSON: Good morning,  
20 Ms. Crockett. Ms. Jeni Hansen, present.

21                  MEMBER HANSEN: Jeni Hansen, present.

22                  CHAIRPERSON ANDERSON: Good morning,  
23 Ms. Hansen. Mr. Edward Grandis?

24                  MEMBER GRANDIS: Edward Grandis,  
25 present.

1                   CHAIRPERSON ANDERSON: Good morning,  
2 Mr. Grandis. The Board has six Members, in  
3 attendance, for the conduct of business, today,  
4 and that constitutes a quorum.

5                   Before we get underway with today's  
6 hearing calendar, I need to make a few  
7 instructions very clear, so that the conduct of  
8 these hearings is understood, by everyone.

9                   There are three cases on this  
10 morning's calendar. Once your case is -- once  
11 your case is called, I will take a moment for IT  
12 Specialist to elevate the rights, for each party,  
13 to enable their camera and microphone.

14                  Then, and only then, will you have the  
15 ability to enable your equipment. If your case  
16 has not been heard, you will remain mute and your  
17 camera will be disabled.

18                  At the conclusion of each case, the  
19 parties will have the option to leave. If the  
20 party chooses to stay, all cameras and  
21 microphones, for the concluding case, will be  
22 disabled.

23                  Should you have any questions, or  
24 require technical assistance, during the hearing,  
25 please submit them, using the question and answer

1 feature.

2 Our first order of business, today, is  
3 Case, it's a show cause hearing, and that's Case  
4 Number 21-CIT-00234. Good morning, Ms.  
5 Fashbaugh, can you, please, elevate the rights of  
6 the Government and the, the, the, the witnesses  
7 and the, the, the parties for this case?

8 MS. FASHBAUGH: Good morning,  
9 Chairperson, please stand by. David Bailey, your  
10 rights have been elevated. Alireza Kalantar,  
11 your rights have been elevated.

12 Antoine Williams, your rights have  
13 been elevated. And, Tavril Prout, your rights  
14 have been elevated. That is all, Mr. Chair.

15 CHAIRPERSON ANDERSON: Thank you.

16 MR. KALANTAR: Good morning, this is  
17 Alireza Kalantar.

18 CHAIRPERSON ANDERSON: Hold on, one  
19 minute, please. All right, good morning,  
20 everyone. This is a show cause hearing, this  
21 morning, so let's start with the Government.

22 Mr. Williams, can you, please, spell  
23 and state your name, for the record, please?

24 MR. WILLIAMS: Good morning, Mr.  
25 Chairperson. My name is Antoine Williams,

1 representing the District of Columbia. My name  
2 is spelled A-N-T-O-I-N-E. My last name is, W-I-  
3 L-L-I-A-M-S.

4 CHAIRPERSON ANDERSON: Thank you. Mr.  
5 --

6 MR. KALANTAR: Hello?

7 CHAIRPERSON ANDERSON: -- Kalantar,  
8 can you, please, spell and state your name, for  
9 the record, please?

10 (Simultaneous speaking.)

11 MR. KALANTAR: Good morning, Mr.  
12 Chair. My name is Alireza Kalantar, A-L-I-R-E-Z-  
13 --

14 (Off the record comments.)

15 MR. KALANTAR: -- A, last name, K-A-L-  
16 A-N-T-A-R.

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: And, what's  
19 your relationship to this establishment, sir?

20 MR. KALANTAR: I'm the Managing  
21 Partner.

22 CHAIRPERSON ANDERSON: Good morning.

23 MR. BAILEY: Hello?

24 CHAIRPERSON ANDERSON: Mr. Bailey, can  
25 you, please, spell and state your name, for the

1 record, please?

2 MR. BAILEY: (No audible response.)

3 CHAIRPERSON ANDERSON: Mr. Bailey?

4 MR. BAILEY: (No audible response.)

5 CHAIRPERSON ANDERSON: Mr. Bailey, can  
6 you, please, spell and state your name, for the  
7 record, please?

8 MR. BAILEY: I cannot hear a thing.

9 (Pause.)

10 CHAIRPERSON ANDERSON: While we're  
11 waiting, for Mr. Bailey, Mr. Kalantar, who is Mr.  
12 Bailey, sir?

13 MR. KALANTAR: Mr. Bailey is our  
14 representative. He's representing us, for the  
15 ABRA.

16 CHAIRPERSON ANDERSON: All right, so  
17 he is here, so he will speak for you, this  
18 morning, is that correct?

19 MR. KALANTAR: Sure. I'm assuming  
20 he's having some technical difficulties, but I'm  
21 here, if you, all, have any questions.

22 CHAIRPERSON ANDERSON: No, I -- I know  
23 that, but I just want to make sure -- Mr. Bailey,  
24 are you there, please?

25 MR. BAILEY: (No audible response.)



1                   CHAIRPERSON ANDERSON: Ms. -- Mr.  
2 Bailey, I don't know, why you can't hear. He  
3 said he can't hear, so -- but, if he can't hear  
4 that's on his end. I don't know, why he cannot  
5 hear.

6                   (Pause.)

7                   CHAIRPERSON ANDERSON: So --

8                   (Pause.)

9                   CHAIRPERSON ANDERSON: Can you hear,  
10 Mr. Bailey?

11                  MR. BAILEY: Barely, can you hear me?

12                  CHAIRPERSON ANDERSON: I can hear you,  
13 sir. It's your connection, sir, it's not from  
14 our system, it's --

15                  MR. BAILEY: Okay, I --

16                  CHAIRPERSON ANDERSON: -- from yours.

17                  MR. BAILEY: -- I, I didn't know, I  
18 was just, I was trying to figure this thing out.

19                  (Simultaneous speaking.)

20                  CHAIRPERSON ANDERSON: All right, Mr.  
21 Bailey, do you have a camera, sir?

22                  MR. BAILEY: Yes. Hold on, give me  
23 one second.

24                  (Pause.)

25                  CHAIRPERSON ANDERSON: Mr. Bailey, can

1 you, please, spell and state your record, your  
2 name, for the record, please?

3 MR. BAILEY: My name is David Bailey.  
4 First name David, common spelling, D-A-V-I-D,  
5 last name Bailey, B-A-I-L-E-Y.

6 CHAIRPERSON ANDERSON: Thank you and,  
7 what is your role, today, sir?

8 MR. BAILEY: I am the representing  
9 agent, for Nicholas Hospitality.

10 CHAIRPERSON ANDERSON: All right,  
11 thank you. Mr. Bailey, Mr. Kalantar did, did  
12 confirm your representation, but in the future,  
13 we would ask that, you provide an appearance  
14 representation to the Agency, sir, because if --

15 MR. BAILEY: All right.

16 CHAIRPERSON ANDERSON: -- if, if you  
17 don't provide that that -- I need you to, in the  
18 future, provide -- to make an appearance, in the  
19 case, by, by filling out the proper  
20 documentation, to provide to the Agency, so we'll  
21 have that information, sir.

22 MR. BAILEY: I do apologize, Mr.  
23 Anderson, but I was under the impression that I  
24 was already listed, as their Agent, and I did  
25 send that over to, to Ms. Jenkins, stating that I

1 was listed on there, as their Agent, from the  
2 beginning, since they open -- before they even  
3 opened.

4 CHAIRPERSON ANDERSON: All right.  
5 But, as I said, before, but, Mr. Kalantar, he  
6 has, he has verified your relationship, but I'm,  
7 moving forward, we always need to have  
8 documentation, in our records, to make sure that  
9 we're speaking to the proper participant,  
10 especially, since you're not an attorney.

11 If you were an attorney, then, if you  
12 state that you represent someone and, if you  
13 didn't, then I can report you to the Bar, but  
14 because, you're not an attorney, we just have to  
15 make sure that we have paperwork in our record  
16 that supports the position, sir, okay?

17 MR. BAILEY: I understand, sir.

18 CHAIRPERSON ANDERSON: All right. All  
19 right, Mr. Williams, are there any, are there any  
20 preliminary, I'm sorry, preliminary matters, in  
21 this case?

22 MR. WILLIAMS: No, Mr. Chairperson.

23 CHAIRPERSON ANDERSON: All right, are  
24 the parties ready to move forward with this show  
25 cause hearing?

1 MR. WILLIAMS: The District is ready,  
2 yes.

3 CHAIRPERSON ANDERSON: All right. Mr.  
4 Bailey -- Mr. Bailey, sir, are you presenting --  
5 so you're presenting the case, to represent the,  
6 the establishment, in this matter, is that  
7 correct?

8 MR. BAILEY: Yes, sir.

9 CHAIRPERSON ANDERSON: All right,  
10 thank you. All right, Mr. Williams, you wish to  
11 make a -- so each side will have an opportunity  
12 to make an opening statement.

13 So the Government will make an opening  
14 statement, then the Licensee can make an opening  
15 statement, at this time, or the Licensee can  
16 wait, until they present their case, to the --  
17 until they present their case.

18 So the Government will present its  
19 case. They'll call a witness, have the witness  
20 testify, the Licensee will have an opportunity to  
21 cross-examine that witness and the Board will  
22 have an opportunity to ask questions of the, of  
23 the, the, the witness.

24 Once the Government has rested, then  
25 the Licensee can call its witnesses and testify,

1 then the Government will cross-examine, the Board  
2 will have, will have, might have questions for  
3 the witnesses, then we'll have closing arguments.

4 The Government will have closing  
5 arguments and then, the, the Agency, I'm sorry,  
6 the Board will, will make a decision on, whether  
7 or not, there is any liability on their part.  
8 Before moving forward, is there any questions, by  
9 anyone?

10 MR. WILLIAMS: Nothing, from the  
11 Government.

12 CHAIRPERSON ANDERSON: Thank you, Mr.  
13 Williams. Mr. Bailey?

14 MR. BAILEY: No.

15 CHAIRPERSON ANDERSON: All right,  
16 thank you. All right, does the Government wish  
17 to make a, an opening statement?

18 MR. WILLIAMS: Yes, Mr. Chairperson.

19 CHAIRPERSON ANDERSON: Go ahead, sir.

20 MR. WILLIAMS: Today the -- good  
21 afternoon -- good morning, Mr. Chairperson,  
22 Members of the Board. Today, the District will  
23 show that, on March 25th, 2021, at approximately  
24 11:57 p.m., ABRA Investigator Tavrill Prout  
25 visited Nicholas Hospitality, trade name Mama

1 'San/Harlot, located at 2001 11th Street,  
2 Northwest, Washington, D.C., to conduct a  
3 regulatory inspection.

4 He entered the establishment,  
5 identified himself, as an ABRA Investigator, then  
6 proceeded to observe violation of ABRA's 10th  
7 Emergency Order, effective January 13th, 2021.

8 Specifically, Investigator Prout  
9 observed employees not wearing face masks,  
10 patrons not wearing face masks, while standing,  
11 in the establishment, patrons consuming alcohol,  
12 while standing, and patrons not maintaining  
13 social distancing. That concludes my opening  
14 statement, Mr. Chairperson.

15 CHAIRPERSON ANDERSON: All right,  
16 thank you. Mr. Bailey, do you wish to call --  
17 I'm sorry, do you wish to make an opening  
18 statement, at this juncture, or do you want to  
19 defer, until you present the case?

20 MR. BAILEY: Okay, can you hear -- can  
21 you hear me, sir?

22 CHAIRPERSON ANDERSON: Yes, sir. Let  
23 me ask you a question --

24 MR. BAILEY: Okay --

25 CHAIRPERSON ANDERSON: -- Mr. Bailey.

1 I, I it appears that you are in a vehicle, are  
2 you in a stationary position, sir?

3 (Simultaneous speaking.)

4 (Telephonic interference.)

5 MR. BAILEY: Yes I'm, I'm stationary,  
6 sir. I'm, I'm parked.

7 CHAIRPERSON ANDERSON: All right, just  
8 want to make sure that you're, you're in a  
9 stationary position. All right, yes, like I  
10 said, do you want to make an opening statement,  
11 at this juncture, or do you want -- do you wish  
12 to, to defer, until you present the case?

13 MR. BAILEY: I just want to defer,  
14 until I represent the case.

15 CHAIRPERSON ANDERSON: All right. All  
16 right, thank you. Mr. Williams, do you have, do  
17 you have a witness, you wish to call?

18 MR. WILLIAMS: Yes, we have one  
19 witness, today, Mr. Chairperson that is ABRA  
20 Investigator, Tavril Prout.

21 CHAIRPERSON ANDERSON: Mr. Prout, I,  
22 I thought I saw Mr. Prout. Ms. Fashbaugh, have  
23 you elevated the record of Mr. Prout, I don't see  
24 him?

25 MS. FASHBAUGH: Yes. Mr. Prout is

1 having some technical issues, but he is unmuted,  
2 now, so he should be able to speak.

3 CHAIRPERSON ANDERSON: All right. Mr.  
4 Prout?

5 INVESTIGATOR PROUT: Good morning, Mr.  
6 Chairperson. This ABRA Investigator Tavril  
7 Prout.

8 CHAIRPERSON ANDERSON: All right. Can  
9 you -- can you raise your right hand, please?  
10 And I, I can't see you, but -- all right, can you  
11 raise your right hand, please? Since I can't see  
12 you, Mr. Prout, you need to tell me that your  
13 hand is raised, sir.

14 INVESTIGATOR PROUT: (No audible  
15 response.)

16 CHAIRPERSON ANDERSON: Mr. Prout?

17 INVESTIGATOR PROUT: All right, sir.  
18 Yes, sir, my right hand is raised, at this time,  
19 Mr. Chairperson.

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

23 INVESTIGATOR PROUT: Yes, sir, I do.

24 CHAIRPERSON ANDERSON: Okay, let me  
25 ask you, just, just a question, what's going on



1 with your video? I prefer, if -- I prefer,  
2 especially, since you're the ABRA Investigator  
3 that I can -- is it something that can be solved,  
4 immediately, for, if we take a couple of minutes,  
5 or, or, or, or, or what?

