

ALSO PRESENT:

FREZ TEAME, Applicant
TENSAE HAILE, Applicant
KIM VARZI, ANC 4C
MATTHEW MCMULLEN, Protestant
GABRIELLA KUBINYI, Protestant
CLAUDIA RODRIGUEZ, Protestant
MINA KARIMI, Protestant

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

2 9:46 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 19-PRO-00144, Safari
5 Restaurant and Lounge, License No. 90424. Would
6 the parties please approach and identify
7 themselves for the record please?

8 (Pause.)

9 CHAIRPERSON ANDERSON: All right, let
10 me have -- we'll start with the licensee.
11 Introduce yourself for the record please.

12 MR. TEAME: Fredz Teame, F-R-E-D-Z,
13 4306 Georgia Avenue, Washington, D.C.

14 CHAIRPERSON ANDERSON: Good morning.
15 The sign in sheet, please sign your name --

16 MR. TEAME: Yes, sir.

17 CHAIRPERSON ANDERSON: -- and then who
18 is with you, sir? Who is with you? Can you
19 identify yourself for the record please?

20 MS. HAILE: Tensae Haile.

21 CHAIRPERSON ANDERSON: I can't hear
22 you, ma'am.

23 MS. HAILE: Tensae Haile.

24 CHAIRPERSON ANDERSON: Hi, good
25 morning. There's a sign in sheet. Please sign

1 in. All right, we'll go to the protestants who?

2 MS. VARZI: Kim Varzi, ANC 4C07.

3 CHAIRPERSON ANDERSON: Good morning,
4 Ms. Varzi.

5 MR. MCMULLEN: Matthew C. McMullen,
6 abutting property owner. We have also have three
7 other abutting property owners, we're granted
8 conditional standing.

9 CHAIRPERSON ANDERSON: And who are
10 they?

11 MR. MCMULLEN: I'll let them introduce
12 themselves.

13 MS. KUBINYI: Gabriella Kubinyi.

14 CHAIRPERSON ANDERSON: I'm sorry,
15 what's your last name? Spell your name for us
16 please.

17 MS. KUBINYI: G-A-B-R-I-E-L-L-A last
18 name K-U-B-I-N-Y-I.

19 CHAIRPERSON ANDERSON: Okay, good
20 morning.

21 MS. RODRIGUEZ: My name is Claudia
22 Rodriguez, C-L-A-U-D-I-A R-O-D-R-I-G-U-E-Z.

23 CHAIRPERSON ANDERSON: Okay.

24 MS. KARIMI: My name is Mina Karimi,
25 M-I-N-A, last name K-A-R-I-M-I.

1 CHAIRPERSON ANDERSON: K-A?

2 MS. KARIMI: K-A-R-I-M-I.

3 CHAIRPERSON ANDERSON: I-M-I. K-A-R-
4 I-M-I. That's everyone?

5 MR. MCMULLEN: Yes.

6 CHAIRPERSON ANDERSON: So one, two,
7 three, four. Who are we missing?

8 MR. MCMULLEN: There was a fifth who
9 was unable to make it due to work conflicts, but
10 she has -- will be rescinding her protest.

11 CHAIRPERSON ANDERSON: All right,
12 okay, so I'll --

13 MR. MCMULLEN: But --

14 CHAIRPERSON ANDERSON: -- I'm sorry,
15 what was the person's name, what's her name?

16 MR. MCMULLEN: Megan Davey.

17 CHAIRPERSON ANDERSON: Megan Davey,
18 how do you spell that?

19 MR. MCMULLEN: D-A-V-E-Y.

20 CHAIRPERSON ANDERSON: D-A-V-E-Y?

21 MR. MCMULLEN: Uh huh.

22 CHAIRPERSON ANDERSON: All right. Ms.
23 Davey had signed as an abutting property owner
24 and she's not here today. She was not at the
25 roll call and she's not here today so therefore,

1 I make a motion that we dismiss Ms. Davey as a
2 protestant. Is there a second?

3 MEMBER SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion.

6 All those in favor say aye.

7 (Chorus of aye.)

8 CHAIRPERSON ANDERSON: Those opposed?

9 The matter passed 7-0-0. So we have
10 dismissed Ms. Davey as an abutting property
11 owner.

12 Now how is it that -- so I need Mr.
13 McMullen, I need everyone to tell me, explain to
14 me how are you an abutting property owner. Where
15 do you live as far as the establishment is
16 concerned?

17 MR. MCMULLEN: I live on -- I have an
18 abutting wall with them on the first floor of our
19 building, which has an abutting wall with their
20 first floor and basement.

