

ALSO PRESENT:

NAMYOUNG JOUNG, Applicant

HYE JUNG NA, Applicant

YOUNG MOO KIM, Korean Interpreter

SIDON YOHANNES, Applicants' Counsel

ANDREW KLINE, Applicants' Counsel

SYDELLE MOORE, Protestant and President of

Langston Civic Association

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

PRELIMINARY MATTER:

Motion to Strike Protestant Exhibits17
 Overruled by Chairman Anderson30

 Opening Statement by Applicant34
 Opening Statement by Protestant.36
 Closing Statement by Applicant264
 Closing Statement by Protestant.267

WITNESS DIRECT CROSS REDIR RECROSS BOARD

BOARD:

Vernon Leftwich 41 65 55

APPLICANT

Namyong Joung 74 87 98 91
 Hye Jung Na 101 110 143 140 116
 William Chambers 151 157
 Kenny Artis 159 162
 Kathy Henderson 164 180 213 211 191

PROTESTANT

Ian Moss 216 222 233 225
 Juanita Diggs 237 253 260 254

EXHIBITS IDENTIFIED RECEIVED

GOVERNMENT

1 - Langston Protest Letter 50
 2 - Regulatory Inspection 50
 3 - 1200 Feet GIS Info. Map 50
 4 - 400 Feet GIS Info Map 50
 5 - Storefront Photo From Across
 Street on Benning Road 50
 6 - Business Exterior Photo 52
 7 - Business Interior Photo 52
 8 - Refrigerator Side View Photo 52
 9 - Business Rear View Photo 52
 10 - Interior Food Display Photo 52
 11 - MPD Calls for Service 2017/18 52

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

EXHIBITS	IDENTIFIED RECEIVED	
APPLICANT		
1 - Signed Petition	87	87
2 - Cell Phone Screen Shot of Inside Sylvia Liquors	103	106
3 - Cell Phone Screen Shot of Security Cameras	105	106
4 - Settlement Agreement	107	
VIDEO PLAYED		
Video 1.		240

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

2 4:30 p.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. Our next case is a
5 Protest Hearing, Case No. 18-PRO-00042, Sylvia
6 Liquors, License No. 104606.

7 Would the parties, please, approach
8 and identify themselves for the record, please?

9 MS. MOORE: Yes. My name is Sydelle
10 Moore and I am representing the Langston Civic
11 Association.

12 CHAIRPERSON ANDERSON: Good evening
13 Ms. Moore. Hold on, Mr. -- is the owner here?

14 INTERPRETER KIM: No, sorry, I'm an
15 Interpreter.

16 CHAIRPERSON ANDERSON: I know who you
17 are, sir. That's why I'm asking the attorneys.
18 Do you --

19 INTERPRETER KIM: No, they are not.

20 CHAIRPERSON ANDERSON: That's why I
21 was going to -- that's why I had asked the
22 question. So what do you -- what is it that you

1 want us to do? Are we waiting for the owner?

2 MS. YOHANNES: Yes. Can we have a
3 couple of minutes? They are parking. They are
4 on their -- they are walking in actually, I
5 think.

6 CHAIRPERSON ANDERSON: All right.
7 Okay.

8 MS. YOHANNES: Apologies.

9 CHAIRPERSON ANDERSON: Okay. Then we
10 will wait until the owner shows up.

11 MS. YOHANNES: Okay.

12 CHAIRPERSON ANDERSON: All right.
13 What language is this?

14 MS. YOHANNES: Korean.

15 CHAIRPERSON ANDERSON: Korean. So can
16 we have the translator come up, sir? The
17 translator. Hold on. Can you raise your right
18 hand, sir?

19 Do you solemnly affirm that you will
20 faithfully and accurately interpret the
21 proceedings in the matter from English -- you
22 don't -- not you, sir. From English into Korean

1 and from Korean into English to be best of your
2 ability?

3 INTERPRETER KIM: I do.

4 CHAIRPERSON ANDERSON: Okay. Have
5 your name -- just tell us what your name is, sir.

6 INTERPRETER KIM: My name is Young Moo
7 Kim.

8 CHAIRPERSON ANDERSON: All right. You
9 can have a seat. Thank you. And you can sign-in
10 on the sign-in sheet, please.

11 INTERPRETER KIM: Sure.

12 CHAIRPERSON ANDERSON: And put your
13 title once you sign-in. Okay.

14 I'm sorry, ma'am, go ahead and
15 introduce yourself for the record.

16 MS. MOORE: Sure. So my name is
17 Sydelle Moore, S as in Sam, Y as in yellow, D as
18 in dog, E-L-L-E last name Moore, M-O-O-R-E. And
19 I am the president of the Langston Civic
20 Association.

21 CHAIRPERSON ANDERSON: Good afternoon.

22 MS. MOORE: And I'm here representing

1 them.

2 CHAIRPERSON ANDERSON: Sure. That's
3 fine. Go ahead.

4 MS. YOHANNES: Sidon Yohannes here has
5 counsel for licensee.

6 CHAIRPERSON ANDERSON: Ms. Yohannes.

7 MR. JOUNG: My name is Namyong Joung.
8 I'm Sylvia Liquors co-owner.

9 CHAIRPERSON ANDERSON: Good afternoon,
10 sir. There is a sign-in sheet.

11 MR. JOUNG: Good afternoon, sir.

12 CHAIRPERSON ANDERSON: Please, sign-
13 in. Mr. Kline, do you want to be recognized?

14 MR. KLINE: Andrew Kline also here for
15 the applicant.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you. I think maybe this is the owner
18 coming in. Is that -- I don't understand why
19 folks are afraid to come in the room. I see
20 folks come and they are like -- they look like
21 they belong, but they don't want to come in. Is
22 that her?

1 MS. YOHANNES: Yes. Do you want her
2 to introduce herself?

3 CHAIRPERSON ANDERSON: Yes, ma'am.
4 Introduce yourself for the record, please.

5 MS. NA: My name is Hye Jung Na and I
6 am one of the co-owners --

7 CHAIRPERSON ANDERSON: All right.

8 MS. NA: -- at Sylvia Liquors.

9 CHAIRPERSON ANDERSON: All right.
10 Sir, are you translating for both parties or
11 just --

12 INTERPRETER KIM: From what I
13 understood from this gentleman is that he does
14 not need an interpreter, so he said that he would
15 try on his own and then when I was -- when I am
16 needed, he would ask me to translate.

17 CHAIRPERSON ANDERSON: Who was the
18 interpreter requested for?

19 MS. YOHANNES: The interpreter was for
20 him.

21 CHAIRPERSON ANDERSON: Okay. All
22 right. All right. This is a Protest Hearing.

1 And I think one of the things that I am going to
2 ask -- maybe I'll ask the parties to -- there
3 were two protest -- two, I think, participants in
4 the protest initially when this license -- it was
5 the -- hold on.

6 It was -- all right. All right. All
7 right. I was trying to figure out whether or not
8 the ANC had officially protested this matter. So
9 the ANC -- it was just the civic association has.

10 All right. I want the record to
11 reflect today on our -- when we announced what
12 the Board results were, the Board signed-off on a
13 settlement agreement between ANC-5D with the
14 applicant and the 5th District Headquarters. And
15 so we have a settlement agreement.

16 What I'm trying to find out today is
17 if there is a way we can streamline this, in the
18 sense that if the parties want, we could, if
19 there is some agreement, write a Consent Order,
20 which is enforceable. And so I'm trying to find
21 out. I'm not sure and I'm asking.

22 I know that, ma'am, you did not sign-

1 off on the settlement agreement. You didn't have
2 to. You don't have the responsibility to sign-
3 off on the settlement agreement, but have you
4 seen the settlement agreement?

5 MS. MOORE: I have seen it and it does
6 address a lot of the concerns that the community
7 has, but it does not address all of the concerns.

8 CHAIRPERSON ANDERSON: So what are the
9 concerns that you have? What is it that you are
10 seeking that is not addressed by the settlement
11 agreement? And maybe if we can come to some type
12 of agreement, and so the -- what the Board would
13 do, if the parties negotiate, we could then write
14 a Consent Order, which is enforceable, which
15 would just cover those terms that are in
16 disagreement.

17 MS. MOORE: Sure. So I think that the
18 community, the additional concerns that the
19 community has:

20 (1) It's not only the fact of their
21 being cameras, but the direction of the cameras.
22 A lot of the on-site drinking that occurs occurs

1 strategically off-camera from the current camera
2 location. And so with very little effort, I
3 think it would make a lot of sense to have
4 cameras that face down the street in both
5 directions and not just one direction that avoids
6 a lot of the activity that people are complaining
7 about.

8 CHAIRPERSON ANDERSON: All right.

9 MS. MOORE: So that is one sort of
10 easy addition that could be made.

11 And then in terms of the security
12 concerns, while it is helpful to have a
13 reimbursable detail from MPD, it doesn't cover
14 the year-round nature of the concerns, so you got
15 -- you have got, you know, reimbursable detail
16 that is -- there has been some participation in
17 the summertime, which, you know, okay, that's
18 nice and that is helpful, but the problems are
19 persistent throughout the year, except for the
20 very, very cold months of the year.

21 And so I would like to see some
22 changes to the way that they are addressing

1 security in those additional times when they are
2 not having a reimbursable detail.

3 CHAIRPERSON ANDERSON: But like what?

4 Like --

5 MS. MOORE: Well, they could -- there
6 has been a suggestion from them to designate a
7 staff member to go out and surveil the area. I
8 honestly don't -- I have not seen that be a
9 success for them in the past and they have
10 expressed some concerns about safety of the staff
11 members. So what they could do is get a security
12 guard that is there for the most high-crime hours
13 of the day, so that during the -- basically 40
14 percent of the crime that happens in and around
15 the store happens during a three-hour period.

16 So get some staff that is trained and
17 capable staff, not just someone who is going to
18 go outside and frankly get beat up, to go out and
19 address those issues.

20 CHAIRPERSON ANDERSON: What else?

21 MS. MOORE: So those are the primary
22 two beyond what is in the settlement agreement.

1 CHAIRPERSON ANDERSON: Ms. Yohannes,
2 on behalf of your client, could you guys maybe
3 take a while to sit, discuss it? If you can come
4 to an agreement, we can issue a Board Order that
5 memorializes this -- a Consent Order. And so if
6 these are the only outstanding issues, so
7 therefore we don't need to have a protest
8 hearing.

9 And it is, you have a Board Order that
10 is actually enforceable, that if the Board Order
11 is not complied with, there are fines that are, I
12 think, higher than in a settlement agreement,
13 because if you don't comply with -- we have to
14 give a Board Order that is binding on both
15 parties.

16 So would the parties be amenable to
17 discuss this? And we will issue a Consent Order
18 on these outstanding issues.

19 MS. YOHANNES: I think we can take a
20 few minutes to briefly discuss to see if there
21 are any changes and if we can come to a
22 resolution. However, we can discuss it for a

1 couple more minutes.

2 CHAIRPERSON ANDERSON: All right. I
3 mean, as I said before, because we signed-off on
4 the -- we announced that we signed-off on the
5 settlement agreement today. It was on our --
6 when I read the agenda items this morning at
7 12:00, it is now on the record that it's formal.
8 And so I am just trying to find a way to see if
9 we can come to -- since -- to narrow the issues
10 and to sign a Consent Order that both parties
11 would have what they are seeking.

12 Okay. So we can -- I'll step back and
13 you guys can let us know when you are ready and
14 I'm hoping that we can come to some type of
15 agreement.

16 MS. YOHANNES: Okay.

17 CHAIRPERSON ANDERSON: If not, the
18 Board will make a decision.

19 MS. YOHANNES: Okay. Thank you.

20 CHAIRPERSON ANDERSON: Thank you. All
21 right. So let us know when you are ready,
22 please.

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MEMBER SHORT: Are we in recess?

CHAIRPERSON ANDERSON: Yes, we are in
recess.

(Whereupon, at 5:00 p.m. the Protest
Hearing continued into the evening session.)

1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 5:02 p.m.

3 CHAIRPERSON ANDERSON: All right. We
4 are back on the record. Where are we? Are we
5 having a Protest Hearing?

6 MS. YOHANNES: Yes, we are moving
7 forward with the hearing.

8 CHAIRPERSON ANDERSON: I'm sorry?

9 MS. YOHANNES: We are moving forward
10 with the hearing.

11 CHAIRPERSON ANDERSON: All right.
12 Does the applicant wish to make an opening
13 statement?

14 MS. YOHANNES: Preliminarily, I would
15 like to move to strike the protestant's exhibits.
16 She has --

17 MEMBER SILVERSTEIN: Ms. Yohannes, can
18 you speak up and into the microphone?

19 CHAIRPERSON ANDERSON: What exhibits?

20 MS. YOHANNES: Sorry. The exhibits
21 submitted. I have not received them. I just
22 received them actually. I have not viewed the

1 video footage that is marked here on the Protest
2 Information Form either, so --

3 CHAIRPERSON ANDERSON: You want to
4 strike what?

5 MS. YOHANNES: I want to strike all
6 the exhibits, because I did not receive them per
7 the regulations seven days before the hearing.

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

10 MS. MOORE: What was that?

11 CHAIRPERSON ANDERSON: Give me your
12 name again, please.

13 MS. MOORE: Sydelle Moore.

14 CHAIRPERSON ANDERSON: Ms. Moore. All
15 right. The allegation is that they did not
16 receive the exhibits. Just the exhibits you said
17 you haven't received?

18 MS. YOHANNES: I haven't received any
19 of the exhibits, that's correct.

20 CHAIRPERSON ANDERSON: Can you explain
21 what is going on, ma'am?

22 MS. MOORE: Sure. So I submitted the

1 forms as required by ABRA by close of business on
2 the date requested and ABRA did confirm receipt.
3 You know, I specifically said in the email and I
4 also forwarded that same email to Ms. Yohannes.
5 So if there is an issue with not having received
6 those items, you know, had I been made aware of
7 that prior to today, I would have been happy to
8 have sent those along if someone couldn't open
9 any attachments or had any issues.

10 You know, I don't understand why you
11 would confirm receipt if you had not, indeed,
12 received them.

13 CHAIRPERSON ANDERSON: So what is it
14 that -- what did you receive, Ms. Yohannes?

15 MS. YOHANNES: I didn't receive her
16 exhibits.

17 CHAIRPERSON ANDERSON: What? I asked
18 you what did you receive?

19 MS. YOHANNES: Oh, what did I receive?
20 The Protest Information Form and an exhibit list.

21 CHAIRPERSON ANDERSON: So how were the
22 documents submitted, ma'am?

1 MS. MOORE: Electronically via email.

2 CHAIRPERSON ANDERSON: And what were
3 the documents that were submitted?

4 MS. MOORE: So the PIF form and the
5 Exhibit Form were submitted and then there was an
6 attachment to download anything else. So
7 anything that needed to be -- and my email
8 specifically said, you know, get back to me, let
9 me know, confirm receipt. And I did --

10 CHAIRPERSON ANDERSON: But --

11 MS. MOORE: -- receive confirmation of
12 receipt.

13 CHAIRPERSON ANDERSON: All right.
14 Tell me what the exhibits are.

15 MS. MOORE: So everything on this list
16 here, which includes 10 items. One item is a
17 letter from Councilmember McDuffie requesting
18 revocation of Sylvia Liquors' license; a video of
19 incidents near the store; a video of intoxicated
20 patrons in front of the store.

21 CHAIRPERSON ANDERSON: Hold on. There
22 is a mess. Hold on a minute.

1 MEMBER ALBERTI: I have six.

2 CHAIRPERSON ANDERSON: Okay. So you
3 did the list. However, but -- and how again did
4 you submit the documents?

5 MS. MOORE: Via email. I can pull it
6 up on the screen here to show --

7 CHAIRPERSON ANDERSON: I need to --
8 I'm looking at the -- and did you send separate
9 emails to ABRA or you send -- or did you send the
10 same email?

11 MS. MOORE: I sent separate emails and
12 then cced ABRA, I believe. But I can pull it up
13 here.

14 CHAIRPERSON ANDERSON: Why don't you
15 show me what you sent?

16 MS. MOORE: Sure.

17 CHAIRPERSON ANDERSON: All right. Do
18 you have the email that you sent or you said that
19 you received receipt.

20 MS. MOORE: Yes.

21 CHAIRPERSON ANDERSON: What was the
22 receipt that you --

1 MS. MOORE: It just said -- I just
2 received a response back saying received, thank
3 you.

4 CHAIRPERSON ANDERSON: A response from
5 whom?

6 MS. MOORE: From both. Let's see
7 here, Imani. Let me go back, sorry. Sorry,
8 there are several of these.

9 MEMBER ALBERTI: Do you have a copy of
10 the original?

11 CHAIRPERSON ANDERSON: That --

12 MEMBER ALBERTI: Of the original email
13 you sent to Ms. Yohannes?

14 MS. MOORE: Yes, I do.

15 MEMBER ALBERTI: Okay. Because that
16 would probably be a good start.

17 MS. MOORE: Okay. I'm just looking
18 for it. Sorry, it's just taking a while.

19 MEMBER ALBERTI: That's all right. I
20 mean, we are seeing what you are looking at and
21 I'm not seeing anything with Ms. Yohannes' name
22 on it.

