

IN THE MATTER OF:	:
	:
Hope Lounge, LLC,	:
t/a Peace Lounge	:
2632 Georgia Ave NW,	: Show Cause
Retailer CT - ANC 1B	: Hearing (Status)
License No. 106785	:
Case #18-CMP-00070	:
	:
(Operating after Hours)	:

Wednesday
June 20, 2018

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, JR., Member
DONALD ISAAC, SR., Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

CHRISTINE GEPHARDT, OAG
EMA GABISA, LICENSEE
VERI ETAMA, LICENSEE

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

9:51 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 18-CMP-00070, Peace Lounge, License No. 106785.

Will the parties, please, approach and identify themselves for the record, please?

MS. GEPHARDT: Chrissy Gephardt here on behalf of the Office of the Attorney General.

CHAIRPERSON ANDERSON: Good morning, Ms. Gephardt.

MS. GEPHARDT: Good morning.

MR. GABISA: Ema Gabisa from Peace Lounge.

CHAIRPERSON ANDERSON: I'm sorry, your last name, sir?

MR. GABISA: Gabisa, G-A-B-I-S-A.

CHAIRPERSON ANDERSON: Thank you, Mr. Gabisa. Yes, ma'am?

MS. ETAMA: Betty Etama.

CHAIRPERSON ANDERSON: Betty? What's your last name?

1 MS. ETAMA: Etama, E-T-A-M-A.

2 CHAIRPERSON ANDERSON: Ms. E-T-A-M-A.

3 All right. Are there any preliminary matters in
4 this case?

5 MS. GEPHARDT: Yes, there are. The
6 parties have agreed on an Offer in Compromise to
7 consist of for Charge 1 a \$2,250 fine to be paid
8 in 60 days.

9 CHAIRPERSON ANDERSON: It's my
10 understanding that there is an Offer in
11 Compromise and the Offer in Compromise is that
12 there is a fine of \$2,250 payable in 60 days. Is
13 this your understanding of the Offer in
14 Compromise?

15 MR. GABISA: Yes, sir. But we would
16 like to make small remark about -- not about this
17 particular compromise, but I think they give us--
18 that give --

19 CHAIRPERSON ANDERSON: What is it that
20 you want to state?

21 MR. GABISA: So we personally believe
22 that there is a factual error in terms of the

1 anonymous complaint who made this particular
2 compliant saying that this establishment was
3 involved in a constant operation after hours.

4 We would like to make a remark that
5 there is an immediate in our understanding next
6 door that operates after hours and that has been
7 going on for a couple of years. And if you will
8 read the charge it says there were vehicles
9 parked outside and everything and that this --
10 our establishment was involved in after hour
11 operation.

12 But we would like to make statement
13 that the next door after hours operation has
14 given rise to a factual error in terms of
15 bringing the attention to our establishment, even
16 though we were not involved in a consistent
17 operation of after hours and we would like the
18 Board to give the attention to what is happening
19 next door, because it's affecting our business.

20 CHAIRPERSON ANDERSON: All right. All
21 right, sir.

22 MR. GABISA: Right, so I don't know --

1 not exactly sure about procedure, but we would
2 like to have an amendment of the charge, because
3 the charge is not fair to us. I don't know who
4 considered this.

5 And that night was the staff and the
6 team of promoters who were in the establishment
7 and we were not selling any alcohol. So I don't
8 know if it's fair for us to have the charge. I
9 don't know if it's fair for us to have the charge
10 amended, because this is meant to be on the
11 record and we were not involved in a consistent
12 violation of the rules.

13 CHAIRPERSON ANDERSON: Well, I think
14 the problem, sir, is that if you have accepted an
15 Offer in Compromise from the Government, and so
16 there is -- it's either this is the charge, you
17 have accepted it and we move on. If you are
18 contesting it, I mean, I can't make any changes.
19 There is nothing I can do. It's you have
20 presented to me to say the Government brought --
21 the charges were brought. You have said that you
22 have accepted it. And this is the offer that we

1 make.

2 And it's either the Board accepts or
3 rejects it. I can't -- there is nothing I can
4 do. I hear what you are -- I guess, for the
5 record, you have stated, so at some point there
6 is -- everything is -- we have a transcript, but
7 there is really -- I cannot address the concern
8 that you made.

9 MR. GABISA: Sir, we understand that
10 and we would like to have on the record that, I
11 mean, an illegal business is harming a legal
12 business and that's why we want to make that
13 remark and have it on the record.