21 CHAIRPERSON ANDERSON: Okay, so you're
22 - so you're mister who?

23 MR. MCMULLEN: McMullen.

24 CHAIRPERSON ANDERSON: So you're Mr.
25 McMullen, and you're saying that you share a wall

1 with the establishment?

2 MR. MCMULLEN: Correct.

3 CHAIRPERSON ANDERSON: You live, so
4 you're on the first floor?

5 MR. MCMULLEN: Correct.

6 CHAIRPERSON ANDERSON: What about Ms.
7 Gabriella what's your last name again?

8 MS. KUBINYI: Kubinyi.

9 CHAIRPERSON ANDERSON: Kubinyi. And
10 where's your apartment, ma'am?

11 MS. KUBINYI: On the second floor,
12 sharing a wall with the establishment.

13 CHAIRPERSON ANDERSON: All right. How
14 -- let me, where's the establishment, sir?

15 MR. TEAME: Is on 4300 block of
16 Georgia Avenue.

17 CHAIRPERSON ANDERSON: So where --
18 this apartment building, is it in the same
19 building or in a separate building?

20 MR. TEAME: Separate building but the
21 unfortunate part of this situation is the --

22 CHAIRPERSON ANDERSON: I'm just trying
23 to find out. So how tall is your building?

24 MR. TEAME: It is a basement --

25 CHAIRPERSON ANDERSON: How many

1 floors?

2 MR. TEAME: Two.

3 CHAIRPERSON ANDERSON: There's two
4 floors. So how does your building, how far does
5 it go up as far as this apartment building? Is
6 it -- does it go to first, second, third floor,
7 whatever floor?

8 MR. TEAME: Until the third.

9 CHAIRPERSON ANDERSON: It goes up to
10 the third floor? So you're saying that if
11 someone, so what are the apartment numbers are --

12 All right, okay. So miss, I'm sorry,
13 give me your name again, ma'am. I'm sorry. K?

14 MS. KUBINYI: U-B-I-N-Y-I. Look coo
15 and a B, like a beanie hat.

16 CHAIRPERSON ANDERSON: All right, Ms.
17 Kubinyi. All right, so you said that you live on
18 the --

19 MS. KUBINYI: The second floor.

20 CHAIRPERSON ANDERSON: Okay, hold on.
21 So you live on the second floor at the front of
22 the apartment, the back of the apartment?

23 MS. KUBINYI: I'm in the back.

24 CHAIRPERSON ANDERSON: So if you live
25 on the second floor in the back, how is it that

1 you share a wall with this establishment?

2 MS. KUBINYI: Our buildings are the
3 same length.

4 CHAIRPERSON ANDERSON: Okay.

5 MS. KUBINYI: So both -- our building
6 has four apartments on each floor. The
7 apartments on the left side share a wall with
8 Safari.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. KUBINYI: So the whole length of
11 the building equals each other.

12 CHAIRPERSON ANDERSON: All right. So
13 what's your apartment number?

14 MS. KUBINYI: 204.

15 CHAIRPERSON ANDERSON: 2-0-4. What's
16 your apartment number, Mr. McMullen?

17 MR. MCMULLEN: 102.

18 CHAIRPERSON ANDERSON: 1-0. Who else
19 do we have here? Who else?

20 MS. RODRIGUEZ: I'm in apartment 302,
21 that's on the third floor facing --

22 CHAIRPERSON ANDERSON: Your name
23 again, ma'am?

24 MS. RODRIGUEZ: Claudia Rodriguez.

25 CHAIRPERSON ANDERSON: And what's your

1 apartment number?

2 MS. RODRIGUEZ: 3-0-2.

3 CHAIRPERSON ANDERSON: All right. And
4 I mean does someone have like a map for us to
5 look at what the apartment building look like? I
6 mean, one of the things is, one of things is that
7 when you're asking us to, to say that you're
8 abutting.

9 MEMBER SHORT: Or a diagram, we can
10 look at the layout of the building.

11 CHAIRPERSON ANDERSON: Yes.

12 MEMBER SHORT: What is that, a diagram
13 or layout?

14 PARTICIPANT: This is a picture of
15 that building.

16 CHAIRPERSON ANDERSON: I don't know
17 but part of the issue is that in order to prove
18 that an abutting, I mean one of the things that
19 would help the Board if you brought like a layout
20 of the building.

