

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
:
Hope Lounge, LLC, :
t/a Medusa Lounge :
2632 Georgia Avenue, N.W.:
Retailer CT - ANC 1B : Hearing
License No. 118698 :
Case #21-PRO-00073 :
:
(Application for a :
New License) :
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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
BETTY ETANA, Applicant
DOUGLAS CROCKER, Applicant
SUNNY FAMUBODE, Applicant
GEORGE NEHMETALLAH, Protestant
SEBASTIEN GUILMARD, Protestant
ERIC BEHNA, ANC 1B
INVESTIGATOR EARL JONES, DC ABRA

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

4:28 p.m.

CHAIRPERSON ANDERSON: So let's go back to our calendar. The next case on our calendar is a protest hearing, Case No. 21-PRO-00073, Medusa Lounge, License No. 118698. Ms. Fashbaugh, can you please elevate the rights of the parties in this case, please?

MS. FASHBAUGH: Please stand by. Betty Etana, your rights have been elevated. Douglas Crocker, your rights have been elevated. I don't see Samson Mescal.

MR. CROCKER: Yeah, hello. Can you hear me?

CHAIRPERSON ANDERSON: Who was that?

MR. CROCKER: This is Douglas Crocker.

CHAIRPERSON ANDERSON: Just hold on please, sir. We're just trying to get -- yeah.

MS. FASHBAUGH: Oluwagbemiga Famubode, Sunny?

MR. CROCKER: Sam is not going to be dialing in. He had his COVID booster shot yesterday, and he's really sick today.

MS. FASHBAUGH: He's here, and I'm escalating or elevating him.

1 MR. CROCKER: Oh, he is? Okay, great.

2 MS. FASHBAUGH: Eric Behna, your  
3 rights have been elevated. Patrick Nelson, your  
4 rights have been elevated. George Nehmetallah,  
5 your rights have been elevated.

6 Sebastien Guilnard, your rights have  
7 been elevated. Investigator Earl Jones, your  
8 rights have been elevated. I see two others on  
9 the line -- or rather, I see one other person on  
10 the line. If you are intended to be on this  
11 case, please send me a message. That is all,  
12 Chairperson.

13 CHAIRPERSON ANDERSON: Thank you, Ms.  
14 Fashbaugh. All right. So let's start. I'll  
15 have the parties identify themselves for the  
16 record. And let's start with the licensee. Ms.  
17 Etana, can you please spell and state your name  
18 for the record, please?

19 MS. ETANA: B-E-T-T-Y E-T-A-N-A.

20 CHAIRPERSON ANDERSON: I'm sorry?

21 MS. ETANA: My first name is B-E-T-T-  
22 Y. My last --

23 CHAIRPERSON ANDERSON: Ma'am, I can't  
24 hear you. Do you have a camera so that we can  
25 see you? I mean, I cannot hear --

1 MR. CROCKER: She's here with me.

2 CHAIRPERSON ANDERSON: I can't hear  
3 her. I can hear you. I can't hear her.

4 MR. CROCKER: Well, here. Talk in  
5 this.

6 MS. ETANA: Okay. My name is Betty,  
7 BETTY. Last name is Etana, E-T-A-N-A.

8 CHAIRPERSON ANDERSON: And what's your  
9 relationship to this establishment, ma'am?

10 MS. ETANA: I'm the owner of Peace  
11 Lounge/Medusa Lounge.

12 CHAIRPERSON ANDERSON: All right.  
13 Thank you. All right. And who is with you? I  
14 mean, I guess we have Mr. Crocker. Can you  
15 please spell and state your name for the record,  
16 sir?

17 MR. CROCKER: Yes, my name is Mr.  
18 Douglas, D-O-U-G-L-A-S, Crocker, C-R-O-C-K-E-R.

19 CHAIRPERSON ANDERSON: Now who else  
20 was on your team? Is that everyone else? Or is  
21 there another person on your team?

22 MR. CROCKER: There are two other  
23 people that's online as well.

24 CHAIRPERSON ANDERSON: And who are  
25 they? Can you just call their name and then I'll

1 ask the person to identify themselves for the  
2 record, please?

3 MR. CROCKER: Sammy?

4 CHAIRPERSON ANDERSON: So is there a  
5 Sammy? Can Sammy please spell and state their  
6 name for the record, please? Is there a Sammy on  
7 the line?

8 (No audible response.)

9 CHAIRPERSON ANDERSON: All right.  
10 That person is not there? Who else?

11 MR. CROCKER: Sunny is the other  
12 gentleman's name.

13 CHAIRPERSON ANDERSON: So can Sunny,  
14 can you please spell and state your name for the  
15 record, please?

16 (No audible response.)

17 CHAIRPERSON ANDERSON: Sir, I can see  
18 you. Can you please spell and state -- Sunny,  
19 can you please spell and state your name for the  
20 record?

21 (No audible response.)

22 CHAIRPERSON ANDERSON: Can you not  
23 hear us, sir? I can see you. Can you hear us?

24 CHAIRPERSON ANDERSON: Is that him?  
25 Sunny? He says he can't hear anything. We got

1 him on the phone right now. So can you unmute  
2 him, the IT person? Can you make sure he's  
3 unmuted? Tell him to press unmute.

4 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
5 can you elevated his right for him to speak? I  
6 can see him.

7 MS. FASHBAUGH: He's elevated, and I  
8 can't unmute him.

9 MR. CROCKER: Unmute.

10 CHAIRPERSON ANDERSON: Mr. Crocker,  
11 can you put yourself on mute when you're speaking  
12 to him, sir, please?

13 MR. CROCKER: Okay, sorry.

14 CHAIRPERSON ANDERSON: Can you find  
15 out what's going on with him, sir?

16 MR. CROCKER: He says he can't unmute.  
17 When you press it, what does it do?

18 CHAIRPERSON ANDERSON: But she has  
19 elevated his rights because I can see him. I can  
20 see him. I can -- I saw him when he was on a  
21 couple of minutes ago.

22 MS. FASHBAUGH: Can he try to log in  
23 and -- log out and then log back in?

24 MR. CROCKER: Okay. We can go ahead  
25 and go with the individuals. He's got to log out

1 and then log back in. Okay?

2 CHAIRPERSON ANDERSON: All right.  
3 We'll come back to him. All right. Is that  
4 everyone on your team, or is there someone else?  
5 Is that everyone, Mr. Crocker or Ms. Etana?

6 MR. CROCKER: Yes, it is.

7 CHAIRPERSON ANDERSON: All right.  
8 Let's -- okay, let's do the ANC. Who's here from  
9 the ANC?

10 (No audible response.)

11 CHAIRPERSON ANDERSON: Who's here from  
12 the ANC?

13 MR. BEHNA: This is Eric Behna, ANC 1B  
14 representative.

15 CHAIRPERSON ANDERSON: Can you please  
16 spell and state your name for the record, please?

17 MR. BEHNA: My name is Eric, E-R-I-C,  
18 last name, Behna, B-E-H-N-A, representative from  
19 ANC 1B.

20 CHAIRPERSON ANDERSON: Thank you. All  
21 right. Mr. --

22 MR. NELSON: Mr. Donovan, my name is  
23 Patrick Nelson. And I'm also here on behalf of  
24 ANC, P-A-T-R-I-C-K N-E-L-S-O-N.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you, Mr. Nelson. Oh, yes. I do have your  
2 name here. All right. The protestant, who's the  
3 designated representative for the protestant.  
4 You are the protestant group.

5 MR. NEHMETALLAH: This is George  
6 Nehmetallah, group of five representative, G-E-O-  
7 R-G-E N-E-H-M-E-T-A, double L-A-H. And I have a  
8 request. Whenever is possible, I would like to  
9 mention something.

10 CHAIRPERSON ANDERSON: All right. So  
11 who else is here on the your team, Mr.  
12 Nehmetallah?

13 MR. NEHMETALLAH: Mr. Sebastien  
14 Guilmard.

15 MR. GUILMARD: Yes, I'm present.

16 CHAIRPERSON ANDERSON: I'm sorry. Mr.  
17 Sebastien, can you please spell and state your  
18 name for the record, please?

19 MR. GUILMARD: Sebastien Guilmard, S-  
20 E-B-A-S-T-I-E-N. Guilmard is G-U-I-L-M-A-R-D.

21 CHAIRPERSON ANDERSON: All right. Is  
22 there anyone else that -- is there anyone else?  
23 I'm sorry. Mr. Jones, can you please spell and  
24 state your name for the record, please?

25 INVESTIGATOR JONES: Investigator Earl



1 Jones. First name Earl, E-A-R-L. Last name  
2 Jones, J-O-N-E-S.

3 CHAIRPERSON ANDERSON: Is there anyone  
4 else that we need to recognize?

5 (No audible response.)

6 CHAIRPERSON ANDERSON: Has Sunny come  
7 back? I mean, Mr. Crocker, do you know is Sunny  
8 back?

9 MR. CROCKER: No, he hasn't -- he's  
10 trying to dial back in now.

11 CHAIRPERSON ANDERSON: All right. Let  
12 me know. I'll recognize him.

13 MS. FASHBAUGH: I elevated Sunny, and  
14 is muted right now. But I can unmute him.

15 CHAIRPERSON ANDERSON: Yes, please  
16 unmute him, please.

17 MS. FASHBAUGH: He's unmuted.

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: I'm sorry.  
20 Sunny, can you please spell and state your name  
21 for the record, please.

22 MR. FAMUBODE: Sure. Sunny, S-U-N-N-  
23 Y. And then Famubode, F-A-M-U-B-O-D-E. Thank  
24 you, sir.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you. All right. Are there any preliminary  
2 matters that need to be brought to the attention  
3 of the Board? Let's start first of all with the  
4 licensee. Are there any preliminary matters we  
5 need to be aware of?

6 MR. CROCKER: No, kind of explaining  
7 why we're here.

8 CHAIRPERSON ANDERSON: No, we haven't  
9 gotten there yet, sir. I'm just saying do you  
10 have an preliminary matters that we need to --  
11 any procedural matters that I need to address?

12 MR. CROCKER: No.

13 CHAIRPERSON ANDERSON: Mr. Nehmetallah  
14 --

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: -- preliminary  
17 matter you need to bring to the attention, sir?

18 MR. NEHMETALLAH: Yes, Mr. Donovan.  
19 So I want to ask the Board to disregard the --

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: Sir, I can't  
22 hear you. You're speaking like you're  
23 underwater.

24 MR. NEHMETALLAH: All right. I'll  
25 raise my voice. I want to ask the Board to

1 disregard the documents filed by the applicants  
2 for failure to comply with the procedure rules.  
3 They did not send me the forms and the  
4 documentation, the evidence that I'm entitled to.  
5 I send them everything I have. I talked to Ms.  
6 Morgan and she asked me to exactly do this, to  
7 ask for the Board to disregard all the  
8 documentation in this matter because they failed  
9 to comply with the rules.

10 CHAIRPERSON ANDERSON: All right. So  
11 you're saying that the PIP was not submitted to  
12 you?

13 MR. NEHMETALLAH: Yes, sir. Nothing.

14 CHAIRPERSON ANDERSON: I'm sorry. Was  
15 the PIP submitted to the ANC? Did the ANC  
16 receive a copy of the PIP? Mr. --

17 MR. BEHNA: I did receive a copy, and  
18 I did forward it on to the group of five.  
19 However, I don't believe it went direct to the  
20 group of five.

21 CHAIRPERSON ANDERSON: So you said  
22 that, Mr. Nelson, you did receive of the  
23 disclosure notice and you did provide it to the  
24 other group. Is that correct?

25 MR. BEHNA: This is Mr. Behna. I did

1 provide it once I had it. But there was a few  
2 days delay because I was not aware that the group  
3 of five didn't receive it.

4 MR. NEHMETALLAH: I received it from  
5 Mr. Behna yesterday.

6 CHAIRPERSON ANDERSON: All right,  
7 fine. Mr. --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: All right.  
10 Hold on. Let me -- hold on one minute, please,  
11 sir. Who are you, Mr. Crocker?

12 MR. CROCKER: I'm the agent  
13 representative for Medusa Lounge. And I'm the  
14 one who actually forwarded the documentation  
15 over. And I guess there is one matter and that  
16 is --

17 CHAIRPERSON ANDERSON: Hold on.

18 MR. CROCKER: -- the group of five --

19 CHAIRPERSON ANDERSON: Hold on. One  
20 thing at a time. What you are saying is that Mr.  
21 Nehmetallah -- I'm sorry, Mr. Nehmetallah. Tell  
22 me one more time what's your name, please, sir.

23 MR. NEHMETALLAH: Call me George.  
24 That's fine.

25 CHAIRPERSON ANDERSON: No, I try to be

1 professional. So pronounce your name, please,  
2 sir.

3 MR. NEHMETALLAH: Okay, Nehmetallah,  
4 Nehmetallah is fine. George is fine.

5 CHAIRPERSON ANDERSON: All right. Mr.  
6 Nehmetallah. Mr. Nehmetallah stated that he did  
7 not receive the disclosure, the PIP. All right.  
8 So tell me what's your representation then, Mr.  
9 Crocker.

10 MR. CROCKER: Yes. And well, this is  
11 the thing. The ANC was the one who initially  
12 protested. This group of five, Mr. Nehmetallah  
13 says he representing, one of the group is his  
14 wife.

15 So it's not like this is five  
16 different residents that are in the area. I  
17 think that's kind of wrong as well because he's  
18 representing these five different households have  
19 been bringing these complaints forward and that's  
20 not the case. So we've been interfacing directly  
21 with the ANC and Eric. And all that  
22 documentation and everything was forwarded to  
23 them.

24 And Eric just basically stated he took  
25 responsibility of forwarding those documentation

1 onto Mr. Nehmetallah. So we didn't -- we're only  
2 -- we've only recognized the ANC as the ones  
3 who've been bringing this complaint. It's just  
4 been as of recent that Mr. Nehmetallah was  
5 identified.

6 CHAIRPERSON ANDERSON: All right.  
7 Hold on, Mr. Nehmetallah. But Mr. Crocker, have  
8 you been involved in this case from the start?

9 MR. CROCKER: Yes, I have. As a  
10 matter of fact, I was representing Ms. Etana at  
11 the ANC settlement meetings as well.

12 CHAIRPERSON ANDERSON: Did you go to  
13 -- were you at roll call hearing?

14 MR. CROCKER: Yes, I was.

15 CHAIRPERSON ANDERSON: So who was  
16 granted standing at the roll call hearing to  
17 protest this matter, sir?

18 MR. CROCKER: The ANC.

19 CHAIRPERSON ANDERSON: So you're  
20 telling me that the group of five or more was not  
21 granted standing at the roll call hearing, sir?

22 MR. CROCKER: No, not from our  
23 understanding. It was just the ANC, and that's  
24 who was represented at that time. And then  
25 Nehmetallah was a part of the ANC.

1                   CHAIRPERSON ANDERSON: So you're  
2                   telling me that you was not aware that this  
3                   license was being protested by two groups. And I  
4                   need to apologize also to you, Mr. Crocker.  
5                   Because when we had the roll call, you never  
6                   identified yourself to me as the representative  
7                   for the establishment because I thought you were  
8                   a witness.

9                   MR. CROCKER: Yeah, and at the time,  
10                  Jeff was the actual original representative at  
11                  the time.

12                 CHAIRPERSON ANDERSON: All right. All  
13                  right.

14                 MR. CROCKER: And I think you might  
15                  you remember.

16                 CHAIRPERSON ANDERSON: All right.

17                 MR. CROCKER: And then it changed.  
18                  The representation just changed over from Jeff  
19                  over to me.

20                 CHAIRPERSON ANDERSON: All right. But  
21                  -- so what I'm trying to say there are two  
22                  protestants in this group, sir? The two  
23                  protestants are the ANC and the group of five or  
24                  more that Mr. Nehmetallah represents, sir. I  
25                  know that there's a motion that was -- that the

1 ANC was -- it's my understanding that the  
2 documents were timely provided to the ANC. Is  
3 that correct?

4 MR. CROCKER: Yes. And also, sir, the  
5 original date of the hearing of December the  
6 15th. So the Board moved the hearing date up to  
7 December the 8th.

8 CHAIRPERSON ANDERSON: I know. But  
9 the documents were not timely to the --

10 MR. CROCKER: Well, if the hearing  
11 date was December the 15th, I mean, you  
12 referenced the roll call hearing. And at that  
13 roll call hearing, the hearing date was scheduled  
14 for December 15th. Then the documents were  
15 supplied within that time frame.

16 CHAIRPERSON ANDERSON: Mr. Crocker,  
17 can you please give me an opportunity to ask the  
18 questions first before you think you know the  
19 answer I'm going to -- the question I'm going to  
20 ask you? Then it's not the question I'm going to  
21 ask you. Yes, sir, the hearing was scheduled for  
22 December 15th. But the Board will be -- the  
23 Board is not meeting on the 15th.

24 So therefore, that's one of the  
25 reasons why the Board changed it, asked the



1 parties, and the parties agreed to have the  
2 hearing today. Okay? That's why it was changed.  
3 The allegation is that -- and I think you have  
4 confirmed it, that you did not serve the  
5 documents on the group of five or more.

6 And so I just want to say to you that  
7 at the roll call hearing that there are two  
8 groups who were challenging this license. And  
9 it's Mr. -- it's a group of five or more and the  
10 ANC that was established at the roll call. And  
11 that was also established at the status hearing,  
12 sir.

13 I believe you were at the status  
14 hearing. And if you didn't understand, you never  
15 asked a question. So I just wanted to let you to  
16 know that, sir.

17 MR. CROCKER: What we were  
18 challenging, though, sir, I'm sorry, is --

19 (Simultaneous speaking.)

20 MR. CROCKER: -- the fact that --

21 CHAIRPERSON ANDERSON: -- what, sir?

22 MR. CROCKER: The group of five, that  
23 it's not actually five different families. It's  
24 actually people in the same house.

25 CHAIRPERSON ANDERSON: Sir, a group of

1 five, is it five individuals challenging the --  
2 is it five individuals challenging the license,  
3 sir?

4 MR. CROCKER: Yeah, but they're not --  
5 they're in the same --

6 CHAIRPERSON ANDERSON: I'm asking a  
7 question. Is it five individuals challenging,  
8 sir?

9 MR. CROCKER: There's only two online.  
10 Where's the other three?

11 CHAIRPERSON ANDERSON: But Mr. -- it  
12 doesn't matter how many people are online. I  
13 mean, in a sense that when the protest was filed,  
14 there were five people who challenged it. And as  
15 long as there are five, the five names who were  
16 at the roll call, then they were given standing.

17 The other four people can -- and I  
18 believe that Mr. Nehmetallah was named the  
19 designated representative. So after that, the  
20 other four people can drop off. They can never  
21 appear again. It doesn't really matter, sir. As  
22 long as at the roll call hearing there are five  
23 people there, then there's no issue to  
24 jurisdiction, sir.