6 INVESTIGATOR PROUT: So I am logged  
7 onto WebEx, at this current time. The issue that  
8 I'm having is, when I log onto the actual  
9 application, itself, the only video that I'm able  
10 to see is myself, when I logged in and, when I  
11 log -- when I logged on, previously.

12 When I log on, from accessing the,  
13 from the Web component, I'm only able to see you,  
14 all, but I'm not able to see the video of myself,  
15 at this time.

16 (Telephonic interference.)

17 CHAIRPERSON ANDERSON: Look, I saw  
18 you, earlier, when you were logged on, so I saw  
19 you, online. So whatever you had, before, I, I  
20 saw you. Because you're on my screen. So do you  
21 -- can you log back off and log back on, because  
22 I, I saw you, initially?

23 (Telephonic interference.)

24 INVESTIGATOR PROUT: Okay, perfect.  
25 So what I will do, is I will log back out, at

1 this current time, Mr. Chairperson, and I will  
2 log back in.

3 CHAIRPERSON ANDERSON: Thank you, sir.

4 INVESTIGATOR PROUT: Thank you, sir.

5 (Pause.)

6 CHAIRPERSON ANDERSON: And that, I  
7 prefer to see folks, when they're testifying,  
8 especially, this is an ABRA, this is a  
9 Government's witness and an ABRA employee, and  
10 there should be no -- technology should not  
11 prevent our, our, the, the employee from showing  
12 his, or her video, so.

13 MS. FASHBAUGH: I elevated Tavrill  
14 Prout.

15 CHAIRPERSON ANDERSON: Thank you. Mr.  
16 Prout, can you hear us, sir?

17 INVESTIGATOR PROUT: Yes, sir, I am  
18 able to hear you, however, I'm not able to see  
19 anyone's video, at this current time, but --

20 CHAIRPERSON ANDERSON: Well, we can --

21 INVESTIGATOR PROUT: -- Okay --

22 CHAIRPERSON ANDERSON: -- see you,  
23 sir, so that's all that matters that we can see.  
24 So -- okay, you raise your right hand, please,  
25 again. Do you swear, or affirm, to tell the

1 truth and nothing, but the truth?

2 (Simultaneous speaking.)

3 INVESTIGATOR PROUT: I do, Mr.

4 Chairperson.

5 CHAIRPERSON ANDERSON: All right,

6 thank you. Your, your witness, Mr. Williams.

7 DIRECT EXAMINATION

8 MR. WILLIAMS: All right. Thank you,

9 Mr. Chairperson. All right, Mr. Prout, please,

10 spell -- say your first name and, please, spell

11 it, for the record.

12 INVESTIGATOR PROUT: Yes. My name is

13 Investigator Tavril Prout, T-A-V-R-I-L, last name

14 Prout, P-R-O-U-T.

15 BY MR. WILLIAMS:

16 Q Okay. Where do you work, currently?

17 A I, currently, work for the District of

18 Columbia Alcoholic Beverage Regulation

19 Administration, commonly referred to, as ABRA.

20 Q And, what is your position, there?

21 A I am an Alcohol Investigator, for the

22 Organization.

23 Q How long have you been in this

24 position?

25 A I've been working for the Agency, for

1 two years and 11 months, at this current time.

2 Q And, can you give a brief description  
3 of your duties, as an ABRA Investigator?

4 A Yes, my role, as an ABRA Investigator,  
5 is to regulatory inspections and investigations,  
6 on behalf of the Agency.

7 Q Okay. And, what sort of training or  
8 certification have you had, to conduct these  
9 investigations?

10 A I possess a Bachelor's of Science,  
11 from the University of Maryland, in Criminal  
12 Justice. I, also, possess, approximately, five  
13 to seven years of experience in public safety,  
14 juvenile corrections, and crime scene.

15 Q All right. And, could you briefly  
16 describe, what's the process for conducting an  
17 ABRA regulatory inspection, as well as, the  
18 investigative reports?

19 A Yes. So once, as an ABRA  
20 Investigator, we go into the establishment to  
21 conduct a regulatory inspection and, in the event  
22 that we observe ABRA violations, then an ABRA  
23 Investigative Report is constructed and submitted  
24 to the Board.

25 Q Okay.

1 MR. WILLIAMS: At this time, Mr.  
2 Chairperson, I would like to share District's  
3 Exhibit A.

4 CHAIRPERSON ANDERSON: Ms., Ms.  
5 Fashbaugh, can you give Mr. Williams the ability,  
6 please, to share his screen?

7 (Whereupon, the above-referred to  
8 document was marked as District  
9 Exhibit No. A for identification.)

10 CHAIRPERSON ANDERSON: I think, Mr.,  
11 Mr. Prout is saying that he can't see, so I'm not  
12 quite sure, how we're going to do this part,  
13 because, I think, he had stated earlier that,  
14 he's unable to see us.

15 MR. WILLIAMS: Let's see, if he can  
16 see the exhibit, here?

17 CHAIRPERSON ANDERSON: All right.

18 MR. WILLIAMS: All right.

19 INVESTIGATOR PROUT: Yes, I --

20 MR. WILLIAMS: Mr. Prout, what is --

21 INVESTIGATOR PROUT: -- I can.

22 (Simultaneous speaking.)

23 (Telephonic interference.)

24 CHAIRPERSON ANDERSON: Okay, good. Go  
25 ahead, Mr. Williams.

1 MR. WILLIAMS: See -- okay, great.  
2 Okay, I'm going to scroll through this document,  
3 Mr. Prout, and then, I'm going to ask you a  
4 series of questions.

5 (Pause.)

6 MR. WILLIAMS: Okay. All right, Mr.  
7 Prout, we'll go back to the top, do you recognize  
8 this document?

9 INVESTIGATOR PROUT: Yes, sir.

10 BY MR. WILLIAMS:

11 Q And, what is this document?

12 A This is the Investigative Report that  
13 was constructed, in lieu of the ABRA violations  
14 that were observed, on March 25th, of 2021, at  
15 the establishment, known as Mama 'San/Harlot.

16 Q Okay. And, could you -- what time did  
17 you arrive, at the establishment, on March 25th,  
18 2021?

19 A The approximately time of arrival was  
20 11:57 p.m.

21 Q Okay. And, could you, please,  
22 describe, for the Board, what you saw, upon  
23 entering the establishment?

24 A Yes. So when I entered into the  
25 establishment, I would make contact with the,

1 with a male doorman. I identified myself, as an  
2 ABRA Investigator, and then, proceeded into the  
3 establishment, after I notified him that I was  
4 there, to conduct a regulatory inspection.

5 Upon entering into the establishment,  
6 I saw, approximately, seven African American  
7 females, at the backside of the establishment,  
8 taking a picture.

9 I, also, saw two males standing up,  
10 consuming alcohol with, without masks, as well  
11 as, the seven females that were standing, taking  
12 a picture together, were not wearing masks.

13 I had made contact with a male  
14 employee of the establishment, when I made  
15 contact with him he, also, did not have his mask  
16 on, as well as.

17 As patrons were exiting the  
18 establishment and leaving their tables, they were  
19 not properly masked, as well. So those were the  
20 series of ABRA violations that were observed.

21 And, which were, patrons not properly  
22 socially distancing, with the seven females  
23 standing together, without face masks on, taking  
24 photographs.

25 Two gentlemen standing up, drinking

1 alcohol, and they did not have masks on. There  
2 were -- there was a female patron that was  
3 standing up, without a mask on, taking a selfie.

4 And there was an African American  
5 gentleman, with a greyish blazer on that was  
6 exiting the establishment, without a mask on, as  
7 well.

8 Q Okay. Now, I want you to look at your  
9 screen, again, I want to show you some of the  
10 pictures that are in your report. Did you take  
11 these pictures?

12 A Yes, sir.

13 Q Okay. And, can you describe for us,  
14 I'll show you, firstly, here, Exhibit labeled No.  
15 3, in your report, what do you see here?

16 A Those are the five African American  
17 females that were standing, posing for a picture,  
18 without having masks on, at that current time.

19 Q Okay. I'm going to go down to the,  
20 the next picture here, Exhibit 4. These  
21 gentlemen, were they patrons, or employees?

22 A They were patrons, I believe, the one  
23 on the left-hand side is the party promoter, but  
24 they were standing, consuming alcohol.

25 Q Okay. I'm going to go back up,



1 briefly, here, to Exhibit No. 2, you have here.  
2 This gentleman, was he an employee, or a patron?

3 A He is an employee of the  
4 establishment. He is -- he's, normally, the ABC  
5 Manager, on-duty. However, after speaking with  
6 him, he notified me that his ABC Manager's  
7 license had expired.

8 So the doorman, which was identified,  
9 as Mr. Ainslee Grant, was the ABC Manager, on-  
10 duty, and I made contact with him, in order to  
11 complete the regulatory inspection.

12 Q Okay. And, I'm going to just show one  
13 more photo, here, this would be, from your  
14 report, the Exhibit No. 5. This female, was she  
15 an employee, or a patron?

16 A She's a patron and she was standing  
17 up, taking a selfie of herself, without a mask  
18 on.

19 Q Okay. And, is it customary for you to  
20 take pictures and attach them to your  
21 investigative reports?

22 A Yes. I do, for my investigations, in  
23 order to substantiate the ABRA violations that I  
24 observe, while conducting regulatory inspections,  
25 in the District of Columbia, for ABRA.

1 Q Okay. And, how did you know these  
2 violations were actual violations, at the time  
3 that you entered the establishment, on March  
4 25th, 2021?

5 A They were in lieu of the Mayor's  
6 Executive Order that had went into place, in lieu  
7 of the COVID-19 pandemic.

8 Q Okay. And then, here, in your report,  
9 you have listed investigative history, where does  
10 this come from?

11 A That is an internal -- we reference an  
12 ABRA internal document and, in which, each ABRA  
13 establishment has an investigative history,  
14 basically, notating the ABRA violations, in  
15 reference to the date and what the nature of the  
16 violation is.

17 And then, it is documented what the  
18 outcome of the investigation may be, whether it  
19 results in a monetary citation, warning, and/or  
20 if the case was dismissed, by the Board.

21 Q Okay. And, can you see clear, on the  
22 screen, to read the investigative history, here,  
23 at No. 1 and No. 2?

24 A Yes. The Investigative History, dated  
25 October 10, 2020, Case Number 20-CIT-00516 failed

1 to comply with Mayor's Order and Board's  
2 Emergency Rulemaking.

3 Provided music above the  
4 conversational level, failed to comply with  
5 social distancing, tables were not six feet  
6 apart, which was labeled a primary. The citation  
7 number attached to this was Citation No. 5023 and  
8 was, also -- and a warning.

9 The second investigation was on July  
10 12th, 2020, and referenced the Case No. 20-CMP-  
11 00084, failure to comply with the Board's  
12 Emergency Rulemaking, after-hours, which is  
13 considered a primary ABRA offense, the Board  
14 requesting a warning, and the citation  
15 accompanying that ABRA violation is Citation No.  
16 5605.

17 Q Okay. Thank you very much.

18 MR. WILLIAMS: Your -- your -- Mr.  
19 Chairperson, I request that this Exhibit be  
20 entered into the record.

21 CHAIRPERSON ANDERSON: Thank you, Mr.  
22 Williams, and I will move it into evidence.  
23 It's, it's part of our records, but that's why  
24 it'll -- it's, it's automatically a part of, of  
25 the evidence, but I'll move it into, into the

1 record, thank you.

2 (Whereupon, the above-referred to  
3 document was received into evidence as  
4 District Exhibit No. A.)

5 MR. WILLIAMS: Okay. Your Honor, at  
6 this point, you, Mr. Chairman, I have no further  
7 questions for the witness.

8 CHAIRPERSON ANDERSON: All right,  
9 thank you. Mr. Bailey, do you have any questions  
10 for the witness, sir?

11 MR. BAILEY: Yes I do. Can I --

12 CHAIRPERSON ANDERSON: Yes, we --

13 MR. BAILEY: -- can I be heard? I'm  
14 sorry.

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: Yes, we can  
17 hear you, sir.

18 CROSS-EXAMINATION

19 MR. BAILEY: Okay. Investigator  
20 Prout.

21 INVESTIGATOR PROUT: Yes, sir, Mr.  
22 Bailey.

23 MR. BAILEY: Okay. I'm, I'm sorry, I,  
24 I had to, kind of, move in, a little close, Mr.  
25 Chairman, just so I can hear, correctly, is that

1 okay?

2 CHAIRPERSON ANDERSON: You can --  
3 that's fine, sir.

4 MR. BAILEY: Okay, thank you.  
5 Investigator Prout, I'm first going to address  
6 the history of, of what you just spoke about,  
7 regarding the history of the establishment. Are  
8 you -- were present, during any of those warning  
9 citations?

10 INVESTIGATOR PROUT: No, sir.

11 BY MR. BAILEY:

12 Q So you have no knowledge of those,  
13 exactly, what --

14 A No, sir.

15 Q -- what occurred and why, and why the  
16 warning was given?

17 (Simultaneous speaking.)

18 INVESTIGATOR PROUT: No, sir.

19 MR. BAILEY: Okay. Upon, upon entry,  
20 when you first met with the doorman, outside, did  
21 you ask to speak to the ABC Manager, or owner, or  
22 did you just --

23 INVESTIGATOR PROUT: No, I --

24 MR. BAILEY: -- identify yourself?

25 (Simultaneous speaking.)