1 MS. YOHANNES: I did also email Ms.
2 Moore earlier today letting her know I did not
3 receive them and talked to her about it. And I
4 did not get them until I walked in today.

5 MS. MOORE: Attached and, please,
6 confirm receipt. And then April Randall
7 responded: "Thank you, Ms. Moore. Please,
8 remember to send a copy of the PIF and Exhibit
9 Forms to the licensee's attorney." And then
10 provided her email address. "Thank you. I will
11 submit now."

12 CHAIRPERSON ANDERSON: Where is the
13 email that was --

14 MS. MOORE: So that was -- my original
15 email was sent on Wednesday, October 10th at 3:41
16 p.m. to April and Martha is listed.

17 CHAIRPERSON ANDERSON: Right.

18 MS. MOORE: And then the response here
19 is to April -- is from April Randall saying thank
20 you.

21 CHAIRPERSON ANDERSON: All right. But
22 where is the email that was sent to the --

1 MS. MOORE: Oh, okay. So then you go
2 below here. Let me --

3 MS. YOHANNES: And then --

4 MS. MOORE: So I'll search for her
5 name.

6 CHAIRPERSON ANDERSON: Hold on one
7 minute. I'm trying to figure out where the --

8 MS. MOORE: Okay. I'm just going to
9 search by her name in my inbox.

10 CHAIRPERSON ANDERSON: All right.

11 MS. MOORE: So it will just come to
12 that.

13 MS. YOHANNES: On April -- on October
14 10th at 3:45 p.m. --

15 CHAIRPERSON ANDERSON: Hold on, Ms.
16 Yohannes.

17 MS. YOHANNES: Sorry, go ahead.

18 CHAIRPERSON ANDERSON: Let -- I need
19 to find out from her what is it that she sent and
20 when it was sent. Okay. I saw what was sent to
21 ABRA.

22 MS. MOORE: Okay. And then this is to

1 Sidon on Wednesday, October 10th at 5:26 p.m.

2 CHAIRPERSON ANDERSON: And what was
3 this? So you sent this to her and it says two
4 attachments. What were the two attachments?

5 MS. MOORE: Those two attachments are
6 the PIF form, so you can see right here.

7 CHAIRPERSON ANDERSON: Okay.

8 MS. MOORE: It includes all of the --

9 CHAIRPERSON ANDERSON: That's two
10 pages. What's the other document?

11 MS. MOORE: And then the other
12 document is the Exhibit Form.

13 CHAIRPERSON ANDERSON: Okay.

14 MS. MOORE: And this --

15 CHAIRPERSON ANDERSON: So where are
16 the documents?

17 MS. MOORE: The exhibits?

18 CHAIRPERSON ANDERSON: Yes. Where are
19 the exhibits?

20 MS. MOORE: So they were -- if --
21 let's see. They were included in-line as a link.
22 So I'm also not seeing the link here. I'm just

1 getting an error message.

2 CHAIRPERSON ANDERSON: Well, let me
3 ask you a question, Ms. Yohannes. I mean, she
4 sent you the document. She sent you the PIF.
5 She sent you the list of itemized documents. So
6 did you -- you received that? Is that correct?

7 MS. YOHANNES: That's correct, yes.

8 CHAIRPERSON ANDERSON: And did you
9 ever -- when did you say to her where are the
10 documents? And clearly the documents -- someone
11 sent you their disclosure. It says here are the
12 exhibits and their list, they are listed. So
13 when is it that did you say to her that I never
14 received them?

15 MS. YOHANNES: I was hoping to get in
16 touch with her earlier this week. I did not
17 speak to her until this morning.

18 CHAIRPERSON ANDERSON: So you are
19 saying that someone --

20 MS. YOHANNES: I think this morning I
21 sent her an email saying by the way, I still
22 don't have your exhibits.

1 CHAIRPERSON ANDERSON: But this
2 happened over a week ago. So why is it that -- I
3 mean, I could understand if this document was --
4 this exhibit was never sent to you. And so you
5 could say it was never sent to me. But it was
6 sent to you and it was -- it clearly stated that
7 it had these itemized attachments.

8 And I mean, I'm -- it surprises me
9 that you wouldn't say to her we received the
10 documents to say I have not received these
11 attachments. All I received is the cover page,
12 but I didn't receive the documents. I mean, I'm
13 just asking you. Tell me why is it that as a
14 reasonable attorney, that if someone send you
15 something, it says it has attachment. You
16 receive some of the documents, but not all, why
17 would you not say to the person I did not receive
18 these documents?

19 MS. YOHANNES: Maybe I'm
20 misunderstanding. I received what she said she
21 included in the email. She says she included a
22 PIF and an Exhibit List. She said that is what

1 is -- so it says "Please, see PIF and Exhibit
2 Form attached." So the PIF and the Exhibit Form
3 were attached.

4 CHAIRPERSON ANDERSON: Right, but --

5 MS. YOHANNES: And I --

6 CHAIRPERSON ANDERSON: Sorry.

7 MS. YOHANNES: -- so my thoughts were
8 to get in touch with her this week. If I got
9 this information this morning, I wouldn't be here
10 right now asking that we move to strike.

11 MEMBER ALBERTI: Did she send her an
12 email?

13 MS. YOHANNES: I spoke to her two or
14 three times today hoping to get this information
15 before the hearing.

16 CHAIRPERSON ANDERSON: Ms. Yohannes,
17 all right, and I'm going to say this, and I'm an
18 attorney.

19 MS. YOHANNES: Right.

20 CHAIRPERSON ANDERSON: And you are an
21 attorney. She is not an attorney. Someone sends
22 you documents, send you their disclosure seven

1 days ago and it was sent to you. Clearly, it
2 lists what the exhibits are. You never received
3 the exhibits. Why is it would you not send an
4 email to say I never got the exhibits?

5 I got whatever email you said it has
6 attachments, but I didn't get it. I mean, now if
7 you had said to me you sent an email to her to
8 say I got some, I didn't get the attachment and
9 she didn't respond and then today she gave them
10 to you, I would be inclined to agree with you,
11 but if I sent someone something seven days ago
12 and my assumption -- if I thought I sent it and
13 my assumption is that you received it, because
14 clearly you would have opened the document and
15 seen it is not there and say to me send another
16 email to say -- and you don't have to speak to
17 the person.

18 You just send an email to say I never
19 received it. So I'm not going to -- based on the
20 presentation there --

21 MS. YOHANNES: I already -- can I ask
22 before you rule?

1 CHAIRPERSON ANDERSON: Yes, ma'am.

2 MS. YOHANNES: Were these exhibits
3 submitted to the Board?

4 CHAIRPERSON ANDERSON: I don't know,
5 because normally --

6 MS. YOHANNES: If they weren't --

7 CHAIRPERSON ANDERSON: -- normally --
8 but this is -- but whether or not they were
9 submitted to the Board, that's irrelevant. As an
10 attorney, the expectation is if someone sends me
11 a document and with exhibits, I'm -- there is an
12 expectation there is exhibits.

13 And if you tell me today that you sent
14 an email saying to her I did not receive it and
15 if she did not respond, then my position today
16 would have been I'm not going to allow the
17 documents in, because you specifically told her
18 you didn't get them if they were never sent, but
19 you did not -- you never responded for a week.

20 And as an -- and I said to people as
21 an attorney, I hold people to a different
22 standard and maybe if you -- maybe if she was

1 also an attorney, I might have had a different
2 expectation, because as an attorney, then I'm
3 going to say to her then it's her responsibility
4 to have known that the attachments were there.

5 But I'm not going to have -- and if
6 you had told me or if you had said to me that at
7 any point prior to today, you had contacted her
8 to say I didn't get it and she never gave them to
9 you, I would be sympathetic.

10 I'm not sympathetic today. So I'm not
11 going to exclude -- I'm not going to exclude the
12 documents, not based on the fact that they were
13 not disclosed a week ago, because you were on
14 notice and if you did not receive them, it was
15 incumbent upon you to tell her at the point that
16 it was never sent -- it was never -- that you
17 never got it.

18 And if you told her you never got it,
19 and she did not respond, then we would not be
20 having this conversation, because I would have
21 stated that I will not allow them today. But
22 based on the presentation that was done today, I

1 am not -- I am going to allow the documents in.

2 Anything else? And you were provided
3 whatever the names of the documents, even if you
4 were not provided the documents itself, you know
5 what it is that she was trying to disclose,
6 because it clearly states what these documents
7 are. So I don't think there is any surprise to
8 you.

9 The purpose of disclosing documents is
10 to ensure that there are no surprises. And there
11 is no surprise to you. There is a letter from
12 Councilmember McDuffie, it clearly states what
13 the letter states. Video of incidents near the
14 store, so you are aware that there are incidents
15 at the store.

16 You are also aware that there are
17 videos of intoxicated patrons in front of the
18 store. Again, photos of intoxication --
19 intoxicated patrons in front of the store. That
20 there is communication regarding -- from the
21 United Communications records, newspaper articles
22 about murders in front of the store, crime data,

1 lessons -- letters of concern from community
2 members, real estate sales data, community map.

3 There is no surprises here, ma'am.
4 You are on notice what the disclosures are. And
5 so I'm not going to -- I am not -- once we have
6 testimony, the documents can come in, but I'm not
7 going to -- if there is no testimony on these
8 documents, I'm not going to let them in. But I
9 am not going to not let them in at this moment,
10 based on the fact that you did not receive them.
11 Next?

12 MS. YOHANNES: I still haven't
13 received the photos. There is no photos in here.

14 MS. MOORE: There are. If you flip a
15 couple of pages have photos.

16 CHAIRPERSON ANDERSON: What are we --
17 where are we? I would -- asked if there were
18 preliminary matters and you told me one. I ruled
19 against you, so where --

20 MS. YOHANNES: That's --

21 CHAIRPERSON ANDERSON: -- are we?

22 MS. YOHANNES: -- no other preliminary

1 matters, at this time. We can move to opening.

2 CHAIRPERSON ANDERSON: All right.

3 Would the applicant wish to make -- do you wish
4 to make an opening statement on behalf of your
5 client?

6 MS. YOHANNES: Yes. Okay.

7 CHAIRPERSON ANDERSON: Okay.

8 MS. YOHANNES: We are here today, as
9 you know, on a renewal application for a
10 Retailer's Class A License for Sylvia Liquors.
11 Sylvia Liquors is located at 1818 Benning Road,
12 N.E. And today you will hear testimony from the
13 owners of the establishment. You will hear
14 testimony from nearby residents and you will hear
15 testimony from the ANC Commissioner.

16 The evidence will show that the owners
17 have been good members of the community. They
18 have done everything they can as business owners
19 to prevent loitering, to work with the community.
20 They have cameras. They cooperate with police.
21 And they do their part to discourage loitering.

22 Throughout this hearing, you will hear

1 references to recent crime in the area. You will
2 hear references to loitering, loitering being the
3 biggest issue that the protestant has raised, but
4 this case is not about the general history of
5 crime or of loitering on Benning Road.

6 It is about Sylvia Liquors and whether
7 they specifically have a negative effect on
8 peace, order and quiet. It's not about the
9 history of crime on Benning Road and what has
10 been happening in the last few weeks in that
11 area.

12 And the evidence will show that there
13 is no direct proof, there is no direct evidence,
14 there is nothing to show that Sylvia Liquors has
15 any negative impact on peace, order and quiet.

16 And it is actually where Sylvia Liquors has been
17 working with the community, has been working with
18 MPD, has been working with the ANC to work with
19 those issues, to work with loitering, to prevent
20 that from continuing to occur.

21 So at the end of the hearing and after
22 hearing all of the evidence and hearing the

1 testimony of the supporters, we request that you
2 approve the renewal of this Class A Retailer's
3 License.

4 CHAIRPERSON ANDERSON: All right.
5 Thank you. Do you wish to make an opening
6 statement, ma'am?

7 MS. MOORE: I do. So my name is
8 Sydelle Moore. I'm here on behalf of the
9 Langston Civic Association and our concerns are
10 not just about general crime in the area.

11 We have data. As a city, we keep very
12 specific data about crime, about locations of
13 crimes and about 911 calls. I think that the
14 license holder has attempted to make the case
15 without any data to support that they are doing
16 all that they can to combat crime in that -- in
17 the 100 feet area around their store.

18 And there is just too much fact
19 information available, readily available from the
20 city that just does not support that claim.
21 There is a dearth of calls to 911 when serious
22 incidents are taking place as compared to other

1 stores nearby. That does not represent someone
2 who is being proactive about addressing crime
3 issues.

4 There are not similar levels of crime
5 or other complaints about quality of life on
6 neighboring blocks, including the 1700 Block nor
7 the 1900 Block of Benning Road. There are not
8 similar -- those are also, you know, high traffic
9 areas with very similar buildings, similar
10 properties, similar level of vacant properties
11 and they are just not seeing those issues on
12 those very similar locations because you have
13 property owners, even at the other end of the
14 same block, who are very much more proactive
15 about calling police when they see an issue.

16 And so this idea that the license
17 holder is doing all that they can in order to
18 address some of the crime that is happening in
19 that area, is simply not the case. The numbers,
20 the facts just don't bear that out.

21 CHAIRPERSON ANDERSON: So what is it
22 that you want us to do?

1 MS. MOORE: So what I would really
2 like to see is for the store to take more
3 ownership of calling police. So if you look at
4 the numbers here on --

5 CHAIRPERSON ANDERSON: No, I'm just
6 saying this is just as an opening.

7 MS. MOORE: Okay.

8 CHAIRPERSON ANDERSON: You can be
9 specific at the end when you do your closing.

10 MS. MOORE: Okay.

11 CHAIRPERSON ANDERSON: But as
12 listening to the case, I just want to know what
13 it is that you are seeking so --

14 MS. MOORE: Sure.

15 CHAIRPERSON ANDERSON: -- I can maybe
16 listen to certain things more, but I know at the
17 end you will wrap up to let us know.

18 MS. MOORE: Okay.

19 CHAIRPERSON ANDERSON: But you don't
20 have to at this point --

21 MS. MOORE: Sure.

22 CHAIRPERSON ANDERSON: -- but at the

1 end.

2 MS. MOORE: Well, I would just say
3 that so some of the things that were covered in
4 the agreement that you all approved this morning
5 do carry -- do capture some of those concerns. I
6 think at this point, with that in mind, that
7 that's already in place, the thing to be
8 concerned about here is actual steps that you can
9 take moving forward to improve security, that are
10 reasonable, that are actually actionable steps
11 and not just sort of a well, we promise to
12 continue to do -- doing the things that we have
13 been doing that haven't worked already.

14 So if you are already saying that you
15 feel afraid to go out and tell people not to
16 drink in front of your store, designating a
17 single person who is also afraid to go out, you
18 know, for valid reasons, in front of the store
19 and then allow that person to be physically
20 harmed potentially is not a reasonable or
21 actionable solution.

22 So getting someone who is trained to

1 deal with those types of situations will help
2 improve safety. We have a day care which,
3 contrary to the report issued by the
4 Investigator, is actually a licensed operable
5 business. They are just not operating right now,
6 because who is going to drop their toddler off,
7 you know, when there is someone drunk and
8 belligerent in front of the door.

9 So there are concerns about not just
10 sort of how the store is operating, but its
11 impact on the people around it and the balance
12 between, you know, let's not have someone
13 monopolize MPD resources for an entire area.

14 CHAIRPERSON ANDERSON: All right. All
15 right. Thank you. The Board will call its first
16 witness, Mr. Vernon Leftwich.

17 Mr. Leftwich, can you raise your right
18 hand, please?

19 Whereupon,

20 INVESTIGATOR VERNON LEFTWICH
21 was called as a witness by the ABRA Board and
22 having been first duly sworn, assumed the witness

1 stand and was examined and testified as follows:

2 THE WITNESS: I do.

3 CHAIRPERSON ANDERSON: All right.

4 Thank you. Have a seat.

5 DIRECT EXAMINATION

6 CHAIRPERSON ANDERSON: Can you state
7 your name for the record, please?

8 THE WITNESS: Investigator Vernon
9 Leftwich.

10 CHAIRPERSON ANDERSON: And where are
11 you employed, sir?

12 THE WITNESS: The Alcoholic Beverage
13 Regulation Administration.

14 CHAIRPERSON ANDERSON: And what is --
15 how long have you been work -- have you worked
16 for the Agency?

17 THE WITNESS: I've worked at -- with
18 this Agency for a little over three years.

19 CHAIRPERSON ANDERSON: And what is
20 your role working for this Agency, sir?

21 THE WITNESS: My duties include
22 conducting investigations and inspections at

1 licensed establishments, at ABC-licensed
2 establishments within the District of Columbia.

3 CHAIRPERSON ANDERSON: Now, are you
4 familiar with Sylvia Liquors, the applicant today
5 for -- at this protest?

6 THE WITNESS: Yes. I was assigned the
7 protest and I did a pretty thorough investigation
8 and became familiar with the establishment.

9 CHAIRPERSON ANDERSON: Now, sir, can
10 you go through your report and tell us what it is
11 that you were able to find out as far as this
12 establishment is concerned?

13 THE WITNESS: Yes. Ms. Moore, the
14 President of the Langston Civic Association,
15 submitted a letter to ABRA on Thursday, May the
16 24th, with a basis of protesting the
17 establishment on the basis of peace, order and
18 quiet.