21 So therefore, I could make sure that,
22 and this is one of the things I'm going to ask
23 you. I believe that the Board will give, will
24 grant standing, I think, once we've - once out
25 here but I believe that the Board will grant

1 standing to the abutted property owners, but one
2 of the things I'm going to ask for is that I'm
3 not necessarily going to take you for your word.
4 I mean you need to prove that you are so to --

5 MEMBER SHORT: A diagram.

6 CHAIRPERSON ANDERSON: -- not today
7 but I'm saying when we --

8 MR. MCMULLEN: This is a photo of it
9 though.

10 CHAIRPERSON ANDERSON: I'm sorry, but
11 for --

12 MR. MCMULLEN: I have a Google Maps
13 photo.

14 CHAIRPERSON ANDERSON: If we go to a
15 Protest Hearing, and this matter can't be
16 settled, I'm going to ask that you bring us a
17 schematic of the building, the layout, to show
18 that your apartment actually touches this
19 establishment to establish that you're an
20 abutting property owner.

21 I'm not going to say today that I mean
22 if it was -- if you were an attorney representing
23 yourself, then if you didn't have that, I would
24 be basically right now I would be saying like I'm
25 sorry, but you should know better.

1 But since you're not an attorney so
2 I'm not going to hold you to that standard today.
3 But if this matter, if we do have a Protest
4 Hearing, one of the things that must be in your
5 PIP is that you need to have a schematic of the
6 building to show that your apartment actually
7 touches your wall with this establishment.

8 MR. MCMULLEN: And we can provide
9 that.

10 CHAIRPERSON ANDERSON: All right.

11 MR. MCMULLEN: Yes.

12 MEMBER SHORT: Mr. Chair, if I could
13 proceed?

14 CHAIRPERSON ANDERSON: Yes, Mr. Short.

15 MEMBER SHORT: In order for that
16 building to be licensed and get occupancy, DCRA
17 would have that drawing. You can probably get a
18 copy from the Department of Consumer Regulatory
19 Affairs.

20 MR. MCMULLEN: I appreciate that. We
21 actually --

22 MEMBER SHORT: That schematic would
23 give us floor by floor square footage, show the
24 walls, and that testimony could be entered into
25 the record.

1 CHAIRPERSON ANDERSON: All right. And
2 so we have Ms. -- who else do we have? Your name
3 again, ma'am? You're Mimi?

4 MS. KARIMI: Mina.

5 CHAIRPERSON ANDERSON: Mina, I'm
6 sorry. Your last name?

7 MS. KARIMI: Karimi.

8 CHAIRPERSON ANDERSON: I'm sorry,
9 ma'am?

10 MS. KARIMI: Karimi.

11 CHAIRPERSON ANDERSON: And what
12 apartment are you in, ma'am?

13 MS. KARIMI: I'm in unit 202, which is
14 the ground floor front unit that is directly next
15 to them. You can see it in pictures of the front
16 of the building that my window and the facade of
17 Safari are abutting.

18 I share a wall with both Safari's
19 ground floor and top floor, which are often
20 independently rented out, emitting two different
21 musics at the same time.

22 (Laughter.)

23 MS. KARIMI: The bass of the upstairs
24 and the downstairs are both coming into my home
25 most weekend nights of the year, and sometimes

1 weekday nights as well.

2 CHAIRPERSON ANDERSON: And --

3 MS. KARIMI: To the point that I'm not
4 able to live in my home.

5 CHAIRPERSON ANDERSON: How old is the
6 Safari, sir?

7 MR. TEAME: The building or the
8 business, sir?

9 CHAIRPERSON ANDERSON: The business.
10 How long has it been at that location?

11 MR. TEAME: The business is almost 30
12 years, with --

13 CHAIRPERSON ANDERSON: How many years?

14 MR. TEAME: Thirty years with three
15 different owners.

16 CHAIRPERSON ANDERSON: And were you
17 there before --

18 MR. TEAME: Yes.

19 CHAIRPERSON ANDERSON: -- the
20 apartment building or --

21 MR. TEAME: Yes, yes.

22 CHAIRPERSON ANDERSON: -- the - so
23 you were there --

24 MR. TEAME: We were there for years
25 and we allowed this building to be built in the

1 neighborhood because it will change the
2 neighborhood, and will add the value to the
3 neighborhood.

4 And was an agreement with the
5 developers to build a soundproof building. No
6 windows and doors towards our end because we
7 don't need this future problem with the
8 residents.

9 I have a written agreement I already
10 provide to ABRA. Unfortunately, the builders
11 failed to build that, not soundproof building and
12 that's where we are now.