1                   INVESTIGATOR PROUT: I identified  
2 myself and I stated that I was entering into the  
3 establishment to conduct a regulatory and  
4 inspection.

5                   BY MR. BAILEY:

6                   Q       Oh, so okay, when, when, when -- after  
7 you entered the establishment, how, how long  
8 would you say that these patrons had been  
9 standing up that were -- that were standing up,  
10 in the back -- well, I'll first address the  
11 patron that was standing -- the, the patron that  
12 was taking a picture, in the back, how long were  
13 they standing up?

14                  A       So upon me entering into the  
15 establishment, I saw the patrons standing towards  
16 the back and, so I then made, made contact with  
17 the gentleman, which is in Exhibit No. 2, in  
18 which, my back was towards those patrons.

19                  So I'm not sure, exactly, the exact  
20 amount of time that was -- that the patrons were  
21 standing in the back floor -- that photo, without  
22 masks on.

23                  Q       Because from, from where you're, where  
24 you're talking about, the picture was taken and  
25 where the, where you met the employee, these

1 patrons would've been standing, at the front of  
2 the establishment, closer to the exit door?

3 A No that's a negative. They're towards  
4 the back of the establishment, where there are  
5 stairs that lead up --

6 Q Okay.

7 A -- to the -- that lead up to the  
8 ceiling of the establishment, so no, they were  
9 not near the front door, they were towards the  
10 rear of the establishment.

11 Q And then -- so, so it was -- but, you  
12 don't know how long they had been standing up,  
13 upon exiting their, their table, there?

14 A No. However, what I did observe, upon  
15 entering, entering the establishment, were five  
16 patrons, standing up, for a photo, not properly  
17 socially distancing, without masks on.

18 Q Okay, so those patrons that were  
19 taking the photo, these were the ones that was  
20 standing to the back, by the stairs, correctly?

21 A Yes. Yes, sir.

22 Q Okay and, and, and you do not know how  
23 long they had been standing up?

24 A No, sir, being, as I enter into the  
25 establishment, upon entrance of the

1 establishment, I saw those five patrons taking a  
2 photograph, without their masks on and not  
3 properly socially distancing.

4 Q Investigator Prout, I'm asking you a  
5 particular question. Are you aware of how long  
6 they had been standing up?

7 A Once again, I saw the patrons entering  
8 into the establishment, to conduct my regulatory  
9 inspection. Upon entering into the  
10 establishment, I saw those five patrons standing,  
11 together, without their masks on, taking a  
12 photograph.

13 Q I'm trying to get a, just a simple  
14 answer here, it's yes, or no, do you know if they  
15 were standing up for seven seconds, had they been  
16 standing up there for ten minutes?

17 A So you just stated yes and then you,  
18 and then you added --

19 CHAIRPERSON ANDERSON: Mr. Prout --

20 INVESTIGATOR PROUT: -- Yes --

21 CHAIRPERSON ANDERSON: -- Mr. Prout,  
22 he asked you yes, or no, it's -- if you -- he  
23 asked you yes, or no, so answer the question, if  
24 you can, sir. That's -- simple, as that, yes, or  
25 --



1 INVESTIGATOR PROUT: I'm not --

2 CHAIRPERSON ANDERSON: -- no?

3 INVESTIGATOR PROUT: I'm not aware of  
4 the exact amount of time that those patrons were  
5 standing there.

6 CHAIRPERSON ANDERSON: Thank you, sir.  
7 Go ahead, Mr. Bailey.

8 MR. BAILEY: Okay, and so you're also  
9 not -- the, the two gentlemen that you say, were  
10 consuming alcoholic beverages, how did you  
11 determine, if those were alcoholic beverages?

12 INVESTIGATOR PROUT: They -- so those  
13 were mixed, mixed drinks, from the table, in  
14 which those, those cups were picked up from,  
15 there, there was alcohol standing on, sitting on  
16 those actual tables. And then --

17 MR. BAILEY: So you determine that's  
18 --

19 INVESTIGATOR PROUT: -- also --

20 MR. BAILEY: -- that that what was in  
21 that cup was alcohol, because there was a bottle  
22 on their table?

23 (Simultaneous speaking.)

24 INVESTIGATOR PROUT: That. And then,  
25 also, that, while conducting my regulatory

1 inspection, the gentleman, who was identified, as  
2 the promoter, had a \$500-dollar bill and he was,  
3 he was disputing the charges, with one of the  
4 actual hosts, trying to ascertain, why his bill  
5 was \$500?

6 And he felt, as though, a portion of  
7 his bill should've been comped, by the  
8 establishment, since he had hosted the event, at  
9 the establishment that evening.

10 BY MR. BAILEY:

11 Q So you determined, it was alcohol, in  
12 the cup, because he had a \$500-dollar, because he  
13 had a \$500-dollar tab?

14 A Yes, sir, which I -- which, which  
15 listed alcoholic beverages on it.

16 Q So that determined that he had alcohol  
17 in his cup, at that time, because he had a bill  
18 for alcohol?

19 A Yes, sir.

20 Q And how long -- I see that the, the  
21 photo that was taken of the two gentlemen, they  
22 were at a table, where, where it appears that  
23 they had just stood up. How long had they been  
24 standing there, upon your entry, do you know?

25 A They were standing there, for

1 approximately one, to two minutes, while I was  
2 conducting my regulatory inspection.

3 Q Okay. Investigator Prout, is there  
4 any standing operating procedure that allows, you  
5 know, how long an establishment has to address a  
6 patron that's not following the, the Mayor's  
7 Executive Order?

8 A No. However, patrons should be  
9 notified that they should be seated, right, while  
10 consuming. So those patrons were standing up and  
11 they were consuming.

12 I didn't witness anybody from the  
13 establishment go over to them, while conducting  
14 my regulatory inspection, to notify them that  
15 they should be seated, while consuming their  
16 beverages.

17 Q Okay, so is there a time limit, like,  
18 is there, there's a -- does the establishment  
19 have 30 seconds to get to a patron that that's  
20 that's standing up and not and not wearing their  
21 mask, is it two minutes, or is there not anything  
22 place for that?

23 A So there is not a -- there is not a  
24 specific time limit, however, while conducting my  
25 regulatory inspection, I didn't see anybody, from

1 the establishment, notify those patrons that they  
2 should be seated, while consuming their alcoholic  
3 beverages.

4 Q Okay. So also, while, while  
5 conducting your regulatory inspection, did you  
6 observe any of the signs that were posted, at  
7 each table, and the signs posted on the wall,  
8 upon entry, all the signs that had the, you know,  
9 Executive Order, as well as, you must be seated,  
10 unless consuming alcoholic beverages, did you see  
11 that, too, or did you not observe these signs?

12 A No, I didn't observe any signs.

13 Q You didn't observe any signs. So are  
14 you, are you saying that they weren't, they were  
15 not present, or you just did not observe them?

16 A I just stated that I did not observe  
17 those signs, sir.

18 Q Okay. So there, there, there is no  
19 standing operating procedures, for how long an  
20 establishment can address a patron, and there,  
21 there are also no, you don't know how long these  
22 patrons had actually been standing up?

23 A I stated that the two gentlemen were  
24 standing, anywhere, from one to two minutes,  
25 like, while I conducted my regulatory inspection.

1 I didn't see anybody, from the establishment,  
2 make contact with those gentlemen, to notify them  
3 that they should be seated, while consuming their  
4 alcoholic beverages.

5 Q Okay. And, at the time of your -- at  
6 the time of your entry, were the lights on, or  
7 off?

8 A The lights were on.

9 Q And, would you say, the establishment  
10 was closing up, at the time, telling patrons that  
11 they had to exit the establishment?

12 A No, I did not hear anybody -- I didn't  
13 hear anybody, from the establishment, notifying  
14 patrons that they needed to leave.

15 Q Okay and, and what, what were the  
16 hours that the establishment was supposed to  
17 close that evening?

18 A The establishment should have been  
19 wrapping up, at around 12:00 a.m.

20 Q And you entered, at what time, again?

21 A 11:57 p.m.

22 Q And the -- and you said -- and --  
23 okay, and you say the lights were on, so that  
24 would assume -- could you assume, by the lights  
25 being on that the establishment was closing, at

1 that time, having, having patrons leave out?

2 A I'm not able to assume, at this time,  
3 however, I know that I arrived, at the  
4 establishment, at 11:57 p.m., and I, I know that  
5 that, in reference to the Mayor's Executive Order  
6 that establishment should've been closing around  
7 12:00 a.m.

8 Q Okay, so 11:57 p.m. that is around  
9 12:00 a.m., would you -- could you stay that?

10 A That is in close proximity, yes.

11 Q Okay, and lights, normally, being  
12 turned on, in an establishment, and the music  
13 being off that would, normally, indicate that the  
14 establishment is closing up, correct?

15 A Not always.

16 Q Well, would you say that, someone  
17 closing out their bill -- since you, you stated  
18 that this was the promoter for the event and they  
19 had given him his bill, would that indicate that  
20 that was the end of the night?

21 A Not necessarily. He could've been  
22 leaving for that evening.

23 Q And you -- approximately, how many  
24 patrons were, were inside the establishment?

25 A I would say it was about 30-plus

1 patrons, in the establishment, when I arrived.

2 Q Okay, but I also, I also heard in the  
3 statement that you'd indicated that that you  
4 observed patrons exiting the establishment,  
5 without a mask on?

6 A Yes, sir.

7 Q Okay. Now, when you, when you  
8 addressed the, the staff member, who you say that  
9 you normally -- that's, normally, the ABC Manager  
10 on-duty, and he indicated to you that he was not  
11 the ABC Manager on-duty that his ABC Manager's  
12 license had, has expired, did he tell you that he  
13 was working, at that time?

14 A He did go and grab the -- he, he  
15 grabbed the, the Certificate of Occupancy, for  
16 me, when I asked for it, and he grabbed the ABRA  
17 license for the establishment, when I asked for  
18 it, as well.

19 Q Okay. But my question to you is a  
20 simple yes, or no, did he ever indicate to you  
21 that he was working, at the time of your arrival?

22 A He stated that he was working, but he  
23 was not the ABC Manager on-duty that evening and  
24 that Mr. Grant was the ABC Manager on-duty that  
25 evening, because his license had expired.

1                   But he did grab the regulatory, the  
2 ABRA license and he did grab the CFO license,  
3 from behind the actual bar area, for me.

4                   Q       Okay. And, and prior to you entering  
5 the establishment, did you -- I -- because, you  
6 know, I, I know you, you're aware of the layout  
7 of the establishment.

8                   There are, like, very large windows,  
9 along the sides, did you observe inside the  
10 establishment, before entering, at any time?

11                  A       I was monitoring U Street, so I was  
12 driving down U Street, heading towards 9th and U  
13 Street and I saw pictures being taken and patrons  
14 standing up, without masks on.

15                  In which, allowed me to -- which,  
16 triggered me to go into the establishment, to  
17 conduct a regulatory inspection, to ascertain  
18 exactly what was going on and to, and to provide  
19 notice of the ABRA violations, in which, I was --  
20 in which, I had viewed.

21                  Q       Okay. So you say you were driving by,  
22 and approximately what was your speed going,  
23 going by the establishment, sir?

24                  A       I was at the stop light.

25                  Q       You were at the stop light?



1           A       Yes, sir.

2           Q       So my, my next question to you, upon  
3 you entering, you met Mr. Grant, at the door, at  
4 any time, did you indicate to him, before  
5 entering the establishment that you were there to  
6 write them up, for failure to comply with the  
7 Mayor's Executive Order?

8           A       No. I was there to conduct a  
9 regulatory inspection, in which, provides me  
10 jurisdiction, in order to draft up the  
11 observations.

12          Q       And the, the, the Manager, who you  
13 said that was, that was sitting down, with, with  
14 a -- at -- the pictures you took of the staff  
15 member that was sitting down, did you, did you  
16 observe that he had a beverage, food, or anything  
17 at --

18          A       No.

19          Q       -- at that time?

20                   (Simultaneous speaking.)

21                   INVESTIGATOR PROUT: No, sir, which is  
22 why he should've had his mask on.

23                   BY MR. BAILEY:

24          Q       All right. But he was sitting down,  
25 at the table, as if he was, he was waiting on

1 something, what did you, observe, you know,  
2 observe that?

3 A I can't assume he was waiting on  
4 something, but he was seated, he was sitting  
5 down, there was no food, or no beverages, in  
6 front of him, without an actual mask on.

7 MR. BAILEY: Sorry. All right that,  
8 that's all the questions I have, for the  
9 Investigator, sir.

10 CHAIRPERSON ANDERSON: Thank you, Mr.  
11 Bailey. Any questions, by the Board Members?

12 MEMBER SHORT: Yes, Mr. Chair, I'd  
13 like to ask a question.

14 CHAIRPERSON ANDERSON: Go ahead, Mr.  
15 Short.

16 MEMBER SHORT: Thank you, very much.  
17 Investigator Prout, thank you for an excellent  
18 report and, thank you, for your testimony, quite  
19 compelling. Upon your visit, on Mama  
20 'San/Harlot, you observed, how many violations?

21 INVESTIGATOR PROUT: Approximately,  
22 three, sir.

23 MEMBER SHORT: Can you state, for the  
24 record, what they were?

25 INVESTIGATOR PROUT: They were patrons

1 that were not, properly, socially distancing.  
2 There were establishment employees that did not  
3 have on their masks and there were patrons that  
4 were standing, consuming alcoholic beverages.

5 And, there were patrons exiting the  
6 establishment, without their mask on, so  
7 actually, four violations, sir, in, in total.

8 MEMBER SHORT: Thank you. And, were  
9 these violations in violation of the Mayor's  
10 Order, at that time?

11 INVESTIGATOR PROUT: Yes, sir.

12 MEMBER SHORT: Can you state, for the  
13 record, what your, what your -- why the Mayor and  
14 the City had put these regulations in place?