14 CHAIRPERSON ANDERSON: All right. It
15 has been -- it is so noted. Okay?

16 MR. GABISA: Thank you.

17 CHAIRPERSON ANDERSON: All right. So
18 are you aware that by accepting an Offer in
19 Compromise -- so the Offer in Compromise is a
20 fine of -- I'm sorry, what was it? What was the
21 days, 60 days? I'm sorry, Ms. Gephardt. What
22 was the date to pay?

1 MS. GEPHARDT: 60 days to pay.

2 CHAIRPERSON ANDERSON: 60 days, yes.

3 MS. GEPHARDT: Yes.

4 CHAIRPERSON ANDERSON: It's my
5 understanding there is an Offer in Compromise of
6 a fine of \$2,250 payable in 60 days. Are you
7 aware that by accepting an Offer in Compromise,
8 that you are giving up your right to a hearing?

9 MR. GABISA: Yes, sir.

10 CHAIRPERSON ANDERSON: Are you also
11 aware that by accepting an Offer in Compromise,
12 that you are giving up your right to appeal this
13 matter?

14 MR. GABISA: (No audible answer.)

15 CHAIRPERSON ANDERSON: All right.
16 With that said, I then make a motion that the
17 Offer in Compromise of a fine of \$2,250 be
18 accepted payable in 60 days. If the fine is not
19 payable in 60 days, the license will be
20 suspended. Is there a second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 5-0-0.

6 I mean, now that the case is over,
7 sir, I wanted to say this to you. This is your
8 second primary tier violation. This is something
9 that you need to be very careful of, because if
10 you keep on getting primary tier violations, you
11 could end up losing your license.

12 So whatever it is, I know that you
13 stated on the record that there are issues with
14 the other establishment. If you believe that
15 there is another establishment that is close to
16 you, if they continue to operate after hours, you
17 can call ABRA. You can call the ABRA Hot Line.
18 you don't have to state who you are. You just
19 call the ABRA Hot Line to say that there is an
20 establishment, give the address, that is
21 operating after hours and if that is so, then
22 ABRA will come in and take care of it.

1 But you -- whatever is going on in
2 your establishment, sir, you now have two primary
3 tier violations. And so if you continue to have
4 primary tier violations, you could -- can lose
5 your license. So you can be concerned about what
6 your neighbor is doing. You need to make sure
7 that you are doing what you need to do, so you
8 can operate within the confines of the law.

9 And as I said before, if one of your
10 neighbors is doing something illegal, you call
11 ABRA. You can do it every night. You call ABRA,
12 we work, we are here and the Investigator will
13 come out. And if you believe that they are
14 bringing attention to you, well, but you have to
15 -- you need to do your part.

16 MR. GABISA: Yes, sir.

17 CHAIRPERSON ANDERSON: You need to
18 comply with the law. You can't say well, because
19 the person next door is not complying with the
20 law, I'm going to do the same thing, because you
21 are the one who is racking up the violations.

22 MR. GABISA: We have made all kinds of

1 calls to ABRA, police and it is a well-known fact
2 out there.

3 CHAIRPERSON ANDERSON: All right.

4 But --

5 MR. GABISA: And the fact the details
6 in the charge about vehicles are parking on the
7 street and people sometimes get confused between
8 our establishment and the next establishment.

9 CHAIRPERSON ANDERSON: All right.

10 MR. GABISA: Even people came to us
11 and say oh, this is after hour place. We say no,
12 we are not after hours.

13 CHAIRPERSON ANDERSON: Well, you need
14 to make sure. As I said before, you now have two
15 primary tier violations on your license and that
16 is very serious.

17 MS. ETAMA: If I can speak for a
18 minute?

19 CHAIRPERSON ANDERSON: You can speak,
20 ma'am. I mean, the case is over.

21 MS. ETAMA: I know, but I want you
22 guys understand.

1 CHAIRPERSON ANDERSON: Yes.

2 MS. ETAMA: I understand we have two
3 violations. This is the second one.

4 CHAIRPERSON ANDERSON: Yes.

5 MS. ETAMA: Pretty much it's just --

6 CHAIRPERSON ANDERSON: Not just
7 violations. You have two primary tier
8 violations.

9 MS. ETAMA: Yes.

10 CHAIRPERSON ANDERSON: Which are very,
11 very serious. Okay. Go ahead.

12 MS. ETAMA: Pretty much they both the
13 same, in the same crew, and I don't know if you
14 guys remember if it was you, we came --

15 CHAIRPERSON ANDERSON: Yes, I
16 remember.

17 MS. ETAMA: Yeah. So the older staff,
18 definitely we fired the staff and security and
19 everything. Unfortunate, I was in Australia. I
20 was not in town, at this time. So the manager
21 did it. And he allowed them to stay and smoke or
22 drink. So because of that, when I find out, I

1 let go the manager and all the staff on that day,
2 even including the promoter.