19 The -- Ms. Moore's concerns include,
20 but are definitely probably not limited to, that
21 specifically the owners are not always present,
22 so therefore the impact of their concerns or

1 anything that they would like to see enforced at
2 the establishment is not always done, because
3 they are not always there. And it is not a lot
4 of consistency, so there may be times where
5 precautions are put in place, but things are set,
6 but they do not last and those implications on
7 the establishment, they return.

8 Also, that it is common practice for
9 there to be lawn chairs and other seating
10 arrangements that are outside of the
11 establishment and it almost -- you would almost
12 be under the impression that the establishment
13 has a sidewalk cafe, based on those observations.
14 Those that are loitering outside tend to leave
15 trash behind.

16 There are a number of different
17 neighborhoods that will come together which
18 contributes to the crime rate. During that time,
19 there were about three different neighborhoods
20 based on where the location of the establishment
21 sits, where they would meet. Ms. Moore has
22 requested and feels as that there are -- that

1 there is a connection between the single sales,
2 that being an isolated location where singles are
3 purchased, and the individuals of those
4 neighborhoods or the communities come together at
5 that place.

6 And based on my understanding, at one
7 point or another throughout this time, there has
8 been a request that single sales be not allowed
9 at that establishment nor should there be spirits
10 sold in quantities less than 750 ml.

11 Ms. Moore has also requested and would
12 like that MPD detail be added in, put into
13 practice to assist with the control of the
14 loitering.

15 I personally went to the establishment
16 on July the 12th, that was my first time, right
17 after being assigned to the establishment --
18 assigned the protest to conduct a regulatory
19 inspection and it was the beginning of my
20 personal observations of the establishment.

21 A little -- between that time and the
22 last conversation that I had with two of the

1 owners, Mr. -- I don't know how to pronounce the
2 names, but I'll spell the last name, Mr. R-Y-U,
3 Ryu, and Ms. N-A, Na, as they basically stated
4 that they do not allow consumers to drink
5 alcoholic beverages outside of the establishment
6 or inside of the establishment.

7 He stated that at any time they
8 noticed that consumers are under the influence,
9 they refuse to sell to them; that they have a log
10 of the MPD calls and they call whenever they have
11 concerns. They have cameras that are outside the
12 -- facing in one direction. And that they
13 request -- any time that they are unable to
14 mitigate the situation, they call MPD and request
15 assistance.

16 Within this time of the crime, they
17 have upgraded their camera system. The owners
18 are concerned or feel that they were willing to
19 comply with many, if not all, of Ms. Moore's
20 concerns on behalf of the civic association.
21 However, they feel as though that the ban on
22 single sales for their establishment is -- that's

1 something that they are not willing to do,
2 especially because they are within Ward 5 and
3 it's one of the wards where the moratorium which
4 bans single sales is not in place.

5 And additionally, they do not feel
6 that they are able to sell quantities of four
7 packs or more or 750 ml minimum without it having
8 an unreasonable and detrimental impact on their
9 business as a whole.

10 As far as the characteristics of the
11 neighborhood, it's in a Multi-Use Zone. There
12 are five licensed establishments within 1200
13 feet, one of which is a row, it sits on the end
14 of that establishment, so Sylvia's address is
15 1818 Benning Row and establishment of 7 Food
16 Store, which is a B store, is 1830, so they are
17 connected.

18 According to the GIS information,
19 there is Friendship Public Charter School and I
20 reached out to OSSE to speak with them about the
21 Kiddie Day Care Center that is there and based on
22 Ms. Moore's opening statement, the business --

1 there was a license that closed and there is a
2 current active business license there.

3 However, they are not and have not
4 been operating and the representative that I
5 spoke with is not aware of when they will
6 actually be opening. However, the establishment
7 that was there, it was reported they have been
8 closed since October 31, 2016 and there is no
9 information on, at least that I was provided, a
10 contact in regards to when they will be
11 attempting to open their establishment for -- to
12 allow children to occupy that space.

13 As far as the premises, again, it is
14 a small establishment. It is connected to vacant
15 properties. Depending on if you are looking at
16 those vacant properties are to your left and
17 there are residential areas to the rear and to
18 the right of the establishment.

19 And based on my monitoring, it seems
20 as though further down to the right or mixed is
21 some vacant and some people are still occupying
22 that space, but immediately to the right of it, a

1 majority of those immediate properties seem to be
2 vacant.

3 The interior of the establishment it's
4 a majority of beer freezers or refrigerators with
5 about three or four rows that just sell chips and
6 the majority of their business just seems to be
7 strictly alcoholic beverages, beer and some
8 juices as well.

9 During my observations, I have listed
10 here 10 days of operation and throughout that
11 time, I personally was able to observe the
12 loitering that was occurring. Very rarely, in my
13 personal observation, was the loitering directly
14 in front of the establishment. The majority of
15 the loitering takes place in front of what would
16 be, if operating, the day care center, that is
17 where there are, I call them, milk crates. I'm
18 not sure if they have a real name, but the crates
19 that milk has been delivered in as well as lawn
20 chairs or fold-up chairs. There are also cars
21 that tend to be parked along that strip and the
22 loitering would take place there.

1 I also spoke with the MPD officer that
2 was there. He reported that the 7 Food Store has
3 employed MPD officers at times or that there may
4 be a set detail that sits there. However, their
5 resources do not allow them to come and report to
6 every incident that they are called on.

7 Also, they cannot be there the entire
8 time, so they can -- they have done -- what they
9 have done is come and cleared it out. However,
10 they leave and by -- within an hour or so, those
11 patrons -- or not those patrons, those that have
12 been loitering return to that area.

13 Based on MPD records, between August
14 1, 2017 and August 20, 2018, they had more than
15 92 calls for service at Sylvia Liquors.
16 Throughout that time, there were no incidents
17 that ABRA was contacted about which led directly
18 to a violation. And based on ABRA's complaint
19 line or ABRA records, there have been no noise
20 violations, substantial change or settlement
21 agreement violations.

22 And also attached has been provided

1 the establishment's history, which their last
2 violation was in 2017 and prior to that it was
3 December of 2016.

4 CHAIRPERSON ANDERSON: Now there is
5 some exhibits attached to your report. Can you
6 tell us what these exhibits are, sir?

7 THE WITNESS: Yes. The first exhibit
8 is the protest letter that is from miss -- it was
9 written, I believe, on behalf of the Langston
10 Civic Association provided to ABRA by Ms. Moore.
11 A regulatory inspection, which I completed.
12 There was a GIS Information Map that has the 1200
13 feet around the establishment of the licensed
14 establishments within 1200 feet. The GIS
15 Information Map of the schools, recreation
16 centers within 400 feet.

17 There is a photo of the establishment
18 that was taken across the street from Benning
19 Road.

20 (Whereupon, the above-
21 referred to documents were
22 marked as Government Exhibit

1 No. 1 through 5 for
2 identification.)

3 CHAIRPERSON ANDERSON: When you are
4 going through them, tell me what exhibit you are
5 reading from.

6 THE WITNESS: Oh, I'm sorry. Do you
7 want me to start over?

8 CHAIRPERSON ANDERSON: No, you can
9 start --

10 THE WITNESS: Move forward.

11 CHAIRPERSON ANDERSON: Continue
12 forward, please.

13 THE WITNESS: Okay. So Exhibit No. 6
14 is the photo of the inside of Sylvia Liquors when
15 you walk into the -- oh, Exhibit 6 is the outside
16 of the establishment.

17 Exhibit 7 is when you walk into the
18 establishment, the interior, the front interior
19 photo.

20 Exhibit No. 8 is the interior of the
21 side view of the refrigerators.

22 Exhibit No. 9 is also a side view --

1 I'm sorry. Exhibit No. 9 is a rear view.

2 And Exhibit 10 is the interior of the
3 food display that they have, which again is a
4 small section.

5 And Exhibit No. 11 is the calls for
6 service from MPD again dated August 2017 to
7 August 2018.

8 (Whereupon, the above-
9 referred to documents were
10 marked as Government Exhibit
11 No. 6 through 11 for
12 identification.)

13 CHAIRPERSON ANDERSON: And I just want
14 to -- do you know the calls for service, I mean,
15 I know that it has -- do you know what these
16 calls were?

17 THE WITNESS: They are based on -- I
18 did not go through and look up each of the codes.
19 However, based on my conversation with the MPD
20 officer there, that the majority of any of the
21 calls that are called within that general area or
22 if someone calls and says Sylvias, it will say at

1 Sylvias. However, the incident may not have
2 occurred inside.

3 So if something has occurred at the
4 Kiddie Day Care Center right next door, it will
5 be attached to Sylvias. But there isn't a record
6 of things that happened directly inside of the
7 establishment.

8 CHAIRPERSON ANDERSON: Okay. Now, is
9 that it? Do you have anything else you want to
10 add?

11 THE WITNESS: I can answer questions.

12 CHAIRPERSON ANDERSON: I just have --
13 I'm going to -- before I have the rest of the
14 Board ask questions, let me ask you.

15 You said that in front of the
16 establishment next to I guess the day care for
17 better -- whatever the vacant building next to
18 them, that's where you see -- you said that there
19 were the carts and people were loitering.

20 THE WITNESS: Yes. If -- I believe it
21 should be seen. I do not have the photos in
22 front of me. However, Exhibit No. 6 you should

1 be able to -- it will be look -- that to me
2 looking at the establishment from across the
3 street or in the middle of the street, so it will
4 be to the left.

5 CHAIRPERSON ANDERSON: Okay.

6 THE WITNESS: Yes, to the left.

7 CHAIRPERSON ANDERSON: But you are
8 saying during one of your investigations you did
9 -- did you see the folks there?

10 THE WITNESS: Yes.

11 CHAIRPERSON ANDERSON: So what is it
12 that they were doing?

13 THE WITNESS: Sitting. It's
14 comparable to what some would do on their front
15 porch or their front lawn. It's as if they are
16 comfortable. It's as if they have just brought
17 chairs outside from their house. It's unclear as
18 to where these items came from, but they are
19 there. They are sitting there. I personally, in
20 my observations, have never experienced any
21 rowdiness or any fights or any arguments or
22 anything out of control.

1 However, they have been -- I have
2 actually been there where MPD officer was walking
3 down the street and he didn't say anything. I
4 said something and he said well, I can get them
5 to move if it's a problem. I said well, that's
6 not exactly why I'm here. I explained that I was
7 investigating. He said well, we can get them to
8 move and he himself went and asked them to leave.

9 CHAIRPERSON ANDERSON: No, but were
10 they drinking or where they just --

11 THE WITNESS: No.

12 CHAIRPERSON ANDERSON: -- sitting
13 there?

14 THE WITNESS: At the time that I was
15 there, I never seen anyone go inside of the
16 establishment, come out of the establishment and
17 open up an alcoholic beverage of any kind.

18 CHAIRPERSON ANDERSON: All right. Any
19 questions by any Board Members? Mr. Short?

20 MEMBER SHORT: Good afternoon, Mr.
21 Leftwich, Investigator Leftwich.

22 THE WITNESS: Good afternoon.

1 MEMBER SHORT: Your testimony again is
2 how many visits did you make?

3 THE WITNESS: 10.

4 MEMBER SHORT: On how many occasions
5 did you notice loitering out of that 10?

6 THE WITNESS: I can comfortably say
7 eight, mainly because any time that the
8 establishment is operating, there would be
9 individuals outside. Any time there on Tuesday,
10 July 17th, if I was there at 12:50 a.m. until
11 1:15 p.m., generally those monitorings occur, I'm
12 checking for trash or debris after the
13 establishment has closed, if they have cleaned up
14 or not or if it's right around 12:00, I'm
15 checking --

16 MEMBER SHORT: How many feet are the
17 loiters from the 1200 feet around the
18 establishment.

19 THE WITNESS: We are like 10 to 15
20 feet, if that, because it's that close. It's
21 just a strip, so it's right out the front door
22 and you can walk in.

1 MEMBER SHORT: Can you describe the
2 sidewalk or public space in front of the --

3 THE WITNESS: There is the -- from --
4 thinking from street to door, it's the curb.
5 There is the small area that is more or less
6 grass or dirt, a little grass. And then there is
7 the sidewalk space and then you have the front
8 door. It's concrete.

9 MEMBER SHORT: So someone just walking
10 down the street, like you said you saw a police
11 officer --

12 THE WITNESS: Um-hum.

13 MEMBER SHORT: -- how comfortable
14 would the average person, not a police officer,
15 walking down the street past the business with
16 the loiters there? How comfortable would the
17 average citizen be?

18 THE WITNESS: In my personal opinion,
19 if you are not from the area or even if you are
20 from the area, you probably would not be that
21 comfortable if it's not your norm. So you don't
22 live there and you haven't become accustomed to

1 it, it wouldn't be comfortable.

2 MEMBER SHORT: What time of day or
3 evening did you make these visits?

4 THE WITNESS: My shift is from 7:30
5 p.m. to 4:00 a.m., therefore, all of my visits
6 were after 7:30 p.m. during the evening.

7 MEMBER SHORT: The store hours are?

8 THE WITNESS: The store hours are
9 Sunday through Saturday, their hours of operation
10 are 9:00 a.m. to 12:00 a.m.

11 MEMBER SHORT: So did you make any
12 visits between 10:00 and 10:00 p.m. and 12:00
13 midnight?

14 THE WITNESS: Yes, sir.

15 MEMBER SHORT: Was any loitering going
16 on, at that time?

17 THE WITNESS: Yes, sir.

18 MEMBER SHORT: What are the age of the
19 loiterers? Could you just -- just a
20 guesstimation.

21 THE WITNESS: I would feel comfortable
22 saying between mid 20s and mid 30s. I would say

1 it wasn't -- they are not -- it's not an older
2 crowd, but they don't seem super young. There
3 are, however, some older individuals that are
4 panhandling, because that is a common, but that
5 is -- that's about it.

6 MEMBER SHORT: So you have loiterers
7 that are sitting. You have some standing. You
8 have some panhandling.

9 THE WITNESS: Yes. And more or less
10 the loiterers, there is a group that will cluster
11 on the left of the establishment in front of the
12 day care center and then the panhandlers are
13 pretty sparse, but that is throughout the entire
14 strip, not just right there.

15 So on my way walking to the car --

16 MEMBER SHORT: During your
17 investigations, did you ever question the
18 licensees about the loiterers?

19 THE WITNESS: Yes, sir.

20 MEMBER SHORT: And what was their
21 response?

22 THE WITNESS: They showed me their log

1 that they called MPD. On one instance, I don't--
2 this gentlemen, he is an employee, he is not an--
3 he wasn't an ABC Manager or owner, he informed me
4 that they have some type of microphone system
5 where they can like speak into the microphone
6 from inside the establishment and it comes
7 outside. I don't know how accurate that is,
8 because the owners never said that directly to
9 me.

10 However, I was informed by the owners
11 that they -- if they notice anything, because
12 they have cameras outside, they will call MPD.
13 That they do -- he inform -- they informed me
14 that they do what they can to control the
15 loitering and if they see anything outside, if
16 they see anybody drinking outside in their
17 cameras from inside, they go and they address it.
18 I had not -- I have not witnessed that.

19 MEMBER SHORT: Okay. Did you notice
20 the density of the business, by that I mean
21 customers going in, is it a bustling business, is
22 it a slow business, is it a trickling business?

1 THE WITNESS: Trickling. I would say
2 it's consistent. Any time -- I have not been
3 inside of the establishment and there has not
4 been a customer. I have never been in and it was
5 a long line, but it has a minimum of four or five
6 customers any time that I have actually gone
7 inside. And in my outside observations, there is
8 a consistent slow flow during the times that I
9 have been there.

10 MEMBER SHORT: During your
11 investigations, did you find any ABRA violations?

12 THE WITNESS: No, sir.

13 MEMBER SHORT: So the business is run
14 pretty smoothly as far as ABRA Regulations are
15 concerned?

16 THE WITNESS: Yes, sir.

17 MEMBER SHORT: Okay. Thank you.

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

19 THE WITNESS: Thank you.

20 MEMBER SHORT: Thank you again.

21 CHAIRPERSON ANDERSON: Any other
22 questions by -- yes, Mr. Silverstein?

1 MEMBER SILVERSTEIN: Mr. Leftwich,
2 regarding the 92 calls for service, often we have
3 to determine an address to determine how much,
4 how many of these are actually involved with the
5 establishment. By that, we had one case here
6 where there were 250 against a small taco
7 restaurant and it turned out that the reason was
8 that it was right next to a Metro stop, a subway
9 stop and the subway stop had no address, so
10 anything that occurred on the Metro, the address
11 that was given to the police was that taco shop.
12 That was in another part of town.

13 Is there anything here in this
14 neighborhood, any reason why any of those calls
15 for service might have been just general and not
16 directly related to this licensed establishment?

17 THE WITNESS: What I could gather from
18 that and even looking at the calls for service
19 exhibit, you will see that the MPD list has "at
20 Sylvia Liquors," so therefore in my -- from my
21 understanding is that if someone calls and says
22 it is at Sylvia Liquors, if you see -- if you

1 just look at that strip, it's a bright sign
2 there.

3 So if you have no idea where you are
4 or what the actual address is, if you are on that
5 strip whether it be in front of the day care
6 center, in front of the vacant buildings or in
7 between the B store that sits on the end, you
8 could easily just say you are at Sylvia Liquors
9 and the respondent on the phone will then put --
10 attach it to that address.