15 INVESTIGATOR PROUT: Yes. The Mayor's  
16 Executive Order was put into place in, in order  
17 to slow down the spread of the COVID-19 virus and  
18 the result of the COVID-19 pan, pandemic.

19 So the goal was to slow down the rate  
20 of the spread of the COVID-19 virus, amongst D.C.  
21 residents and patrons, who entered and exited out  
22 of the District, in order to maintain public  
23 health and public safety, at large.

24 MEMBER SHORT: So in your opinion, as  
25 a professional investigator, for ABRA, were these

1 violations a health hazard to the District of  
2 Columbia?

3 INVESTIGATOR PROUT: Yes, sir.

4 MEMBER SHORT: I thank -- again, I  
5 thank you, very much, for your, your testimony.  
6 And my last question is, what is, normally, the  
7 penalty for not -- the normal penalty, for  
8 people, who violate the Mayor's Order, during the  
9 pandemic?

10 INVESTIGATOR PROUT: So initially, it  
11 would be a warning, and then, upon the, upon the  
12 second violation of the Mayor's Executive Order  
13 will result in a \$1,000 citation. A third  
14 offense will result in \$2,000, a fourth offense  
15 will result in \$3,000, and then, a fifth offense  
16 would result in \$5,000 and/or the ABRA license  
17 being taken away from the establishment, by the  
18 Board.

19 MEMBER SHORT: How many violations of  
20 the Mayor's Order, did this establishment have,  
21 on the record?

22 MEMBER SHORT: There were two prior  
23 violations of the Mayor's Executive Order, prior  
24 to this current observation of this, of, of the  
25 violations of the Mayor's Executive Order that

1 were observed, on March 25th, 2021.

2 MEMBER SHORT: Thank you, again, for  
3 excellent testimony and I, as a Board Member,  
4 appreciate your excellent testimony and your  
5 excellent report. Thank you. That's all I have,  
6 Mr. Chair.

7 CHAIRPERSON ANDERSON: Thank you, Mr.  
8 Short. Any other questions, by any of the Board  
9 Members?

10 (No audible response.)

11 CHAIRPERSON ANDERSON: Mr. Prout, I  
12 have a question. I have a couple of questions  
13 for you. What time was the establishment  
14 supposed to close, on, on March 25th, 2021?

15 INVESTIGATOR PROUT: They should've  
16 been closing around 12:00 a.m., sir.

17 CHAIRPERSON ANDERSON: So what time,  
18 do you know -- how long were you -- you said you  
19 arrived, by 11:57 p.m., so how long did you stay  
20 in the establishment?

21 INVESTIGATOR PROUT: I believe, I  
22 exited the establishment, Mr. Chairperson, give  
23 me one minute. The Court's indulgence, please?

24 (Pause.)

25 INVESTIGATOR PROUT: I exited the

1 establishment at 12:36 a.m., on March 26, 2021,  
2 sir.

3 CHAIRPERSON ANDERSON: So between  
4 11:57 p.m. and 12:36 a.m., when you was there,  
5 was it apparent to you that they were closing, or  
6 was it apparent to you that they were still  
7 operating?

8 INVESTIGATOR PROUT: It was apparent  
9 that they -- that they were wrapping up, however,  
10 they were -- there was still alcohol being  
11 consumed, there were patrons that were still  
12 seated and consuming alcohol, when I did enter  
13 into the establishment.

14 And there were patrons that were that  
15 were standing up and that were taking pictures.  
16 But, it did seem, as though, they were, kind of,  
17 wrapping up.

18 However, there was still alcohol  
19 consumption and patrons seated, so there were  
20 some that were in the process of leaving, but  
21 there were still patrons in the establishment  
22 that were still seated and consuming alcoholic  
23 beverages, upon arrival and taking establishment,  
24 at 11:57 a.m.

25 CHAIRPERSON ANDERSON: Now, you're

1 talking about the five females, who were posing  
2 for pictures, towards the back.

3 I mean, did it, did it appear that  
4 these were participants, who were leaving and  
5 they're just taking a final picture, before they  
6 leave, or, or were they there, still enjoying,  
7 enjoying the festivities? I mean, what was your  
8 view of what was going on?

9 INVESTIGATOR PROUT: So my view was  
10 that they were still there. So they were taking  
11 multiple -- like, it wasn't just they took that  
12 picture and then they were exiting out, they were  
13 taking multiple pictures.

14 So there were patrons that were that  
15 were leaving out of that that first photo that  
16 was taken and then, they -- and then, there were,  
17 like, more patrons that were -- so in that photo  
18 shot, there were five patrons and then, and then  
19 two patrons would leave, then it would be three.

20 Then, four more patrons may, may get  
21 into the shot, now it's like six, or -- so there  
22 were like, like, it was, almost, like an actual  
23 photo shoot versus, like, one final photo and  
24 then we're leaving the establishment for that  
25 night.

1                   CHAIRPERSON ANDERSON: Now, you said  
2 that people left the, the picture, did they leave  
3 the picture, to exit the establishment, or did  
4 they leave the picture to, to go back to their  
5 table and sit down, or from your -- you said you  
6 were there, you were there, for over half-an-  
7 hour, so I'm just talking about, like, these  
8 other people, what happened?

9                   INVESTIGATOR PROUT: So there were  
10 patrons that would leave out of the photo and  
11 then, they would stand, by where the, the  
12 photographer was standing, to watch the photo  
13 being, being taken, so it would be that.

14                   So it would be patrons hopping in and,  
15 and out of the photo, but the patrons were not  
16 leaving the establishments they -- the  
17 establishment, they were standing around,  
18 watching photos being taken of different patrons,  
19 with the actual party that --

20                   CHAIRPERSON ANDERSON: That --

21                   INVESTIGATOR PROUT: -- was there.

22                   (Simultaneous speaking.)

23                   CHAIRPERSON ANDERSON: I'm sorry, go  
24 -- so what is it that -- what, specifically, what  
25 was this establishment charged with?



1                   INVESTIGATOR PROUT: They were charged  
2 with violation -- so for patrons not properly  
3 socially distancing, they were charged with  
4 patrons standing and consuming alcoholic  
5 beverages, as well as, employees of the  
6 establishment not, not wearing face masks, as  
7 well.

8                   CHAIRPERSON ANDERSON: Now, so in  
9 these particular Mayor's Order, regarding social  
10 distancing, was there any provision being made in  
11 they, in the Mayor's Order, for people in a  
12 party, or, or is that, if we were in -- if we  
13 were in the same party, based on a provision, do  
14 we have to be socially distant, or can we be  
15 together? I'm just asking, what did the, what  
16 did the order state, at that time?

17                   INVESTIGATOR PROUT: So as the party  
18 arrives, together. However, it was unclear, at  
19 that time, whether or not, that party was  
20 together, because they were coming from different  
21 tables.

22                   CHAIRPERSON ANDERSON: Okay. Now, you  
23 had -- you, also, stated that, there were two  
24 patrons, who were standing, standing up and  
25 consuming alcohol, so the two patrons that you

1 showed a picture, who were standing up and  
2 consuming alcohol, did they stand up, to finish  
3 their liquor, to leave, or were they just  
4 standing up consuming alcohol, what, what, what  
5 were they doing?

6 INVESTIGATOR PROUT: No, they were  
7 standing, consuming alcohol. Because, what the  
8 order stated, at that time that, patrons should  
9 only be served, by the establishment, when  
10 seated.

11 So the patrons were standing,  
12 consuming alcohol, having all -- having a  
13 conversation and consuming alcoholic beverages,  
14 while having their actual conversation.

15 CHAIRPERSON ANDERSON: Yes, but were  
16 they standing, at a table, or where were they  
17 standing, in the establishment, consuming  
18 alcohol?

19 INVESTIGATOR PROUT: They were  
20 standing -- they were standing in front of a, an  
21 actual table.

22 CHAIRPERSON ANDERSON: There is -- so  
23 do you know, whether or not, this was their  
24 table? I mean, or -- I, I, I'm, I'm trying to  
25 find out, because you saw them, or you were there

1 for, for a period of time.

2 INVESTIGATOR PROUT: Mhm.

3 CHAIRPERSON ANDERSON: So they were at  
4 a table, so did they just stand -- and you said,  
5 you were there, for a half-an-hour, so were they  
6 standing there, just stretching their legs, or,  
7 for a minute, or were they just standing there,  
8 the entire time, consuming?

9 INVESTIGATOR PROUT: When I walked  
10 into the establishment, they were standing.  
11 While conducting my regulatory inspection, they  
12 were still standing. At no point, did I see them  
13 sit down.

14 CHAIRPERSON ANDERSON: All right. All  
15 right, I have no other questions. Any other  
16 questions, by any of the Board Members?

17 (No audible response.)

18 CHAIRPERSON ANDERSON: All right, Mr.  
19 Bailey, any questions of the, of -- any  
20 questions, of the witness, based on the questions  
21 that the Board asked? There has -- it has to be  
22 based on the questions that the Board asked, sir.

23 RECROSS-EXAMINATION

24 MR. BAILEY: Well, the, the only  
25 question I have is following your question, Mr.

1 Chairman, where he stated that, that the  
2 gentlemen, upon his arrival, were standing up  
3 and, was he aware, if they were exiting the  
4 establishment, or not.

5 I'm going back to what Mr. Prout  
6 stated, earlier, he stated that, one of the  
7 gentlemen was disputing his bill, which would  
8 indicate that he was paying his bill, at the  
9 time, and was getting ready to, to leave out,  
10 because that wasn't, you know, the answer that  
11 that that I received, you know, was the same  
12 answer that you got, was yes, or --

13 CHAIRPERSON ANDERSON: All right --

14 MR. BAILEY: -- no?

15 CHAIRPERSON ANDERSON: -- do you have  
16 any other questions, sir?

17 (Simultaneous speaking.)

18 (No audible response.)

19 CHAIRPERSON ANDERSON: Are you asking  
20 him --

21 MR. BAILEY: I --

22 CHAIRPERSON ANDERSON: -- a question,  
23 or are you --

24 MR. BAILEY: Yes, I might as well --  
25 so I, I'm, I'm asking -- so it's determined that

1 the gentlemen that that were standing at that  
2 table, which you say that were disputing the,  
3 the, one of them was disputing a \$500 tab, was he  
4 now exiting -- was he waiting to pay his bill, or  
5 was he just standing there, consuming his  
6 alcoholic beverage?

7 (Simultaneous speaking.)

8 INVESTIGATOR PROUT: No, he was  
9 consuming his alcoholic beverage. That -- that  
10 junction and the promoter was still there, after  
11 I left the establishment, at 12:36 a.m., because  
12 they had to finish counting money.

13 Because, he was waiting for his  
14 portion of the money, from the proceeds that was  
15 received, from the even that was hosted at the  
16 establishment. So when I left the establishment,  
17 at 12:36 a.m., that gentleman was still there.

18 BY MR. BAILEY:

19 Q And so -- and you were worried, he was  
20 waiting on his money, how?

21 A Because that's what -- because, he was  
22 saying that, the bill could be taken, from out of  
23 his cut, of what he made, from the event, on the  
24 night in question.

25 Q So was he waiting on them to correct

1 his bill, or was he waiting to get paid? I, I'm,  
2 I'm --

3 A He was waiting to get paid.

4 Q -- getting, kind of, a mixed --

5 A He was getting -- he, he was waiting  
6 to get paid.

7 (Simultaneous speaking.)

8 MR. BAILEY: So my question to you is,  
9 how do you know, he was waiting to get paid?

10 INVESTIGATOR PROUT: Because, it's --  
11 that's what he stated, Mr. Bailey.

12 MR. BAILEY: Okay. I -- I have no  
13 further questions, Your -- Chairman.

14 CHAIRPERSON ANDERSON: Thank you, Mr.  
15 Bailey. Mr. Williams, any questions -- any, any  
16 follow-up?

17 MR. WILLIAMS: I have no further  
18 questions, Mr. Chairman.

19 CHAIRPERSON ANDERSON: All right,  
20 thank you. Mr. Prout, thank you for your --  
21 thank you for your testimony. All right, Mr.  
22 Williams, do you have another witness?

23 MR. WILLIAMS: No, I have no other  
24 witness, our, our case is closed.

25 CHAIRPERSON ANDERSON: All right,

1 thank you. Mr. Bailey, do you need to tell me --  
2 do you have a witness, you wish to call, you --  
3 you want to make an opening statement and, do you  
4 have a witness you wish to call, sir?

5 MR. BAILEY: I would --  
6 (Telephonic interference.)

7 MR. BAILEY: -- owner, Mr. --

8 CHAIRPERSON ANDERSON: So which --

9 MR. BAILEY: -- Kalantar.

10 CHAIRPERSON ANDERSON: -- are you --  
11 I'm sorry, tell me what you're doing, sir.

12 (Simultaneous speaking.)

13 MR. BAILEY: Trying to call the owner,  
14 Mr. Kalantar.

15 CHAIRPERSON ANDERSON: Are you going  
16 to make an opening statement, or are you just  
17 going to call the owner?

18 MR. BAILEY: I'm just going to call  
19 the owner.

20 CHAIRPERSON ANDERSON: All right. Mr.  
21 Kalantar, can you -- can you raise your right  
22 hand, sir? Can you please, state and spell your  
23 name, for the record?

24 MR. KALANTAR: Good morning, my name  
25 is Alireza Kalantar.

1 CHAIRPERSON ANDERSON: Spell your  
2 name, sir, please.

3 MR. KALANTAR: A-L-I-R-E-Z-A, last  
4 name K-A-L-A-N-T-A-R.

5 CHAIRPERSON ANDERSON: All right,  
6 thank you. Your witness, Mr. Bailey.

7 DIRECT EXAMINATION

8 MR. BAILEY: Mr. Kalantar, I'm first  
9 going to address the issue of the, the history  
10 that is listed into the establishment, about the  
11 Mayor's Executive Order.

