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

2 5:37 p.m.

3 CHAIRPERSON ANDERSON: All right. Our
4 next case is Case No. 18-PRO-00071, Pax Liquor,
5 License No. -- I'm sorry, Pax Spirits, License
6 No. 110690.

7 Would the parties, please, approach
8 and identify themselves for the record, please?
9 All right. So I'll start with the applicant.
10 Can you identify yourself, sir?

11 MR. LEE: Good afternoon, Board
12 Members. My name is Kevin Lee. I'm attorney for
13 Pax Liquor, Inc. and next to me is the applicant,
14 Mr. Choi.

15 MR. CHOI: My name is Chang Choi.
16 American name is John Choi.

17 MEMBER SHORT: Speak up louder.

18 MR. CHOI: Okay. My name is Chang
19 Choi. American name is John Choi. I live in
20 1607 Heartwood Drive, Maryland.

21 CHAIRPERSON ANDERSON: There is a
22 sign-in sheet. Could you, please, sign your name

1 in, sir?

2 MR. CHOI: I will.

3 CHAIRPERSON ANDERSON: All right, sir.
4 For the ANC, could you introduce yourself for the
5 record, please?

6 MR. EDWARDS: My name is Ronnie
7 Edwards. I'm Chair of ANC-5A.

8 MR. FLETCHER: Good evening. My name
9 is Gordon-Andrew Fletcher. I'm Vice Chair of
10 ANC-5A.

11 CHAIRPERSON ANDERSON: So are you
12 presenting the case, Mr. Edwards or how are -- or
13 is Mr. Fletcher? How is it? How is the
14 presentation going go be?

15 MR. EDWARDS: We are sharing the
16 presentation of witnesses. He will do the
17 opening and I'll do the closing. And then we
18 will have witnesses. He will question some and
19 I'll question some.

20 CHAIRPERSON ANDERSON: All right. So
21 I just want to -- what I am going to do is that
22 so the same person who directs, who does direct

1 examination of a witness, that person should also
2 do cross-examination. We shouldn't have two
3 representatives doing the same person.

4 MR. EDWARDS: Understood.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Are there any preliminary matters? I
7 mean, in all the times that you guys had to wait
8 for this hearing, have you guys decided that you
9 want to settle this matter? And so if you want
10 me to -- at least let me get the words out of my
11 mouth first before you start shaking -- you know,
12 in all seriousness, one of the reasons why I say
13 that --

14 MR. LEE: We tried again, but --

15 CHAIRPERSON ANDERSON: All right. And
16 I appreciate that.

17 MR. LEE: That's why we sitting here
18 now.

19 CHAIRPERSON ANDERSON: And I
20 appreciate that. One of the reasons why I always
21 say that I would -- if folks can settle matters
22 is because if you settle matters with a

1 settlement agreement, then you determine what
2 happens or what does not happen in your
3 community.

4 Now, you are letting us make a
5 decision, it's now on the five of us to make a
6 decision. And we don't live in the community.
7 Well, maybe one Board Member might live in the
8 community, I'm not sure. However, so whatever
9 decision that we make, someone is going to be
10 unhappy.

11 And that's not -- my goal is not for
12 that. I want to make -- my goal as Chair is that
13 I want everyone to be happy and that's one of the
14 reasons I always say to folks if you can sign a
15 settlement agreement, then at least you determine
16 what happens.

17 But since we don't have that, then the
18 Board will make a decision. And I'm not sure if
19 -- one side might be happy, the other side might
20 be unhappy. I don't know, because I don't know
21 what the Board will -- what decision we will make
22 once we hear and we deliberate. And so that's

1 one of the reasons why, so it's not that I don't
2 want to do this. It's just that I prefer that
3 folks make decisions about their community and
4 don't leave it to us, who are strangers to the
5 community, to make that decision.

6 So that's where I'm from.

7 MR. EDWARDS: And we would love for it
8 to kind of be that way, but unfortunately in this
9 particular situation, we are not being allowed to
10 make the decision for our community. And so we
11 are putting ourself upon the mercy of this Board
12 to hear from the community what our concerns are
13 about this and then to make the decision that you
14 think is in the best interest of us --

15 CHAIRPERSON ANDERSON: All right.

16 MR. EDWARDS: -- and the community.

17 CHAIRPERSON ANDERSON: All right.

18 This is how this operates, okay? So the
19 applicant will go first. So they will give an
20 opening statement. After they give an -- all
21 right. No, this is way the process goes. I
22 apologize.

1 The Board's witness, so we will have
2 the Investigator who went out and did an
3 investigation of the process, he will present his
4 report to us. Once he presents his report to us,
5 then the Board Members will ask questions of him
6 of his report. Once the Board has asked
7 questions of him of his report, then I will have
8 the protestants ask questions of him and once the
9 protestants have asked questions -- and the
10 reason I'm doing it that way is because the
11 burden is on the applicant. But so that's why
12 I'm going to have them go -- although they are
13 going to present their case first, but in asking
14 questions of the Board Agent, I'll have them go
15 last.

16 All right. But when it comes to the
17 actual presentation of cases, they are going to
18 go first and you go last. So I'll have you ask
19 questions of the Board -- of the witness and then
20 the applicant will ask questions of the Board's
21 witness. And then we might ask some other
22 questions and then the Board's presentation will

1 be done.

2 Once the Board's presentation will be
3 done, then the applicant will present his case
4 and his witnesses. And then you will have an
5 opportunity to cross-examine. Once you have an
6 opportunity to cross-examine, then the Board
7 might ask questions of the witnesses. And then
8 I'll give you an opportunity to ask questions of
9 the witness based on the questions that were
10 asked by the Board, okay, once that is done.

11 All right. This process, if you have
12 any questions, tell me. This is the time to ask
13 questions. Yes, sir?

14 MR. FLETCHER: Yes, just one question,
15 Mr. Chairman. Regarding opening, will we still
16 be given an opportunity for an opening and
17 closing statements?

18 CHAIRPERSON ANDERSON: Yeah.

19 MR. FLETCHER: Okay.

20 CHAIRPERSON ANDERSON: Yeah.

21 MR. FLETCHER: I just wanted to make
22 sure.

1 CHAIRPERSON ANDERSON: So I'm going to
2 give you -- so after -- so basically, what is
3 going to happen is that I'm going to have you --
4 the applicant ask his -- does their opening.
5 Then you will do your opening.

6 MR. FLETCHER: Okay.

7 CHAIRPERSON ANDERSON: And then once
8 you do your opening and then we will -- the case
9 will start and we will do this.

10 MR. FLETCHER: Thank you.

11 CHAIRPERSON ANDERSON: This process is
12 supposed to start that each side is supposed to
13 have 90 minutes. Meaning that this process works
14 out to be three hours. I'm going to be liberal.
15 But in the sense of being liberal, so I'm not
16 going to time you and say that you -- after your
17 90 minutes is up, that you can't present any
18 witnesses.

19 But what I want both sides, because
20 I'm not sure -- I'm going to ask how many
21 witnesses. How many witnesses does the applicant
22 have?

1 MR. LEE: Three.

2 CHAIRPERSON ANDERSON: Three. How
3 many witnesses does the protestant have?

4 MR. FLETCHER: Eight.

5 CHAIRPERSON ANDERSON: You have eight?

6 MR. FLETCHER: Yeah, about eight.

7 CHAIRPERSON ANDERSON: Well, that's
8 kind of okay. So I just don't -- want to make
9 sure that we aren't repetitive and redundant. So
10 yes, I am not going to specifically time you, but
11 just to let you know that you only have an hour
12 and a half to present your case. So don't spend
13 most of your time cross-examining a witness when
14 you can give direct testimony more so.

15 MR. FLETCHER: Right.

16 CHAIRPERSON ANDERSON: So but we will
17 be here until every person who -- testifies, but
18 that doesn't mean that I want to be here until
19 2:00 a.m. I've been here since -- we have been
20 here since 9:00. Okay, I just wanted to let you
21 know we have been here since 9:00 this morning.
22 And once you folks leave, we are going to

1 deliberate and we are going to make a decision
2 tonight, because -- but you are not going to know
3 what the decision is.

4 But we are going to make a decision,
5 because as Chair, I prefer that the information
6 is fresh in our minds, unless you decide to do
7 proposed findings of facts. It's fresh in our
8 minds, so we can make decisions. I don't want to
9 wait two or three weeks to make a decision, then
10 I forgot what it's about. So that's just my
11 tenure.

12 We will make a decision tonight. You
13 won't know until 90 days, because it will be
14 written, but we will at least decide what the
15 presentation is. All right?

16 MR. EDWARDS: I need to adjust my
17 number. We may have 10.

18 CHAIRPERSON ANDERSON: Well, I -- as
19 I said, you have your witnesses. I was just
20 asking.

21 MR. EDWARDS: All right.

22 CHAIRPERSON ANDERSON: But I'm just

1 saying that I try not to have people say the same
2 thing over. Try to have a different flair and I
3 will listen to everyone who wants to testify, but
4 don't stretch the process out if it doesn't have
5 to be.

6 MR. EDWARDS: I've got to go to work
7 in the morning, too.

8 CHAIRPERSON ANDERSON: Well, you know,
9 I cleared my schedule. I literally cleared my
10 schedule out for tomorrow. I think myself and
11 Ms. -- well, myself, Mr. Cato, Ms. Wahabzadah, we
12 work. These two are retired, so -- but we
13 actually have another job outside of being here
14 on Wednesdays. Okay?

15 MR. EDWARDS: Okay.

16 CHAIRPERSON ANDERSON: All right. So
17 do you have any questions before we start? Any
18 questions by anyone? No? All right. All right.
19 So the applicant, we will give you -- you have
20 approximately five minutes to do an opening, so
21 each side about five minutes you have to open.

22 So just tell me what the case is about

1 and what is it that you want, as the applicant.
2 Once they give their opening, then I'll give you
3 the same five minutes to open and let me know
4 what it is that you want, so at least I will know
5 when I'm listening to testimony what I'm looking
6 for. Okay. All right. Go ahead, please, Mr.
7 Lee.

8 MR. LEE: Mr. Choi, the applicant,
9 apply the new Class A License and it is being
10 protested by ANC-5A. Applicant and the ANC met
11 with ABRA mediator and successfully negotiated a
12 settlement agreement. The final settlement
13 agreement was drafted by and provided by ANC-5A
14 and Mr. Choi agreed to sign it.

15 But however, the ANC rejected the
16 proposed settlement agreement at the general
17 meeting, so that's the kind of concise history
18 about it. The establishment is located in a
19 mixed-use zone and the contrary is not operating.
20 Mr. Choi has a lease agreement with the landlord
21 for liquor store use.

22 According to DC Information System,

1 there are no ABC establishments operating within
2 1200 feet. The closest liquor store located more
3 than 12.8 miles away. There are no schools,
4 libraries or daycare centers within 400 feet.

5 So previously, the applicant operate
6 a liquor store. He has experience with no major
7 violation history and that he was well aware of
8 the responsibility that comes with an ABC
9 License. He attended ABRA training before and
10 receive official citation from Maryland General
11 Assembly. ABRA asked -- about this citation.

12 So as you know, there are around 250
13 liquor stores operating in DC area. Protestants
14 merely speculate that the size and effect of
15 liquor store are based on some of worst liquor
16 store with problems.

17 So there is -- there are no proof of
18 evidence that Mr. Choi can be one of the worst
19 operators. The establishment will be well-
20 maintained by Mr. Choi and Mr. Choi will --
21 willing to cooperate with the community as we can
22 see from the finalized settlement agreement.

1 We strongly believe that granting the
2 application is proper and will not detrimentally
3 impact the community.

4 I wanted to introduce a copy of a
5 finalized settlement agreement, which is rejected
6 by ANC eventually, but as an additional exhibit
7 if the ANC recognize it.

8 I did not attach that as an exhibit,
9 but I want to add on just for the reference.

10 CHAIRPERSON ANDERSON: Well, the --

11 MR. EDWARDS: We have never seen it,
12 Mr. Chairman.

13 MR. LEE: Yeah, that's why I believe
14 that you recognize it.

15 CHAIRPERSON ANDERSON: Well, all
16 right. The way it is is that the law say that
17 seven days prior to the hearing, that if the
18 parties -- if they don't exchange documents and
19 witnesses, it's not. So if -- it's up to you if
20 you want us -- want it to be introduced as part
21 of the record.

22 MR. FLETCHER: No. No, Mr. Chairman,

1 we don't.

2 CHAIRPERSON ANDERSON: You don't want
3 to even look at it?

4 MR. FLETCHER: Sure.

5 CHAIRPERSON ANDERSON: I'm -- it's
6 your right. I'm just saying you don't even want
7 to look at it?

8 MR. LEE: Yes, just for reference,
9 because we almost decide this one.

10 CHAIRPERSON ANDERSON: Hold on, Mr.
11 Silverstein. All right. The law is clear. You
12 don't -- you are stating that you don't want it
13 to be a part of the record?

14 MR. EDWARDS: And that's a draft
15 agreement. It was not agreed to.

16 CHAIRPERSON ANDERSON: It --

17 MR. LEE: Yeah, it's not --

18 CHAIRPERSON ANDERSON: -- is not--

19 MR. LEE: -- the final draft, they
20 don't want it.

21 CHAIRPERSON ANDERSON: It's --

22 MEMBER SILVERSTEIN: Mr. Chairman?

1 CHAIRPERSON ANDERSON: Hold on. Yes,
2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: Mr. Chairman, I
4 would remind both sides that the introduction is
5 to tell us what you are going to tell us.

6 MR. LEE: Yes.

7 MEMBER SILVERSTEIN: And not telling
8 us. You say we are going to tell you this. We
9 are going to tell you that. And briefly just
10 outline your case. And this is not a time to
11 present any evidence or anything into evidence.
12 That comes later.

13 MR. LEE: If they recognize it and if
14 the Board approve it, then we --

15 CHAIRPERSON ANDERSON: All right.
16 What -- Mr. Lee?

17 MR. LEE: Yes?

18 CHAIRPERSON ANDERSON: Fine. One of
19 the things that you should have done, the only
20 correction and no one -- all right. Are you an
21 attorney?

22 MR. LEE: Yes.

1 CHAIRPERSON ANDERSON: Okay. Are you
2 an attorney on that side?

3 MR. FLETCHER: I am.

4 CHAIRPERSON ANDERSON: Okay. So all
5 right. Well, I'm glad to know that. So I'm
6 going to hold you -- since there are now
7 attorneys on both sides and I'm the only attorney
8 -- well, Ms. Wahabzadah is an attorney, good, I'm
9 comfortable. Because I'm going to hold you to a
10 different standard.

11 MR. FLETCHER: Understood.

12 CHAIRPERSON ANDERSON: I want you to
13 know that. When if it's lay-people, I'll be soft
14 to them, but since we have attorneys, I have a
15 different expectation. So I just -- so I'm glad
16 to hear that.

17 What you should have done, Mr. Lee, in
18 this particular place, when I said are there any
19 preliminary matters, then you should have brought
20 that up during the preliminary stage to say you
21 have this. But since they have stated that it
22 was not disclosed and they are not going to allow

1 the introduction, so no.

2 In your presentation of the case, you
3 could state what is that you were willing to live
4 with, that you could -- one of your witnesses
5 could testify to say this is what we were willing
6 to sign a settlement agreement and these are the
7 terms that we would be willing to abide by.

8 And I would say if at the end of the
9 case, the Board decides to grant the license,
10 then the Board would consider what it is that you
11 said that you would live with if we were to grant
12 the license, or whether or not you are saying
13 that forget about a settlement agreement, I need
14 my hours. I want to have the -- because the law
15 says that any ABC -- any liquor store can be open
16 from 7:00 to 12:00 seven days a week, you could
17 say that you want that or you could say I'm
18 willing to do these hours and these days.

19 So you can do that later on in the
20 presentation of your case, if you are willing to
21 do that. Okay. Fine. So I will -- we are not
22 going to introduce the settlement agreement in

1 the record, but if you want to have testimony to
2 say what it is that you are willing to do, then
3 you are fine with that.

4 So you can argue -- you --

5 MR. LEE: That's all right. I'm done
6 with my opening.

7 CHAIRPERSON ANDERSON: Okay. All
8 right. Mr. Fletcher or Mr. Edwards, who is doing
9 the opening?

10 MR. FLETCHER: I am, Mr. Chairman.

11 CHAIRPERSON ANDERSON: Go ahead, Mr.
12 Edwards.

13 MR. FLETCHER: I'm Mr. Fletcher. He
14 is Mr. Edwards.

15 CHAIRPERSON ANDERSON: I'll get it.
16 At least I have the right names, okay?

17 MR. FLETCHER: Yeah, yeah.

18 CHAIRPERSON ANDERSON: So you are Mr.
19 Edwards.

20 MR. FLETCHER: I am Mr. Fletcher,
21 Gordon Fletcher.

22 MEMBER SHORT: Co-Chair.

1 CHAIRPERSON ANDERSON: No, I --

2 MR. FLETCHER: It's late.

3 CHAIRPERSON ANDERSON: No, it's not
4 late. I'm bad with names.

5 MR. FLETCHER: Okay.

6 CHAIRPERSON ANDERSON: So you are Mr.
7 Fletcher?

8 MR. FLETCHER: Yes.

9 CHAIRPERSON ANDERSON: All right. Mr.
10 Fletcher, all right.

11 MR. FLETCHER: Okay.

12 CHAIRPERSON ANDERSON: Okay.

13 MR. FLETCHER: Good evening, Members
14 of the Board. Again, my name is Gordon-Andrew
15 Fletcher and I'm a second term Advisory
16 Neighborhood Commissioner for ANC-5A. I
17 represent Single Member District 5A08, which is
18 immediately adjacent to the proposed liquor
19 license for Pax Liquors.

20 Moreover, I'm an attorney for the
21 Federal Government and serve as adjunct professor
22 at American University.

1 I have called Washington, D.C. home
2 since 2002 and North Michigan Park is the area
3 and community that I plan to raise my family.

4 It is an honor to provide the opening
5 statement of ANC-5A's opposition to the liquor
6 license application of Pax Liquor Store.

7 As an ANC Commissioner and on behalf
8 of many residents of North Michigan Park, I
9 unequivocally oppose this liquor license because
10 under 25-313 of the DC Code, the liquor license
11 does not meet the appropriateness standard.

12 You will hear testimony from well-
13 known, long-time residents and new residents of
14 North Michigan Park, many that are within this
15 200 to 600 feet radius of the proposed site.

16 You will hear from business owners and
17 community leaders as well. All witnesses will
18 clearly state their opposition to the liquor
19 license application by Pax Liquors.

20 You will hear testimony that will show
21 evidence that a liquor store will interfere with
22 the peace, order and quiet of the community,

1 because there has never been a liquor store in
2 North Michigan Park. You will hear testimony and
3 view exhibits that will prove that the proposed
4 liquor store will bring down real property values
5 in the community, because of the increased
6 probability of crime and loiters.

7 Moreover, you will hear testimony from
8 witnesses that will speak to the poor condition
9 of the shopping center where the proposed liquor
10 store will be located or could be located, which
11 already has a negative effect on property values
12 due to its lack-luster condition.

13 Next, you will hear testimony from
14 witnesses that will speak to the current issues
15 of traffic and residential parking in North
16 Michigan Park. That will show evidence that the
17 liquor store will only create increased issues
18 with residential parking and traffic.

19 Therefore, after hearing all the
20 testimony and seeing all the evidence, it will be
21 clear to the Board that this liquor license
22 should be denied for lack of appropriateness

1 under DC Code 25-313.

2 In addition, the Board shall also deny
3 the liquor license application of Pax Liquors for
4 reasons under DC Code 25-314. You will hear
5 testimony from residents of North Michigan Park
6 that the proposed location will be too close to
7 schools, recreation centers, public libraries or
8 similar facilities.

9 Some of these facilities that I'm
10 referring to are the North Michigan Park Rec
11 Center where we have many residents behind me
12 right now; Boys Town, a facility for kids that
13 come from troubled homes; St. Anselm's Abbey,
14 it's a private school that is right down the
15 street from the proposed site; Hospital For Sick
16 Children and the Lamond-Riggs Library.

17 Thus, you will hear testimony that the
18 proposed liquor license will have a negative
19 effect on several children-based facilities
20 within the proximity.

21 Next, you will hear testimony from
22 witnesses about the historic McDonald's located

1 on South Dakota Avenue in North Michigan Park,
2 which is frequented by seniors, young families
3 and children.

4 Moreover, you will hear testimony and
5 view evidence of witnesses explaining that too
6 many children frequent the historic McDonald's to
7 have a liquor store next door. Thus, many
8 children will be unduly attracted to the
9 establishment, which is Pax Liquor Store.

10 Finally, you will hear the testimony,
11 you will hear testimony from witnesses that will
12 explain that there is an over-concentration of
13 liquor stores, because there are liquor stores in
14 other locations to purchase alcohol within
15 proximity.

16 Thus, for the reasons stated above and
17 based upon the testimony and evidence presented
18 today, we pray that this Board will deny the
19 liquor application for Pax Liquors. Thank you.

20 CHAIRPERSON ANDERSON: Just a quick
21 question that I -- and maybe sometimes the Board
22 gets it incorrect. The law states that -- are

1 there -- to say if there is -- if it's within a
2 certain distance of a school and recreational
3 center, are you saying that within the confines
4 of what the law states, that there are schools
5 and recreation center within those confines or
6 are they beyond what the law requires?

7 MR. FLETCHER: Mr. Chairman, I was
8 citing 25-314, which talks about additional
9 considerations and it does not give a distance.
10 It says proximity. So that's why I made sure to
11 explain that the liquor store is in proximity to
12 many children-based facilities.

13 CHAIRPERSON ANDERSON: Okay. All
14 right. No, I just wanted to make sure that
15 sometimes we are not in the community and I have
16 had a Protest Hearing and someone said oh, by the
17 way there is a school right next door to the
18 liquor store and if that's the case, then, by
19 operation of law, it won't happen. But sometimes
20 we make mistakes and so that's what I was asking
21 about.

22 MR. FLETCHER: Well, and just to

1 reiterate, based upon what opposing counsel said
2 that, you know, 1200 feet, .8 miles, I think
3 reasonable people would still deem that that's
4 proximity.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Okay. All right. The Board will call
7 its first witness and I'll call Mr. Gilliam.

8 Mr. Gilliam, can you raise your right
9 hand, please?

10 Whereupon,

11 INVESTIGATOR COUNTEE GILLIAM
12 was called as a witness by the ABRA Board, and
13 having been first duly sworn, assumed the witness
14 stand and was examined and testified as follows:

15 INVESTIGATOR GILLIAM: I swear.

16 DIRECT EXAMINATION

17 CHAIRPERSON ANDERSON: Can you state
18 your name for the record, please?

19 INVESTIGATOR GILLIAM: Investigator
20 Countee Gilliam that's spelled C-O-U-N-T-E-E last
21 name is G-I-L-L-I-A-M.

22 CHAIRPERSON ANDERSON: And where are

1 you currently employed, sir?

2 INVESTIGATOR GILLIAM: I'm an
3 Investigator for the Alcoholic Beverage
4 Regulation Administration.

5 CHAIRPERSON ANDERSON: How long have
6 you been working for this Agency?

7 INVESTIGATOR GILLIAM: Almost three
8 and a half years.

9 CHAIRPERSON ANDERSON: And what are
10 your duties and responsibilities in working for
11 the Agency, sir?

12 INVESTIGATOR GILLIAM: My duties as an
13 Investigator is to conduct investigations and
14 inspections of ABC-licensed establishments
15 throughout the District of Columbia.

16 CHAIRPERSON ANDERSON: Now, are you
17 familiar with the applicant in this case, Pax
18 Liquors?

19 INVESTIGATOR GILLIAM: Yes, sir, I am.

20 CHAIRPERSON ANDERSON: I'm sorry, Pax
21 Spirits. And how are you familiar with Pax
22 Spirits?

1 INVESTIGATOR GILLIAM: I was assigned
2 the protest investigation for this application.

3 CHAIRPERSON ANDERSON: And did there
4 come a time that you wrote a report regarding
5 this establishment?

6 INVESTIGATOR GILLIAM: Yes, sir.

7 CHAIRPERSON ANDERSON: And when? Do
8 you recall when you wrote this report?

9 INVESTIGATOR GILLIAM: It was back in
10 November of 2018.

11 CHAIRPERSON ANDERSON: Now, so can
12 your summarize for us what is it you were able to
13 find out about this, as a result of your
14 investigation?

15 INVESTIGATOR GILLIAM: Yes, sir. All
16 right. Like I stated, this protest was assigned
17 to me and the protest -- the license application
18 is being protested by ANC-5A. And the issues
19 regarding that is impact on real property values;
20 adverse impact on peace, order and quiet; and
21 adverse impact on residential parking; and
22 vehicular and pedestrian safety.

1 All right. On Tuesday, November the
2 6th, I spoke to the licensee's representative, Mr.
3 Kevin Lee. Mr. Lee, he advised me that the
4 licensee, the proposed licensee was readily -- he
5 was open and available. He wanted to enter into
6 a settlement agreement. He wanted to make
7 himself -- he wanted to become a member of the
8 community and he was going to do anything
9 possible to facilitate that process.

10 He stated he was open to placing
11 security cameras around the proposed location and
12 whatever he had to do to be welcomed into that
13 particular area, he was -- that was something
14 that he wanted to take care of.

15 On Tuesday, November the 13th, I
16 talked to the chairperson, Mr. Ronnie Edwards, he
17 is ANC-5A chairperson. Mr. Edwards explained to
18 me that it's a major concern about having a Class
19 A liquor store in the area. Based on the
20 neighborhood, they have the -- he advised me that
21 the neighborhood has -- the majority is retirees
22 and young families that is actually raising

1 children. So his concern was it was going to be
2 a safety issue as it relates to loitering at the
3 establishment and things of that nature.

4 The characteristics of the
5 neighborhood as it relates to the proposed
6 location of Pax Spirits is located in the mixed-
7 use 3A Zone and the mixed A -- 3A Zone is
8 designated for a mixed-use development that
9 permit a broad range of commercial, institutional
10 and multiple dwelling units, residential
11 development and varying necessities.

12 According to -- if you look at Exhibit
13 2, Exhibit 2 is the GIS Map.

14 (Whereupon, the above-
15 referred to document was
16 marked as Government Exhibit
17 No. 2 for identification.)

18 INVESTIGATOR GILLIAM: And according
19 to Exhibit 2, there are no ABC-licensed
20 establishments within a 1200 area of the proposed
21 location of Pax Spirits.

22 If you look at Exhibit 3, Exhibit 3 is

1 another map of the GIS system and there are,
2 according to the GIS for that location, there are
3 no schools, public libraries or daycare centers
4 located within 400 feet of the proposed space for
5 the application.

6 (Whereupon, the above-
7 referred to document was
8 marked as Government Exhibit
9 No. 3 for identification.)

10 INVESTIGATOR GILLIAM: The
11 characteristics of the premises of the proposed--
12 the proposed location is located in a small
13 shopping center and the actual building that the
14 licensee -- that the proposed licensee wants to
15 utilize for a Class A liquor store is a one-story
16 building. And inside that shopping center, there
17 is parking spaces available, but I'll address
18 that later on.

19 From November 4th through November
20 19th, ABRA Investigators monitored this location
21 for the concerns as it relates to peace, order
22 and quiet; vehicle parking and pedestrian safety

1 as it relates to the proposed location.

2 Like I said ABRA Investigators
3 monitored the establishment, the proposed
4 establishment for/on six different times and
5 didn't find any issues as relates to peace, order
6 and quiet; parking or pedestrian and vehicle
7 safety.

8 ABRA Investigators have not -- they
9 are not qualified to address the issues of real
10 property values.

11 I also conducted a records search and
12 got an MPD Calls for Service and if you look at
13 Exhibit 11, there was three calls for service at
14 the proposed address.

15 (Whereupon, the above-
16 referred to document was
17 marked as Government Exhibit
18 No. 11 for identification.)

19 INVESTIGATOR GILLIAM: This was do
20 because the licensee is not there, but just
21 because I felt like it was relevant for this
22 report, back on January the 1st, January 28,

1 2018, they had a breaking and entering at that
2 address, at the proposed address. And on January
3 30, 2018, they had another breaking and entering
4 at that address.

5 And the last call for service was a
6 medical call that was responded to by DC Fire &
7 EMS and that occurred on March 3, 2018.

8 All right. If you will look through
9 the exhibits with me, Exhibit 4, is like I was
10 discussing earlier, is a copy of the proposed
11 location. If you are looking at Exhibit 4, the
12 proposed location is the end of the right and it
13 has right there, total and I guess that's body
14 cam. That's what a proposed location would be if
15 you are looking at Exhibit 4.

16 CHAIRPERSON ANDERSON: Now, hold on a
17 minute, please, hold on. I have your report, but
18 I'm not sure if I have the exhibits with your
19 report.

20 MEMBER SHORT: Exhibit 4.

21 CHAIRPERSON ANDERSON: What's Exhibit
22 4?

1 INVESTIGATOR GILLIAM: Exhibit 4 is a
2 picture of the front of the proposed location.
3 That will be Exhibits 4 and 5.

4 CHAIRPERSON ANDERSON: No, I think we
5 have the protestants. I don't think we have his
6 report with the exhibits. I have his report, but
7 I don't have the exhibits with your report.

8 MEMBER SHORT: In the shopping center.

9 CHAIRPERSON ANDERSON: Okay. All
10 right. Hold on. What's Exhibit 4?

11 INVESTIGATOR GILLIAM: It's a copy of
12 -- it's a photo of the front of the proposed
13 establishment. And that will be Exhibit 4 and
14 Exhibit 5.

15 (Whereupon, the above-
16 referred to documents were
17 marked as Government Exhibit
18 No. 4 and 5 for
19 identification.)

20 CHAIRPERSON ANDERSON: All right. The
21 copies that I have is that the way it needs to
22 be, okay, so you said Exhibit 4, okay. Go ahead.

1 INVESTIGATOR GILLIAM: All right.
2 Exhibit 4 and Exhibit 5 are photos of the
3 proposed location for the Class A liquor store.

4 CHAIRPERSON ANDERSON: Okay.

5 INVESTIGATOR GILLIAM: And Exhibit 5
6 is just a closeup picture of Exhibit 4.

7 CHAIRPERSON ANDERSON: Okay.

8 INVESTIGATOR GILLIAM: Exhibit 6
9 that's a copy of the actual shopping mall. Like
10 I said, it's a small shopping mall, but that's
11 the total space of how big. That's a total
12 photograph of how big the space is. And if you
13 look to the right, that will be exactly where the
14 location for the proposed liquor store will be.

15 CHAIRPERSON ANDERSON: All right.

16 (Whereupon, the above-
17 referred to document was
18 marked as Government Exhibit
19 No. 6 for identification.)

20 INVESTIGATOR GILLIAM: Exhibit 7 is
21 just another picture that explains that. I'm
22 sorry, detailing that.

1 Exhibit 8 and Exhibit 9 is a copy of
2 the parking lot.

3 (Whereupon, the above-
4 referred to documents were
5 marked as Government Exhibit
6 No. 7, 8 and 9 for
7 identification.)

8 INVESTIGATOR GILLIAM: When I took the
9 picture for Exhibit 8, I just wanted to actually
10 just get a picture of the parking stop, so that
11 it shows that it offers 11 parking spaces.

12 MEMBER SHORT: How many spaces?

13 INVESTIGATOR GILLIAM: It's 11. You
14 might have two that's blocked out by one of the
15 cars, but it's physically 11 parking places.

16 Exhibit 9 is the same picture just
17 taken during daylight hours. Since the concern
18 about -- since the protestants had an issue with
19 parking, that stretch of South Dakota Avenue, you
20 cannot park on South Dakota Avenue. You have to
21 use the parking lot.

22 Exhibit 10 is a picture with -- does

1 not allow parking at any time.

2 (Whereupon, the above-
3 referred to document was
4 marked as Government Exhibit
5 No. 10 for identification.)

6 And Exhibit 11 was just MPD Calls for
7 Service.

8 I continued monitoring the
9 establishment because this case was continued, so
10 from December 15th of 2018 to January 7, 2019, I
11 monitored the proposed location. And during
12 those monitoring phases, I didn't have -- didn't
13 any issues arise as related to peace, order and
14 quiet; parking or pedestrian or vehicle safety
15 during those monitoring visits.

16 CHAIRPERSON ANDERSON: Okay. That's
17 it?

18 INVESTIGATOR GILLIAM: That's it.

19 CHAIRPERSON ANDERSON: All right. Mr.
20 Gilliam, tell me approximately how many other
21 establishments in this mall? Tell me about the--
22 yeah.

1 INVESTIGATOR GILLIAM: During my
2 visits, the only thing is a delivery Chinese. I
3 believe the Chinese restaurant located to the
4 left and since I work nightshift, I had a couple
5 of my coworkers, I believe, it is a cleaners next
6 to -- it's if you look at the far end, if you go
7 to exhibit -- let me pull the exhibit up, if you
8 look at Exhibit 6, Exhibit 7 is a little clearer.

9 You have a Chinese take-out restaurant
10 located all the way to the left. And then you
11 have a cleaners located next to that and then
12 from there to the right, there is nothing else
13 open to my opinion when I was monitoring the
14 location.

15 CHAIRPERSON ANDERSON: And this is on
16 South Dakota?

17 INVESTIGATOR GILLIAM: Yes, it's right
18 off South Dakota. Yeah, it's on South Dakota.
19 It's the 4900 Block and the proposed address is
20 4944 for the license application.

21 CHAIRPERSON ANDERSON: So what is --
22 so are there -- how close to where the shopping

1 center is, where are the residents?

2 INVESTIGATOR GILLIAM: All right. If
3 you look in Exhibit 7 and if you are standing
4 like I am taking the picture, as soon as you take
5 a left, the neighborhood starts. I would say,
6 I'm not a good judge of distance, but honestly
7 you are going to a neighborhood probably within,
8 I would say, 200 feet. But I --

9 MEMBER SHORT: Both sides of South
10 Dakota?

11 INVESTIGATOR GILLIAM: Well, no,
12 because if you go back to the right, you have the
13 McDonald's.

14 MEMBER SHORT: South Hill Place.

15 INVESTIGATOR GILLIAM: And across the
16 street you have a gas station. I didn't --
17 during my monitoring, I didn't go past the -- I
18 more focused to the left hand side. That sort of
19 thing, when you start going to neighborhoods,
20 because you get speed limit signs saying the
21 speed limit is 25 and that's how you know you are
22 entering into a residential neighborhood.

1 MEMBER SHORT: All right.

2 CHAIRPERSON ANDERSON: All right.

3 Yes?

4 INVESTIGATOR GILLIAM: And I'm sorry,
5 excuse me, Mr. Chairman.

6 CHAIRPERSON ANDERSON: Yes.

7 INVESTIGATOR GILLIAM: And another
8 thing, and then located behind it is houses
9 behind as well. I remember when I first started
10 monitoring, I did like little quick, because
11 after talking to Mr. Edwards, I could tell that
12 was really a concern for the actual neighborhood
13 when we actually talked, so behind it there is
14 houses.

15 Honestly, for real, if you are
16 standing at Exhibit 7, there is houses behind it
17 and now I'm thinking once you pass the gas
18 station, it's houses right across the street.
19 Yes, I'm sorry, I didn't think about it.
20 Basically, it's houses within that general area.
21 Once you step out of this picture, you go to the
22 left of the picture, there is houses on that side

1 of the street.

2 Where I'm standing at, I'm standing in
3 the gas station parking lot taking the picture
4 from Exhibit 7. If you look to the left, the
5 houses start right there.

6 CHAIRPERSON ANDERSON: All right.

7 INVESTIGATOR GILLIAM: I apologize for
8 that.

9 CHAIRPERSON ANDERSON: All right. All
10 right. Ms. Wahabzadah?

11 MEMBER WAHABZADAH: That goes to my
12 question, Investigator Gilliam, so behind the
13 shopping center, there are houses or residential
14 areas?