13 CHAIRPERSON ANDERSON: All right. So
14 well whatever agreement you have when we go to
15 Protest Hearing. All right, so have I addressed
16 everyone who is here?

17 MR. MCMULLEN: The ANC I'm not sure.

18 CHAIRPERSON ANDERSON: Well, the ANC.

19 MR. MCMULLEN: Okay.

20 CHAIRPERSON ANDERSON: They're not an
21 issue. They know that they're not an issue,
22 that's why.

23 (Laughter.)

24 CHAIRPERSON ANDERSON: The ANC's fine.
25 So the ANC has standing, but we have to grant

1 standing to the other three.

2 All right. So I'll make a motion that
3 we'll grant standing to -- well Mr. McMullen was
4 granted standing at the roll call for -- as an
5 abutting property owner.

6 Ms. Kubini, Ms. --

7 MEMBER SHORT: Rodriguez.

8 CHAIRPERSON ANDERSON: -- it's not
9 Rodriguez, it's close. Ms. Rod --

10 MS. RODRIGUEZ: Rodriguez.

11 MEMBER SHORT: Yes.

12 CHAIRPERSON ANDERSON: It's Rodriguez?

13 MEMBER SHORT: Yes.

14 CHAIRPERSON ANDERSON: But that's not
15 the way you spell it though.

16 MS. RODRIGUEZ: Yes. R-O-D --

17 CHAIRPERSON ANDERSON: R-O-D-R-I-G-U-
18 E?

19 MS. RODRIGUEZ: Z.

20 CHAIRPERSON ANDERSON: Okay.

21 MEMBER SHORT: It's Q, Q-U-E.

22 MS. RODRIGUEZ: Q, some people, if
23 it's Portuguese it's Q.

24 CHAIRPERSON ANDERSON: Right, that's
25 what I'm saying. That's what I'm saying is G, I,

1 I've had friends Rodriguez and they spell it a
2 different way. That's why I was saying no, it's
3 not Rodriguez. So I apologize.

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: And Ms. Karimi.
6 So I'm going to make a motion that we grant
7 standing to the parties as abutting property
8 owners. However, at -- if we go to a Protest
9 Hearing I'm going to ask that you provide us with
10 a schematic of the building to show that you
11 actually abut the establishment.

12 All right, so I'll provide -- I'll
13 make a motion that we provide standing to the
14 abutting property owners, with the caveat that if
15 we move to a Protest Hearing, that they need to
16 provide us with the schematic of the building for
17 us to look it to make sure that they are. Is
18 there a second?

19 MEMBER CATO: Second.

20 CHAIRPERSON ANDERSON: Mr. Cato has
21 seconded the motion. All those in favor say aye.

22 (Chorus of aye.)

23 CHAIRPERSON ANDERSON: Those opposed?

24 The matter passed 7-0-0. All right.
25 Are there any other preliminary matters that

1 needs to be addressed today?

2 All right. This matter then is
3 scheduled for a Protest Hearing on April the 8 at
4 1:30 p.m.

5 All right. Any questions by any other
6 parties? Yes?

7 MS. VARZI: There's a possibility I
8 may not be here on April 8th.

9 CHAIRPERSON ANDERSON: There's a
10 strong possibility that the hearing will not be
11 scheduled for April 8th.

12 MS. VARZI: Okay.

13 CHAIRPERSON ANDERSON: And the reason
14 why I'm saying, there's a lot of hearings on,
15 scheduled on April 8th but if you know that. If
16 this is to renew the license, so if for some
17 reason you can't be here, you can -- when will
18 you know?

19 MS. VARZI: Well I mean technically
20 I'm set to travel but if the airlines cancel all
21 the --

22 (Simultaneous speaking.)

23 CHAIRPERSON ANDERSON: No, the reason
24 I'm saying because you can --

25 MS. VARZI: But I can also have

1 another, I can ask one of our board members
2 because we have that written in all of our --

3 CHAIRPERSON ANDERSON: Well you can
4 either do that or the parties can work with the
5 agency and ask the agency to change the date.

6 MS. VARZI: Okay.

7 CHAIRPERSON ANDERSON: Because since
8 this is not -- this is not a new license so
9 therefore, we're not necessarily on a --

10 MS. VARZI: But I know another ANC --

11 CHAIRPERSON ANDERSON: Yes.

12 MS. VARZI: -- one of our elected
13 chair --

14 CHAIRPERSON ANDERSON: Right, but if
15 you want to do it and you can't do it, you can,
16 the parties can look at their calendar, contact
17 the agency and ask to change the date. Ask to
18 change the date to another date, okay?