11 MEMBER SILVERSTEIN: So some of it may
12 have been directly related to and some of it may
13 have just been things that occurred in that
14 general area and that was the main point.

15 I am looking through this list. 18 of
16 them THFT, I assume, that is theft? 19
17 disorderly. Such things as one was sick person,
18 one was an assault, one was UUV, unauthorized use
19 of vehicle. So there didn't seem to be a single
20 trend here. Some may have been involved with the
21 establishment and some may not have.

22 Would that be a fair assumption?

1 THE WITNESS: Yes, sir.

2 MEMBER SILVERSTEIN: Anything else
3 that you would want to add to clarify that part
4 of the 92 calls?

5 THE WITNESS: Even in pairing in my
6 multiple conversations with Ms. Moore, is that
7 that area in general, people are coming and
8 shootings and violent things will happen
9 surrounding the area and those patrons, I would
10 not know, could have gone in or out of the
11 establishment during that -- during the time or
12 before or after it.

13 But based on my understanding, no
14 crimes happened like inside of the establishment,
15 violent crimes happened inside of the
16 establishment.

17 MEMBER SILVERSTEIN: So then you are
18 saying that this is a difficult area and that if
19 the establishment were not there, it would still
20 be a difficult or challenging area, but the issue
21 then is whether the establishment itself is
22 adding to this or not?

1 THE WITNESS: Correct.

2 MEMBER SILVERSTEIN: Thank you very
3 much. No further questions.

4 CHAIRPERSON ANDERSON: Any other
5 questions by any other Board Members? All right.
6 Hearing none, I probably will come back later on,
7 but Ms. Yohannes, do you have any questions you
8 want to ask the Board witness?

9 MS. YOHANNES: Just briefly.

10 CROSS-EXAMINATION

11 BY MS. YOHANNES:

12 Q You visited the establishment you said
13 10 times, about 10 times. Is that right?

14 A Yes, ma'am.

15 Q And how many times would you say that
16 the owners were there?

17 A The individual that I spoke with, who
18 I believe is the brother to Ms. Na, I'm not
19 really sure how to pronounce the name.

20 MS. NA: He is also an owner.

21 THE WITNESS: Right. That's what I'm
22 saying, that he was there 90 percent of the time

1 that I arrived.

2 CHAIRPERSON ANDERSON: Hold on, hold
3 on a minute, sir. I don't want -- when questions
4 are being asked and only one person can speak.
5 So you cannot answer any questions, ma'am, unless
6 you are being asked --

7 MS. NA: Okay.

8 CHAIRPERSON ANDERSON: --
9 particularly. And no one should answer any
10 questions unless questions are asked directly of
11 them. Thank you. Go ahead.

12 THE WITNESS: So again, 90 percent of
13 the time I believe maybe one occasion I only saw
14 -- spoke with the ABC Manager.

15 BY MS. YOHANNES:

16 Q Okay. And during those times that you
17 visited, you said that you did see people
18 standing around outside of the establishment, but
19 not directly in front of the establishment for
20 the most part. Is that right?

21 A Yes, ma'am.

22 Q And would you characterize the people

1 standing around to be all the way down the block
2 of Benning Road, N.E., as well?

3 A Can you rephrase your question?

4 Q Sure. So are people standing around
5 all down that block? Is there loitering all down
6 that block or is this just an issue at this
7 location here?

8 A My observations there is a -- the
9 largest cluster of loitering occurs adjacent to
10 the establishment. There are whether they be
11 panhandlers or individuals along the block going
12 towards the south. The south. Is that north?

13 CHAIRPERSON ANDERSON: No.

14 THE WITNESS: Towards the 7 -- towards
15 the liquor store. I mean at the liquor store,
16 but the B store that sits on the corner. So
17 towards 7 Food Store.

18 BY MS. YOHANNES:

19 Q And you have observed residential,
20 abandoned buildings in that area as well? Is
21 that correct?

22 A Yes, ma'am.

1 Q Okay.

2 MS. YOHANNES: That's all I have.

3 CHAIRPERSON ANDERSON: Ms. Moore?

4 MS. MOORE: Sure.

5 BY MS. MOORE:

6 Q So I think if we are trying to sort of
7 get a sense of the loitering and where it
8 specifically is on the block and what might be
9 impacting the loitering, you noted that there is
10 a day care on one side of the establishment. Did
11 any of the people who were loitering appear to be
12 patrons of the day care waiting to pick up
13 children?

14 A No, ma'am.

15 Q Okay. Was the day care open at any of
16 the times you came to observe?

17 A No, ma'am.

18 Q The other business on the other side
19 is a nail salon. Did any of the people who were
20 loitering in that general area appear to be
21 patrons of the nail salon?

22 A No, ma'am.

1 Q Was the nail salon open during any of
2 your visits?

3 A Some of the visits, yes.

4 Q Okay. Did you observe any bus stops
5 or other locations that -- in that general area
6 that might have, you know, provided shelter for
7 loiterers or panhandlers?

8 A No, ma'am.

9 Q Did you do any observations at the
10 street car stop about -- to see if there were
11 loiterers or panhandlers using that as a --

12 A No, ma'am. In my observations, the
13 majority of the time that -- in my natural just
14 moving about Benning Road, the majority of those
15 waiting for the street cars further on the H
16 Street side and not so much on the 1800 Block of
17 Benning Road.

18 Q Did you observe that the abandoned
19 buildings, not directly next to the store, but
20 next to the day care had been boarded up, had
21 boarded up windows --

22 A Yes.

1 Q -- and locked doors?

2 A Yes, ma'am.

3 Q Okay. Thank you.

4 CHAIRPERSON ANDERSON: Any other
5 questions by any Board Members based on the last
6 questions?

7 All right. Hearing none, thank you
8 very much, Mr. Leftwich, for your testimony. You
9 can step down.

10 (Whereupon, the witness was excused.)

11 CHAIRPERSON ANDERSON: Does the
12 applicant wish to call a witness?

13 MS. YOHANNES: Yes. My apologies.

14 CHAIRPERSON ANDERSON: Who is your
15 first witness?

16 MS. YOHANNES: The first witness is
17 going to be Mr. Joung.

18 CHAIRPERSON ANDERSON: Hold on. Yes,
19 ma'am?

20 MS. MOORE: Sure. So we have actually
21 the day care owner here and she is on a very real
22 time constraint.

1 CHAIRPERSON ANDERSON: Ma'am --

2 MS. MOORE: Unfortunately, we did
3 spend the first half hour sort of waiting for
4 them.

5 CHAIRPERSON ANDERSON: Ma'am, I tried
6 to do it, but the way these proceedings occur, is
7 that the applicant goes forward and they present
8 their case in chief and that after they have
9 presented their case in chief, the way this --
10 and unfortunately, the way the process works is
11 that the Board goes first. Then the applicant,
12 they do their direct examination, you know,
13 cross-examine. We will do it and once they have
14 rested their case, then you present your case.

15 MS. MOORE: Okay.

16 CHAIRPERSON ANDERSON: So
17 unfortunately, if your witness -- if you have
18 some time constraints with your witness, that's
19 not something that I am in control of. I thought
20 that we could have streamlined the process by
21 giving the parties an opportunity to maybe come
22 to an agreement, but since they did not, we are

1 moving forward.

2 But I do hear, but I will ask that if
3 you have a time constraint and now normally these
4 process -- this whole thing is supposed to take
5 not -- each side should have 90 minutes each.
6 Then we need to not spend a whole lot of time
7 cross-examining, because that's just -- it will
8 just stretch it longer.

9 MS. MOORE: Okay. Understood.

10 CHAIRPERSON ANDERSON: All right.

11 MS. MOORE: Thank you.

12 CHAIRPERSON ANDERSON: Yes, Ms.

13 Yohannes?

14 MS. YOHANNES: The first witness is
15 going to be Mr. Namyoung Joung.

16 CHAIRPERSON ANDERSON: I need you to
17 go over there, sir, and I need the translator to
18 go with you. Can you raise your right hand,
19 please?

20 Whereupon

21 NAMYOUNG JOUNG

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. JOUNG: Yes.

5 CHAIRPERSON ANDERSON: Have a seat.
6 Your witness.

7 MEMBER SILVERSTEIN: Mr. Chair, I
8 would remind the Interpreter that his words will
9 be picked up by the transcriber, so he must speak
10 into the microphone.

11 CHAIRPERSON ANDERSON: Well, I think
12 from what I'm told, I'm not sure if he is --

13 INTERPRETER KIM: The mike can pick up
14 my voice?

15 MEMBER SILVERSTEIN: Yes.

16 CHAIRPERSON ANDERSON: I'm not sure.
17 I think that has been -- what I was told is that
18 the witness will testify and if he needs
19 assistance, then the assistance will be provided.

20 MEMBER SILVERSTEIN: Very good.

21 CHAIRPERSON ANDERSON: I think that's
22 what I was told.

1 INTERPRETER KIM: Yes, he understand
2 that, sir.

3 CHAIRPERSON ANDERSON: Okay.

4 INTERPRETER KIM: If he need me, then
5 he ask me to interpret.

6 CHAIRPERSON ANDERSON: Yes. Okay. Go
7 ahead, Ms. Yohannes.

8 DIRECT EXAMINATION

9 BY MS. YOHANNES:

10 Q Hello. Could you just state your name
11 for and your relation to the establishment?

12 A Hi. My name is Namyong Joung. I am
13 Sylvia Liquors owner, we have four owner. I am
14 one of them.

15 Q Who are the other owners?

16 A The other owner is Mr. Zhu and then my
17 wife and then other person was Mr. Zhu's wife.

18 Q And --

19 A Su Kim. That name is S --

20 Q Okay. And how long have you operated
21 this establishment?

22 A Almost two years.

1 Q Can you tell the Board a bit about the
2 kind of store that you have, the establishment?

3 (No audible answer.)

4 MS. YOHANNES: I'll withdraw. I'll
5 ask another question.

6 CHAIRPERSON ANDERSON: Sure.

7 BY MS. YOHANNES:

8 Q Can you tell the Board what you sell
9 at your store?

10 A We sell beer. We sell wine. We sell
11 liquor and other items.

12 Q Okay. And most of your customers, are
13 they from the neighborhood?

14 A Yes, ma'am. Most of people is my
15 neighborhood and regular customers.

16 Q Okay. What are your operating hours?

17 A Our license is 9:00 to midnight, but
18 we open 10:00 to midnight.

19 Q And as the owner, how often are you at
20 the store?

21 A Almost every day.

22 Q And --

1 A Well, Sunday I was off. He have the
2 one manager license, so manager license have guys
3 they stay always.

4 Q So you are aware that if you are not
5 there, somebody with a manager's license has to
6 be there?

7 A Yes, ma'am.

8 Q So how many employees are usually at
9 the store?

10 A Okay. We have four different owner
11 and two employees. One employee have a manager
12 license.

13 Q How many employees are working at one
14 time?

15 A About -- in the morning, it's just
16 working two by me, by person and then in the
17 evening we have to three person working.

18 Q All right. And as part of your
19 operating procedures, how do you check someone's
20 -- or how do you serve alcohol and check ID?
21 What's your procedures for that?

22 A We had always checked the ID and then

1 even minor we cannot service any item. We have a
2 sign in the front of the counter, the outside
3 door.

4 Q So if someone comes in under the age
5 of 21 to buy chips?

6 A First, we cannot serve them. But we
7 do mom or families come in together, and then we
8 serve for the chips and bottles and candy and
9 then minor cannot come to my store.

10 Q So -- okay. Thank you. So now tell
11 me about the neighborhood and the location of the
12 establishment on Benning Road. Do you have any
13 problems there?

14 A There are always issue with crime that
15 area. But some day what was happening was
16 someone shooting outside.

17 Q Are you talking about a specific
18 event?

19 A Yes, ma'am.

20 Q That just happened, the most recent
21 event that happened?

22 A Yes, ma'am.

1 Q And what happened during that event?

2 A They are shooting and motors in the
3 block.

4 Q So can you tell the Board what you did
5 to help MPD when that happened?

6 A MPD came to my store. They checked
7 the outside camera, but MPD like my camera,
8 because my camera is very new, it's expensive
9 one, so we check his face, what to do, and then
10 MPD pull record. They liked MPD.

11 Q And you cooperated with MPD?

12 A Yes.

13 Q Right?

14 A Yes, ma'am.

15 Q Okay. What about the people in front
16 of your store or --

17 MS. YOHANNES: I'm sorry, withdraw.

18 BY MS. YOHANNES:

19 Q What about the people that are outside
20 loitering that you have issues with? What do you
21 do? What are your procedures?

22 A Okay. First thing, we go -- I go

1 outside and then I talk people can you leave my
2 store or this area, but if not, I call the MPD.
3 And then I -- they not moving and then I call the
4 MPD right away.

5 Q How often do you go out there to look
6 at the area?

7 A Any people loitering right there and
8 then I'm going outside and then talk to those
9 people.

10 Q And what's your relationship with the
11 community?

12 A We have good relationship for the
13 community. I talk to some of the ANC counsels
14 and then we meeting and we sign of the Protest
15 Hearing and they sign. We have everything is
16 good.

17 Q So you signed the settlement agreement
18 with them?

19 A Yes, settlement agreement.

20 Q So did you -- how many meetings would
21 you say you attended with the ANC?

22 A A couple times.

1 Q Okay. And did you discuss loitering?

2 A I can't hear you.

3 Q Did you discuss loitering?

4 A Yes, ma'am.

5 Q And how did they say for you to
6 address that? How did they say for you to fix
7 that?

8 A The people counsels talk to me and we
9 have a four people for the store. We meeting
10 with the owner every four owner and then we do
11 MPD Commander. And she talking about we have to
12 hiring for to empty the street.

13 CHAIRPERSON ANDERSON: I'm sorry,
14 what? I didn't hear the last thing you said,
15 sir.

16 THE WITNESS: I'm sorry, Your Honor?

17 CHAIRPERSON ANDERSON: I did not hear
18 the last thing you said.

19 INTERPRETER KIM: He was speaking in
20 Korean. You must speak in English.

21 THE WITNESS: So a few months ago four
22 business owners have met and discussed about the

1 enhanced security measure.

2 A few months ago, the four business
3 owners had met. They got together and have a
4 discussion and meeting about the enhanced
5 security measures hiring two MPD policemen four
6 hours a day. So for the cost, you know, the four
7 business would share, but Food 7 and nail salon
8 having a difficult time for the businesses, they
9 say they could not share the cost.

10 So that meeting and the result of the
11 meeting to hire additional policemen for four
12 hours went nowhere. Just it didn't go ahead.

13 BY MS. YOHANNES:

14 Q So this was before the settlement
15 agreement. Is that right?

16 A Yes, ma'am, correct.

17 Q Okay. But after that, you entered a
18 settlement agreement that addressed the issues,
19 right?

20 A Right. Yes.

21 Q So currently you are following the
22 settlement agreement and working with the ANC?

1 A Yes.

2 Q Okay. Thank you. So have you --
3 regarding the community and the residents, have
4 you received any complaints from the community?

5 A No, only I hear the Ms. Sydelle Moore.
6 I just heard from Sydelle Moore only.

7 Q Okay. Have you received some support
8 in the community?

9 A My customer is wants to be like open
10 late, then we open in the daylight.

11 Q So how --

12 INTERPRETER KIM: So he would say
13 again in Korean and then I'll interpret.

14 THE WITNESS: ANC is supporting us.

15 BY MS. YOHANNES:

16 Q What about the residents, do they
17 support you?

18 A Yes, they do support us.

19 Q Okay.

20 MS. YOHANNES: May I approach the
21 witness?

22 CHAIRPERSON ANDERSON: Sure.

1 BY MS. YOHANNES:

2 Q I'm going to show you something marked
3 as Exhibit 1. Can you tell me what this is?

4 A I'm just leave with these papers for
5 the -- on the table, but my customer they came to
6 -- they read, they read. And then something, who
7 did that? They insist something wrong.
8 Everybody they sell single, the small liquor.
9 How come it's -- you cannot sell for your -- any
10 single liquor?

11 Q Well, what does it say? What is that?

12 A To go -- this is for they don't want
13 to selling single -- no, they don't want to
14 selling the comfort pack of the beer and then
15 under the 200 ml, 375 ml.

16 Q So --

17 A So --

18 Q -- what is that saying in front of
19 you? What does that say?

20 A Do I have to read this all?

21 Q No. What is it?

22 A So this is a document is the customers

1 is opposing.

2 Q Right. Oppose? They are opposing?

3 A They are opposing they are unable to
4 sell the single beer. So against the 100 ml and
5 then 200 ml. So they are opposing, so the liquor
6 store is not able to sell 100 ml and 200 ml
7 things. They are opposing. There is like 1,000
8 people the signature letter. There are
9 signatures more than 1,000 customers.

10 Q Okay. Thank you.

11 MS. YOHANNES: I just want to move
12 that into evidence.

13 CHAIRPERSON ANDERSON: I don't have
14 it, Ms. Yohannes. It's not in the documents.

15 MS. YOHANNES: What?

16 CHAIRPERSON ANDERSON: It's not in --
17 I don't have an Exhibit 1. I don't have an
18 Exhibit 1, so if --

19 MS. YOHANNES: Yes, I have.

20 CHAIRPERSON ANDERSON: -- do you have
21 an Exhibit 1, ma'am? Were you given this
22 document?

1 MS. MOORE: Yes, I do.

2 CHAIRPERSON ANDERSON: All right. So
3 it's not in the Board's -- I have the Exhibit 2,
4 but I don't have 1. So I don't know what it is.