15 INVESTIGATOR GILLIAM: Yes. Yes,
16 ma'am.

17 MEMBER WAHABZADAH: So is there
18 anything between, because I see here, is there
19 any space between the back of the buildings and
20 the houses? There is also something that looks
21 like a fence or maybe a brick wall? Did you
22 notice any sort of like barrier or -- or park or

1 anything like that?

2 INVESTIGATOR GILLIAM: Well, not
3 behind it. You can't behind it, because it is a
4 fence behind it and I think that's where like the
5 Chinese restaurant has their trash dump located
6 to the left. You can't drive a car behind. And
7 then in the front of it, the section located
8 where the proposed establishment would be,
9 adjacent to McDonald's, it's a chain link fence
10 right there. So it's only -- you can only park
11 in that front part of the proposed location in
12 that shopping mall.

13 MEMBER WAHABZADAH: So there isn't a
14 huge space between the back of the buildings to
15 the back of --

16 INVESTIGATOR GILLIAM: No, because of
17 -- if I remember correctly, it's still got
18 vegetation back there, so it's not a place, in my
19 opinion, where you can loiter in the back.

20 CHAIRPERSON ANDERSON: Any other
21 questions by any other Board Members?

22 MEMBER SHORT: Yes, I have a question.

1 CHAIRPERSON ANDERSON: Mr. Short?

2 MEMBER SHORT: During your visits,
3 what hours did you go there again?

4 INVESTIGATOR GILLIAM: I went -- since
5 I work nightshift, I went during all different
6 times, but I can give you the exact time frame.

7 On November 4the, I worked from 10:10
8 p.m. to 10:20.

9 MEMBER SHORT: On South Dakota Avenue
10 next door to the McDonald's, right?

11 INVESTIGATOR GILLIAM: Yes. Yes, all
12 this is in this area. Either during my -- as I
13 speak for me for when I did the monitoring, I
14 would actually sit across from the gas station.
15 One time I would sit actually in the lot where
16 the proposed location would be. A couple of
17 times, I remember I saw in the McDonald's lot.
18 You know, because the area is not that big, you
19 really can observe from one space, but just for
20 different vantage points.

21 MEMBER SHORT: Okay. Now, how many
22 parking spaces and how many businesses in that

1 small shopping center?

2 INVESTIGATOR GILLIAM: Right now, from
3 what I can recall during my visit, there is two
4 businesses operating right now and it's 11
5 parking spaces. Now, during my monitoring visit,
6 the majority was held during nighttime hours.

7 MEMBER SHORT: They were closed.

8 INVESTIGATOR GILLIAM: Not -- the
9 Chinese place was open.

10 MEMBER SHORT: Okay.

11 INVESTIGATOR GILLIAM: But the
12 cleaners was closed. And it's a carry-out place,
13 so people would come during my visit. They would
14 come pick up their food, but it wasn't like they
15 were staying for an extension period of time.
16 They come and got --

17 MEMBER SHORT: How many cars? How
18 many parking spaces would they take up while they
19 were doing that take-out?

20 INVESTIGATOR GILLIAM: I don't see no
21 more than two or three.

22 MEMBER SHORT: Okay. Now, would you

1 say this neighborhood is 50 percent residential,
2 60 percent residential, 70 percent, 80 percent?
3 Just from what you saw and the housing behind and
4 you said you drove up one street, Delafield
5 Place.

6 INVESTIGATOR GILLIAM: No, I would
7 honestly say that if you take the McDonald's, the
8 gas station and the proposed location in that
9 shopping mall, in my opinion, it's all
10 residential.

11 MEMBER SHORT: 90 percent?

12 INVESTIGATOR GILLIAM: Yeah, I would
13 go 90 percent.

14 MEMBER SHORT: Or 95 percent?

15 INVESTIGATOR GILLIAM: Yes, yes, sir,
16 I would.

17 MEMBER SHORT: Very solid
18 neighborhood.

19 INVESTIGATOR GILLIAM: Yes, sir. Yes,
20 yes.

21 MEMBER SHORT: Okay. So you said
22 there were no issues with parking, so if it's

1 during midday and people are going to the Chinese
2 restaurant or whatever restaurant it is, people
3 are going to the cleaners, there is one vacant
4 place there, right?

5 INVESTIGATOR GILLIAM: Yes.

6 MEMBER SHORT: So if it opens up, they
7 will need parking.

8 INVESTIGATOR GILLIAM: That's true.

9 MEMBER SHORT: So you say there is no
10 parking issues and there is no parking on South
11 Dakota Avenue, so where are people going to park
12 going to this A store midday when there is a lot
13 of business going on or after school? Where are
14 people going to park?

15 INVESTIGATOR GILLIAM: And that's true
16 and I remember asking Mr. Lee, the licensee
17 representative, did he actually -- when they
18 signed the lease, did he actually -- did the
19 lease cover how many parking spaces he would get?
20 And at that time, he couldn't provide any
21 information for that.

22 So I mean, honestly, if you look -- my

1 thing is it depends on how much cliental you've
2 got, but it's only 11 spaces. I mean, you've got
3 a place that sells food. You have a cleaners and
4 you have a proposed place that is going to sell
5 alcohol, 11 spaces, in my opinion, I don't -- it
6 may not be enough. It just depends on who comes
7 to that area for services.

8 MEMBER SHORT: I see on the very end
9 there where the store is going to be located,
10 Total Hair and Body Care. That's where the store
11 is going to be? Where the alcohol --

12 INVESTIGATOR GILLIAM: Yes, sir,
13 that's correct.

14 MEMBER SHORT: And I might as well be
15 honest. I know a lot about that neighborhood. I
16 used to cut hair up in Rigg's Shopping Center, I
17 know an awful lot about that community. And the
18 very first night that I ever went to in my life
19 was that one on South Dakota Avenue and that's
20 probably the very first one in Washington, D.C.
21 proper.

22 INVESTIGATOR GILLIAM: Okay.

1 MEMBER SHORT: I do know that to be a
2 fact. But at any rate, so if they can't park
3 there, where are they going to park if people
4 want to get alcohol from this establishment?

5 INVESTIGATOR GILLIAM: They going --

6 MEMBER SHORT: So to help you out a
7 little bit, when this does create a parking issue
8 for the community.

9 INVESTIGATOR GILLIAM: When you bring
10 it like that, I would agree, yes, because I would
11 agree with then it's like I can't answer like --

12 MEMBER SHORT: I understand and I'm
13 not going to try and put you in -- but --

14 INVESTIGATOR GILLIAM: With 11 it's--

15 MEMBER SHORT: -- facts are facts.

16 INVESTIGATOR GILLIAM: Yes. With 11
17 parking spaces and you have all them businesses
18 open up in the shopping -- in that small shopping
19 mall, then parking will become an issue.

20 MEMBER SHORT: And I do know the
21 McDonald's does not allow people going to that
22 shopping center to park on their spot.

1 INVESTIGATOR GILLIAM: And plus,
2 they --

3 MEMBER SHORT: McDonald's enforces
4 that.

5 INVESTIGATOR GILLIAM: And plus it's
6 separated by a fence, so even if somebody chose
7 to do it --

8 MEMBER SHORT: Well, people would try
9 to park there and then walk around the fence.

10 INVESTIGATOR GILLIAM: Yeah, exactly.

11 MEMBER SHORT: The bottom line is
12 McDonald's is not going to let anybody park on
13 their spot to go to that shopping center. So I
14 guess that's another reason why that shopping
15 center has been having a hard time keeping
16 businesses booming.

17 So again we have a neighborhood that
18 is 95 percent residential or more. We have no
19 parking. The -- from what I'm hearing is they
20 are talking about peace, order and quiet. If you
21 can't park and you want alcohol, except for on
22 residential streets, where is people going to

1 park?

2 INVESTIGATOR GILLIAM: They are going
3 to use the existing businesses until they enforce
4 it.

5 MEMBER SHORT: Okay. Now, and I see
6 on your report where you listed the alcohol
7 establishments that are already there. Dakota
8 Liquors, you can almost look directly up South
9 Dakota Avenue to 3rd Street and see it sitting up
10 there with a big sign by the new high-rise
11 building, correct?

12 INVESTIGATOR GILLIAM: Yes, sir.

13 MEMBER SHORT: Okay. Now, you have
14 Michigan Liquors, which is not that close, but --
15 Riggs Liquor is vacant right now, but I think
16 they -- in fact, I do know they just applied to
17 reopen. And also on 2nd Street, are you familiar
18 with a brewery that is back on 2nd Street behind
19 Riggs Liquor?

20 INVESTIGATOR GILLIAM: No, sir.

21 MEMBER SHORT: There is a brewery back
22 there. So again, I know the neighborhood quite,

1 quite, quite well. And the solid middle class
2 neighborhood where there is a store coming in
3 where there is no parking whatsoever, that's
4 going to create, in my opinion as a Board Member,
5 and I can only speak for me, that's something
6 that we need to, as a Board, look at very
7 closely. Why would you put -- why would you give
8 a license to someone who you know it's going to
9 be a problem if people can't park?

10 Where is the deliveries going to be
11 made?

12 INVESTIGATOR GILLIAM: I never
13 addressed that during my investigations.

14 MEMBER SHORT: Well, you know that--

15 INVESTIGATOR GILLIAM: It is going to
16 be through the front door.

17 MEMBER SHORT: -- in an A store if
18 they intend on doing a lot of business, you have
19 to have the beer trucks in --

20 INVESTIGATOR GILLIAM: And the parking
21 lot.

22 MEMBER SHORT: -- so there is no rear

1 to the store, so you have to do everything from
2 South Dakota Avenue. So no -- you've got very
3 little parking for cars. Now, you have got to
4 worry about deliveries. You can't park on South
5 Dakota Avenue because the big truck out there
6 will block up traffic.

7 INVESTIGATOR GILLIAM: Okay.

8 MEMBER SHORT: And the police aren't
9 going to allow someone to do that. So if we are
10 talking about peace, order and quiet, I'm just
11 saying as a Board Member, I think we have some
12 issues that we need to address during this
13 hearing and in our deliberations, because if the
14 applicant can't explain to me a little better
15 than what you have done, then I think we have a
16 situation where we need to listen to ANC-5A.

17 Thank you, Mr. Chair, that's all I
18 have.

19 CHAIRPERSON ANDERSON: Any other --
20 no, sir.

21 MR. FLETCHER: Comments?

22 CHAIRPERSON ANDERSON: No comments,

1 sir. This is my show right now.

2 MR. FLETCHER: Yes, sir.

3 CHAIRPERSON ANDERSON: I will let you
4 know when it is your time.

5 MR. FLETCHER: No problem.

6 CHAIRPERSON ANDERSON: Any other
7 questions by any other Board Members? All right.
8 What I'm -- I misspoke, so what I'm going to do,
9 I'm going to have -- because the burden is on the
10 applicant, I'm going to have the applicant --
11 they can ask questions and then you will ask
12 questions and then we will go last. Go ahead,
13 Mr. Lee, you can ask questions.

14 MR. LEE: Thanks for coming out
15 tonight. I have got a couple questions, specific
16 questions.

17 CROSS-EXAMINATION

18 BY MR. LEE:

19 Q How many times do you visit the place
20 at night and day? I saw 11. Is this correct?

21 A Give me one second. Let me pull that
22 out. You said how many times I went? What was

1 your question again, sir?

2 Q Yes.

3 A There was a total of 11.

4 Q So day and night, right?

5 A Yes. It was the majority of night,
6 but I did go up -- it was monitored one time
7 during the afternoon hours and that was from a
8 coworker on dayshift.

9 Q I just wanted to make sure that did
10 you find --

11 A I'm sorry. Let me correct that. It
12 was monitored twice during the afternoon hours by
13 dayshift personnel.

14 Q Okay. So did you substantiate any ABC
15 violations during your visit?

16 A Well, it's -- what as it relates to
17 the proposed establishment?

18 Q (No audible answer.)

19 A Well, it's not an ABC-licensed
20 establishment right now, so there was no
21 violations to actually --

22 Q What kind of ABC violation you looking

1 for?

2 A Well, when we say no ABRA violations,
3 it goes on to as it relates to the protest
4 issues.

5 Q Okay.

6 A But ABRA violations -- say if the
7 proposed license was being placarded, like you
8 went to the placard, that's how we get here for
9 the protest. If you didn't have two placards
10 posted, that could be a violation. So it just
11 depends.

12 Q Okay. Did you see any loitering in
13 front of the mall?

14 A During my visits, I didn't, that's why
15 I tried to stagger my times, but I didn't. The
16 only thing I observed was people coming in and
17 out to get their meal, to get their food from the
18 Chinese restaurant.

19 Q So how many stores in there now
20 operating? Just the two, right?

21 A Right now, it's two: There is a
22 Chinese delivery and the cleaners.

1 Q So is the Chinese delivery, there is
2 seating inside?

3 A Say it again?

4 Q Seating inside?

5 A I never actually looked through the
6 window to see what was inside. Are you saying
7 the Chinese? Oh, I'm sorry, I thought you were
8 talking about the cleaners. I went in one time,
9 yes, there is seating inside there.

10 Q There is seating inside?

11 A There is seating inside. They -- one
12 time during my visit an MPD police officer was
13 sitting down taking a break.

14 Q So was customers, are they sitting
15 over there and they stay there or just picking up
16 the food and they go away?

17 A Well, on the majority of my visits,
18 that's what I observed people just coming to pick
19 up their orders and leaving.

20 Q Okay. And then do you think that
21 those two business 11 parking spaces is not
22 enough for them?

1 A I really can't answer that, because I
2 can't answer that. To me it all depends on -- I
3 mean, when I'm going to and I'm monitoring and
4 I'm basing my fact gathering on what I'm
5 observing and it's hard to say because it's only
6 two places operating right now and then I
7 monitored the place the majority of time at night
8 and it was late, late evening, so I can't give an
9 opinion on that, because I just can't.

10 Q Because every establishment especially
11 the liquor store location, that's -- I know cases
12 happen at night, so you are visiting as kind of
13 improper time frame there to monitor it. So I
14 just wonder because the parking issue is serious
15 because of current existing business is just grab
16 and go kind of stuff, so of 11 parking lot is
17 enough for two, what would be one more liquor
18 store, that's enough, because there is no sale
19 over there and then like a -- not like a
20 McDonald's, they are sitting over there over an
21 hour or something like that.

22 With that kind of a business, might be

1 able to factor the parking issue, but this kind
2 of a business, accordingly there is no parking
3 issue, I think.

4 A Well, there is one thing that I would
5 reflect to let the Board know. I remember I had
6 one of my peers on dayshift take some pictures
7 for me, because when I took pictures of my
8 monitoring, you know, when it came out I was
9 afraid that if we printed them, they was going to
10 be too dark, because everybody get copies of
11 them.

12 And if I remember during the time when
13 Investigator Butler went, he gave me some
14 pictures and I think they had a Comcast service
15 vehicle there and the parking lot was kind of --
16 it was kind of busy there, so it just depends on
17 what time of day. During the daytime if you've
18 got other things going on, deliveries or you've
19 got a vendor coming in to fix something, 11, in
20 my opinion then, spaces won't be enough.

21 But at nighttime, I guess, 8:30, 9:00
22 if you factor in the neighborhood and people, you

1 know, a majority of people working dayshift, they
2 are at home, then, you know, it wouldn't be an
3 issue. So it just depends when --

4 Q Okay.

5 A -- that address gets serviced or when
6 people come for service.

7 Q Okay. Yeah, I have one more question
8 about your exhibit -- event search summary,
9 that's three events, but you just mentioned
10 that's before we had filed, applied for the
11 license.

12 A Yes.

13 Q But it did happen. I'm just making
14 sure that those three events related to the
15 alcohol or that's --

16 A That's anything that either MPD or DC
17 Fire & EMS, any time they get a call, if it's --
18 a call for service means --

19 Q That's in general, right?

20 A Call service means if you request
21 police or Fire & EMS service.

22 Q Yes, you didn't dig more information

1 what happened, why is that? And then --

2 A Oh, no, I just get -- print out a list
3 and then I know by the nature of the call what it
4 was, but I don't go into anything deeper as it
5 relates to that.

6 MR. LEE: Okay. That's fine. No more
7 questions.

8 CHAIRPERSON ANDERSON: That's it?

9 MR. LEE: Yes.

10 CHAIRPERSON ANDERSON: I assume that,
11 Mr. Fletcher, that you want to do the questions,
12 since you are chomping at the bit earlier?

13 MR. FLETCHER: Respectfully, Mr.
14 Chairman, I give my time to the chair, Mr.
15 Edwards.

16 CHAIRPERSON ANDERSON: All right. Go
17 ahead. Go ahead, Mr. Edwards. I thought that
18 you were just chomping to ask questions.

19 MR. FLETCHER: Oh, no.

20 CHAIRPERSON ANDERSON: All right.

21 MR. FLETCHER: No, no, no.

22 CHAIRPERSON ANDERSON: Go ahead, Mr.

1 Edwards.

2 BY MR. EDWARDS:

3 Q Okay. So Mr. Gilliam, you said --
4 thank you for your report. I think it was a good
5 report. You said, I think that you went down and
6 there was no ABRA establishments there and there
7 were no ABRA violations, right?

8 A Yes, sir.

9 Q That's a good thing for the community,
10 right? I mean, we have a community here now and
11 you have observed that area for several times and
12 you are saying that you didn't notice any
13 problems like loitering or any kind of problems
14 like that in this community?

15 A No, sir, that's correct.

16 Q And you are saying that this is right
17 in the middle, in the heart of a community,
18 right?

19 A Yes, sir.

20 Q All right. So that's a good thing.
21 I want to just sort of take you back, if I could,
22 to your pictures and I want to substitute your

1 pictures with my pictures and then sort of get
2 into the question here, a little bit about
3 parking.

4 A All right.

5 Q So he -- I want to refer to pictures
6 that we have in our exhibit and it would have
7 been in the supplemental PIF, Exhibit No. 12, and
8 those are going to be photographs demonstrating
9 poor property maintenance and so forth and also
10 parking.

11 MR. EDWARDS: Mr. Chair, if you will,
12 I have three pictures here.

13 CHAIRPERSON ANDERSON: Are they in --
14 are they --

15 MR. EDWARDS: They are in Exhibit No.
16 12 of the -- as the last PIF that we submitted.

17 MR. FLETCHER: That would be Exhibit
18 1, Mr. Chairman, but Exhibit 12 of Exhibit 1.
19 Are you -- I'm sorry, I'm -- are you talking
20 about from your package?

21 MR. EDWARDS: Yes, my package, yes.

22 MR. FLETCHER: Yeah, so that will be

1 Exhibit 1, but in Exhibit 1 it will be listed
2 Exhibit 12.

3 (Whereupon, the above-
4 referred to documents were
5 marked as Protestant Exhibit
6 No. 12, 12(a) and 12(b) for
7 identification.)

8 MR. EDWARDS: The supplemental
9 package.

10 MR. FLETCHER: The supplemental
11 package yes.

12 CHAIRPERSON ANDERSON: I don't know
13 what is supplement from what. So --

14 MR. FLETCHER: So you don't know the
15 difference.

16 CHAIRPERSON ANDERSON: -- mine is
17 different. So --

18 MR. FLETCHER: Okay.

19 CHAIRPERSON ANDERSON: -- you are
20 saying that this is Exhibit 12?

21 MR. EDWARDS: Yeah. And it was
22 labeled photographs demonstrating poor property

1 maintenance and potential parking problems.

2 CHAIRPERSON ANDERSON: Well, I can't
3 find it at the moment, but why don't you show
4 them -- does Mr. Lee -- Mr. Lee, do you have the
5 document that he --

6 MR. LEE: Yes.

7 CHAIRPERSON ANDERSON: -- is
8 referring?

9 MR. LEE: Yes, I do.

10 CHAIRPERSON ANDERSON: All right.
11 Fine. Then you can show the witness the document
12 that you are referring and then if you -- you can
13 move forward.

14 MR. EDWARDS: Can I approach the
15 witness?

16 CHAIRPERSON ANDERSON: Sure.

17 BY MR. EDWARDS:

18 Q Sir, thinking about the picture that
19 you gave describing the location, could you tell
20 us what that picture is that you have there?

21 A This is the -- this provides a picture
22 of the entire shopping mall as located -- as

1 described in my Exhibit 4 and Exhibit 5.

2 Q Tell us what the -- is the picture
3 showing?

4 A In this picture I'm seeing, it looks
5 like in the entire picture all the parking spaces
6 are full, with the exception of maybe one and I
7 really can't tell, but basically, it's the -- all
8 the parking spaces are full with cars.

9 Q The parking space is full. All right.
10 So then the next picture I want you to take a
11 look at and tell us what that picture has in it.

12 CHAIRPERSON ANDERSON: Well, why don't
13 you identify -- all right. You need to tell us
14 what the picture you are seeing, so therefore,
15 Mr. Lee will know. The way it is supposed to
16 operate is that you are going to show him --

17 MR. EDWARDS: These pictures, the
18 first picture I showed him was a picture in the
19 parking lot with --

20 CHAIRPERSON ANDERSON: No, no,
21 identify what exhibit it is, so he will know what
22 you are looking at.

1 MR. EDWARDS: Exhibit 12.

2 CHAIRPERSON ANDERSON: And I'll know
3 what you are looking at. So we will all know
4 what the witness is looking at. And let me see
5 Exhibit 12, please. This is your Exhibit 12, not
6 -- which is similar to the exhibit that was shown
7 by -- all right.

8 MR. EDWARDS: It has several pictures
9 in there.

10 CHAIRPERSON ANDERSON: All right.
11 Okay.

12 MR. EDWARDS: And this picture shows
13 the parking lot full. The second picture that is
14 also included in those exhibits is going to be
15 that same parking lot now with a delivery truck.

16 BY MR. EDWARDS:

17 Q And I would like to ask you looking at
18 Picture No. 1 and looking at the delivery truck
19 and then the delivery comes and the parking lot
20 is full and people coming to buy liquor, where
21 are they going to park?

22 A Well, based on these photos, it would

1 be impossible for them to park in the parking
2 spaces inside the shopping mall.

3 Q All right.

4 MR. EDWARDS: I have one last picture
5 that I would like to share with the witness and
6 this is a picture of the rear of the
7 establishment.

8 CHAIRPERSON ANDERSON: Remember, for
9 the --

10 MR. EDWARDS: Exhibit No. 12 --

11 CHAIRPERSON ANDERSON: -- record, you
12 need to remember there is going to be a
13 transcript and so you need to identify what
14 exhibit you are talking about before, so --

15 MR. EDWARDS: I'm still on Exhibit No.
16 12.

17 CHAIRPERSON ANDERSON: -- identify the
18 number. All right.

19 MR. EDWARDS: All three of these
20 pictures were included in No. 12.

21 CHAIRPERSON ANDERSON: Okay. So it
22 should be 12, so you need to say 12(a), (b), (c).

1 So because there are three different documents,
2 so you need to identify them (a), (b) and (c).

3 MR. EDWARDS: Okay. Okay.

4 CHAIRPERSON ANDERSON: For the record,
5 so when you are -- what I'll do, I can't find
6 them, but at the end, at some point you are going
7 to move them into evidence.

8 MR. EDWARDS: Yes.

9 CHAIRPERSON ANDERSON: And so I need
10 you to identify them that way and I'm going to
11 ask that you provide them to me, that way so we
12 will have an official record and they are marked.
13 So the first document is going to be 12, the
14 second one should be 12(a) and the third one
15 should be 12(b) and how many is there? Is there
16 four? Three or four there?

17 MR. EDWARDS: Three.

18 CHAIRPERSON ANDERSON: Three. So it
19 should be 12, 12(a) and 12(b).

20 MR. EDWARDS: Yes.

21 CHAIRPERSON ANDERSON: And I'm going
22 to ask you at some point if you are going to

1 introduce them into evidence, so you need to
2 introduce them into evidence, I'll move them and
3 I'll have a package of what your exhibits are.
4 Okay? All right.

5 MR. EDWARDS: All right. So then
6 12(b) is the last one that I would like to
7 introduce.

8 BY MR. EDWARDS:

9 Q And this is a picture of the rear of
10 the building and I just wanted to pass this on to
11 the Investigator and see if he recognized this or
12 if he had been back there.

13 A I don't recognize it, but I ain't been
14 -- I didn't go back there because as you can see,
15 there is no way to get back there.

16 Q Right. So this picture, if you could
17 describe it, I mean, is it well-kept? Is it a
18 properly maintained area? How does it look in
19 the community?

20 A Well, what I'm looking at is some
21 trees with overgrown vegetation and tree branches
22 and if that's supposed to be the back of the

1 establishment, then you can't enter back there,
2 because it's too much vegetation around.

3 Q That is not very well-kept, right?

4 A Yes, sir, I would agree with that
5 statement.

6 MEMBER SHORT: Mr. Chair, if I could?
7 Instead of saying the building and the property,
8 why don't we use 44 -- 4944 South Dakota Avenue,
9 so when the transcript comes out, there will be
10 no question what your exhibits are and where they
11 are from.

12 So can you say that for the record
13 again? What was your Exhibit 12, (a), (b)?

14 MR. EDWARDS: 12, 12(a) and (b),
15 right. And all three of those are in the
16 proposed location 4944 South Dakota Avenue.

17 MEMBER SHORT: Thank you.

18 MR. EDWARDS: Parking lot and rear of
19 that location.

20 MEMBER SHORT: Thank you.

21 MEMBER SILVERSTEIN: Mr. Chair?

22 CHAIRPERSON ANDERSON: Yes, Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: I would remind
3 both sides that the time that you spend on cross-
4 examining witnesses is taking from your overall
5 time and from the time that you can use to
6 provide your own witnesses.

7 MR. EDWARDS: So with that then, I
8 don't have any further questions for this
9 witness. So do I enter those or how do I -- I
10 want to enter them.

11 CHAIRPERSON ANDERSON: Well, why don't
12 you put a notation and then at the end of your
13 case, you can introduce all of the documents?

14 MR. LEE: I would like to raise an
15 issue about that one, because we -- Investigator
16 put on the stand and asked for investigative
17 report. Certain time he was there and he cannot
18 cover all other place, other times. So the
19 person who took a picture, the specific time and
20 specific moment and verified with the
21 Investigator.

22 Investigator can tell only their

1 observation. It's everybody's --

2 MR. FLETCHER: Mr. Chairman?

3 CHAIRPERSON ANDERSON: Hold on, hold
4 on.

5 MR. LEE: -- so we have to ask him for
6 the time that --

7 CHAIRPERSON ANDERSON: Hold on, hold
8 on, hold on. Right now, he is just being asked
9 questions.

10 MR. LEE: Those are --

11 CHAIRPERSON ANDERSON: They are not
12 being introduced into evidence at the time. What
13 I have stated at the end of the case, you can ask
14 to move the documents into evidence. At that
15 time, you can raise your objection and I will
16 make a ruling on the objection. So --

17 MR. LEE: Because if we allow the
18 interviewers --

19 MEMBER SILVERSTEIN: Excuse me --

20 CHAIRPERSON ANDERSON: Excuse me, we
21 cannot --

22 MR. FLETCHER: He can't speak out of

1 order.

2 CHAIRPERSON ANDERSON: I can handle
3 it. Thank you, Mr. Fletcher. All right.

4 No, but what I'm saying is that at
5 this juncture, they are not in evidence. He
6 asked questions, so he answered the questions.
7 What I stated is that at the end of the case, I
8 will ask both parties what documents they want to
9 move into evidence. At that point, you can raise
10 an objection --

11 MR. LEE: I will.

12 CHAIRPERSON ANDERSON: -- and I'll ask
13 the nature of the objection and I will make a
14 ruling at that point, whether or not I'm going to
15 allow those documents to be entered into
16 evidence. So you can put your notation to say
17 these are the objections I'm going to raise on
18 these documents and the -- each side should
19 remember -- and the reason why I'm not going to
20 allow you to introduce into evidence at this
21 juncture is because you have not presented your
22 case. It's just cross-examination.

1 So at the end of the case just make a
2 notation that you are going to move these
3 documents and then we can have objections and
4 I'll make a ruling whether or not I'm going to
5 allow it into evidence. Okay? All right. You
6 have no other questions?

7 MR. EDWARDS: No.

8 CHAIRPERSON ANDERSON: Do we have any
9 questions by the Board based on the questions --
10 does the Board have any other questions?

11 MEMBER SHORT: I just have one.

12 CHAIRPERSON ANDERSON: Yes, Mr. Short.

13 MEMBER SHORT: Okay. In the exhibit,
14 I guess it would have been 12(b), showing the
15 rear, is there a rear door to the store or to the
16 property at 4944?

17 CHAIRPERSON ANDERSON: Mr. Short, you
18 are asking Mr. Gilliam a question.

19 MEMBER SHORT: Okay.

20 CHAIRPERSON ANDERSON: You are not
21 asking anyone else.

22 MEMBER SHORT: Okay. I thought I

1 was --

2 CHAIRPERSON ANDERSON: Yes, he is the
3 one you -- he is the only one who can answer that
4 question.

5 MEMBER SHORT: All right. Mr.
6 Gilliam, you did say you did not ever go to the
7 rear.

8 INVESTIGATOR GILLIAM: That's correct.
9 So I couldn't -- I'm looking at a picture that
10 has been identified as that, but I never went
11 back there, so I can't tell if that rear door is
12 part of the establishment like the question you
13 asked.

14 MEMBER SHORT: Again, I know a little
15 bit about life safety. Any store like that would
16 have to have a rear door, because if there is a
17 car fire in the front of that liquor store, they
18 can't go out there where the fire is, they have
19 to go out of the rear. Would that -- does that
20 not sound like that would be -- make sense?

21 INVESTIGATOR GILLIAM: Oh, yeah, it
22 makes sense, but, Mr. Short, you asked me what I

1 observed and --

2 MEMBER SHORT: Okay. Not a problem.

3 Okay.

4 INVESTIGATOR GILLIAM: -- I never went
5 back.

6 MEMBER SHORT: All right. Thank you
7 very much. That's all I have, Mr. Chair.

8 CHAIRPERSON ANDERSON: All right. Any
9 other questions for Mr. Gilliam by Board Members?
10 Hearing none, thank you very much, Mr. Gilliam.
11 You may step down.

12 INVESTIGATOR GILLIAM: Thank you.

13 (Whereupon, the witness was excused.)

14 CHAIRPERSON ANDERSON: All right. The
15 applicant, do you have a witness you want to
16 call?

17 MR. LEE: Yes.

18 CHAIRPERSON ANDERSON: Please identify
19 the witness, please. Call his name, please.
20 What's his name? You are calling? Who are you
21 calling?

22 MR. LEE: Mr. Chang.

1 CHAIRPERSON ANDERSON: You are calling
2 Mr. Chang?

3 MR. LEE: Yes, Change Choi as my first
4 witness.

5 CHAIRPERSON ANDERSON: What's the last
6 name again, Chang?

7 MR. LEE: Choi.

8 MR. CHOI: Choi.

9 CHAIRPERSON ANDERSON: Choi, Mr. Choi.

10 MR. CHOI: Yes.

11 CHAIRPERSON ANDERSON: Can you raise
12 your -- Mr. Choi, hold on one minute. You need
13 to give him back those documents, all the
14 documents you have in your hand, give it back to
15 Mr. Lee. You can't have anything in your hand
16 until -- unless it is identified, so you have to
17 -- whatever notes you have, give him.

18 So I need you to raise your right
19 hand, sir.

20 Whereupon,

21 CHANG CHOI

22 was called as a witness by Counsel for the

1 Applicant, and having been first duly sworn,
2 assumed the witness stand and was examined and
3 testified as follows:

4 MR. CHOI: (No audible answer.)

5 CHAIRPERSON ANDERSON: I can't hear
6 you. So you have to speak up.

7 MR. CHOI: Yes, true.

8 CHAIRPERSON ANDERSON: All right.

9 MR. CHOI: I tell the truth.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you. Have a seat. Please, speak in the
12 microphone so we can hear you. Go ahead, Mr.
13 Lee.

14 DIRECT EXAMINATION

15 BY MR. LEE:

16 Q Please state your name again.

17 A My name is Chang Choi, C-H-A-N-G last
18 name C-H-O-I.

19 Q Are you president of the corporation?

20 A Yes, I am.

21 Q Will you describe the business what
22 you want?

1 A I applied liquor license A, that is
2 sell beer and beer, wine and spirits liquor. So
3 I applied.

4 Q Do you have a specific storage area
5 you plan to put the secure alcohol?

6 A Yes, yes, inside and back side is I
7 want to use storage room that is very secure.

8 Q So who are going to operate?

9 A I operate, me and my family and some
10 people in the neighborhood, so I hire some people
11 from the same neighborhood.

12 Q All right. Are you going to hire
13 somebody from --

14 A Yeah, yeah.

15 Q -- your community?

16 A Yeah, I need to have --

17 Q As a manager or a janitor?

18 A No, I want to have his help is some
19 times pick up the trash and sometimes stock,
20 sometimes cashier and sometimes a -- so one or
21 two I think.

22 Q Okay.

1 A Yeah.

2 Q What are your hours of operation you
3 requested?

4 A I applied 8:00 a.m. to midnight, but
5 I actually operate 10:00 a.m. to 10:00 p.m.,
6 Monday through Saturday, just Sundays noon to
7 8:00 is my --

8 Q So after you negotiate with the ANC,
9 so you adjusted your hours of operation you
10 request?

11 A Yeah, yeah. It's ANC-5A member, I met
12 them two times for mediation. I met them and we
13 tried to adjust the time and the operating mess
14 or the something like we discuss everything, so I
15 got almost finalized. They told me you have to
16 sign. Okay, any time I am ready to sign, but I
17 don't know why he --

18 Q Yeah, you don't have --

19 CHAIRPERSON ANDERSON: Hold on, hold
20 on one minute, please. Lets take a break for two
21 minutes, two seconds. Go ahead and do what you
22 need to do.

1 (Whereupon this matter went off the
2 record for a brief recess and resumed.)

3 CHAIRPERSON ANDERSON: Okay. Go
4 ahead.

5 MR. LEE: Okay.

6 BY MR. LEE:

7 Q You don't have a voluntary --

8 CHAIRPERSON ANDERSON: All right.
9 Hold on. Mr. Lee? You have a fine voice and so
10 put the microphone close to you, so therefore he
11 can hear and that we can all --

12 MR. LEE: Okay.

13 CHAIRPERSON ANDERSON: -- then --

14 MR. LEE: So my voice is deception the
15 truth.

16 CHAIRPERSON ANDERSON: Well, I'm
17 having problem hearing, too, so I want to just
18 remind everyone that I need to hear.

19 MR. LEE: Okay. I'll try.

20 CHAIRPERSON ANDERSON: All right.

21 BY MR. LEE:

22 Q That you are going to have final

1 voluntary agreement settlement to the ANC, but
2 it's not finalized, but do you remember what kind
3 of thing you wanted to agree on it?

4 A Yeah, yeah. I remember pretty --
5 being over loitering, so they wanted to me you
6 have to sign, no loitering, no panhandling, and
7 something like that. You have to sign so
8 underage the entrance, you have to sign, put the
9 sign. The only parking lot is for customer only.
10 No trespassing. So and I'll be there to -- I
11 want to sell just to -- I do not sell single beer
12 and I do not -- not to buy the manufacturers
13 packaging up to not sell to the -- any
14 intoxication people. So I have to create
15 properly, so many items already there.

16 Q So are you willing to agree on and
17 ready to sign on it?

18 A Yeah, yeah, yeah.

19 MR. FLETCHER: Objection, Mr.
20 Chairman.

21 THE WITNESS: I am ready at the time.

22 CHAIRPERSON ANDERSON: Hold on, hold

1 on one minute, please.