3 So the next door after hours means, it
4 doesn't look like next door. It looks like
5 exactly there when you open my door and the after
6 hour door, it's the same. Even when customer
7 comes, they get confused which door they have to
8 go.

9 And then plus we have ATM machine in
10 front of our door. So whoever go to the after
11 hour, they always have that ATM machine. And it
12 looks like operated. In the top of that, we call
13 pretty much -- I can say if you can see the
14 records, not only we even been able to call ABRA
15 even us, my staff, also we call police 911.

16 The one thing amazingly, the night
17 when the police maybe two, four little police
18 outside, still people going in and out. We can
19 bring, since we start opening the business
20 operating, we can provide camera every single day
21 looks like real party going on in and out. Not
22 like one to one. It's like walk in maybe 10

1 people at the same time, maybe 20.

2 When they leave, everybody leave at
3 the same time, it's maybe 7:00 in the morning or
4 6:00 in the morning. We can -- we do have a
5 camera around the corner of our business, so we
6 can provide that.

7 But every day, even when we close,
8 when we leave, I make sure the police they see
9 us. Still the detail outside, we leaving, you
10 know. I make sure the security walk with us to
11 the cars, so they can notice that people is not
12 from us.

13 So and then what surprise me like the
14 officers knows, everybody knows. And officially,
15 people in and out when the police outside, we can
16 even provide a camera for that.

17 CHAIRPERSON ANDERSON: All right.
18 This is -- where is the 2600 Block of Georgia
19 Avenue?

20 MS. ETAMA: Across street from Howard.

21 CHAIRPERSON ANDERSON: Huh?

22 MS. ETAMA: From Howard University.

1 CHAIRPERSON ANDERSON: From Howard?

2 MS. ETAMA: Yeah.

3 CHAIRPERSON ANDERSON: All right.

4 Okay.

5 MS. ETAMA: So the crowd before, I'm

6 sorry, is most our community, but it's not now.

7 Even my customer leave from us, they go there.

8 CHAIRPERSON ANDERSON: Okay.

9 MS. ETAMA: It's like we have all kind
10 of people who can see.

11 CHAIRPERSON ANDERSON: All right.

12 MS. ETAMA: That makes Peace Lounge
13 look bad.

14 CHAIRPERSON ANDERSON: All right.

15 Well, I'm --

16 MS. ETAMA: And serious looking for
17 real, Your Honor, so we never have any business
18 after hours.

19 CHAIRPERSON ANDERSON: All right.

20 Well, --

21 MS. ETAMA: Making any -- it's all
22 about the staff and we can provide the camera.

1 CHAIRPERSON ANDERSON: All right.
2 Well, just as I said before, you have two primary
3 tier violations and you need to be careful,
4 because it's on your license and you could -- you
5 -- if your neighbor is doing something, it's on
6 your license and you could end up losing your
7 license and/or the Board could impose a \$30,000
8 fine and you will be out of business.

9 So I'm just saying and that's not --
10 it's not even debatable, that's what the statute
11 says. So that's why I'm spending the time to let
12 you know that it's on your license and you have
13 to make sure that whatever this violation that
14 you were just charged a secondary, it cannot
15 happen again, because you are putting yourself in
16 a position that you could lose your license.
17 Okay? And you need to know that.

18 And Mr. Moosally, the Director of the
19 Agency, is back there. If you need to talk to
20 him or talk to any of the employees of this
21 Agency to make sure that whatever it is that you
22 are not doing right, that they can give you

1 guidance, because I don't like when folks come
2 here and -- I don't like when folks come here.
3 It appears a small business you are trying to
4 operate to do what you need to do, but you have
5 to comply with the law, because, as I said
6 before, you can end up losing your license.