5 MS. YOHANNES: Sorry.

6 CHAIRPERSON ANDERSON: Do you have any
7 objection to this document, ma'am?

8 MS. MOORE: Yes, I do.

9 CHAIRPERSON ANDERSON: What's the
10 nature of your objection?

11 MS. MOORE: Sure. It's that some of
12 the signatures are -- have listed vacant
13 properties as the addresses for patrons. It
14 includes the Cowboys' football team at least
15 twice. And in addition to that fact, this
16 document was originally not collected by this
17 owner, but it was collected by the original owner
18 of Food 7 Store during their protest.

19 And so if you notice that the date is
20 January of 2018, this protest was not even
21 underway until June of this year. And so I have
22 already seen this document, this exact document

1 previously during an ANC meeting on behalf of
2 Food 7 Store and now I'm seeing the exact same
3 document, including the Cowboys on here twice at
4 1814 Benning Road, which Inspector Leftwich just
5 testified is a vacant property, listed as the
6 address.

7 So this is just, you know, a document
8 that just sort of pops up any time like when the
9 civic association has a protest.

10 CHAIRPERSON ANDERSON: Ms. Yohannes,
11 I mean, I allowed this document. I can't make
12 out. So why is this relevant? As I'm just
13 asking you why is this relevant to these
14 proceedings?

15 MS. YOHANNES: It's relevant because
16 it shows that people in the community, residents
17 are in support of the establishment. They are in
18 support of single sales. And it goes against
19 protestants' version when she references the
20 community wants certain things or doesn't want
21 certain things. And we have a list of, I don't
22 know, 1,000 signatures saying the people actually

1 do. And that they don't believe that there is a
2 negative affect on peace, order or quiet.

3 CHAIRPERSON ANDERSON: I mean, I'll
4 accept it for -- I'll accept it, but -- I'll
5 accept it. I mean, I can't make out the
6 document. There is a lot of -- I'm must saying
7 just looking at it, I can't make out the
8 document, so I can't check, especially the first
9 page, I can't check it, but it was disclosed. It
10 was disclosed. I heard what you have to say. We
11 will accept it for what it is. So it's so moved.

12 (Whereupon, the above-
13 referred to document was
14 marked as Applicant Exhibit
15 No. 1 for identification and
16 was received into evidence.)

17 MS. YOHANNES: And that's all I have
18 for this witness.

19 CHAIRPERSON ANDERSON: All right.
20 Questions, ma'am?

21 MS. MOORE: Sure.

22 CROSS-EXAMINATION

1 BY MS. MOORE:

2 Q So you mentioned that you do -- you
3 are aware that there is an issue with loitering
4 in front of the property, correct?

5 A Yes.

6 Q How often would you say that you or a
7 staff, that you are aware of, goes outside to ask
8 loiterers to leave?

9 A Maybe most people stay right there.
10 We go to -- we have a speakerphone for the
11 outside and then we -- I talk to them can you
12 leave, please, my property so many times.

13 Q So --

14 A Every time. And then they not listen,
15 we call the MPD.

16 Q Okay. So how often, just if you had
17 to give a number as an estimate, would you say
18 that you either walk outside or use your speaker
19 system to ask people to leave?

20 A Always I talk to people when they are
21 loitering for -- in front my building. I go out
22 whenever there are loitering people.

1 Q So would the estimate be what once a
2 day there are people loitering? Twice per day?

3 A For example, yesterday MPD was stay in
4 front of my door inside car. But no one else
5 stay right there that area. So yesterday, I was
6 happy for the business.

7 MS. MOORE: So I mean, is there any
8 way I can get an instruction to get a response?

9 CHAIRPERSON ANDERSON: Ma'am, you
10 asked the question. He gave an answer. Maybe
11 you need to ask him a more pointed question.

12 MS. MOORE: Okay.

13 CHAIRPERSON ANDERSON: But after a
14 while, I'm going to say move on.

15 MS. MOORE: Okay.

16 CHAIRPERSON ANDERSON: So if he is not
17 answering your question, ask him a more pointed
18 question.

19 MS. MOORE: Okay.

20 BY MS. MOORE:

21 Q So you go outside at least once per
22 day to ask loiterers or use the speaker system at

1 least once a day to ask loiterers to leave?

2 A Well, I have no reason to go out if
3 there is no loiterer.

4 Q Okay. Why did you install a speaker
5 system to speak to the outside of your business?

6 A Why did you?

7 Q Why? Why?

8 A First, when I go talk to the people,
9 then I talk to can you move or can you leave this
10 area, please? And then they arguing. There a
11 lot of arguing. It's not your property, so how
12 come, you know, why I have to go, I have to move,
13 they argue me. So always do that. That's why I
14 do the speakerphone. I use the speakerphone
15 sometimes.

16 Q Did you feel afraid during those
17 incidents where the loiterers were arguing with
18 you?

19 A I'm not scared. And then I just call
20 the MPD that time.

21 Q About how often would you say you call
22 MPD, if you had to estimate?

1 A On a daily basis. Daily basis.

2 Q On a daily basis.

3 A Sometimes I call them.

4 Q Thank you.

5 MS. MOORE: No further questions.

6 CHAIRPERSON ANDERSON: Any questions
7 by any Board Members? Go ahead, Mr. Short.

8 MEMBER SHORT: I guess I would say
9 good evening now. Good afternoon, good evening.
10 It's 6:00.

11 I am -- I don't envy you having to go
12 through what you are going through. Is there
13 anything else that you may be able to do as an
14 owner, anything else you could do? And when I
15 say that, I want to use the hypothetical, if you
16 don't mind.

17 Seeing your --

18 INTERPRETER KIM: Can I?

19 MEMBER SHORT: Yes.

20 INTERPRETER KIM: Go ahead.

21 MEMBER SHORT: Is there anything else,
22 other than what you are doing now, that can make

1 things better for yourself and for the community
2 regarding the loitering?

3 THE WITNESS: I'm just working liquor
4 store for 10 years.

5 MEMBER SHORT: I can't hear you.

6 THE WITNESS: I have been working in
7 a liquor store for the past 10 years. Therefore,
8 I just only know the business of liquor store.

9 CHAIRPERSON ANDERSON: Do you have
10 another question?

11 MEMBER SHORT: Yes.

12 CHAIRPERSON ANDERSON: He has answered
13 the question.

14 MEMBER SHORT: Okay. I would also
15 like to ask did you own any other businesses in
16 Washington, D.C., the District of Columbia? Out
17 of those 10 years, did you own businesses any
18 other place? And if so, where were they?

19 THE WITNESS: No, sir.

20 MEMBER SHORT: You say you have been
21 in the --

22 THE WITNESS: First business.

1 MEMBER SHORT: Excuse me?

2 THE WITNESS: This is my first
3 business.

4 MEMBER SHORT: Okay. Where were the
5 other three? Where were the other three located?

6 THE WITNESS: You mean his other
7 business, you mean?

8 MEMBER SHORT: He said he has been in
9 business 10 years. He said four other stores.
10 What were their locations?

11 THE WITNESS: So what I said is I have
12 been working for liquor stores only, so I know
13 the business very well. There is not one, two,
14 three, four businesses. I have been working for
15 the store, liquor store business only.

16 MEMBER SHORT: Has he owned any other
17 businesses?

18 THE WITNESS: No, sir.

19 MEMBER SHORT: What are did the other
20 stores, were they in Maryland or Virginia or
21 Washington, D.C.?

22 THE WITNESS: No.

1 MEMBER SHORT: Can he give us a
2 country where he worked for -- over the 10 years
3 and the four years? Where did he work? Where
4 did he work?

5 INTERPRETER KIM: For the past 10
6 years, you mean?

7 MEMBER SHORT: Yes.

8 THE WITNESS: So there was a store, a
9 liquor store named Finish Line in Maryland. I
10 worked there.

11 MEMBER SHORT: Okay. I guess this
12 question goes back to the reimbursable police
13 detail, the MPD detail. You mentioned the other
14 four businesses on his block and that they had a
15 meeting, let me finish, and that they could not
16 get together having a police detail on that
17 block. Is that correct?

18 THE WITNESS: So it was not
19 successful.

20 MEMBER SHORT: Okay. Is he aware that
21 if he has a reimbursable detail, MPD detail, that
22 this Agency will assist him with the payments?

1 INTERPRETER KIM: What do you mean by
2 this Agency?

3 MEMBER SHORT: The ABC Board and ABRA,
4 the reason why he is here today to talk about his
5 license.

6 INTERPRETER KIM: Um-hum.

7 MEMBER SHORT: There is a program that
8 allows this Agency, through the District
9 Government to help pay for police details.

10 THE WITNESS: Oh, I agree. I support
11 that idea.

12 MEMBER SHORT: So if he found out that
13 it was worth his business to hire by himself the
14 detail, would he be willing to do that maybe on
15 Fridays and Saturdays?

16 INTERPRETER KIM: Friday and Saturday?

17 MEMBER SHORT: Yes.

18 THE WITNESS: Yes, I like that idea.

19 MEMBER SHORT: You like that idea?
20 Okay. Well, maybe we can work with the ANC and
21 with the licensed community and find out how much
22 he would have to pay versus what the Agency would

1 help pay for and maybe that can help with this
2 whole situation.

3 THE WITNESS: Yes, I'll discuss about
4 that with ANC.

5 MEMBER SHORT: Okay. Thank you very
6 much. And that's all I have, Mr. Chair. Thank
7 you.

8 MS. YOHANNES: I --

9 CHAIRPERSON ANDERSON: I'm sorry? We
10 haven't gotten there yet.

11 MS. YOHANNES: Sorry. I'm sorry.

12 CHAIRPERSON ANDERSON: I'm trying to
13 figure out if I have any questions that I want to
14 ask.

15 MS. YOHANNES: Apologies, apologies.

16 CHAIRPERSON ANDERSON: Well, that's
17 normally me who gets too excited about asking
18 questions. So let me see if I have any
19 questions.

20 No. Let's see, Ms. Moore did cross.
21 Then -- so it's Ms. Moore's chance, because you
22 get the last. Do you have any questions to ask

1 of him based on the Board's questions?

2 MS. MOORE: I have a question, a
3 procedural question first.

4 CHAIRPERSON ANDERSON: Yes, ma'am.

5 MS. MOORE: So if I have --

6 CHAIRPERSON ANDERSON: Hold on. Yes,
7 I'm sorry, go ahead.

8 MS. MOORE: -- an exhibit to show, to
9 ask a question about, would that -- would it be
10 appropriate for me to wait until my -- I am
11 presenting my own case?

12 CHAIRPERSON ANDERSON: Is it based on
13 some question that was asked by either myself or
14 by counsel?

15 (No audible answer.)

16 CHAIRPERSON ANDERSON: If it's not
17 related to anything that came out?

18 MS. MOORE: That you all asked.

19 CHAIRPERSON ANDERSON: If it's not
20 related, then you can't ask it, because you have
21 to build a foundation.

22 MS. MOORE: Okay. Understood.

1 CHAIRPERSON ANDERSON: All right. So
2 you don't have any questions?

3 MS. MOORE: No.

4 CHAIRPERSON ANDERSON: Any questions,
5 Ms. Yohannes, to wrap-up?

6 MS. YOHANNES: Yes.

7 REDIRECT EXAMINATION

8 BY MS. YOHANNES:

9 Q Regarding the reimbursable detail, are
10 you in agreement with the reimbursable detail if
11 you have to pay?

12 A Yes.

13 Q And you are in agreement with the
14 reimbursable detail if you are the only
15 establishment that is doing that? It's a
16 question. Are you in agreement if you are the
17 only establishment doing that?

18 A No, I don't. This is not fair.

19 Q Regarding the installed speakers, so
20 you installed speakers to be proactive and to
21 help in the loitering. Isn't that correct?

22 A Yes, that's correct.

1 Q And even though you use the speakers,
2 don't you also go out and request that people
3 leave?

4 A Yes.

5 Q And if they don't leave, don't you
6 also call MPD?

7 A Yes, ma'am, that's correct.

8 Q Isn't there also a patrol that is out
9 there on the corner?

10 A Yes, ma'am, yes.

11 Q And didn't you sign a settlement
12 agreement with the ANC that also addresses
13 loitering or preventing loitering?

14 A Yes, that's correct.

15 Q And as part of that agreement, you
16 agreed to facilitate barring notices, isn't that
17 correct?

18 A Yes, that's correct.

19 Q And do you agree to keep a record of
20 dates in which you called MPD requesting
21 assistance?

22 A Yes.

1 Q And the 5th District Police
2 Headquarters, they are also a part of this
3 agreement, isn't that right?

4 A Yes.

5 MS. YOHANNES: No further questions.

6 CHAIRPERSON ANDERSON: All right.

7 Thank you for your testimony, sir. You can step
8 down.

9 (Whereupon, the witness was excused.)

10 MR. JOUNG: May I step down?

11 CHAIRPERSON ANDERSON: Yes.

12 MR. JOUNG: Oh, thank you, sir.

13 CHAIRPERSON ANDERSON: Do you have
14 another witness?

15 MS. YOHANNES: Yes. I'm going to call
16 Ms. Jenna Jung, Hye Na. She goes by Jenna.

17 CHAIRPERSON ANDERSON: Can you raise
18 your right hand, please, ma'am?

19 Whereupon,

20 HYE JUNG NA

21 was called as a witness by Counsel for the
22 Applicant, and having been first duly sworn,

1 assumed the witness stand and was examined and
2 testified as follows:

3 MS. NA: I do.

4 CHAIRPERSON ANDERSON: Thank you.

5 Your witness.

6 DIRECT EXAMINATION

7 BY MS. YOHANNES:

8 Q Can you state your full name for the
9 record and your position?

10 A Sure. My first name is Hye Jung. My
11 last name is Na. And I am registered as the
12 secretary, but part of the owner.

13 Q Okay. And as an owner of the
14 establishment, tell me about the duties that you
15 have. What is your involvement?

16 A I do all the paperwork, including
17 making signs, security cameras and licenses and
18 things like that.

19 Q Okay. Tell me about the signs that
20 you have made.

21 A The security camera sign that we are
22 letting people know that we are recording and we

1 are monitoring all the time. And loitering
2 signs, no under 21 is allowed for any purchase in
3 the store. It's addressed.

4 Q Okay. And regarding security cameras,
5 can you tell me more about the security cameras
6 you have in place?

7 A We -- after we take over the store
8 about two years ago, we noticed that security
9 camera is really poor quality and also MPD
10 informed us about their program, so we upgraded
11 last year with new camera system over \$4,000
12 worth. And it has 16 camera views and we can
13 monitor 24 hours if we want to with my phone, my
14 husband's phone, and tablet, anywhere has
15 Internet connection.

16 Q And how often are you looking at the
17 camera?

18 A I can say pretty much if I don't
19 sleep, I watch, because it is on at home. I work
20 from home. I work for electric company. I work
21 from home, so it's on the monitor. And I am
22 monitoring all the time. I'm also watching my

1 husband.

2 MS. YOHANNES: May I approach?

3 CHAIRPERSON ANDERSON: What document
4 are you referring her to?

5 MS. YOHANNES: I'm referring to -- I
6 have marked documents as Exhibit 2 and Exhibit 3.

7 CHAIRPERSON ANDERSON: I do have them,
8 so all right. I just wanted to make sure. Go
9 ahead.

10 MS. YOHANNES: Okay.

11 BY MS. YOHANNES:

12 Q Can I get you to look at Exhibit 2 and
13 I would identify it as Exhibit 2. Can you take a
14 look at that and tell me what that is?

15 A This is a screen shot of my cell
16 phone. And it is four camera views inside the
17 store to prevent issues in the store.

18 (Whereupon, the above-
19 referred to document was
20 marked as Applicant Exhibit
21 No. 2 for identification.)

22 BY MS. YOHANNES:

1 Q And from what viewpoint are the screen
2 shots?

3 A First -- I mean, all four is actually
4 pointing the sales area, main hall area. It
5 shows part of cashier side and all the customer
6 lines, an ATM.

7 Q And this is a document that you
8 created or a picture you took?

9 A Yes. I took the screen shot of my
10 cell phone. So basically this is just like my
11 cell phone screen.

12 Q And I --

13 INTERPRETER KIM: Excuse me.

14 BY MS. YOHANNES:

15 Q -- have a document marked, right, as
16 Exhibit 3. Can you take a look at that and tell
17 me what that is?

18 A This is also a screen shot of my
19 phone, our store camera. The first screen is
20 actually pointing outside of the store, its
21 entrance and the second one is actually directly
22 entrance view from inside of store watching

1 whoever comes in the store. And the third and
2 fourth is inside of store showing the customers
3 walking directions.

4 (Whereupon, the above-
5 referred to document was
6 marked as Applicant Exhibit
7 No. 3 for identification.)

8 THE WITNESS: So we can tell who is
9 coming in and who is going out. And especially
10 the first screen actually we provided to our MPD
11 with this recent accident. When the shooting
12 occurred, they got this camera view and they
13 could identify who was the person who had a
14 shooting issue. The gunman.