2 THE WITNESS: Yeah.

3 CHAIRPERSON ANDERSON: What's the
4 nature of your objection, sir?

5 MR. FLETCHER: Relevance.

6 CHAIRPERSON ANDERSON: How? Why is it
7 -- I don't --

8 MR. FLETCHER: We are getting into the
9 weeds of the settlement agreement for what reason
10 right now?

11 CHAIRPERSON ANDERSON: No, he is
12 telling -- what he is telling us is that -- that
13 he is telling the Board is that I want my license
14 and these are some of the conditions that I was
15 willing to live with. And so if we decide to
16 grant a license, I'm going to consider -- I would
17 consider some of the -- what he was willing to
18 live with, because as a liquor license in D.C.,
19 all ABC licenses in D.C. they can operate seven
20 days a week from 7:00 a.m. to 12:00 a.m., that's
21 what the law says.

22 MR. FLETCHER: Completely

1 understandable.

2 CHAIRPERSON ANDERSON: And so if the
3 Board was to grant a liquor license and I'm not
4 saying we are going to do it, it's that maybe if
5 he is saying that I'm not looking -- I'm not -- I
6 don't want to operate from 7:00 a.m. to 12:00
7 a.m., I am willing to operate from 10:00 to
8 10:00, then what we would do then, what I would
9 suggest, is to cut the hours, not give him 7:00
10 to 12:00, but if he says I'm willing to live from
11 10:00 to 10:00, then I would start there to say
12 okay, if we are going to allow him to operate,
13 then I'm going to put these restrictions on the
14 license.

15 So that's -- he is just telling you he
16 is saying I want to operate. And this is what
17 I'm willing to do and that's something that at
18 least if the Board decides to give a liquor
19 license, then we would consider these -- his
20 position to say that these are -- I'm willing to
21 live with these conditions.

22 MR. FLETCHER: Understood, Mr.

1 Chairman. And the reason for my objection was
2 the fact that my understanding is we are here to
3 discuss peace, order and quiet.

4 CHAIRPERSON ANDERSON: Right.

5 MR. FLETCHER: We are here to discuss
6 vehicular and pedestrian issues. We are here to
7 discuss crime and violence.

8 CHAIRPERSON ANDERSON: Right.

9 MR. FLETCHER: And potential issues.
10 I didn't think, at this juncture, we are here to
11 discuss the body of the settlement agreement,
12 because we are not --

13 CHAIRPERSON ANDERSON: Well --

14 MR. FLETCHER: -- that was just -- I
15 just wanted to completely explain myself, Mr.
16 Chairman.

17 CHAIRPERSON ANDERSON: I don't look at
18 it as -- I mean, this is direct examination. He
19 is asking his witness some questions. And he is
20 saying to the witness what is it that you are
21 willing to do to work in the community? And so
22 this is -- he is just telling us to start. And I

1 don't -- I believe that the testimony that is
2 given so far is relevant and so I'm going to
3 overrule the objection.

4 Go ahead, Mr. Lee.

5 MR. LEE: Thank you.

6 BY MR. LEE:

7 Q What's your business experience?

8 A I have -- when I was 7 years liquor
9 store me and my family in Washington, D.C. for
10 five years. And Maryland is the 4 -- 5 years, so
11 I have a lot of experience. So I know the rules
12 and regulation over D.C. Liquor Board Regulation.
13 I have all the time read and keep. I have
14 attended the training course several times. So
15 we didn't make any trouble in my experience.

16 Q Okay. So for this specific liquor
17 store location you applied, have you described
18 your business plan, security plan, cleaning,
19 trash, hiring, that kind of all together, can you
20 explain to the Board to make decisions about it?

21 A Yeah. I have a plan to operate in the
22 liquor store. We mentioned the already

1 settlement agreement, so I always clean the
2 entire property outside/inside and parking lot
3 and sidewalk. I have every day, that is the
4 first thing.

5 And I do not allow under 21 years,
6 nobody come in except accompanying the parents or
7 the parents accompanying is okay, but do not
8 allow anybody under 21. And I really put the
9 camera for security inside and outside,
10 fluorescent light and security all around. I put
11 there. I put anything.

12 Q You just heard that the ANC showed to
13 Investigator a picture about the kind of trash
14 problem and that rear side of the building, the
15 bush is not clean. So do you have any plan to
16 clean up or --

17 A Yeah.

18 Q -- how can you handle that?

19 A Yeah. So there is the two -- for PIF,
20 I took a picture before cleaning and I clean the
21 -- around the property, I take a picture. So
22 compare. I will clean every day. So before you

1 sometimes take a picture of trash before, however
2 up to now, I clean every day. There is no issue,
3 I think. I do every day clean. If I don't clean
4 every time, so I hire the neighborhood member, I
5 hire.

6 Q So actually, how many times do you
7 expect the delivery truck to come in?

8 A That would be -- is our biggest, that
9 is only two times for one week is -- that is a --
10 company. So one company each one time for one
11 year, so I think it's maximum two times for one
12 week.

13 Q Okay. You know there is a community
14 concern about kind of a normal situation, no
15 loitering situation around the liquor store in
16 D.C.

17 A Um-hum.

18 Q And I saw their exhibits, the picture
19 taken from the -- another place. And what do you
20 think - so how do you compete with the other
21 liquor store or make a difference from that worst
22 operator? I just said in my opening and I said

1 you are not the worst operator liquor store.

2 A Yeah.

3 Q So how can you make a difference from
4 other liquor store?

5 A I know the neighborhood concern was
6 the thing is crowd of people to buy all the time
7 is a long line and sometimes what you say is the
8 problem of union there, some times are loud boys.
9 I don't like that, absolutely. So all the time
10 it's a clean, calm and peace. I like peace. I
11 am not enemy.

12 Q Do you have any specific plans to
13 cooperate with the community, because the
14 community really concerned about the peaceful--

15 A Yeah.

16 Q -- status now.

17 A Yeah.

18 Q And they don't want hurt by any new
19 liquor store. That's their big concern. You
20 know that, right?

21 A Yeah.

22 Q Do you have any specific plan to

1 cooperate with them to make it better or some
2 kind of --

3 A Yeah, yeah.

4 Q -- help to the community. Do you have
5 any plans?

6 A I discuss with the ANC-5 members that
7 during the times, at that time, for the North
8 Michigan Park Civic Association some persons, I
9 can do that. And at that time, I already
10 annually fund, annual expense, I couldn't do
11 that. So they told me you -- can you fund raise
12 for special alcohol beverage safety? Sure. I
13 can do that. I will donate for safe -- alcohol
14 safety education. And I will donate for the safe
15 for how long they been. I can do that.

16 I will attend five -- ANC-5A regular
17 meeting and I attend the North Michigan Park
18 Civic Association meeting any time I open.

19 Q Okay. And based on my experience in
20 most liquor store that sell --

21 A Yeah.

22 Q -- cheap wine or cheap spirits --

1 A Yeah.

2 Q -- and so that way it's panhandler and
3 loiters --

4 A Yeah.

5 Q -- in front of the liquor store.

6 A Yeah.

7 Q Do you want to make community and the
8 subway and meet their demand --

9 A Um-hum.

10 Q -- for we will stop those brand, even
11 though it's not out of -- make a big profit.

12 A Yeah.

13 Q Are you willing to do that?

14 A Yes, yes, absolutely, yeah. I wanted
15 to hear the customers and they were forcing me to
16 what do you need? I will feed it back to you
17 very soon. And I may -- I will make a notebook
18 for the customer's need, some customers complain
19 into there. And I have -- I will make a notebook
20 for MPD recording the notebook. It's something
21 like I be fully cooperating the ANC-5A and North
22 Michigan Park Civic Association.

1 So in order for you, one, I agree to
2 do that. I fully cooperate. I tell them so many
3 time.

4 Q Actually, you were asking me to add,
5 put into the PIF and Exhibit Form and attach your
6 officer citation from the Maryland General
7 Assembly.

8 A Yeah.

9 Q This is D.C., but why you ask me to
10 put it in? Would you explain about what it is
11 about?

12 A Yeah. I got the citations to -- one
13 is Maryland Delegate -- 2017 and one is the
14 Maryland Delegate David Mood 2018. These were
15 IMR Vice President to Korean-American
16 Association. So I serve, it's voluntary.
17 Specifically, I like grown person, poor, not rich
18 person, many time I voluntarily have him, have
19 her, so delegation and it's the Governor, it's
20 tell me you are good man, especially lonely, poor
21 person, so old age person. So I --

22 Q You went and visit her?

1 A Yeah, I do that. So North Michigan
2 Park Civic Association, I wanted to, but afford
3 it. Yeah, I could do that.

4 Q Okay. You said that you were owner-
5 operated liquor store in D.C. before?

6 A Yeah.

7 Q And you had a voluntary agreement with
8 the community?

9 A Yes, yes.

10 Q Okay. Do you have any violation
11 before?

12 A No.

13 Q No violations?

14 A No violation.

15 Q Okay.

16 MR. LEE: That's my questions.

17 CHAIRPERSON ANDERSON: Who is doing
18 the cross-examination? Go ahead, Mr. Edwards.

19 CROSS-EXAMINATION

20 BY MR. EDWARDS:

21 Q Good evening, Mr. Choi.

22 A Yes.

1 Q All right. So are you the owner of
2 that location, that site there?

3 A Yeah.

4 Q You are the owner, property owner?
5 You own --

6 A Oh, no, no. I am not the owner. Just
7 tenant.

8 Q Okay. And where do you live again?
9 You mentioned it when you first came in, but
10 where do you live?

11 A I live in Beltsville, Maryland, yeah.

12 Q In Maryland?

13 A Yes.

14 Q Okay. Now, you mentioned that you had
15 come to meet with the community three times or
16 something like that. Was that prior to your
17 application or after your application?

18 A No, no, no, no. I applied new license
19 application and I attended your 5 --

20 Q A.

21 A -- 5A it's a meeting. And at that
22 time, I saw you go to the hearing, you protest.

1 I understand that. So and then I met you and
2 your members here during times before, mediation
3 process, for adjust the settlement agreement. So
4 I met this three times and at that time, he
5 almost finalize, I waiting just to sign at the
6 time.

7 Q Well, we're going to get to that
8 discussion about the agreement in a few minutes.
9 But I kind of want to just sort of stick to -- so
10 now in Maryland where you live, is there a liquor
11 store close to where you live?

12 A Closest maybe one mile.

13 Q About one mile or so.

14 A Yeah.

15 Q Okay. So now you talked about your
16 relationship and how you want to be with the
17 community, but do you think or -- that it would
18 have been good to come to the community before
19 you decided to purchase or to place a liquor
20 store in the community, to talk to them and hear
21 what they had to say about that? Did you think--
22 did that come across your mind at all?

1 A I not fully understand the question.

2 Q Well, you wanted to put a liquor store
3 at that location, right?

4 A Um-hum.

5 Q And there are property owners around
6 there. Do you think they would have some concern
7 about that and wouldn't you want to go and talk
8 to them about it before you actually commit
9 yourself to a liquor store or you think it didn't
10 matter?

11 A I didn't discuss all that, but I
12 understand the property owners concern.
13 Everybody worry about liquor store to come here
14 is a down by truck barrier, so I have -- my
15 family have two liquor store before. At that
16 time, neighborhood was also concerned same, but I
17 left to four and five years later. They do not
18 complain their concern.

19 Q So now you --

20 A I understand the concern is very
21 important for everybody. Yeah, I understand.

22 Q Okay. You understand. And so now you

1 operated a liquor store in D.C., right?

2 A Yeah.

3 Q We talked a lot about the one in
4 Maryland, but you also operated one in D.C.,
5 right?

6 A Yeah, I had two liquor store, D.C. and
7 one liquor store in Maryland, it's my family
8 then.

9 Q And the one in D.C., what was the
10 address on that one again?

11 A One is 404 1st Street, S.E.,
12 Washington, D.C. 20002, yeah.

13 CHAIRPERSON ANDERSON: What street?
14 I'm sorry, what street?

15 BY MR. EDWARDS:

16 Q Okay. So now and when did you --

17 CHAIRPERSON ANDERSON: Hold on. I
18 didn't hear the street, the address.

19 THE WITNESS: Yeah. 404 1st Street,
20 S.E.

21 CHAIRPERSON ANDERSON: Okay. All
22 right. I apologize. Go ahead.

1 BY MR. EDWARDS:

2 Q All right. And so now did -- then did
3 you own the liquor store or you was a -- you ran
4 it or how did --

5 A Yes, at the time, I was a tenant. I
6 was a tenant.

7 Q And when did you start there?

8 A 2013, yeah.

9 Q 2013.

10 A And yeah, and I left to 2017, yeah.

11 Q Okay. So now, I want to go to our
12 exhibit and the PIF exhibit, it was the second
13 submission and it is going to be Exhibit No. 1.

14 CHAIRPERSON ANDERSON: All right. You
15 need to -- okay. You need to give it to him,
16 because he doesn't know what it is. So you need
17 to identify the document and show it to him, let
18 Mr. Lee know the document and then you need to
19 have a second copy to show it to him and then ask
20 him about it, sir.

21 MR. EDWARDS: Okay.

22 MR. LEE: These are the ones?

1 MR. EDWARDS: Yes.

2 MR. LEE: Okay.

3 MR. EDWARDS: And this.

4 MR. LEE: Yeah, I have it.

5 MR. EDWARDS: And the supporting
6 documents.

7 CHAIRPERSON ANDERSON: But, sir, you
8 need to have a copy to show it to him, so he will
9 know what he is -- so identify the document and
10 ask him about it once you have provided it to
11 him.

12 BY MR. EDWARDS:

13 Q All right. So now this is a
14 document --

15 CHAIRPERSON ANDERSON: No. You give
16 it to him and ask him to --

17 MR. EDWARDS: Okay.

18 CHAIRPERSON ANDERSON: -- if he knows
19 what it is.

20 BY MR. EDWARDS:

21 Q Okay. Have you seen this document?

22 A Yes, sir. Yes.

1 Q Okay.

2 CHAIRPERSON ANDERSON: Could you ask
3 him to identify the document, please.

4 BY MR. EDWARDS:

5 Q Can you identify this document,
6 please?

7 A Yeah, Analysis of MPD Crime Status.

8 CHAIRPERSON ANDERSON: I can't hear
9 you, sir.

10 THE WITNESS: She already saw.

11 Analysis of MPD Crime Status 2012 to 2018.

12 CHAIRPERSON ANDERSON: Okay. And
13 what --

14 THE WITNESS: Crime --

15 CHAIRPERSON ANDERSON: -- exhibit is
16 it that he is looking at, sir, for the record?

17 MR. EDWARDS: Okay. It's Exhibit No.
18 1.

19 CHAIRPERSON ANDERSON: Okay. All
20 right. Okay. Go ahead.

21 (Whereupon, the above-
22 referred to document was

1 that block between 2012 and 2018, how many
2 reported crimes does that --

3 A Totally?

4 Q Yeah.

5 A Yeah. So 404 1st Street, S.E., is four
6 seven years is 34 events.

7 MR. LEE: Objection. It's not related
8 to that, because it's not -- we don't know. This
9 isn't come from his establishment. It's around
10 that area. How can you prove this is related to
11 his previous owned establishment? Because he
12 sell that and don't have -- he doesn't have any
13 violation before.

14 CHAIRPERSON ANDERSON: Mr. Edwards,
15 why is it that -- why is this relevant, sir?

16 MR. EDWARDS: Well, it's relevant
17 because what we are trying to do and here we are
18 going to prevent information later statistics and
19 otherwise that will clearly demonstrate that
20 liquor stores attract pre-crime and malice and
21 those kinds of things.

22 Here in this block, in the same exact

1 block as the liquor store, well, within 500 feet
2 of the liquor store, the number he gave was 34
3 reports of, you know, calls for service. And
4 then --

5 MR. LEE: Objection again.

6 CHAIRPERSON ANDERSON: Mr. Lee, we are
7 having arguments. I'm listening to him, sir.

8 MR. LEE: All right.

9 CHAIRPERSON ANDERSON: Go ahead.

10 MR. EDWARDS: And so then also, the
11 same chart shows if you go specifically to the
12 block, within the 500 feet where he is, it's 17
13 crimes or reported crimes. And then of the 17,
14 what I'm looking at here of what 100 -- and I'm
15 sort of closing the gap here and now I'm talking
16 100 feet. Within 100 feet of this establishment
17 and I'm looking at the crime reported and that
18 number is 10.

19 CHAIRPERSON ANDERSON: All right.

20 BY MR. EDWARDS:

21 Q So I'm trying to find out now from you
22 during 2012, was there any type of crime, like

1 theft or robbery or --

2 MR. LEE: Objection.

3 CHAIRPERSON ANDERSON: All right.

4 Hold on. We are still -- I'm listening to Mr.
5 Fletcher. I'm sorry, I'm listening to Mr.
6 Edwards and I'm going to make a decision. So he
7 is -- there is an objection you raised and I'm
8 asking you to explain why is it that's relevant.

9 And so you are going to ask him a
10 question and --

11 MR. EDWARDS: Well, I have given you
12 first of all the statistics of --

13 CHAIRPERSON ANDERSON: All right.

14 MR. EDWARDS: -- within 500 feet.

15 Then I have narrowed it to the block.

16 CHAIRPERSON ANDERSON: All right.

17 MR. EDWARDS: And now I'm going within
18 100 feet of the establishment and --

19 CHAIRPERSON ANDERSON: All right.

20 MR. EDWARDS: -- then within 100 feet
21 of that establishment, I want to ask him
22 specifically within the period that he was there,

1 was there any calls for service. And we are not
2 talking about ABRA violations now. We are
3 talking about calls for service to the police
4 department.

5 CHAIRPERSON ANDERSON: All right. I'm
6 going to sustain the objection and the reason I'm
7 going to sustain the objection, the crime
8 statistics that you have provided, it is not for
9 the area that this -- that he is asking to open a
10 business. So I just think that's just too far
11 afield.

12 MR. EDWARDS: Well, it's track -- it's
13 his history.

14 CHAIRPERSON ANDERSON: But --

15 MR. EDWARDS: So now you see what we
16 feel is unfair and kind of what we had talked
17 about even with the mediator, you are saying now
18 that we have to deal with this applicant --

19 CHAIRPERSON ANDERSON: But --

20 MR. EDWARDS: -- as though he is new.

21 CHAIRPERSON ANDERSON: -- if -- okay.

22 All you are providing is crime -- service calls

1 for an area. And service calls for an area does
2 not necessarily mean that it happened that there
3 was a specific incident that happened in the
4 liquor store that he owned.

5 Now, if you were providing his
6 previous history as an operator, so say, for
7 example, since he was an -- he had an ABC liquor
8 license, and you were providing his history to
9 say he is a bad operator, we shouldn't give him
10 another license because here is his history,
11 these are the -- all the other -- these are all
12 the violations that he had when he had a license,
13 then I wouldn't object to that.

14 But calls for service for a different
15 location in the District, we don't know why there
16 are calls for service. And so therefore, I'm
17 going to sustain the objection. So you can't ask
18 any of those questions.

19 MR. EDWARDS: I can't ask them?

20 CHAIRPERSON ANDERSON: No, sir, you
21 can't ask him those questions regarding -- on
22 that -- on the exhibit you have, because I'm not

1 familiar with the location and I'm not -- I don't
2 necessarily believe that it is relevant that what
3 occurred at that location is going to happen at
4 this location. It's -- this new location is in
5 Northeast, that is in Southeast, that was
6 probably from five years ago, so it's -- I'm
7 going to sustain the objection. So you have to
8 move on. You can't ask those questions.

9 Yes, Mr. Silverstein?

10 MEMBER SILVERSTEIN: Mr. Edwards, I
11 can provide some additional illumination on that.
12 Calls for service are spurious to say the lease
13 in our experience. And a perfect example of that
14 was a Mexican restaurant on Capitol Hill that had
15 over 250 calls for service in a year and we
16 couldn't figure out why until we realized it was
17 across the street catty-corner from a Metrostop.
18 And it was the only place that had an address, so
19 anything that happened bad in the Metrostop ended
20 up being a call for service listed for the
21 restaurant.

22 So because of the fact that we can't

1 really pin things on this, we don't go with that
2 unless they are like assault at the event or
3 something like that. We need something more
4 specific than calls for service. It's not that
5 we are trying to be disrespectful.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you, Mr. Silverstein. So we -- you can't
8 ask him that line of questions, sir. So let's
9 move on.

10 MR. EDWARDS: All right. So --

11 CHAIRPERSON ANDERSON: If you have
12 questions, if you want to ask him about -- if you
13 have questions, if you want to ask him about
14 previously when he operated a business, if you
15 have any documents or witnesses to say that he
16 was a bad operator, you can ask that, because
17 that will go to say if he was a bad operator,
18 then he has a bad track record.

19 So if you have that type of
20 information, you can, but just that's too
21 speculative for a different location, different
22 time, so no. All right.

1 MR. EDWARDS: Okay.

2 BY MR. EDWARDS:

3 Q I just want to then look at your list
4 of -- and this is your exhibit that was submitted
5 and it's a list of supporters that you have.
6 That was in his PIF that they submitted.

7 CHAIRPERSON ANDERSON: Mr. Edwards,
8 one of the things to remember, I said before --

9 MR. EDWARDS: Oh, it's not in the
10 record yet? It's not in the record?

11 CHAIRPERSON ANDERSON: But that's --
12 but what I'm saying though you should spend more
13 time presenting your evidence, not necessarily
14 cross-examining him with stuff that, at this
15 juncture, I don't see the connection. So in
16 presenting your case is better that you spend
17 more time with your witnesses, providing your
18 evidence to say why it is not -- because your
19 cross-examining him and when you are cross-
20 examining him, it should be based on the
21 questions that were necessarily asked by his
22 counsel.

1 And I mean, you are going far afield
2 by opening up new areas. And we don't really do
3 that in cross-examination. It should be based on
4 the questions that he had asked. And I think you
5 are going too far afield. And I want to make
6 sure that we keep this --

7 MR. EDWARDS: All right. So then we
8 will come back to that, because it's the concerns
9 that we have regarding that, the people who he
10 claim are supporters.

11 CHAIRPERSON ANDERSON: Well, I mean,
12 you can. Well, all right. But I just think
13 that's going too far afield --

14 MR. EDWARDS: Okay.

15 CHAIRPERSON ANDERSON: -- on cross-
16 examination.

17 MR. EDWARDS: We will get --

18 CHAIRPERSON ANDERSON: All right.

19 MR. EDWARDS: -- to it later.

20 CHAIRPERSON ANDERSON: All right.

21 BY MR. EDWARDS:

22 Q All right. I think you say now -- you

1 say that you want to work with the community and
2 that you are willing to work with the community.
3 So I just want to ask you again to try to get a
4 better understanding of why it is that you did
5 not come to the Board before and try to talk with
6 the community, to see if the community would be a
7 agreeable to a liquor store. And did you feel
8 that was necessary or unnecessary?

9 A No, no, no, no.

10 Q Okay.

11 A I wanted to attend the ANC-5A meeting,
12 but your guys, what you say is that, fully denied
13 liquor store. We are -- don't think there is --
14 just everything is you all just say I need this
15 one. I need this one. And so correct -- just
16 October, but at that time, I think no adjust to.
17 I think, so I cannot go there, but any time you
18 request to me attend ANC meeting, all the time I
19 come there, yeah.

20 Q All right. And so you remember the
21 first meeting we had with the ABRA mediator?

22 A Yeah.

1 Q And we made it clear what was our
2 position.

3 CHAIRPERSON ANDERSON: Hold on, hold
4 on. You can't ask questions about what happened
5 in mediation. I don't want to know. I don't
6 want to know. It's not relevant here, because
7 folks make positions and they might take
8 positions in mediation because it's confidential.
9 So we can't have testimony regarding what
10 happened in mediation. Okay?

11 MR. EDWARDS: Okay. All right. So
12 all right, fine.

13 CHAIRPERSON ANDERSON: And it's the
14 same analysis about a settlement agreement. I
15 wasn't -- normally I don't allow settlement
16 agreements in, because that's confidential. I
17 mean, that's what you decide and people might
18 change their positions. But so -- but he can
19 tell us, as he did earlier, to say this is what--
20 in order to get a license, this is what I'm
21 willing to live with.

22 But you can't ask questions about what

1 happened in your mediation. Okay?

2 MR. EDWARDS: All right. And so my
3 last area of questioning then is surrounding the
4 settlement agreement that he had at the prior
5 establishment. Can I talk about that?

6 CHAIRPERSON ANDERSON: It's in the
7 record, so --

8 MR. EDWARDS: All right.

9 CHAIRPERSON ANDERSON: -- there is
10 that.

11 MR. EDWARDS: So that --

12 CHAIRPERSON ANDERSON: And you can
13 talk about it, yes.

14 BY MR. EDWARDS:

15 Q So that settlement agreement you
16 indicated was voluntary, right?

17 A Um-hum.

18 Q So but when you came and you started
19 to operate at that establishment, there was a
20 settlement agreement already in place, right?

21 A Settlement is for --

22 Q That was already in place for the

1 liquor store prior to you getting there?

2 A Yeah. It would have been, so I just
3 gave it to you for more my settlement agreement.
4 You asking me that?

5 Q Yeah.

6 A Yeah, yeah.

7 Q I am -- well, you're saying your
8 settlement agreement was voluntary.

9 A Um-hum.

10 Q But the record would reflect that
11 there was a settlement agreement already in place
12 and you just -- and basically the names changed,
13 but the content of the agreement remained the
14 same.

15 A Um-hum.

16 Q So it was not a voluntary agreement.
17 It was an agreement that was already in place.
18 You signed it once the owners put it before you,
19 correct?

20 A No, no, no, no. That is not correct.

21 MR. LEE: Objection. Just for
22 correction, that was --

1 CHAIRPERSON ANDERSON: Wait. Let me
2 correct the record. When you sell a business,
3 the settlement agreement stays with -- it stays
4 with the license. Okay? The settlement
5 agreement stays with the license. So we don't
6 really need to go through that, because once a
7 settlement agreement exists, it stays with the
8 license for the duration of the license. Okay?

9 MR. LEE: That's true. Clarification,
10 that was -- settlement agreement was his wife's
11 signature. That's her's.

12 CHAIRPERSON ANDERSON: Well, he
13 testified, I mean, I'm just saying, that he had a
14 previous and I had opportunity to review the
15 documents and I did see another settlement
16 agreement. So he testified that he was willing
17 to do a settlement agreement. He had one before
18 it was voluntary, but rather than we just go
19 afield, the settlement agreement stayed with the
20 license. If we issue this license today,
21 whatever conditions that we impose, it will
22 remain with this license. So just -- so we don't

1 need to talk about that, that's just -- so let's
2 move on.

3 MR. EDWARDS: I'm finished. No
4 further questions.

5 CHAIRPERSON ANDERSON: All right. And
6 I'm not trying to cut you short. Okay. I just--
7 okay, I'm not. I'm not trying to cut you short.

8 MR. EDWARDS: I'm with you.

9 CHAIRPERSON ANDERSON: I have tried to
10 -- my mind is going and I'm thinking and I'm
11 paying attention, but I just wanted to -- all
12 right. Okay. Any questions by any Board
13 Members? No questions?

14 MEMBER SHORT: I have one.

15 CHAIRPERSON ANDERSON: Yes, Mr. Short?

16 MEMBER SHORT: I guess good evening
17 now, Mr. Choi. How are you? Mr. Choi, now you
18 said you had a business at 404 4th Street, S.E.?

19 THE WITNESS: Yeah, 1st Street.

20 MEMBER SHORT: 4th Street or 1st
21 Street?

22 THE WITNESS: 1st, 1st. One.

1 MEMBER SHORT: Okay.

2 CHAIRPERSON ANDERSON: 1st Street.

3 MEMBER SHORT: 1st Street, okay. All
4 right. Can you describe what that neighborhood
5 was like? How many businesses? How many private
6 homes? What kind of community was it?

7 THE WITNESS: There is a border of
8 U.S. House Capital is the one street over there.
9 It's all our customers House of Representatives
10 and Senate member up there. It's a very nice,
11 nice they coming there. So behind the store is
12 the townhouses. There is stay in House of
13 Representatives and staff all there, so, yeah.

14 MEMBER SHORT: I'm kind of familiar
15 with that neighborhood, too. But let me ask you
16 this. When you left that establishment on 1st
17 Street --

18 THE WITNESS: Yeah.

19 MEMBER SHORT: -- did you sell that
20 license or did you --

21 THE WITNESS: Yeah, I sold my
22 business, because at that time I was sick. So I

1 sold.

2 MEMBER SHORT: So is that business
3 still operating now?

4 THE WITNESS: There is another person
5 bought from me.

6 MEMBER SHORT: But it still is -- is
7 it operating now?

8 THE WITNESS: Yeah, yeah, yeah, still.

9 MEMBER SHORT: Okay.

10 THE WITNESS: Daniel Liquors is 55
11 years ago opened the store.

12 MEMBER SHORT: Okay. Now, have you
13 owned any other businesses in Washington, D.C.?

14 THE WITNESS: Me?

15 MEMBER SHORT: Yes.

16 THE WITNESS: My family's one is
17 Congressional Liquor and one is the --

18 MEMBER SHORT: In Washington, D.C.?

19 THE WITNESS: Yeah, Washington, D.C.

20 MEMBER SHORT: What are their
21 addresses?

22 THE WITNESS: It's 1179 3rd Street,

1 N.E.

2 MEMBER SHORT: Dodge Street?

3 CHAIRPERSON ANDERSON: Third Street.

4 THE WITNESS: 3rd Street.

5 MEMBER SHORT: 3rd, okay. Forgive me.

6 THE WITNESS: 3rd. Sorry, my

7 pronunciation is --

8 MEMBER SHORT: Okay. Not a problem.

9 We will get it together.

10 So the address again is?

11 THE WITNESS: 1179 3rd Street.

12 MEMBER SHORT: Northeast?

13 THE WITNESS: Yeah.

14 MEMBER SHORT: Okay. Does your family
15 still own that?

16 THE WITNESS: No, no, no, it's -- I
17 sold too around the same time, so I was very
18 sick.

19 MEMBER SHORT: Okay.

20 THE WITNESS: So I have to sell.

21 MEMBER SHORT: What's the address of
22 the third one?

1 THE WITNESS: The third one is in
2 Maryland. It's --

3 MEMBER SHORT: No, just about D.C.

4 THE WITNESS: Oh, no, no.

5 MEMBER SHORT: So you only had two in
6 D.C.?

7 THE WITNESS: Yeah, two, yeah.

8 MEMBER SHORT: And you sold them and
9 then you --

10 THE WITNESS: Yeah, yeah.

11 MEMBER SHORT: Okay. That's all I
12 had, Mr. Chair. Thank you.

13 CHAIRPERSON ANDERSON: All right. All
14 right. Do you have any questions based on the
15 questions that Mr. Short asked?

16 MR. FLETCHER: No, no.

17 CHAIRPERSON ANDERSON: Mr. Lee, do you
18 have any questions based on the questions that
19 Mr. Short asked?

20 MR. LEE: No questions.

21 CHAIRPERSON ANDERSON: All right. Mr.
22 Choi?

1 THE WITNESS: Yes.

2 CHAIRPERSON ANDERSON: Thank you very
3 much for your testimony, sir. You can step down.

4 THE WITNESS: Thank you, sir.

5 MR. CHOI: It's Choi.

6 CHAIRPERSON ANDERSON: Choi, Choi.

7 (Whereupon, the witness was excused.)

8 CHAIRPERSON ANDERSON: Choi.

9 MEMBER SILVERSTEIN: Mr. Chair, for
10 your information, both sides have used 24
11 minutes. We have eliminated 3 minutes for each
12 side for interruptions, it would have been 27
13 minutes.

14 CHAIRPERSON ANDERSON: All right. So
15 as I told you, you have 90 minutes. I'm going to
16 be flexible, but you don't -- don't turn the 90
17 minutes into 3 hours each side, okay?

18 All right. Mr. Lee, do you have
19 another witness?

20 MR. LEE: Yes. I call second, as a
21 second witness, Mr. Simon Chan.

22 CHAIRPERSON ANDERSON: Mr. Chan?

1 MR. LEE: Chan, C-H-A-N.

2 CHAIRPERSON ANDERSON: Chan, okay.

3 MR. LEE: Yes.

4 MR. CHAN: Up on the stand?

5 CHAIRPERSON ANDERSON: Mr. Chan, can
6 you raise your right hand, please?

7 Whereupon,

8 SIMON CHAN

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

13 MR. CHAN: Yes.

14 CHAIRPERSON ANDERSON: Okay. Have a
15 seat, please. And remember speak up and speak
16 into the microphone, please.

17 MR. CHAN: Okay.

18 DIRECT EXAMINATION

19 BY MR. LEE:

20 Q Okay. Please, just state your name
21 correctly again.

22 A Simon Chan.

1 Q Spell it.

2 A Spell it?

3 Q Spelling for the record.

4 A S-I-M-O-N last name Chan, C-H-A-N.

5 Q Sir, how are you related to the
6 establishment?

7 A Oh, I represent the landlord, the
8 management company that owns the building.

9 Q Hum?

10 A I represent the landlord that owns the
11 building.

12 Q So how did you decide to testify
13 today?

14 A Can you be more specific?

15 Q Sir, why --

16 CHAIRPERSON ANDERSON: Why are you
17 testifying today? Why are you testifying today?

18 BY MR. LEE:

19 Q Why you wanted to testify today?

20 A Oh, well, we just wanted to say that
21 we, at the time I mean, do support the tenant.

22 We received several applications and he was -- he

1 had the strongest application, the strongest
2 financial background and extensive experience in
3 it. And that's why the landlord decided to lease
4 it to Mr. Choi.

5 Q Okay. When did you purchase the
6 property? When did you purchase the property?

7 A I don't remember. I would have to ask
8 my mom. My mom owns it, so she -- I don't
9 remember.

10 CHAIRPERSON ANDERSON: If you don't
11 remember, you don't remember. Let's move on,
12 please.

13 BY MR. LEE:

14 Q Are you familiar with the business?

15 A Yes.

16 Q And are you supporting for the
17 establishment obtaining ABC License?

18 A Yes.

19 Q Okay. Do you have a lease agreement
20 with Mr. Choi?

21 A Yes, we do.

22 Q It's for liquor store specific?

1 A That's correct.

2 Q Okay. Are you operating your own
3 management company?

4 A I mean, we just -- it's mostly just
5 observing and collecting.

6 Q So who maintain the property?

7 A The tenants are responsible for that.

8 Q Okay. Because as you see, the ANC
9 complain about the maintaining the property
10 behind the building or parking. That issue they
11 already raise a concern about that. What is your
12 solution or plan to cooperate with the community
13 as the property owner?

14 A We can let the tenants know that there
15 is a concern about it and have them address the
16 issues.

17 Q So basically, you ask --

18 A To clean it up.

19 Q -- each tenant to take care of their
20 own parking and --

21 A Correct.

22 Q So who going to clean up the rear of

1 the building? Cut the bush, that kind of stuff.

2 A The --

3 Q So every tenant?

4 A What do you mean? I don't know what
5 you are -- their -- each tenant is responsible
6 for their area, the common area.

7 Q It's in the lease agreement of each
8 tenant?

9 A Correct.

10 Q Okay. Do you know -- have you known
11 him, Mr. Choi, long time? When did you know each
12 other?

13 A I only remember him when he called to
14 inquire about the location and then I helped him
15 with the lease and that's pretty much it.

16 Q Actually, I saw the one ANC complaint
17 exhibit which says that the community complained
18 the non-responsiveness of a property owner. So
19 since applicant apply for the liquor license, any
20 complaint from the community to solve any issue
21 or their concern, they invite you to their
22 meeting, the ANC meeting or PSA meeting?

1 A No, we didn't receive anything.
2 Though I only heard from Mr. Choi about the
3 Protest Hearing and then about this hearing from
4 Mr. Choi as well.

5 Q Okay. Are you familiar with the area
6 real estate value?

7 A Not really.

8 Q Okay. Do you think that he is a
9 responsible tenant? Do you think as a landlord?

10 A I mean, in my opinion, I think, yes,
11 he is. He is very responsive. He pays his rent
12 on time. Answers the phone calls whenever we
13 call and is polite.