25 MR. CROCKER: Understand that, sir.

1       What I think the issue, though, Mr. Nehmetallah's  
2       is bringing up, is he's saying he didn't receive  
3       the PIP data form and those things. Eric has  
4       just basically stated here from the ANC that he  
5       did forward those documents over to Mr.  
6       Nehmetallah.

7                   CHAIRPERSON ANDERSON: All right. All  
8       right. All right. Do you have any response you  
9       want to make Mr. Nehmetallah?

10                   MR. NEHMETALLAH: Of course, of  
11       course. Several things. First, it is not to --

12                   CHAIRPERSON ANDERSON: Mr. -- your  
13       voice, just slowly speak, sir.

14                   MR. NEHMETALLAH: Sorry, Mr. Donovan.  
15       So the claim that only me and my wife on that  
16       roll call status hearing is wrong. I read you  
17       the names. They are different household,  
18       Sebastien Guilmard and his wife are a different  
19       household.

20                   Joseph Fantone is 716 Fairmont Street.  
21       It's not our house. We're 721. It's a different  
22       household. So there are many different  
23       households. So what he's saying is utterly not  
24       true.

25                   The second thing I did not say I

1 didn't receive it from Eric. I said I didn't  
2 receive it from you which I'm entitled to. And I  
3 have asked Eric the day before today the hearing  
4 if they have sent -- the applicant have sent the  
5 documentation to him. And Eric responded yes,  
6 and he forward it to me.

7 I don't have seven days that I'm  
8 entitled to, to review their documentation, their  
9 evidence. And these are evidence that I should  
10 have based on the status hearing by the 1st of  
11 December from the applicant which I did not. So  
12 that means I'm requesting for not to include  
13 these documents at all in the hearing because  
14 they broke the rules.

15 MR. CROCKER: If that's the case, we'd  
16 like to postpone this case until January the 15th  
17 which was offered to us because we didn't agree  
18 to the change in the date from December the 15th  
19 to December the 8th. That really didn't give us  
20 enough time to even collect the evidence that we  
21 needed. That only gave us, like, seven days.

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: Mr. -- I'm  
24 sorry. Who else wants to speak?

25 MR. NEHMETALLAH: I would like to

1 speak.

2 (Simultaneous speaking.)

3 MR. NEHMETALLAH: At the status  
4 hearing, sir, we all were there and we all agreed  
5 December 8. And December 1 is the date when --

6 (Simultaneous speaking.)

7 MR. CROCKER: At the status hearing,  
8 December the 15th was the date.

9 CHAIRPERSON ANDERSON: Hold on. Mr.  
10 Crocker, hold on.

11 (Simultaneous speaking.)

12 MR. NEHMETALLAH: He always  
13 interrupts. That's his mode of operation. But  
14 I'm just talking to Mr. Donovan and I don't want  
15 to be interrupted by the applicant. So Mr.  
16 Donovan, I just want to reiterate what I just  
17 said. We all were in the status hearing. We all  
18 get the same instructions. We followed the  
19 instructions. They didn't.

20 CHAIRPERSON ANDERSON: All right, sir.  
21 Now so what is that you're asking me to do?

22 MR. NEHMETALLAH: Not to include --  
23 according to the rules, this is a procedure of  
24 error. They shouldn't include any of this  
25 evidence and all the witnesses, nothing, because

1 they didn't give me time to read and see what  
2 their evidence are so I can challenge it. So  
3 basically, it's like hiding evidence from the  
4 attorneys of the defendant. So it's just --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: But they were  
7 given to the ANC. So therefore the ANC -- in  
8 presenting its case, the ANC can -- does he --  
9 the ANC can move forward with the case because  
10 the documents were sent to them timely. So then  
11 Mr. Crocker is saying, well, if you're stating  
12 that they were not send to you timely, then he's  
13 asking to continue the case until January 5th.  
14 So therefore, you will have the seven days to --  
15 then you'll have the seven days to review them  
16 and to respond.

17 MR. NEHMETALLAH: It's up to you, Mr.  
18 Donovan. But I'm just told by Ms. Moreland when  
19 I contacted her that she said this is a  
20 procedural issue and I should review with you  
21 personally and the Board that they say to comply.  
22 And to be honest with you, this whole issue is  
23 basically failing to comply. If they have  
24 complied with the noise ordinance, we wouldn't  
25 have been here, so --

1                   CHAIRPERSON ANDERSON: I mean, you  
2 were given the documents. So I'm more -- I'm  
3 likely -- I mean, if none of the parts -- the  
4 documents were subsequently sent to you. If he  
5 didn't --

6                   MR. NEHMETALLAH: Just yesterday.

7                   CHAIRPERSON ANDERSON: I'm sorry?

8                   MR. NEHMETALLAH: Just yesterday, Mr.  
9 Donovan. After I requested from Eric. Eric  
10 didn't know that they didn't send it to me  
11 because I called him to what you mentioned in the  
12 status hearing.

13                   You said everybody should email  
14 everybody, all the parties. They failed to email  
15 for two reasons, I assume. They won't consider  
16 us as he said as contestant or protestant to them  
17 and he was bring all these up that we are from  
18 the same household or whatever. And that's  
19 utterly untrue. So eventually, they didn't send  
20 it to us it looks like.

21                   CHAIRPERSON ANDERSON: And I'm saying  
22 to you, sir, these are the options. The option  
23 is I can make a motion that we deny your motion  
24 and move forward. Or I can grant -- and that we  
25 are over if you believe that you were so

1 prejudicially impacted.

2 Then although we have a timeline to  
3 move forward, the licensee is saying that, okay,  
4 fine, we can have the hearing January 5th because  
5 the Board will come back early from its winter  
6 break and have the hearing on January 5th. And  
7 so you'll have sufficient time to present your  
8 case. So you tell me what you want the Board to  
9 do. Do you want me -- do you want to move  
10 forward if I recommend that we deny the motion?  
11 Or should I grant you the motion and postpone the  
12 hearing until January so you'll have time to move  
13 forward?

14 MR. NEHMETALLAH: Okay. I mean, we  
15 can move forward today. It's fine. If you don't  
16 want to -- if you give me these two options, I'll  
17 go ahead today. I wasted all day today.

18 (Simultaneous speaking.)

19 MR. BEHNA: Can I ask a question -- a  
20 relevant question?

21 CHAIRPERSON ANDERSON: Who's speaking?

22 MR. BEHNA: This is Commissioner  
23 Behna.

24 CHAIRPERSON ANDERSON: Yes, Mr. Behna.

25 MR. BEHNA: So for a question I had,



1 is there a time limit on our proceedings tonight  
2 because --

3 CHAIRPERSON ANDERSON: No, there is no  
4 --

5 MR. BEHNA: -- we can't have --

6 CHAIRPERSON ANDERSON: There's no  
7 longer a time limit. There's no longer a time  
8 limit. So --

9 MR. BEHNA: So --

10 CHAIRPERSON ANDERSON: -- let me say  
11 it another way. There is no longer -- there is a  
12 time limit but not the time limit that was  
13 presented to you earlier. We're not going to be  
14 here all night. So we're going to move through  
15 this hearing. But we can have this entire  
16 hearing today.

17 MR. BEHNA: Okay. The ANC will go  
18 with whatever the other parties want. However, I  
19 would suggestion if folks feel like they're going  
20 to be rushed tonight doing a full protest  
21 hearing, I would recommend that maybe we continue  
22 to the 5th so that maybe in the interim we can  
23 reach a settlement agreement and give this more  
24 time. But I have no objection to either way. It  
25 just seemed -- I was under the impression that

1 there was a hard stop at 6:30 based on technical  
2 capacity. And I don't feel that we could wrap up  
3 in an hour and a half based upon everything  
4 that's happened.

5 CHAIRPERSON ANDERSON: Now that issue  
6 is no longer -- that issue is no longer -- that's  
7 no longer an issue. However, because the Board  
8 supports settlement, if the parties reasonably  
9 believe that if we pause this today and that if  
10 we postpone this till January 5th that they're  
11 going to meet and try to settle it, I would  
12 support -- I would grant an extension -- I would  
13 grant the motion to postpone this until January  
14 5th hoping that the parties will meet. Everyone  
15 will have the documents, and the parties will  
16 meet to try to settle this and sign a settlement  
17 agreement.

18 And I'll say this to you, Mr. --  
19 George, I apologize. But I'll get it. But this  
20 is what I want to say to you. Okay. You are a  
21 group of five or more.

22 If the ANC finds a settlement  
23 agreement with the other side, the protest ends  
24 because you no longer have status to move forward  
25 because you're a group of five -- because you're

1 a group. So if a settlement agreement is filed -  
2 - if a settlement agreement is reached between  
3 the parties and the ANC, then okay. But Mr.  
4 Crocker, you are -- they are a party to this case  
5 and you need to speak to them. You just can't --

6 MR. CROCKER: I know. And we have  
7 included them. We've been a part of the ANC  
8 hearing. And with respect to the settlement, we  
9 came to a really good agreement. There was only  
10 one big sticking point and that was the hours of  
11 operation. And I don't think George or those  
12 guys are willing to budget. That was the only  
13 issue was the hours of operation, and that's what  
14 brought us here.

15 CHAIRPERSON ANDERSON: Well, I mean,  
16 let me ask both sides and maybe we can -- all  
17 right. What's the ANC's position? Or let me ask  
18 the protestant because I look at the PIP and the  
19 ANC has stated that, well, you can grant them the  
20 license but we need to negotiate the hours.

21 The group of five or more saying that,  
22 well, we're not going to -- we don't want to  
23 grant a license. So would the parties agree that  
24 the license can be granted? Would both sides  
25 agree that a license can be granted but we need

1 to argue on the hours?

2 MR. CROCKER: Yes.

3 CHAIRPERSON ANDERSON: Would that be  
4 agreeable to you, Mr. Nehmetallah?

5 MR. NEHMETALLAH: We'll agree on the  
6 settlement and the hours we mentioned and not use  
7 Howard University parking lot, yes.

8 CHAIRPERSON ANDERSON: All right. Can  
9 we then cut through chaff? We agree that we're  
10 going to grant the license and we're just going  
11 to have evidence on the hours?

12 MR. CROCKER: Yes.

13 CHAIRPERSON ANDERSON: And so -- but  
14 I want to make sure. Let me ask. Did you guys -  
15 - did you -- did the parties come to an agreement  
16 on, like, quote-unquote, a settlement but the  
17 only issue you couldn't agree to is a time?

18 MR. CROCKER: Well, there were two  
19 things. One was the use of the parking lot.  
20 There's a Howard University staff parking lot  
21 that Mr. Nehmetallah had an issue with. And we  
22 were going to try to bring in a professional  
23 valet parking service to help relieve the  
24 congestion because they had an issue with  
25 congestion caused by people who are attending the

1 Medusa Lounge.

2 And then the other one was just the  
3 hours. So those are the two things we couldn't  
4 come to an agreement upon. But other than that,  
5 we're happy.

6 CHAIRPERSON ANDERSON: So what I'm  
7 saying -- but I guess what I'm saying, so what  
8 restrictions it is that the parties agree to  
9 having a license? Because this is what I would  
10 do. If both sides agree that they can be issued  
11 a license, these are the conditions.

12 And now we'll just have a hearing on  
13 the hours. So this is all -- so if you tell us  
14 what the -- so if you say to us tell me what it  
15 is that you have agreed to, we will memorialize  
16 that and we'll just have this hearing. And the  
17 only purpose of this hearing is going to be on  
18 the hours.

19 MR. CROCKER: Yes.

20 CHAIRPERSON ANDERSON: All right.

21 MR. NELSON: Mr. Anderson, this is --

22 CHAIRPERSON ANDERSON: Who's speaking?

23 I'm sorry.

24 MR. NELSON: Patrick Nelson.

25 CHAIRPERSON ANDERSON: Yes, Mr.

1 Nelson?

2 MR. NELSON: I just want to -- I am in  
3 agreement with what you just said about talking  
4 about the hours. But I think we need to explain  
5 a little bit more in detail his issue with the  
6 parking lot because that is a big bone of  
7 contention. And those two things, the parking  
8 lot and the hours, are really the sticking  
9 points.

10 CHAIRPERSON ANDERSON: I know. I'm  
11 saying -- that's what I'm saying. We're going to  
12 have a hearing on the -- I don't know exactly.  
13 But we can have testimony about -- we can have  
14 testimony on the parking lot because from what  
15 I'm hearing, the parking lot is not -- it's just  
16 a third party parking lot from what I know. Is  
17 that correct?

18 The parking lot is not owned by this  
19 licensee. It's owned by someone else. And so we  
20 just have to have some rules and regulations on  
21 the parking lot.

22 So why don't -- so this is what I'd  
23 ask the parties to do. Why don't you tell us --  
24 so what we're going to do is that we're going to  
25 have testimony -- we're just going to have

1 testimony on two issues: the hours and the  
2 parking lot. So why don't you tell us what is it  
3 that there is agreement? If we were to -- yes,  
4 Mr. Short. Do you have a question?

5 MEMBER SHORT: Yes, Mr. Chair. I'm  
6 very familiar with Howard University, and the  
7 parking is for the security team. And should  
8 there be an emergency at Howard University, they  
9 cannot use that parking lot. And also I would  
10 like to know before we do this, and step on  
11 Howard University. Do they have permission from  
12 Howard University to use their parking lot?

13 CHAIRPERSON ANDERSON: Mr. Short, I  
14 don't know anything about this parking lot.  
15 That's why I said it's a third party. We're only  
16 going -- and this Board cannot rule on the  
17 parking lot.

18 Both parties has to say to us there's  
19 a contract with Howard University to use this  
20 parking lot. That's something that both parties  
21 -- so we're not involved with this Howard  
22 University parking lot because this parking lot  
23 is not under the control of the licensee. I  
24 guess they have some agreement with Howard.

25 And we can get some further

1 clarification about this parking lot. But we're  
2 not -- I can't say they have to use this Howard  
3 parking lot. I believe that the parties have  
4 negotiated with Howard and that they're now  
5 trying to finalize the terms of this parking lot.

6 That's the usage of the parking lot.  
7 That's all that I'm here, not whether or not  
8 we're going to order them to use this Howard's  
9 parking lot. Clearly, they must have -- some  
10 people will present information to use to us if  
11 it's in a contract. So what I'm saying -- all  
12 right. So what I'll -- so this is what I'm going  
13 to do.

14 I need -- so we'll have testimony  
15 about the hours and we'll have testimony about  
16 the parking lot and whatever -- witnesses are  
17 going to be sworn in. And what is the agreement  
18 with Howard regarding the use of the parking lot,  
19 first. And then ANC can tell us -- the ANC and  
20 the protestant can tell us what it is that -- I  
21 mean, they interpret as a parking lot and how is  
22 this parking lot should be used, once the  
23 licensee has proven to us that they have an  
24 agreement from Howard to use this parking lot.

25 MR. BEHNA: Chair Anderson, may I



1 clarify? This is Commissioner Behna. So I --

2 CHAIRPERSON ANDERSON: Yes, Mr. Behna.

3 MR. BEHNA: -- was involved as kind of  
4 the intermediary between the group of five and  
5 the establishment to negotiate the settlement  
6 agreement. The settlement agreement contains our  
7 various noise mitigation measures, various  
8 different things. The issue with the parking lot  
9 was that the group of five wanted the  
10 establishment to commit not to use the parking  
11 lot at any point the parking lot backs right up  
12 to the homes.

13 But the establishment wanted to leave  
14 the door open to potentially make an agreement  
15 with Howard in the future. There is no agreement  
16 current. So it's very still hypothetical. So  
17 that's the issue with the parking lot that was  
18 the disagreement over of whether they commit to  
19 not using it or whether there's a possibility for  
20 them to use it in the future.

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: But why -- I  
23 guess but why is it that -- this Board can't  
24 order -- even if we went to a hearing, I don't  
25 believe that this Howard -- this Board doesn't

1 have any jurisdiction over this parking lot  
2 because it's not owned by the licensee. The  
3 licensee has to go sign another agreement with  
4 Howard. So I don't believe that this Board can  
5 tell the licensee that they can or can't use the  
6 parking lot because that's not their -- that's  
7 what I'm saying. That's not a decision that this  
8 Board can make regarding the use of the parking  
9 lot because it's not their parking lot.

10 MR. NEHMETALLAH: Mr. Donovan, I  
11 understand what you're saying. But if their  
12 patrons are using the parking lot so it's related  
13 to them. And they -- the parking lot is six feet  
14 away from our bedroom. We cannot sleep all  
15 night.

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: I know, but --

18 MR. NEHMETALLAH: But do you  
19 understand what I'm saying, sir? Because this is  
20 related to them. But if they use it, their  
21 patrons use it, we cannot sleep. We don't want  
22 them to use it. We want Howard University to  
23 make no agreement for them about this because  
24 this is for -- as Mr. Short said -- rightfully  
25 said, this is all emergency for Howard

1 University. There is a sign on that. I don't  
2 think it's legal for them to even give it to the  
3 licensee.

4 CHAIRPERSON ANDERSON: I know. But  
5 that's why I'm saying that's not something this  
6 Board -- this Board cannot tell Howard not to --  
7 I mean, I -- all right. We're not going to hear  
8 -- I always hear people complain about people  
9 park in front of their home.

10 And so they're hoping that they find  
11 some other place to park. However, this board  
12 cannot tell this licensee that whether or not  
13 they -- that they have to get in a contract with  
14 Howard to park in that parking lot or not park  
15 there. The only thing that we could say is that  
16 we could say to them is that they can't use the  
17 parking lot unless they have a contract with  
18 Howard.

19 That's the only thing that we can tell  
20 then. And you can -- what you have to do,  
21 though, sir, is that you would have to go -- if  
22 their people are parking on private property,  
23 then you need to call Howard and tell Howard that  
24 they need to secure their parking lot and let  
25 Howard take care of that. But that's not

1 something this Board cannot tell them that they  
2 should or should not park -- they should not sign  
3 a contract with Howard to park there.

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: You have to  
6 make -- I'm sorry. Who's speaking?

7 MR. NELSON: This is Pat Nelson again.

8 (Simultaneous speaking.)

9 MR. NELSON: You're hitting the nail  
10 on the head, and I was trying not to interrupt  
11 you to say this. Let me just clarify that when  
12 the party came -- the licensee came to the ANC to  
13 make a presentation and they were talking about  
14 using the lot for Howard, I specifically asked  
15 the gentleman, do you have a contract with the  
16 university? Have you talked to the -- oh, yeah.  
17 We were in conversation.

18 I said, well, who did you talk to at  
19 the university? And he refused to give me that  
20 answer. The reason I asked that question is I've  
21 lived here for 35 years on Fairmont Street, right  
22 across the street from lot, diagonal across the  
23 street from Georgia, and a block -- nine houses  
24 from the bar that's the case tonight.