19 All right, any other preliminary
20 matter that needs to be addressed?

21 All right, now that we have scheduled
22 this matter for a Protest Hearing, there are a
23 few things that I would like to instruct you
24 about so that the Protest Hearing is focused and
25 addresses only those issues that are being

1 protested.

2 You either have already received, or
3 will soon be receiving, an email from Imani
4 Moreland that contains a copy of the Protest
5 Information Form PIP, and a copy of an exhibit
6 form.

7 Both parties are required to complete
8 and submit the Protest Information Form PIP and
9 the Exhibit Form at least seven days before the
10 date of the hearing. If we do not receive a copy
11 of your forms seven days before the hearing, your
12 application or your protest may be subject to
13 dismissal.

14 These documents not only need to be
15 submitted to ABRA, but to the opposing party as
16 well. Please know that these documents greatly
17 assist the Board in narrowing the protest issues,
18 facilitating the process and keeping the parties
19 on point during the hearing.

20 Each side will receive, will have 90
21 minutes to present their case. This includes all
22 direct and cross-examination of witnesses. The
23 Board does not intend to hear testimony on
24 matters that are not relevant to those issues
25 that are being protested, nor will the Board

1 tolerate repetitive testimony. Are there any
2 questions?

3 We thank you greatly for your
4 cooperation. If you have any questions at any
5 time leading up to the Protest Hearing, please do
6 not hesitate to contact Assistant General Counsel
7 April Randall at 202-442-4353. Thank you very
8 much. Any questions, contact Ms. Randall.

9 Again, seven days before the hearing,
10 I expect whatever documents or witnesses that you
11 are going to rely upon, it needs to be exchanged.
12 Whatever documents you said that you had from
13 your developer, sir, you need to send that
14 exchanged with both parties and make sure that
15 the agency has it seven days in advance.

16 One of the things that I've always
17 told folks is that I prefer if you have
18 settlement agreements because this is your
19 neighborhood. At the end of the day, whatever
20 decision the Board makes, you're still going to
21 live in the apartment, this business is going to
22 be there.

23 If you are able to work it out through
24 a settlement agreement, at least both sides will
25 be happy. But if you're unable to do that, the

1 Board will make a decision.

2 But I always say if you can, if it can
3 be settled, try to settle it because at least
4 both sides will be happy. When it comes here,
5 someone might be happy, someone might be unhappy.
6 But if it cannot work, I will see you here on
7 April 8 at 1:30 unless it's changed. Have a good
8 day. Thank you very much.

9 MR. MCMULLEN: Thank you. Thanks for
10 your time.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:04 a.m.)

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A

a.m 3:2 22:12
able 14:4 21:23
above-entitled 22:11
ABRA 15:10 20:15
abut 17:11
abutted 11:1
abutting 4:6,7 5:23 6:10
6:14,18,19 10:8,18
11:20 13:17 16:5 17:7
17:14
add 15:2
addressed 15:15 18:1
19:20
addresses 19:25
advance 21:15
Affairs 12:19
agency 19:5,5,17 21:15
agreement 15:4,9,14
21:24
agreements 21:18
airlines 18:20
Alcoholic 1:2,14,14
ALIYA 1:19
allowed 14:25
ANC 1:8 2:3 4:2 15:17
15:18,25 19:10
ANC's 15:24
Anderson 1:16,18 3:3,9
3:14,17,21,24 4:3,9
4:14,19,23 5:1,3,6,11
5:14,17,20,22 6:4,8
6:21,24 7:3,6,9,13,17
7:22,25 8:3,9,16,20
8:24 9:4,9,12,15,18
9:22,25 10:3,11,16
11:6,10,14 12:10,14
13:1,5,8,11 14:2,5,9
14:13,16,19,22 15:13
15:18,20,24 16:8,12
16:14,17,20,24 17:5
17:20,23 18:9,13,23
19:3,7,11,14
apartment 7:10,18 8:5
8:11,22,22 9:13,16,20
10:1,5 11:18 12:6
13:12 14:20 21:21
apartments 9:6,7
apologize 17:3
Applicant 2:2,2
application 1:10 20:12
appreciate 12:20
approach 3:6
April 18:3,8,11,15 21:7
22:7
asking 10:7
assist 20:17
Assistant 21:6

attorney 11:22 12:1
Ave 1:7
Avenue 3:13 7:16
aye 6:6,7 17:21,22

B

B 8:15
back 8:22,23,25
basement 6:20 7:24
basically 11:24
bass 13:23
beanie 8:15
believe 10:23,25
better 11:25
Beverage 1:2,14,14
block 7:15
board 1:2,14 10:19,23
10:25 19:1 20:17,23
20:25 21:20 22:1
BOBBY 1:19
bring 11:16
brought 10:19
build 15:5,11
builders 15:10
building 1:15 6:19 7:18
7:19,19,20,23 8:4,5
9:5,11 10:5,10,15,20
11:17 12:6,16 13:16
14:7,20,25 15:5,11
17:10,16
buildings 9:2
built 14:25
business 14:8,9,11
21:21