14 Q So do you believe that the license,
15 ABC License on your property will support the
16 local business?

17 A I think so.

18 MR. LEE: No further questions.

19 CHAIRPERSON ANDERSON: All right. Who
20 is going to do the cross-examination? Mr. --

21 MR. EDWARDS: I'll try again.

22 CHAIRPERSON ANDERSON: I said who. I

1 didn't call a name. So I didn't call a name, so
2 Mr. Edwards will be doing it? Yes, Mr. Edwards,
3 go ahead.

4 MR. EDWARDS: All right.

5 CROSS-EXAMINATION

6 BY MR. EDWARDS:

7 Q All right. So you say you are the
8 management firm for the company?

9 A Well, I manage the finances, that's
10 the --

11 Q Okay. So have you had any contact
12 with the community at all prior to this --

13 A No.

14 Q Okay. So then who made the decision
15 to rent the property to this liquor store?

16 A My mom.

17 Q Your mom.

18 A She is the landlord.

19 Q All right. Did you all have any
20 concern about the community or did you think the
21 community would have any interest in a liquor
22 store coming? And did you feel that you should

1 come to the community, at least discuss it with
2 the community or you just felt that it was not
3 necessary?

4 A We wouldn't -- we didn't think that it
5 would be an issue. I mean, I don't.

6 Q Why? You didn't think it would be an
7 issue? Why? Why is that?

8 A (No audible answer.)

9 Q Because you know, explain that a
10 little bit in terms of --

11 A I mean, I didn't know what the
12 concerns were exactly, but I don't know.

13 Q And where do you live?

14 A I live in Maryland.

15 Q You live in Maryland. Okay. A liquor
16 store close to where you live?

17 A Yeah.

18 Q Yeah?

19 A Um-hum.

20 Q All right. So how many?

21 A There is two.

22 Q Two. Next door? How far from you

1 would you say the liquor store is?

2 A Like 3 miles. I don't understand the
3 relevance of this.

4 Q 3 miles?

5 A Yes.

6 Q Okay. So what is your plan going
7 forward in terms of dealing with the community?
8 Is it that you leave it to the tenants or do you
9 feel you, as the property manager, the company
10 that owns and manages the property, have some
11 responsibility to the community?

12 A I mean, I guess we are open to what --
13 I don't know exactly what you guys want us to
14 know, but --

15 Q So could you describe the houses in
16 the community there where this site is?

17 A What do you mean?

18 Q At 4944, could you describe the
19 landscape, the architect, the design, something
20 about the houses, the community in comparison to
21 -- what I want to do is I'm looking now at your
22 facility and do you feel that your facility fits

1 in with the community? The character of that
2 neighborhood?

3 A I don't understand what you are
4 asking.

5 Q Well, we're talking about property
6 maintenance and all those kinds of things in
7 terms of the neighborhood where you operate. And
8 we have pictures here now in terms of trash and
9 poor property maintenance and we are just
10 wondering, you know, do you feel that this is a
11 neighborhood where you can just have trash and
12 not maintain the property or do you feel that you
13 should -- your establishment should at least
14 compliment the neighborhood?

15 A It should compliment it, but I didn't
16 -- I wasn't aware of a trash issue. I believe
17 the trash is kept in the back of -- by the
18 tenants of the dry cleaners and the restaurant.

19 MR. EDWARDS: Mr. Chair, could I show
20 him these pictures? Exhibit -- the same pictures
21 from Exhibit 12 that I showed the --

22 CHAIRPERSON ANDERSON: You can show--

1 MR. EDWARDS: -- owner earlier?

2 CHAIRPERSON ANDERSON: -- them.

3 THE WITNESS: I don't understand the
4 relevance to this to the liquor store.

5 CHAIRPERSON ANDERSON: Sir, sir, sir,
6 sir, that's not your question to ask. Your job
7 is to ask -- he will ask you a question and you
8 answer it if you can answer it.

9 THE WITNESS: Okay.

10 CHAIRPERSON ANDERSON: If Mr. Lee has
11 a problem with the question, it's up to Mr. Lee
12 to raise an objection.

13 THE WITNESS: Sure.

14 CHAIRPERSON ANDERSON: But your job is
15 to be asked the questions. If you can answer it,
16 you answer it. If you can't answer it, you say I
17 can't answer that.

18 THE WITNESS: Got it.

19 CHAIRPERSON ANDERSON: Thank you.
20 Yes, sir, you can show him. Identify whatever
21 document and then who him the documents.

22 MR. EDWARDS: These are again from

1 Exhibit No. 12.

2 CHAIRPERSON ANDERSON: All right.

3 BY MR. EDWARDS:

4 Q How often do you visit the community?

5 A Not very.

6 Q Not very often. Okay. So now could
7 you take a look at that picture and see if --
8 explain that?

9 CHAIRPERSON ANDERSON: Ask him first
10 if he is familiar with what -- with the picture
11 you are looking -- he is looking at.

12 BY MR. EDWARDS:

13 Q Are you familiar with this?

14 A I am not.

15 Q So have you been to the back of your
16 building?

17 A Not in a long time. We don't really
18 have any reason to. We haven't had any reason
19 to.

20 Q So you are not concerned about how the
21 rear of your building looks and the property?

22 CHAIRPERSON ANDERSON: Mr. Lee,

1 please, hold your voice down, because the
2 recorder is on and I'm hearing, so all right.

3 THE WITNESS: I guess we are, but we
4 normally address the problems of our tenants who,
5 I guess, they get their issues from people, so I
6 guess we haven't heard anything recently.

7 BY MR. EDWARDS:

8 Q All right. Exhibit 12, here now is
9 another picture of the establishment and that is
10 -- could you tell us what that picture is?

11 A Of the property and the parking lot.

12 Q And so now in terms of parking, if
13 someone was coming there now to purchase some
14 liquor or something in terms of that parking lot,
15 did you -- where would they park?

16 A I mean, I think there is two spaces
17 there and I think there is also some on the side,
18 too.

19 Q But do -- that parking lot is crowded,
20 right? It's full pretty much?

21 A Um, sure.

22 Q Yes. And then this picture here would

1 then be a picture of a delivery truck coming to
2 the Yum's Restaurant, I would assume there.

3 A Um-hum.

4 Q So would that crowd picture, with the
5 parking lot full and now this truck there, is
6 there a parking problem or would you say a
7 parking problem might exist?

8 A I mean, I'm not exactly sure, because
9 I don't think the trucks are there for that long.
10 They are there to just make deliveries and then
11 to leave.

12 Q Okay. Now, do you believe that your
13 storefront in terms of these signs that are -- do
14 you think that's indicative of the community that
15 it is in?

16 A I don't see a problem with it.

17 Q It reminds me of Mayberry. What does
18 it remind you of?

19 A I don't know what Mayberry is.

20 Q Oh, you don't know what Mayberry is?
21 That is Andy Griffith and all --

22 A Okay.

1 CHAIRPERSON ANDERSON: I think --

2 MR. EDWARDS: I have no further
3 questions.

4 CHAIRPERSON ANDERSON: -- Mr. Edwards,
5 we are all showing our age. He is a much younger
6 man, so I think --

7 (Laughing)

8 CHAIRPERSON ANDERSON: -- we are
9 showing our age.

10 MR. EDWARDS: That's okay.

11 CHAIRPERSON ANDERSON: So he -- all
12 right.

13 MR. EDWARDS: I have no further
14 questions.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you. Are there any questions by -- yes,
17 Mr. Short?

18 MEMBER SHORT: Again, good evening,
19 Mr. Chan.

20 THE WITNESS: Good evening.

21 MEMBER SHORT: Mr. Chan, can you tell
22 this hearing when is the last time your property

1 had an inspection from the city, building, fire,
2 licensing? When is the last time it was
3 inspected?

4 THE WITNESS: (No audible answer.)

5 MEMBER SHORT: And let me say this to
6 you. So in the pictures that have been
7 demonstrated here, if this ANC were to call and
8 ask for an inspection, they won't give the tenant
9 fines for that, not being able to access the
10 rear, the property owner gets it.

11 If the city comes and inspects that
12 parking lot and it's not marked or maintained
13 well, if this ANC were to contact the city, they
14 wouldn't say each one of the tenants, they would
15 say who is the property owner.

16 We have had cases like before in a lot
17 of communities who have taken issues from these
18 kind of hearings and have gone to the Government
19 for assistance. Like if they were to go to their
20 City Council person or someone else, they could
21 get some inspections.

22 We have a new person that was just

1 appointed to be the City-Life Czar. He would be
2 very much interested to see those pictures in the
3 rear of your location. So do you have any plans
4 on cleaning up in the rear of your establishment?

5 THE WITNESS: Well, now that we know
6 that there is an issue, then, yes.

7 MEMBER SHORT: You will do that?

8 THE WITNESS: This is the first of me
9 knowing of this. Yes.

10 MEMBER SHORT: Now, I did ask a
11 question about building inspections or regulatory
12 inspections from the city. When is the last time
13 your property was inspected by the city?

14 THE WITNESS: I believe a year ago.
15 A year ago.

16 MEMBER SHORT: Do you have
17 certificates?

18 THE WITNESS: Yes.

19 MEMBER SHORT: That we inspected it?
20 So they should be coming back again some time
21 soon?

22 THE WITNESS: Um-hum.

1 MEMBER SHORT: So will you work with
2 this ANC to see that you get those inspections
3 and they get a copy of it?

4 THE WITNESS: Sure.

5 MEMBER SHORT: Okay. All right.

6 That's all I have, Mr. Chair. Thank you.

7 MR. LEE: May I redirect?

8 CHAIRPERSON ANDERSON: Mr. Lee, it's
9 not your time yet. It's only your time when I
10 call you. It's now our time. Any other
11 questions by any other Board Members? Ms.
12 Wahabzadah?

13 MEMBER WAHABZADAH: Mr. Chan, so you
14 mainly handle the state of the finances for the
15 company?

16 THE WITNESS: (No audible answer.)

17 MEMBER WAHABZADAH: So who is the
18 former tenant before Mr. Choi here? Do you know?

19 THE WITNESS: Oh, it was a barber
20 shop.

21 MEMBER WAHABZADAH: Okay. And were
22 there any, just in general over the years since

1 you have been handling the finances, were there
2 any problems with any of the establishments that
3 the community had expressed or --

4 THE WITNESS: No, none.

5 MEMBER WAHABZADAH: Were there any
6 liquor stores or anything related similar to that
7 type of establishment within the property or were
8 they a tenant?

9 THE WITNESS: One of the properties
10 there was like a seafood before my family
11 purchased it. It was like a deli, a seafood
12 place and like a beer and wine place.

13 MEMBER WAHABZADAH: But it wasn't
14 something that your family owned?

15 THE WITNESS: Huh-uh.

16 CHAIRPERSON ANDERSON: No? Any other
17 questions? All right. Mr. Edwards, do you have
18 any questions of the witness based on the
19 questions that were asked by the Board?

20 MR. EDWARDS: No.

21 CHAIRPERSON ANDERSON: Mr. Lee, do you
22 have any questions of the witness based on the

1 questions that were asked by the Board?

2 MR. LEE: Yes, just one question.

3 REDIRECT EXAMINATION

4 BY MR. LEE:

5 Q Okay. I realize that you didn't
6 contact the ANC, the community really concerned
7 about your property now before we applied for the
8 ABC License and that they showed your picture and
9 that kind of stuff and then now you understand
10 their concern. And in the future, even though
11 you didn't know so far --

12 CHAIRPERSON ANDERSON: Mr. Lee,
13 please, ask a question. Mr. Lee, you are an
14 attorney, please, ask a question.

15 MR. LEE: Okay.

16 BY MR. LEE:

17 Q In the future, do you want to meet the
18 ANC meeting and to find out their demand or
19 concerns? And then even new lease agreement,
20 every tenant should take over responsible for
21 their own property, but as a landlord, you
22 should --

1 MR. FLETCHER: Objection, Your Honor,
2 narrative.

3 CHAIRPERSON ANDERSON: Mr. Lee,
4 please, ask a question, sir.

5 MR. LEE: Okay.

6 BY MR. LEE:

7 Q In the future, do you --

8 CHAIRPERSON ANDERSON: The objection
9 is sustained.

10 BY MR. LEE:

11 Q -- have a plan to meet with the ANC
12 and to find out their concern?

13 A Sure, yes.

14 Q Okay.

15 CHAIRPERSON ANDERSON: That's it?

16 MR. LEE: Yes.

17 CHAIRPERSON ANDERSON: Mr. Chan, thank
18 you for your testimony, sir. You can step down.

19 (Whereupon, the witness was excused.)

20 CHAIRPERSON ANDERSON: Mr. Lee, do you
21 have another witness?

22 MR. LEE: Yeah, one more witness.

1 I'll call Mr. John Booker on the stand.

2 CHAIRPERSON ANDERSON: So John
3 Brooker?

4 MR. LEE: Booker.

5 CHAIRPERSON ANDERSON: Where is Mr.
6 Booker? Is Mr. Booker here?

7 MR. LEE: Okay. He left.

8 CHAIRPERSON ANDERSON: Do you want to
9 take a minute to locate Mr. Booker? Maybe he
10 went to the restroom. I don't know.

11 MR. LEE: He was here.

12 CHAIRPERSON ANDERSON: Mr. Booker
13 left?

14 MR. LEE: It looks like left. So we
15 can skip and then --

16 CHAIRPERSON ANDERSON: No, you -- no,
17 because you are doing your presentation, so do
18 you have any other witnesses?

19 MR. LEE: No further witnesses.

20 CHAIRPERSON ANDERSON: All right. So
21 do you rest?

22 MR. LEE: Yes.

1 CHAIRPERSON ANDERSON: All right. All
2 right.

3 MEMBER SILVERSTEIN: A break for all
4 of us?

5 CHAIRPERSON ANDERSON: Yeah, all
6 right. We are going to take a 10 minute break.
7 It's 7:49. We will continue at 8:00. We are off
8 the record.

9 (Whereupon, the above-entitled matter
10 went off the record at 7:49 p.m. and resumed at
11 8:18 p.m.)

12 CHAIRPERSON ANDERSON: All right. We
13 are back on the record. I'm sorry that it took
14 longer than we -- now, the protestants are going
15 to do their case in chief. Just some
16 clarification. How many witnesses does the
17 protestant have?

18 MR. FLETCHER: Mr. Chairman, we have
19 10 witnesses.

20 CHAIRPERSON ANDERSON: All right. And
21 I just hope that it's not redundant --

22 MR. FLETCHER: No.

1 CHAIRPERSON ANDERSON: -- and
2 repetitive. And I don't want folks, I'm not
3 telling you how to do your case, to come and say
4 the same thing. We will get the gist. All
5 right. Okay. So call your first witness,
6 please.

7 MR. FLETCHER: Okay. Mr. Chairman,
8 Members of the Board, we call Mr. Bill Smith, at
9 this time.

10 CHAIRPERSON ANDERSON: Okay. Good
11 evening, Mr. Smith. Can you raise your right
12 hand, please?

13 Whereupon,

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

19 MR. SMITH: I do.

20 CHAIRPERSON ANDERSON: Okay. Your
21 witness, sir.

22 MR. FLETCHER: Thank you, Mr.

1 Chairman.

2 DIRECT EXAMINATION

3 BY MR. FLETCHER:

4 Q Good evening, Mr. Smith. Could you,
5 please, introduce yourself?

6 A Good evening, everybody. My name is
7 Bill Smith. I'm a resident of North Michigan
8 Park. I grew up there. In 1957 my family moved
9 to the area. My mother was 33 and I was 12. We
10 were late bloomers. We were late-comers to the
11 community, most of the parents of families there
12 were younger, a little bit younger than I was.
13 So much of it as it is today where a lot of young
14 people are moving into the community.

15 Q Wonderful. Okay. Mr. Smith, so the
16 next question. How close is your home in
17 proximity to the proposed liquor store located at
18 4944 South Dakota Avenue?

19 A My home is a block and a half from it.

20 Q Okay. So how long does it take you --
21 well, let me ask you this question first. What's
22 your typical mode of transportation?

1 A Metro, by foot or by bicycle.

2 Q Okay. So no cars?

3 A No car.

4 Q Okay. So with that being said, how
5 long does it take you to get from your home to
6 the McDonald's, liquor store by foot or by bike,
7 like you said?

8 A By foot, 2 minutes.

9 Q 2 minutes. Okay. And so -- okay,
10 great. Next question. What is the culture and
11 environment of North Michigan Park when you moved
12 there?

13 A 1957 --

14 Q Or what was?

15 A -- yeah. 1957, first of all I want to
16 say this, the culture and environment is
17 identical today in 2019 as it was in 1957.
18 Nothing has changed. No substantial change.

19 Q Explain that a little more.

20 A When I -- when we moved to North --
21 all right. When we moved there, if you could
22 imagine moving from Southeast Washington to

1 Washington, D.C., think about Judy Garland when
2 she came out of that little cottage when the
3 hurricane blew her and she opened the door and
4 they went to technicolor, that's what it was like
5 in North Michigan Park.

6 The culture is families, community.
7 It's togetherness. It's middle class. When we
8 moved in it was 50/50 black/white. By Halloween
9 it was 75/25 black/white. Then it went on and
10 changed again. But right now, it's diversified,
11 just like I said.

12 Q Okay. So next, what type of
13 establishments are members of the community used
14 to seeing in the neighborhood?

15 A When I was 12, the only thing that was
16 there was, I vaguely remember, a gas station and
17 like a used car lot on the corner with no cars.
18 McDonald's, I was a paperboy and McDonald's moved
19 in. It just snuck in there and that's the only
20 thing that was there.

21 I was out of the community for a
22 couple -- about 30 years, married, school, all

1 that, came back and the McDonald's is still
2 there. And as you mentioned, that was the first
3 one and I was one of the first customers .15 cent
4 hamburgers cooked on the grill.

5 There was a beauty parlor and a
6 barbershop that was family owned business. They
7 were hooked up together. That left, I don't know
8 why. I don't know for sure, but I have heard
9 things. There was a -- go ahead.

10 Q Okay.

11 A That's all that was there.

12 Q Okay.

13 A There was a gas station and a
14 convenience store across the street.

15 Q Sounds very residential and very
16 residential based on what you were just saying,
17 right?

18 A 100 percent residential with a little
19 donut hole in the middle.

20 Q Okay. Great. So next question, what
21 type of establishments -- because like you said
22 and we all understand things have changed. D.C.

1 is changing, you know, good -- for the better.

2 So what type of establishments do
3 residents of North Michigan Park want to see in
4 that neighborhood?

5 A Because the character is family-
6 orientated neighborhood, they want something to
7 fit in. I have been -- we have been involved
8 with this for -- it started since April last
9 year, operating all this stuff. And I ask people
10 constantly, what do you want? You want a liquor
11 store? They say no. We have nothing against
12 liquor. We want something like a restaurant so
13 we can sit down and eat.

14 They do not want a liquor store.

15 Q Okay.

16 A They fought the beer and wine licenses
17 that tried to come in really hard.

18 Q Thank you, Mr. Smith.

19 A And we beat those back.

20 Q Thank you. Thank you. So next
21 question, do you know many residents of North
22 Michigan Park?

1 A I know 99.9 percent right in here
2 right now and a lot of people in North Michigan
3 Park.

4 Q Okay. Okay. So people know you. You
5 are well-known in the community?

6 A I don't know about that.

7 Q Oh, okay. We will move on. We will
8 move on. Now, are you opposed to the consumption
9 of alcohol in North Michigan Park?

10 A No, I'm not.

11 Q Are residents opposed to the
12 consumption of alcohol in North Michigan Park?

13 A No, they are not. However, --

14 Q You may.

15 A -- I'm opposed to what happened when
16 there was a Fish Market in North Michigan Park
17 that sold just beer and wine and the consumption
18 of liquor was across the street from our house.
19 It was in someone's back yard where they work.
20 It was in the -- oh, right now behind that
21 proposed site, there is -- you can see just
22 wooded area and whatnot, which in springtime when

1 it gets all green and whatnot, that was where
2 they went to drink. You can loiter around that.
3 Contrary to what the inspector said earlier,
4 there is loitering that goes on. It happens. It
5 happens when the Fish Market had beer and wine.

6 Q Thank you.

7 A The steps that go up to the church on
8 the side, they sat there all around the back.
9 Oh, well, I'll leave it alone right now.

10 Q Thank you. Thank you. Because you
11 know --

12 A Um-hum.

13 Q -- appreciate it. Did you obtain
14 petition signatures to oppose the liquor license
15 application of Pax Liquors?

16 A I have done several different types of
17 petitions and whatnot. I did a petition when he
18 first appeared at our ANC meeting. I'm talking
19 about the applicant. And at that time, I took a
20 straw poll and it was 99:1, if there was one.
21 Then I took about around the community when we
22 first started protesting this particular

1 application and it was -- I took myself about
2 over 200. And anyway, other members of the
3 community gathered some also.

4 Q So basically, single-handedly you are
5 telling me you got almost, if not more than, 300
6 signatures opposing the liquor store from
7 residents of North Michigan Park?

8 A Except for those -- except for a few.

9 Q Except for a few.

10 A Um-hum.

11 Q Okay. So a few, 3 or less, right?

12 A No, there was quite a few. The ones
13 who opposed it are usually the ones who are in
14 it.

15 Q So how many are we saying total are
16 opposing, would you say out of the 300? We will
17 use that number. How many would you say oppose
18 it?

19 A 10.

20 Q Okay. Thank you. Next, can you talk
21 about -- talk me briefly and Members of the Board
22 and all in attendance the significance of the

1 historic McDonald's on South Dakota Avenue?

2 A As I mentioned, it was the first one
3 in Washington, D.C. I was a paperboy for the
4 Washington Post and I saw a little paragraph
5 mentioning McDonald's and I said what is
6 McDonald's? Some kind of way to describe a
7 hamburger place. And I said well, I'll be glad
8 when it gets here.

9 And I prayed. I said I hope nobody in
10 the community finds out about it, because they
11 do, knowing the people in the community, they
12 ain't going to go for it. But it got in there
13 and I was, like I said, I got it, because this
14 community is -- they are real picky at North
15 Michigan Park.

16 And I see you smiling, I know you know
17 about it. And there are certain things they
18 don't want. They didn't -- they would not have
19 wanted a hamburger place in North Michigan Park,
20 but they accepted it.

21 Nowadays that place is like a little
22 community center. In fact this morning, what

1 happens in there it's where families meet, it's
2 where the community, the old-timers gather. It's
3 real D.C., like a barbershop kind of thing
4 sometime. But it's where the families go. Since
5 the other day --

6 Q Well, you know what, Mr. Smith --

7 A Oh, okay.

8 Q -- before -- one thing you said though
9 and I want to touch upon and make sure we are
10 clear on, you said that the residents of North
11 Michigan Park accepted the McDonald's.

12 A Um-hum.

13 Q So when you say accepted, at any point
14 did residents or members of North Michigan Park
15 ever file a protest or any kind of opposition --

16 A I don't know. I don't know.

17 Q So based on your knowledge, no?

18 A I know they didn't like it.

19 Q We'll move on. We will move on. We
20 will move on. Okay. We will move on.

21 So how many children do you believe
22 frequent that McDonald's?

1 A Oh --

2 Q On South Dakota Avenue at 4944 South
3 Dakota Avenue?

4 A The McDonald's?

5 Q Yes.

6 A Children are in there constantly. The
7 children are there coming from the rec center,
8 because some children come from other
9 neighborhoods and they catch the bus, the 80 bus
10 right there in front of McDonald's. The children
11 of the neighborhood.

12 Q Okay.

13 A Who frequent it.

14 Q Okay.

15 MR. FLETCHER: Mr. Chairman, at this
16 time, I would like to make sure that opposing
17 counsel is aware of Exhibit No. 2, the two maps.

18 CHAIRPERSON ANDERSON: What is Exhibit
19 No. 2?

20 MR. FLETCHER: It's -- there are two
21 maps. Yeah, there we go.

22 CHAIRPERSON ANDERSON: Okay. All

1 right.

2 MR. FLETCHER: Exhibit No. 2.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. FLETCHER: Okay. Opposing counsel
5 agrees?

6 MR. LEE: Yeah, I recognize it.

7 MR. FLETCHER: Okay. You recognize
8 it. Thank you.

9 (Whereupon, the above-
10 referred to document was
11 marked as Protestant Exhibit
12 No. 2 and 2(a) for
13 identification.)

14 BY MR. FLETCHER:

15 Q Okay. Mr. Smith, do you recognize
16 these two documents?

17 A Yes, I do.

18 Q What are these two documents for the
19 record?

20 A Okay. There is one that has 400 feet,
21 a circle with 400 feet. This one represents that
22 400, we always got to worry about what these

1 different ABRA situations. The next one is the
2 400 feet and it says wooded area. This shows
3 what it was like back in 1954 -- '57 when there
4 were no homes.

5 And the beautiful thing about this,
6 you can see that every time the woods was -- the
7 wooded areas was owned by the Catholic Church and
8 they did a lot of downsizing and selling and
9 whatnot. That all they did in the community was
10 make new homes. And they didn't get into these
11 exhibits, but I've got another map from 1950 --
12 I'm sorry.

13 Q Thank you.

14 A Go ahead.

15 Q Thank you, Mr. Smith. Okay. Did you
16 ever want to enter into a settlement agreement?

17 A No way.

18 Q Okay. The Investigator stated that
19 there was on his -- when the Investigator was on
20 the stand, the Investigator stated that there was
21 no issues with peace and quiet. Based upon all
22 your years of living in the community, you have

1 seen it change, why is it there is no crime or no
2 issues of peace and quiet in North Michigan Park
3 right now?

4 A Because there are no liquor stores in
5 North Michigan Park right now. Because there is
6 no beer and wine sold in North Michigan Park
7 right now. There is a history behind the beer
8 and wine. So if we -- the history with the beer
9 and wine, that's a little canary in the mine
10 shaft, as far as where the liquor store would be.

11 Q And last question, do you know of
12 Riggs Liquor Store?

13 A Yes.

14 Q Is Riggs Liquor Store open right --
15 currently?

16 A Yes, it is.

17 MR. FLETCHER: No further questions.

18 CHAIRPERSON ANDERSON: Mr. Lee, do you
19 have any questions?

20 MR. LEE: Can I?

21 CHAIRPERSON ANDERSON: I said -- I did
22 say Mr. Lee.

1 MR. LEE: Yes, you just look at me,
2 okay.

3 CHAIRPERSON ANDERSON: No, I said Mr.
4 Lee.

5 MR. LEE: So yeah.

6 CROSS-EXAMINATION

7 BY MR. LEE:

8 Q Thanks for coming today to testify.

9 A Um-hum. Good to see you again.

10 Q Yeah. Can you see the mall, the
11 establishment from your house?

12 A Can I see the --

13 Q The store.

14 A If I step out to the sidewalk --

15 Q Okay.

16 A -- and it being wintertime, the answer
17 is I can see the -- sort of the back of it.

18 Q So sometimes do you observe any
19 loitering or the -- some kind of violation?

20 A When?

21 Q Any time that you stand there.

22 A Sure.

1 Q What kind of violation you observing?

2 A I returned to the area, I want to say
3 20-some years ago, the store that sold beer and
4 wine in that mall --

5 Q You mean the Fish Market?

6 A Yeah.

7 Q Okay.

8 A There was loitering outside. The
9 young guys would beg for money and whatever, get
10 somebody to buy them a drink, that was when they
11 had the bumpers before the growlers and the
12 crawlers that everybody is doing now. And they
13 would buy it, take it, go around the back of the
14 establishment that the Inspector is saying you
15 can't get to, but you can get there, they would
16 go in the back, behind the trees, on the steps or
17 they would go around, it would be loitering.

18 And then they would come into the
19 community and loiter also.

20 Q Okay.

21 A And I could tell you, I used to be an
22 alcoholic/drug counselor.

1 Q Okay.

2 A Seven years with -- then I spent some
3 time in Al Anon, inpatient alcoholics -- And I'm
4 coming from a special place about this.

5 Q So when did you observe any kind of
6 violation? Did you --

7 A What kind of violation?

8 Q The kind of -- did you talk to the
9 owner of the business about your concern or did
10 you report to the community meeting, raise the
11 question?

12 A You mean back in the Fish Market days?

13 Q Yeah, any time about it.

14 A (No audible answer.)

15 Q So what did you do after that? After
16 you observed that?

17 A I wasn't quite as active as I am now.
18 But I can tell you one thing, you mentioned --
19 you did with loitering, so we -- I won't go into
20 the littering part, but we will make it to that
21 later. Okay?

22 Q All right.

1 A But the loitering, I may have brought
2 it up to some community members.

3 (Simultaneous speaking.)

4 Q I am just asking you --

5 A But --

6 Q -- sir, just --

7 A -- and other neighbors.

8 Q -- a question.

9 A Well, what I did, let me tell you what
10 I did.

11 Q Um-hum.

12 A There were about five young guys at
13 that time who would frequent that spot, who would
14 do the drinking and do other little things that
15 young adults 15, 16 years-old who would do. You
16 know, like growing things.

17 And one of them is dead. Three went
18 to jail. Two of them started talking to
19 themselves and graduated to other drugs. This is
20 that special place I'm talking about, why I'm
21 opposed to your proposed liquor store, because I
22 have seen what it does to some people in some

1 certain situations.

2 Some of them have recovered and gotten
3 better and they patted me on the back for staying
4 on their case about the loitering and what they
5 were doing when they were growing up. Now, that
6 it's 10, 15 years later, but better late than
7 never.

8 Q So I'm just wondering you -- do you
9 see any kind of community concern now? And then
10 have you talked with other business owner?

11 A Yes.

12 Q Other liquor store owners?

13 A Yes.

14 Q Nearby?

15 A Yes.

16 Q So what kind of concerns do you talk
17 with them?

18 A Let's start with the gas station. The
19 BP gas station, the owner came to one of our ANC
20 meetings and said he was out in opposition. I
21 have talked to him constantly. In fact, they
22 support our efforts. They are where I get most

1 of my distribution out as far as the flyers,
2 etcetera, for people to get here and whatnot.

3 Number two, the Four Seasons, they
4 applied for a beer -- a Class C beer and wine
5 liquor license and I told them when they did it,
6 I said the community does not want this, you are
7 wasting your money, you are wasting your time.
8 You better just -- you could save your legal
9 fees, because I'll tell you it ain't going to
10 happen, but they fought, fought, fought and then
11 finally around Protest Hearing time on August,
12 let me see, the 1st when it came to protest like
13 this here, they didn't show up.

14 I went back about a couple of months
15 later, because I was curious. I said why did you
16 all -- why did you pull back on that? They said
17 we heard the community and, therefore, we in Four
18 Seasons do not -- we want to help the -- work
19 with the community.

20 What was the other part of your
21 question? It was that one, that one, what was
22 the other one you -- oh, and also they let me do

1 the flyers. So they are in opposition to what
2 you are doing also.

3 What was the third thing? You had
4 three of them. The community people?

5 Q No, I'm just asking you whenever you
6 got any community concern, that have you talked
7 with the other nearby business owners --

8 A (Laughs) That's a business, you mean
9 community people?

10 Q Not only for liquor license petition.

11 A Not --

12 Q It's normally, routinely, as a
13 community member --

14 A Do I talk to people in the community
15 or businesses?

16 Q Yeah.

17 A Well, I described the gas station and
18 the Four Seasons. The community members, I talk
19 to people -- when I was doing the petitions, I
20 would do an interview and say do you want a
21 liquor store? Do you want to sign the petition,
22 etcetera, etcetera. Everybody was opposed.

1 And as I mentioned earlier, this is a
2 -- North Michigan Park is a place where there is
3 residents, their homes, families and the ones who
4 are kind of wishy-washy with those, they would
5 say what do you want for the community? What's
6 your position?

7 It would normally be though to see
8 what is new to the community, who came from other
9 towns, other cities and whatnot. And I would say
10 I wouldn't give an answer. I would let them -- I
11 would want them to be up front.

12 Q Okay.

13 A But the ones who were renting, they
14 were the ones who would also say something like,
15 you know, they were leaning on the side for you
16 to get in.

17 And interesting, there are some people
18 who do rent who are what you call Section 8. And
19 you should see the look of terror when they hear
20 about a liquor store coming here, because every
21 time I say -- I asked everybody why did you move
22 into North Michigan Park? I asked everybody.

1 Now, they came from -- I say where are you from?
2 Where -- from Canada, from this place, that
3 place.

4 And the reason they like it, they came
5 from Brooklyn, which is just around the corner.
6 They was buying in Brooklyn and staying in North
7 Michigan Park. And they reason they came is
8 because they liked the peace, the quiet, the
9 safety of that area.

10 I don't want to describe some of the--
11 I don't want to generalize about the Section
12 8ers, but the terror in their eyes when they
13 heard about a liquor store coming, I asked one
14 just the other day when I was shoveling snow, how
15 do you like it around here? It's just gold.
16 It's so peaceful, it's so quiet, so safe.

17 Q I've got a final question. You just
18 mentioned about the Fish Market.

19 A Um-hum.

20 Q That place, do you think Mr. Choi is
21 the same operator as the previous owner does?

22 A Do I think -- I'm sorry?

1 Q If it is --

2 A Do I think what? I'm sorry.

3 Q Do you think -- I'm just asking your
4 opinion about Mr. Choi will be the same operator,
5 same way to operate as Fish Market? Because you
6 just mentioned about --

7 A It's not about --

8 Q -- the time --

9 A -- counselor, it's not about that.

10 It's about --

11 Q But he testified that he willing to--

12 MR. FLETCHER: Excuse me, Your Honor?

13 MR. LEE: -- cooperate.

14 CHAIRPERSON ANDERSON: All right.

15 Hold on.

16 MR. FLETCHER: Your Honor?

17 CHAIRPERSON ANDERSON: I'm sorry?

18 MR. FLETCHER: The witness was still
19 trying to answer the question and --

20 CHAIRPERSON ANDERSON: Right. Let --
21 are you done, sir?

22 MR. LEE: No, I'm not done. I'm

1 sorry.

2 CHAIRPERSON ANDERSON: I'm sorry. You
3 said you were not?

4 MR. FLETCHER: You were finishing your
5 question, right?

6 THE WITNESS: Yes, I was trying to
7 finish his question.

8 MR. FLETCHER: Go ahead.

9 MR. LEE: Clarification?

10 CHAIRPERSON ANDERSON: Well, he wasn't
11 done answering your question.

12 MR. LEE: Oh.

13 CHAIRPERSON ANDERSON: So if you --

14 THE WITNESS: I like to do my
15 homework. So I went to the Capitol Hill store
16 that he used to run. I did a Google Map on the
17 store he owns in Maryland.

18 CHAIRPERSON ANDERSON: No, hold on.

19 MR. LEE: That's fine.

20 THE WITNESS: I'm trying to answer his
21 question.

22 CHAIRPERSON ANDERSON: Okay. All

1 right. Okay.

2 THE WITNESS: And North Michigan Park
3 is nothing like any of the locations of other
4 stores. Nothing like it. If you see the map,
5 and I brought a big one, but I can't get it into
6 evidence, because it's what I got from the
7 library, which was 1954.

8 North Michigan Park looks in the same
9 in '54 as it does today, except for a few more --
10 there are a lot more houses.

11 And I know he -- no, we don't want, we
12 don't -- there is no need for it. There is no --
13 it's not going to contribute to the quality, the
14 safety, the health, the economy, the commerce or
15 the community.

16 And by the way, Mr. Chairman, I want
17 to congratulate you all on your award for last
18 year on being outstanding, whatever it was, for
19 the year.