7 Okay. So the Director of the Agency
8 is sitting back there. You can go talk to him.
9 Maybe he can help you to figure out what you can
10 do moving forward. Okay? I hope not to see you
11 here again and I really mean that. When I tell
12 people I don't want to see folks, because
13 normally when I see folks, it's because you are
14 doing something wrong.

15 Okay? All right. So --

16 MS. ETAMA: Um, I --

17 CHAIRPERSON ANDERSON: Yes, ma'am?

18 MS. ETAMA: -- so in the future, and
19 this, the two violation we had --

20 CHAIRPERSON ANDERSON: Yes.

21 MS. ETAMA: -- it's all the employees.
22 Just to know for myself.

1 CHAIRPERSON ANDERSON: I know, but --

2 MS. ETAMA: Not have any drinks or any
3 smoke or any water sold in our establishment. I
4 just want to know.

5 CHAIRPERSON ANDERSON: Well, talk to
6 Mr. Moosally.

7 MS. ETAMA: Okay.

8 CHAIRPERSON ANDERSON: Okay. But
9 again, your employees, they are you. So you --
10 when you come here, you can't separate it,
11 because we can't hold the -- you are the only
12 person we can hold the employee accountable. The
13 only person we can hold accountable is you.

14 So but you can talk to Mr. Moosally.

15 MS. ETAMA: Okay.

16 CHAIRPERSON ANDERSON: You can provide
17 whatever guidance that you can, so I don't really
18 have to see you again, because it is never -- if
19 I see you again for another primary tier
20 violation, it's -- and it's not me being
21 sympathetic, the statute says what needs to be
22 done and that's why I'm spending this time to let

1 you know that you are going down a very slippery
2 slope. Okay? All right. Have a good day.

3 MS. ETAMA: Thank you.

4 (Whereupon, the Show Cause (Status)
5 Hearing was concluded at 10:05 a.m.)