25 And I worked and have worked with the

1 university on a number of different projects.  
2 And I specifically, out of request of  
3 neighborhood people, had a conversation with  
4 Howard about the parking lot in particular. And  
5 subsequent to that in 2019 -- mid-2019 when it  
6 was off the chain with people doing all kinds of  
7 stuff. And I won't even repeat what they were  
8 doing in that parking lot.

9 I successfully negotiated with Howard  
10 to have the lot permanently closed and locked,  
11 only to be used for Howard's access, as Mr. Short  
12 explained before. They subsequently just this  
13 past week came out and at my request removed all  
14 of the overgrowth and trees that were blocking  
15 and making it a safety hazard.

16 I, subsequent to the meeting that we  
17 had at the ANC, called my contact at Howard and  
18 asked him point blank, has anyone reached out to  
19 you about a parking arrangement at this lot? And  
20 he told me, verbatim, nobody has reached out.  
21 And if they do, Pat, we know what the issue is  
22 and we would never authorize that lot to be used.

23 CHAIRPERSON ANDERSON: So there's no  
24 issue.

25 MR. NELSON: There's no issue.

1                   CHAIRPERSON ANDERSON: There's no  
2 issue if there's no contract. I haven't seen a  
3 contract. So why are we even talking about  
4 Howard's parking lot? There's no issue. That's  
5 not an issue we're supposed talk about here.

6                   MR. CROCKER: Well, that's what our  
7 concern was is that they were attempting, if you  
8 ask me, to include something in an ABRA  
9 settlement agreement to where you want to attach  
10 the conditions of a liquor license associated  
11 with Medusa Lounge to something that, as you just  
12 stated, there's no jurisdiction over. So the  
13 only reason why we even proposed that is because  
14 one of the complaints that they had was people  
15 parking in the neighborhood from Peace Lounge.  
16 So we talked to the chief of police over there  
17 because we're dealing with -- as you'll notice in  
18 the reports -- a number of different crimes, car  
19 break-ins, window break-ins. That affects us as  
20 well. So what we were offering was to bring a  
21 professional valet company that would do valet  
22 parking as a way to relieve the congestion in the  
23 neighborhood.

24                   CHAIRPERSON ANDERSON: All right.

25                   MR. CROCKER: So that's how the whole

1 discussion came up.

2 CHAIRPERSON ANDERSON: All right. All  
3 right. As I said, that's not an issue for this  
4 Board. So there are no -- this is not an issue  
5 for this Board about what's going on in this  
6 Howard -- whatever it is, the parties need to  
7 talk to Howard. And this is not an issue that  
8 this Board can settle.

9 So the only issue that's in front of  
10 this Board today is the hours. So I want to make  
11 sure that the parties -- so if you have a  
12 settlement agreement, why don't you tell us what  
13 are the -- what is it that the parties have  
14 agreed to so when we memorialize -- when we write  
15 this order, the order will state this is what the  
16 parties agree to. And the Board will make a  
17 determination and whatever hours that they will  
18 be allowed to operate. Do we have agreement with  
19 that?

20 MR. NEHMETALLAH: Mr. Donovan, I agree  
21 with 99 percent of what you said. But the  
22 parking lot is related to our safety and our  
23 home. There has been multiple shootings in the  
24 parking lot from the entrance of the  
25 establishment that they were there.

1           We are afraid that stray bullets will  
2           come and hit us and kill us. So if they don't  
3           use the parking lot, we have a safe place to stay  
4           when we are sleeping. They have been -- they  
5           will be using it.

6           There will be the same issues that has  
7           been before. And this is a safety issue for us.  
8           We don't want to negotiate on that whatsoever. I  
9           understand what you're saying that it's not in  
10          your purview.

11          But it's related to the patrons that  
12          go to that club. If they don't use it, then it's  
13          closed. Then our bedroom will not be in the line  
14          of fire. There have been multiple shootings, and  
15          I have them on camera.

16          CHAIRPERSON ANDERSON: But I'm saying,  
17          sir, I cannot order then -- whatever is going on  
18          in the parking lot, that's between them, Howard,  
19          and then community. So you have to address that  
20          issue with Howard, sir. So if they don't have  
21          any -- if they do not have any authority to use  
22          the parking lot, sir, you need to call Howard and  
23          Howard needs to secure its parking lot.

24          MR. NEHMETALLAH: That's what Patrick  
25          -- Mr. Nelson --



1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: And what heard  
3 I heard from Mr. Nelson that Howard is being a  
4 good citizen. They'll secure their parking lot.  
5 So therefore, there should be no issue.

6 So that's not an ABC issue. That's a  
7 Howard issue. I cannot -- because the parking  
8 lot doesn't belong to them, I can't order them to  
9 sign a contract with Howard to use or not use the  
10 parking lot, sir. I can't do that. The Board  
11 cannot do that as a preliminary issue.

12 MR. BEHNA: Could they not voluntarily  
13 in a settlement agreement as a sign of good faith  
14 pledge that we will, as part of our security  
15 plan, prevent unauthorized use of our patrons  
16 from using that parking lot as part of their  
17 security plan? Can they not voluntarily commit  
18 in a settlement agreement that they will ensure  
19 that they won't be using this parking lot?

20 MR. CROCKER: I'll tell you what we'll  
21 agree to. We'll agree to not use the parking lot  
22 and not to pursue that any further if you'll just  
23 agree to allow us the hours.

24 CHAIRPERSON ANDERSON: Do we have  
25 agreement there? They said they're not using and

1 we'll put it in -- okay, we'll put in the order  
2 that they will not use the Howard University  
3 parking lot. Is that agreeable to everybody?

4 MR. NEHMETALLAH: Yes, Chair.

5 CHAIRPERSON ANDERSON: So the only  
6 issue that's outstanding is the hours.

7 MR. NEHMETALLAH: Correct.

8 MR. CROCKER: We're agreeing to that,  
9 though, if they're going to give us the hours.  
10 We're saying is we'll agree not to use the  
11 parking lot and they'll just give us those  
12 additional couple of hours --

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: All right. Let  
15 me say this. Let me say this. Okay. I'm not  
16 going to take evidence on the parking lot. The  
17 parking lot doesn't belong to them, as a  
18 preliminary issue, even if we do a full blown  
19 hearing. Okay?

20 The parking lot is not with them.  
21 This Board cannot legally order then not to use a  
22 parking lot. I mean, the parking lot doesn't  
23 belong to them. So the community -- if they're  
24 using the parking lot, the community needs to  
25 call Howard and report that to Howard and have

1 Howard secure their parking lot.

2 That's not with this Board. Howard is  
3 not here. So we can't tell Howard to do  
4 anything. Now if he agrees not to do certain  
5 things, yeah, we can see that he agrees. But  
6 this Board cannot order him not to use a Howard  
7 parking lot because it doesn't belong to him.

8 MR. NEHMETALLAH: Correct, Mr.  
9 Donovan. We are not asking you to order because  
10 that's not in your purview. You have been clear  
11 on that. We just want it to be in the  
12 settlement.

13 CHAIRPERSON ANDERSON: As I said, I  
14 can't force him to do that. If they agree to do  
15 that in the settlement, that's up to them.

16 (Simultaneous speaking.)

17 MR. CROCKER: Yeah, but the problem  
18 with that, though, you're attaching the liquor  
19 license to use of the -- that's the thing.  
20 That's what they're trying to do. What they're  
21 trying to do is they're trying to attach our  
22 liquor license with the use of that parking lot.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: All right. All  
25 right. Let me say this to you. Okay? This

1 Board cannot order them to use or not to use a  
2 parking lot. That's not under their control.  
3 That belongs to someone else.

4 As Mr. Nelson stated, he has spoken to  
5 Howard. Howard needs to be -- if their parking  
6 is being used by someone, then Howard needs to  
7 secure its parking lot. And this Board cannot  
8 order Howard University to do anything because we  
9 do not have jurisdiction over Howard. So the  
10 only issue that we're having a hearing today,  
11 it's on the hours.

12 MR. CROCKER: Just real quickly,  
13 though, if we put in the agreement -- the  
14 settlement agreement that we will not use that  
15 parking lot, my thing is, is that if we did use  
16 the parking lot, that may jeopardize our liquor  
17 license.

18 CHAIRPERSON ANDERSON: As I said, I'm  
19 not -- that's up to you. If you want to agree to  
20 a settlement agreement to put that in there,  
21 that's up to you. And I'm not sure if we will  
22 sign off on it but I'm not sure if it's legally  
23 enforceable. I would have to talk to our legal  
24 office about it. I don't know. But I'm just  
25 saying we, as a Board, cannot order that.

1 MR. CROCKER: Okay. Thank you.

2 CHAIRPERSON ANDERSON: So what I'm  
3 saying is that so the only issue we're moving  
4 forward today is on the hours. If you have a --  
5 sir, is there a settlement agreement that the  
6 parties have agreed to?

7 MR. CROCKER: Yes, there is.

8 MR. BEHNA: It has not signed. But I  
9 have --

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: No, but listen.  
12 But all the parties are -- because all the  
13 parties are in agreement to the terms in the  
14 settlement agreement. The only hours -- the only  
15 thing that they're not in agreement with is the  
16 hours. Is that correct?

17 MR. BEHNA: Correct.

18 CHAIRPERSON ANDERSON: So what I'm  
19 saying is that the Board can take that settlement  
20 agreement and we will memorialize it. So all the  
21 terms, we'll memorialize it in an order. And  
22 then we will add -- and then we'll make a  
23 decision on the hours.

24 MR. BEHNA: Okay.

25 CHAIRPERSON ANDERSON: Are all the

1 parties in favor of you're going to give us the  
2 settlement agreement, we will memorialize that in  
3 the order, and this -- we're going to take  
4 testimony here on the hours, what hours should be  
5 granted?

6 MR. GUILMARD: One question.

7 MR. BEHNA: I agree.

8 MR. GUILMARD: This is Sebastien  
9 Guilmard.

10 CHAIRPERSON ANDERSON: I'm sorry.  
11 Who's speaking?

12 MR. GUILMARD: Sebastien Guilmard.

13 CHAIRPERSON ANDERSON: Oh, who are  
14 you, sir?

15 (Simultaneous speaking.)

16 MR. GUILMARD: I'm one of the  
17 protesters, one of the five.

18 CHAIRPERSON ANDERSON: Sir, Mr. -- I'm  
19 sorry, George is the designated representative  
20 for the group. So I can't have -- you're not the  
21 --- so I can't have --

22 (Simultaneous speaking.)

23 MR. GUILMARD: Okay.

24 CHAIRPERSON ANDERSON: -- sir.

25 (Simultaneous speaking.)

1 MR. GUILMARD: No problem. Sorry. I  
2 didn't know that.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: I'm sorry?

5 MR. NEHMETALLAH: He's a witness, Mr.  
6 Donovan.

7 CHAIRPERSON ANDERSON: I know. So  
8 that's why I'm saying he can't speak as a  
9 witness. Okay. He can't speak -- all right. So  
10 hold on. Let me --

11 (Pause.)

12 CHAIRPERSON ANDERSON: All right. So  
13 this is -- so all right. So what we'll do is  
14 then we'll just have testimony on the hours -- on  
15 what hours -- we'll have testimony on what hours  
16 are being -- what is it that the establishment is  
17 asking for. The establishment can tell me why is  
18 it that they need those hours. And I'll have  
19 both protestants provide testimony. And both  
20 sides will testify on the hours, what they  
21 believe the appropriate hours should be for the  
22 establishment.

23 MR. CROCKER: Okay. Just real  
24 quickly. The hours that we were asking for, we  
25 originally had submitted 6:00 a.m. to, I think,

1 1:00 o'clock during the week. We had some  
2 negotiations for entertainment. And then the  
3 other portion was just for the sale of alcohol.

4 The hours that ABRA allowed were based  
5 upon that. These were the hours for  
6 entertainment, and they came directly from the  
7 ABRA website. The ANC and the group of five  
8 protested those hours and wanted to reduce those  
9 hours. One of the things we presented was our  
10 financial statements. So one of the pieces of  
11 evidence that we submitted to be reviewed today  
12 was to show that probably 70 to 80 percent of the  
13 revenues from Peace Lounge are generated --

14 CHAIRPERSON ANDERSON: Hold on. Hold  
15 on. Hold on, Mr. Crocker. Hold on. Hold on.  
16 Hold on. We're getting afar afield. And I don't  
17 want to -- so hold on. So we're going out --  
18 this was supposed to be preliminary, and I wasn't  
19 trying to negotiate.

20 But it appears both sides have agreed  
21 to grant the license. And then so that's -- and  
22 we can bifurcate the hearing. We hear what the  
23 terms are, what the parties have agreed to. And  
24 then we'll hear testimony on the hours.

25 But I just want to make sure. So what



1 I'm going to do is I'm going to -- I need to make  
2 sure that I'm on legal ground to whatever  
3 proposal that we're going to propose to move  
4 forward. So what I'm going to do, Board members,  
5 is that I'm going to go into executive session  
6 for a couple -- for maybe for a couple of  
7 minutes.

8 We're doing this hearing today. We're  
9 going to finish this hearing today. Okay. I  
10 just want to let you know that. There are no  
11 time limits on us. So we're going to do this  
12 hearing today. But I just want to go into  
13 executive session to make sure that from a legal  
14 perspective that where we're going is  
15 appropriate. Okay. So hold on.

16 MR. BEHNA: Would it make sense to  
17 just continue this --

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MR. BEHNA: -- on the 5th? Would it  
21 make sense to continue this and do this on the  
22 5th --

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: Who's sharing  
25 contents? Please close. I don't know who's

1 sharing the contents. So please, no one should  
2 be sharing anything at the moment. Ms. Fashbaugh  
3 -- okay. Who just spoke?

4 MR. BEHNA: This is Eric Behna from  
5 the ANC.

6 CHAIRPERSON ANDERSON: All right. Mr.  
7 Behna, all right. If the parties believe that  
8 they can -- now we've provided some clarity, if  
9 the parties believe that they can discuss this  
10 and if they strongly believe that they can settle  
11 this matter, we can propose -- we can continue  
12 this hearing to January 5th knowing that the  
13 parties are going to settle it. They're going to  
14 talk and they'll provide us with a settlement  
15 agreement. If everyone is in agreement with  
16 that, if all three parties are in agreement with  
17 that, then we can postpone the hearing to --

18 MR. CROCKER: Just real quickly.  
19 We're only talking about a half an hour here.  
20 They're proposing that we close at 12:30. We're  
21 saying --

22 (Simultaneous speaking.)

23 MR. CROCKER: -- we would go -- can we  
24 do till 1:00 for entertainment --

25 (Simultaneous speaking.)

1 MR. CROCKER: -- and then on the  
2 weekends, 2:30.

3 CHAIRPERSON ANDERSON: That's what I'm  
4 saying. I can't do that. That's what I'm  
5 saying. Now that the parties, they know where we  
6 are, we can postpone this hearing for you guys to  
7 haggle over that short issue. And maybe you have  
8 an agreement. That's all I'm saying.

9 MR. CROCKER: Well, the thing about  
10 it, sir, is we've tried to do that. This is the  
11 only issue we were dealing with. And that's the  
12 only reason why we're here before the Board is  
13 because they would not agree to the additional  
14 half an hour.

15 And what we did was we presented  
16 evidence for them to show the impact of that half  
17 an hour. Seventy to eighty percent of our  
18 revenues are generated --

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Hold on. Hold  
21 on. All right. All right. So just let me ask  
22 you a question. Would it help to go to another  
23 mediation?

24 MR. CROCKER: I mean, we're down to  
25 it. Like I said, the evidence we produced is

1 just to show the impact.

2 CHAIRPERSON ANDERSON: Would the  
3 parties -- if you're doing another mediation, if  
4 we try to schedule another mediation and then  
5 schedule -- hopefully, and schedule a hearing for  
6 the 5th, do you believe that it could work itself  
7 out?

8 MR. CROCKER: Well, we're going to  
9 lose a lot of money because if we're shut down  
10 and our license is not issued --

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Mr. Crocker, if  
13 we had the hearing today, we have 45 days to  
14 issue a decision. Okay? It would be 45 days  
15 from today to -- so you wouldn't be open  
16 tomorrow. Okay? You're not going to open  
17 tomorrow. Okay?

18 The business won't be open tomorrow.  
19 The business -- we would not grant a license  
20 before the end of this year. Okay. I'm just  
21 saying to you.

22 MR. CROCKER: But then it becomes 45  
23 days from January the 5th. Every day that we're  
24 closed --

25 CHAIRPERSON ANDERSON: But listen,

1 sir. I'm asking you then it behooves you --  
2 that's what I'm saying. If you guys agree to a  
3 settlement agreement as soon as we come back, you  
4 get a settlement agreement. We approve it.  
5 You're open.

6 So that's -- I'm not -- but that's  
7 what I'm saying. But you tell me what you want  
8 me to do. We can go -- we can move forward with  
9 a hearing today just on the time.

10 Or if you believe that you guys can --  
11 oh, I'm sorry. We have 60 days to issue the  
12 order. Or if you guys believe that -- and so if  
13 you want to have a hearing today just on the  
14 hours, we'll have the hearing today on the hours.

15 Or if we say to we'll postpone this  
16 hearing until January 5th, you guys will talk and  
17 maybe you'll settle it. And so we're not going  
18 to have the hearing on January 5th. You tell me  
19 what it is. You tell me what you want me to do.

20 MR. CROCKER: We want to go ahead and  
21 move forward with the hearing today on the hours.  
22 Let us present our evidence as far as to why we  
23 believe --

24 CHAIRPERSON ANDERSON: All right.  
25 Okay.

1 MR. CROCKER: -- that we should be  
2 granted the hours that we've been given.

3 CHAIRPERSON ANDERSON: All right. All  
4 right. So this -- all I'm going to do, I'm going  
5 to go off the record for about ten minutes.  
6 We're going to go into executive session. I just  
7 want to make sure that I'm giving -- from a legal  
8 perspective, we can do what I'm proposing and  
9 what it is.

10 I need to go speak to our lawyers and  
11 come back and say from a legal perspective what  
12 it is that I can do. Okay? So Board members,  
13 we're going to go into executive session. So let  
14 me review this, please.

15 As Chairperson of the Alcoholic  
16 Beverage Control Board for the District of  
17 Columbia and in accordance with DC Official Code  
18 Section 2574(b) of the Open Meetings Act, I move  
19 that ABC Board hold a closed meeting for the  
20 purpose of seeking legal advice on our counsel on  
21 -- I'm sorry, hold on, let me just find the case  
22 number -- on Case No. 21-PRO-00073, Medusa  
23 Lounge, pursuant to DC Official Code Section  
24 2574(b) of the Open Meetings Act. Is there a  
25 second?

1 MEMBER SHORT: Mr. Short, I second.

2 CHAIRPERSON ANDERSON: Mr. Short has  
3 second the motion. We'll now have a roll call  
4 vote on the motion. Mr. Short?