12 The first one is the first warning,  
13 where it was stated that you were operating  
14 after-hours, can you tell me what, what happened  
15 with, with that warning, what exactly happened  
16 that day?

17 MR. KALANTAR: Yes, sir. We had  
18 neighbors, above us, another establishment,  
19 called Live at You, and they had a party and  
20 they, I guess, closed early and threw out, about  
21 18, 19 people outside that proceeded to come to  
22 the area that we have in front of the restaurant  
23 and were continuing to drink.

24 So I contacted you, to call ABRA to  
25 ask them to come in and assist us, because they



1 were getting rowdy and they were trying to attack  
2 our establishment.

3 BY MR. BAILEY:

4 Q Okay and then, and then, what, what  
5 was the follow, after that?

6 A The follow after that is, not only did  
7 the ABRA Inspector didn't help us, he proceeded  
8 to tell me, because they were sitting outside, in  
9 our chairs, even though, we're the ones that  
10 called them, they wrote us up, for a warning.

11 Q Okay, the second one is the other  
12 warning, about the, the social distancing and  
13 the, and the music being played, inside, can you  
14 tell me, what happened that evening, with the  
15 warning?

16 A Which one is the, the date, the  
17 warning --

18 Q I cannot see the actual report, but it  
19 --

20 A Yes, it --

21 Q -- just the refresher, the one with  
22 the two team of investigators came in.

23 (Simultaneous speaking.)

24 MR. KALANTAR: Right, and they were  
25 saying that, somebody had made a noise complaint

1 and they came in and we didn't have a DJ, we were  
2 playing normal music.

3 And, while we are actually trying to  
4 communicate with them, there were people standing  
5 up, so we were running back to tell them to sit  
6 down, so forth and so on.

7 BY MR. BAILEY:

8 Q And could -- during that time, did  
9 they -- I was -- during that time, did they, did  
10 they observe, after these people were instructed  
11 that the -- did they still continued on to, to do  
12 so?

13 A Correct, because you went to ask these  
14 ladies to sit down, when these other two ladies  
15 stand up, without a mask, so I'm running back to  
16 them, and then, you're running back to them, it,  
17 it, it was, it was just a nightmare.

18 This whole process was a nightmare,  
19 because you can't really control people standing  
20 up, without going to ask them, please, to sit  
21 back down.

22 And that was one of the reasons that  
23 we had so many bad reviews, on Yelp, saying that  
24 these guys are harassing us, they ask you to sit  
25 down, all the time. They ask you to wear your

1 mask, all the time, it's all over Yelp.

2 Q Okay. And, Mr. Kalantar, can you,  
3 briefly, just explain any issues that you have  
4 had, occurring inside the establishment, because  
5 you have addressed patrons not following the  
6 Order?

7 A Yes, I've had people pull a knife on  
8 me, I called the 911, because I asked them to  
9 pull, to, to put their mask on. I had people not  
10 trying to not pay a \$550 check, because they said  
11 that we harassed them, with the whole mask issue,  
12 we called the police and that's how we got paid.

13 We had a \$1,100 check that was -- they  
14 were running out, saying that they weren't going  
15 to pay, because the waitress harassed them with  
16 the mask issue.

17 I mean, short of hand to hand combat,  
18 we had to try to explain to people that these are  
19 the Mayor's orders and this is what's required of  
20 us and that's what we're doing, in order to stay  
21 in business.

22 Q So, Mr. Kalantar, did you try to get  
23 officers to, kind of, assist you, in this?

24 A Yes, there was no -- there was no MPD  
25 available, during this time. We have had an, the

1 police detail, since the day we opened, we always  
2 had police detail.

3 After Corona Virus, it -- that was  
4 removed, until further notice. And, as soon as  
5 it came back, we got the, the MPD back into the  
6 establishment.

7 Even though, the Volunteer Agreement  
8 asked for two nights, per week, for one officer,  
9 I have four nights, a week, two officers, every  
10 weekend.

11 Q Okay, Mr. Kalantar, what efforts,  
12 other than, you know -- okay, let me ask you,  
13 this, upon entry into your establishment, does,  
14 does your staff member that's outside, do they  
15 inform your, your patrons of the rules and  
16 regulations that they have to follow?

17 A At that point, you had to pass the  
18 gentleman, at the front, and it's Mr. Ainslee  
19 Grant, you had to register. As a matter of fact,  
20 he asked this gentleman, the Inspector, to  
21 register and he pulled out his badge and said, I  
22 don't need to register, I'm an ABRA Inspector,  
23 I'm here to write you up.

24 Then, you had all the signs, at the  
25 door, you had the signs in the bathrooms, you had

1 the signs at the exit, as you're coming out, from  
2 the second door, you had signs on every table and  
3 you had to explain to every person, as they would  
4 walk in, what the rules and regulations were.

5 And it was quite easy, because there  
6 was no DJs allowed, so there was no loud music.  
7 We went by every rule that was given to us. And  
8 it's, it's really a surprise, to me, the way that  
9 this whole inspection turned out, because it was  
10 not a normal inspection.

11 Q Okay. At the time that the  
12 Investigator arrived, were you closing up that  
13 evening?

14 A They were closing up. I had already  
15 left. I'm in the middle of a custody battle, so  
16 for months and months, I have to go early, in the  
17 morning, to either, for the deposition and so  
18 forth and so on, so Ainslee Grant was the  
19 Manager, on-duty.

20 I, also, have Ramon Ramirez, who was  
21 a license holder. On the videos that I submitted  
22 to you guys, you see that Mr. Ramirez, also,  
23 wearing a mask, approaching the Inspector,  
24 explaining to him and then, going back to the  
25 tables, asking people to sit back down.

1                   And, as he's doing so other people are  
2 standing up. Because we are closing, everybody's  
3 leaving. Now, call me crazy, but when you see  
4 all the lights up, in a restaurant, and you see  
5 that there's absolutely no music playing that,  
6 kind of, gives it away that the place is closed  
7 and people are just waiting to exit.

8                   And, this inspection came in, at the  
9 moment, where everybody's now running around  
10 telling people to sit down, as they're trying to  
11 exit, it's, it's impossible to control 25 people,  
12 unless you have 25 bouncers, all at the same  
13 time.

14                   So as soon as somebody stands up, you  
15 tell them to sit back down, because there is no  
16 rules. How long are they supposed to stand up,  
17 when you tell them, you have to exit, they want  
18 to exit.

19                   When they want to take a picture, if  
20 it's a birthday, of six people that came in,  
21 together, family members. On that picture you  
22 even see, like, there's one, or two that are  
23 wearing a mask.

24                   It, it, it was a bad situation, for  
25 everyone. I don't think that, anybody, during

1 this, this pandemic got rich, we were just trying  
2 to keep the lights on and save the furniture, the  
3 best we could, every single day.

4 And, short of getting stabbed, or  
5 getting into a physical fight, we did everything  
6 we could, trying to stay in business.

7 Q So the, the Investigator reported  
8 that, stated that that you're -- you had a staff  
9 member that was sitting at the table that did not  
10 have a mask on.

11 A Right.

12 Q Could you -- can you tell me, what was  
13 going on, with him?

14 A Yes that's Brad Evans, he was,  
15 basically, the Opening Manager and he was waiting  
16 for his food, because that's when he's going  
17 home.

18 Brad has his right leg amputated, as  
19 you already know, and has trouble walking and,  
20 and standing. He was just waiting for her food,  
21 for his shift food and, to assist with closing,  
22 and then going home.

23 When the Inspector waked in and asked  
24 him to go and get the, the, the license, he just  
25 wanted to assist, he was not the Manager on-duty,

1 like he already explained to the Inspector.

2 The Inspector happens to, I guess,  
3 know Brad, from before, and the same way that he  
4 happens to know, probably, the people that were  
5 there that he's saying that they were promoters,  
6 because I do not pay promoters the night of, so  
7 those statements are completely wrong and just  
8 made up.

9 Q Okay. Mr. Kalantar, what steps have  
10 you taken, to assure that you are in compliance  
11 with the Mayor's Executive Order?

12 (Telephonic interference.)

13 MR. KALANTAR: We took registrations  
14 of every person that waked in. We took  
15 temperature of everybody that walked in and  
16 walked out. My whole entire staff is vaccinated.  
17 We were, also, encouraging people to vaccinate.

18 When Mr. Shawn Townsend was working  
19 with the Mayor and trying to push D.C. population  
20 to, to, to vaccinate, we were one of the first  
21 one that got part of the program, trying to open  
22 the doors for people to come and get vaccinated.

23 Never tried to profit from any of  
24 that. I have complied with everything that they  
25 were asked of me. Reality is, I have 39



1 employees, during pandemic, none of us put our  
2 hands out, trying to get free money.

3 We, we put our sleeves up and we tried  
4 to create jobs, feed people and try to, somehow,  
5 have a little normal life in, in, in this  
6 madness.

7 And, how many of the business cards,  
8 of ABRA investigators, do you want to see? I  
9 have, probably, what, five inspections, per week,  
10 and nobody ever had any problems with us.

11 This investigation was just crazy.  
12 The -- I've never had, in 30 years in business,  
13 any investigator come into the business saying,  
14 I'm here to write you up.

15 BY MR. BAILEY:

16 Q And you've got that statement, from  
17 who that, that --

18 A My --

19 Q -- the Investigator --

20 (Simultaneous speaking.)

21 INVESTIGATOR PROUT: My ABC License  
22 Manager, Mr. Ainslee Grant, who I had worked  
23 with, for 28 years, who I trust, who is a current  
24 license holder. The Investigator was very  
25 combative.

1           First of all, he did not look like an  
2           investigator, when he walked in there. My, my  
3           Manager said, I've never seen an investigator  
4           roll in, at 11:57 p.m., wearing a \$2,000 coat and  
5           \$1,000 sneakers and telling me, I'm, I'm here to  
6           write you up. So it was just hostile, from the  
7           moment that this gentleman walked in.

8           BY MR. BAILEY:

9           Q       So is there anything further that you  
10          wanted, you want to explain, about that evening,  
11          as --

12          A       Anything else that I want to explain,  
13          yes. We go by the book, every day, seven days a  
14          week. We don't cut corners, we don't break any  
15          laws, we don't do after-hours.

16                 It, it just, sometimes, very  
17          frustrating to do everything we can and still  
18          being for a hearing for something that, I don't  
19          think anybody, humanly, could, could have  
20          controlled.

21                 Unless I have 25 security, there's no  
22          way to have 25 patrons sit down, all, at the same  
23          time, within 30 seconds. You witness it, two  
24          people get up, you go to talk to them, two other  
25          people get up. We were closing. People are

1 going home. I provided --

2 Q Mr. Kalantar --

3 A -- those videos -- yes?

4 (Simultaneous speaking.)

5 MR. BAILEY: Do you also offer, like,  
6 masks, to patrons that --

7 INVESTIGATOR PROUT: Every single --

8 MR. BAILEY: -- that do not --

9 INVESTIGATOR PROUT: Every single  
10 person, as they would walk in, they would get a  
11 complimentary mask. If they would leave the  
12 place and come back, they would still get a mask.  
13 I have all the receipts, to prove, how many masks  
14 I have purchased, throughout the pandemic.

15 (Simultaneous speaking.)

16 MR. BAILEY: That -- that is -- that  
17 is all, for this witness, Mr. Chairman.

18 CHAIRPERSON ANDERSON: Thank you. Mr.  
19 Williams, you have no questions for the witness?

20 CROSS-EXAMINATION

21 MR. WILLIAMS: Yes, I do, Mr.  
22 Chairperson. All right, good morning, Mr.  
23 Kalantar. Let me ask you --

24 INVESTIGATOR PROUT: Good morning,  
25 sir.

1 MR. WILLIAMS: Let me ask you  
2 questions, here. How long have you been the  
3 owner of Mama 'San/Harlot?

4 (Simultaneous speaking.)

5 INVESTIGATOR PROUT: We opened in  
6 November, of 2019, right before the pandemic, so  
7 from the beginning.

8 BY MR. WILLIAMS:

9 Q Okay, and so you have been the owner,  
10 the managing owner, throughout the pandemic,  
11 beginning, basically, in March, 2020?

12 A Yes, sir.

13 Q Okay. And so throughout that time  
14 then, there had been a variety of emergency  
15 orders, issued by the Mayor, as well as, ABRA,  
16 correct?

17 A Yes. Yes, sir.

18 Q Okay. And, how did you stay aware of  
19 those orders?

20 A By getting the Emails, directly from  
21 the, the Mayor's office, or through my agent and  
22 the, in three different occasions, ABRA  
23 inspectors came in, to actually hand out  
24 pamphlets.

25 Q Okay. And so did you read these

1 orders?

2 A Yes, sir.

3 Q Okay, great. So does the Mayor's  
4 Order state a time limit, on standing?

5 A No, sir.

6 Q Because, the Mayor's Order,  
7 specifically, and I'm going to give you a  
8 section, which you don't have available to you,  
9 but Title 23 DCMR, Chapter 8104, states events  
10 and activities should be prohibited and require  
11 patrons to stand, are you aware of that?

12 A I don't have the document, in front of  
13 me, but if you have it to show me, then I can  
14 definitely confirm, or, or, or deny.

15 Q Right. The Mayor's Order, as well as,  
16 the ABRA's Orders, they don't have time limits,  
17 they just basically state, you can't stand,  
18 correct?