20 CHAIRPERSON ANDERSON: Mr. Smith.

21 MEMBER SILVERSTEIN: Please.

22 MR. LEE: No further questions.

1 CHAIRPERSON ANDERSON: All right. All
2 right. Any questions? Go ahead, Mr. Short.

3 MEMBER SHORT: Mr. Smith?

4 THE WITNESS: Yes, sir.

5 MEMBER SHORT: Don't give me your
6 house address, but which street do you live on?

7 THE WITNESS: I live in Delafield
8 Street.

9 MEMBER SHORT: On Delafield.

10 THE WITNESS: 700 Block.

11 MEMBER SHORT: Okay. Yeah, well, you
12 are right behind McDonald's. Pretty close. But
13 at any rate, now, the map that was shown to you
14 earlier with the 400 foot radius --

15 THE WITNESS: Um-hum.

16 MEMBER SHORT: -- isn't there a church
17 right behind? Tell us what that church means to
18 the community and is the church opposed to --

19 THE WITNESS: However, yes, they is.

20 MEMBER SHORT: Okay.

21 THE WITNESS: I'm sorry to interrupt.

22 MEMBER SHORT: It's your time to

1 testify.

2 THE WITNESS: This 400, 600, 800 feet
3 thing it's interesting.

4 MEMBER SHORT: I understand, but --

5 THE WITNESS: But --

6 MEMBER SHORT: -- if you would just
7 answer the question?

8 THE WITNESS: The answer to your
9 question, sir, there is not a church behind it.
10 There is a church abutting it, next to it,
11 connected to it.

12 MEMBER SHORT: Huh-uh, okay, but --

13 CHAIRPERSON ANDERSON: (Bangs gavel.)

14 THE WITNESS: That's what --

15 CHAIRPERSON ANDERSON: Go ahead, sir.

16 THE WITNESS: I mean, this is --

17 MEMBER SHORT: What takes place at
18 that church?

19 THE WITNESS: They have church
20 services. One of the deacons or trustees is here
21 now.

22 MEMBER SHORT: Okay. Well, I'm just

1 trying --

2 THE WITNESS: They --

3 MEMBER SHORT: -- to find out what it
4 means to the community and who goes there to that
5 church.

6 THE WITNESS: There are people in the
7 community that -- I know a couple here now that
8 go to that church.

9 MEMBER SHORT: Is there a church
10 school there?

11 THE WITNESS: I'm not sure. I don't
12 attend that particular church.

13 MEMBER SHORT: All right. Okay.

14 THE WITNESS: Can I address one more
15 issue --

16 CHAIRPERSON ANDERSON: (Banging
17 gavel.) All right. Please, all right? I
18 understand there are passions out there, but we
19 need to keep order. So, please, keep your
20 comments to yourself, please. He is testifying
21 and to keep order. So thank you. Go ahead.

22 THE WITNESS: May I speak to another

1 issue on that 400 footer thing?

2 CHAIRPERSON ANDERSON: You -- Mr.
3 Short asked you a question, sir, I need you to
4 answer that question.

5 MEMBER SHORT: But I'm curious right
6 now, just finish my question.

7 THE WITNESS: There is a church there
8 plain as day.

9 MEMBER SHORT: Okay. All right. Now,
10 let me ask you a question. And the church takes
11 a Decatur Street address. Well, no, actually
12 takes South Dakota address, I think.

13 THE WITNESS: What? I'm sorry.

14 MEMBER SHORT: That church does take
15 a South Dakota Avenue address.

16 THE WITNESS: Yes.

17 MEMBER SHORT: I'm not asking a
18 question, I'm just not, but I'll just simply say
19 this to you, you also have a junior high school
20 up the street or Bertie Backus?

21 MR. EDWARDS: Not any more, they are
22 closed.

1 THE WITNESS: Yes. Well, no, no, it's
2 not. Well, it's not --

3 MEMBER SHORT: Right. No, more, they
4 were --

5 THE WITNESS: It's called -- it's UDC
6 now, which is interesting. It used to be Bertie
7 Backus Junior High School. The interesting thing
8 about UDC is that I was there the other day
9 talking to some people there, the security guard
10 and an administrator there, and they -- you have
11 something called the one -- ID101 or something or
12 another.

13 MEMBER SHORT: 101, yeah, check, yeah.

14 THE WITNESS: I can't remember what it
15 is.

16 MEMBER SHORT: Yeah.

17 THE WITNESS: And it -- Ms. Sarah
18 Fashbaugh has something to do with it, blah,
19 blah, blah. But it also -- but it probably deals
20 with universities and whatnot.

21 Well, UDC is right up the street. And
22 those -- when I was in there talking to them,

1 they -- I said what are you eating? They said
2 we've got it down at the shopping center down
3 there where he is going to put this liquor store.
4 So that's something to think about.

5 Because if they are going down there
6 to get food and whatnot, then you try to do
7 something with the 101 thing.

8 MEMBER SHORT: Okay. Let's get away
9 from that now. I got your point.

10 THE WITNESS: They going over there.
11 Huh?

12 MEMBER SHORT: Is there a library in
13 the neighborhood? And where alcohol --

14 THE WITNESS: Oh, yeah, there is a
15 library.

16 MEMBER SHORT: Describe the library
17 and what it means to the community.

18 THE WITNESS: What does the library,
19 say it again? I'm sorry.

20 MEMBER SHORT: I said the library and
21 what does it mean to the community?

22 THE WITNESS: It means a lot. The

1 library means a lot. It's a place where children
2 hang out and do their homework. Children
3 frequent that library and adults. And it's one
4 of the meeting places, you know, of the
5 community.

6 MEMBER SHORT: What I'm trying to do
7 is get a flavor of the community.

8 THE WITNESS: Um-hum.

9 MEMBER SHORT: And get it on the
10 record, because if it's not on the record, then
11 sometimes it's not even relevant.

12 THE WITNESS: Can I give you another
13 piece of flavor, sir?

14 MEMBER SHORT: Yes, you can.

15 THE WITNESS: About the park that is
16 down the street at -- where you mentioned Decatur
17 Place, which did not exist several years ago,
18 that street did not exist. Those houses there
19 did -- were not there.

20 But anyway, there is a little park
21 there. It belongs to the D.C. Government. This
22 was in 800 feet. There is a little thing in your

1 little regs or whatever about 800 feet of city-
2 owned property and it's there. And I do
3 volunteer work cleaning at that park.

4 And that park every now and then has
5 a little, you know, bottle of wine or --

6 MEMBER SHORT: Well, let me ask a
7 question. How come that isn't a part of this
8 protest?

9 THE WITNESS: The park?

10 MEMBER SHORT: That information that
11 you just gave me, yeah.

12 THE WITNESS: Because we stumbled
13 across it. There's so much -- I just stumbled
14 across it about two week ago. Because it's the
15 Mayor that has the authority to protest because
16 of that, that's why.

17 MEMBER SHORT: No, this Board, that
18 comes to this Board and we report to the Mayor.

19 THE WITNESS: Oh, I read it wrong.

20 MEMBER SHORT: That's how it works,
21 you know?

22 THE WITNESS: Oh, okay.

1 MEMBER SHORT: That's how it works,
2 yeah. These hearings like this, we get the
3 information an then it goes to the Mayor.

4 THE WITNESS: Okay.

5 MEMBER SHORT: We are the Mayor's
6 alcohol --

7 THE WITNESS: Okay.

8 MEMBER SHORT: -- responsible, we --

9 THE WITNESS: You're the Agency. The
10 park is within 800 feet of that proposed liquor
11 store site.

12 MEMBER SHORT: Well, we don't know.
13 It's not on the record.

14 THE WITNESS: All right.

15 MEMBER SHORT: Okay. That's all I
16 have, Mr. Chair. Thank you very much, Mr. Smith.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any other Board Members?

19 Mr. Lee, do you have any questions,
20 based on the questions that Mr. Short asked?

21 MR. LEE: No further questions.

22 CHAIRPERSON ANDERSON: And, Mr.

1 Fletcher?

2 MR. FLETCHER: No, Mr. Chair.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you. Mr. Smith, thank you very much for
5 your testimony. You can step down, sir.

6 THE WITNESS: I understand, sure.

7 (Whereupon, the witness was excused.)

8 CHAIRPERSON ANDERSON: Do you have
9 another witness?

10 MR. FLETCHER: Yes, Mr. Chairman. We
11 call Rob -- Mr. Robert Oliver to the stand, at
12 this time.

13 CHAIRPERSON ANDERSON: Mr. Oliver, can
14 you state your -- can you raise your right hand,
15 please?

16 Whereupon,

17 ROBERT OLIVER

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

22 MR. OLIVER: Yes, I do.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you. Your witness, sir.

3 MR. FLETCHER: Okay.

4 DIRECT EXAMINATION

5 BY MR. FLETCHER:

6 Q Good evening, Mr. Oliver.

7 A Good evening, everybody.

8 Q Can you, please, introduce yourself?

9 A Yes, my name is Robert Oliver. I have
10 been a member of North Michigan Park for over 30
11 years. I moved in, I believe, at about 1988 or
12 so and bought a home and raised a family there
13 and got involved in some community activities.

14 Q Okay. So you said you got involved in
15 some community activities. Currently, do you
16 hold any positions within the community?

17 A Yes. Currently, I am the president of
18 the Lamont-Riggs Library Friends. The library
19 that you were referring to.

20 Q Okay. So with that being said and
21 with your position as president of Friends of the
22 Lamond-Riggs Library, what type of establishments

1 -- actually, no. Before that, what are your
2 biggest concerns regarding this potential liquor
3 license application in our community?

4 A Well, my concerns are basically
5 twofold. One is public safety. As I had
6 mentioned in my testimony, we do have two
7 individuals that are in the neighborhood, one
8 lives on the 700 Block of Emerson Street, that
9 are legally blind. They use public
10 transportation to get back and forth.

11 South Dakota Avenue is not the most
12 friendly street to cross. It's very poorly
13 illuminated at night. Everybody speeds and the
14 signal time can probably be a lot better than it
15 is now. Yet, these individuals have to cross the
16 street to get their daily business done and I'm
17 afraid with the introduction of a liquor store,
18 while it is not the -- everybody, some people are
19 going to be more prone to be careless.

20 Q Thank you for that. You talked about
21 street safety because of certain individuals that
22 live in our community. So let's talk about --

1 and let me know your opinions or thoughts on what
2 issues the liquor store would bring regarding
3 parking and traffic in the neighborhood.

4 A The only real issue that I see, and
5 this was brought up already by the Members of the
6 ABRA, was the fact that there is only 11 spaces
7 that is shared by two businesses, soon to be
8 shared by three. And I think that the individual
9 who was the inspector, he went in mostly in the
10 afternoon and at night when business is not
11 normally conducted, except for people buying
12 food.

13 Obviously, the cleaners wasn't open.
14 I think the operations during the daylight will
15 be entirely different. And operations where you
16 have a liquor store, especially one that has a,
17 from what I understand, tasting service, you are
18 going to have people in and out of there, you
19 know, partaking of that.

20 So I think that it would put a strain
21 on the 11 parking spaces that are there and
22 especially if you get in a beer truck or a soda

1 truck or anything else.

2 Q Thank you for that information. So
3 based upon, you know, everything that you just
4 said and your time in the community, what are
5 some of the -- what type of establishments does
6 the community want in our neighborhood?

7 A Well, if you look at the history of
8 the North Michigan Park area, there is a story or
9 a series of stories in the Washington Post called
10 "Where We Live." And every 7 to 10 years, they
11 do an expose on certain neighborhoods.

12 Well, they have done several on North
13 Michigan Park. And they say the same thing,
14 which is North Michigan Park is basically a
15 suburban community within the confines of
16 Washington, D.C., is very homey and that people
17 work together to keep the neighborhood in as good
18 a shape as possible.

19 It is not -- you don't have the hustle
20 and bustle of downtown there. You have more of a
21 community there. And the people want to keep it
22 that way, because they have seen the ills that

1 liquor can bring.

2 The Fish Market was a prime example of
3 that. And I just want to say to Mr. Choi this is
4 not about him. I think he is a fine upstanding
5 man, but we are talking about a liquor store and
6 not him, so it's nothing personal, but it's
7 basically that this is not the type of business
8 that the community sees appropriate for its
9 vision of itself.

10 Q Thank you for that. Mr. Oliver, just
11 a couple more questions in the interest of time
12 as well.

13 Did you sign a settlement agreement?

14 A No, I was unaware of the settlement
15 agreement. I found out after the fact.

16 Q Would you, even being aware of it
17 beforehand, have signed the settlement agreement?

18 A No, I would not and the reason being--

19 Q Okay.

20 A Well, let me say two things first.
21 One, I'm not opposed to a development. You know,
22 development is coming. And I'm not opposed to

1 beer or wine. I think that if there was a
2 restaurant that sold a little beer, a little wine
3 as part of the meal, I have no issue with that.
4 I think it's a good idea.

5 However, in terms of the settlement
6 agreement, I found out, basically dealing with
7 Bill, that this was something that the community
8 was strongly opposed against and again, as I have
9 said, the settlement agreement was done, written
10 and I guess presented to the lessor or lessee or
11 the person who was buying the liquor store long
12 before I heard about it. It was a settlement I
13 found after the fact, but I would not have signed
14 it.

15 Q Final question. And just for me, I
16 need -- I want to drive this point home. The
17 Investigator got on the stand and stated that
18 there was no issue of peace and quiet in the
19 neighborhood.

20 Based upon your years of experience,
21 your position as president of Lamond-Riggs,
22 Friends of Lamond-Riggs Library, why do you

1 believe we do not have a current issue of peace
2 and quiet and order and violence in our
3 neighborhood?

4 A Well, we don't have the violence
5 because of one thing and that is the community
6 and people standing up to uphold and safeguard
7 the community itself. One of the reasons why the
8 Investigator didn't find people loitering at
9 night is because of the community and for no
10 other reason.

11 And in the past, at the McDonald's
12 there used to be, when there was the Fish Market
13 was there, transients and other guys hanging out
14 there begging for money and then they got to the
15 point where they started arguing amongst
16 themselves, because everybody was jockeying to
17 get someone to give them something. And then
18 from there it created an unsafe environment for
19 McDonald's which is a family restaurant. People
20 bring their kids there.

21 You also mentioned the church that's
22 up on the hill. People take their kids there on

1 Sunday. It was mentioned the fact that people go
2 up on the church steps. The steps -- there are
3 some steps on the front end of the church that
4 lead up the hill. People go over there and
5 drink. They get behind it.

6 So it makes an unsafe environment for
7 kids. And I'm not saying that every liquor store
8 patron would do that, but some will. And that's
9 the problem. And the community has always
10 stamped that out to maintain order and peace.
11 And I think that now the people have gotten
12 older, it's up to one of the younger generation
13 to keep that going, but it's also something that
14 we haven't had a liquor store.

15 I guess there was an article in the
16 Post that 1964, the president of the North
17 Michigan Park Civic Association successfully
18 battled back a liquor store. And it has been 55
19 years since then and yet here we are talking
20 about the same thing.

21 Q Thank you very much, Mr. Oliver.

22 MR. FLETCHER: No further questions.

1 CHAIRPERSON ANDERSON: Mr. Lee?

2 MR. LEE: Just one question.

3 CROSS-EXAMINATION

4 BY MR. LEE:

5 Q Just suppose they grant the license to
6 him and that to her, he want to be community
7 member to -- willing to attend the meeting and to
8 join every alcohol to prevent alcohol abuse
9 program or something like that. Can you imagine
10 that? Do you think to put a library for your
11 community, what is your suggestion to him to
12 support your community?

13 A Well, let me say that I am speaking
14 for myself. I am not representing the library.
15 I just happen to be -- hold that position. The
16 library officially takes no stance and I cannot
17 make it take a stance.

18 So I'm speaking as an individual. And
19 I think for this gentleman it basically boils
20 down to the will of the community. I think that
21 whatever happens as long as he is willing to come
22 out and talk to everyone, and talk about common

1 interest, I'm sure that, you know, things will be
2 resolved one way or another.

3 But I think that the community has
4 fought too long to keep the type of peace it has
5 and it is hard to take a chance and get away from
6 that. That's my answer.

7 Q Yes, just one more question. Do you
8 know that every license, every ABC license that
9 they have and that every 3 years, you have
10 another chance to protest against it. That's a
11 new protest.

12 A Yeah, I'm -- yeah.

13 Q Are you aware of that system?

14 A Yes, I am aware of some of the ABRA
15 Rules and Regulations, but not all of them. I
16 can't say that I'm an expert, but I do know that
17 they do go up for renewal every now and then.

18 Q Okay.

19 MR. LEE: No further questions.

20 CHAIRPERSON ANDERSON: Any questions
21 by any Board Members? Yes, Mr. Short?

22 MEMBER SHORT: Mr. Oliver?

1 THE WITNESS: yes.

2 MEMBER SHORT: Good to hear you today.

3 I am -- and it's good to see that you have all
4 your neighbors or many of your neighbors here.

5 I think the last time I saw this many
6 was probably Georgetown or Ward 2 or Ward 3 and
7 even their Council Member wrote a letter. I mean
8 does your Council Member know about this protest?

9 THE WITNESS: Oh, yes, he wrote a
10 letter. His representative has not had a chance
11 to speak on it yet.

12 MEMBER SHORT: Okay. Well, I just
13 wanted to know that. And I can simply say this,
14 again, the community has been that way for a long
15 time. We have a lot of people that come in and
16 rightfully so, this Board kind of looks at them
17 different, because they say I moved downtown and
18 all of that noise. Well, we normally don't pay
19 them much attention, because they moved in
20 knowing what it was.

21 THE WITNESS: Yes.

22 MEMBER SHORT: So now here we have the

1 flipside of that. We have a community that is
2 standing up and saying we don't want this. And,
3 please, Board, don't force this on us, because it
4 is kind of hard to deny somebody, unless there is
5 good reason and enough community uproar that
6 things like this get changed.

7 But again, it's up to the community to
8 fight this and whatever they are doing and but
9 everybody has a right to do business in
10 Washington, D.C. I put that on the record.

11 But the bottom line is it's the
12 community's fight. This Board can only deal with
13 evidence we receive and information we get.

14 One question asked the owner was about
15 building inspections. When is the last time that
16 place was inspected or does that -- does that
17 matter to the ANC or to the community?

18 MR. EDWARDS: Yes.

19 THE WITNESS: Um, well --

20 MEMBER SHORT: Well, when is the last
21 time they were inspected? That would have been a
22 good something to bring to this Board, because

1 that comes under, as he mentioned, public safety.

2 THE WITNESS: That's true.

3 MEMBER SHORT: I'm going to say it,
4 Mike. Yes, I'm going to say it. So the bottom
5 line is the more information this Board gets, the
6 more the city gets involved, all of the city, all
7 of the agencies, then your fight becomes a little
8 easier, but you can't fight business in the city,
9 because big business is coming period.

10 But the bottom line is if you have a
11 good enough case, then people will listen. And
12 we know City Hall listens when they get -- when
13 the right people make enough noise.

14 THE WITNESS: I couldn't agree with
15 you --

16 MEMBER SHORT: That's all I have, Mr.
17 Chair. Thank you very much.

18 THE WITNESS: -- more.

19 MEMBER SHORT: Thank you very much.
20 Thank you. That's all I have, Mr. Chair.

21 CHAIRPERSON ANDERSON: Thank you, Mr.
22 Short. Mr. Lee, do you have any questions based

1 on --

2 MR. LEE: No further questions.

3 CHAIRPERSON ANDERSON: Mr. Fletcher,
4 do you have any questions?

5 MR. FLETCHER: No further questions.

6 CHAIRPERSON ANDERSON: Mr. Oliver,
7 thank you for your testimony, sir, you can step
8 down.

9 THE WITNESS: Thank you for letting me
10 testify.

11 (Whereupon, the witness was excused.)

12 MR. FLETCHER: Bye-bye.

13 MR. OLIVER: Thank you.

14 CHAIRPERSON ANDERSON: Do you have
15 another witness?

16 MR. EDWARDS: Yes.

17 CHAIRPERSON ANDERSON: Who is that?

18 MR. EDWARDS: Petros Kiflu. He is the
19 owner of Four Seasons Convenience Store.

20 MEMBER SHORT: What's his name again?
21 What's his name?

22 MR. EDWARDS: Kiflu, K-I-F-L-U.

1 MEMBER SHORT: K-I?

2 MR. EDWARDS: Um-hum. Oh, okay.

3 MEMBER SHORT: Kiflu, okay.

4 MR. KIFLU: F like Frank.

5 CHAIRPERSON ANDERSON: Can you raise

6 your right hand, please, sir?

7 Whereupon,

8 PETROS KIFLU

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

13 MR. KIFLU: Yes.

14 CHAIRPERSON ANDERSON: Okay. Your
15 witness.

16 DIRECT EXAMINATION

17 BY MR. EDWARDS:

18 Q Good evening, Mr. Kiflu. Could you
19 introduce yourself and tell us a little bit about
20 you?

21 A Yeah, my name is Petros Kiflu. I'm
22 the owner of Four Seasons Convenience Store

1 located at --

2 CHAIRPERSON ANDERSON: Can you spell
3 your name for the record, sir, please? You have
4 an interesting name, so and I'm looking and I'm
5 not sure if he will know how to spell it
6 correctly.

7 THE WITNESS: My name?

8 CHAIRPERSON ANDERSON: Yes.

9 THE WITNESS: First name is Petros, P-
10 E-T-R-O-S, the last name is K-I-F, like Frank, L-
11 U.

12 CHAIRPERSON ANDERSON: All right. Go
13 ahead, sir.

14 BY MR. EDWARDS:

15 Q So that you said you own the Four
16 Seasons Convenience Store?

17 A Yes, sir.

18 Q And that's in North Michigan Park?

19 A Yes, sir.

20 Q Could you tell us the address and the
21 proximity to this applicant here?

22 A It is 4975 South Dakota Avenue across

1 the street from the 4944 or from McDonald's.

2 Q How long have you operated at that
3 location?

4 A Four years.

5 Q Four years?

6 A Yes.

7 Q What kind of relationship do you have
8 with the community?

9 A I guess I have good relationship,
10 because I mean all my coworkers, you know, they
11 are very friendly with the customers, so --

12 Q Did you apply for a beer and wine
13 license?

14 A Yes, I did.

15 Q And did your license get approved?

16 A No, it didn't.

17 Q Could you tell us what happened?

18 A Well, what happened is, I mean, when
19 the neighborhood, you know, protested, I mean,
20 the second time we supposed to be here, but my
21 lawyer, you know, advised me not to go to the
22 meeting, you know, because we don't want to make,

1 you know, the community, you know, angry or
2 something, you know, so we decide not to come out
3 of the meeting, yeah.

4 Q So you decided not to come out of
5 respect for the community?

6 A Yes, sir.

7 Q But would you still like to have beer
8 and wine?

9 A Of course. Even wine is not a Class
10 A License, the Class B, you know, so mainly mine
11 would be wine, you know. And I mean, the
12 community is going to need wine, you know, for
13 their lunch, dinner, you know.

14 Q So how do you feel then that you
15 walked away from your application, you know, in
16 support of the community, so how do you feel now
17 that another applicant that has no regard for the
18 community, how do you feel about that?

19 A Well, that is very unfair process, you
20 know, because that's discrimination to me really.

21 Q So you feel that harms your business?
22 I mean, in terms of you trying to be a neighbor

1 and supportive of the community, trying to
2 support the will of the people, but now you have
3 an applicant to come in that has no regard for
4 the community and if they were to get a license,
5 you would feel that is discriminatory?

6 A It is, yes.

7 MR. EDWARDS: That's all I have.

8 CHAIRPERSON ANDERSON: Mr. Lee?

9 MR. LEE: Yeah.

10 CROSS-EXAMINATION

11 BY MR. LEE:

12 Q Thanks for coming. I'm just very
13 clear that your application, you dropped it. You
14 withdraw it.

15 A No, sir, I didn't.

16 Q The older -- no, you dropped it.

17 A No, I didn't.

18 Q Yeah, so what you think that we will
19 just go through Protest Hearing and why it is so
20 discriminating?

21 A It is, because I applied. I supposed
22 to get the license first off your client.

1 Q But you dropped it before, right?

2 A I didn't. I don't know where you get
3 that information.

4 Q So how do you handle the community
5 issue, such as littering, loitering, panhandling?

6 A I have no problem. No problem.

7 Q How could you handle that now?

8 A I have no --

9 Q No, the way you handle it?

10 A You know, you go to my store and take
11 a look. The parking lot is neat. Everything is,
12 you know, the lights, everything.

13 Q So you work there --

14 A And --

15 Q -- all the time?

16 A -- I have like 20 cars parking lot,
17 only mine.

18 Q Okay. Do you think of Mr. Choi can
19 handle the same as you do now?

20 A I don't know.

21 Q What's the --

22 A I don't know him, I mean. I don't

1 know him, but I know I can, because I have
2 experience not only on Ward 5, I have a business
3 Ward 7, Ward 8, Ward 6, everywhere in D.C.

4 MR. LEE: No further questions.

5 CHAIRPERSON ANDERSON: I'm sorry?

6 MEMBER SHORT: No further questions.

7 CHAIRPERSON ANDERSON: All right. Any
8 questions by any Board Members?

9 Well, I'll just ask a question, Mr.
10 Kiflu. It is correct that you walked away from
11 your application before this Board, isn't that
12 correct?

13 THE WITNESS: No, like I say, see my
14 lawyer advise me not to go to the meeting,
15 because --

16 CHAIRPERSON ANDERSON: You walked away
17 from it. Is that correct? So the Board did
18 not --

19 THE WITNESS: I don't know if it is
20 walk away or --

21 CHAIRPERSON ANDERSON: Did the Board--
22 did you have a hearing and the Board denied your

1 application, sir? Is that -- or did you not
2 pursue the application in front of the Board?

3 THE WITNESS: Well, still I'm telling
4 you, you know, the lawyer said he got four years
5 experience of this kind. He say we not going to
6 the meeting. We don't want to upset the
7 community. Then we drop it.

8 CHAIRPERSON ANDERSON: So you walked
9 away from it. Is that correct? All right. Any
10 other -- any questions by any other Board
11 Members? Mr. Lee, any questions?

12 MR. LEE: No further questions.

13 CHAIRPERSON ANDERSON: Mr. Edwards,
14 any questions? I'm sorry. Who is -- was this
15 Mr. Fletcher or Mr. Edwards?

16 MR. EDWARDS: Yes, it was --

17 CHAIRPERSON ANDERSON: Mr. Edwards,
18 any questions?

19 MR. EDWARDS: Just one follow-up.

20 CHAIRPERSON ANDERSON: Based on the
21 question that I asked, sir. All right.

22 MR. EDWARDS: One follow-up question.

1 REDIRECT EXAMINATION

2 BY MR. EDWARDS:

3 Q I just want to confirm again that you
4 were interested in obtaining your beer and wine
5 license, but because the community was opposed to
6 it, you decided not to pursue the application.
7 Is that correct?

8 A Exactly, yes, sir.

9 MR. EDWARDS: No further questions.

10 CHAIRPERSON ANDERSON: All right. All
11 right. Mr. Kiflu, thank you for your testimony,
12 sir. You can step down.

13 (Whereupon, the witness was excused.)

14 CHAIRPERSON ANDERSON: Do we have
15 another witness?

16 MR. EDWARDS: Yes. Silas Grant.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. Go ahead. I have a list of the
19 witnesses, that's why I'm looking to make sure
20 the names you are calling is on the list.

21 All right. Mr. Grant, can you raise
22 your right hand, please?

1 grew up going to that McDonald's as a teenager
2 when I was in junior high school, so I'm pretty
3 familiar with the area.

4 Q So let's talk about it then. So you
5 grew up in the area?

6 A Not right at that area, but I did
7 frequent that area a lot as a teenager.

8 Q Um-hum. And so you were kind of used
9 to the environment that there and the businesses
10 and so forth and all of that. Do you have any
11 experience with say the Fish Market? Do you
12 remember the Fish Market or that was too far back
13 for you?

14 A I recall the Fish Market. I never
15 went into the establishment, but I do recall the
16 market.

17 Q Did you notice any problems when the
18 Fish Market was there that sort of stood out to
19 you as a young person?

20 A So there were some folks that
21 testified about the presence of people outside
22 panhandling and I did witness that as well.

1 Q Okay. So you are a former
2 commissioner in the area, too, right?

3 A I served as an ANC Commissioner
4 between 2007 and 2012 in what was once ANC-5C,
5 but has now been changed to ANC-5E in the
6 Edgewood community.

7 Q And so now you work for Council Member
8 McDuffie?

9 A I do.

10 Q All right. And he is a Council Member
11 for Ward 5?

12 A He is.

13 Q All right. And how does your office
14 feel about this application?

15 A In September of 2018, the Council
16 Members submitted a letter to the Board in
17 opposition of the application and specifically
18 the Council Members stated that this is an
19 unprecedented example of grassroots at its core.
20 And the office takes the position of supporting
21 the community and the ANCs and the civic level
22 elected officials in situations like this.

1 And so because there was a united
2 front in opposition, the Council Member wanted to
3 support the direction of the community.

4 Q Okay. And so you guys are aware that
5 there is the Backus School, the library and all
6 these other kinds of things that where kids are
7 involved and so the Council Member, based on
8 safety and other concerns, have any concerns
9 regarding that?

10 A Yeah, the concerns are definitely felt
11 in the office. As you mentioned, there are a
12 number of institutions that have been there for a
13 number of years, including the church that is
14 abutting the property.

15 And again, I think when you look out
16 at the audience, you see an overwhelming number
17 of residents who live very close to that area who
18 have been staunch opposers to the application.
19 And so they have made their opinion known really
20 well to us.

21 Q Do you all look at business license
22 inspections and stuff like that in the ward?

1 A Not on a regular basis, but in the
2 event that there is speculation around a
3 business, we will do our due diligence into
4 investigating those sorts of things.

5 Q Have you had an opportunity to look at
6 this 4944 with regard to inspection?

7 A So it was not until tonight that that
8 question was brought up and there was some
9 residents who pulled me to the side during the
10 breaks asking me to look into that. So as of
11 today, no, but tonight and tomorrow I will begin
12 that.

13 Q So in the Council Member's letter, he
14 mentioned something about the deleterious effect
15 that this store would have on the community.
16 Could you explain that a little bit?

17 A So in layman's terms, in many
18 instances liquor stores throughout the ward if
19 they are not tightly observed, there is a real
20 possibility for harm to the community that
21 surrounds that particular area. You know, not to
22 -- again, I think there was -- I think Mr. Oliver

1 mentioned it, this is not personal to the
2 applicant, but as an advisor in the office, I
3 can't tell you how many calls we get, how many
4 emails we get about crime that takes place in a
5 number of liquor stores in the ward.

6 And unfortunately, in other
7 situations, they have been a hub for crime. And
8 so, you know, I think we definitely have to comb
9 through each application as they come before us
10 as a result of that.

11 MR. EDWARDS: I have no further
12 questions right now.

13 CHAIRPERSON ANDERSON: Mr. Lee?

14 CROSS-EXAMINATION

15 BY MR. LEE:

16 Q Thanks for coming.

17 A Thank you.

18 Q Do you know that there is a rule, an
19 ABC Rule that says that no other same class
20 within 400 feet and the no church, no library
21 within 400 church -- 400 feet.

22 A So there is a church though within 400

1 feet.

2 Q No, it's not church.

3 A Okay.

4 Q That's incorrect. Yeah, it's a --

5 A But you are saying no other class

6 licenses within 400 feet?

7 Q Yes.

8 A Right, yes.

9 Q So do you know that that area specific
10 location, the closest liquor store, same class,
11 is 12.8 miles away.

12 A Um-hum.

13 Q But compared to the population around
14 that community --

15 A Right.

16 Q -- so 12.8 miles away is a lot
17 farther, right?

18 A I wouldn't say that's very far. I
19 also mentioned that there are five liquor stores
20 within 1.3 miles. Three of which are .8.

21 Q 1.3 miles, right?

22 A Right.

1 Q Yeah.

2 A And we have got a really healthy
3 audience who can walk a mile, so I think that,
4 you know, is kind of a short distance.

5 Q As far as in D.C., do you know there
6 is around 250 liquor stores license, liquor
7 license in D.C.?

8 A Um-hum.

9 Q Right? And so 1.3 miles away one
10 liquor store could -- other liquor stores too far
11 away. Don't you think?

12 A I don't think that the three that are
13 .8 are that far away. That's just my
14 perspective. And let me also state that, you
15 know, I'm here as a representative for the
16 Council Member, so my personal opinion should not
17 be taken in consideration, but more so the fact
18 that we are representing what the residents want.

19 And I think it also would be difficult
20 to do business if you are relying on people to go
21 a short distance, but people within that short
22 distance don't want it.

1 Q Because the protestants keep
2 mentioning about the Fish Market previously.

3 A Um-hum.

4 Q Do you know what happened to them?

5 A I do not know the full story.

6 Q Okay. Okay.

7 A Okay.

8 MR. LEE: No further questions.

9 CHAIRPERSON ANDERSON: Any questions
10 by any Board Members? Yes, Mr. Short?

11 MEMBER SHORT: Mr. --

12 THE WITNESS: Grant.

13 MEMBER SHORT: -- Grant, Silas Grant,
14 thank you for your testimony. It was quite
15 compelling and I might have spoke too soon, I was
16 wondering if our Council Member or Ward 5 Council
17 Member was involved and apparently he is quite
18 involved if you are here and you have been quite
19 compelling. Your testimony has been very well-
20 taken. Thank you very much.

21 THE WITNESS: Thank you.

22 MEMBER SHORT: That's all I have, Mr.

1 Chair.

2 CHAIRPERSON ANDERSON: Okay. All
3 right. Mr. Grant, thank you for your testimony.

4 THE WITNESS: Thank you.

5 CHAIRPERSON ANDERSON: You may step
6 down.

7 (Whereupon, the witness was excused.)

8 MR. FLETCHER: Okay. At this time,
9 Mr. Chairman, we call Ms. Nandini Singh to the
10 stand.

11 MEMBER SHORT: Name again?

12 CHAIRPERSON ANDERSON: Ms. Singh.

13 MR. FLETCHER: Nandini Singh. I think
14 she will correct me if I said it correctly.

15 CHAIRPERSON ANDERSON: Ms. Singh, can
16 you raise your right hand, please?

17 Whereupon,

18 NANDINI SINGH

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

1 MR. SINGH: I do.

2 CHAIRPERSON ANDERSON: All right.

3 Your witness.

4 MEMBER SHORT: Singh?

5 MEMBER SILVERSTEIN: Singh?

6 MEMBER SHORT: Singh.

7 DIRECT EXAMINATION

8 BY MR. FLETCHER:

9 Q Good evening.

10 A Good evening.

11 Q Thank you for being here and could
12 you, please, introduce yourself?

13 A My name is Nandini Singh and I'm very
14 recent resident of North Michigan Park.

15 Q And, Ms. Singh, where did you -- well,
16 let me ask you this, you said recent, how recent?

17 A We just moved in this past summer.

18 Q Okay. And then you said we, so did
19 you move to the community by yourself, with a
20 family?

21 A No, I moved with my family. I used to
22 live on 8th Street very close to your other

1 properties, but I moved here because we adopted a
2 little baby and we have a year and a half old
3 girl and we looked all over D.C. to figure out
4 where we wanted to raise her. Both of us are
5 immigrants. Neither of us have family in this
6 city or country.

7 And we wanted -- and we picked a
8 neighbor where we felt like we could give our
9 daughter something that we will not -- we don't
10 have ourselves. So we moved here from the
11 community, because of, you know, the good work
12 people who have been living here and talking to
13 you guys about. For the last 40, 50 years they
14 have done great work. And I'm a person who
15 appreciates that and moved in because of it.

16 Q Thank you for that. So you said that
17 you moved from -- it was close proximity to
18 another liquor store from the opposing counsel,
19 opposing side. Can you speak to the
20 neighborhood, at that time, when you lived there?

21 A I did not live in those neighborhoods
22 when Mr. Choi had his --

1 Q Okay, okay.

2 A -- businesses.

3 Q Okay.

4 A But I lived -- you know, there are
5 plenty of liquor stores in that area. I lived
6 close to where Benning and H Street come
7 together.

8 Q Okay.

9 A In Capitol Hill, so there are lots of
10 liquor stores there. And I have seen what
11 happens in and around those liquor stores.