5 MEMBER SHORT: Mr. Short, I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 MEMBER CATO: Bobby Cato, I agree.

8 CHAIRPERSON ANDERSON: Ms. Crockett?

9 MEMBER CROCKETT: Rafi Crockett, I  
10 agree.

11 CHAIRPERSON ANDERSON: Ms. Hansen?

12 MEMBER HANSEN: Jeni Hansen, I agree.

13 CHAIRPERSON ANDERSON: Mr. Grandis?

14 MEMBER GRANDIS: Edward Grandis, I  
15 agree.

16 CHAIRPERSON ANDERSON: Mr. Anderson,  
17 I agree. All right. The matter passed 6-0-0.  
18 It's 5:30. We're going to be in executive  
19 session. And so we're going to come back to the  
20 public session at 5:40.

21 So you don't -- don't sign off. But  
22 we're going to be off -- we're going to be in  
23 executive session for ten minutes. So do not  
24 sign off. We'll be right back. But you can turn  
25 your microphone off. Turn your camera off. But

1 we'll come back at 5:40, everyone.

2 (Whereupon, the above-entitled matter  
3 went off the record at 5:28 p.m. and resumed at  
4 5:41 p.m.)

5 CHAIRPERSON ANDERSON: Okay. We're  
6 back on the record.

7 MR. NEHMETALLAH: Mr. Donovan, may I  
8 speak?

9 CHAIRPERSON ANDERSON: Hold on. Hold  
10 on. Hold on. I want to make sure everybody is  
11 back. Mr. Crocker, Ms. Etana, Mr. Behna. All  
12 right. I don't see the licensee as yet. So as  
13 soon as I see the licensee.

14 MR. CROCKER: She's here with me.  
15 She's here.

16 CHAIRPERSON ANDERSON: All right.  
17 Well, I don't see you anymore, Mr. Crocker. So  
18 you were on camera before. You're not on camera  
19 anymore. So I see your name, but I don't --  
20 that's why.

21 MR. CROCKER: Okay. I'm sorry. You  
22 can see us know. I apologize. I didn't turn the  
23 camera back on.

24 CHAIRPERSON ANDERSON: Go ahead, sir.

25 MR. NEHMETALLAH: So since I brought



1 up the evidence and I didn't have time to look at  
2 them, I would like to postpone my hearing till  
3 January 5th. And if we have a settlement between  
4 us and the applicant before then, then that's  
5 fine. If not, then I would like a full hearing  
6 on January 5th. I communicated with my group  
7 that I'm representing. And that's their  
8 recommendation.

9 CHAIRPERSON ANDERSON: Mr. Crocker?

10 MR. CROCKER: We still -- like I said,  
11 we still have issues with that because that's  
12 going to delay our opinion for another 45 days  
13 till January 5th. The only issue that's  
14 outstanding right now is the hours. Yeah, so  
15 we're talking about 30 minutes here, and they're  
16 not willing to budge on that. So I don't know if  
17 mediation or delaying the hearing or anything  
18 like that is going to address the hours issue.  
19 And really what they're trying to do is shut down  
20 the business because 70 to 80 percent of our  
21 revenues are generated during those hours.

22 (Simultaneous speaking.)

23 MR. CROCKER: So apparently, they're  
24 just trying to shut the business.

25 MR. NEHMETALLAH: Mr. Donovan, while

1 they have revenues after 12:00 more than before  
2 12:00. But also we want to sleep and go to work.  
3 And maybe they don't respect that. So I would  
4 like to talk and convene with my group and then  
5 decide because I didn't see the evidence.

6 Plus the 30 minutes he's talking  
7 about, we budge 30 minutes, they didn't budge.  
8 So we started -- we told them we want it at 12:00  
9 midnight to stop the music and they said 1:00.  
10 Then the we said 12:30. They didn't agree. So  
11 we budge. They didn't. So what he's saying is  
12 utterly not true.

13 CHAIRPERSON ANDERSON: Well, let me  
14 ask. The question that we're -- Mr. --

15 (Simultaneous speaking.)

16 MR. NEHMETALLAH: Just call me George.

17 CHAIRPERSON ANDERSON: All right,  
18 George. Okay. I apologize. Part of the problem  
19 is that because it's a new license, if they do  
20 not agree to -- because the documents were shared  
21 with the ANC and you received the document and  
22 the law say that it may, it didn't say that we  
23 have to. So I would make a motion to the Board  
24 to deny the motion. And because the documents  
25 were provided to you. And the --

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: -- documents  
3 were also -- I know. I know. I know. I know.  
4 And the documents were provided to the other  
5 party.

6 MR. NEHMETALLAH: Not to me.

7 CHAIRPERSON ANDERSON: And so because  
8 it's a new license and they are correct that they  
9 wouldn't agree to a postponement because that's  
10 prevented them from opening. So I couldn't  
11 postpone the hearing unless they agree to the  
12 postponement.

13 MR. NEHMETALLAH: But it is they will  
14 not agree. They didn't give me the chance to  
15 review the evidence, sir. Plus it's not a new  
16 license. They are the same owners.

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: It's a new  
19 license, sir.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: It's a brand-  
22 new license that -- I know. But from legal  
23 perspective, they are applying for a new license.  
24 That is a new license.

25 They don't have -- there's no license

1 currently for them to operate. They don't have a  
2 license, so they cannot open until the board  
3 either issues one or denies the license. So  
4 moving forward, this is what I want to find out.  
5 Is the only issue for -- and let me start with  
6 you, Mr. George.

7 Let me start with you because as I've  
8 said before, the Howard University parking issue,  
9 it is not an issue that this Board can make a  
10 determination on. So from your perspective, the  
11 only outstanding issue that -- all the other  
12 issues are agreed upon. All the other -- the  
13 parties are in agreement. But the only  
14 outstanding issue is the hours of operation of  
15 the --

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: -- sale and  
18 service of alcohol. Is that correct?

19 MR. NEHMETALLAH: No, no, no. So Mr.  
20 Donovan, I don't care if they serve alcohol till  
21 10:00 a.m. I don't want to hear the music after  
22 12:00.

23 CHAIRPERSON ANDERSON: Okay. All  
24 right. So it's basically the hours of operation  
25 for the entertainment. That's what -- the hours

1 of operation. That's the only issue that -- the  
2 only operation, so --

3 MR. NEHMETALLAH: Not only that, on  
4 weekdays because we have to have work.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: So it's the  
7 hours of entertainment. And so it's the hours of  
8 entertainment and the operation. That's  
9 basically what you're --

10 MR. NEHMETALLAH: Entertainment, not  
11 operation. They can operate till 5:00 a.m. It  
12 depends on ABRA's rules. But I don't -- I want  
13 the music to stop at 12:00 so we can --

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: Okay. So the  
16 only issue for you is the hours for  
17 entertainment.

18 MR. NEHMETALLAH: Correct, sir.

19 CHAIRPERSON ANDERSON: So the ANC, is  
20 this correct? Is the only issue -- outstanding  
21 issue, is it the issue for entertainment or are  
22 there other issues?

23 MR. BEHNA: It's the hours of  
24 entertainment, specifically on weekdays.

25 CHAIRPERSON ANDERSON: The hours of

1 entertainment, that's the hours of entertainment.  
2 I know you're saying weekends. So the hours --  
3 so Mr. Nehmetallah, is it just on weekday or is  
4 it on weekends?

5 MR. NEHMETALLAH: We can survive the  
6 weekend, sir. We want to accommodate to them,  
7 and we want them -- contrary to Mr. Crocker, what  
8 he's saying --

9 (Simultaneous speaking.)

10 CHAIRPERSON ANDERSON: I'm just trying  
11 to figure out what -- I just want to make sure.

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Is it just --  
14 is it -- so the only issue is the hours of  
15 entertainment for weekdays?

16 MR. NEHMETALLAH: Correct, Mr.  
17 Donovan.

18 CHAIRPERSON ANDERSON: And so there's  
19 agreement on the hours of operation for weekends.  
20 It's just the hours of -- and what is -- what's a  
21 weekday?

22 MR. NEHMETALLAH: It's from when we  
23 work, sir. Like, Monday, Tuesday --

24 CHAIRPERSON ANDERSON: What is a  
25 weekday? I want to make sure that we're -- what

1 is a weekday?

2 (Simultaneous speaking.)

3 MR. NEHMETALLAH: Sunday, Monday,  
4 Tuesday --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Hold on. What  
7 is a weekday for you, Mr. Nehmetallah?

8 MR. NEHMETALLAH: Sir, as the whole  
9 universe, you start working on Monday till  
10 Friday. That means Sunday night till Thursday  
11 night.

12 CHAIRPERSON ANDERSON: So Sunday  
13 through Thursday?

14 MR. NEHMETALLAH: Sunday night to  
15 Thursday night.

16 CHAIRPERSON ANDERSON: So the ANC, are  
17 we in agreement that the hours that are in  
18 question are from -- of entertainment are from  
19 Sunday through Thursday?

20 MR. BEHNA: That's correct.

21 CHAIRPERSON ANDERSON: Mr. Crocker,  
22 are we in agreement that the only issue is the  
23 hours of entertainment from Sunday through  
24 Thursday?

25 MR. CROCKER: That's correct.

1                   CHAIRPERSON ANDERSON: And it's my  
2 understanding that the parties are in agreement  
3 on all other issues. The only issue that we're  
4 going to have evidence on today is the hours of  
5 entertainment from Sunday through Thursday.

6                   MR. CROCKER: There's only one other  
7 issue I want to bring up and that is that we've  
8 already agreed to sound mitigation measures to  
9 bring the sound --

10                  CHAIRPERSON ANDERSON: You can testify  
11 about that, sir. That can come under the  
12 testimony. I just want to make sure --

13                  MR. CROCKER: Okay.

14                  CHAIRPERSON ANDERSON: -- before we  
15 move forward with this hearing I know that the  
16 only issue is Sunday through Thursday. All the  
17 other issues the parties are in agreement with.  
18 Is that correct?

19                  MR. NEHMETALLAH: Correct, sir.

20                  CHAIRPERSON ANDERSON: All right.  
21 Okay. So Mr. Jones, thank you very much for the  
22 excellent testimony that you gave today, sir.  
23 You can be --

24                  INVESTIGATOR JONES: You're welcome,  
25 sir. You're welcome.



1                   CHAIRPERSON ANDERSON: All right.  
2 Thank you. All right. So what we're going to  
3 do, we're going to start with the applicant that  
4 we'll get testimony from the applicant. And then  
5 we'll get testimony then the ANC, and then the  
6 protestant. Okay? All right.

7                   So Mr. Crocker, you are -- so maybe  
8 you can -- all right. So what I'm going to do is  
9 who's going to -- are you testifying, sir? Are  
10 you going -- Mr. Crockett, are you going to  
11 testify or are you going to have someone  
12 testimony? Which one? How is it you're going to  
13 do?

14                  MR. CROCKER: I'm going to have the  
15 owner testify -- open up, just kind of some  
16 opening remarks. And then I'm going to testify  
17 to our reasoning behind why we should be --

18                  (Simultaneous speaking.)

19                  CHAIRPERSON ANDERSON: You are going  
20 to -- I just want to make sure that I know who I  
21 need to swear in. So you're also going to  
22 testify too?

23                  MR. CROCKER: Yes.

24                  CHAIRPERSON ANDERSON: You say you and  
25 the owner are going to testify? Okay. All

1 right. So we can start with -- I guess so -- all  
2 right. So what we'll do is that we will -- all  
3 right.

4 So this -- let me -- I'm going to  
5 swear you in. And we're going to -- so we're  
6 going to truncate this so hopefully it won't be  
7 too long. So I'll have both of you testify.

8 The Board can ask questions or at  
9 least I can ask questions. And then I'll swear  
10 in the rest of the parties. So I'm going to  
11 swear everyone at this juncture. So you, Mr.  
12 Crocker, Ms. Etana, Mr. Nehmetallah, and Mr.  
13 Behna, can you please raise your right hand,  
14 please.

15 (Witnesses sworn.)

16 CHAIRPERSON ANDERSON: All right. So  
17 we'll start -- so we're going to start with the  
18 licensee. So the licensee can tell us where we  
19 are, what is it that's been requested in the  
20 sense that it's the hours of entertainment from  
21 Sunday through Thursday, what has been requested,  
22 and why is it that you need -- why you need these  
23 hours, and whatever you want to testify to.  
24 Let's go ahead.

25 MR. CROCKER: Great, yeah. We're

1 requesting to be granted the hours of operation  
2 for a Type C tavern license for entertainment  
3 that is just like all of our other competitors in  
4 the area because we don't want to be restricted  
5 in any way and provide other --

6 CHAIRPERSON ANDERSON: So what are the  
7 hours? I don't know what the hours are.

8 MR. CROCKER: Okay. In the original  
9 application, it was 6:00 a.m. till 1:00 o'clock  
10 a.m. Sunday -- no, 2:00 o'clock -- 2:00 o'clock  
11 a.m. Sunday through Thursday.

12 CHAIRPERSON ANDERSON: So 6:00 a.m.?

13 MR. CROCKER: Yeah, that's what the  
14 ABRA website actually states. We agreed in the  
15 settlement agreement that would be willing to  
16 reduce those hours to 12:00 o'clock noon -- from  
17 12:00 o'clock noon to 2:00 o'clock in the  
18 morning.

19 CHAIRPERSON ANDERSON: I'm saying you  
20 tell me. This is not settlement because we have  
21 a hearing.

22 MR. CROCKER: Okay.

23 CHAIRPERSON ANDERSON: So you tell me  
24 what hours you want and why you want those hours,  
25 sir.

1                   MR. CROCKER: Well, through the week,  
2 we want the hours that the ABRA allows for a Type  
3 C tavern which is 6:00 a.m. to 2:00 p.m.

4                   CHAIRPERSON ANDERSON: Okay. But you  
5 didn't tell me why. You present --

6                   (Simultaneous speaking.)

7                   MR. CROCKER: Okay, I'm sorry. And  
8 the reason why we want those hours, in the  
9 settlement agreement, we've agreed to implement  
10 sound mitigation measures that'll reduce the  
11 sound it emits. So Mr. Nehmetallah's complaint  
12 about we need to sleep because we have to work  
13 and those types of things will be handled there.  
14 The other issue was he had some issues with  
15 security in the area.

16                   So in the agreement, we've agreed to  
17 a security plan where we would extend private  
18 security that we're going to be paying for  
19 directly an additional hour after our closing  
20 hours to make sure that the neighborhood is  
21 secure, make sure all the patrons are out of the  
22 neighborhood, and also to help reduce some of the  
23 crime in the area. Eric, the actual ABRA  
24 investigator who was going to present earlier, he  
25 had a listing of, like, criminal activity that's

1 occurred in the area. None of that activity is  
2 attributed to Peace Lounge.

3 Those are things like car break-ins,  
4 window break-ins. As a matter of fact, my truck  
5 got broken into. So we have a vested interest in  
6 reducing security in the area as well because  
7 those type of things impact us as well.

8 But when they now came in and wanted  
9 to restrict our hours of operations, any  
10 restrictions on our hours of operations provides  
11 a competitive advantage to other lounges with  
12 Type C licenses that are in the area. And that's  
13 why we push back on that and we said that we're  
14 addressing concern that you have with result to  
15 noise and with result to security by in the  
16 agreement agreeing to do sound mitigation  
17 measures, bring out the task force -- the noise  
18 task force to actually do a live measurement at  
19 Mr. Nehmetallah's home. We're willing to do that  
20 as well to make sure that our sound levels are  
21 low and also putting meters inside the facility  
22 to where we'll know what the meters are -- the  
23 measurement meters are and to make sure we're  
24 keeping the sound down to a level to where it  
25 doesn't disrupt it at all.

1           So his ask now to reduce the hours, we  
2     feel as though it's going a little too far  
3     because we've already put in measures to address  
4     the real problem. The hours reduction is going  
5     to do nothing but impact or revenue. So part of  
6     the evidence that we submitted was to show that  
7     70 to 80 percent of our revenue is generated  
8     after 12:00 o'clock at night because of the type  
9     of license that we have. So any restriction in  
10    those hours is a way upon which Mr. Nehmetallah  
11    is trying to shut down Peace Lounge which he said  
12    publicly he wants to do. And he wants to do it  
13    by draining our resources.

14           MR. BEHNA: Can we clarify this is not  
15    Peace Lounge, this is Medusa Lounge.

16           MR. CROCKER: I'm sorry. I apologize,  
17    Medusa.

18           CHAIRPERSON ANDERSON: They're still  
19    presenting for us. And once they're done, then  
20    you can ask questions of them. So what else do  
21    you want to say? You're presenting your case,  
22    and you're to tell the Board why you want the  
23    hours that you asked for.

24           MS. ETANA: What we're asking for and  
25    he said most generating comes from after 12:00

1 o'clock. But we are willing to work with our  
2 neighborhood with Mr. Nehmetallah and with ANC,  
3 with everybody. I'm willing to communicate and  
4 give my phone number in the state if they're  
5 calling any problem they have to address to the  
6 ABRA or anyone.

7 Any music loud or sound, any problem  
8 in the neighborhood, I am -- we are working to  
9 work with them. So the long story over here now  
10 is all about half an hour. They're telling us to  
11 close 12:30. I'm asking until 1:00 o'clock on  
12 the weekend.

13 I would like to go to the regular hour  
14 until 2:00. But as he said, we provide  
15 everything to reduce the sound buzzing. Also,  
16 we're willing to let up with the parking to work  
17 with them. And anything else that can work with  
18 them, we're willing to do it. So we we're going  
19 to work together in the area.

20 CHAIRPERSON ANDERSON: I guess I'm  
21 just trying to get the clarification. It appears  
22 that we're talking about the hours of  
23 entertainment.

24 MR. CROCKER: Yes.

25 CHAIRPERSON ANDERSON: So the hours of

1 entertainment that you're asking for are what  
2 hours? From Sunday through Thursday, what are  
3 the specific hours of entertainment are you  
4 asking for?

5 MR. CROCKER: For ABRA, it says 6:00  
6 o'clock till 2:00 o'clock. We were willing to go  
7 from 12:00 p.m. till 2:00 o'clock.

8 CHAIRPERSON ANDERSON: So you're  
9 asking for hours of entertainment, not operation,  
10 entertainment from 12:00 p.m. until 2:00 a.m.  
11 Sunday through Thursday?

12 MR. CROCKER: Yes.

13 CHAIRPERSON ANDERSON: What else do  
14 you want to say on that? Anything else you want  
15 to say?

16 (Simultaneous speaking.)

17 MR. CROCKER: That's it. Thank you.

18 CHAIRPERSON ANDERSON: Mr. -- the ANC,  
19 do you have any questions you want to ask?  
20 Sorry, I think you were trying to ask questions  
21 before.

22 MR. BEHNA: I was just trying to state  
23 that this really isn't a new establishment. He  
24 was saying Peace Lounge, which is not -- this  
25 isn't Peace Lounge. This is Medusa Lounge. I



1 just wanted to clarify.