19 A You can stand, or dance, because you  
20 have to remember, the, the, these orders were  
21 coming and going, every few weeks, something --

22 Q Right.

23 A -- was added, correct? So originally,  
24 the, the first order that came in, did not state  
25 that we were supposed to close, at 10 o'clock, so

1 like, it was just going through progress,  
2 progress of, okay this is what the science says,  
3 this is what we're allowed to do, this is what we  
4 are not allowed to do. And, as soon as they  
5 would communicate with that, with us, we would  
6 just go by it.

7 (Simultaneous speaking.)

8 MR. WILLIAMS: Right. So essentially,  
9 the pandemic has been going on, for almost going  
10 into two years, at this juncture.

11 INVESTIGATOR PROUT: Yes, sir.

12 BY MR. WILLIAMS:

13 Q You -- this particular ABRA  
14 Investigator, arrived on March 25th, 2021, is  
15 that correct?

16 A Correct. Yes, sir.

17 Q Your last citation was October 10th,  
18 2020, for failing to socially distance, correct?

19 A You mean, the warning, or a citation?

20 Q You got a citation. You received the  
21 warning, July, 2020, you received the citation,  
22 for lack of social distancing, in October, of  
23 2020, correct?

24 A Okay.

25 Q So therefore, you would be on notice,

1 as far as, the rules and regulations that ABRA is  
2 imposing, during this time period, correct?

3 A Correct.

4 Q So -- so with that awareness, then  
5 your responsibility to retain your license, is to  
6 follow those regulations, is that correct?

7 A Yes, absolutely.

8 Q And, you saw the Investigative Report  
9 that I displayed, on my screen, correct?

10 A Correct.

11 Q There were, approximately, five  
12 different pictures, in that Report. As the ABRA  
13 Investigator discussed, he was in the  
14 establishment, for about 30 minutes.

15 My question to you, is this, did you  
16 notice, in those pictures, movement of people?  
17 And I can put them up, if you would like, as far  
18 as, people moving, like they were leaving, or  
19 were those people stationary?

20 A No they were, they were leaving. We  
21 --

22 Q Well --

23 A -- close and, and, and evacuate the  
24 place, every night. If you want to put it up, I  
25 can --

1 Q We're not --

2 A -- explain to you, exactly, what that  
3 is.

4 (Simultaneous speaking.)

5 MR. WILLIAMS: Mr. Chairperson, could  
6 I share my screen, please?

7 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
8 can you give Mr. Williams the ability to share  
9 his screen, his screen, please? I'm not sure, if  
10 it's been taken away from you, are you --

11 MS. FASHBAUGH: This has been  
12 accomplished.

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: All right, go  
15 ahead, sir.

16 MR. WILLIAMS: Thank you.

17 CHAIRPERSON ANDERSON: Thank you.

18 (Pause.)

19 MR. WILLIAMS: Well, my -- I'm going  
20 to have to document a little problem, here, give  
21 me a second.

22 (Pause.)

23 MR. WILLIAMS: Okay, can you see my  
24 screen, Mr. Kalantar?

25 MR. KALANTAR: Yes, sir.



1 BY MR. WILLIAMS:

2 Q Okay. So let's, let's go here. Let's  
3 say -- excuse me. The Investigator arrived, at  
4 12:57 a.m. However, the Investigator was able to  
5 take five different pictures, during that time.

6 This gentleman, here, which you say,  
7 was not on duty, fine. However, this group,  
8 standing, taking pictures.

9 A Yes?

10 Q Moving on --

11 A I -- I'm sorry, can you, can you  
12 scroll back up, please, on that picture?

13 Q Yes, sure.

14 A Of the group standing up take, taking  
15 a picture, together.

16 Q Yes.

17 A Correct me, if I'm wrong, but there's  
18 one lady, wearing, on the far right, a mask,  
19 under her chin, and the other one is wearing a  
20 mask, correct?

21 Q (No audible response.)

22 A And the Investigator said, there's no  
23 way to determine, if these folks came together,  
24 or they were, mysteriously, coming from all  
25 different tables, to come together to take a

1 picture, does not even sound right.

2 Q Well, two things, the entire party is  
3 not wearing a mask, No. 1. The Mayor's Order  
4 simply states, patrons shouldn't be allowed to  
5 stand, period. That's the key to this issue.  
6 And, while this group photo is going on,  
7 Investigator Prout was able to take the picture,  
8 while the picture was being taken, so is it  
9 reasonable to say that, these folks just weren't  
10 standing here, for a few seconds?

11 A No, sir, it's not reasonable, because  
12 I also submitted the video, showing that my staff  
13 is running to, towards these folks, from  
14 everybody, saying sit down, put on a mask, put on  
15 a mask.

16 You don't have noise on those videos,  
17 but you can, clearly, read body language, when  
18 the gentleman from the bar is running outside  
19 telling people put on your mask, put on your  
20 mask, what does that mean?

21 Short of, like I said, hand to hand  
22 combat, we tried every which way to comply, but  
23 people are standing up, you have 30 seconds to  
24 run to them and tell them put on your mask. I  
25 mean, realistically, it's almost impossible.

1 Q Well, Mr., Mr. Kalantar, does it take  
2 30 seconds to take a picture?

3 A Yes.

4 Q Okay. Well, in that time frame, these  
5 ladies had to congregate, correct?

6 A Yes.

7 Q They had to get together, correct?

8 A Right.

9 Q By the time they all got together and  
10 our investigator is going around the room, they  
11 were still -- he was still able to capture a  
12 picture of them, in their pose, is that correct?

13 A He took pictures, as he walked in,  
14 snap, snap, snap, snap, snap, he's on my camera.  
15 He's on my video that I gave to Mr. Bailey, to  
16 submit to you guys.

17 Q Did Mr. Bailey submit this video, to  
18 the Board?

19 A Mr. Bailey?

20 MR. BAILEY: I sent that video back --

21 CHAIRPERSON ANDERSON: No I, I --

22 MR. BAILEY: -- back --

23 CHAIRPERSON ANDERSON: -- I, I'm --

24 MR. BAILEY: -- when --

25 CHAIRPERSON ANDERSON: -- I'm, I'm --

1 MR. BAILEY: -- okay.

2 CHAIRPERSON ANDERSON: -- I'm sorry,  
3 you, you can't ask -- you cannot ask a question,  
4 you can't answer the question, so this is cross -  
5 - this is cross-examine -- this is --

6 MR. WILLIAMS: Okay.

7 CHAIRPERSON ANDERSON: -- cross-  
8 examination, so -- all right.

9 (Simultaneous speaking.)

10 MR. WILLIAMS: No problem, Your Honor.  
11 I mean, Mr. Chair. Okay, these gentlemen were  
12 pictured, this young lady is pictured, all these  
13 pictures he was able to take, in the time frame  
14 that he was there.

15 INVESTIGATOR PROUT: Right.

16 BY MR. WILLIAMS:

17 Q Correct?

18 A Like I said, I do have the video of  
19 this Inspector walking in, snapping, snapping,  
20 snapping and taking a video of the whole place.  
21 Took the video, showed it to my Manager, inside  
22 and outside, saying I'm here to write you up.

23 Q Is that -- that person has not  
24 testified, today, is that correct?

25 A No.

1 Q Okay. An ABRA Investigator, if they  
2 show their badge, are they authorized to come in  
3 your building?

4 A They have to introduce themselves and,  
5 also, bring business cards, like all these other  
6 people do, which, at the, at the entrance, he  
7 refused to do so, and he was told that we were  
8 closed.

9 Because, he walks in, passes the front  
10 door, as they're telling him, we are closed, as  
11 he's telling him, if you are joining a group, you  
12 still have to register, by Mayor's Order, and the  
13 Investigator's telling him uh-huh, I'm the  
14 Investigator, I'm here to write you up.

15 Q The time, at the time --

16 A Not, I'm here to investigate.

17 (Simultaneous speaking.)

18 MR. WILLIAMS: The time is 11:57 p.m.,  
19 correct?

20 INVESTIGATOR PROUT: Correct.

21 BY MR. WILLIAMS:

22 Q Your -- so your establishment didn't  
23 close, until Midnight, correct?

24 A Correct.

25 Q Therefore, the ABRA Investigator has

1 the right to come into the establishment, when  
2 the establishment is open, correct?

3 A One hundred -- 100 percent, yes.

4 Q Correct. And, the date on this, once  
5 again, is March 25th, 2021. At this point,  
6 you've --

7 A Right.

8 Q -- been dealing with COVID issues and  
9 regulations, for over a year, correct?

10 INVESTIGATOR PROUT: Right.

11 MR. WILLIAMS: I have --

12 INVESTIGATOR PROUT: But --

13 (Simultaneous speaking.)

14 MR. WILLIAMS: -- no further  
15 questions, Mr. Chairman.

16 CHAIRPERSON ANDERSON: Thank you. Any  
17 other questions, by any of the Board Members?

18 MEMBER SHORT: Yes, Mr. Chair, I have  
19 a question.

20 CHAIRPERSON ANDERSON: Oh, hold on.  
21 No, no, no, no, no, no, no I can't go back there,  
22 I can't -- no. I'm sorry, this was the end of  
23 it, because this, this was Mr. Williams' re-cross  
24 of the witness, so if I open it back up, then I  
25 have to open it back up, for everyone, I'm sorry.

1 I'm sorry, Mr. -- I'm sorry, Mr. Short.

2 MEMBER SHORT: I am, too, Mr. Chair.

3 CHAIRPERSON ANDERSON: Mr. -- all  
4 right. Okay, I'm sorry. The Board has not asked  
5 this witness, as yet, is that correct?

6 MEMBER SHORT: That's correct.

7 CHAIRPERSON ANDERSON: So I know that  
8 Mr. Williams -- okay, I apologize. Go ahead, Mr.  
9 Short. I, I had forgotten, where we were, go  
10 ahead, Mr. Short.

11 MEMBER SHORT: Thank you, so very,  
12 very much. Mr. Kalantar, forgive me, if I'm not  
13 pronouncing your name, correctly.

14 MR. KALANTAR: No problem.

15 MEMBER SHORT: What time, were you  
16 supposed to be closed, on March 25th, 2021?

17 MR. KALANTAR: Midnight, every night.

18 MEMBER SHORT: What time did the  
19 Investigator take those pictures, inside of your  
20 establishment?

21 MR. KALANTAR: 11:57 p.m.

22 MEMBER SHORT: What time were you  
23 supposed to be closed?

24 MR. KALANTAR: Midnight.

25 MEMBER SHORT: Excuse me?

1 MR. KALANTAR: Midnight.

2 MEMBER SHORT: Midnight, 12, 12:00  
3 a.m., Midnight?

4 MR. KALANTAR: Correct, sir.

5 MEMBER SHORT: He was there, for 30  
6 minutes, people were still in there, taking  
7 pictures, is that correct?

8 MR. KALANTAR: No that is not correct,  
9 sir.

10 MEMBER SHORT: But, what time is your  
11 last call for alcohol service?

12 MR. KALANTAR: 11:45 p.m.

13 MEMBER SHORT: So at 11:45 p.m., no  
14 drinks should be on the table and people should  
15 be leaving, correct?

16 MR. KALANTAR: No alcoholic drinks,  
17 yes, sir.

18 MEMBER SHORT: And the door should be  
19 locked, at 12:00 a.m., Midnight, correct?

20 MR. KALANTAR: Correct.

21 MEMBER SHORT: So apparently, someone  
22 was in violation, if the Investigator was there,  
23 until 12:30 a.m., and people were still inside  
24 and you weren't closed, is that --

25 MR. KALANTAR: It's --



1 MEMBER SHORT: -- correct?

2 (Simultaneous speaking.)

3 MR. KALANTAR: Not exactly, sir,  
4 because the Investigator was there, telling my  
5 staff members, you need to go talk to them, you  
6 need to go talk to them, you need to go talk to  
7 them, and they were, all, trying to cooperate,  
8 with the Investigator, at that point, who is not  
9 realizing that, this whole process is slowing  
10 down the process of closing up tabs and asking  
11 people to leave.

12 If you look at our history, we have  
13 always complied with all the rules and  
14 regulations. The couple of times that  
15 investigators showed up, to check, because  
16 somebody called, for loud music and so forth and  
17 so on, they have realized that we are in  
18 compliance with every rules that were given to  
19 us.

20 We don't break any rules, sir. That's  
21 -- that's my frustration. We try, every which  
22 way, to cooperate with all of the rules of the  
23 City.

24 We try, every which way, to take  
25 measures to, like I, like I, like I told you,

1 this is the testimony, sir. The, the, the  
2 Voluntary Agreement says, states that, I needed  
3 to have one police officer, two nights, a week.

4 I have two police officers, four  
5 nights, a week. I've had people, if you look at  
6 Yelp, complaining about the fact that we,  
7 basically, killed their buzz, by taking their  
8 drinks away, 15 minutes, before closing.

9 We had killed their buzz, because we  
10 kept telling them to sit down. We had killed  
11 their buzz, because we are Nazi, telling them to  
12 sit down, when they get up, for a second, to take  
13 a selfie. We tried every which way to obey the  
14 law --

15 MEMBER SHORT: Mr. Kalantar --

16 MR. KALANTAR: -- and we paid the --

17 MEMBER SHORT: Mr. Kalantar --

18 MR. KALANTAR: -- price for it.

19 (Simultaneous speaking.)

20 MEMBER SHORT: Mr. Kalantar?

21 INVESTIGATOR PROUT: Yes?

22 MEMBER SHORT: Your last call is 11:45  
23 p.m., for what reason?

24 MR. KALANTAR: It's to clear the  
25 place.

1                   MEMBER SHORT: Was the place cleared,  
2 at 11:45 p.m.?

3                   MR. KALANTAR: There's a last call and  
4 actual people leaving, it's, it's, it's two  
5 different things. The last call is, we're not  
6 serving you, anymore, right?