15 BY MS. YOHANNES:

16 Q The gunman?

17 A Yes.

18 Q Thank you.

19 A Yes.

20 Q And how often did you say you take a
21 look at these, because they are on your phone and
22 they are also where?

1 A Actually, it's playing on my tablet
2 and my phone, but I'm not watching it every
3 second, but every time I have, you know, time I
4 look at it, because especially these days, I
5 worried about loiterers and the trash outside and
6 stuff like that. So whenever I noticed it, yeah.

7 Q And what do you do when you see
8 loiterers and you look at the cameras and you see
9 people out there?

10 A Since I'm not at the store, I can call
11 MPD, but I call my husband or employee at the
12 store, so they can contact the -- I mean, they go
13 out and talk to customer -- I mean, loiterer or
14 they can contact MPD.

15 Q Okay.

16 MS. YOHANNES: I want to move that
17 Exhibit 2 and 3 into the record.

18 CHAIRPERSON ANDERSON: Any objection,
19 ma'am?

20 MS. MOORE: No.

21 CHAIRPERSON ANDERSON: So moved.

22 (Whereupon, the above-

1 referred to documents were
2 received into evidence as
3 Applicant Exhibit No. 2 and
4 3.)

5 BY MS. YOHANNES:

6 Q So I want to get to communications or
7 I guess involvement in the community. You signed
8 a settlement agreement. Is that correct?

9 A Yes, with ANC, correct.

10 Q Who else is a party to the agreement?

11 A ANC Commissioner Ms. Kathy Henderson.

12 Q Okay. And I have marked -- I am
13 looking at a document identified as Exhibit 4,
14 which -- does that look familiar? Do you know
15 what that is?

16 A Yes. The settlement agreement between
17 Sylvia Liquors and ANC that we signed.

18 (Whereupon, the above-
19 referred to document was
20 marked as Applicant Exhibit
21 No. 4 for identification.)

22 BY MS. YOHANNES:

1 Q And when was that signed?

2 A When?

3 Q Yes.

4 A I don't exactly remember when, but I
5 think it was some time in end of June or
6 beginning of July. Some time in July, I think.
7 I'm not sure.

8 Q Do you want to look at the document?

9 A Yes. Oh, June. End of June. The
10 25th of June.

11 Q Thank you. So tell me about the --
12 this agreement was reached to address concerns
13 from whom? Who did -- who were you getting
14 complaints from? Why did you guys get into this
15 agreement?

16 A Ms. Henderson actually brought me the
17 draft of settlement agreement and we went over
18 and we communicate and we both agree finally and
19 we signed.

20 Q Okay.

21 A Because we didn't have any objection.

22 Q And this agreement addresses ways and

1 efforts to prohibit and prevent loitering and
2 criminal activity. Is that correct?

3 A Yes.

4 Q And according to the agreement, you
5 call MPD immediately for criminal activity? Is
6 that right?

7 A Yes.

8 Q Have you received any complaints from
9 anyone in the community regarding Sylvia Liquors?

10 A Complaint-wise, no. Actually, this
11 license renewal and hearing was the first time
12 that I receive a complaint specifically from Ms.
13 Moore. No one else.

14 Q Did -- okay. Did you receive support
15 from your customers?

16 A Yes. Actually, this whole renewal
17 started and the procedure is like mediation,
18 Status Hearing and finally Protest Hearing. And
19 during that steps, we receive Ms. Moore's
20 concerns, but it has been changing, so every time
21 it changes, we try to satisfy both parties. I
22 mean, we try to come up with some kind of

1 solution, but that was another reason why we
2 receive a petition from customers, because there
3 was another issue she raised.

4 Q Do you believe that you are doing
5 everything you can to address loitering?

6 A To my knowledge, yes. I am doing my
7 best. Even though I have two kids, I am
8 monitoring at home and anywhere. Right now, I
9 cannot, but, yeah. And if I can do something
10 else, I will. I'd love to, but I believe I am
11 doing my best to prevent any crime or any bad
12 activity or bad influence to my community.

13 Q Okay. Thank you.

14 MS. YOHANNES: That's all.

15 CHAIRPERSON ANDERSON: Ms. Moore?

16 MS. MOORE: Yes.

17 CROSS-EXAMINATION

18 BY MS. MOORE:

19 Q So you mentioned having attended an
20 ANC meeting?

21 A Oh, my husband.

22 Q Okay. So how did you iron out your

1 settlement agreement with the ANC?

2 A How did I?

3 Q You have a settlement agreement with
4 the ANC?

5 A Yes.

6 Q Who attended the meetings where you
7 made your agreement with the ANC?

8 A Um, Ms. Kathy Henderson and I was
9 there, too, even though that was an officer
10 meeting, yes.

11 Q Okay. So no members of the community
12 besides Ms. Henderson were present at the
13 meeting?

14 A No.

15 Q No? Okay. Have you ever hosted an
16 event with Ms. Henderson where there were
17 giveaways or --

18 A Yes, recently.

19 Q So you have a good relationship with
20 Ms. Henderson? Would you characterize it that
21 way?

22 A I cannot say I have individual, you

1 know, personal relationship, but she has my cell
2 number and I have her cell number, but I don't
3 have any complaint to her, but she has some
4 concerns. Every time she has a concern, she give
5 me call or she text me, she email me. I don't
6 want to say she is bothering me, but, yeah, she
7 is constantly communicating with me.

8 Q Okay. Have you ever attended a
9 meeting where there were other members of the
10 community present?

11 A No.

12 Q You mentioned that you got your camera
13 system as part of a program in conjunction with
14 MPD. Did you pay the full \$4,000 for the system?

15 A It was over -- I don't remember
16 exactly what -- how much it was, but it was
17 \$4,300 or less than \$4,500 for sure, but I have
18 got rebate from MPD was, I think, \$250, because
19 they only give me rebate for outside camera,
20 which is two.

21 Q And which direction does the outside
22 camera face? So if you are situated between the

1 nail salon and the day care --

2 A Yes, it's facing from my store to the
3 closed day care.

4 Q So it's facing the day care center?
5 It's not facing the nail salon?

6 A I mean, no, no, no. No. I said
7 wrong. It's facing nail salon, yes.

8 Q When you notice loitering outside, do
9 you typically notice loitering in front of the
10 nail salon?

11 A When I monitor, yes, sometimes.
12 Sometimes they are in front of nail salon.

13 Q Okay. But would you say the majority
14 of the times that you see loiterers, they are in
15 front of the nail salon?

16 A I did not say that. It's on and off
17 like they are there sometimes. They are just
18 further down. I mean, they are everywhere, but,
19 you know, they cannot --

20 Q Okay. Can you see the loiterers from
21 your camera that are in front of the day care?

22 A No.

1 Q You mentioned that there is a speaker
2 system --

3 A Yes.

4 Q -- that communicates with outside that
5 you installed. How much was the speaker system?

6 A That is something I did not install.
7 It was already there when we take over the store.
8 But it was broken, so we fixed it.

9 Q Okay.

10 A And previous owner is friend of mine,
11 I mean, not friend-friend, but I know him, and he
12 suggest me to fix it, because that's going to be
13 easier for us to communicate if they are outside.
14 I mean, we cannot just run all the time outside,
15 so if we need to, as we need it, we can speak to
16 people outside. So we fixed it.

17 Q Okay. So about how much would you say
18 the repairs cost?

19 A It should have been less than 500
20 bucks, but I mean -- excuse me \$500, but since I
21 work for electric company, my technician help me
22 for free.

1 Q And about how often would you say
2 that, since you are monitoring the cameras, that
3 you see loiterers? Those that you can see on the
4 camera.

5 (No audible answer.)

6 Q So you can't see all of the
7 loiterers --

8 A Right.

9 Q -- next to the day care. You can't
10 see those.

11 A Um-hum.

12 Q You can see the ones occasionally in
13 front of the nail salon. How often would you say
14 that you see loiterers in front of the nail
15 salon?

16 A It's kind of hard to tell. Like
17 loiterer as like when I look at the screen, if
18 somebody is standing right there, I cannot call
19 them immediately loiterer. They can maybe wait
20 for a friend or they may be, you know, friend
21 inside the store. But I am watching, I am
22 waiting. If they are standing long enough, I can

1 say more than 10, 15 minutes, then I call them
2 loiterer.

3 I cannot call everybody loiterer,
4 right? So whenever I notice, I just call, you
5 know, my husband. But I can say half of the
6 time. So if I watch monitor 10 times, probably
7 four or five times I see people standing.

8 Q So do you check the monitor maybe 10
9 times a day?

10 A More than 10 times, yes.

11 Q Okay. But you see what, five out of
12 the times you check, half of the times you check
13 more than 10 times a day?

14 A I can say yeah, 50 percent of the
15 time.

16 Q Okay. All right. Thank you.

17 A Sure.

18 CHAIRPERSON ANDERSON: That's it?

19 MS. MOORE: That's it.

20 CHAIRPERSON ANDERSON: Let me ask you
21 a question about the camera system.

22 THE WITNESS: Yes.

1 CHAIRPERSON ANDERSON: You said that--
2 so the camera system that is outside was a rebate
3 through MPD?

4 THE WITNESS: Yes, that was a rebate
5 program.

6 CHAIRPERSON ANDERSON: So what's the
7 purpose of the camera system outside? Because
8 you said that you only did the one outside. So
9 tell me about that camera system.

10 THE WITNESS: I don't completely
11 understand what you are asking.

12 CHAIRPERSON ANDERSON: Why was -- why
13 is the camera system outside? Or better yet, why
14 did MPD give you a rebate to put a camera outside
15 your building?

16 THE WITNESS: I guess it's beneficial
17 for them. So they had a program if we upgraded
18 or if we install new camera system, then they
19 give rebate for only exterior camera. So they
20 can -- just like they come and get the video
21 footage, video recording whenever something
22 happen.

1 CHAIRPERSON ANDERSON: Right.

2 THE WITNESS: So kind of I guess they
3 appreciate the copy.

4 CHAIRPERSON ANDERSON: All right. So
5 they want the exterior. So what exterior did
6 they want? Did they want the exterior of your
7 business, on the street? I'm just saying, what
8 exterior is this camera supposed to cover.

9 THE WITNESS: That's the street view.

10 CHAIRPERSON ANDERSON: The street
11 view?

12 THE WITNESS: Yes.

13 CHAIRPERSON ANDERSON: Now, so what is
14 it that this exterior camera covers?

15 THE WITNESS: It covers our storefront
16 and part of storefront of nail salon.

17 CHAIRPERSON ANDERSON: Now, where is
18 this? So where -- I'm hearing all this about the
19 -- where all these people loiter. So does the
20 camera cover this area?

21 THE WITNESS: It covers only front of
22 my store and nail salon, but some loiterers

1 standing in front of vacant apartment down the
2 street, which is next to closed day care. And
3 some loiterers in front of closed day care.

4 CHAIRPERSON ANDERSON: So you are
5 saying that so the camera can cover the day care?
6 It covers the day car?

7 THE WITNESS: It's not pointing that
8 direction.

9 CHAIRPERSON ANDERSON: Can it be
10 pointed to cover that direction?

11 THE WITNESS: If I install a new one,
12 yes. But I don't think it will cover it if I
13 include my storefront again. So basically,
14 excuse me, there is my store. It's facing one --
15 from here to this direction.

16 CHAIRPERSON ANDERSON: Right.

17 THE WITNESS: So there is a closed day
18 care. If I install one here, I don't know how
19 much it can cover this, unless I install it from
20 here to that direction, which is not including my
21 store.

22 CHAIRPERSON ANDERSON: So you are

1 saying that you can't -- you cannot have the
2 camera cover your storefront and this day care.
3 Is that what you are saying?

4 (No audible answer.)

5 CHAIRPERSON ANDERSON: Can you install
6 the camera to cover your -- the front of your
7 building and also the day care? I'm sorry, also
8 the day care where the majority of the loitering
9 is.

10 THE WITNESS: I can say maybe I can
11 install it, but it will not show much.

12 CHAIRPERSON ANDERSON: Much of what?

13 THE WITNESS: Because -- much of the
14 loiterers' face, even though our camera system
15 pretty clear --

16 CHAIRPERSON ANDERSON: Uh-huh.

17 THE WITNESS: -- even with that
18 system, I don't think we can identify. If I need
19 to, I don't think we can identify some of the
20 people.

21 CHAIRPERSON ANDERSON: So how far is
22 this day care from your establishment? Is it

1 right next to --

2 THE WITNESS: Right next to.

3 CHAIRPERSON ANDERSON: So if it's
4 right next, so where is this beauty -- nail
5 salon? Where is this nail salon?

6 THE WITNESS: It's -- I'm standing my
7 store, from inside the store, my left inside is
8 nail salon and my right inside is closed day
9 care. So if there is a camera installed right
10 between closed day care and me, pointing in that
11 direction, so --

12 CHAIRPERSON ANDERSON: Well, I'm
13 sorry, but if the loitering -- I'm asking a
14 question. How long -- when was this camera
15 installed?

16 THE WITNESS: Last year. More than a
17 year ago.

18 CHAIRPERSON ANDERSON: Yeah. But if
19 the loitering is -- was more so at the day care,
20 why wasn't the camera then installed to cover the
21 day care? Why is your camera then covering the
22 beauty salon if there were no issues with -- if

1 there are no issues? If the issue is with the
2 loitering, was that the day care? I'm just --
3 yeah.

4 THE WITNESS: That was a suggestion
5 from technician, the camera installation
6 technician. He said since there is a people, you
7 have to watch people from corner store to my
8 store direction more than this side, because back
9 then I don't believe there is as much loiterers
10 in front of closed day care or in front of the
11 vacant apartment.

12 So that was pointless and also as I
13 mentioned, if I install another camera from
14 between my nail salon and my store pointing at
15 closed day care, it -- he said it will not show
16 much their face or things like that. It's not --
17 he said it's not helpful.

18 CHAIRPERSON ANDERSON: And I'm not a
19 technician. I'm just trying to find out.

20 THE WITNESS: No, I'm just --

21 CHAIRPERSON ANDERSON: Because --

22 THE WITNESS: -- letting you know.

1 CHAIRPERSON ANDERSON: -- it's --
2 there is a store on your right and there is a
3 store on your left, from what I have been told.
4 And you have owned the property about two years.
5 Is that correct?

6 THE WITNESS: About two years, yes.

7 CHAIRPERSON ANDERSON: So when you
8 bought the property, was there loitering in front
9 of the day care?

10 THE WITNESS: Not really, no.

11 CHAIRPERSON ANDERSON: So are you
12 saying that the loitering is a recent phenomenon?

13 THE WITNESS: It's more -- yeah. I
14 recently noticed it has been increasing. And
15 since it was closed since 2016, I didn't really
16 pay attention to that side and that is a vacant
17 apartment area, I didn't know if I need to
18 install. I mean, even like I said if we
19 installed a camera pointing at that direction, it
20 will not cover it. It will not show much.

21 So he, the technician said it is
22 pointless to install one there.

1 CHAIRPERSON ANDERSON: All right. All
2 right. When -- the speaker that is being
3 utilized --

4 THE WITNESS: Right.

5 CHAIRPERSON ANDERSON: Where are the
6 people who are loitering that the speaker is
7 trying to tell them to move? Are these people
8 who are standing in front of your building or
9 people standing in front of the nail salon or
10 people in front of the day care? So where are
11 these people that when you speak to them through
12 the speaker, what people are you dispersing?

13 THE WITNESS: In front of nail salon
14 and in front of my store. If they standing more
15 than 10, 15 minutes, we just use speaker system
16 to leave the store.

17 CHAIRPERSON ANDERSON: But is there
18 more people loitering in front of the nail salon
19 or more people loitering in front of the day
20 care?

21 THE WITNESS: From monitoring from the
22 screen, I cannot tell how many people are

1 loitering in front of day care.

2 So for the speaker system, actually,
3 employee and my husband use it from the store
4 when they notice outside or when customer
5 complains bagging or single cigarette sales
6 outside, then they use it.

7 CHAIRPERSON ANDERSON: Outside of your
8 building or outside of the nail salon?

9 THE WITNESS: Both.

10 CHAIRPERSON ANDERSON: So the people
11 who are loitering, allegedly loitering, are these
12 your customers?

13 THE WITNESS: They are. Yeah, they
14 are. Sometimes they be a customer, yeah.

15 CHAIRPERSON ANDERSON: All right.
16 Okay. Any other questions by any other Board
17 Members? Yes, Mr. Short?

18 MEMBER SHORT: Good evening and thank
19 you for your testimony. It sounds like you
20 really are trying to adjust to the situation you
21 have.

22 I asked your husband, I think, and I'm

1 going to ask you the same question.

2 THE WITNESS: Sure.

3 MEMBER SHORT: Is there anything
4 possible that you could do more than you are
5 doing now to assist with the loitering that is
6 going on out there on the block?

7 THE WITNESS: I've been thinking about
8 it. Is there anything I can do?

9 MEMBER SHORT: Anything else you can
10 do.

11 THE WITNESS: I upgrade my camera
12 system. I been calling MPD. I've been talking
13 to the customers, regular customers. I've been--

14 MEMBER SHORT: That's what you have
15 been doing. And I agree that you are doing the
16 best you can.

17 Is there anything further you can do,
18 that you can think of?

19 THE WITNESS: There is nothing I can
20 think of, anything else. I mean, I am doing my
21 best, I believe.

22 MEMBER SHORT: All right. So let's

1 get back to the camera issue. The nail shop is
2 toward the 17th Street or 19th Street end?