2 CHAIRPERSON ANDERSON: All right. But  
3 what is it that their hours of -- what is that --  
4 as far as the ANC, we're talking about  
5 entertainment from Sunday through Thursday.  
6 What's the ANC's position?

7 MR. BEHNA: The ANC's position was  
8 that we talked to both sides. We spoke with the  
9 neighbors. We spoke with the establishment. And  
10 we're trying to come to an agreement.

11 So where we're at on the table now is  
12 that hours of entertainment on Sunday through  
13 Thursday would cease at 12:30 a.m. That's the  
14 compromised position. Now Mr. Crocker has stated  
15 that they make a lot of their revenue after  
16 midnight.

17 We are not closing them at 12:30. We  
18 are not asking that they close at 12:30. We are  
19 asking that they close at 2:00 which is the  
20 maximum hours allowed by ABRA on Sunday through  
21 Thursday.

22 Now they can still make revenue. They  
23 just can't have live entertainment using their  
24 entertainment endorsement after 12:30. So I  
25 don't know if you're alleging that as soon as the

1 music turns off, people stop spending money. But  
2 that's not the case in my experience.

3           Additionally, you've spoken about  
4 other establishments and there being an unfair  
5 advantage. In that strip of establishment of  
6 Georgia Avenue, there are not establishments open  
7 this late. And so you'll find that 2:00 a.m. on  
8 Sunday through Thursday is much -- is actually  
9 later than most of the bars in that area.

10           This is not U Street. This is a mixed  
11 residential and commercial corridor. And the  
12 exact location that you selected to place our bar  
13 on the corner of Georgia and Fairmont, as you'll  
14 see from my exhibit, places you 100 feet -- less  
15 than 100 feet from residences.

16           So there needs to be a balance struck  
17 here. And I know you're willing to commit to  
18 noise mitigation. However, you need to  
19 understand the fact that corner location places  
20 you less than 100 feet from a residence.

21           So as the ANC, we feel that a  
22 compromise position can be struck. The neighbors  
23 wanted all entertainment to be done at midnight,  
24 12:00 a.m. The establishment was willing to cut  
25 it off at 1:00 a.m. down from their original 2:00

1 a.m.

2 The ANC position is that ABRA should  
3 grant hours Sunday through Thursday for  
4 entertainment, ceasing at 12:30 a.m. That is our  
5 position on hours. I'll refer again to my  
6 exhibit that shows the close proximity of the  
7 establishment to the residences. And again, I'll  
8 also note there are plenty of establishments on  
9 Georgia Avenue and throughout the city that are  
10 turning profits with shorter hours of operation.

11 And the establishment has committed to  
12 the ANC many times on meetings that they have  
13 turned over a new leaf, that some of the past  
14 ABRA violations of which there's an extensive  
15 history were anomalies and that they've turned  
16 over a new leaf. And in order to trust that, I  
17 would hope for an act of good -- a sign of good  
18 faith by the establishment now to agree to that  
19 12:30 a.m. hours because we really are hopeful  
20 about the settlement agreement and all the noise  
21 mitigation that they will follow through on that.  
22 However, the extensive violations in the past do  
23 paint that in a certain way that we -- I've  
24 really enjoyed getting to know Ms. Etana and Mr.  
25 Crocker and working you.

1           But as the ANC, we have to look at the  
2 whole record. And there's an extensive list of  
3 violations and some of them pretty serious. You  
4 had a whole hearing earlier today about minors in  
5 a bar. They had a violation for serving minors.  
6 So from our perspective, the noise mitigation  
7 measures aren't enough. We would like ABRA to  
8 grant relief in terms of the hours because we  
9 want to ensure that if the hours are 12:30, that  
10 they're actually adhering to that.

11           So that is most of what I want to say,  
12 just that again was there always a bar open till  
13 3:00 a.m. at this corner? So it's not  
14 necessarily that we -- Mr. Crocker has said that  
15 the group of five wants them shut down. That's  
16 not the position of the ANC. We don't want to  
17 shut anyone down. We want to have an  
18 establishment that is part of the community and  
19 that is in line with all the other establishments  
20 in that area that are not really open till 3:00  
21 a.m. and not necessarily producing music and  
22 entertainment till that late.

23           So again, our position is the  
24 compromised position that we would like the hours  
25 of entertainment to cease at 12:30 Sunday through

1 Thursday because they can still keep making money  
2 during that time. They just can't have  
3 entertainment. And that will hopefully bring  
4 quiet to the neighbors of those residences. I  
5 believe that is all that I have today.

6 CHAIRPERSON ANDERSON: George?

7 MR. NEHMETALLAH: So thank you, Mr.  
8 Donovan. And can I share my screen and show  
9 evidence? Or this is not the time to do that?

10 CHAIRPERSON ANDERSON: We're just  
11 going the hours.

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: I know that you  
14 had evidence. But just if it has to do with the  
15 -- the only issue that we're talking about --

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: -- now is hours  
18 and entertainment. I'm sorry?

19 MR. NEHMETALLAH: All of this, Mr.  
20 Donovan, is related to the noise and why want to  
21 the lower hours.

22 CHAIRPERSON ANDERSON: All right,  
23 fine. Can you -- let me see. Can -- please  
24 allow Mr. Nehmetallah to share his screen,  
25 please. Hold on. Go ahead, sir.

1 MS. FASHBAUGH: This has been  
2 accomplished.

3 MR. NEHMETALLAH: Okay. Can you see  
4 my screen?

5 CHAIRPERSON ANDERSON: Yes, sir. We  
6 can see your screen. I think you have -- do you  
7 have a pad over -- a yellow pad that you put  
8 down? Yeah, yeah, yeah. Could you move that  
9 square?

10 MR. NEHMETALLAH: That's the camera.  
11 So I moved it. So --

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Okay, okay. Go  
14 ahead.

15 MR. NEHMETALLAH: -- issues prepared.  
16 But just toward the noise, these are the windows  
17 we purchased to protect us from the noise from  
18 Medusa Lounge. If you look carefully, you will  
19 see that there is one window we paid 4,300  
20 dollars. If we are not bothered, we're not  
21 spending this amount of money. It's a three-  
22 quarter of an inch thick on top of the double  
23 pane we have.

24 We have two windows, and we couldn't  
25 even mitigate the noise from the Medusa club.

1 And we have another window in another room, cost  
2 us around 700. So we are bothered a lot, sir, by  
3 them because they don't ever listen to what we  
4 are saying. They ignored us and keep cranking  
5 the music to the highest regardless.

6 We complained a lot. These are the  
7 windows. These are the photos of the windows  
8 that we have installed on top of the other  
9 window. We tried our best. We paid a lot of  
10 money and investment. And we couldn't because  
11 they have this bass music that they play all the  
12 time. And we couldn't mitigate that base music.

13 MR. CROCKER: Can you go back one  
14 slide, please?

15 CHAIRPERSON ANDERSON: I'm sorry, sir.  
16 You can't --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: You can't  
19 interrupt him, sir.

20 MR. NEHMETALLAH: Well, that's what he  
21 does. Mr. Crocker doesn't respect the rule of  
22 law.

23 (Simultaneous speaking.)

24 CHAIRPERSON ANDERSON: I'm sorry. I  
25 don't want anyone else to speak. You'll get a

1 chance to cross examine him. So this is your  
2 opportunity. Go ahead, sir.

3 MR. NEHMETALLAH: Yes, these are two  
4 companies we install the windows. And the  
5 investigator who I talked to, he wants to stop by  
6 the hours. He is welcome. The house 721  
7 Fairmont Street. He can look at the windows.  
8 I'm not going to hide them.

9 So these are the windows that we  
10 installed. This is the thick window. And that's  
11 facing -- this is the bathroom facing the  
12 establishment. So the establishment is where the  
13 diagonal is from there.

14 We are on the second floor, and their  
15 establishment is on the second floor. So the  
16 noise cannot be blocked by anything. And any  
17 noise that they emit directly goes to our  
18 bedroom. We couldn't sleep for a year.

19 Living in Guantanamo is easier than  
20 living beside Medusa Lounge. This is the trash  
21 and stuff that is in the alley. This is the  
22 state of our alley.

23 This is the parking lot that I have  
24 been talking to. But this is a matter related to  
25 trash. And this trash, every time the patrons of



1 the club leaves, they leave the trash. And then  
2 Howard comes and cleans the trash. But since  
3 we're not bringing the parking lot, we're going  
4 to leave it for today.

5 This is a video about the noise, noise  
6 coming from Medusa Lounge. This is from Medusa  
7 Lounge. This is from my house. This is where  
8 the proximity that Eric has been talking about  
9 here. Can you hear, sir? Can you hear it?

10 CHAIRPERSON ANDERSON: No, I can't  
11 hear anything.

12 MR. NEHMETALLAH: Well, I don't know  
13 how to make it. But this is a loud noise.

14 MR. CROCKER: There's nothing there.

15 CHAIRPERSON ANDERSON: Mr. Crocker,  
16 please.

17 MR. NEHMETALLAH: I mean, I don't know  
18 why he keeps interrupting me.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: Hold on. Mr.  
21 Crocker, you'll get an opportunity to ask  
22 questions, sir. Please do not interrupt.

23 MR. NEHMETALLAH: He doesn't respect  
24 anybody. So that's why. So sir, I don't how to  
25 the music will go. But you have the videos I

1 send it to Ms. Moreland. Then you can play them,  
2 the loud music coming from the establishment.

3 I don't work with this software a lot,  
4 so I don't know how to. But there's loud music  
5 coming from this. If you have it, you can play  
6 it yourself. So loud music coming from inside my  
7 house, it's very loud music. If you can give me  
8 the time, I might figure it out. But I'm not  
9 sure if I can do it now or not.

10 I have the speakers on. I don't know  
11 if the system doesn't allow me to share. But I  
12 can play it again maybe, the microphone will pick  
13 it up. Can you hear anything?

14 CHAIRPERSON ANDERSON: No, but -- no,  
15 we can't hear it. We can't hear it.

16 MR. NEHMETALLAH: But there's loud  
17 music coming in the middle of the night. So --  
18 and that has happened every night. We called and  
19 called and called. This is the evidence.  
20 Anyway, this is another exhibit, evidence of the  
21 shooting that happened. This is the shooting  
22 that happened in parking lot Howard University by  
23 people coming from Medusa.

24 Actually, no, this is the shouting.  
25 Sorry, I mixed it up. This is shouting by

1 patrons parking their cars, waddling. There is a  
2 lot of noise. You cannot hear it, but that's  
3 what it is. So there are two, three videos here  
4 about it.

5 All right. Now this is how many times  
6 we called 911 and ABRA. And the first year, we  
7 didn't know that the investigator can come up to  
8 our house inside and listen. One time, they told  
9 me they can come up. And then if they discover  
10 that there is a lot of noise, then they will cite  
11 them. And they did cite them.

12 But this is -- look at the hours. So  
13 I made it I zoomed to the hours. 11:20 p.m.,  
14 this is the ABRA number. 11:32, Metropolitan  
15 Police because when investigator of ABRA goes to  
16 Medusa Lounge, they reduce the noise. After the  
17 leave, the crank it up again. Totally fair for  
18 them, but it's not fair for us.

19 We need to sleep. We have work.  
20 Everybody in this neighborhood wants to go to  
21 work. We don't want to hear their music. We  
22 don't have any reason to shop. There's a barber  
23 beside them, a restaurant beside them. Nobody is  
24 shopping them.

25 They are bothering us. That's why we

1 are -- we want to make sure that they don't  
2 bother us at night. We want to sleep. This one  
3 here, these are the phone, ABRA. This is when I  
4 called.

5 This is 1:15 a.m. They made us call  
6 at 1:15 a.m., May 17th. I have everything  
7 documented. 1:15 a.m., I should be in bed. But  
8 no, I have to call ABRA because of the loud  
9 music.

10 Here look how many times. March 8,  
11 March 9, March 18, here, look, 10:51 p.m., 2:00  
12 a.m. Who will be awake at 2:00 a.m. and has work  
13 next day? These are workdays. We have to sleep.  
14 They don't allow us to sleep.

15 I'm telling you. We lived in agony  
16 because of them. He thinks we are the  
17 perpetrators. They are perpetrating on us on our  
18 neighborhood and on our safety and peace in our  
19 homes.

20 If it goes to me, I would not ever  
21 give them any license because they violated that  
22 quite a lot. Look at the Howard University. I  
23 called Howard University because the sounds  
24 coming from the parking lot and the fights they  
25 pick up. But that was after they the

1 establishment. They fight, then they shoot each  
2 other.

3 So this is what happens when you have  
4 no respect for the law. I call the police, 10:51  
5 p.m. Want more? This is more. 10:26, 10:47,  
6 11:27, this is June. This is June, ABRA, MPD,  
7 nothing. Nothing works.

8 They know we will complain and they  
9 didn't care. What they care only to pocket  
10 money. That's what he brought up. And Mr.  
11 Crocker say many things about considering the  
12 safety or the peace of the neighbors? He only  
13 run the money, the budget. That's what he cares  
14 about.

15 I don't care about if he makes million  
16 dollar or one dollar. What I care about if you  
17 want to sleep safely in our bedrooms with our  
18 families. And everybody should care about that.

19 This is another, February 1, look,  
20 10:24, 3:00 a.m. We are calling after hours.  
21 Why? Because they don't even respect the hours  
22 they give them. 3:00 a.m., 3:06 a.m., I called  
23 the Metropolitan Police.

24 The patrons after they leave, they  
25 pick up also fights. They don't let us sleep for

1 hours until the morning. Look how many times I  
2 call the MPD, 12:00 a.m., 2:00 a.m.

3 They want us to live like that in our  
4 houses weekdays. Not talking about weekends. We  
5 can survive the weekend. We don't need to work  
6 in the weekend. But we have jobs. We have  
7 families to feet.

8 That's Medusa Lounge. Look, ABRA,  
9 MPD, these are phone numbers. You can check them  
10 out. You have them. You can check them out.  
11 These are from my bills, August 17, August 20,  
12 10:52 p.m., 11:50, all of these after the sound  
13 ordinance kicks in.

14 Look here, 10:00, 11:44, 11:49, ABRA,  
15 MPD, Howard Public Safety. This is what we have  
16 been doing for years up until the corona came.  
17 These are the same people, same owners. Even he  
18 misspoke and he said Peace Lounge instead of  
19 Medusa Lounge. Why? Because this is the same  
20 thing.

21 They just lost the license because we  
22 fought them before and then they didn't want to  
23 pursue it further the last time because of the  
24 pandemic. Now they want to do it again. They  
25 have zero history and credibility to us. That's

1 the problem.

2 This one is the trash from the parking  
3 lot. And then when the wind blows, it goes to  
4 the alley. We call 311 all the time to clean.  
5 These are the shootings. These are the bullets  
6 in the alley and in the street between us and  
7 Medusa Lounge.

8 Drunk people will ask for drugs. The  
9 drug people will come and give them drugs.  
10 Shootings happen. This is what we want to live  
11 with. Why would we want to live with bullets?  
12 These are several incidents.

13 And just to tell you, you tell me why  
14 this is related to Medusa. We never had any  
15 shooting after they close. So all these  
16 shootings happened in the street between us and  
17 Medusa, drug dealers. We have to live with drug  
18 dealers now.

19 Look, look at how many shootings,  
20 bullets. This is in the alley, two feet from our  
21 bedroom. They shot cars. These are more  
22 bullets, more incidents. This is the shooting --  
23 I have to see which one here.

24 This is one of them is the shooting.  
25 This is our bedroom where we live. This is one,

1 a girl coming from club shot. You cannot hear  
2 the noise, but there's the screaming of people  
3 and the MPD came.

4 So there's a girl that left from that  
5 club shot and die three times here in front of  
6 us. This is Howard University parking lot. You  
7 tell me why I am insisting on the parking lot.  
8 Here you go, stray bullets.

9 The police came, and then the girl ran  
10 in front of our house and she left the scene.  
11 You don't hear it, but you have time to do that  
12 later. But this is when the police came. The  
13 guys were very lucky.

14 CHAIRPERSON ANDERSON: Mr. -- I've  
15 given you some leeway. But remember, we're only  
16 talking about hours. So just make sure that --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: -- the hours of  
19 entertainment from Sunday through Thursday. So I  
20 need you more focused on why is it that --

21 MR. NEHMETALLAH: So just fast, just  
22 these are drug dealers in the alley. And these  
23 are what Eric said about the ABRA violations,  
24 sale of a minor, allowed employees to engage in  
25 sex acts, nude performances. One of these, they



1 are fined. Failed to control licensed  
2 establishment, fine, fine, fine.

3 Look how many fines ABRA, your  
4 association, sir, Mr. Donovan. And these  
5 documentation, how many? I don't know.  
6 Operating after hours, no ABC manager, I mean,  
7 they racked every violation in the book.

8 Why would you want to give them  
9 license to begin with? That's a fair question.  
10 These are the fines. This is not I am fining  
11 them. You guys are fining them. No ABC manager,  
12 look how many times. Failure --

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: I know. But I  
15 need you to focus on the hours. I need you to  
16 focus on why --

17 MR. NEHMETALLAH: I'm focusing, sir.  
18 So failure to comply with noise requirement  
19 meaning we want less hours because they will not  
20 comply as their history suggests. That's what we  
21 insisted not to -- because I know for sure 100  
22 percent that the minute they take their license,  
23 they've going to keep doing to 2:00 o'clock or  
24 3:30 o'clock and they crank up their music.

25 They take the fine. They take the

1 5,000 dollars. What's 1,000 dollar to them? But  
2 to us, we have to live. We have to sleep. So  
3 they don't comply with noise requirement as the  
4 violation says and as the fine says.

5 It's not me saying this. It's you  
6 saying this. You guys fine them. Look how many.  
7 Operating after hours, look how many they  
8 operated after hours and with fines.

9 I don't know. If you guys give them  
10 a license to begin with, this is what you get.  
11 They're not going to respect the rule of law,  
12 never, never. They don't care.

13 This is what he's talking about now,  
14 Mr. Crocker. They have sound mitigation. Look  
15 at the windows and the doors. This is sound  
16 mitigation. I pay five grand on one window.  
17 Where what they paid?

18 These windows would protect us from  
19 the noise? This is a joke. There's no sound  
20 mitigation. There's no laughing. They just want  
21 their license, bother us, make us sleepless  
22 nights. That's it.

23 I wish -- ABRA just in summary, I wish  
24 you guys be a good mediator. And I take what  
25 Eric said. We go with the ANC on this. If it

1 comes to me, yes, I don't want to give them an  
2 alcohol license, not because I hate them to make  
3 money. They can sell alcohol. I don't care.

4 What I care more is we want to live in  
5 peace too. They will care about the money. We  
6 care about going to work the next day. We're not  
7 talking about weekends here. We're talking about  
8 weekdays.