C

C 4:5
C-L-A-U-D-I-A 4:22
calendar 3:4 19:16
call 5:25 16:4
cancel 18:20
case 1:9 3:3,4 20:21
Cato 1:19 17:19,20
caveat 17:14
chair 12:12 19:13
Chairperson 1:15,18
3:3,9,14,17,21,24 4:3
4:9,14,19,23 5:1,3,6
5:11,14,17,20,22 6:4
6:8,21,24 7:3,6,9,13
7:17,22,25 8:3,9,16
8:20,24 9:4,9,12,15
9:18,22,25 10:3,11,16
11:6,10,14 12:10,14
13:1,5,8,11 14:2,5,9
14:13,16,19,22 15:13
15:18,20,24 16:8,12
16:14,17,20,24 17:5

17:20,23 18:9,13,23
19:3,7,11,14
change 15:1 19:5,17,18
changed 22:7
Chorus 6:7 17:22
Claudia 2:4 4:21 9:24
close 16:9
COLUMBIA 1:1
comes 22:4
coming 13:24
complete 20:7
concerned 6:16
conditional 4:8
conflicts 5:9
Consumer 12:18
contact 19:16 21:6,8
contains 20:4
Control 1:2,14,14
coo 8:14
cooperation 21:4
copy 12:18 20:4,5,10
Correct 7:2,5
Counsel 21:6
CROCKETT 1:19
cross-examination
20:22
CT 1:8

D

D-A-V-E-Y 5:19,20
D.C 1:15 3:13
date 19:5,17,18,18
20:10
Davey 5:16,17,23 6:1
6:10
day 21:19 22:8
days 20:9,11 21:9,15
DCRA 12:16
decision 21:20 22:1
Department 12:18
developer 21:13
developers 15:5
diagram 10:9,12 11:5
different 13:20 14:15
17:2
direct 20:22
directly 13:14
dismiss 6:1
dismissal 20:13
dismissed 6:10
DISTRICT 1:1
documents 20:14,16
21:10,12
Donovan 1:16,18
doors 15:6
downstairs 13:24
drawing 12:17
due 5:9

E

E 16:18
EDWARD 1:20
either 19:4 20:2
elected 19:12
email 20:3
emitting 13:20
entered 12:24
equals 9:11
establish 11:19
establishment 6:15 7:1
7:12,14 9:1 11:19
12:7 17:11
exchanged 21:11,14
exhibit 20:5,9
expect 21:10
explain 6:13

F

F-R-E-D-Z 3:12
Fab 1:6
facade 13:16
facilitating 20:18
facing 9:21
failed 15:11
far 6:15 8:4,5
favor 6:6 17:21
fifth 5:8
find 7:23
fine 15:24
first 6:18,20 7:4 8:6
floor 6:18,20 7:4,11 8:6
8:7,10,19,21,25 9:6
9:21 12:23,23 13:14
13:19,19
floors 8:1,4
focused 19:24
folks 21:17
footage 12:23
form 20:5,6,8,9
forms 20:11
four 5:7 9:6
Fredz 3:12
FREZ 2:2
friends 17:1
front 8:21 13:14,15
future 15:7

G

G 16:25
G-A-B-R-I-E-L-L-A 4:17
Gabriella 2:4 4:13 7:7
General 21:6
Georgia 1:7 3:13 7:16
give 8:13 10:23 12:23
Google 11:12
GRANDIS 1:20
grant 10:24,25 15:25

16:3 17:6
granted 4:7 16:4
greatly 20:16 21:3
ground 13:14,19

H

Haile 2:2 3:20,20,23,23
HANSEN 1:21
happy 21:25 22:4,5
hat 8:15
hear 3:21 20:23
hearing 1:8,14 11:15
 12:4 15:15 17:9,15
 18:3,10 19:22,24
 20:10,11,19 21:5,9
hearings 18:14
help 10:19
hesitate 21:6
Hi 3:24
hold 8:20 12:2
home 13:24 14:4
huh 5:21