3 THE WITNESS: 19th.

4 MEMBER SHORT: If you are coming out
5 of your door if you turn right, would I be going
6 to 19th Street or to 17th Street?

7 (No audible answer.)

8 MEMBER SHORT: If I came out of your
9 door facing Benning Road --

10 THE WITNESS: Um-hum.

11 MEMBER SHORT: -- if I turned right,
12 what is next door to you?

13 THE WITNESS: That's 19th Street,
14 because we are 1818. The corner store is 1830.

15 MEMBER SHORT: Okay. So 19th Street
16 would be to your left, 17th Street to your right?

17 THE WITNESS: I believe so.

18 MEMBER SHORT: And the camera is
19 facing the 19th Street or the 17th Street end?

20 THE WITNESS: 19th.

21 MEMBER SHORT: So anything going back
22 towards 17th, if you come out your door, 17th

1 would be to you left?

2 THE WITNESS: No. 17th will be right.

3 MEMBER SHORT: Right, okay. I see.

4 18, 19.

5 THE WITNESS: Right. I am at 18.

6 MEMBER SHORT: Right.

7 THE WITNESS: My left hand side is 19.

8 My right hand side is 17.

9 MEMBER SHORT: So your left will be --

10 THE WITNESS: His nail salon and 19th
11 Street.

12 MEMBER SHORT: 19th Street, okay.

13 Okay. Good. I'm kind of familiar with that area
14 just a wee bit.

15 THE WITNESS: Oh, okay.

16 MEMBER SHORT: Just a wee bit. And
17 I'll just say this, before -- when you bought the
18 store that was closed in 2016, and before you
19 opened, so there wasn't a lot of loitering?

20 THE WITNESS: It wasn't closed the
21 store. It was active business store. We take
22 over. The closed business is day care. They

1 were closed since 2016, I believe.

2 MEMBER SHORT: Okay. I understand
3 that. That's great.

4 THE WITNESS: Um-hum. So does --

5 MEMBER SHORT: When you purchased your
6 building, what year was that? When you purchased
7 your business.

8 THE WITNESS: Right.

9 MEMBER SHORT: What year was that?

10 THE WITNESS: 2016 December.

11 MEMBER SHORT: So how was the
12 loitering in December 2016? Was it as bad as it
13 is now or worse or how was it before you opened?

14 THE WITNESS: Now it's worse.

15 MEMBER SHORT: Before you first --
16 hum?

17 THE WITNESS: Now it's worse.

18 MEMBER SHORT: Now it's worse?

19 THE WITNESS: Yes.

20 MEMBER SHORT: What do you think is
21 contributing to it being worse? Because you are
22 saying you've got a vacant building. You have

1 stores that -- day care that is not open. So
2 what made it worse? In your opinion, what could
3 have made it worse?

4 THE WITNESS: I don't know if I can
5 say this, but I think economic reason I believe.

6 MEMBER SHORT: What is it?

7 THE WITNESS: Economic reason. There
8 -- during the daytime, during daytime, I notice a
9 lot of elderly people hang out. They just hang
10 outside just like, you know, they are between
11 friends conversations. They are just sit there.
12 Just like -- it looks like tailgating. They are
13 having just conversation.

14 MEMBER SHORT: Yes, we heard about
15 that some of them have chairs and boxes and --

16 THE WITNESS: Yeah. I don't know
17 where they are get -- you know, bringing it from,
18 but they have like, you know, milkbox, because
19 they don't have place to sit.

20 MEMBER SHORT: And that makes me ask
21 again, in 2016 December when you purchased the
22 business --

1 THE WITNESS: Um-hum.

2 MEMBER SHORT: -- were there boxes and
3 chairs sitting out there then?

4 THE WITNESS: I cannot tell. I don't
5 remember.

6 MEMBER SHORT: So you don't remember.
7 You said --

8 THE WITNESS: But it wasn't --

9 MEMBER SHORT: -- it's worse now than
10 it was then.

11 THE WITNESS: Yeah, I mean, number-
12 wise. Before not many people were there. But
13 there usually -- even back then, now, I notice
14 only elderly people, not only -- not young
15 people.

16 MEMBER SHORT: Okay. Now, let me ask
17 you this question. Litter, trash.

18 THE WITNESS: Um-hum.

19 MEMBER SHORT: How much litter and
20 trash is on your block?

21 THE WITNESS: My storefront is clean.

22 MEMBER SHORT: I didn't ask you your

1 storefront.

2 THE WITNESS: Well, I -- right.

3 MEMBER SHORT: On your block.

4 THE WITNESS: Notice some bottles and
5 cans, I think.

6 MEMBER SHORT: Are they alcohol bottle
7 and cans?

8 THE WITNESS: I don't know. But some
9 of that -- some of the bottles and cans, they are
10 -- you know, the gentlemen was gathering and we
11 were asking if we can remove it, because he had
12 it in his big bag. He said it's for, I guess,
13 recycling or he selling something for money. So
14 he is collecting those.

15 MEMBER SHORT: I'm talking about
16 litter or trash on the street. There is no
17 litter or trash on the street?

18 THE WITNESS: Not much, no. Even --
19 I mean, little napkins, maybe papers a little
20 bit.

21 MEMBER SHORT: Well, we have had other
22 businesses in troubled areas around the city, not

1 many, but because a lot of them are cleaning up
2 now. But a lot of stores have said to us maybe
3 once or twice a day we go out and clean up the
4 litter on our block.

5 THE WITNESS: Oh.

6 MEMBER SHORT: Do you ever do that?
7 Has your store ever done that?

8 THE WITNESS: More often, yes.

9 MEMBER SHORT: Okay. That's what I
10 was trying to --

11 THE WITNESS: Oh.

12 MEMBER SHORT: -- get at.

13 THE WITNESS: Okay.

14 MEMBER SHORT: How often do you clean
15 up the area?

16 THE WITNESS: At least once an hour,
17 every hour.

18 MEMBER SHORT: Every hour someone is
19 picking up?

20 THE WITNESS: Yeah, because they, you
21 know, people work at my store, they are guys.
22 They are smoking cigarettes. When they go

1 outside, they sweep and smoke.

2 MEMBER SHORT: Okay. That sounds like
3 a good neighbor would do that. I mean, that's --

4 THE WITNESS: Right.

5 MEMBER SHORT: Okay. And I
6 understand. And again, I guess the question has
7 been asked, so you are saying to add another
8 camera facing in the direction that loitering is
9 happening, you wouldn't be favorable about
10 putting another camera up?

11 THE WITNESS: No problem. I'm willing
12 to install another camera if I need to facing the
13 trouble area which is --

14 MEMBER SHORT: Okay. So do you think
15 that would help some? I know you said it
16 wouldn't get a good focus or whatever, but --

17 THE WITNESS: Right.

18 MEMBER SHORT: -- if they got the
19 gunshots with it just facing one direction --

20 THE WITNESS: Um-hum.

21 MEMBER SHORT: -- had the gunshots
22 happened the other direction, then the police

1 would not have been able to have probably caught
2 anyone, right?

3 THE WITNESS: Yeah, I mean, it's
4 beneficial, but like I said like as you
5 mentioned, it's not showing really good view, but
6 I am willing to install one more camera, no
7 problem.

8 MEMBER SHORT: Well --

9 THE WITNESS: I can have 17 cameras.

10 MEMBER SHORT: -- that sounds like
11 what a good neighbor would do.

12 THE WITNESS: Sure.

13 MEMBER SHORT: And it sounds like if
14 you are working with Ms. Henderson and the ANC,
15 you are trying the best you can to help out.

16 THE WITNESS: Yes.

17 MEMBER SHORT: So I'm glad you are
18 going to consider the camera.

19 THE WITNESS: Definitely.

20 MEMBER SHORT: And again, the police
21 detail and I've been reminded that the current
22 system is only for late night clubs in places

1 like that, but I do know that at North Capitol
2 and New York Avenue where the Big Ben Liquor
3 Store is, there was an exception made.

4 THE WITNESS: Oh.

5 MEMBER SHORT: They put a police
6 detail right in front of that store and it
7 stopped a lot of the drug dealing that was going
8 on there. So you -- again, we can't make you do
9 anything. We can only ask you to think about
10 some things.

11 THE WITNESS: Sure.

12 MEMBER SHORT: But I think a police
13 detail on your block would help a lot. And it
14 might even increase your business, because people
15 would feel safer coming in and out to buy things.

16 THE WITNESS: Good point.

17 MEMBER SHORT: Where they wouldn't
18 come if they have got to walk through the boxes
19 and things and if the people see a police detail,
20 most times they are not going to camp out like
21 they are doing now.

22 THE WITNESS: Right.

1 MEMBER SHORT: So just think about it.
2 If you talk to some of our staff or our lawyers,
3 our legal section, they could give you some ideas
4 and they could get you in contact with the
5 reimbursable program. We work very closely with
6 them, with this Agency.

7 THE WITNESS: Oh.

8 MEMBER SHORT: And they could give
9 some ideas on how you may be able to help
10 yourself and it doesn't have to be all day and it
11 doesn't have to be a very expensive thing.

12 THE WITNESS: Okay.

13 MEMBER SHORT: But if you have them
14 there three or four times a week, I'm almost sure
15 some of that crowd will move on.

16 THE WITNESS: Okay.

17 MEMBER SHORT: Because when you call
18 for assistance, you call so much, the police just
19 say it's another call.

20 THE WITNESS: Okay.

21 MEMBER SHORT: But if you got a
22 reimbursable detail out there, it can help you.

1 THE WITNESS: Okay.

2 MEMBER SHORT: And help the community.

3 And thank you for being patient and testifying
4 for us tonight.

5 THE WITNESS: Thank you.

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

8 CHAIRPERSON ANDERSON: Any other
9 questions by any other Board Members? I guess
10 let me ask you, were you involved with the
11 settlement agreement discussion with the ANC?

12 THE WITNESS: Yes.

13 CHAIRPERSON ANDERSON: So what in the
14 settlement agreement did you agree to that was
15 supposed to address the loitering? If you
16 remember.

17 THE WITNESS: I cannot remember exact
18 detail every line, but for the loitering-wise,
19 when I notice loitering, I have to call MPD,
20 contact MPD and I have to keep a log and I also
21 need to keep a barring notice on the record, so I
22 can provide it to community members or whoever

1 request it.

2 CHAIRPERSON ANDERSON: Okay. And this
3 is something that you agreed in the settlement
4 agreement --

5 THE WITNESS: Yes.

6 CHAIRPERSON ANDERSON: -- to do?

7 THE WITNESS: Yes.

8 CHAIRPERSON ANDERSON: Did you guys
9 agree to any type of enhanced camera or any other
10 security measures? Do you remember?

11 THE WITNESS: Actually, Ms. Henderson
12 had a detail about the camera system that she
13 requested and when I show her our camera system,
14 she was happy with that. She said that was the
15 one that she actually talking about, the outside
16 camera view and monitoring 24 hours on my phone
17 and tablet, that's what she mentioned. So she
18 was satisfied and that's why we came up with that
19 agreement.

20 CHAIRPERSON ANDERSON: Now, so the
21 camera system that -- but the camera system that
22 you had was that before the settlement agreement

1 or after the settlement agreement?

2 THE WITNESS: Before.

3 CHAIRPERSON ANDERSON: Before?

4 THE WITNESS: Yeah.

5 CHAIRPERSON ANDERSON: All right.

6 Thank you. All right. I don't have any other
7 questions. Ms. Moore?

8 MS. MOORE: I do.

9 BY MS. MOORE:

10 Q So you mentioned that the loitering
11 and the position of the loiterers has changed and
12 worsened at your specific location over -- since
13 2016?

14 A Yeah.

15 Q And your cameras are facing 19th
16 Street toward like if you are going in the
17 direction of the nail salon?

18 A Right.

19 Q Because originally, that had been the
20 direction of the majority of the problems when
21 you installed the camera system. Is that
22 correct?

1 A Right. The loiterer group was
2 actually in front of the Food 7, which is corner
3 store, which they have a parking space. They
4 used to be hangout there and now the MPD
5 policeman actually park their car and sitting
6 there, so they move down to my store area. And
7 they are moving down to vacant building area.

8 Q Okay. All right. Thank you for that.

9 A Sure.

10 Q And you mentioned that the footage
11 that you shared after the recent murder --

12 A Right.

13 Q -- was helpful to MPD. Where was the
14 gentleman captured? Was there footage of him
15 inside of the store, coming out of the store?

16 A It was outside. The man -- the one
17 that I mentioned, the outside view, which is
18 facing the nail salon, which is Food 7, I heard
19 the gunman was actually shoot a gun from in front
20 of Food 7 area and walking down toward my
21 storefront. So his face was captured in front of
22 our store clearly.

1 Q So what was he doing on the video?
2 Was he walking out of your store?

3 A He was chasing somebody, I think.

4 Q Okay. So there is no video of him
5 walking out of the store?

6 A No. I don't think so. And that was
7 actually on the air.

8 Q Okay. And then you mentioned that
9 gentlemen are cleaning every hour in front of the
10 store?

11 A Regularly every hour. If I see trash,
12 I call them clean up.

13 Q Okay. Okay. And so they are -- what
14 are they -- you also mentioned that there is not
15 a lot of litter. What are they cleaning each
16 hour?

17 A Some papers, receipts, they just throw
18 receipts and some little vinyl, clear vinyl
19 things, just --

20 Q Okay. So that's what they are finding
21 every hour when they go out?

22 A Yes, small trash.

1 Q Okay.

2 MS. MOORE: That's all my questions.

3 CHAIRPERSON ANDERSON: Ms. Yohannes?

4 MS. YOHANNES: Yes.

5 REDIRECT EXAMINATION

6 BY MS. YOHANNES:

7 Q So I want to start with the
8 Investigator's Exhibit 5, this is regarding the
9 cameras. Just to be clear about location, can
10 you take a look at Exhibit 5? The Board is
11 looking at it. Can you tell the Board where, you
12 know, is the nail salon and where is the day
13 care?

14 A If I number it from 1 to 3, from left
15 to right, No. 1 is the day care. No. 2 is my
16 store. No. 3 is nail shop. And outside camera
17 is installed between 2 and 3.

18 Q And --

19 A I mean, 1 and 2 facing nail salon.

20 Q -- look at what I have marked as ABRA
21 Exhibit 3. And at the top left corner --

22 A Right.

1 Q -- read what the numbers are. It's
2 identified as, I think, 08 camera?

3 A Oh, Camera No. 8.

4 Q Okay. Explain to the Board what that
5 -- what is that a picture of or what is that
6 camera -- what is that area?

7 A That's storefront facing 19th Street.
8 It was using where police footage in this
9 incident.

10 Q Can you take this pen and just mark
11 where your door is?

12 A Okay.

13 Q In doing that, okay, take a look at
14 it, can you mark also where the nail salon would
15 be and where the day care would be?

16 A Day care, I cannot mark it, because I
17 -- it doesn't show. And nail salon is farther
18 down here.

19 Q And so you were told that this was as
20 far as your camera was showing. Is that correct?

21 A Right.

22 Q Okay. And it shows from the left --

1 I guess from the right of -- it shows your
2 property?

3 A It's covering my property.

4 Q So taking a look again at Exhibit 5,
5 Investigator's Exhibit 5, what other properties
6 are shown in that exhibit? What other
7 establishments?

8 A Liquor store, nail salon, some deli
9 like food place and cafe.

10 Q To your knowledge, do they have
11 security cameras out there?

12 A I don't believe so.

13 CHAIRPERSON ANDERSON: Ms. Yohannes,
14 what is Exhibit 5, I'm sorry, again?

15 MS. YOHANNES: Investigator's Exhibit
16 5?

17 CHAIRPERSON ANDERSON: Yes, what is
18 that?

19 MS. YOHANNES: That's the storefront.

20 CHAIRPERSON ANDERSON: So where is the
21 liquor store? Is the liquor store in Exhibit 5?

22 MS. YOHANNES: Yes.

1 CHAIRPERSON ANDERSON: Which one is
2 it?

3 MS. YOHANNES: It's on the left. Is
4 it the one that the name is -- you can't make out
5 the name of the establishment?

6 MS. YOHANNES: Yes. And to the left
7 of that is the day care. Where the people are
8 sitting down is the day care.

9 CHAIRPERSON ANDERSON: Okay. So right
10 -- okay. So the -- so Sky Nails and then the
11 liquor store?

12 MS. YOHANNES: Yes.

13 CHAIRPERSON ANDERSON: Okay. All
14 right.

15 MS. YOHANNES: The entrance, I'm just
16 trying to show you. I know you had questions
17 about this.

18 CHAIRPERSON ANDERSON: Right, but this
19 is the liquor store. The name of the liquor
20 store is not on the -- that's why at least the
21 copy I'm looking for, the name is -- I did not
22 realize that was a building. Okay. Okay.

1 BY MS. YOHANNES:

2 Q So you said you have been operating
3 this place for two years. Is that right?

4 A Almost two years, yes.

5 Q Since 2016?

6 A Yes.

7 Q Have more abandoned residences and
8 buildings -- are there more abandoned businesses
9 in the area or I'm sorry, residences in the area
10 now than there were in 2016?