9 We have to go to work. They don't  
10 need -- they can make money by selling alcohol up  
11 to 1:00, 2:00 o'clock, whatever ABRA decides.  
12 But for us, we don't want to hear entertainment  
13 after that because I'm 100 percent sure nothing  
14 they will do will keep the music.

15 This bass music is like an earthquake.  
16 It goes omni direction. I'm an engineer. I know  
17 what I'm talking about. They're never going to  
18 be able to mitigate it. We cannot sleep. That's  
19 it. They have to stop at 12:00. Thank you.

20 CHAIRPERSON ANDERSON: Is it 12:00 or  
21 12:30? I thought he said 12:30.

22 MR. NEHMETALLAH: We started with  
23 12:00 with them. They said 1:00. We said 12:30.  
24 I'm fine with 12:30. I mean, I will bite on the  
25 bullet.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: All right. I  
3 just wanted -- I want to make sure I know what  
4 time. All right.

5 MR. NEHMETALLAH: Whatever the ANC  
6 decides to go.

7 CHAIRPERSON ANDERSON: All right. Are  
8 you done, sir?

9 MR. NEHMETALLAH: I am done. Thank  
10 you.

11 CHAIRPERSON ANDERSON: And close your  
12 screen please so I can -- yeah.

13 MR. CROCKER: We want to question some  
14 of the dates.

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: Don't close  
17 your screen. Okay. Hold on. I think he stepped  
18 away. All right. Mr. Nehmetallah, can you -- go  
19 back and share your screen. And Mr. Crocker  
20 might have some -- he now has an opportunity to  
21 ask you questions, sir.

22 And I'm not going to have -- Mr.  
23 Crocker, it's your opportunity to ask questions.  
24 I'm not going to have a confrontation, sir. I  
25 need you to ask questions. That's all I need.

1 MR. CROCKER: Okay.

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: I don't expect  
4 to have -- I'm warning both sides. This is not a  
5 battle. These are two professionals asking  
6 questions. All right. So go ahead, Mr. Crocker,  
7 you can ask whatever questions you have. But  
8 please, I need each side to listen and respond to  
9 the best of their ability. Go ahead, Mr.  
10 Crocker.

11 MR. CROCKER: Okay. Can I go ahead  
12 and share my screen?

13 CHAIRPERSON ANDERSON: You want to  
14 share your screen?

15 MR. CROCKER: Well, I can use his  
16 slides if you want to.

17 CHAIRPERSON ANDERSON: No, no. You  
18 tell me which ones you want, sir.

19 MR. CROCKER: Yeah, I would like to  
20 share my screen.

21 CHAIRPERSON ANDERSON: Ms. Fashbaugh,  
22 can you give Mr. Crockett the ability to share  
23 his screen?

24 MS. FASHBAUGH: This is accomplished.

25 CHAIRPERSON ANDERSON: Go ahead, sir.

1 I think you should be able to do it.

2 MR. CROCKER: Can you see now?

3 CHAIRPERSON ANDERSON: No, sir.

4 You're not sharing your screen.

5 MR. CROCKER: There we go. How's  
6 that?

7 CHAIRPERSON ANDERSON: I'm still not  
8 seeing anything, sir. I was talking of the  
9 ability -- yes, now -- okay, you can share  
10 content now. All right. Go ahead, sir.

11 MR. CROCKER: All right. I guess  
12 we're going to start out with the first that Mr.  
13 Nehmetallah put up.

14 CHAIRPERSON ANDERSON: And remember,  
15 this is only on entertainment from -- I know you  
16 put a lot of testimony. But this is just on  
17 entertainment from Sunday through Thursday.  
18 That's all this is about. Go ahead, sir.

19 MR. CROCKER: I got you. I got you.

20 (Simultaneous speaking.)

21 MR. CROCKER: Well, but one of his  
22 issues, though, is that he said he spent 4,000  
23 dollars on a window to mitigate the noise, right?  
24 And you can notice this receipt has to be fake  
25 because if he spent 4,349 dollars and in Maryland

1 taxes are 6 percent, he wouldn't be spending  
2 \$10.40 on taxes, right? So I don't know what the  
3 penalty is because he swore to tell the truth,  
4 the whole truth, and nothing but the truth. But  
5 this receipt is fake, right?

6 (Simultaneous speaking.)

7 CHAIRPERSON ANDERSON: Hold on. Hold  
8 on. I'm sorry. Hold on. Hold on. Are you  
9 asking him a question, Mr. -- this is -- okay.  
10 This is cross examination.

11 MR. CROCKER: Okay.

12 CHAIRPERSON ANDERSON: Ask him a  
13 question, not a statement.

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: I'm sorry.  
16 It's only one person speaking. Mr. Crocker is  
17 the only person speaking asking questions. If  
18 you have a question, sir, ask him a question.

19 MR. CROCKER: Mr. Nehmetallah, did you  
20 have this window installed by a company that's  
21 located in Maryland?

22 MR. NEHMETALLAH: Whatever the receipt  
23 -- this is pathetic. Whatever -- look, I'm an  
24 engineer. I teach STEM and science education. I  
25 cannot play this game with you. These are real

1 receipts. The window is there.

2 (Simultaneous speaking.)

3 MR. CROCKER: I asked a question.

4 Please just answer the question.

5 MR. NEHMETALLAH: I'm answering you.

6 I'm answering you. All these are correct. All

7 these 100 percent. This is the real receipt.

8 MR. CROCKER: Did you have this window  
9 installed by a company --

10 (Simultaneous speaking.)

11 MR. CROCKER: -- that's located in the  
12 state of Maryland?

13 MR. NEHMETALLAH: I answered you. I  
14 said everything is true. You think I lied.

15 (Simultaneous speaking.)

16 MR. CROCKER: All right. Did you --  
17 I'm an engineer as well. Okay? But did you pay  
18 4,360 --

19 (Simultaneous speaking.)

20 MR. CROCKER: -- dollars for the one  
21 window that you had installed?

22 MR. NEHMETALLAH: Every penny of it.  
23 Every penny. The receipts are real.

24 MR. CROCKER: Yes or no.

25 MR. NEHMETALLAH: How many times



1 should I say yes?

2 CHAIRPERSON ANDERSON: All right.

3 Hold on. I'm sorry. Hold on. Hold on. I'm

4 sorry. I'm sorry. Gentleman --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Hold on. I'm

7 sorry, ma'am. All right. Hold on. Hold on.

8 All right. Let me ask a question. Why is this

9 relevant? He said that he paid -- why is it

10 relevant? It's not relevant how much he paid.

11 I'm sorry. Hold on. Hold on. Hold on. He

12 stated that he paid to change his window. Okay?

13 (Simultaneous speaking.)

14 CHAIRPERSON ANDERSON: Hold on. Hold

15 on, sir. Hold on, sir. It's not relevant, sir,

16 because the law says -- and I'm not saying that

17 this is what you're doing. Okay? But the law

18 says that noise -- that a person in their house

19 should not hear noise coming out of any

20 establishment. So that's the relevancy.

21 So whether or not he bought a window,

22 whether or not he paid one dollar for the window

23 or 10 or 1,000 dollars for the window, it's not

24 important. I think what he's saying, he's saying

25 based on the amount of noise that's coming from

1 your establishment, he had to change his window.  
2 It doesn't matter how much he paid for it.  
3 That's what he's saying.

4 Now if you want to ask him, is this  
5 true? Did he change his window? But I don't  
6 care how much it costs and it's not relevant.  
7 It's not relevant to this case. He's saying that  
8 because of all the noise that's coming out, he  
9 had to go change his window. That's what he's  
10 saying. I don't know if it's true.

11 MR. CROCKER: But the only reason I'm  
12 bringing this up, though, is because if he's  
13 presenting false information. All right. He  
14 swore to the Board when you opened up this case  
15 that the evidence and everything that he's going  
16 to be presenting is the truth, the whole truth,  
17 and nothing but the truth.

18 All I'm doing is just pointing out a  
19 huge discrepancy because we reached out to this  
20 company, this Gaithersburg Glass Company, and  
21 spoke to them today. And then we also reached  
22 out to the Quiet City Glass Company. It's  
23 actually listed there as well and got a quote on  
24 the what the cost of the window is.

25 He's made on a number of occasions a

1 point to say he spent all of this money to  
2 mitigate the sound from coming into this house.  
3 Okay. And all I'm wanting to do is point out in  
4 this receipt that either Gaithersburg is not  
5 charging taxes that they're supposed to do  
6 because sales tax in Maryland is 6 percent. This  
7 is false. Okay.

8 CHAIRPERSON ANDERSON: But Mr.  
9 Crocker, you're missing the point I'm making,  
10 sir.

11 MS. ETANA: Can I speak so everyone --

12 CHAIRPERSON ANDERSON: No, ma'am. You  
13 can't speak at this juncture. Listen to what I'm  
14 saying.

15 (Simultaneous speaking.)

16 CHAIRPERSON ANDERSON: It's relevant  
17 how much money he paid. It's not relevant. The  
18 law says -- listen, listen to me, please. Listen  
19 to me. The law says that there should be now  
20 noise emanating from your establishment into the  
21 home.

22 Okay. So that's all I'm saying. It  
23 doesn't matter whether or not -- it doesn't  
24 matter how much he paid. All I'm saying is that  
25 it behooves you to make sure that if we were to

1 call an investigator and an investigator cannot  
2 go in his house and hear the noise from your  
3 establishment because if that is so, it's a  
4 violation. That's all I'm saying.

5 MR. CROCKER: Okay. I got you, sir.

6 CHAIRPERSON ANDERSON: So let's move  
7 away from whether or not how much he paid because  
8 -- let's move because that's not relevant to the  
9 issue. I think you should spend more of your  
10 time by saying that there's no noise coming out  
11 from your establishment but he's hearing it in  
12 his house rather than you talk about how much he  
13 paid for a window.

14 (Simultaneous speaking.)

15 MR. CROCKER: Okay. I was just  
16 pointing out that discrepancy. Hold on one  
17 second.

18 CHAIRPERSON ANDERSON: I'm sorry, sir.  
19 There's no question pending, sir.

20 (Simultaneous speaking.)

21 CHAIRPERSON ANDERSON: George, George,  
22 George, I'm sorry. There's no question, please.  
23 When he has another question, he'll ask you.  
24 Ma'am, if you want to ask him a question, make  
25 sure that the phone is on -- that you mute your

1 line to talk to him. Only one person at a time  
2 can speak.

3 He said he's your attorney. He's  
4 representing you. If you want to talk to him as  
5 your attorney, then you tell him to put his phone  
6 on mute. You can say whatever he wants to say.  
7 He can ask the questions. Or you pass him a  
8 note. But I don't want to hear more than one  
9 voice from your end. Okay?

10 MR. CROCKER: Yes.

11 CHAIRPERSON ANDERSON: All right.

12 MR. CROCKER: Go ahead, Betty. What  
13 did you want to say?

14 MS. ETANA: All right. Thank you for  
15 --

16 (Simultaneous speaking.)

17 CHAIRPERSON ANDERSON: No, I'm sorry.  
18 No, no, I'm sorry. You're cross examining him.  
19 Only one person can do that. So if you have a  
20 question, you -- ma'am, you need to tell him to  
21 ask George. So put it on mute. You can tell the  
22 question that whatever you wanted to ask. And  
23 then you ask the questions, sir.

24 MS. ETANA: I want to speak, and then  
25 it'll be better.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Ma'am, ma'am,  
3 ma'am.

4 MR. CROCKER: This is just cross  
5 examination.

6 CHAIRPERSON ANDERSON: You are -- he's  
7 -- the witness is being cross examined. Only one  
8 person -- both of you are not going to cross  
9 examine him. What I said to you, whatever you  
10 questions you have, say it to your  
11 representative.

12 Make sure that your representative  
13 asks a question. But I'm not going to allow you  
14 to ask him a question. And what I'm saying I'll  
15 give you an opportunity put your phone on mute.  
16 You can talk and then formulate the question and  
17 ask him the question on cross examination.  
18 That's it.

19 MR. CROCKER: What is your questions  
20 you have?

21 MS. ETANA: I just want to say first  
22 of all, he is lying.

23 CHAIRPERSON ANDERSON: You're missing  
24 the point.

25 MR. NEHMETALLAH: Mr. Donovan, I want

1 to --

2 (Simultaneous speaking.)

3 CHAIRPERSON ANDERSON: Sir, sir, you  
4 don't have to say nothing, sir.

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: No, no, no, no,  
7 no, no. Nothing, please.

8 MR. NEHMETALLAH: I'm an important  
9 person in the community.

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: Listen, listen,  
12 sir. Listen, sir. Nothing, please. There's no  
13 question. I don't need you to say anything.  
14 Wait until a question is asked of you and you  
15 answer the question. The Board might have  
16 questions. The Board might have questions. So  
17 just it's his opportunity to ask you questions,  
18 sir.

19 MR. NEHMETALLAH: I'm fine. But no  
20 defamation.

21 CHAIRPERSON ANDERSON: I am trying to  
22 do this hearing. Only speak -- when a question  
23 has been asked of you, sir, you answer the  
24 question. Go ahead. You have another question,  
25 sir?

1 MR. CROCKER: Yes, yes. Okay, real  
2 quickly. Mr. Nehmetallah, are there any other  
3 clubs or bars or lounges or whatnot in the area  
4 that you've made these similar complaints?

5 MR. NEHMETALLAH: Yes, there was a  
6 club which is the Chuck & Billy's. They also  
7 close --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: Ma'am, I don't  
10 want to hear you. I don't want to hear you,  
11 ma'am. Do you mind?

12 MS. ETANA: Yes, I'm sorry.

13 MR. NEHMETALLAH: Yes, you're not the  
14 only. So just to continue the answer, Mr.  
15 Donovan. So two clubs bothered us. Both of them  
16 are closed. Both of them lost their license.  
17 Both of them has complaints. Yes. So what?

18 MR. CROCKER: You're the principle  
19 complainer representing the five here in this  
20 case. Did you leverage some similar complaints  
21 against those two lounges as well that are now  
22 closed?

23 MR. NEHMETALLAH: What? I don't  
24 understand the question.

25 MR. CROCKER: The question is you



1 mentioned, for example, you had pictures of  
2 Howard University's parking lot. Those other two  
3 clubs or lounge, Chuck & Billy's and Sankofa, are  
4 closer to your home than Peace Lounge. Is that  
5 correct?

6 MR. NEHMETALLAH: Both of them, one  
7 from each side. So I haven't measured it. So do  
8 you think I would have measured it in feet which  
9 one is closer? Both similar distance.

10 (Simultaneous speaking.)

11 MR. CROCKER: You're an engineer.

12 MR. NEHMETALLAH: -- from each side.  
13 Yeah, and I complained on both of you, yeah.

14 MR. CROCKER: Right. You're an  
15 engineer. So my point being is you showed  
16 pictures and videos and whatnot. So how do you  
17 know that those patrons were coming from Peace  
18 Lounge versus those other two places that are  
19 actually even closer to your house?

20 MR. NEHMETALLAH: Okay. Both of them  
21 -- both patrons from both come and park in that  
22 parking lot. That's true. But I know for a fact  
23 because I lived here and I can see both clubs  
24 visually. The patrons that come and get out and  
25 fight all the way from your front door and then

1 leave. They come still to the parking lots. I  
2 know you're responsible for all this trash,  
3 fighting, shooting, similar to the other guy. So  
4 --

5 (Simultaneous speaking.)

6 MR. CROCKER: So you know where those  
7 patrons are coming from?

8 CHAIRPERSON ANDERSON: Listen, listen,  
9 listen, listen.

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: Mr.  
12 Nehmetallah, hold on, hold on. We're only having  
13 a hearing on hours.

14 (Simultaneous speaking.)

15 CHAIRPERSON ANDERSON: Okay? Hours,  
16 that's the only -- I gave him some leeway. The  
17 Board -- the only issue we're -- we're only going  
18 to make an issue -- we're making a ruling today  
19 on the hours of entertainment from Sunday through  
20 Thursday. All the question needs to go into the  
21 hours of entertainment from Sunday through  
22 Thursday because that's the only issue that this  
23 board will address today.

24 MR. CROCKER: But the only point I'm  
25 trying to make here is that Mr. Nehmetallah has

1 leveraged these same types of attacks on these  
2 other locations as well. Okay. So those two  
3 locations are shut down. They're not open.  
4 They're closer to his home than Peace Lounge is.

5 So this is a pattern and what he does  
6 to try to shut these businesses down. And with  
7 modified hours, they were not able to stay open.  
8 Okay. So the only reason why I'm bringing this  
9 up is because this is a pattern that Mr.  
10 Nehmetallah has. So my question is, once again,  
11 Mr. Nehmetallah, have --

12 (Simultaneous speaking.)

13 MR. CROCKER: -- you made the same  
14 type --

15 (Simultaneous speaking.)

16 MR. NEHMETALLAH: -- question, Mr.  
17 Donovan. He was just making statements on my  
18 behalf.

19 CHAIRPERSON ANDERSON: I think he's  
20 asking a question now. Hold on, sir. He's  
21 asking a question. What's your question?

22 MR. CROCKER: Have you participated or  
23 been a part of protests associated with other  
24 establishments in the area that are similar to  
25 the ones you're leveraging right now against

1 Peace Lounge?

2 MR. NEHMETALLAH: So you asked me this  
3 -- I answered both. I protested two clubs, your  
4 club and Chuck & Billy's. Chuck & Billy's get  
5 closed not by me really. Not because I  
6 protested. Because there was a shooting and then  
7 the cops came and they closed it.

8 MR. CROCKER: You put up some pictures  
9 of some bullets. So you allege those bullets  
10 came from patrons of Peace Lounge.

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: Mr. Crocker,  
13 why are we -- I'm sorry. Hold on. I'm sorry.  
14 Hold on. The purpose of this hearing is just on  
15 hours. Why are we having a conversation on  
16 bullets? That's not --

17 MR. CROCKER: Because --

18 CHAIRPERSON ANDERSON: -- relevant to  
19 this hearing.

20 MR. CROCKER: Well, he's alleging that  
21 Peace Lounge --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: It's just not  
24 relevant.

25 MR. CROCKER: -- for security.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: We're not  
3 talking about -- Mr. Crocker, I thought we had an  
4 agreement. The only issue that we're discussing  
5 today at this hearing is your hours from Sunday  
6 through Thursday, the hours that we should  
7 provide to you for entertainment.

8 MR. CROCKER: Right. Well, let me  
9 just give a little clarification as far as the  
10 relevance of my question.

11 CHAIRPERSON ANDERSON: This is cross  
12 examination, sir. I know you're not a lawyer.  
13 You're asking him a question. It's not  
14 clarification. You're asking him a question.

15 MR. CROCKER: I apologize, sir. Okay.  
16 Mr. Nehmetallah, how do you know that those  
17 bullets that you presented in your presentation  
18 came from patrons of Peace Lounge?

19 MR. NEHMETALLAH: Just you have to  
20 understand the topic as Mr. Donovan was saying.  
21 You keep that to the hours. Now if Mr. Donovan  
22 wants me to answer this, I can, because I didn't  
23 say it come from the patrons.