I

I-M-I 5:3,4
identify 3:6,19
Imani 20:3
includes 20:21
independently 13:20
Information 20:5,8
instruct 19:23
intend 20:23
introduce 3:11 4:11
issue 10:17 15:21,21
issues 19:25 20:17,24

J

JAMES 1:22
JENI 1:21
JR 1:19,22

K

K 8:13
K-A 5:1
K-A-R- 5:3
K-A-R-I-M-I 4:25 5:2
K-U-B-I-N-Y-I 4:18
Karimi 2:5 4:24,24 5:2
 13:4,7,7,10,10,13,23
 14:3 17:5
keeping 20:18
Kim 2:3 4:2
Kubini 16:6
Kubinyi 2:4 4:13,13,17
 7:8,8,9,11 8:14,17,19
 8:23 9:2,5,10,14

L

Laughter 13:22 15:23
layout 10:10,13,19
 11:17
leading 21:5
left 9:7
length 9:3,10
license 1:8,10 3:5 18:16
 19:8
licensed 12:16
licensee 3:10
live 6:15,17 7:3 8:17,21
 8:24 14:4 21:21
location 14:10
long 14:10
look 8:14 10:5,5,10
 17:17 19:16
lot 18:14
Lounge 1:6,7 3:5

M

M-I-N-A 4:25
ma'am 3:22 7:10 8:13
 9:23 13:3,9,12
map 10:4
Maps 11:12
March 1:12
matter 1:5 6:9 11:15
 12:3 17:24 18:2 19:20
 19:22 22:11
matters 17:25 20:24
Matthew 2:3 4:5
McMullen 2:3 4:5,5,11
 5:5,8,13,16,19,21
 6:13,17,23,23,25 7:2
 7:5 9:16,17 11:8,12
 12:8,11,20 15:17,19
 16:3 22:9
mean 10:4,6,18 11:4,21
 18:19
MEETING 1:3
Megan 5:16,17
Member 1:19,19,20,21
 1:22,23 6:3 10:9,12
 11:5 12:12,15,22 16:7
 16:11,13,21 17:19
members 19:1
met 1:14
Mimi 13:3
Mina 2:5 4:24 13:4,5
minutes 20:21
missing 5:7
mister 6:22
Moreland 20:4
morning 3:14,25 4:3,20
motion 6:1,5 16:2 17:6
 17:13,21
move 17:15
musics 13:21

N

N.W 1:15
name 3:15 4:15,15,18
 4:21,24,25 5:15,15
 7:7 8:13 9:22 13:2,6
narrowing 20:17
necessarily 11:3 19:9
need 6:12,13 11:4 12:5
 15:7 17:15 20:14
 21:13
needs 18:1 19:20 21:11
neighborhood 15:1,2,3
 21:19
new 19:8
nights 13:25 14:1
number 9:13,16 10:1
numbers 8:11
NW 1:7

O

occupancy 12:16
old 14:5
once 10:24,24
opposed 6:8 17:23
opposing 20:15
order 10:17 12:15
owner 4:6 5:23 6:11,14
 11:20 16:5
owners 4:7 11:1 14:15
 17:8,14

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 18:4
part 7:21 10:17
PARTICIPANT 10:14
parties 3:6 17:7 18:6
 19:4,16 20:7,18 21:14
party 20:15
passed 6:9 17:24
Pause 3:8
people 16:22
person's 5:15
photo 11:8,13
picture 10:14
pictures 13:15
PIP 12:5 20:5,8
please 3:6,7,11,15,19
 3:25 4:16 20:16 21:5
point 14:3 20:19
Portuguese 16:23
possibility 18:7,10
prefer 21:17
preliminary 17:25
 19:19
present 1:17 2:1 20:21
presiding 1:16

probably 12:17
problem 15:7
proceed 12:13
process 20:18
property 4:6,7 5:23
 6:10,14 11:1,20 16:5
 17:7,14
protest 1:7 5:10 11:15
 12:3 15:15 17:8,15
 18:3 19:22,24 20:4,8
 20:12,17 21:5
protestant 2:3,4,4,5 6:2
protestants 4:1
protested 20:1,25
prove 10:17 11:4
provide 12:8 15:10 17:9
 17:12,13,16