12 Q Okay. So currently where you live now
13 in North Michigan Park, how close is that to the
14 proposed liquor store?

15 A It's about, I would say about, 50
16 steps maybe, less than 2 -- .2 miles.

17 Q So a 5 minute walk to the liquor
18 store?

19 A Less than that. It's actually a
20 minute and a half walk.

21 Q Okay. And at this time, can you
22 explain -- as a new resident in North Michigan

1 Park, what are some of the establishments that
2 you want to see there?

3 A So one of the things that --
4 obviously, we moved there because we wanted to
5 raise our child in a neighborhood, a place where
6 it felt like a neighborhood. But the other thing
7 -- the other reason for us to move there was that
8 because we read there were -- Fort Totten is one
9 of the places that is, you know, up and coming
10 and the property values are increasing. There is
11 potential for a lot of other businesses.

12 What I would love to see is -- you
13 know, within the 2 minute walk of that -- of this
14 location, I have no neighbors who have kids.
15 There are about 8 to 9 kids. I would love to see
16 a little space for the -- where the kids can hang
17 out, where the parents who are either not going
18 to work or, you know, stay at home parents, they
19 can go visit. They can have coffee, wine. I
20 would love a small grocery store.

21 Q Got it. Thank you for that. And just
22 a couple more questions. So what do you believe

1 would be the most difficult thing with having a
2 liquor store in North Michigan Park?

3 A It's my neighborhood. It's where I
4 think my daughter will hang out with her friends
5 and she is not going to necessarily hang out
6 right in front of my yard. She is going to go,
7 you know, to the next intersection and hang out
8 there away from, you know, where her parents can
9 see her.

10 I don't want my child to grow up
11 regardless of age and have access, you know, just
12 see that there are people who come in, there is
13 access, easy access to any, you know, controlled
14 substance. That doesn't mean she is not going to
15 see me or her other parent drink at home every
16 now and then, but I think it is detrimental. If
17 I had known that there is a chance a liquor store
18 is coming right around the corner from my house,
19 I wouldn't have purchased that house.

20 Q Thank you. Last question. We talked
21 about the settlement agreement. If you had the
22 opportunity to sign the settlement agreement,

1 would you do so?

2 A Absolutely not. First of all, I think
3 if there has -- I found out about the signing
4 only today, right now. And unless it was signed
5 by a -- I don't know. I don't think as a citizen
6 I could have signed it. I can sign my support,
7 but I can't sign on behalf of my entire community
8 and say yes, I'm going to let somebody make the
9 decision for my community to let somebody dictate
10 how -- what business can come there.

11 So I am -- you know, it makes me angry
12 that even somebody actually signed it. I
13 absolutely would not have.

14 MR. EDWARDS: No further questions,
15 Mr. Chair.

16 CHAIRPERSON ANDERSON: Your witness,
17 Mr. Lee.

18 CROSS-EXAMINATION

19 BY MR. LEE:

20 Q Thanks for coming. How far away from
21 your place to the liquor store location which we
22 applied?

1 A A minute and a half walking.

2 Q A minute and a half. Okay. The
3 protestant asked for settlement agreement. Do
4 you know though what is in there?

5 A No.

6 Q Do you have -- have you had a chance
7 to speak with other people?

8 A No, I did not know about it before I
9 came to this room today.

10 Q So have you any chances -- did they
11 explain to you at the meeting about what is in
12 the settlement agreement?

13 A No. During the meetings that I have
14 attended, our ANC-5A meetings, we have discussed
15 several things. To begin with, we discussed that
16 this store was coming. It was informing all the
17 -- a few of us and granted, I did not go to every
18 single meeting, but the two or three I have been
19 to, we discussed that there is this proposal.
20 That there is this event that was going to happen
21 today.

22 We discussed, we strategized who was

1 going to talk. I did not hear about a
2 settlement.

3 Q Yes, I am asking we finalize the
4 settlement agreement. Have you had a chance to
5 review that settlement agreement?

6 A I said no.

7 Q No. Okay.

8 MR. LEE: No further questions.

9 CHAIRPERSON ANDERSON: All right. Any
10 questions by any Board Members? All right. Ms.
11 Singh, thank you for your testimony. You can
12 step down.

13 (Whereupon, the witness was excused.)

14 CHAIRPERSON ANDERSON: Do you have
15 another witness?

16 MR. EDWARDS: Grace Lewis.

17 MEMBER SHORT: Name again?

18 CHAIRPERSON ANDERSON: Grace Lewis.

19 Could you raise your right hand, please, Ms.

20 Lewis?

21 Whereupon,

22 GRACE J. LEWIS

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

5 MS. LEWIS: Grace J. Lewis.

6 CHAIRPERSON ANDERSON: I'm sorry?

7 MS. LEWIS: I didn't hear you.

8 CHAIRPERSON ANDERSON: No, I said do
9 you swear or affirm to tell the truth and nothing
10 but the truth?

11 MS. LEWIS: (No audible answer.)

12 MR. EDWARDS: Do you swear to tell the
13 truth and nothing but the truth?

14 MS. LEWIS: Yes. For sure, I do.

15 CHAIRPERSON ANDERSON: All right.

16 Have a seat, ma'am.

17 DIRECT EXAMINATION

18 BY MR. EDWARDS:

19 Q Good evening, Ms. Lewis.

20 A Good evening. How are you?

21 Q All right. Could you introduce
22 yourself, tell us a little bit about yourself?

1 A I'm Grace J. Lewis. Immediate past
2 president of the North Michigan Park Association
3 and also the ANC Commissioner for ANC-5A02.

4 Q Okay. And you live in North Michigan
5 Park?

6 A Yes, I do.

7 Q How long have you been living there?

8 A Since July 5, 1976.

9 Q Okay. So now just to clear the record
10 here for a few minutes, I want to ask you about
11 this settlement agreement.

12 A Okay.

13 Q Did you sign a settlement agreement?
14 Was the settlement agreement signed to your
15 knowledge?

16 A No. It was only a proposal, but it
17 was never signed.

18 Q Okay. And when did you -- in terms of
19 this settlement agreement, it was discussed at
20 the ANC meeting?

21 A That is correct.

22 Q And what happened there?

1 A It was discussed, but the attendees at
2 that meeting did not think it was a good idea and
3 that we should go for a hearing.

4 Q Now, did you -- so you were working
5 with that settlement agreement and was a part of
6 the group that sort of brought that settlement
7 agreement to the commission?

8 A Well, what happened was I was
9 substituting for -- at that time, because there
10 was no commissioner for that particular Single
11 Member District. So after hearing all the pros
12 and cons, we thought that may be the best way to
13 go. But after listening to the community, we
14 found out that the community was not interested
15 and wanted to come to a hearing.

16 MEMBER SILVERSTEIN: Please, speak a
17 little louder, Ms. Lewis. I'm sorry. I'm having
18 trouble hearing you.

19 THE WITNESS: What?

20 MEMBER SHORT: Speak right into the
21 microphone.

22 THE WITNESS: I'm sorry. Okay.

1 MEMBER SILVERSTEIN: Thank you.

2 THE WITNESS: After discussing it and
3 came to the ANC meeting, it was decided that we
4 should not go for settlement and that we should
5 go for a hearing. So at that point, the
6 community began gearing up for the hearing.

7 BY MR. EDWARDS:

8 Q And it has always been your position
9 to be opposed to the liquor store?

10 A Absolutely.

11 Q All right. So now the Four Seasons
12 Convenience Store, they applied for a liquor
13 license as well, a beer and wine license?

14 A Yes, in the early -- late spring.

15 Q And you were involved in that?

16 A Yes.

17 Q Okay. And you were opposed to that?

18 A Yes.

19 Q And the applicant withdrew. And so we
20 received notice that the application had been
21 dismissed. And how did you feel about that?

22 A Well, I felt good, because, you know,

1 even although we do not oppose Dennis', but past
2 experience has taught us that some things are
3 just not good for the community and that was one
4 thing that we did not think was a good idea for
5 the community.

6 Q All right. So that was on July 13th
7 we received that Notice of Dismissal.

8 A Correct.

9 Q All right. And then on August the 3rd,
10 we got an application for Pax. How did you feel
11 about that?

12 A Well, I didn't have a good feeling.

13 Q I mean, did you feel like the -- we
14 were -- had just been inundated with applicants?
15 I mean, we fought off one. We have been fighting
16 them off since 1964 and just fought off one and
17 then less than 30 days, here is another
18 application.

19 A Well, some folks in the community
20 thought there was some collusion between the two,
21 so we didn't know if it was true or false, but
22 all we knew is that we had to do what we had to

1 do.

2 Q Okay.

3 MR. EDWARDS: I think for now I'm
4 good.

5 MR. LEE: I have a quick question for
6 you.

7 CROSS-EXAMINATION

8 BY MR. LEE:

9 Q We met at the mediation session a
10 couple of times. And then I asked you that you
11 have authority to negotiate the settlement
12 agreement with us as an ANC-5A representative.
13 And you said yes, that's correct?

14 A No, that's not correct. I don't have
15 -- all we did was the draft. All the -- the only
16 thing that was put together was the draft. But
17 we don't -- as a commissioner, I did not have
18 that authority.

19 Q Because if you don't say I don't have
20 any authority, I don't want to negotiate with you
21 and discuss all the terms of the settlement
22 agreement. And then you -- based on when you say

1 yes, if I am wrong, it's okay, but I just keep
2 discussing with you for a couple more mediation
3 sessions. Is that correct?

4 A Partially.

5 MR. LEE: No further questions.

6 CHAIRPERSON ANDERSON: All right. Any
7 questions by any Board Members? Yes, Mr.
8 Silverstein?

9 MEMBER SILVERSTEIN: Thank you for
10 your service, Ms. Lewis. Thank you for being an
11 ANC Commissioner. Several of us up here had been
12 or are. I often ask this question and, please,
13 don't draw any conclusions from it, because we
14 ask it all the time.

15 Let's assume for the sake of argument
16 that the Board were to approve this license and
17 let us assume that you believe that approving it
18 would be bad for the community, but you are going
19 to have it.

20 What strings would have to be put on
21 it to make it liveable to you? What are the
22 particular things, and this is what I'm getting

1 at, about having a place operate here that are so
2 difficult for you versus just the whole argument
3 of we can't have one?

4 THE WITNESS: Well, I think if it --
5 if this application is approved, I think there
6 are many constraints that have to be added on to
7 make it for the community.

8 MEMBER SILVERSTEIN: And could you --

9 THE WITNESS: Because I don't think --

10 MEMBER SILVERSTEIN: -- help us and
11 enumerate them, if, in fact, that were even to
12 happen?

13 THE WITNESS: I think it would be
14 difficult to get it done and I think it would be
15 difficult for the community to accept, since this
16 has been a long going --

17 MEMBER SILVERSTEIN: You're talking
18 about hours?

19 THE WITNESS: -- straight into the
20 community. You know, not having liquor store in
21 the community.

22 MEMBER SILVERSTEIN: I think we are

1 talking past each other.

2 CHAIRPERSON ANDERSON: No, Mr.
3 Silverstein, you are not talking past each other.
4 She does not want to answer the question and so,
5 therefore --

6 MEMBER SILVERSTEIN: Are you saying
7 that hours are bad? Are you saying there is just
8 no way that you could have one?

9 THE WITNESS: Like I said in the
10 beginning, there is several things that would
11 have to be ironed out and agreed upon to make it
12 a viable entity in the community. And I also
13 think that to get it done and get the community's
14 approval, it has to be very -- it has to be cut
15 and dry. There has to be something that the
16 community can live with.

17 MEMBER SILVERSTEIN: Nothing further.

18 CHAIRPERSON ANDERSON: Mr. Lee, any
19 questions based on the questions --

20 MR. LEE: No further questions.

21 CHAIRPERSON ANDERSON: Any questions?

22 MR. EDWARDS: Just a follow-up.

1 REDIRECT EXAMINATION

2 BY MR. EDWARDS:

3 Q Commissioner Lewis, in your heart of
4 hearts, in terms of a liquor store in the
5 community and what you know about the community,
6 do -- can you think of any ground for which the
7 community, based on our experience, is going to
8 be supporting a liquor store?

9 A No.

10 MR. EDWARDS: No further questions.

11 CHAIRPERSON ANDERSON: Thank you very
12 much for your testimony, Ms. Lewis. You can step
13 down.

14 THE WITNESS: Okay.

15 (Whereupon, the witness was excused.)

16 CHAIRPERSON ANDERSON: Do you have
17 another witness?

18 MR. FLETCHER: Yes. At this time, we
19 call Mr. Peter Bishop.

20 CHAIRPERSON ANDERSON: Mr. Bishop, can
21 you --
22 Whereupon,

1 PETER BISHOP

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

6 MR. BISHOP: I do.

7 CHAIRPERSON ANDERSON: All right.

8 Your witness, sir.

9 MR. FLETCHER: Thank you, Mr. Chair.

10 DIRECT EXAMINATION

11 BY MR. FLETCHER:

12 Q Good evening, Mr. Bishop. Can you,
13 please, introduce yourself?

14 A Yes. I'm Peter Bishop. I'm -- I live
15 in -- I'm the Treasurer of the Emerson Park
16 Homeowners Association. Emerson Park is a
17 Planned Unit Development at the end of Emerson
18 Street right near the railroad tracks. And so it
19 is within just a few blocks of the proposed site.

20 Q Okay. And thank you for that. And,
21 Mr. Bishop, before I go any further, what is your
22 profession?

1 A Yes, I'm retired. My profession was
2 in high technology. My doctorate is in computer
3 science. And I was a middle manager in Silicon
4 Valley. I started off at Xerox Park of the Palo
5 Alto Research Center. Then I went to the
6 National Semiconductor and after that I was in a
7 series of start-up companies, all of which were
8 successful.

9 Q So that job is --

10 MR. LEE: Excuse me. I just have
11 objection because he is not on the --

12 MR. FLETCHER: Yes, he is.

13 CHAIRPERSON ANDERSON: Well, someone
14 gave me --

15 MR. LEE: I'm not sure it has to deal
16 with --

17 CHAIRPERSON ANDERSON: Mr. Lee? Mr.
18 Lee?

19 MR. LEE: -- the questioning.

20 CHAIRPERSON ANDERSON: Mr. Lee,
21 someone gave me a list. I was told it's a list
22 that you have and I have been keeping track. His

1 name is on the list that I have, so I was given a
2 list of all the witnesses that were disclosed.
3 And so I have been keeping track. And his name
4 is on the list, so, therefore -- and I think so
5 far all the names that have been called, they
6 have been on the same list that I have been
7 looking at.

8 MR. LEE: I have amended PIF and I
9 didn't see his name on the -- oh, just he said
10 that he was on original PIF, which he filed
11 months ago, but after that, he filed the amended
12 PIF.

13 MR. EDWARDS: Right.

14 MR. LEE: And then he is not in there.
15 Amended means what, replace the original one.

16 CHAIRPERSON ANDERSON: Not
17 necessarily.

18 THE WITNESS: No, it does not.

19 CHAIRPERSON ANDERSON: Amendment means
20 that it is an addition to the original one.

21 MR. EDWARDS: Right.

22 MR. LEE: So it's a supplemental?

1 MR. EDWARDS: Yes, supplemental.

2 CHAIRPERSON ANDERSON: Right.

3 MR. EDWARDS: Yes.

4 CHAIRPERSON ANDERSON: So do you
5 have --

6 MR. LEE: If the Board will accept
7 that, it's okay.

8 CHAIRPERSON ANDERSON: I --

9 MR. LEE: But I decline, because I
10 didn't prepare for any question for the
11 applicant's --

12 CHAIRPERSON ANDERSON: I did not have
13 the information before. I was given a list and I
14 have been checking it twice and if a name is not
15 on there, I was told there are 10 witnesses. Mr.
16 Bishop is No. 7 and his name, at least this list
17 I have, was listed as No. 8.

18 So he is on the list I have. So
19 that's one of the reasons I have been looking at
20 my list to -- and it's my understanding it was
21 the same list that you had, that's why I had this
22 list. So we will just go on.

1 MR. LEE: But that's not a big
2 difference.

3 CHAIRPERSON ANDERSON: Okay. Go
4 ahead, Mr. Bishop.

5 THE WITNESS: Okay.

6 MR. LEE: Yeah, sorry about that.

7 MR. FLETCHER: May I proceed, Mr.
8 Chair?

9 CHAIRPERSON ANDERSON: Yes, go ahead.

10 MR. FLETCHER: Thank you.

11 CHAIRPERSON ANDERSON: Yes.

12 BY MR. FLETCHER:

13 Q So as I was saying, your profession it
14 seemed like it took you, you know, all over. How
15 long ago did you move -- how long have you lived
16 in North Michigan Park?

17 A I moved in in April of 2009.

18 Q Okay. 2009. So fairly recent. How
19 soon after moving to North Michigan Park did you
20 become connected to the community?

21 A Almost immediately. I have lived in
22 several metropolitan areas and I have noticed

1 that they all have substantially different
2 characters and so it's important to understand
3 the nature of the urban area into which you have
4 moved, because urban areas have challenges and
5 you need to know the area.

6 And so as soon as I moved in, I
7 started reaching out, discovered the strong
8 community organizations in the area and so within
9 a matter of weeks I had attended the North
10 Michigan Park Civic Association and I also
11 attended an ANC Commission meeting.

12 Q Okay. Now, in your community
13 involvement, did you become associated with any
14 other organizations or become or know of any
15 other, you know, organizations in the surrounding
16 community?

17 A Yes, I was very impressed by the
18 Lamond-Riggs Development Task Force. And so I
19 started attending their meetings and especially
20 during the period of time when they were
21 considering the PUDs for the Cafritz development
22 and then for the facility that then became where

1 the Walmart is now, a JPG Construction area.

2 Q I'm sorry, Your Honor, I can't --

3 CHAIRPERSON ANDERSON: Mr. Lee, you
4 need to keep your --

5 MR. FLETCHER: Thank you.

6 BY MR. FLETCHER:

7 Q So as I was saying, okay, so you
8 talked about other organizations that you got
9 connected to. So -- and also when you -- and you
10 said when you moved to the community, you got
11 connected as well. When you moved here, what was
12 the culture of the community that you saw as a
13 newer resident?

14 A Well, I was very impressed by the fact
15 that it was largely homeowners. You know, so the
16 homes were privately owned to a large degree and
17 it was really quite quiet. You know, the main
18 commercial areas in the neighborhood, so there's
19 a substantial commercial area on 12th Street from
20 Monroe all the way down to Michigan Avenue.

21 And so that's where we -- when we want
22 to go shopping, that's where we go. So all kinds

1 of liquor is available there, both in restaurants
2 and liquor stores also.

3 Then there has been -- there is a
4 commercial area that starts at Galloway and goes
5 all the way to Riggs Road, so that includes the
6 Cafritz Development, the UDC, the library that we
7 were talking about and then at the end of it, the
8 new Walmart.

9 And so that is the area where the new
10 development in the area has been occurring. And
11 I think people in the neighborhood have been
12 looking forward to the Cafritz putting stores in
13 their development. There was a plan to have a
14 lot of stores in there. They have not opened any
15 of their stores yet, but it seems to me one of
16 the things we should consider is should they be
17 prevented from having a liquor store there by
18 the --

19 Q Okay. So let's say that -- okay.
20 Thank you for that. Now, in your testimony, you
21 stated that, you know, in the corridor of
22 Brooklyn that's commercial development. Then we

1 talk about there is commercial development in
2 Galloway. So it sounds to me that, from what you
3 are saying that, North Michigan Park is
4 sandwiched into two commercial developments,
5 based upon your testimony. Is that correct?

6 A That's right. I find that they are --
7 you know, especially now that we have got the
8 nice big grocery store down at the Walmart, we
9 are not reasonably well-served.

10 Q So another question following up on
11 the commercial developments in the neighborhood.
12 The two commercial developments sandwiching in
13 North Michigan Park, can you speak to the parking
14 and the traffic issues that from when you first
15 moved to where they are now and what you think
16 they could be if -- what do you think they would
17 be if this liquor license was approved?

18 A Well, one of the problems with this
19 particular area is that South Dakota Avenue is a
20 major artery for all of Northeastern D.C.

21 Q Okay.

22 A So this corresponds to other major

1 arteries that we know elsewhere in the District,
2 such as Nebraska Avenue. Well, especially
3 Nebraska Avenue, it's fairly comparable. And so
4 the traffic right in front of this location is
5 very fast-moving. It is not at all unusual for
6 people to be speeding over 10 miles an hour above
7 the speed limit.

8 And there is also -- there is already
9 a fair amount of difficulty with people turning
10 in to the gas station, the Four Seasons, the
11 McDonald's and the -- what is there, but it's not
12 a large enough volume to -- so people are a
13 little concerned that it causes near accidents now
14 and then, but it's not so bad.

15 You know, I was just noticing the
16 other day the liquor store I go to on 12th Street,
17 when they got a delivery, there was a large truck
18 sitting in the absolute middle of 12th Street.
19 Now, that street has actually three lanes,
20 because there is a left turn lane in the middle
21 of the road. So there was that middle lane that
22 that truck could be sitting there without

1 absolutely blocking up all of 12th Street, but
2 their parking lot, which could hold perhaps as
3 many as 18 cars, but the way people park when
4 they go to a liquor store, they do not park in
5 the proper way at a liquor store. And so they
6 can only hold about 8 cars there.

7 Q Thank you very much for that. A
8 couple more questions. Can you discuss the
9 condition of the neighborhood immediately
10 surrounding the McDonald's and where the proposed
11 liquor store will be located at 4944 South Dakota
12 Avenue?

13 A Well, it's a wonderful residential
14 area, you know, and the homes there are very
15 well-maintained. And so one of the big problems
16 I have is that the maintenance of the property of
17 this small -- these three stores, they are really
18 not maintained as well as the rest of the
19 neighborhood is.

20 And so I did make a number of pictures
21 that I took of houses on Delafield, on 8th Street,
22 a little bit on Emerson Avenue and on South

1 Dakota showing just how well-maintained the
2 houses are right near this location.

3 And it seems to be clear that they
4 show the existence of children within those
5 homes. They show well-maintained properties and,
6 you know, properties maintained such -- if they
7 are the properties that are near the Cafritz,
8 that fits perfectly well. If they are the
9 properties that are near this place, we are
10 sitting here saying wait a minute this place is
11 dragging down the property values.

12 MR. FLETCHER: Mr. Chair, I would like
13 to show opposing counsel Exhibit No. 13.

14 CHAIRPERSON ANDERSON: You can just
15 let him know what exhibits you are --

16 MR. FLETCHER: Okay.

17 CHAIRPERSON ANDERSON: -- if you have
18 the --

19 BY MR. FLETCHER:

20 Q Exhibit 13, do you recognize these?

21 CHAIRPERSON ANDERSON: What do you
22 have, 13? I think I have all your exhibits now,

1 so I think I'll be able to follow along.

2 MR. FLETCHER: Okay.

3 BY MR. FLETCHER:

4 Q Mr. Bishop, do you recognize these
5 documents?

6 A Yeah, these are the pictures I took.

7 Q Okay.

8 A I took nice high resolution pictures.

9 (Whereupon, the above-
10 referred to document was
11 marked as Protestant Exhibit
12 No. 13 for identification.)

13 Q Can you speak to these pictures a
14 little bit more now since you have identified and
15 recognize them?

16 A Yes, right. So I think on the
17 original pictures I guess I wrote -- yeah, yeah,
18 here we are. So I wrote on these things what
19 they were. So we have got one that is the
20 commercial property shows the entire --

21 Q And, Mr. Bishop, again, just before
22 you -- in the interest of time, we don't have to

1 go --

2 A Sure.

3 Q -- through each one.

4 A Sure.

5 Q Just go through some of the most
6 pertinent ones for tonight.

7 A Well, we see the proposed property and
8 it just shows, you know, the small nature of the
9 property and then the others are these houses,
10 all of which are just very well-maintained houses
11 on Delafield, South Dakota, 8th Street, and
12 Emerson Street and it just shows the character of
13 the neighborhood in the area. And just how
14 beautiful those homes are.

15 Q Thank you, Mr. Bishop. One more
16 question, one final question. Well, two
17 actually. Did you -- were you aware of a
18 settlement agreement?

19 A Well, yeah, I had heard. Yes, I had
20 heard about it.

21 Q Would you sign or did you ever have
22 intentions of signing a settlement agreement?

1 A No. As a matter of fact, if you
2 remember on Election Day, I met you at --

3 Q Yes.

4 A -- just outside our polling place and
5 I had heard, at that time, that there had been an
6 ANC meeting that I did not attend, but I was very
7 surprised at the general outcome of that ANC
8 meeting that you and the other commissioners were
9 considering possibly going -- entering into an
10 agreement.

11 I asked you what on earth was going
12 on? I thought you understood that there was
13 enormous opposition to the liquor store and that
14 other people told me there was something with the
15 way the meeting carried on that that happened
16 very late in the meeting and so everyone was
17 concerned and had left the meeting and those are
18 just things that I have heard. But I wasn't
19 there. Although I did talk to you about the
20 issue and I expressed my concern to you.

21 Q So thereafter on Election -- after
22 Election Day when you approached me and you told

1 me about many others who were concerned about
2 this liquor store, what did we, we meaning ANC-
3 5A, do?

4 A Well, we had another meeting and at
5 that meeting you asked -- you said well, wait a
6 minute, could the members of the community,
7 please, express what -- why are they concerned?

8 And so I got up and I explained of
9 what I had been hearing from all of my neighbors
10 and what I felt as well. And it was shortly
11 after that that we really decided to oppose and
12 to not go along with the settlement.

13 For one thing, you know, there had
14 been a settlement that we had proposed and that
15 we had come back saying no, they didn't like all
16 the things that we wanted to do there. That was
17 part of it, but frankly, the vast majority of
18 everyone was just opposed to it, regardless,
19 because they really had not been supportive of
20 the attempt to make a settlement.

21 Q Thank you, Mr. Bishop.

22 MR. FLETCHER: No further questions.

1 CHAIRPERSON ANDERSON: Do you have any
2 questions, Mr. Lee?

3 MR. LEE: I have a quick two
4 questions.

5 CROSS-EXAMINATION

6 BY MR. LEE:

7 Q I think we run out of time, thanks for
8 coming tonight. Actually you mentioned about the
9 parking issue and there was two units are empty
10 now. Even though it's not a liquor store, there
11 is another store. Eventually it goes up there,
12 that's the same parking issue, do you think?

13 A Well, it seems to me that the entire
14 parking lot is needed for one liquor store. And
15 that is not sufficient to handle deliveries.

16 Q Even though there is another business
17 come in, and the community were suffering the
18 same parking issues, just mention about the --
19 mention about it, so that's why I'm desperate.
20 That's my first question.

21 The second question you were here
22 before and that you heard our property owner

1 testify about it and he didn't recognized any
2 problem or issue about the community. It's very
3 sad, but if we direct him into the -- as a tenant
4 and renegotiate, negotiate another lease
5 agreement, then the community issue about your
6 picture not matching with this building or as
7 paint, new painting, all that kind of stuff, it
8 makes a little bit granting your concerns? What
9 do you think?

10 A Well, I have no idea. You know, the
11 sign for the entire area is very poor and shabby.

12 Q Um-hum.

13 A And so that covers the entire
14 commercial -- that entire strip. Okay. And so
15 why that hasn't been maintained, I have no idea,
16 but that's -- that would be outside of the realm
17 of your person. Okay. But the -- well, so I
18 think I have answered your question.

19 Q Okay. Yeah, and just we definitely
20 talk to the landlord and bring it in to community
21 meeting again and then he should be involved more
22 actively.

1 A Well, I would have expected him --

2 Q Yeah.

3 A -- to come to the North Michigan Park
4 Civic Association --

5 Q Okay.

6 A -- very early.

7 Q Um-hum.

8 A Because we have been -- we have dealt
9 with a lot of PUDs and everyone who is going to
10 do anything that requires any approvals from the
11 city, always comes to the North Michigan Park
12 Civic Association and makes a presentation and
13 gets the support of the civic association and
14 that did not happen in this case and so that was
15 -- that did not help.

16 Q All right.

17 MR. LEE: No further questions.

18 CHAIRPERSON ANDERSON: Yes, Mr. Short?

19 MEMBER SHORT: Mr. Bishop?

20 THE WITNESS: Yes.

21 MEMBER SHORT: 2009, you move into
22 this community. Had that liquor store been open

1 in that shopping center, would that have
2 influenced you one way or the other?

3 THE WITNESS: No. I was -- my -- this
4 community was actually selected by my son.

5 MEMBER SHORT: Oh, okay.

6 THE WITNESS: So he was living on 7th
7 Street up near Buchanan. And so I wanted to be
8 within a couple of blocks of where he was, so
9 that's why I selected this brand new home at --
10 in Emerson Park.

11 MEMBER SHORT: Okay. Now, you seem
12 quite astute about business. What are the --
13 what is South Dakota Avenue like after 10:00 p.m.
14 on an average day or night? After 10:00 p.m. on
15 an average day?

16 THE WITNESS: Well, as I say, it's a
17 major artery for the entire Northeastern D.C.,
18 because it goes all the way from Riggs Road all
19 the way out to Route 50. And it is just a major
20 artery. And so it is busy all the time. It is
21 four lanes and those four lanes are busy,
22 essentially, all the time.

1 MEMBER SHORT: Okay. Now, within 400
2 feet of 4944 South Dakota, what are the business
3 hours for the average store? For the McDonald's
4 and the convenience store, what are their hours?
5 When do they open and when do they close?

6 THE WITNESS: Well, I'm just not
7 familiar with that, because I go over to 12th
8 Street.

9 MEMBER SHORT: Okay. That's quite
10 honest. And so pretty much you took the pictures
11 of the homes, and is it your understanding they
12 have always looked that way for a long time?

13 THE WITNESS: Well, I -- there hasn't
14 been much change since I moved in in 2009.

15 MEMBER SHORT: Okay. All right. And
16 thank you very much for your testimony. Thank
17 you, Mr. Chair.

18 CHAIRPERSON ANDERSON: Any other
19 questions by any other Board Members? All right.

20 MEMBER SILVERSTEIN: Mr. Chair, the
21 protestants have used up 85 of their 90 minutes.
22 And the applicant has used up 48 of their 90

1 minutes.

2 CHAIRPERSON ANDERSON: Okay. Well,
3 they only have 3 more witnesses, so we will --
4 Mr. Lee, any questions of the witness? No, Mr.
5 Bishop. Mr. Bishop, I will let you know when you
6 are free to go.

7 Mr. Lee?

8 MR. LEE: No further questions.

9 CHAIRPERSON ANDERSON: And, Mr.
10 Fletcher, any questions of Mr. Bishop based on
11 the questions that were asked by the Board?

12 MR. FLETCHER: Yes, Mr. Chair, just
13 one.

14 REDIRECT EXAMINATION

15 BY MR. FLETCHER:

16 Q Mr. Short asked you, Board Member Mr.
17 Short asked you, if you had moved to the -- in
18 deciding to move to this community, and you knew
19 that a liquor store was already there, would you
20 have moved to the community? And you said yes.

21 My question to you is if you -- at
22 that same time, if you knew about -- if you knew

1 testified as follows:

2 MS. FRANKLIN: I do.

3 CHAIRPERSON ANDERSON: Your witness,
4 sir.

5 MR. EDWARDS: All right. Thank you.

6 DIRECT EXAMINATION

7 BY MR. EDWARDS:

8 Q Good evening, Ms. Franklin. Thank you
9 for coming out.

10 A Good evening.

11 Q Could you introduce yourself and tell
12 us a little bit about you?

13 A Okay. I live in the 700 Block of
14 Delafield Street. I am a retired budget analyst.
15 I have a degree in guidance and counseling. And
16 I currently am involved in two community
17 projects. One, I am on the Board of Friends of
18 North Michigan Park and our neighborhood
19 organization, Operation When. We help each
20 neighbor.

21 Q And so you are involved in some
22 counseling services as well, right?

1 A Yes, yes, yes, yes. To a certain
2 degree, I am using my counseling all the time, at
3 church, having attended my church for 61 years,
4 in the community and in my family, especially in
5 the community. I am always in conversation with
6 parents of children who are in school and are
7 excelling.

8 And therefore, when the conversation
9 came up about the liquor store, I was quite
10 disturbed, because I felt that the kids who
11 transfer at that point, did not need to be in an
12 environment where there was loitering, littering,
13 public urination on the side of the building and
14 on the side of the cars and just disorderly
15 conduct in a certain degree.

16 I have had direct experience. I'm not
17 talking about something that I have read. I have
18 actually witnessed that type of behavior around
19 liquor stores. So as far as I'm concerned, I
20 absolutely do not approve of the opening of that
21 liquor store.

22 Q Now, are there any -- to your

1 knowledge, as far as liquor stores, about how
2 many liquor stores you -- in the immediate area
3 that you can think of?

4 A Okay. There are currently four. Two
5 on 12th Street, one on Hawaii Avenue, one on Riggs
6 and Eastern. So there are four within 10, 15
7 minute drive.

8 Q Now, with regard to those liquor
9 stores, have you observed any of this kind of
10 activity that you are talking about?

11 A Only at the one at, surprisingly,
12 Queens Chapel Road and New Hampshire. Right at
13 that sort of merge. It's not that much
14 space, but going out and a lot of times I have
15 turned onto Chillum for whatever reason and I
16 have observed it there.

17 Q And so you have also done a little
18 research with regard --

19 A Absolutely, absolutely. I found it so
20 very, very interesting when there was a
21 conversation about the opening of liquor stores
22 in location. I read before coming to this

1 hearing three research studies that had to do
2 with the impact of the closeness, the density of
3 alcohol outlets and the rate of crime.

4 It was stated especially in some
5 areas, I'm not talking about the predominantly
6 African-American areas or the low-income areas,
7 but it was definitely proven as a result of this
8 sampling.

9 One of the samplings involved Ballston
10 University and another one, Philadelphia, because
11 there were samplings of maybe statistics from
12 eight cities or five cities or what have you, but
13 anyway it was proven that there is an escalation
14 in crime where there is a cluster of liquor
15 stores on every other corner, as I would say.

16 Where there are fewer liquor stores --
17 it was, in the same research, proven that there
18 is an increase in the crime rate at
19 establishments that are licensed under that type
20 A, which is where you can take alcohol from this
21 site, some place else to drink it.

22 There were fewer crimes in areas where

1 you went into a restaurant or went into a bar and
2 had consumed alcohol. So it just goes to say
3 that I am not in support of another liquor store
4 in our area, because as I stated, there are four.
5 And I strongly feel that we could be creating, if
6 the one is approved on South Dakota, a possible
7 haven for establishing or nurturing crime in our
8 currently crime-free area.

9 Now, I'm saying moderately, because we
10 know all the areas have crime, but I'm not going
11 to say that North Michigan Park is crime-free,
12 because we are not. But I'm saying the frequency
13 of crimes in that area are way, way, way down as
14 compared to other areas.

15 Q And so just for the record, you said
16 you had mentioned some studies, so I just wanted
17 for the record to make sure we mention at least
18 those studies.

19 A Um-hum.

20 Q Now, one of them was the Johns Hopkins
21 of Bloomberg School --

22 A Absolutely. I had --

1 Q -- right?

2 A -- those listed in my portfolio, but
3 I think I heard that I could not bring it to this
4 Board?

5 CHAIRPERSON ANDERSON: No, ma'am, you
6 can --

7 MR. EDWARDS: It's an exhibit.

8 THE WITNESS: Okay.

9 MR. EDWARDS: We have it in the
10 record.

11 THE WITNESS: Okay. All right. Okay.
12 So you know the three, yes.

13 BY MR. EDWARDS:

14 Q I just wanted to make sure we identify
15 those, so --

16 A Okay.

17 Q -- when we introduce them to be
18 included into the record, that the record is
19 clear. And one of them was on alcohol outlets
20 and violent crime in D.C., right?