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<p>A</p> <p>a.m 2:2 18:5 able 12:14 ABRA 8:17,17,19,22 9:11,11 10:1 12:14 accepted 5:14,17,22 7:18 accepting 6:18 7:7,11 accepts 6:2 accountable 17:12,13 address 6:7 8:20 Agency 15:19,21 16:7 agreed 3:6 ahead 11:11 ALBERTI 1:17 alcohol 5:7 Alcoholic 1:2,12,13 allowed 11:21 amazingly 12:16 amended 5:10 amendment 5:2 ANC 1:7 and/or 15:7 Anderson 1:14,16 2:3 2:10,15,18,21 3:2,9 3:19 4:20 5:13 6:14 6:17 7:2,4,10,15,22 8:4 9:17 10:3,9,13,19 11:1,4,6,10,15 13:17 13:21 14:1,3,8,11,14 14:19 15:1 16:17,20 17:1,5,8,16 anonymous 4:1 answer 7:14 appeal 7:12 appears 16:3 approach 2:6 ATM 12:9,11 attention 4:15,18 9:14 Attorney 2:9 audible 7:14 Australia 11:19 Ave 1:7 Avenue 13:19 aware 6:18 7:7,11 aye 8:2,3</p>	<p>bring 12:19 bringing 4:15 9:14 brought 5:20,21 Building 1:13 business 4:19 6:11,12 12:19 13:5 14:17 15:8 16:3</p>	<p>consistent 4:16 5:11 constant 4:3 contesting 5:18 continue 8:16 9:3 Control 1:2,12,13 corner 13:5 couple 4:7 crew 11:13 crowd 14:5 CT 1:7 customer 12:6 14:7</p>	<p>figure 16:9 find 11:22 fine 3:7,12 6:20 7:6,17 7:18 15:8 fired 11:18 folks 16:1,2,12,13 forward 16:10 four 12:17 front 12:10 future 16:18</p>
<p>B</p> <p>back 15:19 16:8 bad 14:13 behalf 2:9 believe 3:21 8:14 9:13 Betty 2:20,21 Beverage 1:2,12,13 Block 13:18 Board 1:2,12 4:18 6:2 15:7 BOBBY 1:17</p>	<p>C</p> <p>calendar 2:4 call 8:17,17,19 9:10,11 12:12,14,15 calls 10:1 camera 12:20 13:5,16 14:22 care 8:22 careful 8:9 15:3 cars 13:11 case 1:8 2:3,4 3:4 8:6 10:20 CATO 1:17 Cause 1:7 18:4 Chairperson 1:14,16 2:3,10,15,18,21 3:2,9 3:19 4:20 5:13 6:14 6:17 7:2,4,10,15,22 8:4 9:17 10:3,9,13,19 11:1,4,6,10,15 13:17 13:21 14:1,3,8,11,14 14:19 15:1 16:17,20 17:1,5,8,16 changes 5:18 charge 3:7 4:8 5:2,3,8,9 5:16 10:6 charged 15:14 charges 5:21 Chrissy 2:8 CHRISTINE 1:21 close 8:15 13:7 COLUMBIA 1:1 come 8:22 9:13 16:1,2 17:10 comes 12:7 community 14:6 complaint 4:1 compliant 4:2 comply 9:18 16:5 complying 9:19 compromise 3:6,11,11 3:14,17 5:15 6:19,19 7:5,7,11,17 concern 6:7 concerned 9:5 concluded 18:5 confines 9:8 confused 10:7 12:7 considered 5:4 consist 3:7</p>	<p>D</p> <p>D.C 1:14 date 6:22 day 12:1,20 13:7 18:2 days 3:8,12 6:21,21 7:1 7:2,6,18,19 debatable 15:10 definitely 11:18 detail 13:9 details 10:5 Director 15:18 16:7 DISTRICT 1:1 doing 9:6,7,10 15:5,22 16:14 DONALD 1:18 Donovan 1:14,16 door 4:6,13,19 9:19 12:3,4,5,6,7,10 drink 11:22 drinks 17:2</p> <p>E</p> <p>E-T-A-M-A 3:1,2 either 5:16 6:2 Ema 1:21 2:13 employee 17:12 employees 15:20 16:21 17:9 error 3:22 4:14 establishment 4:2,10 4:15 5:6 8:14,15,20 9:2 10:8,8 17:3 Etama 1:22 2:20,20 3:1 3:1 10:17,21 11:2,5,9 11:12,17 13:20,22 14:2,5,9,12,16,21 16:16,18,21 17:2,7,15 18:3 everybody 13:2,14 exactly 5:1 12:5</p> <p>F</p> <p>fact 10:1,5 factual 3:22 4:14 fair 5:3,8,9 favor 8:2</p>	<p>G</p> <p>G-A-B-I-S-A 2:17 Gabisa 1:21 2:13,13,17 2:17,19 3:15,21 4:22 6:9,16 7:9,14 9:16,22 10:5,10 General 2:9 Georgia 1:7 13:18 Gephardt 1:21 2:8,8,11 2:12 3:5 6:21 7:1,3 getting 8:10 give 3:17,18 4:18 8:20 15:22 given 4:14 giving 7:8,12 Government 5:15,20 guess 6:4 guidance 16:1 17:17</p> <p>H</p> <p>happen 15:15 happening 4:18 harming 6:11 hear 6:4 hearing 1:7,13 7:8 18:5 help 16:9 hold 17:11,12,13 Honor 14:17 hope 1:6 16:10 Hot 8:17,19 hour 4:10 10:11 12:6,11 hours 1:9 4:3,6,13,17 8:16,21 10:12 12:3 14:18 Howard 13:20,22 14:1 Huh 13:21</p> <p>I</p> <p>identify 2:7 illegal 6:11 9:10 immediate 4:5 impose 15:7 including 12:2 Investigator 9:12 involved 4:3,10,16 5:11 ISAAC 1:18 issues 8:13</p>