24 You have something wrong in your  
25 hearing. I said people that are coming here to

1 sell drugs, they also deal with guns. And they  
2 sell drugs to the patrons.

3 I didn't say the patrons have guns,  
4 right? So you have to be careful and go through  
5 allegations because I can sue you. I have my  
6 lawyers.

7 Don't ever defame me or say I lied or  
8 the receipts are wrong because I can bet you on  
9 your license if the receipts are wrong, I would  
10 allow you to open till 3:00 a.m., right? I will  
11 ask -- I will settle with any number. If the  
12 receipts are right, do you commit to 12:00  
13 midnight?

14 If the receipts that you claim I'm  
15 lying, go to the company. I have the PDF files  
16 of the receipts and I have the window. You can  
17 come and check it out and we can get an  
18 investigator. If the receipts are correct, do  
19 you settle for 12:00 midnight?

20 (Simultaneous speaking.)

21 MR. CROCKER: No, this is not a  
22 negotiation. I'm asking questions here.

23 MR. NEHMETALLAH: Uh-huh.

24 (Simultaneous speaking.)

25 MR. CROCKER: Okay. As you stated

1 before about criminal activity and the calls that  
2 you made to the police department, this is a  
3 report from the Maryland Police Department that  
4 the ABRA investigator would've shared with the  
5 Board today. This is a list of all of the  
6 criminal activity that's occurred in that  
7 neighborhood that's in their vicinity that all  
8 call logs associated with 2632 George Avenue or  
9 whatnot. These issues that you see, like, theft,  
10 a break-in, a robbery or whatnot, those are  
11 criminal acts against patrons of Peace Lounge.  
12 You're alleging as though Peace Lounge is the  
13 cause of these incidents --

14 (Simultaneous speaking.)

15 MR. CROCKER: -- in your presentation.  
16 So the facts doesn't support what you state.  
17 This is the police. So the mere fact that you  
18 called ABRA, that you called the police and the  
19 police came out. When they did an investigation  
20 or that there was an alert or whatnot -- because  
21 I've also got the records of all your call logs  
22 to them. And when ABRA came out, there were no  
23 findings of any wrongdoing. So Peace Lounge --

24 (Simultaneous speaking.)

25 MR. NEHMETALLAH: Is this a question

1 or a statement?

2 (Simultaneous speaking.)

3 MR. CROCKER: This is a question.  
4 This is a question. So your logs or whatnot of  
5 your calls to ABRA, have you ever seen a report  
6 as far as to what the findings were?

7 MR. NEHMETALLAH: I called -- 99  
8 percent of my calls, I called about the noise was  
9 the reason of the calls.

10 (Simultaneous speaking.)

11 MR. CROCKER: Right. But what I'm  
12 saying is for all the calls of your records, have  
13 you ever gotten feedback as far as what happened  
14 as a result of the calls?

15 MR. NEHMETALLAH: Whenever I call, I  
16 talked to them. They talked to me on the phone.  
17 And then they said -- they agreed to lower the  
18 noise.

19 They leave -- whoever is running the  
20 show, they put the noise back again. That's the  
21 feedback. And I talked to several investigators  
22 during these.

23 A couple of them came several times  
24 here to my house up there. They give you a  
25 ticket. There is a record for a ticket, right,



1 for a fine for loud music.

2 So all these findings are from ABRA,  
3 not from me. So if you want to discuss the fines  
4 that ABRA gave you, discuss it with Mr. Donovan.  
5 They did their investigation.

6 They fined you. They didn't fine me,  
7 right? So all these violations that I have cited  
8 are documented by ABRA, not by me. So whatever  
9 you are trying to say, the logic, the twisted  
10 logic you're trying to do, that has nothing to do  
11 with reality.

12 MR. CROCKER: All right. You  
13 complained about trash and the Peace Lounge. Is  
14 this a picture of your alley today?

15 MR. NEHMETALLAH: Correct. This  
16 happened. Somebody has put that mattress a week  
17 ago or two weeks ago. What does that anything to  
18 do with anything?

19 MR. CROCKER: All right.

20 MR. NEHMETALLAH: I mean, this is  
21 really pathetic.

22 MR. CROCKER: All right. Is this the  
23 side of your home that I'm showing right here?

24 MR. NEHMETALLAH: Oh, yeah. There is  
25 trash in the alley all the time. But --

1 MR. CROCKER: Is this your home? Is  
2 this your home right here to the right?

3 MR. NEHMETALLAH: Correct, correct.

4 MR. CROCKER: Is all this trash down  
5 here caused by Peace Lounge?

6 MR. NEHMETALLAH: No, no.

7 MR. CROCKER: This picture was taken  
8 yesterday.

9 MR. NEHMETALLAH: I didn't say all  
10 trash comes from Peace Lounge. I said a lot of  
11 trash comes from Peace Lounge. Go and look at  
12 the parking lot. Take a photo of the parking lot  
13 today. It's glistening clean.

14 Why? Because no patrons are there to  
15 through their trash there and blow to the alley.  
16 There are still people unfortunately that litter.  
17 We always are complaining. But when you call  
18 311, they say they cannot clean except every few  
19 months.

20 That has nothing to do this picture  
21 that you're saying with what I said. I said  
22 there is trash coming because of the patrons of  
23 Peace Lounge. I didn't say all the trash is  
24 coming from Peace Lounge. Okay? So be specific  
25 when you are asking a question.

1 MR. CROCKER: Well, I'm being  
2 specific. This is your house. This picture was  
3 taken yesterday on the side of your home. Peace  
4 Lounge has been closed for a year now. So are  
5 you attributing this trash or trash in the  
6 neighborhood to Peace Lounge? That was my point.

7 MR. NEHMETALLAH: This is logic. If  
8 the Peace Lounge is closed and there is trash  
9 now, do you think I'm an idiot to attribute that  
10 to Peace Lounge?

11 MR. CROCKER: Yes, yeah, so I mean,  
12 okay. All right. I'm sorry. I'll go forward.

13 MR. NEHMETALLAH: You can't quality to  
14 be a lawyer.

15 MR. CROCKER: I'm an engineer. So I'm  
16 not trying to qualify. Okay. As a -- yeah, as -  
17 - hold on one second.

18 (Pause.)

19 MR. CROCKER: Okay. In the settlement  
20 agreement, Mr. Nehmetallah, did we agree to --  
21 are you in agreement with the sound mitigation  
22 measures that we placed in there with respect to  
23 reducing the sound issues which seem to be the  
24 primary issue of concern that you have with the  
25 entertainment hours that we're proposing here?

1                   MR. NEHMETALLAH: I read the  
2 settlement agreement. Eric sent it to me. I  
3 ratified it. And only my concern is that you'll  
4 never ever mitigate the sound to the bass. And I  
5 wanted the hours to be limited to 12:00 because  
6 then at least I can sleep. I know the music will  
7 be shut off. That's it.

8                   MR. CROCKER: Well, I mean, but would  
9 you -- I mean, we've put measures in there to  
10 make sure that we --

11                   (Simultaneous speaking.)

12                   MR. NEHMETALLAH: You didn't put  
13 measures the last five years when you bothered us  
14 for five years.

15                   MR. CROCKER: Okay, okay. Perfect  
16 example. On all of those noise complaints, those  
17 calls that made before, did any of them result in  
18 Peace Lounge being fined as a result of the  
19 calls?

20                   MR. NEHMETALLAH: I showed you on the  
21 slide. I showed you on the slide. They fined  
22 you.

23                   MR. CROCKER: No, you showed --

24                   MR. NEHMETALLAH: Here, I showed you  
25 on the slide. You had been fined for loud music.

1 MR. CROCKER: No, no.

2 MR. NEHMETALLAH: Yes.

3 MR. CROCKER: As a matter of fact, I  
4 can show you all the call logs that you've made -  
5 - one second, please.

6 MR. NEHMETALLAH: Where you fined by  
7 for loud music. Comply now with noise, failed to  
8 comply. Number 7, failed to comply with noise  
9 requirement, fine, 1,000 dollars. You were  
10 fined.

11 I mean, I don't know what truth other  
12 than ABRA's. I did a FOIA and I get this from  
13 ABRA. ABRA can get your records better than me.  
14 But it's already written.

15 You were fined because of noise. Not  
16 only for noise, absence of manager, operated  
17 after hours, several fine, selling to minors. So  
18 this is the business.

19 (Simultaneous speaking.)

20 MR. CROCKER: No, I want to show --

21 CHAIRPERSON ANDERSON: Is there  
22 another question? This is cross examination. Do  
23 you have another question, sir?

24 MR. CROCKER: I'm sorry. Yes, I do.  
25 The question that I have, like I said, with Mr.

1       Nehmetallah's statements or whatnot. In the  
2       settlement agreement, are you okay or do you  
3       agree to the extra security measures that we  
4       have. Do you feel as those they will address  
5       your other concerns with respect to patrons when  
6       they're leaving the establishment?

7                   MR. NEHMETALLAH: Everything that do  
8       extra is fine. I'm saying this is not going to  
9       be enforced. Even the police cannot enforce the  
10      patrons.

11                   When we called the police, the MPD  
12      police for people who are drunk and shouting at  
13      2:00, 3:00 a.m. in the morning, the police cannot  
14      do anything about it. I don't think you can or  
15      whoever you're going to hire they can enforce it.  
16      They cannot just drag people and put them in jail  
17      because they're unruly and drunk.

18                   So this is not going to be enforced.  
19      This is nothing. I need concrete things. If you  
20      shut your music, keep selling alcohol as much as  
21      you want, shut the music at 12:00, that's what I  
22      care about and all the citizens here that are  
23      bothered by the noise that I present and care  
24      about. You do that, I don't need anything from  
25      you.

1 (Simultaneous speaking.)

2 MR. CROCKER: We feel you're being  
3 unreasonable by making statements like that if  
4 we're willing --

5 (Simultaneous speaking.)

6 CHAIRPERSON ANDERSON: Ask a question,  
7 Mr. Crocker. Ask a question, sir. No  
8 statements. Ask -- your cross examining him.  
9 Ask him a question, sir.

10 MR. CROCKER: Okay. I apologize.

11 (Simultaneous speaking.)

12 CHAIRPERSON ANDERSON: That's up to  
13 the Board to make a determination.

14 MR. CROCKER: What year were the  
15 videos that you showed of the people running in  
16 the parking lot? What year were those video  
17 done?

18 CHAIRPERSON ANDERSON: Why are we  
19 talking about people in the parking lot? We're  
20 talking about noise, whether or not we should  
21 approve the hours from Sunday through Thursday.  
22 Why are we talking about noise from the parking  
23 lot?

24 (Simultaneous speaking.)

25 MR. CROCKER: Because -- because --

1 CHAIRPERSON ANDERSON: -- parking lot?

2 MR. CROCKER: The reason being just  
3 from a concession standpoint is he's presenting  
4 that as reasons upon why Peace Lounge should --  
5 hours should be restricted. And I'm just cross  
6 examining to show that those videos were taken  
7 back in 2017 before the Peace Lounge license was  
8 even issued.

9 MR. NEHMETALLAH: Oh, no, no. 2017,  
10 the club was operating. I live here since 2016.  
11 I mean, you're new to this. Maybe ask --

12 (Simultaneous speaking.)

13 MR. CROCKER: It wasn't operating  
14 under her license. So you're attributing it to  
15 the club --

16 MR. NEHMETALLAH: The same place, the  
17 same place.

18 MR. CROCKER: -- and it was different  
19 ownership.

20 MR. NEHMETALLAH: Peace Lounge. These  
21 2017 events, I lived starting in November 2016  
22 here. The same day I moved in here, we couldn't  
23 sleep because of the Peace Lounge. So the same  
24 people, same owner, same --

25 (Simultaneous speaking.)



1 MR. CROCKER: I want to present --

2 MR. NEHMETALLAH: It's called Peace  
3 Lounge, Medusa Lounge, whatever. It's the same  
4 thing. I'm complaining about all of this. So  
5 all of these are real.

6 MR. CROCKER: And do you know -- Mr.  
7 Nehmetallah, do you know when Ms. Etana was  
8 issued an ABRA license for Peace Lounge?

9 MR. NEHMETALLAH: You can ask Mr.  
10 Donovan. I don't work for ABRA.

11 (Simultaneous speaking.)

12 MR. CROCKER: My point being that not  
13 in 2017.

14 CHAIRPERSON ANDERSON: Mr. Crocker, he  
15 said he does know. Let's move on.

16 MR. CROCKER: All right. All right.  
17 So --

18 MR. NEHMETALLAH: Maybe --

19 MR. CROCKER: -- do you have any  
20 questions for him? Yeah, okay, Ms. Etana has  
21 some questions. Let me ask her what it is so I  
22 can ask them. Okay. One second. All right.  
23 That's all the questions that we have for cross  
24 examination for Mr. Nehmetallah.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you. Any questions by any Board member of  
2 Mr. --

3 PARTICIPANT: I don't know. He don't  
4 know I had no questions.

5 CHAIRPERSON ANDERSON: Who's that?  
6 I'm sorry. Who's that? I don't know who's  
7 speaking. I don't know who's speaking. Someone  
8 just said something. I don't know. That's why  
9 I'm trying to recognize. Any Board members have  
10 any questions for Mr. Nehmetallah?

11 (No audible response.)

12 CHAIRPERSON ANDERSON: All right.

13 MR. NEHMETALLAH: Are you talking to  
14 me, Mr. Donovan?

15 CHAIRPERSON ANDERSON: I'm asking if  
16 any Board members have any questions for you,  
17 sir. And I guess no one is speaking up. So no  
18 one has any questions for you. All right. Thank  
19 you. Does any Board members have any questions  
20 of the ANC or of the licensee?

21 (No audible response.)

22 CHAIRPERSON ANDERSON: All right.  
23 Hearing none -- all right. So we have done the  
24 questions. All right. This is what we're going  
25 to do closing. This is what I want all three

1 sides to say.

2 The only issue here is on hours from  
3 Sunday through Thursday, hours of entertainment.  
4 So please be specific. What is it you want and  
5 why is it that you -- hold on.

6 All right. This is what I want each  
7 three sides to state. This is the only issue is  
8 outstanding here is entertainment from Sunday  
9 through Thursday. I will start with the  
10 applicant.

11 Just wrap up your case. Just let me  
12 know. You have five minutes. Tell me what you  
13 want, what you want the Board to do, and why. So  
14 I'll start with the applicant first and then I'll  
15 have the two protestant. Five minutes.

16 MR. CROCKER: Yes.

17 MS. ETANA: Okay. I just want to say  
18 this because Mr. Nehmetallah, he looks like he  
19 have the power of the world. He's speaking, he's  
20 lying --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: I can't hear  
23 you, ma'am. Just speak slower because I can't  
24 hear you so I can understand you.

25 MS. ETANA: Okay. I just want to say

1 this. I try to work with this guy and he's been  
2 very disrespectful.

3 (Simultaneous speaking.)

4 CHAIRPERSON ANDERSON: Ma'am, hold on.  
5 Hold on. Hold on. We're beyond that. This is  
6 closing. What I said to you --

7 MS. ETANA: Yes.

8 CHAIRPERSON ANDERSON: -- you tell me  
9 what is it you want. We're closing. We're done  
10 taking --

11 MS. ETANA: Okay.

12 CHAIRPERSON ANDERSON: -- testimony,  
13 closing. What is it you want and why. And this  
14 is on --

15 MS. ETANA: Okay.

16 CHAIRPERSON ANDERSON: --  
17 entertainment from Sunday through Thursday.  
18 That's the only issue. What is it you want and  
19 why.

20 MS. ETANA: Okay. Just kindly I'm  
21 asking the Board to get the hour back to regular  
22 hour, closing hour -- I mean our regular hour,  
23 Monday through Thursday, 2:00 o'clock, Friday,  
24 Saturday, 3:00 o'clock. So I'm willing to work  
25 with the neighborhood. But it seems like he just

1 see the problems.

2 He doesn't want to solve the problem.  
3 We tried to provide everything he need. We keep  
4 it soundproof. If he think it's engineer, he can  
5 tell us what to do to not the sound going out  
6 from our building.

7 Second thing, he is more close than  
8 our club to Sankofa and Chuck & Billy's. We was  
9 there every day. Even yesterday I was there. I  
10 even have a photo and video. The area is mess  
11 near his building. And he's more close to those  
12 club than us.

13 So I feel like this is personal. He's  
14 hating us. He's hating business in the area.  
15 This guy, he don't want no Black business exist  
16 in the area. He's trying to shut down. He's  
17 beating like he has power.

18 And we should have a right too. We  
19 are taxpayer. We pay tax. He's picking  
20 completely lying about the parking lot, about the  
21 bullets, about the shooting, about the after  
22 hour. It's so many different businesses in the  
23 neighborhood.

24 He's trying to shut us down instead of  
25 either business doing illegal next door of us

1 which is after hour. He's not even complaining  
2 about that. So now we will asking kindly the  
3 Board as a citizen have a right. We just want to  
4 get back our hour, 2:00 o'clock and 3:00 o'clock.  
5 Thank you, sir.

6 MR. CROCKER: And just as an addition  
7 to that, we're willing to put in mitigations to  
8 address Mr. Nehmetallah. We want to be a citizen  
9 of the neighborhood as well. So in the  
10 agreement, we've put in some sound mitigation  
11 measures.

12 CHAIRPERSON ANDERSON: Okay. I'm  
13 sorry. Go ahead. Go ahead.

14 MR. CROCKER: We've added additional  
15 security. We're saying we're going to allow  
16 extra security to be out there to walk patrons to  
17 their cars as well as to make sure that the  
18 neighborhood is safe. So all of those issues or  
19 those accusations that he made with respect to  
20 drug dealers selling drugs to our patrons and all  
21 those types of things, we are willing to mitigate  
22 that with added security measures. So our  
23 concern is, is that this guys now is making an  
24 attack to try to attack our hours of operations  
25 which has a huge --

1                   CHAIRPERSON ANDERSON: I can't hear  
2 you, sir. Mr. Crocker, I can't hear you.

3                   MR. CROCKER: Yes, I'm sorry. The  
4 biggest point that we're trying to make is that  
5 this guy, first of all, is leveraging the same  
6 exact attacks.

7                   MR. NEHMETALLAH: My name is not this  
8 guy.

9                   CHAIRPERSON ANDERSON: Mr. -- I'm  
10 sorry. I'm sorry. I'm not going to allow this.  
11 They're closing. You'll get your opportunity,  
12 sir.

13                  MR. NEHMETALLAH: But my name is not  
14 this guy, Mr. Donovan.

15                   (Simultaneous speaking.)

16                  CHAIRPERSON ANDERSON: Mr. -- please.

17                  MR. CROCKER: Okay. I apologize. I  
18 apologize to you, Mr. Nehmetallah. Okay.

19                  CHAIRPERSON ANDERSON: I don't want no  
20 one to -- who's sharing a screen? That's not --

21                  MR. CROCKER: That's me.

22                   (Simultaneous speaking.)