7                   But you still have to get people to  
8 pay their checks, to leave, and, and at that  
9 point, we're talking about, like the gentleman  
10 said, 20 or 30 people.

11                   Again, on the videos, you see that  
12 people are wearing masks, exiting the place. You  
13 see people getting up to take a picture, my staff  
14 running to them, going like this.

15                   On the picture, you see that the  
16 Inspector walks in and he goes snap, snap, snap,  
17 snap, snap, video, goes to Brad Evans, saying,  
18 what the hell is going on in here?

19                   MEMBER SHORT: Mr. Kalantar, Mr.  
20 Kalantar, do you think, maybe, if your, your last  
21 call was at 11:30 p.m., it might help you, a  
22 little?

23                   MR. KALANTAR: Sir, during COVID, we  
24 were at --

25                   MEMBER SHORT: I -- no --

1 MR. KALANTAR: -- 25 percent --

2 MEMBER SHORT: -- Mr., Mr. Kalantar,  
3 can you answer this question, yes, or no, do you  
4 think a, a, a closing time, or a last call, prior  
5 to 11:45 p.m., would help your business?

6 (Simultaneous speaking.)

7 INVESTIGATOR PROUT: Hindsight is  
8 20/20, at this point, yes.

9 MEMBER SHORT: That's all I have, Mr.  
10 Chair, no further questions.

11 CHAIRPERSON ANDERSON: Thank you, Mr.  
12 Short. Any other questions, by any of the Board  
13 Members?

14 MEMBER GRANDIS: Yes, Mr. Chairman.

15 CHAIRPERSON ANDERSON: Go ahead, Mr.  
16 Grandis.

17 MEMBER GRANDIS: Mr. Kalantar, I want  
18 to thank you, for being here today and your  
19 testimony.

20 MR. KALANTAR: Sure.

21 MEMBER GRANDIS: Does your  
22 establishment have a security plan, filed with  
23 the Agency?

24 MR. KALANTAR: A security plan?

25 MEMBER GRANDIS: Yes.

1 MR. KALANTAR: Yes, sir.

2 MEMBER GRANDIS: You do have a  
3 security plan?

4 MR. KALANTAR: Yes, sir. And it was  
5 submitted, before we actually --

6 MEMBER GRANDIS: Filed with the  
7 Agency?

8 MR. KALANTAR: -- obtained our -- I'm  
9 sorry, sir?

10 (Simultaneous speaking.)

11 MEMBER GRANDIS: I'm listening.

12 MR. KALANTAR: I, I couldn't, I  
13 couldn't hear your --

14 MEMBER GRANDIS: No.

15 MR. KALANTAR: -- question, sir.

16 (Simultaneous speaking.)

17 MEMBER GRANDIS: No, I -- you answered  
18 the question, you said you have a security plan.  
19 Does your security plan include having security  
20 guards on, on duty, during your business hours,  
21 or are they just certain nights?

22 MR. KALANTAR: Yes, sir. We're a  
23 restaurant, so we always had one security inside  
24 and one security outside, because we were  
25 operating at 25 percent capacity, which allowed

1 us to have, up to 50 people.

2 MEMBER GRANDIS: Okay. Looking at the  
3 Investigator's Report, it, it says that, your  
4 establishment is a CT, which, which is defined,  
5 as a tavern, not a CR, which is defined, as a  
6 restaurant.

7 So what I'm understanding you're  
8 saying is that, you have a menu and restaurant  
9 food service, but you are --

10 MR. KALANTAR: Yes --

11 MEMBER GRANDIS: -- a CT?

12 MR. KALANTAR: Right.

13 MEMBER GRANDIS: But you are a CT,  
14 okay.

15 MR. KALANTAR: Yes, sir.

16 MEMBER GRANDIS: You -- you, also,  
17 stated that, your concern for yourself and the  
18 staff that, when you try to tell your patrons,  
19 regarding these Mayor's Orders that they -- that  
20 you've been threatened, with a knife?

21 MR. KALANTAR: Actually, no. The --  
22 the incident with the knife was, when the  
23 gentleman came in and entered the, the, the  
24 premises and I asked him, if he had a  
25 reservation?

1                   Because, if you remember, back then,  
2 by Mayor's Order, you can only come in, if you  
3 have the reservation. He refused to register.  
4 He refused to wear a mask and he pulled a knife  
5 on me.

6                   At that point, I looked at him and I  
7 told him, look, you're on three cameras, don't be  
8 stupid, please, don't do this. My ABC Manager,  
9 at that time, Ramon Ramirez, he was standing, at  
10 the door, with one of those poles, trying to see,  
11 for identification, this thing goes down, because  
12 it was a big knife, this big, and this guy is  
13 like, what are you going to do, now?

14                   I'm calling 911, I'm talking to 911,  
15 as we are on camera, as this guy is approaching  
16 me, coming towards me, using all kind of  
17 profanity, I'm like describing this gentleman.

18                   By the time the police arrive and, and  
19 surrounded the place, this was, this guy was  
20 already gone. But, we had many incidents, like  
21 that.

22                   We had another incident, when this  
23 gentleman came in, he was part of a party, but at  
24 that time, we could not have more than six  
25 people, at a time.

1           He was the seventh person. I refused  
2 to let him in, he broke the glass and he tried to  
3 cut me on my face. At that point, 911 was  
4 called, again, and tried to intervene, to help me  
5 out and they came and disbursed the crowd.

6           These rules and regulations, I  
7 understand, was to protect and save lives, but it  
8 didn't always plan out like that. I called 911,  
9 at least, 20 times, during this period, always  
10 trying to ask for help.

11           So all I was saying is, there's only  
12 so much we can do, because we're not armed. We  
13 don't have badges. We are just trying to  
14 implement the rules that have been communicated  
15 to us, with whatever resources we have.

16           And, again, you have the capacity of  
17 50 people. I want you to understand, we have 50  
18 people. We're serving brunch food, lunch, Happy  
19 Hour food, and dinner. And then, by Midnight,  
20 you're done, you're gone.

21           You have 150 percent cost, at this  
22 point, because there's no bar tender allowed,  
23 everything has to be served, at the table. So  
24 imagine, for eight tables, you're going to have  
25 to have eight staff members.



1           The cost is 150 percent, your income  
2           is 25 percent, because you have 25 percent  
3           capacity. The cost of food is astronomy, because  
4           you were paying \$39, a box, of chicken wing, now  
5           you're paying \$240 for it.

6           Steak is no longer affordable. Eggs  
7           are six times the price, lamb chops are four  
8           times the price, the list just goes on and on.  
9           And, again, we are just trying to save the  
10          business.

11          I, unfortunately, happen to open three  
12          or four months, before this whole pandemic  
13          happened. I did the best I could to, to, to stay  
14          in business, with the most safest environment  
15          that I could provide, for my staff and my, my, my  
16          patrons. What, what, what's happening --

17                   MEMBER GRANDIS: Mr. Kalantar --

18                   MR. KALANTAR: -- today is completely  
19          unfair.

20                   (Simultaneous speaking.)

21                   MEMBER GRANDIS: Thank you. I, also,  
22          think I heard you testify that, other than this,  
23          these knife incidents that, there are other  
24          patrons, when your staff, or yourself, try to  
25          tell them, they need to stay seated, or if they

1 walk around, they, they need a mask.

2 That they were, also, were belligerent  
3 and, and I guess, somewhat, threatening that they  
4 did not want to follow those rules?

5 MR. KALANTAR: Yes. We called --

6 MEMBER GRANDIS: Okay --

7 (Simultaneous speaking.)

8 MR. KALANTAR: -- 911, at least, 20  
9 times.

10 MEMBER GRANDIS: Okay. Are you aware  
11 that, there are hundreds of other establishment  
12 in this city, where we have not heard about this  
13 kind of belligerent behavior?

14 We have heard that, of course, you  
15 know, restaurants and, and taverns, have been put  
16 in a position that they don't wish to be in, in  
17 having to explain these rules.

18 But I, I, I must tell you, I, I, I'm  
19 somewhat concerned with the security that is  
20 provided at your, at your establishment, because,  
21 quite frankly, I've not heard, from other  
22 licensees, of this type of violence, within,  
23 within their establishments.

24 So I, I'm, I'm concerned for you and  
25 the safety of your staff and I hope that you take

1 the steps that you need, to ensure that your  
2 patrons and customers know, when they enter that  
3 there is security there that's going to protect  
4 them, as well as, you and your staff.

5 And I want to thank you. And we know  
6 it's been a difficult period, but, you know, we  
7 also have a lot of pay -- we also have a lot of  
8 people, who come in, from other jurisdictions, on  
9 a nightly basis, because, you know, we are a very  
10 small jurisdiction and all, and always tend to be  
11 later than some other jurisdictions.

12 I mean, you know this, I can say it --  
13 I can see that you're aware of this. And,  
14 therefore, sometimes, our, our, our situation  
15 with health rules, have to take into  
16 consideration that other jurisdictions have not  
17 taken the steps to prevent infections, as this  
18 city has done.

19 So yes, it is a tough situation and  
20 we, we are sorry that you've had these  
21 confrontations, but, at the same time, we except  
22 our licensees to comply to these orders. Thank  
23 you.

24 MR. KALANTAR: Thank you.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Grandis. Is there any other questions, from any  
2 of the Board Members?

3 (No audible response.)

4 CHAIRPERSON ANDERSON: Mr. Williams,  
5 any questions, of the witness, based on the  
6 questions that were asked, by the Board?

7 MR. WILLIAMS: No, Mr. Chairperson.

8 CHAIRPERSON ANDERSON: Mr. Bailey, any  
9 concluding questions, of the witness, based on  
10 the questions, any follow-up, any re-cross, I'm  
11 sorry, redirect, any redirect?

12 MR. BAILEY: Yes.

13 CHAIRPERSON ANDERSON: Go ahead, sir.

14 REDIRECT EXAMINATION

15 MR. BAILEY: Yes, Mr. Chairman, just  
16 a few, quick questions. Mr. Kalantar, you stated  
17 that, well, the question was asked, about how  
18 long the investigator was inside, the --  
19 although, the investigator was inside for that  
20 long, were your patrons still inside, at the time  
21 that he was leaving?

22 MR. KALANTAR: No, we were in the  
23 process of closing. And, once the staff tried to  
24 accommodate Inspector, the best of their  
25 abilities, they proceeded to ask everybody to

1 leave, close checks, and proceed with the, the  
2 closing process, and the presence of the  
3 Investigator, demanding X, Y, and Z, was not very  
4 helpful.

5 BY MR. BAILEY:

6 Q All right. Okay. I, also, heard, you  
7 know, the person, about you having issues, within  
8 your establishment, would you say, it's common,  
9 you know, you've been, you've been in business,  
10 for, for quite some time, would you say, it's  
11 common that, you know, you deal with patrons that  
12 become belligerent, not only, just because,  
13 they're upset, but because, they have, also,  
14 alcohol inside of them?

15 A It could be a combination of things.  
16 It could be --

17 Q Okay.

18 A -- the fact that, sometimes, you might  
19 not hear about it. If I wasn't in front of you,  
20 today, to express the frustration that we have to  
21 endure, you probably wouldn't hear about me,  
22 probably, getting possibly stabbed.

23 Or, the establishment down the street,  
24 from me, where somebody walked in with a machete  
25 and split the table in half. Or, the

1 establishment two blocks down from me, Ben's  
2 Chili Bowl, where people tried to pull a gun on  
3 them, when they tried to ask them for a mask.

4 We're resilient. We try to do the  
5 best we can and, and unfortunately, you might not  
6 hear about it, on a daily basis, because we don't  
7 run to you, complaining, all the time that, hey,  
8 this, this is, this is happening.

9 But, U Street is not, as safe, as it  
10 used to be, after the pandemic, and that's just a  
11 fact. Because, I hear it, from my neighbors. I  
12 hear it, from all the other establishments.

13 Did you hear about somebody going into  
14 Brook Lane, pulling out a machete and splitting  
15 the table in half, you probably haven't, but I  
16 have.

17 Or, Ben's Chili Bowl, it was a burger  
18 joint, why would you go harass a burger joint,  
19 because it's U Street. Like you said, people are  
20 coming from other jurisdictions.

21 Do you see all these bikers, every  
22 weekend, popping wheelies, blocking the street,  
23 the shootings that we hear? I mean, maybe, you  
24 haven't heard about it, because you haven't heard  
25 about it, but it's happening.

1           U Street is not as safe, as it once  
2           used to be. And we're doing the best we can.  
3           And all I'm saying is, unless you have 50  
4           bouncers, standing above 50 patrons, to smack  
5           them upside the head, every time they stand up  
6           for later than, longer than 30 seconds.

7           It's impossible, impossible, to go by  
8           these rules, because these rules look great on  
9           paper, but then, somebody has to apply them, and  
10          we do the best we can, every single day. And all  
11          we get for it --

12           Q        Okay.

13           A        -- is, you should do better.

14                    (Simultaneous speaking.)

15           MR. BAILEY: And, I also, heard they  
16           were questioning one of the, one of the Board  
17           Members were questioning about your, your hours  
18           closing.

19                    INVESTIGATOR PROUT: Yes.

20                    BY MR. BAILEY:

21           Q        Now, during -- have, have you -- I  
22           mean, has, has it been, you know, an, an issue  
23           with, you know, really, people closing out  
24           checks, prior, you know, prior to this, 11:45  
25           p.m., being, being your last call?

1           A       No, sir, we don't have any problems.  
2       Once in a blue moon, we get somebody, who's  
3       difficult, who uses the system to their  
4       advantage.

5                       They don't want to pay, because the  
6       server was rude to them, or told them to sit  
7       down, or to put the mask on, and then, they want  
8       to argue and they want a bunch of things taken  
9       off their checks.