J	needs 17:21 neighbor 9:6 15:5 neighbors 9:10 never 14:17 17:18 NICK 1:17 night 5:5 9:11 12:16 normally 16:13 noted 6:15 notice 13:11 NW 1:7	preliminary 3:3 PRESENT 1:15,20 presented 5:20 presiding 1:14 pretty 11:5,12 12:13 primary 8:8,10 9:2,4 10:15 11:7 15:2 17:19 problem 5:14 procedure 5:1 promoter 12:2 promoters 5:6 provide 12:20 13:6,16 14:22 17:16 putting 15:15	speak 10:17,19 spending 15:11 17:22 SR 1:18 staff 5:5 11:17,18 12:1 12:15 14:22 start 12:19 state 3:20 8:18 stated 6:5 8:13 statement 4:12 Status 1:7 18:4 statute 15:10 17:21 stay 11:21 street 1:13 10:7 13:20 Suite 1:14 surprise 13:13 suspended 7:20 sympathetic 17:21
K	O	Q	T
keep 8:10 kinds 9:22 knows 13:14,14	OAG 1:21 offer 3:6,10,11,13 5:15 5:22 6:18,19 7:5,7,11 7:17 Office 2:9 officers 13:14 officially 13:14 older 11:17 open 12:5 opening 12:19 operate 8:16 9:8 16:4 operated 12:12 operates 4:6 operating 1:9 8:21 12:20 operation 4:3,11,13,17 opposed 8:4 outside 4:9 12:18 13:9 13:15	R	
L	P	S	U
law 9:8,18,20 16:5 leave 13:2,2,8 14:7 leaving 13:9 legal 6:11 license 1:8 2:5 7:19 8:11 9:5 10:15 15:4,6 15:7,12,16 16:6 LICENSEE 1:21,22 Line 8:17,19 little 12:17 LLC 1:6 look 12:4 14:13 looking 14:16 looks 12:4,12,21 lose 9:4 15:16 losing 8:11 15:6 16:6 Lounge 1:6,6 2:5,14 14:12	P-R-O-C-E-E-D-I-N-G-S 2:1 paid 3:7 parked 4:9 parking 10:6 part 9:15 particular 3:17 4:1 parties 2:6 3:6 party 12:21 passes 8:5 pay 6:22 7:1 payable 3:12 7:6,18,19 Peace 1:6 2:4,13 14:12 people 10:7,10 12:18 13:1,11,15 14:10 16:12 person 9:19 17:12,13 personally 3:21 place 10:11 please 2:6,7 plus 12:9 point 6:5 police 10:1 12:15,17,17 13:8,15 position 15:16	racking 9:21 read 4:8 real 12:21 14:17 record 2:7 5:11 6:5,10 6:13 8:13 records 12:14 Reeves 1:13 rejects 6:3 REMA 1:19 remark 3:16 4:4 6:13 remember 11:14,16 Retailer 1:7 rise 4:14 Room 1:13 rules 5:12	t/a 1:6 talk 15:19,20 16:8 17:5 17:14 team 5:6 tell 16:11 terms 3:22 4:14 Thank 2:18 6:16 18:3 tier 8:8,10 9:3,4 10:15 11:7 15:3 17:19 top 12:12 town 11:20 transcript 6:6 trying 16:3 two 9:2 10:14 11:2,7 12:17 15:2 16:19
M	S	U	V
ma'am 2:19 10:20 16:17 machine 12:9,11 Making 14:21 manager 11:20 12:1 matter 1:5 7:13 8:5 matters 3:3 mean 5:18 6:11 8:6 10:20 16:11 means 12:3 meant 5:10 MEETING 1:3 Member 1:17,17,18,18 1:19 7:21 met 1:13 minute 10:18 Moosally 15:18 17:6,14 morning 2:10,12 13:3,4 motion 7:16 8:1 move 5:17 moving 16:10	secondary 15:14 seconded 8:1 security 11:18 13:10 selling 5:7 separate 17:10 serious 10:16 11:11 14:16 Short 1:18 7:21,22 Show 1:7 18:4 single 12:20 sir 2:16 3:15 4:21 5:14 6:9 7:9 8:7 9:2,16 sitting 16:8 slippery 18:1 slope 18:2 small 3:16 16:3 smoke 11:21 17:3 sold 17:3 sorry 2:15 6:20,21 14:6	understand 6:9 10:22 11:2 understanding 3:10,13 4:5 7:5 Unfortunate 11:19 University 13:22 us-- 3:17	W
N	W	U	
N.W 1:13 name 2:16,22 need 8:9 9:6,7,15,17 10:13 15:3,17,19 16:4	WAHABZADAH 1:19 walk 12:22 13:10 wanted 8:7 Washington 1:14		

water 17:3
Wednesday 1:11
well-known 10:1
work 9:12
wrong 16:14

X

Y

years 4:7

Z

0

1

10 12:22

10:05 18:5

106785 1:8 2:5

14th 1:13

18-CMP-00070 1:8 2:4

1B 1:7

2

2,250 3:7,12 7:6,17

20 1:11 13:1

2000 1:13

20009 1:14

2018 1:11

2600 13:18

2632 1:7

3

30,000 15:7

4

400S 1:14

5

5-0-0 8:5

6

6:00 13:4

60 3:8,12 6:21 7:1,2,6
 7:18,19

7

7:00 13:3

8

9

9:51 2:2

911 12:15

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Peace Lounge

Before: DC ABRA

Date: 06-20-18

Place: Washington, DC

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



Court Reporter

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