21 A Washington, D.C.

22 Q In Washington, D.C. All right. So

1 now, you have mentioned a little bit about, and I
2 know our area is fastly becoming a diversified
3 community, but tell me a little bit about what
4 the study said about say minority neighborhoods
5 and so forth and the liquor stores.

6 A Okay. The study said that in minority
7 established neighborhoods as a rule there are
8 more type A liquor stores. In those minority
9 areas where there are, I want to say, a cluster
10 of liquor stores, the impact of the crime rate,
11 the escalation in the crime rate sort of affects
12 the economic condition or environment of that
13 neighborhood.

14 Namely, it was said that the increase
15 in crime rates in those areas affect the
16 investment. Most people do not want to invest in
17 an area that has a high crime rate, that the
18 value of the homes normally decrease based on the
19 area and there was another fact, I'm just trying
20 to think. There were three major ones: The
21 value of the property; the insurance premiums.
22 It costs you more to get insurance premiums in

1 the minority areas then it does in the regular
2 areas.

3 Q You know, it varies with liquor stores
4 as well.

5 A Um-hum.

6 Q All right. So now, you live on where?

7 A Delafield.

8 Q On Delafield.

9 A Within a 5 minute walking distance of
10 the proposed liquor store.

11 Q And so you can sort of, on a clear day
12 like Mr. Smith talked about, there is the trees
13 and you can sort of look down and see the
14 McDonald's area?

15 A I would have to walk down a little
16 bit.

17 Q Okay.

18 A I would have to walk down to the
19 corner.

20 Q All right.

21 A Yes.

22 Q Okay. All right. So based on

1 everything that you know about liquor stores and
2 all of that, you --

3 A Strongly oppose the opening or the
4 approval of the application for the license.

5 MR. EDWARDS: No further questions.

6 CHAIRPERSON ANDERSON: Mr. Lee, any
7 questions?

8 MR. LEE: Yeah, I have questions.

9 CROSS-EXAMINATION

10 BY MR. LEE:

11 Q Thanks for your research. And then
12 actually your research based on specific location
13 we apply to? It apply to Section 305, but there
14 was no exception or that kind of stuff? And then
15 just make one case. And do you think or do you
16 consider in your research that operating plan or
17 operator, owner of the liquor store make a
18 difference for your research? Kind of we think
19 that's sort of generalization about the liquor
20 store.

21 A Okay. Let me just say this. I do not
22 think that the owner would have a significant

1 impact on the store. I heard earlier someone say
2 we will have outside flood lights that will light
3 the area to prevent, in so many words, the
4 occurrence of crime.

5 If you have a line and you are in the
6 store because I was very, very close to someone
7 who had the business for 20 years, if you have a
8 line and you are serving those clients, what is
9 going on outside is the furthest thing from the
10 manager or the owner's mind.

11 You want to serve your client to make
12 sure that you do maintain his business, so that
13 he will not go around the corner to another
14 store. So it does not. It does not. It would
15 have to be left upon the clients and someone said
16 about earlier I'm going to mention this too, that
17 the person once they buy the alcohol, it had to
18 do with the club situation, that they would leave
19 the premises. Absolutely not.

20 They go, they occupy, one of the 11
21 spots and they sit there and they consume their
22 liquor and they may return to the establishment

1 and purchase additional alcohol.

2 Q Now, do you know that in D.C. around
3 the 250 liquor licenses, liquor stores. And then
4 lots of them are well-maintained and no problem
5 with the community. Do you agree with that?

6 A I hear what you are saying, but the
7 research study, I can't remember if it was the
8 one from Johns Hopkins, but one of the studies
9 was so concerned about the crime rate that one of
10 their conclusion, recommendations was to
11 investigate through various initiatives ways to
12 curtail the sale of alcohol.

13 Would it mean that we would establish
14 a certain hour not the business and however not
15 the person, it's 16, 15, 12, 13, we are not
16 talking that, we are talking about the hours.
17 And one recommendation was to curtail the hours.
18 And you know what the other one was? Curtain the
19 issuance of applications, new licenses.

20 Q Well, I'll just mention that the
21 community, do you know the community have a
22 chance to always make a complaint about the

1 liquor store poorly-maintained or operating to
2 the ABRA, then Compliance Division will go out
3 and check all the time. That's the kind of why
4 we establish the system here, that's why I just
5 mention about -- that's how the liquor store,
6 they don't have such a big issue with the
7 community.

8 You mention about the only worst
9 operators and some poorly-managed liquor store in
10 D.C. I know the couple that I saw the exhibit
11 and then I saw the picture. I don't know which
12 place is it? It's not common to every liquor
13 store. I just have to mention that.

14 A Right. And I --

15 Q I'm sorry.

16 A -- hear what you are saying that it's
17 not, but the idea that I gather from the research
18 that I read before coming to this hearing was
19 that precautions are to be put in place whereby
20 we can come to grips with our escalation in
21 crime.

22 Q Okay.

1 A We are tired of homicides. We are
2 tired of assaults. We are tired of robbery. We
3 are tired of thefts.

4 MR. LEE: No further questions.

5 THE WITNESS: Okay.

6 CHAIRPERSON ANDERSON: Any questions
7 by any Board Members? Yes, Mr. Short?

8 MEMBER SHORT: Is it Dr. Franklin or
9 Ms. Franklin?

10 THE WITNESS: Miss.

11 MEMBER SHORT: Ms. Franklin, okay. To
12 go along with some of your testimony, I'm 72.
13 I'll be 73 this year. Every year of my life,
14 I've lived right here in Washington, D.C.

15 THE WITNESS: Um-hum.

16 MEMBER SHORT: And there were not 250
17 liquor stores in Washington, D.C. when this town
18 was quiet, peaceful. There wasn't many
19 homicides. As you said, the number of alcohol
20 stores went up and in certain neighborhoods, they
21 have clusters of them.

22 THE WITNESS: Yes.

1 MEMBER SHORT: And in certain other
2 neighborhoods like Georgetown, their citizens say
3 we don't want it and they don't get it.

4 THE WITNESS: Huh-uh, huh-uh.

5 MEMBER SHORT: So I have seen it.

6 THE WITNESS: Um-hum.

7 MEMBER SHORT: I've work with 719
8 Langston Terrace, N.E.

9 THE WITNESS: Yeah.

10 MEMBER SHORT: And now that
11 neighborhood is a mess. When I was a kid, there
12 was only one place on Benning Road where you
13 could buy hard alcohol. And the next closest
14 place was way around on Bladensburg Road.

15 THE WITNESS: Okay.

16 MEMBER SHORT: So there were two for
17 our neighborhood.

18 THE WITNESS: Yeah.

19 MEMBER SHORT: Unless you went across
20 the river the other way. There was hardly any on
21 Capitol Hill, but as the alcohol came in, the
22 neighborhoods became messes, but if managed-well,

1 we can't blame it the alcohol, it has got to be
2 managed-well and the education and a lot of other
3 things, but 250 is a lot of alcohol stores.

4 THE WITNESS: Yes, yes, yes.

5 MEMBER SHORT: Especially when they
6 are concentrated only in certain areas. Again,
7 Georgetown won't have it. But thank you for your
8 testimony. It was quite compelling.

9 THE WITNESS: Thank you.

10 MEMBER SHORT: Thank you.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any other Board Members or comments?
13 It was not a question by Mr. Short, Ms. Franklin,
14 thank you for your testimony. You can step down,
15 ma'am.

16 (Whereupon, the witness was excused.)

17 CHAIRPERSON ANDERSON: Do we have any
18 other witnesses?

19 MR. EDWARDS: Carmen Williams.

20 CHAIRPERSON ANDERSON: Ms. Williams,
21 can you raise your right hand, please?

22 Whereupon,

1 CARMEN WILLIAMS

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

6 MS. WILLIAMS: I do.

7 CHAIRPERSON ANDERSON: All right.

8 Thank you. Your witness.

9 DIRECT EXAMINATION

10 BY MR. EDWARDS:

11 Q Good evening, Ms. Williams.

12 A Good evening.

13 Q Thank you for your patience. Could
14 you introduce yourself, tell us a little bit
15 about you?

16 A Yes. My name is Carmen Roberts
17 Williams. I'm the current President of North
18 Michigan Park Civic Association. I'm a retired
19 bank executive. I currently am still employed at
20 another financial institution as a compliance
21 officer/risk operations manager.

22 Q You live in North Michigan Park?

1 A I do. I resided in North Michigan
2 Park for the last 35 years. Prior to moving to
3 North Michigan Park, as a teenager, I lived in
4 Michigan Park, which was the abutting community.

5 Q So in your work as a community leader
6 of a civic association, you have sort of reached
7 out, made attempts to reach out to the owner or
8 the landlord over at 4944 South Dakota Avenue?

9 A I have.

10 Q And what has been their response?

11 A There has been no response. Again,
12 what I would like to point out today is the
13 owners' testified today and then they left. They
14 didn't care about the community. Okay. That's
15 exactly what has been going on since they have
16 purchased the property.

17 And looking at what hasn't been done
18 at the property, if you look at it at nighttime,
19 and most places on the marketing piece, you know,
20 you want your signs to be visible as cars going
21 by to say -- to show what is in your strip mall.
22 Well, the name will Full Yum is A-U.

1 Q A-U?

2 A Yeah, because the lights are not lit
3 up.

4 Q Okay.

5 A For the business. It is poor lighting
6 in the area. There is graffiti on the
7 establishment of Full Yum. It was on all of the
8 establishments that are there before businesses
9 that were there. It took them over a year to get
10 the other businesses cleaned off. Full Yum still
11 has the gang marking, tag markings on their
12 establishment.

13 The parking lot has not been paved.
14 It is in terrible shape. There is no handicap
15 parking there. The parking spots are not marked.
16 The curbing along the strip mall itself needs to
17 be repaired. The top of the building, which I
18 can see from my residence because I live on
19 Decatur Street is rotted out and looks like it is
20 rusted and that's what I see.

21 Q And so you say you tried to reach out
22 to the owner?

1 A I have called --

2 Q How do you do that?

3 A -- the owner when they gang-tag their
4 establishments. I call the owner, because I got
5 the number from the individuals at Full Yum and
6 nothing was done.

7 Q So no response?

8 A No response.

9 Q Okay. So --

10 A They have not done anything to support
11 the community since they have been there.

12 Q So now you excited about this liquor
13 store coming? Do you think that's going to
14 improve? Do you think they will improve?

15 A I doubt it.

16 Q All right. You have sort of been
17 around the city and sort of observed some things
18 and took some pictures, right?

19 A I did.

20 Q And I would like for you, if you
21 could, if you could just summarize some of those
22 pictures. Don't tell us everything, don't go

1 through them one-by-one, but just tell us just
2 generally what these pictures are trying to show.

3 A The pictures --

4 Q And --

5 A -- are a reflection of what liquor
6 stores do to the -- do to a community. They
7 don't add benefit to a community. The ones that
8 I have driven past, the ones that I have taken
9 pictures of. And North Michigan Park is built
10 around a community of single-family homes. It's
11 built around single-family homes. There are no
12 apartment buildings in North Michigan Park.

13 We are -- people who come into the
14 community, we raise our families. My kids worked
15 at McDonald's.

16 CHAIRPERSON ANDERSON: We are in
17 Exhibit 11. Are these Exhibit 11?

18 MR. EDWARDS: These are exhibit --
19 what was the number?

20 MR. FLETCHER: 11.

21 MR. EDWARDS: 11, yes.

22 THE WITNESS: Okay.

1 (Whereupon, the above-
2 referred to documents were
3 marked as Protestant Exhibit
4 No. 11 for identification.)

5 BY MR. EDWARDS:

6 Q So could you explain, just explain
7 them just briefly.

8 A Right. The pictures reflect what has
9 transpired in front of three liquor stores in the
10 Northeast Corridor. There are 72 establishments
11 Class A, B and C within the 20017, 20018 ZIP
12 Code. Of those, I have gone to three of them
13 because they were of concern. One of them I went
14 to. I couldn't get to one night, because the
15 police had invaded the liquor store. I couldn't
16 get into it. That was the one that was off of
17 Rhode Island Avenue, 14th and Rhode Island.

18 So I went back the next day to take
19 pictures. Those pictures are reflective of the
20 individuals who loiter outside of the
21 establishment. The one on Brentwood Road, which
22 is the one -- the pictures here on the far left,

1 are the windows outside of the liquor store at
2 Brentwood Road. Those pictures reflect all of
3 the individuals who have been barred from the
4 establishment. Been barred for whatever criminal
5 activity there were engaged in.

6 The pictures in the middle are the
7 Woodbridge Vet at 14th and Rhode Island Avenue.
8 And then you also have in front of Whelan's on
9 12th Street where the individuals have taken over
10 the bus stop in the evenings. And these are
11 during the cold nights. This isn't even the
12 summer time. It wasn't the first of the month.
13 It was the middle of the month.

14 The bottom picture is the liquor store
15 that the woman just spoke about at Eastern Avenue
16 and New Hampshire Avenue where they took over the
17 bus stop on the side of the liquor store. And I
18 have gone through there and they have been
19 sitting out in front of the liquor store waiting
20 for the liquor store to open.

21 So it is not something that we want in
22 North Michigan Park. The other pictures you left

1 off, the one -- the last one --

2 Q Um-hum.

3 A -- on the last side --

4 Q Okay.

5 A -- when you talk about the traffic on
6 this side, this -- up to the top is the one where
7 the graffiti is showing. The parking spaces are
8 not marked. There is no handicap parking. The
9 next one was taken December the 27th in the
10 middle of the afternoon.

11 Q Could you hold on for one minute,
12 because I want to go back to this one about the
13 graffiti.

14 A Um-hum.

15 Q Now, this is at the applicant
16 location, right?

17 A That is correct.

18 Q Okay. So this is your concern about
19 maintenance of property here, right?

20 A That's correct.

21 Q And so --

22 A The property owner is not taking care

1 of it now. His tenants aren't taking care of it.
2 The property owner is not taking care of it.

3 Q Anything else on here?

4 A Yes. Move the picture, if you lift it
5 up a little bit, the picture here represents the
6 middle of the afternoon when you say there are
7 only two businesses open there now, but the
8 parking lot is full.

9 Folks do go to Full Yum. They have
10 the folks that go from Providence Hospital there
11 during the day, from Washington Hospital Center
12 and it is crowded.

13 So if you ordered, then you have to go
14 in and you have to wait, because there are folks
15 in there sitting down eating. In the evening,
16 there are folks that are in there that are
17 sitting down eating. You can see the parking lot
18 is full. There are days when I have gone over
19 there, there has been no parking space, so I just
20 went home and I came back later.

21 The last picture --

22 Q Oh, you are still --

1 A One more picture.

2 Q Okay.

3 A One more. The last picture on the
4 bottom shows another day where you can see there
5 are no parking spaces available. All spaces are
6 taken. And there are only two open businesses in
7 the strip mall currently.

8 Q Thank you.

9 A And then the -- thank you.

10 MR. EDWARDS: I'm finished.

11 CHAIRPERSON ANDERSON: Mr. Lee, do you
12 have any questions?

13 MR. LEE: Yeah, several questions
14 about it.

15 CROSS-EXAMINATION

16 BY MR. LEE:

17 Q Thanks for the pictures. I saw that
18 and I recognize several place. I know that. And
19 unfortunately, that's we are still operating
20 establishment as ABRA knows about it. And I
21 notice that, too. But do you think it's common
22 to every liquor store? I just mention about

1 that, another place and so we have more than 250
2 liquor stores in D.C. and all of them look --
3 operate like this?

4 A Well, there were two that were within
5 5 blocks of each other. So that is a concern.

6 Q Okay.

7 A The one on Brentwood Road is 1.8 miles
8 from --

9 Q Okay.

10 A -- North Michigan Park, from the
11 establishment that is going to open. It is not
12 the facility. It is what is in the facility and
13 the product that you bring to the community.

14 Q So do you think there is -- you assume
15 that Mr. Choi is the same operator like this,
16 right?

17 A Not Mr. Choi himself. It's the
18 product that brings what comes with it.

19 Q Okay. Do you know there is -- about
20 graffiti and one of the settlement we tried to
21 agree, he agreed to sign it, is graffiti issue.
22 If there is graffiti and he will definitely take

1 care of that. And then we worry for the D.C. --

2 A But the graffiti that --

3 Q -- Government, too.

4 A -- is there has been there over two
5 years.

6 Q But he is not there. It is not the
7 same person.

8 A It doesn't matter. That is the owner
9 of the property.

10 Q We know that and we ask for landlord
11 and the landlord didn't bother anything.

12 A No, as you can see, he has gone today.

13 Q And ABRA we will -- yeah. We
14 negotiated with the landlord about how we might
15 make it. And then negotiated with other tenant,
16 two more tenant and he knows them very well. Is
17 there big difference to the building and the
18 property to the community?

19 A So that same process wasn't done with
20 the current tenant. That same agreement wasn't
21 with the current tenant? Because the current
22 tenant isn't taking care of the property.

1 Q Well --

2 A I mean, he is --

3 Q -- you better know --

4 A -- making the choice.

5 Q Yes.

6 A I'm going to lease this to you and
7 this is, as a tenant, what you are supposed to
8 do. If that's the case for all of the tenants,
9 then you've got a tenant who is not abiding by.

10 Q But we were --

11 A Full Yum is not doing it.

12 Q -- still elaborated to negotiate over
13 the landlord about it. As a tenant, even though
14 a tenant, we try to rent out two units.

15 A Um-hum.

16 Q That one more question is the
17 building, the property owner said that we have
18 occupancy, so therefore and a building permit for
19 that. That 11 parking lot with a four unit
20 business retail shop, that's approved by the
21 Government. That means 11 parking spaces is good
22 for four units.

1 A It depends on what you are putting
2 there. A liquor store is not going to be one
3 of --

4 Q It's approved by the law.

5 A -- when the barbershop was there, it
6 was packed. When the barbershop and the beauty
7 parlor were there, it was a park -- it was a
8 packed parking lot.

9 Q I mean about the Building Code and the
10 permit process.

11 A That may be --

12 Q Yeah.

13 A -- but if you have four businesses
14 there and 11 parking spaces, and you have an
15 individual who works out of four of those
16 establishments and they each drive to work,
17 that's four parking spaces that are already gone.
18 If they are not parking there, they are parking
19 in the community.

20 Q Okay.

21 MR. LEE: No further questions.

22 CHAIRPERSON ANDERSON: Any questions

1 by any Board Members?

2 MEMBER WAHABZADAH: Yes.

3 CHAIRPERSON ANDERSON: Yes, Ms.

4 Wahabzadah?

5 MEMBER WAHABZADAH: I want to thank
6 you for your testimony. I just had a question.
7 I know we are talking about community and not
8 having liquor stores within the community and the
9 problems associated with it.

10 UNIDENTIFIED SPEAKER: We can't hear
11 you.

12 MEMBER WAHABZADAH: If you live in the
13 community --

14 CHAIRPERSON ANDERSON: Miss, I'm sorry
15 that you can't hear, but that's -- you cannot do
16 that, ma'am. Okay. So you can't say I can't
17 hear. I apologize, but that's not a concern of
18 mine, Miss. If you can't hear, you need to move
19 up, but you cannot interrupt the proceedings to
20 say you can't hear.

21 So if you cannot hear, there are seats
22 in the front row, you can move up, but please, do

1 not interrupt the proceedings to say you can't
2 hear. Go ahead.

3 MEMBER WAHABZADAH: Apologies. I
4 don't have a mike near me, but I'll try again.

5 Apologies. So the community doesn't
6 want any liquor stores, you know, the problems
7 associated with it. So if you live in the
8 community, where would one go, where would be the
9 most appropriate place to buy liquor? Would it
10 be going, you know, a mile down the street to
11 another neighborhood and causing problems within
12 that neighborhood? So everyone in that community
13 would go to that liquor store or go to retail/
14 restaurants that sell liquor or sell spirits
15 there and loitering there.

16 I mean, it seems like the community
17 kind of wants a dry community or they don't want
18 liquor at all. So I don't know what --

19 THE WITNESS: That's correct.

20 MEMBER WAHABZADAH: -- is the most
21 appropriate.

22 THE WITNESS: We prefer to have a dry

1 community. We would like to have -- we are dry
2 for food, so we would like to have a restaurant
3 instead.

4 MEMBER WAHABZADAH: Okay. And so a
5 restaurant will -- I'm just curious, where one
6 would --

7 THE WITNESS: A restaurant, a sit-down
8 restaurant would be much better.

9 MEMBER WAHABZADAH: Okay. So people
10 should -- when they want to drink liquor, instead
11 of from their own homes buying from a liquor
12 store and maybe going home, go to an
13 establishment and drink there? That would be
14 appropriate?

15 THE WITNESS: That would be
16 appropriate. However, now, if you go to 12th
17 Street, as a homeowner, I'm going to go out and
18 I'm going to buy my liquor and I'm going to bring
19 my liquor home, that's not typically what happens
20 at some of these liquor stores.

21 You have folks, as you can see by the
22 pictures, they are not taking their liquor home.

1 They are consuming it in front of the liquor
2 store. They are consuming it in the park in
3 front of the liquor store. They are consuming it
4 at the bus stop. That's not what we want to see
5 happening in North Michigan Park.

6 MEMBER WAHABZADAH: Okay. Thank you.

7 CHAIRPERSON ANDERSON: I just want to
8 ask you a question, Ms. --

9 MR. EDWARDS: Williams.

10 CHAIRPERSON ANDERSON: -- Williams.

11 THE WITNESS: Yes?

12 CHAIRPERSON ANDERSON: If this liquor
13 store is -- if there is a liquor store here, who
14 is going to support this liquor store?

15 THE WITNESS: I have no idea, because
16 we will protest. If they opened up, we would
17 protest every day.

18 CHAIRPERSON ANDERSON: But I'm just
19 asking you, you're talking about you have all
20 these people loitering, so if -- who would be
21 these people who would be loitering in front of
22 this liquor store?

1 THE WITNESS: Typically folks that are
2 coming from not within North Michigan Park.

3 CHAIRPERSON ANDERSON: No, but I'm
4 just asking, where will these people live? I
5 mean, the people -- I mean, I know you are
6 talking about other neighborhoods and loitering
7 and what folks are doing, so people are going to
8 -- so that would tell me that it would be the
9 people in your -- your neighbors would be doing
10 it.

11 So are you saying that there --
12 because there is a liquor store -- from what I'm
13 told, there are three liquor stores probably .8
14 miles away. So if we are going to have
15 loitering, I don't think people are going to take
16 the bus to come to North Michigan Park to loiter.
17 So where would these people come from?

18 THE WITNESS: Yes, yes, they would.
19 They catch a bus and go to McDonald's.

20 CHAIRPERSON ANDERSON: You are saying
21 that -- I'm sorry?

22 THE WITNESS: They catch the bus there

1 to go to McDonald's. We had a problem previously
2 in the years past with homeless folks coming to
3 our McDonald's begging at the McDonald's, at the
4 liquor store and when I confronted a couple of
5 them, they had caught the bus to the community.
6 That would be the same thing if you decided you
7 wanted to open a liquor store there. It's not
8 going to come from the residents who are there.

9 The community is growing, Lamond-Riggs
10 is growing. You have got 800 new residents in
11 apartments that are there. North Michigan Park
12 doesn't have apartment buildings. Apartment
13 buildings bring a different type of climate into
14 a community. They are different individuals than
15 your homeowners who are coming in and they are
16 raising their families.

17 CHAIRPERSON ANDERSON: Now let me ask
18 you a question, what was stated is that there is,
19 I think there is, the closest liquor store is .8
20 miles or so away. In the picture that you
21 showed, did you show any pictures of any of those
22 liquor stores?

1 THE WITNESS: Yes, I did. We went
2 there.

3 CHAIRPERSON ANDERSON: So which one?
4 Let's go back to your pictures and I need you to
5 identify which one of the pictures --

6 THE WITNESS: The one where they are
7 sitting --

8 CHAIRPERSON ANDERSON: -- is from --

9 THE WITNESS: -- at the bus stop.

10 CHAIRPERSON ANDERSON: -- I'm sorry?

11 THE WITNESS: It's the one where they
12 are sitting at the bus stop. I have two.

13 MR. CHOI: It's Whelan's Liquors.

14 CHAIRPERSON ANDERSON: I'm sorry.

15 There is a picture of what?

16 THE WITNESS: That's Whelan's.

17 CHAIRPERSON ANDERSON: Which? What
18 picture is that?

19 MR. EDWARDS: It's the one in the
20 bottom right hand.

21 CHAIRPERSON ANDERSON: So you are
22 saying that there is a picture of folks sitting

1 at the bus stop?

2 THE WITNESS: Yes.

3 CHAIRPERSON ANDERSON: So who said the
4 folks are not waiting there for the bus?

5 THE WITNESS: Because they sit there
6 every day drinking.

7 CHAIRPERSON ANDERSON: I'm just saying
8 but who says they are not waiting for the bus?

9 THE WITNESS: They are not waiting on
10 the bus.

11 CHAIRPERSON ANDERSON: They are
12 sitting at the bus stop.

13 THE WITNESS: I sat there and took
14 their pictures. They are not sitting there
15 waiting on the bus. The two other people that
16 are standing there, these folks were waiting on
17 the bus.

18 CHAIRPERSON ANDERSON: And so which
19 one --

20 THE WITNESS: And they got on the bus
21 when the bus came.

22 CHAIRPERSON ANDERSON: Well, maybe it

1 wasn't their bus.

2 THE WITNESS: There is only one bus
3 that comes through there.

4 CHAIRPERSON ANDERSON: I digress. All
5 right.

6 THE WITNESS: There is only one bus.

7 CHAIRPERSON ANDERSON: All right. All
8 right.

9 THE WITNESS: Now, you talk about the
10 kids that come through the community, from my
11 residence I live on Decatur Street. I see the
12 kids walking from St. Anselm's. I see the kids
13 that walk from the Kennedy Institute that go to
14 McDonald's.

15 The thoroughfare on South Dakota
16 Avenue is the thoroughfare to the subway. The
17 kids are walking to and from the subway going to
18 school, leaving from school and leaving from
19 their activities at school and some of those
20 activities are 6:00, 7:00 at night.

21 CHAIRPERSON ANDERSON: So what's the
22 relationship between having a liquor store and

1 the kids walking by?

2 THE WITNESS: The drunks that hang out
3 in front of a liquor store or the loitering that
4 comes to a liquor store that creates different
5 types of crime.

6 CHAIRPERSON ANDERSON: But don't you
7 -- aren't you aware that you can demand that the
8 owner put a no loitering sign there and you could
9 also demand that the --

10 THE WITNESS: The liquor store on
11 Rhode Island Avenue has a no loitering sign, too.

12 CHAIRPERSON ANDERSON: But I'm asking
13 you, you know, you have --

14 THE WITNESS: Yes, they can make --
15 they can put out any sign that want to put out.

16 CHAIRPERSON ANDERSON: But you can
17 have no loitering signs, but is it being
18 implemented? Is it that -- are they calling the
19 police? Is the owner calling the police when
20 people are loitering in front of their building?
21 Because if -- in D.C. if there is not a sign to
22 say no loitering, then they can't be arrested.

1 But if someone is literally loitering,
2 then the owner is empowered to call the police to
3 have these people removed.

4 THE WITNESS: They can?

5 MEMBER SHORT: May I please, comment?

6 CHAIRPERSON ANDERSON: Mr. Short --

7 THE WITNESS: I'm sure --

8 CHAIRPERSON ANDERSON: -- you can't
9 comment. I'm asking her questions.

10 THE WITNESS: -- that they can, but as
11 the young lady said, if I'm doing business inside
12 of the store, do I have time to take care of what
13 is happening outside the store?

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

16 MEMBER SHORT: There has been some
17 recent articles in the paper about the 1800 block
18 of Benning Road. I won't mention the name of the
19 business, but three people were just shot in
20 front of that alcohol facility, which the no
21 loitering signs, and the whole bit, we had
22 testimony from people who were protesting about

1 that renewal of that license.

2 They say the police sit across the
3 street and just watch. And pretty much the
4 article that was in the Washington Post says that
5 in certain neighborhoods, it's just you can call
6 the police, the testimony was, Mr. Chairman, they
7 called the police and they said the police said
8 we will do something about it, just hold on.

9 But in other neighborhoods, when you
10 call the police, yes, they will lock them up for
11 loitering in front of these places. And a lot of
12 real great neighborhoods have been destroyed
13 since this new wave of 250 alcohol stores,
14 because they are only in certain neighborhoods.

15 And if they are in neighborhoods where
16 people make a lot of money, of course there is
17 not going to be a lot of loitering, because those
18 people can afford to buy only the finest kinds of
19 alcohol.

20 When we start talking about the single
21 sales and all of those things, they only happen
22 in certain neighborhoods. And what would happen

1 to maybe your neighborhood, like has happened to
2 some others, once they run you out, the property
3 goes way down and then after that, new folks come
4 in, the property values go way up.

5 So I understand your frustration. And
6 again, like I said, I have been in the city all
7 my life. I lived in almost every ward and I'll
8 just say this, in my particular neighborhood I'm
9 in now in Ward 7, the closest alcohol store and
10 they just opened this one up on Pennsylvania
11 Avenue, before that there was one that was on
12 Alabama Avenue, which has been torn down now
13 because they are going to put the new building
14 up, but that was one of the worst things that
15 ever happened to our neighborhood.

16 Because when I first moved into the
17 neighborhood, there was a Sears across the street
18 from there.

19 THE WITNESS: Right. I remember.

20 MEMBER SHORT: And they wouldn't of
21 had alcoholic drinking in public. They just
22 busted a guy with 100 pounds of heroin and he

1 hung out over there at that same location. The
2 police said they have been watching him for 18
3 months. In the meantime, how many homicides he
4 has committed? They don't know. But it doesn't
5 happen in every neighborhood and it shouldn't
6 happen in yours.

7 That's my personal feeling as a Board
8 Member.

9 CHAIRPERSON ANDERSON: Thank you, Mr.
10 Short. All right. Mr. Lee, any questions based
11 on --

12 MR. LEE: Just really quick.

13 RE-CROSS-EXAMINATION

14 BY MR. LEE:

15 Q So you mentioned about the community
16 entertain the sit-down restaurant, it's okay for
17 that.

18 A Yes.

19 Q But sit-down restaurant, as far as I
20 know, probably occupancy, seating capacity will
21 be 30 or a 50. How can you accommodate a parking
22 space? Because the community keep saying about

1 the parking spaces for the liquor store.

2 A You can't. You can't -- you asked me
3 what I would like and I told you what I would
4 like. Now, whether you can put it there or not
5 is another story.

6 MR. LEE: No further questions.

7 CHAIRPERSON ANDERSON: Mr. Edwards, do
8 you have any questions?

9 MR. EDWARDS: No questions. I'm
10 finished.

11 CHAIRPERSON ANDERSON: Ms. Williams,
12 thank you very much for your testimony.

13 THE WITNESS: Thank you.

14 CHAIRPERSON ANDERSON: You can step
15 down.

16 (Whereupon, the witness was excused.)

17 CHAIRPERSON ANDERSON: I think this is
18 our last witness? Who is our last witness?

19 MR. FLETCHER: Mr. Chair?

20 CHAIRPERSON ANDERSON: Yes?

21 MR. FLETCHER: Respectfully, I would
22 just like to say to the Board, we could have had

1 25, 30 --

2 CHAIRPERSON ANDERSON: I'm aware, sir.

3 MR. FLETCHER: -- you know, or more
4 residents here, but we understood that we wanted
5 to be as efficient and as effective as possible
6 with our witnesses. So with that being said, Mr.
7 Chair, we have two witnesses remaining.

8 CHAIRPERSON ANDERSON: Sir, you told
9 me you had 10 witnesses, sir. 10. This is --
10 you have done 9. You only have one more witness
11 to call. You have told me. I asked specifically
12 and -- no, I asked you --

13 MEMBER SILVERSTEIN: Enough is enough.

14 CHAIRPERSON ANDERSON: -- specifically
15 at the beginning of the hearing how many
16 witnesses you had.

17 MR. FLETCHER: Yes, but --

18 CHAIRPERSON ANDERSON: You told me 10.

19 MR. FLETCHER: Yes, Mr. Chair.

20 CHAIRPERSON ANDERSON: You have called
21 9 so far.

22 MR. FLETCHER: Understood.

1 Understood.

2 CHAIRPERSON ANDERSON: And you are way
3 over time, but I have been -- when Mr.
4 Silverstein had identified that you were at 85 of
5 your minutes, I said there are only three more
6 witnesses, so we will have the three witnesses
7 testify. So one more witness, sir, so you can
8 decide who is the best witness to call as your
9 last witness.

10 MR. FLETCHER: Thank you very much for
11 that understanding as well, Mr. Chair.

12 CHAIRPERSON ANDERSON: All right.

13 MR. FLETCHER: To the Members of the
14 Board. So therefore, we call Ms. Angel Austin to
15 the stand.

16 CHAIRPERSON ANDERSON: Ms. Austin, can
17 you raise your right hand, please?
18 Whereupon,

19 ANGEL AUSTIN
20 was called as a witness by Counsel for the
21 Protestant, and having been first duly sworn,
22 assumed the witness stand and was examined and

1 testified as follows:

2 MS. AUSTIN: (No audible answer.)

3 CHAIRPERSON ANDERSON: Your witness,
4 sir.

5 MR. FLETCHER: Thank you.

6 DIRECT EXAMINATION

7 BY MR. FLETCHER:

8 Q Good evening.

9 A Good evening.

10 Q Can you, please, introduce yourself?

11 A Yes. My name is Angel Austin. I am
12 a 37 plus year resident of the Single Member
13 District. I am the former ANC Commissioner. I
14 have been such for 10 years. I have watched the
15 neighborhood neighbors come and go, the
16 developers come and go, establishments come and
17 go.

18 So I have witnessed firsthand the
19 effects of establishments that sell beer and
20 wine. I was there when the Fish Market was
21 there. I was there when the Fish Market closed.
22 It was because of the Fish Market and the

1 loitering and the trash and the hanging out that
2 I became active.

3 Q Okay.

4 A We used to have to clean up the trash.

5 Q Okay. So, Ms. Austin, thank you so
6 much for that, that was very important to hear.
7 And next, can you also -- you said you were 30
8 plus year member of the Single Member District.

9 A Yes.

10 Q So can you talk -- and you were a
11 former commissioner. Can you talk about your
12 positions, your community involvements within
13 Ward 5 in the District of Columbia?

14 A Yes. So in that particular -- I was
15 born and raised in that Single Member District,
16 lived within a three block radius my entire life.
17 I was born on Decatur Street at the house that is
18 directly in the back yard of the liquor store.

19 After that, I didn't inherit a house.
20 I chose to purchase the house three blocks over,
21 because it is a liveable, walkable community for
22 my nieces, my future children and it's safe.

1 So in that, I worked for the past 10
2 years to make sure that liquor license
3 applications were not approved in our community,
4 because of the type of things that come along
5 with the liquor licenses.

6 Four Seasons has applied every four
7 years. The gas station has applied. Several
8 applicants have applied every three years. And
9 the same turnout you see today, we have seen over
10 and over again. It's not that it's owner, it's
11 what the alcohol brings.

12 Q So with that being said and you being
13 a 30 plus year resident, that means you can speak
14 to the previous commercial developments in that
15 corridor.

16 A Yes.

17 Q What were those previous commercial
18 developments as you know them to be?

19 A Prior to it being vacant, it was a
20 barbershop a longstanding barbershop and a
21 longstanding beauty salon.

22 Q And what did those community -- what

1 did those establishments mean to the community at
2 that time?

3 A They supported the community. They
4 were family-oriented. They were residents who
5 worked and operated the barbershop and the beauty
6 salon. It was a place where people met and
7 gathered and talked about local politics, talked
8 about families. While your parents were getting
9 their hair done, the kids were playing in those
10 establishments.

11 Q So let's be clear also here, Ms.
12 Austin, are you opposed to the consumption of
13 alcohol in your neighborhood, in our
14 neighborhood?