23                  CHAIRPERSON ANDERSON: I don't need --  
24 what are you sharing that screen for? What are  
25 you sharing? This is closing. What is it you're

1 sharing?

2 (Simultaneous speaking.)

3 MR. CROCKER: What this is --

4 CHAIRPERSON ANDERSON: -- nothing new.

5 MR. CROCKER: This is nothing new.

6 This is just all the calls that Mr. Nehmetallah  
7 has made to ABRA. And this is the Board ABRA'  
8 record of those calls. He's the only one in the  
9 neighborhood who's been making these complaints.  
10 This 937 number, 305 number of noise complaints.  
11 And then ABRA has in here the notes as far as  
12 when they came out and investigated --

13 CHAIRPERSON ANDERSON: Listen.

14 MR. CROCKER: -- they had no findings.

15 CHAIRPERSON ANDERSON: We don't have  
16 any testimony on this. You can't bring in new  
17 information in closing. Tell me -- this is --  
18 you can't bring in new information in closing.

19 MR. CROCKER: Oh, I apologize. Mr.  
20 Nehmetallah put down a list of all the calls that  
21 he made.

22 CHAIRPERSON ANDERSON: Okay, fine.  
23 But you need to address this in the hearing, not  
24 in closing. You cannot bring new information in  
25 closing. If you want to generally address it,



1 but you can't share your screen and bring in new  
2 evidence.

3 You can't do that in closing. You  
4 need to tell me this is what was proven and this  
5 is what you want. You cannot bring -- you can  
6 address this issue, but you cannot bring -- you  
7 can't bring new evidence.

8 MR. CROCKER: Okay, okay. Well, Mr.  
9 Nehmetallah in his presentation, he listed the  
10 amount of times or calls that he made to ABRA.  
11 The ABRA reports actually show what the result of  
12 those investigations were. When ABRA sent out a  
13 noise task force enforcement official and no  
14 findings that aligned with Mr. Nehmetallah's  
15 claims were found, right?

16 There's a record that you can find.  
17 They sent it over to me from the investigator to  
18 actually show that these allegations that he made  
19 are not true. These are standard attacks that  
20 he's been making on all the establishments there  
21 in the neighborhood. And he's been successful in  
22 getting two of them shut down. And we don't want  
23 the same thing to happen to Peace Lounge. Okay.

24 CHAIRPERSON ANDERSON: So what hours  
25 are you asking for, for entertainment from Sunday

1 through Thursday?

2 MR. CROCKER: So the hours we're  
3 asking for are for, one, the ones that ABRA  
4 allows for a person with a Type C tavern license.  
5 We're willing to go to --

6 CHAIRPERSON ANDERSON: What is it you  
7 want? What do you want us to do? Don't tell me  
8 what -- if you're willing, you're telling me what  
9 you want. That's what we're going to run on.  
10 What is it you want us to rule on? What hours?

11 MR. CROCKER: We want --

12 CHAIRPERSON ANDERSON: Sunday through  
13 Thursday, what hours?

14 MR. CROCKER: We want ABRA to allow  
15 Peace -- I mean, sorry, Medusa Lounge to operate  
16 in accordance with the hours that ABRA allows for  
17 a Type C tavern license.

18 CHAIRPERSON ANDERSON: Which is what?  
19 What was in the petition for entertainment? This  
20 is just --

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: This is  
23 entertainment from -- what is it that was on --  
24 what is it you asked for? What did you ask us  
25 for?

1 (Simultaneous speaking.)

2 MS. ETANA: 1:00 o'clock to closing  
3 time -- I mean, 2:00 o'clock on the weekday,  
4 weekend, 3:00 o'clock.

5 CHAIRPERSON ANDERSON: Listen, listen.  
6 I think you're missing the point. The only  
7 issue, this is on entertainment from Sunday  
8 through Thursday. What are the hours of  
9 entertainment from --

10 MS. ETANA: 2:00 o'clock.

11 CHAIRPERSON ANDERSON: -- Sunday to  
12 Thursday are you asking for? What time?

13 MS. ETANA: 12:00 o'clock to 2:00  
14 o'clock, sir.

15 CHAIRPERSON ANDERSON: 12:00 to 2:00?

16 MS. ETANA: Yes.

17 CHAIRPERSON ANDERSON: Sunday through  
18 Thursday, entertainment from 12:00 to 2:00.  
19 That's what you're asking for, entertainment from  
20 Sunday through Thursday from 12:00 to 2:00.  
21 Fine, that's what you're asking for. Closing.  
22 This is the only issue. What is it -- okay. So  
23 let me go to the ANC. What is it as far as  
24 entertainment is concerned, Sunday through  
25 Thursday, what is it the ANC is asking us to do?

1 MR. BEHNA: We are asking for hours of  
2 entertainment, Sunday through Thursday, from 5:00  
3 p.m. to 12:30 a.m. Okay, 5:00 p.m. to 12:30  
4 a.m., although the more this hearing has gone on,  
5 the more that I'm more supportive of 12:00 a.m.  
6 But we'll say 12:30 a.m. to cease.

7 And the reason that we are asking for  
8 12:30 a.m. is because of the close proximity of  
9 the establishment, less than 100 feet from  
10 residences. We appreciate that they've agreed to  
11 noise mitigation. However, an establishment can  
12 only do so much when it's that close.

13 So that's why we are supportive of the  
14 neighbors in reducing the hours of entertainment.  
15 We're quibbling over 30 minutes here essentially.  
16 At one point, Mr. Crocker and Ms. Etana agreed to  
17 entertainment ending at 1:00 a.m. So we are  
18 quibbling over 30 minutes here.

19 We've been here since 1:30 p.m. over  
20 30 minutes. So I just would like to say that  
21 this will not have a measurable impact on the  
22 business' revenue. They are still going to be  
23 open till 2:00 a.m. selling alcohol till 2:00  
24 a.m. But the entertainment must cease at 12:30  
25 a.m.

1 I would like the Board to keep in mind  
2 the history of noise complaints as documented by  
3 the neighbors, by Mr. Nehmetallah, by ABRA record  
4 itself. I want the Board to keep in mind when  
5 they're ruling the history of more serious ABRA  
6 violations. And this is the same ownership that  
7 came before this Board in 2020.

8 And Member Short of this Board called  
9 some of their conduct reprehensible and, quote,  
10 disrespect for the Board and nightlife for  
11 Washington, D.C. So I just would like the Board  
12 to keep that in mind as they are ruling on these  
13 hours. So 5:00 p.m. to 12:30 a.m., Sunday  
14 through Thursday, entertainment hours. Thank  
15 you.

16 CHAIRPERSON ANDERSON: All right, sir.  
17 You're next. What is it that -- what hours of  
18 entertainment are you requesting from your  
19 perspective from Sunday through Thursday.

20 MR. NEHMETALLAH: Mr. Donovan, I would  
21 like to have a closing statement because they  
22 made some allegation that I am after them as if I  
23 know them. There are other establishment there.  
24 There is a barber shop. There is restaurants.  
25 The first floor of the same building, I never

1 complained against these people because they are  
2 respecting the rules. They are not bothering us.

3 If they are blaming some personal  
4 thing as if I know them, I don't them. What I  
5 know is that the noise, I don't want to hear it  
6 when I'm sleeping and then wake up in the middle  
7 of the night. That's it.

8 There is another establishment, the  
9 Sankofa is still open and it's near my house as  
10 well near the residences, the same distance as  
11 the distance from my house to that club. So as  
12 Mr. Eric said from ANC, they're very close to our  
13 residential neighborhood. Whatever mitigation if  
14 they do, and I doubt they do anything, but if  
15 they do will not affect even with the windows I  
16 have that I purchased.

17 And I welcome the investigator to come  
18 and put an end to this allegation that is really  
19 silly that I put documents and this that fake.  
20 But I what I wanted to say is that I'm not  
21 against anybody if they respect us and respect  
22 the ANC and respect the neighbors. There are all  
23 sorts of documentation.

24 There's my word, their word, and then  
25 the documents that ABRA has. They have many

1 violations documented with noise and alcohol and  
2 everything violations at ABRA. So you don't need  
3 to take my word or their word. Just go to your  
4 records and check these violations.

5 They have numbers, and they have a  
6 code. And I just want to have that to sleep at  
7 night with me and my family and the neighbors. I  
8 have a neighbor here near my house. She doesn't  
9 even -- cannot even stay in her bedroom on that  
10 side where Medusa Lounge is. She has to sleep in  
11 the back. She's a 75-year-old African American  
12 lady, very respectful and very kind. She cannot  
13 stand this club at all.

14 So what I want, I want to represent  
15 these voiceless victims of the Medusa club. We  
16 are living in a very bad situation. We are a  
17 residential neighborhood. And we want to live  
18 and go to work on workdays.

19 We're not talking about weekends. We  
20 want workdays to be respected and we want them to  
21 stop at 12:00. I will agree with 12:30, but  
22 that's not my first choice. But if ABRA and the  
23 ANC wants to put it that way, that's fine. He  
24 can still sell alcohol. They can still --

25 (Simultaneous speaking.)

1                   MR. NEHMETALLAH: I understand that no  
2 matter what sound mitigation they do, they cannot  
3 cancel the bass. It's going to come to my house,  
4 and I need to sleep. We need to sleep with our  
5 families. That's it.

6                   We're not after them for any reason.  
7 I don't even know them, and I don't want to know  
8 them. I just don't want the music to be in my  
9 bedroom.

10                  You have the videos. Check the videos  
11 of the sound and see if it's bearable. If you  
12 can put your family here, I can put my family  
13 here. That's it.

14                  CHAIRPERSON ANDERSON: I would've  
15 hoped that the parties were able to settle this  
16 matter. And as I've always stated and the Board  
17 prefers settlement because when the Board makes a  
18 decision, one side will be happy, the other side  
19 is going to be unhappy. If you have a settlement  
20 agreement, both sides will move on to move  
21 forward.

22                  All right. It's my understanding and  
23 I was told and we all agree that there's a  
24 settlement agreement. So I'm going to ask the  
25 ANC and I'm going to ask the licensee, does the



1 ANC have a copy of the settlement agreement and  
2 the licensee have a copy of the settlement  
3 agreement? Is that correct?

4 (Simultaneous speaking.)

5 MR. CROCKER: Yes.

6 CHAIRPERSON ANDERSON: All right. So  
7 I'll ask --

8 (Simultaneous speaking.)

9 CHAIRPERSON ANDERSON: I'm sorry.

10 MR. BEHNA: Yes, would you like me to  
11 send you the copy?

12 CHAIRPERSON ANDERSON: Yes, I need the  
13 licensee and the ANC to send us a copy -- to send  
14 a copy of the settlement agreement to ABRA legal.  
15 And so therefore we will incorporate the terms  
16 that the parties have agreed upon to grant this  
17 license. And then --

18 (Simultaneous speaking.)

19 MR. BEHNA: Okay.

20 MR. CROCKER: Just real quickly --

21 (Simultaneous speaking.)

22 MR. CROCKER: Just real quickly with  
23 respect to the settlement agreement. The last  
24 version of it was written by the ANC and we  
25 reviewed it. And then they came back and they

1 said there was only three issues that were  
2 outstanding. So --

3 CHAIRPERSON ANDERSON: There's only  
4 one issue that's outstanding as far as this. And  
5 that's why we only had a hearing on it.

6 MR. CROCKER: Right. But my point --

7 CHAIRPERSON ANDERSON: And the only  
8 issue that we had a hearing on today is the hours  
9 of entertainment from Sunday through Thursday.  
10 That is the only issue.

11 MR. CROCKER: Okay. But we're  
12 requesting, though, that the issue with regarding  
13 to the Howard parking lot based upon the earlier  
14 discussion be removed from that settlement  
15 agreement. Okay? And then yes, we are in  
16 agreement with it.

17 CHAIRPERSON ANDERSON: So that's not  
18 -- so is it correct that the -- I'm not -- I just  
19 want to make sure that the parties have agreed on  
20 all the other issues -- outstanding issues. And  
21 so the Howard will not be a part of the  
22 settlement agreement because that's not something  
23 that we have -- is that correct? Are the parties  
24 in agreement?

25 MR. BEHNA: I can strike the paragraph

1 about the parking lot.

2 CHAIRPERSON ANDERSON: All right. So  
3 I need -- so both parties need to provide us --  
4 all three parties need to provide us a settlement  
5 agreement in the next ten days.

6 MR. NEHMETALLAH: And Mr. Donovan, the  
7 agreement is with the ANC. It's the same  
8 agreement. We agree with them.

9 CHAIRPERSON ANDERSON: Fine, ten days.  
10 In ten days, you're going to jointly provide us a  
11 settlement agreement that we'll incorporate that  
12 and the Board will issue a decision just on the  
13 time the entertainment for Sunday through  
14 Thursday. That was the only portion of this  
15 hearing. Everyone is in agreement with that.  
16 All right.

17 MR. CROCKER: We're in agreement with  
18 that here.

19 CHAIRPERSON ANDERSON: All right. The  
20 record is now closed. The Board will issue a  
21 decision in 60 days. So let me close this case.

22 MR. CROCKER: You said 60 days? It'll  
23 take 60 days before the Board -- we won't be able  
24 to open up until --

25 CHAIRPERSON ANDERSON: By law, that's

1       how much time we have to issue the decision, sir,  
2       60 days. That's what the law says. We'll  
3       probably issue the decision before that, but we  
4       have 60 days to issue the decision. Okay?

5               MR. CROCKER: Thank you, sir.

6               CHAIRPERSON ANDERSON: And then the  
7       timeline, the law says that we have -- it's a new  
8       license. We have 60 days to issue the decision  
9       from the date of the hearing. And remember this  
10      hearing was scheduled for next week. So you're  
11      getting -- whatever decision is made, you're  
12      getting even earlier because it would have been  
13      60 days from the 15th.

14              MR. CROCKER: We thank you, sir.

15              CHAIRPERSON ANDERSON: Now it's going  
16      to be 60 days from the 8th.

17              MR. CROCKER: All right.

18              CHAIRPERSON ANDERSON: As Chairperson  
19      of the Alcohol Beverage Control Board for the  
20      District of Columbia and in accordance with D.C.  
21      Official Code, Section 2574(b) of the Open  
22      Meetings Act, I move that ABC Board hold a closed  
23      meeting for the purpose of seeking legal advice  
24      from our counsel in Case No. 21-PRO-00073, Medusa  
25      Lounge, pursuant to D.C. Official Code, Section

1 2574(b) of the Open Meetings Act and deliberating  
2 upon Case No. 21-PRO-00073, Medusa Lounge for the  
3 reasons cited in D.C. Official Code, Section  
4 2574(b)(13) of the Open Meetings Act. Is there a  
5 second?

6 MEMBER CROCKETT: Ms. Crockett  
7 seconds.

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

12 (No audible response.)

13 CHAIRPERSON ANDERSON: Mr. Short?

14 MEMBER SHORT: Mr. Short, I agree.

15 CHAIRPERSON ANDERSON: Mr. Cato?

16 MEMBER CATO: Bobby Cato, I agree.

17 CHAIRPERSON ANDERSON: Ms. Crockett?

18 MEMBER CROCKETT: Rafi Crockett, I  
19 agree.

20 CHAIRPERSON ANDERSON: Ms. Hansen?

21 MEMBER HANSEN: Jeni Hansen, I agree.

22 CHAIRPERSON ANDERSON: Mr. Grandis?

23 MEMBER GRANDIS: Edward Grandis, I  
24 agree.

25 CHAIRPERSON ANDERSON: And Mr.

1 Anderson, I agree. As it appears, the motion has  
2 passed. I hereby give notice that the ABC Board  
3 will recess this proceeding and to hold a closed  
4 meeting in the ABC Board conference room pursuant  
5 to Section 574(b) of the Open Meetings Act.

6 Again, I want to thank everyone for  
7 their time and their presentation today. The  
8 next ten days, you'll provide us with a copy of  
9 the settlement that you have that hasn't been  
10 ratified but these are the terms that has been  
11 agreed upon that we will include this in our  
12 order. And the Board will make a decision on the  
13 hours of entertainment from Sundays through  
14 Thursdays. Thank you very much and have a great  
15 day.

16 (Whereupon, the above-entitled matter  
17 went off the record at 7:11 p.m. and resumed at  
18 7:37 p.m.)

19 CHAIRPERSON ANDERSON: We're back on  
20 the record. I apologize for the misunderstanding  
21 that we had. So I need to close the record  
22 officially since that was not done earlier. So I  
23 just want to make sure that we covered everything  
24 that's on our calendar for the day.

25 All right. So let me close the record

1 officially. As Chairperson of the Alcohol  
2 Beverage Control Board for the District of  
3 Columbia and in accordance with Title 3, Chapter  
4 405, Office of Open Government, I move that ABC  
5 Board hold a closed meeting on January 12th, 2022  
6 for the purpose of discussing and hearing reports  
7 concerning ongoing or planned investigations of  
8 alleged criminal or civil misconduct or  
9 violations of law or regulations and seeking  
10 legal advice from our legal counsel on the  
11 Board's investigative agenda, legal agenda, and  
12 licensing agenda for January 12th, 2022 as  
13 published in the D.C. Register on January 7th,  
14 2022. Is there a second?

15 MEMBER CATO: Bobby Cato seconds.

16 CHAIRPERSON ANDERSON: Mr. Cato has  
17 second the motion. I will now take a roll call  
18 vote on the motion before us now it has been  
19 second. Mr. Short?

20 MEMBER SHORT: Mr. Short, I agree.

21 CHAIRPERSON ANDERSON: Mr. Cato?

22 MEMBER CATO: Bobby Cato, I agree.

23 CHAIRPERSON ANDERSON: Ms. Crockett?

24 MEMBER CROCKETT: Rafi Crockett, I  
25 agree.

1 CHAIRPERSON ANDERSON: Ms. Hansen?

2 MEMBER HANSEN: Jeni Hansen, I agree.

3 CHAIRPERSON ANDERSON: Mr. Grandis?

4 MEMBER GRANDIS: Edward Grandis, I  
5 agree.

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

15 We're now adjourned for the year. I  
16 want to thank all Board members for their active  
17 participation. And we will see you then on  
18 January the 12th, 2022 for our next meeting  
19 session. I now request that all Board members  
20 return to executive --

21 MEMBER SHORT: Mr. Chair, what about  
22 the 5th? January the 5th? Okay. I just asked.

23 CHAIRPERSON ANDERSON: I now request  
24 that all Board members -- our next scheduled  
25 meeting is January the 12th, 2022. So I now



1 request that all Board members return to  
2 executive committee for further development.

3 Thank you.

4 (Whereupon, the above-entitled matter  
5 went off the record at 7:39 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Hope Lounge

Before: ABRA

Date: 12-08-21

Place: Teleconference

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



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**NEAL R. GROSS**

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