10                      And these are the challenges that we  
11       deal with, every single day. But, for the most  
12       part, everybody knows, ours is a peaceful, classy  
13       establishment. We do not break rules, we go by  
14       the rules and we're proud of it.

15                      BY MR. BAILEY:

16           Q       Okay. And my, my last question, Mr.  
17       Kalantar, is that, when -- or are they -- they  
18       asked you about, because they said the  
19       investigator was there, for about 30 or so  
20       minutes, during the, the, the pictures that that  
21       were, that were indicated, those photos were  
22       taken, as, as -- immediately, as he walked in?

23           A       Correct.

24           Q       So -- so it, it wasn't 30 minutes,  
25       after he had been there that he took those



1 pictures?

2 A No, sir. My understanding is, he  
3 walked in, with a camera, and he started taking a  
4 video. He made his round, went, showed the video  
5 in -- at the table, to Mr. Brad Evans.

6 And, those pictures are bits and  
7 pieces, of that video turned into picture. He  
8 didn't go around, for 30 minutes, snapping  
9 pictures. That's not what my cameras show and I  
10 provided that camera footage.

11 MR. BAILEY: That -- that's all, Mr.  
12 Chairman.

13 CHAIRPERSON ANDERSON: All right,  
14 thank you. Mr. Bailey, do you have another  
15 witness?

16 MR. BAILEY: No, sir, Mr. Chairman.

17 CHAIRPERSON ANDERSON: Do you rest,  
18 sir?

19 MR. BAILEY: Yes, my case rests, sir.

20 CHAIRPERSON ANDERSON: Are the  
21 parties, parties prepared to close?

22 (Telephonic interference.)

23 MR. WILLIAMS: The District's ready to  
24 close.

25 CHAIRPERSON ANDERSON: If --

1 MR. BAILEY: All right, guys, I'm  
2 ready to do closing argument.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: If -- so -- so  
5 Mr. Bailey, what's your closing --

6 MR. BAILEY: Yes, sir.

7 CHAIRPERSON ANDERSON: -- what's your  
8 closing, sir, and what is it, you want the Board  
9 to do?

10 MR. BAILEY: Well, I just want to  
11 Board to understand that, this establishment has  
12 been trying his best, to do the necessary steps.  
13 The warnings that were issued, on the license  
14 were, in fact, number one, the ABRA I was with,  
15 at the time that I, personally, call it and  
16 called the ABRA Hotline, to have an investigator  
17 come out.

18 But, because I got a call, from Mr.  
19 Kalantar, regarding the patrons, from next door,  
20 sitting outside. Now -- now that is, now, in our  
21 history, which, I have sent an Email, regarding  
22 that, because we were the one that actually  
23 called to address the issue.

24 The -- the other things, with the  
25 investigators, the warning being on there,

1 regarding the social distancing, I was, also,  
2 there, at that time, and the investigators  
3 actually went -- and part of the reason, why they  
4 gave us the warning, was because, they could  
5 actually see us telling people they could not  
6 move their seat.

7 And, yet, as you tell them, the  
8 person, on the other side, moves their seat. It  
9 has been extremely difficult, for establishments  
10 to address, address issues, with patrons  
11 standing, or walking around, without a mask on.

12 We've -- the establishment has taken  
13 every precaution, as, as, not only putting up  
14 signs, saying that you have to wear a mask, but  
15 also, once -- because we -- because, the  
16 establishment had so many difficult situations,  
17 with dealing with explaining to people what the  
18 Mayor guidelines were I, personally, printed out  
19 and put on each table a, what the Mayor's  
20 Executive Order stated.

21 So that -- because, a lot of patrons,  
22 of course, you're wearing a mask, you're trying  
23 to talk to them, they can't really hear you. So  
24 I, personally, printed out the, the paperwork, so  
25 that everybody could read it.

1                   And so that -- then, when -- when they  
2                   -- when patrons start to ask, you know, why and  
3                   all that, it, it don't, it doesn't say this, or  
4                   doesn't say that, we point to the paper.

5                   You know, we try our best. You know,  
6                   the establishment tried his best, but you, you  
7                   deal with those patrons, who -- I mean, this  
8                   period -- the period, in the United States,  
9                   period, around the World, there are people that  
10                  don't really care about the pandemic.

11                  But, the establishment does not know,  
12                  if this person's going to stand up, without a  
13                  mask. We don't know, because we can't read their  
14                  mind.

15                  We don't know that, this patrons  
16                  doesn't care if, you know, about this, this  
17                  pandemic that's going on. We go ahead and  
18                  address it, as, as it comes in front of us.

19                  It is very difficult, for an  
20                  establishment, you know, to address one person,  
21                  while ten other people start to stand up, without  
22                  a mask on.

23                  It's, you know, try every effort, to,  
24                  to make sure these things happen, so that's why  
25                  we put the signs up, which I have the, you know,

1 the staff members, you know, go around telling  
2 people.

3 We tell them, as they come in, we've  
4 put every precaution into place, as they come.  
5 I, personally, have worked there and tell people  
6 that, hey, you have to, you have to do this, you  
7 have to do that, you have to do this.

8 And, of course, you end with somebody,  
9 who really doesn't care. They might say, yes,  
10 okay, but then, when the time comes, they really  
11 don't care.

12 The establishment has done, you know,  
13 so much. They stay -- they stay in constant  
14 contact with the community. Not -- and not only  
15 do they do that, but we've had the, the beat  
16 officers, in that area, periodically, come by,  
17 just to check on the establishment to, you know,  
18 just to make sure we, if we need any help with  
19 anything, because we did not have the MPD  
20 reimbursable detail.

21 So -- and like -- and like Mr.  
22 Kalantar stated, short of, you know, putting your  
23 hands on somebody, which, I'm pretty sure, the  
24 majority of people don't want to do, not only  
25 because of safety, not only because of risk, but

1 because, also, you don't want to get that close  
2 to anyone.

3 So -- but, the establishment has done  
4 -- has taken every effort, as it becomes  
5 available, to, to make these things happen. They  
6 -- you know, they stated that, you know, that  
7 there is nothing written, as far as, the time  
8 frame of how long a person can be standing, it  
9 says that they cannot stand.

10 But, how are you to address somebody,  
11 as they stand? Like, I understand, they cannot  
12 stand, but how can I -- how can an establishment  
13 stop somebody, from standing, without a mask,  
14 short of being a mind reader, to know this  
15 person's getting ready to stand up, without a  
16 mask?

17 This has been a very difficult time,  
18 for everyone, to adjust. Everyone has adjusted,  
19 at every angle, which they, even around the  
20 World, in every angle, everything that's come up  
21 there's something different, they find a  
22 different way to deal with it.

23 The same thing that this establishment  
24 has tried to do, tried to address everything, as  
25 it presented itself to us. You know, as -- you

1 know, at first, you know, it was, you know, we  
2 were just supposed to put up the signs, about you  
3 have to wear a mask.

4 Then, we come across the fact that  
5 people want to argue about what the Mayor's Order  
6 says, so we took the next step, print out, print  
7 out what the Mayor's Order says, put that on the  
8 table, so that people could read it.

9 So at every step, this establishment  
10 has tried to make every effort to, to comply with  
11 what's going on, in this World. But, short of  
12 being a mind reader, it's impossible to stop  
13 someone from standing, from immediately standing  
14 up, you know, waking out, walking out from a  
15 table, without a mask on, it's impossible.

16 Because, you're -- we -- we're not  
17 mind readers and we cannot tell, what a person is  
18 going to do, or what they're thinking about  
19 doing.

20 CHAIRPERSON ANDERSON: Thank you --

21 MR. BAILEY: -- that is all --

22 (Simultaneous speaking.)

23 MR. BAILEY: That -- that's all, Mr.

24 Chairman.

25 CHAIRPERSON ANDERSON: Mr. Williams.

1 MR. WILLIAMS: Thank you, Mr.  
2 Chairperson. I want to start, by saying that the  
3 District sympathizes with all establishments,  
4 during this pandemic. Obviously, it's been  
5 difficult and everyone is dealing with a variety  
6 of things.

7 However, this incident occurred March  
8 25th, 2021. We're a year into the pandemic. As  
9 Mr. Kalantar testified, he has been the owner,  
10 throughout this time, and he has been aware of  
11 the emergency regulations put out, by ABRA.

12 As such, he should be able to  
13 anticipate what's going to happen, at closing  
14 time. The ABRA Investigator, Mr. Prout, came in  
15 at 11:57 p.m., the establishment was still open,  
16 therefore, he had every right to be there and he  
17 observed what he observed.

18 Reviewing the investigative history,  
19 the establishment has failed to comply with the  
20 Board's emergency regulations, in July, 2020,  
21 which resulted in a warning.

22 Then, in October, 2020, again, the  
23 establishment failed to comply with the Board's  
24 emergency regulation and that was for social  
25 distancing and received a citation.



1                   In accordance with ABRA Regulation 23,  
2 Title 23 DCMR 801.1, following a show cause  
3 hearing, the Board may fine the establishment,  
4 between \$2,000 and \$4,000, for a second primary  
5 violation, within two years.

6                   The District asks the Board, to review  
7 the findings of facts and take actions, in  
8 accordance with the ABRA Regulations. Thank you.

9                   CHAIRPERSON ANDERSON: Thank you, Mr.  
10 Williams.

11                   (Pause.)

12                   CHAIRPERSON ANDERSON: The record is  
13 now closed. Does the -- do the parties wish to  
14 file proposed findings of fact and conclusion of  
15 law, or waive their right to do so?

16                   MR. WILLIAMS: The District waives,  
17 Mr. Chairperson.

18                   CHAIRPERSON ANDERSON: Mr. Bailey?

19                   MR. BAILEY: Waive our rights to do  
20 so.

21                   CHAIRPERSON ANDERSON: I'm sorry, do  
22 what?

23                   MR. BAILEY: No, no, no we don't, Your  
24 Honor. I mean, Mr. Chairman.

25                   CHAIRPERSON ANDERSON: Do you, also --

1 you're not going -- you, also, waive, too, is  
2 that --

3 MR. BAILEY: Yes.

4 CHAIRPERSON ANDERSON: -- that's what  
5 you're saying, all right --

6 MR. BAILEY: Yes, sir.

7 CHAIRPERSON ANDERSON: All right, thank  
8 you, sir. All right.

9 (Simultaneous speaking.)

10 (Pause.)

11 CHAIRPERSON ANDERSON: All right,  
12 thank you. As Chairperson -- hold on a minute,  
13 let me -- please.

14 (Pause.)

15 CHAIRPERSON ANDERSON: The Board will  
16 issue a decision, within 90 days. Also, let me  
17 close the record, officially, in this case.

18 As Chairperson, of the Alcoholic  
19 Beverage Control Board, for the District of  
20 Columbia, and in accordance with D.C. Official  
21 Code, Section 2574(b), of the Open Meetings Act,  
22 I move that, the ABC Board hold a closed meeting,  
23 for the purpose of seeking legal advice, from our  
24 counsel, on Case No. 21-CIT-00234, Mama  
25 'San/Harlot.

1 Pursuant to D.C. Official Code,  
2 Section 2574(b)(4), of the Open Meetings Act, and  
3 deliberating upon Case No. 21-CIT-00234, Mama  
4 'San/Harlot, for the reasons cited in the D.C.  
5 Official Code, Section 2574(b)(13), of the Open  
6 Meetings Act, is there a second?

7 MEMBER SHORT: Mr. Short seconds.

8 MEMBER CATO: Bob Cato seconds. Oh.  
9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: Mr. Cato  
11 seconds the motion. We'll, now, have a roll call  
12 vote, on the motion. Mr. Short?

13 MEMBER SHORT: Mr. Short, I agree.

14 CHAIRPERSON ANDERSON: Mr. Cato?

15 MEMBER CATO: Bobby Cato, I agree.

16 CHAIRPERSON ANDERSON: Ms. Crockett?

17 MEMBER CROCKETT: Rafi Crockett, I  
18 agree.

19 CHAIRPERSON ANDERSON: Ms. Hansen?

20 MEMBER HANSEN: Jeni Hansen, I agree.

21 CHAIRPERSON ANDERSON: Mr. Grandis?

22 MEMBER GRANDIS: Edward Grandis  
23 agrees.

24 CHAIRPERSON ANDERSON: I'm Mr.  
25 Anderson, I agree. As it appears, 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,  
4 pursuant to Section 2574(b), of the Open Meetings  
5 Act.

6 Again, thank you very much for your  
7 presentation, this morning, and we will -- we'll  
8 issue a decision, within 90 days. Thank you,  
9 very much.

10 MR. WILLIAMS: Thank you, Mr.  
11 Chairperson, have a good day.

12 CHAIRPERSON ANDERSON: Have a great  
13 day, too. All right. We're going to take a ten-  
14 minute break, before we call our next witness. I  
15 know that we're off schedule, today, because we  
16 were supposed to be at lunch.

17 So what I'm going to do is that, we're  
18 just going to -- we're just going to take a ten-  
19 minute break. It's 12:27 p.m. and so let's come  
20 back on the record at, at 12 -- I -- the, the  
21 Board Members, you don't need to sign off, but  
22 just, we're going to be off the record, for ten  
23 minutes.

24 And so we'll call our next case, which  
25 is a fact, which is a fact finding hearing, so it

1 -- at 12:37 p.m., so we -- we're off the record,  
2 for ten minutes, thank you.

3 (Whereupon, the hearing in the above-  
4 entitled matter was concluded at 12:27 p.m.)  
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This is to certify that the foregoing transcript

In the matter of: Nicholas Hospitality

Before: ABRA

Date: 12-08-21

Place: Teleconference

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Court Reporter

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