Q

Q-U-E 16:21
questions 18:5 21:2,4,8

R

R-O-D 16:16
R-O-D-R-I-G-U- 16:17
R-O-D-R-I-G-U-E-Z 4:22
RAFI 1:19
Randall 21:7,8
reason 18:13,17,23
receive 20:10,20
received 20:2
receiving 20:3
record 3:7,11,19 12:25
 22:12
Reeves 1:15
Regulatory 12:18
relevant 20:24
rely 21:11
REMA 1:23
renew 1:10 18:16
rented 13:20
repetitive 21:1
representing 11:22
required 20:7
rescinding 5:10
residents 15:8
Restaurant 1:6 3:5
Retailer 1:8
Rod 16:9
Rodriguez 2:4 4:21,22
 9:20,24,24 10:2 16:7
 16:9,10,10,12,16,19
 16:22 17:1,3
roll 5:25 16:4
Room 1:15

S

S 1:20

Safari 1:6 3:4 9:8 13:17
14:6
Safari's 13:18
saying 6:25 8:10 11:7
11:24 16:25,25 17:2
18:14,24
scheduled 18:3,11,15
19:21
schematic 11:17 12:5
12:22 17:10,16
second 6:2,3 7:11 8:6
8:19,21,25 17:18,19
seconded 6:5 17:21
send 21:13
separate 7:19,20
set 18:20
settle 22:3
settled 11:16 22:3
settlement 21:18,24
seven 20:9,11 21:9,15
share 6:25 9:1,7 13:18
sharing 7:12
sheet 3:15,25
Short 1:22 6:3,4 10:9
10:12 11:5 12:12,14
12:15,22 16:7,11,13
16:21
show 11:17 12:6,23
17:10
side 9:7 20:20
sides 21:24 22:4
sign 3:15,15,25,25
signed 5:23
Simultaneous 17:4
18:22
sir 3:16,18 7:14 14:6,8
21:13
situation 7:21
soon 20:3
sorry 4:14 5:14 8:12,13
11:10,25 13:6,8
soundproof 15:5,11
speaking 17:4 18:22
spell 4:15 5:18 16:15
17:1
square 12:23
standard 12:2
standing 4:8 10:24 11:1
15:25 16:1,3,4 17:7
17:13
start 3:10
Status 1:8
Street 1:15
strong 18:10
subject 20:12
submit 20:8
submitted 20:15
Suite 1:15

T

t/a 1:6
tall 7:23
Teame 2:2 3:12,12,16
7:15,20,24 8:2,8 14:7
14:11,14,18,21,24
technically 18:19
tell 6:13
Tensae 2:2 3:20,23
testimony 12:24 20:23
21:1
thank 21:3,7 22:8,9
Thanks 22:9
things 10:6,6,18,22
11:2 12:4 19:23 21:16
third 8:6,8,10 9:21
Thirty 14:14
three 4:6 5:7 14:14 16:1
today 5:24,25 11:6,21
12:2 18:1
told 21:17
tolerate 21:1
top 13:19
touches 11:18 12:7
travel 18:20
try 22:3
trying 7:22
two 5:6 8:2,3 13:20

U

U-B-I-N-Y-I 8:14
unable 5:9 21:25
unfortunate 7:21
Unfortunately 15:10
unhappy 22:5
unit 13:13,14
upstairs 13:23

V

value 15:2
Varzi 2:3 4:2,2,4 18:7
18:12,19,25 19:6,10
19:12

W

W 1:18
WAHABZADAH 1:23
wall 6:18,19,25 7:12 9:1
9:7 12:7 13:18
walls 12:24
Washington 1:15 3:13
way 16:15 17:2
Wednesday 1:12
weekday 14:1
weekend 13:25
went 22:12
window 13:16

windows 15:6
witnesses 20:22 21:10
word 11:3
work 5:9 19:4 21:23
22:6
written 15:9 19:2

X**Y**

year 13:25
years 14:12,13,14,24

Z

Z 16:19

0**1**

1-0 9:18
1:30 18:4 22:7
10:04 22:12
102 9:17
11 1:12
14th 1:15
19-PRO-00144 1:9 3:4

2

2-0-4 9:15
2000 1:15
20009 1:15
202 13:13
202-442-4353 21:7
2020 1:12
204 9:14

3

3-0-2 10:2
30 14:11
302 9:20

4

400S 1:15
4300 7:15
4306 1:7 3:13
4C 1:8 2:3
4C07 4:2

5**6****7**

7-0-0 6:9 17:24

8

8 18:3 22:7
8th 18:8,11,15

9

9:46 3:2
90 20:20
90424 1:8 3:5

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In the matter of: Safari Restaurant and Lounge

Before: DCABRA

Date: 03-11-20

Place: Washington, DC

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