15 A I'm not opposed to the consumption of
16 alcohol in my neighborhood.

17 Q Are you opposed to establishments that
18 have or sell alcohol within the community?

19 A I have concern with it. It is what
20 happens when you leave the establishment as you
21 walk down the street, your bottles end up in my
22 community.

1 Q So right. When I say -- so I want to
2 be clear, my question to -- so when I say sell,
3 I'm not talking about selling bottles.

4 A No.

5 Q What I'm talking about --

6 A Restaurants, I have no problem.

7 Q -- restaurants, a winery, a brewery.

8 A Winery, I have some concerns with.

9 Breweries, I have concerns with, because the
10 reality is, again, when you sit and you drink,
11 once you leave, it is what you do when you leave.
12 If you -- if people are -- if you are selling
13 singles, for example a liquor store, it's the
14 people that are trying to get single beers and
15 trying to get money that are walking down our
16 streets looking in our cars to break in for loose
17 change. That's a concern of mine.

18 It's the people who loiter, hanging
19 around, waiting for people to come out when it is
20 dark to rob folks, that's my concern because
21 people will do what they need to do to get a fix
22 or to get a drink. So those are my concerns.

1 It is when there is no parking and you
2 block the sidewalk. One of the owners -- someone
3 said earlier oh, there is street parking up the
4 hill. That's not legal parking. They park there
5 because there isn't adequate parking.

6 Q Okay. So again, so you talked about
7 the parking issues, you know, but I also, I
8 guess, want to be clear, not clear, I want to
9 make sure that I am hearing you correctly.

10 So when it comes to business
11 development coming to North Michigan Park, are
12 you against businesses coming to North Michigan
13 Park?

14 A Not at all.

15 Q Okay.

16 A Not at all.

17 Q Are you somebody that would mind
18 traveling more than a mile, more than 500 feet to
19 purchase alcohol to take out?

20 A Yes. If it maintains the quality of
21 my neighborhood, we have traveled for the past 25
22 years, .8 miles and further to get liquor. There

1 is no problem with containing it.

2 Q Now, when I talk about the settlement
3 agreement, you know, again opposing counsel
4 talked about a settlement agreement, a proposed
5 settlement agreement. Is this something that you
6 were aware of at all?

7 A No, I was not. And the day that I
8 spoke to you, on Election Day, I said it's mighty
9 funny how there was no talk of a settlement
10 agreement before all of the ANC Commissioners ran
11 unopposed, because if there was talk about a
12 settlement agreement and we knew that you all
13 were talking about a settlement agreement, then
14 seats would not have been unopposed, because we
15 were adamant about not having a liquor store in
16 our community.

17 MR. FLETCHER: Thank you, Mr. Chair.
18 No other questions.

19 CHAIRPERSON ANDERSON: Yes, Mr. Lee?

20 MR. LEE: No questions.

21 CHAIRPERSON ANDERSON: Any questions
22 by any Board Members?

1 MEMBER SHORT: I have a question.

2 CHAIRPERSON ANDERSON: Yes, Mr. Short?

3 MEMBER SHORT: This hearing is about
4 peace, order and quiet.

5 THE WITNESS: Um-hum.

6 MEMBER SHORT: The testimony we have
7 heard today and the testimony I have heard, as a
8 Board Member, I'm kind of convinced that maybe
9 this neighborhood will have a problem with peace,
10 order and quiet.

11 THE WITNESS: Yes, sir.

12 MEMBER SHORT: Can you tell me how
13 peace, order and quiet would be a concern to you
14 as a resident of North Michigan Park?

15 THE WITNESS: Yes, sir. So when you
16 talk about peace, order and quiet, we think about
17 young people that are 21 and older. The liquor
18 store is still open at 10:00 when they pull up,
19 their music is loud. The music is loud. They
20 are loud. A lot of them have had drinks prior to
21 coming into the -- going to the liquor store.

22 You could be driving down the street

1 and say oh, there is a liquor store, I'm on my
2 way to my friend's house, they are going to pull
3 up. They are honking their horns if they see
4 somebody they know. There is no parking, so they
5 park on the streets, on Decatur Street, on 12th
6 Street and walk across the street. So that's
7 noise.

8 When you talk about peace and order,
9 we talk about the loitering. Most drunk people
10 aren't quiet. They are loud. Surrounding the
11 liquor store on all four sides, front sides and
12 back is housing. And so at 10:00 at night, our
13 residents are majority seniors. They are asleep.
14 I don't have to be a senior, but I am at work at
15 6:00 in the morning, so at 10:00 at night, I'm
16 asleep.

17 Noise is an issue. It cause -- it
18 breaks our peace. When there is a high crime
19 rate, it makes our property value go down and if
20 they are loitering, looking into cars, there is a
21 safety issue that is proposed to our
22 neighborhoods.

1 MEMBER SHORT: Thank you very much for
2 your testimony.

3 THE WITNESS: Yes, sir.

4 MEMBER SHORT: Thank you. That's all
5 I have, Mr. Chair.

6 CHAIRPERSON ANDERSON: And if you
7 don't know this question, Ms. Austin, you don't.
8 So what happened to the barbershop and the hair
9 salon in that shopping center?

10 THE WITNESS: From what we were told,
11 it was -- they left because of slumlord
12 situations. And I can attest to that because
13 when --

14 CHAIRPERSON ANDERSON: I'm sorry, what
15 situation?

16 THE WITNESS: Slumlord.

17 MR. EDWARDS: Slumlord.

18 THE WITNESS: Situations where they --
19 the owners weren't maintaining the property. I
20 can attest to that because when the building went
21 up for lease, I went to occupy the -- I contacted
22 the owner to occupy and did a walk-through and

1 the building is in horrible shape. So they left
2 because it was not being well-maintained, well-
3 upkeep, well-upkept and they just weren't doing
4 what needed to be done as owners.

5 CHAIRPERSON ANDERSON: So why would
6 not having a liquor store there -- why wouldn't
7 that -- how is that going to make the property
8 any worse than it currently is? If you are
9 saying that there are currently issues with the
10 property, so if you have a liquor store there who
11 is, as he presents today, that okay, I'm a
12 businessman. I'm going to do this. I'm very
13 community-minded. I'm going to work with the
14 community.

15 So how would his presence there not
16 make this shopping mall a better --

17 THE WITNESS: It's not what he will do
18 as the owner. It's what he is bringing. It's
19 his product. It's what his product will bring to
20 our neighborhood. His product will bring
21 unattractive folks to our community.

22 For example, you would be surprised

1 how many people again like she said they catch
2 the bus, because when you think you can get away
3 with something, you do it until you get caught.
4 They catch the bus and sit and loiter until we do
5 something.

6 Back in the day, we established the
7 Orange Hats because the liquor store was -- the
8 beer and wine store was there. Crime had gotten
9 out of control. The community stepped in and
10 created the Orange Hats and we ran, the community
11 here ran, folks away.

12 So we try to keep a visible presence.
13 Yes, he will bring improvements, but the liquor
14 that he brings, you can't control how much people
15 consume and how they react after they consume the
16 liquor. So that's what will tear down any
17 beautification he brings to our community.

18 CHAIRPERSON ANDERSON: Okay. All
19 right. Any questions, any other questions? Any
20 questions, Mr. Lee?

21 MR. LEE: Just one question.

22 CROSS-EXAMINATION

1 BY MR. LEE:

2 Q You opposed the settlement agreement,
3 in the settlement agreement do you know that Mr.
4 Choi agree to how can we cooperate with the PSA
5 as well MPD police and then we will adjust the
6 hours of operation. Most liquor store open up
7 until midnight, but community don't want it. So
8 we just cut down. We agree on it.

9 That kind of stuff, he try to adjust
10 the community demand, do you know that?

11 A I'm not aware of that, because I
12 wouldn't have even had that conversation, because
13 why would we drain our resources in PSA-5A0 -- in
14 PSA 405 to accommodate something that we don't
15 need in the first place?

16 (Simultaneous Speaking)

17 Q Now, he want to be part of your
18 community. As a part of that and he now going to
19 agree --

20 A I am not aware --

21 Q -- if he --

22 A -- of a settlement agreement.

1 CHAIRPERSON ANDERSON: Hold on, hold
2 on.

3 THE WITNESS: I don't know anything
4 about it.

5 CHAIRPERSON ANDERSON: Let him ask the
6 question before you answer.

7 THE WITNESS: Okay. I apologize.

8 BY MR. LEE:

9 Q If he just here for profit, doing
10 business down here, he probably not propose like
11 that. And then he just accommodate entertaining
12 community demand. I'm not sure that as a
13 community member, do you know he is willing to
14 attend a part of that?

15 A No, sir, I'm not familiar with the
16 settlement agreement.

17 MR. LEE: No further questions.

18 CHAIRPERSON ANDERSON: Mr. Edwards?

19 MR. EDWARDS: No questions.

20 CHAIRPERSON ANDERSON: Okay. Well,
21 thank you very much, Ms. Austin, for your
22 testimony. It's actually -- we waited so long,

1 so thank you very much for your testimony. All
2 right.

3 (Whereupon, the witness was excused.)

4 CHAIRPERSON ANDERSON: All right. So
5 now it is time for closing. And so do you want a
6 couple of minutes to prepare yourself to close or
7 do you want to go right into closing?

8 And basically, what will occur is that
9 the applicant would go first and the protestant
10 would go after. So do you want a couple of
11 minutes to put your closing thoughts together or
12 are you just ready to move forward?

13 MR. FLETCHER: The protestant, we are
14 ready to move forward, at this time.

15 CHAIRPERSON ANDERSON: All right. So
16 the applicant, you can -- so in the closing,
17 you'll let me know what it is that you are
18 seeking and what is it that you are asking the
19 Board to do?

20 MR. LEE: Yeah. I have a closing.
21 And as you know in D.C., there are approximately
22 250 liquor stores, which most of them are well-

1 maintained. There is no proof and the protestant
2 failed to prove that this specific applicant, Mr.
3 Choi, can be one of the worst operating liquor
4 store owners.

5 It is mere speculation that granting
6 the license will lead to more crimes. Fair
7 credit should be given to the -- Mr. Choi
8 testified about the successful operating as a
9 Class A License in D.C. before. And the
10 presented steps to Mr. Choi to take to mitigate
11 potential, never to be an effect on the peace,
12 order and quiet of the community.

13 I'm just focused on that. According
14 to the protest report and the ABRA Investigator's
15 testimony today, ABRA Investigator was unable to
16 substantiate the protestant's claims. They give
17 the fact. Mr. Choi strongly believes to go --
18 there is sufficient cause for granting the
19 license.

20 Mr. Choi really hopes that the Board
21 makes a favorable decision to the application.
22 And we will definitely discuss with the landlord

1 again and we will find out landlord has lack of
2 kind of ideas about what are community concerns.
3 I just more focused on the landlord actively
4 involved on this community first and then he will
5 take over the other tenants to talk about how we
6 have improved that property.

7 Then how can we measure the well-
8 maintained liquor store, wine and liquor store in
9 D.C.

10 CHAIRPERSON ANDERSON: Thank you.

11 MR. LEE: And that --

12 CHAIRPERSON ANDERSON: Oh.

13 MR. LEE: -- Mr. Choi ask him just
14 give him one minute to say as a part of my
15 closing.

16 MR. CHOI: Dear ABC Board Members and
17 the loyal residents, I also love peace. I also
18 do not want to down my property value. It is
19 same concern over yours. All the parents always
20 worry about children -- and on peaceful life.

21 I have two sons and grandson with my
22 wife. It is same kind of family member of yours,

1 so I think your concern is my concern. And so
2 now I wanted to tell you let's go together for
3 better community. I do my best. Thank you for
4 listening.

5 CHAIRPERSON ANDERSON: Thank you. Who
6 is doing the closing?

7 MR. FLETCHER: I am, Mr. Chair.

8 CHAIRPERSON ANDERSON: Go ahead, sir.

9 MR. FLETCHER: Thank you. Members of
10 the Board, thank you so much for your time in
11 listening to us and our witnesses this evening.
12 And first and foremost, I would like to say to
13 the applicant, as one of our witnesses stated
14 tonight, this is not anything against him. He
15 seems like he is a fine man. He seems like he
16 wants to do well in his life and for his family.

17 However, this is about a community
18 that has had no liquor stores there for over 50
19 years. This is about a community that has been
20 supported by our Council Member Kenny McDuffie.
21 This is a community that received over 300
22 petitions -- signatures talking about and

1 evidencing that we do not want a liquor store
2 here.

3 We, the protestants, have proved our
4 case under DC Code 25-313, that the liquor store
5 does not meet the appropriateness standard.

6 You heard testimony from well-known,
7 long-time residents, such as Grace Lewis, Bill
8 Smith, Robert Oliver. You heard from new
9 residents, such as Peter Bishop. And yes, Peter
10 Bishop did say that he would move to the
11 community even if -- even though there would be a
12 liquor store here, but you heard from a newer
13 resident, Nandini Singh, who has a young family
14 and she said unequivocally she would not have
15 moved here if there was a liquor store.

16 The plaintiff said he wants to be part
17 of the community. The applicant said he wants to
18 be part of the community. And I appreciate those
19 words. We appreciate those words. However,
20 between him and the owner of the shopping center,
21 that has not been proven.

22 The applicant and the shopping mall

1 owner has not attended many community meetings.
2 The applicant has attended maybe a few, maybe one
3 or two. The shopping mall owner who has been
4 there for years, has not attended one. They
5 left. They are not even here.

6 So when Mr. Lee -- I'm sorry, when Mr.
7 Lee and the applicant states that they will be
8 able to persuade or control the other owners,
9 other tenants to do something better, how can
10 they do that when they can't even make sure that
11 the owner, shopping mall owner is present until
12 the end of this hearing?

13 You heard testimony that evidenced
14 that a liquor store would interfere with the
15 peace, order and quiet of the community, because
16 there has never been a liquor store in North
17 Michigan Park.

18 You heard testimony from Ms. Hazel
19 Franklin that proved that the proposed liquor
20 store will bring down real property values in the
21 community because of the increased probability of
22 crime and loiterers.

1 I also want to make clear, the
2 community as a whole is not against economic
3 development. As Mr. Short said, business
4 development is coming and we understand that as a
5 community. We understand that a winery, a
6 distillery, a brewery, while some residents may
7 not want it, the overall majority of residents
8 would accept that, so, therefore, we understand
9 business.

10 However, this community has never had
11 a liquor store for reasons that you heard
12 tonight.

13 You heard testimony from witnesses
14 such as Peter Bishop who spoke to the current
15 issues of traffic and residential parking in
16 North Michigan Park, that evidence proved that a
17 liquor store would only create increased issues
18 with residential parking and traffic.

19 Therefore, after hearing all of this
20 testimony -- actually, before I do that, let me
21 say one more thing.

22 We have proved under our case under DC

1 Code 35-314, under the additional considerations
2 that a liquor store application should not be
3 approved.

4 You heard testimony from residents
5 such as Robert Oliver, president of Friends of
6 the Lamond-Riggs Library, that the proposed
7 location will be too close to schools, rec
8 centers, public libraries or a neighborhood
9 church, as Mr. Short alluded to.

10 Some of those other facilities are
11 North Michigan Park Rec Center, the Boy's Town
12 facility for kids that come from troubled homes,
13 St. Anselm's Abbey, Hospital For Sick Children,
14 the Lamond-Riggs Library.

15 Thus, for all these reasons, we ask
16 and we pray that this Commission, this Board will
17 deny the application of Pax Liquor Store. Thank
18 you very much.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. All right. Before I close the
21 record, I know that there were several documents
22 and witnesses -- I'm sorry, documents that need

1 to be moved into evidence.

2 So let me start with the protestant.
3 I'm sorry, with the applicant. What documents is
4 it that you have that you want us to move into
5 evidence?

6 MR. LEE: I would say all of them.
7 Actually, all of the pictures.

8 CHAIRPERSON ANDERSON: Well, let's go
9 through. I want -- let's identify the documents
10 that you disclosed in your PIF.

11 MR. LEE: Yeah. We filed a new PIF
12 and the exhibit is pictures.

13 CHAIRPERSON ANDERSON: Hold on, hold
14 on. All right. So the documents that you have
15 in your PIF are, hold on, so you have I guess,
16 Exhibit 1, which is what? There is an exterior/
17 interior of the establishment?

18 MR. LEE: Yes.

19 (Whereupon, the above-
20 referred to document was
21 marked as Applicant Exhibit
22 No. 1 for identification.)

1 CHAIRPERSON ANDERSON: That's Exhibit

2 1.

3 MR. LEE: And then after cleaning and
4 before cleaning.

5 CHAIRPERSON ANDERSON: I'm sorry, what
6 are those?

7 MR. LEE: Before cleaning and after
8 cleaning, that's a picture, part of that.

9 CHAIRPERSON ANDERSON: So all the
10 pictures?

11 MR. LEE: Yeah, all the pictures.

12 CHAIRPERSON ANDERSON: And then you
13 have --

14 MR. LEE: A copy of settlement
15 agreement of the Congressional Market.

16 CHAIRPERSON ANDERSON: Okay.

17 (Whereupon, the above-
18 referred to document was
19 marked as Applicant Exhibit
20 No. 2 for identification.)

21 MR. EDWARDS: We would object to that.

22 CHAIRPERSON ANDERSON: I'm sorry?

1 MR. EDWARDS: We didn't talk about the
2 settlement agreement.

3 MR. LEE: No, no, that's the
4 Congressional Liquor before he own.

5 CHAIRPERSON ANDERSON: No, it's not
6 this. It's --

7 MR. LEE: It's not --

8 CHAIRPERSON ANDERSON: -- a settlement
9 agreement that -- we had testimony on a
10 settlement agreement, not on this -- not on the
11 proposed settlement agreement, but this is an
12 establishment that is a settlement agreement that
13 -- for another establishment that he wants to --

14 MR. LEE: Yes.

15 CHAIRPERSON ANDERSON: And we did have
16 testimony on that agreement. All right.

17 MR. LEE: And list of supporters.

18 (Whereupon, the above-
19 referred to document was
20 marked as Applicant Exhibit
21 No. 3 for identification.)

22 CHAIRPERSON ANDERSON: I'll take it

1 for what it is worth. I mean, I have heard that
2 people -- there were disputes about this list,
3 but I'll take it for what it is worth. We will
4 give it -- I'll give it whatever weight it's
5 worth. Okay.

6 MR. LEE: And --

7 CHAIRPERSON ANDERSON: I know you have
8 a list of supporters, sir, and they have a list
9 of supporters, so I will take it for whatever it
10 is worth.

11 MR. EDWARDS: I get it, but we wanted
12 to make sure while you were taking it that you
13 understood that most of those people live more
14 than five -- 2 or 3 miles from the facility.

15 CHAIRPERSON ANDERSON: As I said, sir,
16 I will --

17 MR. EDWARDS: Some of them live in
18 Maryland.

19 CHAIRPERSON ANDERSON: -- give it the
20 weight that it needs to be given.

21 MR. EDWARDS: Okay.

22 CHAIRPERSON ANDERSON: All right.

1 What else, sir?

2 MR. LEE: And the last one is a copy
3 of Wagshal's citation offered to the applicant.

4 (Whereupon, the above-
5 referred to document was
6 marked as Applicant Exhibit
7 No. 4 for identification.)

8 CHAIRPERSON ANDERSON: Okay. There
9 was testimony on that. What else?

10 MR. LEE: That's it.

11 CHAIRPERSON ANDERSON: That's it?

12 MR. LEE: Yes.

13 CHAIRPERSON ANDERSON: Okay. So I'll
14 move -- any objections?

15 MR. EDWARDS: No objections.

16 CHAIRPERSON ANDERSON: So I'll move
17 all those documents into evidence without
18 objection.

19 (Whereupon, the above-
20 referred to documents were
21 received into evidence as
22 Applicant Exhibit No. 1

1 through 4.)

2 CHAIRPERSON ANDERSON: All right. For
3 the protestant, what are the documents that -- I
4 think I finally have all your documents and
5 exhibits. So let's go through the documents and
6 exhibits that you disclosed. So let us try to
7 identify what they are.

8 MR. EDWARDS: All right. The first
9 one, yes? Are you ready?

10 CHAIRPERSON ANDERSON: Yes, I'm ready.
11 Go ahead.

12 MR. EDWARDS: Okay. So then on the
13 first set, No. 2 is the letter from the Council
14 Member.

15 CHAIRPERSON ANDERSON: Hold on. I
16 don't recall seeing that. That exhibit -- I
17 don't recall seeing that. I have not --

18 MR. EDWARDS: That would have been
19 with the original PIF that was submitted. That
20 was Exhibit No. 2.

21 CHAIRPERSON ANDERSON: All right. I
22 don't have your -- I think I have your second --

1 MR. EDWARDS: Oh, you just have got
2 the second?

3 CHAIRPERSON ANDERSON: I don't -- hold
4 on, hold on, hold on a minute. What number
5 exhibit you said that is?

6 MR. EDWARDS: It is exhibit number --
7 well, it's the exhibit list that was sent in with
8 the PIF.

9 CHAIRPERSON ANDERSON: The reason why
10 -- let me ask you. Is it an exhibit yours that
11 says Notice of Meeting and Invitation to
12 Participate With the -- is that yours?

13 MR. FLETCHER: No.

14 MR. EDWARDS: No.

15 CHAIRPERSON ANDERSON: No?

16 MR. FLETCHER: That's not ours.

17 MR. EDWARDS: Notice of meeting?

18 CHAIRPERSON ANDERSON: So that's not
19 yours. Yeah, because I have exhibit -- yeah, I
20 have three exhibits because this -- the exhibits
21 I have for you -- this is what I'm going to ask
22 you to do. I don't have it.

1 MR. EDWARDS: Okay.

2 CHAIRPERSON ANDERSON: So I'm going to
3 ask you to literally give me a copy of these
4 documents --

5 MR. EDWARDS: Okay. We will.

6 CHAIRPERSON ANDERSON: -- you are
7 talking about. If I don't have it, I'll ask you
8 for it. So what is the first -- so you are say
9 Exhibit 1 is -- what is that?

10 MR. EDWARDS: Okay. Well, okay, let's
11 do this. I had -- we submitted two sets.

12 CHAIRPERSON ANDERSON: All right.

13 MR. EDWARDS: Okay. And I want to
14 start with the first set and in that there is a
15 letter from the Council Member.

16 CHAIRPERSON ANDERSON: Okay. So the
17 first one is a letter from the Council Member.

18 MR. EDWARDS: Um-hum.

19 CHAIRPERSON ANDERSON: I don't have
20 that, so I need you to physically give me a copy
21 of it, if you so have.

22 MR. EDWARDS: I'll give you what I

1 have. I can give it to you.

2 CHAIRPERSON ANDERSON: So the first
3 one is a letter from the Council Member. We did
4 have testimony regarding that.

5 (Whereupon, the above-
6 referred to document was
7 marked as Protestant Exhibit
8 No. 1 (original PIF) for
9 identification.)

10 MR. FLETCHER: May I approach and give
11 it to you now or you want --

12 CHAIRPERSON ANDERSON: Why don't you
13 just compile them?

14 MR. FLETCHER: Put it all --

15 CHAIRPERSON ANDERSON: Right. If I
16 don't have it, I'll tell you what I don't have.

17 MR. FLETCHER: Okay.

18 CHAIRPERSON ANDERSON: All right.

19 MR. EDWARDS: And then Exhibits 3 and
20 4 on that list were the MPD Crime Statistics, but
21 it seems like they weren't well-received, so we--

22 CHAIRPERSON ANDERSON: Is --

1 MR. FLETCHER: Don't even say that.

2 Just don't even --

3 MR. EDWARDS: We can just leave those
4 out.

5 CHAIRPERSON ANDERSON: All right.

6 MR. EDWARDS: So then Exhibit 5 is the
7 chronology of incidents of violence around liquor
8 stores.

9 CHAIRPERSON ANDERSON: Hold on. Hold
10 on a minute.

11 MR. EDWARDS: I can give you a copy of
12 this, if you want.

13 CHAIRPERSON ANDERSON: All right.
14 Okay.

15 MR. EDWARDS: Because this sheet has
16 the 11 exhibits on it.

17 CHAIRPERSON ANDERSON: The problem is
18 that I think I have your second set of exhibits.
19 I don't have your first set.

20 MR. EDWARDS: Right.

21 CHAIRPERSON ANDERSON: So --

22 MR. EDWARDS: I understand.

1 CHAIRPERSON ANDERSON: -- just tell me
2 what they are, yeah, all right.

3 MR. EDWARDS: So in the first set it
4 includes the incidents of violence around liquor
5 stores.

6 (Whereupon, the above-
7 referred to document was
8 marked as Protestant Exhibit
9 No. 5 (original PIF) for
10 identification.)

11 MR. EDWARDS: It's the liquor store
12 location analysis, it's the study of -- from
13 Harvard Kennedy School and the Academy Mortgage
14 Corporation. And then it's the signatures, the
15 neighborhood opposition signatures and their
16 poll, meeting attendees, people who signed in
17 opposition at the meetings.

18 And then the second set of exhibits
19 would include the aerial map for 1954 and the
20 2018 area map within 400 feet of 4944. We have
21 statements from Mr. Oliver. We have excerpts
22 from the Washington Post. We have the dismissal

1 of the Four Seasons application convenience
2 store. We have excerpts from the alcohol outlet
3 and violent crimes in D.C., that study.

4 We have tonight -- let's see, those
5 things would be statements of Hazel Franklin and
6 several of our witnesses that were not talked
7 about tonight, but we want to include them.

8 CHAIRPERSON ANDERSON: All right. Let
9 me ask you a question. I'm not going to -- I'm
10 only going to include the statements of witnesses
11 who have testified, so if the person hasn't
12 testified, then I'm not going to allow statements
13 from someone who has not testified.

14 MR. EDWARDS: Okay.

15 CHAIRPERSON ANDERSON: So who -- I saw
16 statements, so as I said before, I have some of
17 your exhibits. So what statements -- what were
18 the statements of the folks who have testified?
19 What -- which ones are those?

20 MR. EDWARDS: We got Hazel Franklin
21 has a statement in there.

22 MR. FLETCHER: Robert Oliver.

1 MR. EDWARDS: Robert Oliver has a
2 statement in there.

3 MR. FLETCHER: Does Bill Smith? I
4 don't think so.

5 MR. EDWARDS: No.

6 MR. FLETCHER: Okay.

7 MR. EDWARDS: I think those are the
8 only two written statements that we have and
9 testified.

10 CHAIRPERSON ANDERSON: All right.

11 MR. EDWARDS: And so that is pretty
12 much it.

13 CHAIRPERSON ANDERSON: So I would like
14 you to give me a copy of those documents. I have
15 some of them jumbled here, but they are in no --
16 they are not in -- I'll tell you what I have.
17 Okay? I have -- okay. We are not doing this,
18 the crime statistics.

19 We are -- the aerial map I have the
20 aerial map.

21 MR. EDWARDS: Okay.

22 CHAIRPERSON ANDERSON: I have the

1 statement of Robert Oliver. You have the
2 excerpts of Washington Post article.

3 MR. EDWARDS: Right.

4 CHAIRPERSON ANDERSON: I have the
5 dismissal of the Four Seasons Convenience Store.

6 MR. EDWARDS: Okay.

7 CHAIRPERSON ANDERSON: I have the
8 Johns Hopkins study. I think I have the alcohol
9 outlets and violence in D.C.

10 MR. EDWARDS: Um-hum.

11 CHAIRPERSON ANDERSON: I don't know if
12 this one -- you didn't talk about this
13 application to conduct community protest approval
14 permits. No, that's not -- you didn't talk about
15 that one. We didn't talk about the community
16 protest marches Facebook posts. We didn't talk
17 about that.

18 MR. EDWARDS: We probably didn't refer
19 to it, but the -- we talked about it.

20 MR. FLETCHER: Yeah.

21 CHAIRPERSON ANDERSON: So you are --
22 so that's a document that you are trying to --

1 MR. EDWARDS: Yes.

2 CHAIRPERSON ANDERSON: -- you want

3 to --

4 MR. EDWARDS: Yes.

5 MR. FLETCHER: Yes.

6 CHAIRPERSON ANDERSON: What other

7 documents?

8 MR. EDWARDS: What other documents?

9 CHAIRPERSON ANDERSON: I said

10 photographs of the loitering.

11 MR. EDWARDS: Yeah.

12 CHAIRPERSON ANDERSON: We have that.

13 We talked about that one.

14 MR. EDWARDS: Okay. You have got the

15 Council Member letter?

16 CHAIRPERSON ANDERSON: I --

17 MR. EDWARDS: Or I need to give you

18 that?

19 CHAIRPERSON ANDERSON: -- don't have

20 the Council Member letter.

21 MR. EDWARDS: Okay. I'll give you

22 that. All right.

1 CHAIRPERSON ANDERSON: What else?

2 MR. EDWARDS: Did you get the studies
3 from the Academy Mortgage Corporation and the
4 Center for American Progress as case studies of
5 the eight American cities that Ms. Franklin
6 talked about?

7 CHAIRPERSON ANDERSON: I know Miss --
8 I don't see that. I don't see that, so you can
9 give that.

10 MR. EDWARDS: I'll give you that,
11 okay. I think those are -- and so our petition
12 signatures, those are going in there, right? All
13 of our -- we talked about those.

14 CHAIRPERSON ANDERSON: Yes.

15 MR. EDWARDS: The 300 or so
16 signatures.

17 CHAIRPERSON ANDERSON: We will give it
18 the weight that it is worth.

19 MR. EDWARDS: Okay. All right. And
20 I think that's pretty much it.

21 CHAIRPERSON ANDERSON: All right.
22 Okay. I know the Board has read, although I

1 don't have it in front of me, but I know that the
2 Board has read a while back the letter from
3 Council Member McDuffie.

4 MR. EDWARDS: I have one and I'll make
5 sure you get it.

6 CHAIRPERSON ANDERSON: We have it in
7 our records.

8 MR. EDWARDS: Oh, you have it?

9 CHAIRPERSON ANDERSON: It was -- I'm
10 just saying it's not in front of me currently.

11 MR. EDWARDS: Okay.

12 CHAIRPERSON ANDERSON: However --

13 MEMBER SHORT: I think you should put
14 it with -- make sure you put it with the others.

15 MR. EDWARDS: Right.

16 MEMBER SHORT: To honor it, Mr. Chair.

17 CHAIRPERSON ANDERSON: I was told by
18 the Agency that we do have that.

19 MEMBER SHORT: I remember seeing --

20 CHAIRPERSON ANDERSON: That we do have
21 the letter.

22 MEMBER SHORT: -- yeah, I do remember

1 seeing that about a couple months ago.

2 CHAIRPERSON ANDERSON: All right. All
3 right.

4 MR. EDWARDS: We can give it to you
5 now.

6 CHAIRPERSON ANDERSON: All right.
7 Okay. So okay, so we have -- all right, so those
8 are the documents that are a part of the record.

9 (Whereupon, the above-
10 referred to documents were
11 marked as Protestant Exhibit
12 No. 1 through 13 (original
13 PIF and Amended PIF) for
14 identification and were
15 received into evidence.)

16 CHAIRPERSON ANDERSON: All right.
17 Fine. All right. With that, the record is now
18 closed.

19 Now, this is a question I'm going to
20 ask you and you guys can decide on what you are
21 going to do. There is something called do the
22 parties wish to file proposed findings of fact

1 and conclusions of law or waive their right to do
2 so?

3 Meaning what that is is that do you
4 want to wait until the transcripts are available
5 to read the transcript? You are not making new
6 law, you are just telling us this is what the
7 facts are and this is how we should rule or do
8 you want to waive that?

9 MR. EDWARDS: We will waive that.

10 MR. FLETCHER: Yes.

11 CHAIRPERSON ANDERSON: That's fine.

12 Therefore, the Board will then issue a decision
13 within 90 days. So we will -- well, we are going
14 to deliberate tonight. We are going to make a
15 decision, but you are not going to know until
16 about 90 days what the -- in due course, but less
17 than 90 days what the decision is.

18 And one of the reasons why we are
19 going to do it today, I want to make sure that it
20 is fresh in our minds, so therefore we don't have
21 folks trying to remember what it was like,
22 because we do have a lot of cases that we do and

1 I prefer that we discuss them while it's fresh,
2 rather than trying to remember what is it or what
3 decision was made.

4 So we will issue a decision in 90
5 days. So let me close these proceedings. There
6 are certain things when we have a hearing from a
7 legal perspective I have to make certain readings
8 and certain findings, so that's what I'm trying
9 to handle that, so we can do that. All right.

10 So as Chairperson of the Alcoholic
11 Beverage Control Board for the District of
12 Columbia and in accordance with DC Official Code
13 Section 2-574(b) of the Open Meetings Act, I move
14 that the ABC Board hold a closed meeting for the
15 purpose of seeking legal advice from our counsel
16 on Case No. 18-PRO-00071, Pax Spirits, pursuant
17 to DC Official Code Section 2-574(b)(4) of the
18 Open Meetings Act and deliberating upon Case No.
19 18-PRO-00071, Pax Spirits, for the reasons cited
20 in DC Official Code Section 2-574(b)(13) of the
21 Open Meetings Act. Is there a second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. I will now take a roll call
3 vote on the motion before us now that it has been
4 seconded.

5 Ms. Wahabzadah?

6 MEMBER WAHABZADAH: I agree.

7 CHAIRPERSON ANDERSON: Mr.

8 Silverstein?

9 MEMBER SILVERSTEIN: I agree.

10 CHAIRPERSON ANDERSON: Mr. Short?

11 MEMBER SHORT: I agree.

12 CHAIRPERSON ANDERSON: Mr. Cato?

13 MEMBER CATO: I agree.

14 CHAIRPERSON ANDERSON: Mr. Anderson?

15 I agree.

16 As it appears that the motion has
17 passed, I hereby give notice that the ABC Board
18 will recess these proceedings to hold a closed
19 meeting in the ABC Board conference room pursuant
20 to Section 2-574(b) of the Open Meetings Act.

21 And so that is over and I need to also
22 close the record.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with DC Official Code
4 Section 2-574(b), closed meetings, and Section 2-
5 574, Notice of Meetings, of the Open Meetings
6 Act, I move that the ABC Board hold a closed
7 meeting on January 30, 2019 for the purpose of
8 discussing and hearing reports concerning ongoing
9 or planned investigations of alleged criminal or
10 civil misconduct or violations of law or
11 regulations and seeking legal advice from our
12 counsel on the Board's Investigative, Legal and
13 Licensing Agenda for January 30, 2019 as
14 published in the DC Register on January 18, 2019.
15 Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIRPERSON ANDERSON: Mr. Silverstein
18 has seconded the motion. I will now take a roll
19 call vote on the motion before us now that it has
20 been seconded.

21 Ms. Wahabzadah?

22 MEMBER WAHABZADAH: I agree.

1 CHAIRPERSON ANDERSON: Mr.
2 Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON ANDERSON: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON ANDERSON: Mr. Cato?

7 MEMBER CATO: I agree.

8 CHAIRPERSON ANDERSON: Mr. Anderson?
9 I agree.

10 As it appears that the motion has
11 passed, I hereby give notice that the ABC Board
12 will hold this aforementioned closed meeting
13 pursuant to the Open Meetings Act. Notice will
14 also be posted on the ABC Board hearing room
15 bulletin board, placed on the electronic calendar
16 on ABRA's website and published in the DC
17 Register in as timely a manner as practicable.

18 It is 11:12 p.m. and we are adjourned
19 for the day. I want to thank the parties for
20 being here today. I hope that everyone who
21 needed to speak had an opportunity to speak.

22 The Board will make a decision and we

1 will make the decision, so thank you for being
2 here today.

3 MR. EDWARDS: Thank you.

4 CHAIRPERSON ANDERSON: We are off the
5 record. Thank you.

6 (Whereupon, the Protest Hearing was
7 concluded at 11:12 p.m.)

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Before: DCABRA

Date: 01-16-19

Place: Washington, DC

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Court Reporter

NEAL R. GROSS

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