11 A I can't tell. I don't know.

12 Q Okay. Was -- in October of 2016, the
13 day care next door to you, they stopped
14 operating. Isn't that correct?

15 A When we take over, it was already
16 closed.

17 Q You said, I just wanted to clarify,
18 something about your customers are part -- you
19 have seen your customers, in terms of being
20 loitering or being on the street.

21 A Right.

22 Q Are they drinking?

1 A They probably, but not in front of our
2 store or inside the store.

3 Q Okay. So -- okay. In terms of police
4 presence, aren't police already -- haven't they
5 already increased their presence on Benning
6 Street? Like isn't there already police presence
7 there?

8 A Yes, since the recent shooting, they
9 are there like almost every day, almost every
10 hour.

11 Q At least three to four times a week?

12 A Yeah, even today I noticed. And
13 yesterday they were there after our store was
14 closed.

15 Q And doesn't your agreement with the
16 ANC and the Department also say that they would
17 be increasing their presence there and monitoring
18 the area?

19 A I believe.

20 Q I can refresh your recollection. Can
21 you take a look at what has been marked as
22 Licensee's Exhibit 4 and let me know if that

1 refreshes your recollection regarding your
2 agreement with the ANC and MPD.

3 A You said 4?

4 Q 4.

5 A This?

6 Q Well, I was talking about the exhibit.

7 A Oh, okay.

8 Q So the one --

9 A Yeah, there is a designated MPD
10 personnel increase, coordination of issuing
11 barring notice and problem individuals.

12 Q Correct. Thank you. So this is
13 already occurring, isn't that right?

14 A Yes.

15 Q Okay. Also in terms of your camera
16 program, is it -- was it MPD's Camera Program or
17 was it the Mayor's program?

18 A It was the Metropolitan Police Office
19 -- Police Department Rebate Program. So I had to
20 go online and enter all the information after we
21 finished, completed the installation.

22 Q Okay. Okay.

1 MS. YOHANNES: And that's all the
2 questions I have.

3 CHAIRPERSON ANDERSON: All right.
4 Thank you. You can step down.

5 THE WITNESS: Thank you.

6 (Whereupon, the witness was excused.)

7 CHAIRPERSON ANDERSON: Do you have
8 another witness, ma'am?

9 MS. YOHANNES: I do. One moment.

10 CHAIRPERSON ANDERSON: How many more
11 witnesses do you have?

12 MS. YOHANNES: I have three.

13 CHAIRPERSON ANDERSON: You know I'm
14 not timing these proceedings, so I try to allow
15 folks to have as much time as -- but I --

16 MS. YOHANNES: But --

17 CHAIRPERSON ANDERSON: No, I'm just
18 saying I'm not -- as you know --

19 MS. YOHANNES: I'll be quick.

20 CHAIRPERSON ANDERSON: -- we have --
21 each side is supposed to have 90 minutes and
22 although I have not timed it, I would hope that

1 folks are more mindful of the time, but go ahead.
2 You can call your next witness.

3 MS. YOHANNES: My first witness or my
4 first witness -- I'm sorry. The next witness I'm
5 going to call is William Chambers.

6 CHAIRPERSON ANDERSON: Is Mr. William
7 Chambers here? Can you raise your right hand,
8 sir, please?

9 Whereupon,

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

15 MR. CHAMBERS: I do.

16 CHAIRPERSON ANDERSON: All right. You
17 need to speak up, sir, so we can hear you.

18 MR. CHAMBERS: Yes.

19 CHAIRPERSON ANDERSON: All right.

20 Thank you, sir. Your witness, ma'am.

21 DIRECT EXAMINATION

22 BY MS. YOHANNES:

1 Q Okay. Can you state your name, your
2 full name for the record, please, and your
3 residence?

4 A William Jennings Chambers, 1732
5 Benning Road, N.E.

6 Q Okay. I know it has been a long
7 evening. Thank you, Mr. Chambers for being here
8 today. Can you tell me or tell the Board how far
9 you live from Sylvia Liquors?

10 A The next block over.

11 Q Okay. And how long have you lived at
12 your current residence?

13 A Five years. And before then, I was
14 living 172 -- I mean, 723 19th Terrace, N.E.,
15 since 2000.

16 Q In your experience of being there for
17 so long, can you describe that road or that
18 street, the neighborhood?

19 A The only thing I can say is all the
20 people is out there because everything is
21 starting to be bad. They are starting to tear
22 down the apartments, because they are trying to

1 build new apartments. So since no one lives
2 there, no one can call the police, so they stand
3 there.

4 Q Okay. So from what you have observed
5 or from your experience, is Sylvia Liquors the
6 reason why --

7 A Nope.

8 Q -- there are more people out there?

9 A Nope. I just told you why.

10 Q Okay. And how often do you go to
11 Sylvia Liquors?

12 A Four or five times a day.

13 Q Okay. And what do you -- what types
14 of items do you buy from there?

15 A Chips, sodas, waters, liquor.

16 Q Okay. How often do you see the owners
17 at the store working versus other employees?

18 A Well, really, I see him all the time,
19 because that's how I know the liquor store is
20 open, I see his truck.

21 Q So --

22 A Except for maybe Sunday mornings, I

1 don't see him too often Sunday morning opening
2 up, but any other time, yeah, I see him.

3 MEMBER SILVERSTEIN: Sir, will you,
4 please, speak up?

5 THE WITNESS: Better?

6 MEMBER SILVERSTEIN: Thank you.

7 CHAIRPERSON ANDERSON: Yes, that's
8 better. Just --

9 MEMBER SILVERSTEIN: I want to hear
10 you.

11 THE WITNESS: Okay.

12 CHAIRPERSON ANDERSON: Mr. Silverstein
13 has a hearing impairment.

14 THE WITNESS: No, I was just -- that's
15 why I moved the mike up.

16 CHAIRPERSON ANDERSON: Right.

17 THE WITNESS: That's why I was like
18 well, is it better?

19 CHAIRPERSON ANDERSON: Yes.

20 THE WITNESS: Okay.

21 BY MS. YOHANNES:

22 Q In your experience is there any issues

1 with the establishment hours of operation?

2 A Not really. Not to me anyway.

3 Besides by the time they about to close anyway, I
4 be on my way to work.

5 Q Do you have any concerns of Sylvias
6 negatively impacting the community?

7 A I mean, not to me. Like I said,
8 there's just more people around, because there is
9 no one living in the apartments that can call the
10 police on them, so they sit there more. It's
11 just like you go to Moon's Liquor Store, no one
12 lives right there, but it's an extra store right
13 there that's open, so they will call the police
14 or Moon's will call the police. Don't nobody go
15 around the corner and sit in front of people's
16 houses. So there's no reason for it to go down
17 like that.

18 Q Have you seen increased police
19 presence?

20 A No.

21 Q Is there a police patrol car that sits
22 at that corner?

1 A And watches everyone sit there, yes.

2 Q Okay.

3 A Watch them --

4 Q There is a patrol car there then?

5 A -- smoke weed, watch them drink
6 liquor, watch them drink wine and does nothing.

7 Q Okay. Do you -- after you go into
8 Sylvia Liquors, do you hang out in front of the
9 store or what do you do?

10 A I know some of the people, so I dap
11 them up and say what's up and keep on going back
12 to where I was at.

13 Q Okay.

14 A I go right back to the house or go
15 right back to my people's house.

16 Q So you buy your stuff and you go home?

17 A Yeah.

18 Q Okay.

19 MS. YOHANNES: That's all. No further
20 questions.

21 CHAIRPERSON ANDERSON: Ms. Moore?

22 MS. MOORE: Sure.

CROSS-EXAMINATION

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BY MS. MOORE:

Q So you mentioned that MPD sees what is going on --

A Um-hum.

Q -- and that they are not doing anything about it?

A They sit right there in the truck. They might get out, go inside and may get something to eat, some sit right back in the truck, eat their food, let them sit right there, sell their singles, let them smoke their weed, let them drink their wine, let them drink their vodka, let them drink their beers and police says nothing.

Q Do you feel frustrated with the police?

A Yep.

Q Where do you typically see the police sitting?

A Right in front of the beauty -- the nail shop, they will be sitting right in their

1 truck right there.

2 MS. MOORE: Those are my only
3 questions. Thank you.

4 CHAIRPERSON ANDERSON: Thank you. Any
5 questions by any Board Members?

6 Hearing none, thank you, sir, for your
7 testimony. You can step down.

8 (Whereupon, the witness was excused.)

9 CHAIRPERSON ANDERSON: Do you have
10 another witness, ma'am?

11 MS. YOHANNES: Yes. I'm going to call
12 Kenny Artis.

13 CHAIRPERSON ANDERSON: Can you raise
14 your right hand, sir, please?

15 Whereupon,

16 KENNETH RANDOLPH ARTIS
17 was called as a witness by Counsel for the
18 Applicant, and having been first duly sworn,
19 assumed the witness stand and was examined and
20 testified as follows:

21 MR. ARTIS: Yes, sir.

22 CHAIRPERSON ANDERSON: Have a seat.

1 Have a seat, please. Your witness, ma'am.

2 DIRECT EXAMINATION

3 BY MS. YOHANNES:

4 Q Hello. Please state your name, your
5 full name and then your current residence,
6 address, please.

7 A My name is Kenneth Randolph Artis, Jr.
8 I live at 1746 Benning Road, N.E.

9 Q And how long have you lived at that
10 residence?

11 A Three years.

12 Q And how far is that from Sylvia
13 Liquors?

14 A The next block over.

15 Q And so how often do you go to Sylvia
16 Liquors?

17 A Four or five times a day.

18 Q And what types of items do you get?

19 A Chips, juices, candy, vodka.

20 Q Okay.

21 A We be together.

22 Q And in your experience can you

1 describe that area, that location for me? What
2 do you observe?

3 A I mean, you see the loitering, you
4 know what I mean, but you also see the police
5 presence as well and they don't do anything about
6 it. You know, and the main loitering is in
7 front, it's a building that is in front of the
8 day care center, that's the only building that is
9 still open, but people still sit there. And they
10 sit at the other buildings that is abandoned and
11 all that other stuff, too, sit right in -- most
12 of the people that we greet are in front of the
13 day care center. And the rest of them that we
14 greet are in front of Food 7.

15 The only time people hang in front of
16 the liquor store is when they are waiting for it
17 to open. Once it's open and then it's clear. I
18 don't ever have problems going in and out that
19 liquor store or have to walk through nobody or
20 excuse me or anything like that.

21 Q So as a customer, you routinely
22 purchase your item and then be on your way?

1 A Yeah, I get my stuff and then walk
2 back. If I see somebody I know, like hey, what's
3 up and then go back around the corner where I
4 live at.

5 Q Do you have any concerns about Sylvias
6 and their impact on the community?

7 A I don't have any concerns about
8 Sylvias. I don't think Sylvias is the problem.

9 Q Okay. What do you think the problem
10 is?

11 A The police just sit there and watch
12 stuff just go on. There is multiple -- they got
13 one in the Food 7 parking lot, one in front of
14 the nail shop, one is across the street. Like I
15 said they sit there and watch people smoke their
16 K2, drink, do all of that, they just don't do
17 anything about it. They sit there and literally
18 watch them. And then when something happens,
19 they got the nerve to try to ask other people
20 what happened. I am like you all are just
21 sitting there watching them.

22 Q Do you have any problems or concerns

1 about the hours of operation?

2 A No, not at all.

3 Q Okay.

4 A Other liquor stores is open in
5 Maryland and other places open like 6:00 in the
6 morning until 12:00 and stuff like that. I think
7 they got reasonable hours.

8 Q All right.

9 MS. YOHANNES: No further questions.

10 CHAIRPERSON ANDERSON: Ms. Moore?

11 MS. MOORE: Sure.

12 CROSS-EXAMINATION

13 BY MS. MOORE:

14 Q So I wanted to ask when you see MPD
15 officers, where do you typically see them parked?

16 A At the Food 7, in front of the nail
17 shop. Sometimes across the street where they can
18 see everything that is going on, but they still
19 choose to do nothing about it.

20 Q Are you satisfied with MPD's response
21 to the issues that you see in the community?

22 A Of course not, because if I was

1 satisfied, I probably wouldn't even be here right
2 now.

3 Q So when you see people that you know,
4 you mentioned sometimes you see people and you
5 greet them. Where do you typically see the
6 people that you greet on your way to and from?

7 A In front of the Food 7, in front of
8 the day care, the building next to the day care,
9 that's it.

10 MS. MOORE: Those are my questions.

11 CHAIRPERSON ANDERSON: Any questions
12 by any Board Members?

13 Hearing none, thank you, sir, for your
14 testimony. You can step down.

15 THE WITNESS: Thank you.

16 (Whereupon, the witness was excused.)

17 CHAIRPERSON ANDERSON: Any other
18 witnesses, Ms. Yohannes?

19 MS. YOHANNES: Yes. I'm going to call
20 my last witness, Miss -- Commissioner Kathy
21 Henderson.

22 Whereupon,

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KATHY HENDERSON

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

MS. HENDERSON: Absolutely.

CHAIRPERSON ANDERSON: Have a seat.

Your witness, ma'am.

MS. YOHANNES: Thank you.

DIRECT EXAMINATION

BY MS. YOHANNES:

Q Can you state your name, please, for the record?

A Yes. Kathy Henderson.

Q And are you an ANC Commissioner? If so, let me know. Tell me about that.

A Yes, ma'am, thank you. Yes, I represent ANC-5D05. I'm an approximately 20-year ANC Commissioner.

I have an exceptional record of public safety. I work very closely with MPD. I've been featured in People magazine, Essence magazine. I

1 have won the Chief of Police Special Award twice.
2 I have been recognized by ANC-5B, the 5th
3 District CAC C. Sousa, the U.S. Attorney's
4 Office, a number of organizations for my strong
5 work in protecting my community, advocating for
6 my community and cleaning up my community.

7 Q Thank you for your work.

8 A Thank you. It's my pleasure.

9 Q You are familiar with Sylvia Liquors,
10 right?

11 A I am.

12 Q Okay. Can you tell me about that
13 area, that location and what your observations
14 have been throughout the years?

15 A Well, I have a strong record of public
16 safety. I have been before this Board, not these
17 Members specifically, but ABRA in general and ABC
18 over the years protesting licensees to make sure
19 that they respect the peace, order and quiet of
20 my community.

21 I did protest Sylvia Liquors, I think,
22 the previous cycle. The ANC did not take action

1 to protest the license as I had requested, so I
2 was a Group of a Party of Five. Unfortunately,
3 we were dismissed because one of the Board
4 Members -- I mean, not one of the -- excuse me.

5 One of the protestants actually lived
6 in Trinidad. So it was determined that that
7 individual lived more than 500 feet from the
8 establishment. Therefore, so our protest was
9 dismissed. So I did request that the ANC vote to
10 protest Sylvia Liquors' license during this
11 renewal cycle and the commission did protest
12 them.

13 Just in general, I am familiar with
14 them because I want to make sure that they are
15 doing everything that they are supposed to be
16 doing and actually even more.

17 And what I have found regarding Sylvia
18 Liquors is that they are not like the typical
19 licensees. When I say that, they are actually
20 very genuine and very amenable to my many
21 concerns and making sure that they -- you know,
22 they are very responsive. I have found them to

1 be very responsive, very -- a pleasure to work
2 with.

3 Everything that we have asked them to
4 do, they have done. They attend ANC meetings. I
5 actually convene the meeting with Sylvia Liquors,
6 Mid City Cafe and Food 7 to get them to
7 participate in the Reimbursable Detail Program.
8 And I know there was previous testimony that that
9 didn't work.

10 Actually, it was successful and I'll
11 tell you why. Because they were willing to
12 participate, the others, Mid City and Food 7,
13 complained about the costs. Sylvias was ready,
14 willing and able to bear the cost. And Commander
15 Fitzgerald of the 5th District actually attended
16 that meeting as well.

17 And because of their willingness to
18 participate in the Reimbursable Detail, Commander
19 Fitzgerald actually provided increased police
20 presence that would have replicated the
21 reimbursable detail after that meeting. So it
22 was successful.

1 Q Okay. Can you tell me what the ANC --
2 well, tell me what the ANC has done with Sylvias
3 specifically regarding loitering.

4 A Loitering --

5 Q How have you addressed that?

6 A -- is a big issue and I really
7 addressed that and I wish the city would do more.
8 I have reached out to Councilmember McDuffie, who
9 hasn't done anything. I have reached out to
10 Councilmember Allen, who hasn't done anything,
11 and he chairs the Committee on the Judiciary.

12 I have also reached out to
13 Councilmember Phil Mendelson. I have another
14 meeting scheduled with him to address that issue.
15 I have reached out to the other Councilmembers.
16 You know, they -- there is this misunderstanding
17 that oh, well, there is no loitering laws and
18 they were struck down by the Supreme Court. That
19 is actually not completely true.

20 I think Chicago had a law that could
21 be tweaked and I suggested those tweaks,
22 specifically, to our incommoding statute that

1 would help to curtail people hanging out. And
2 right now, MPD's general orders, which is not in
3 the incommoding statute, is that they just ask
4 the persons three times before they can move.
5 You shouldn't have to ask people three times when
6 they are blocking the sidewalk.

7 And one of the issues and I'm happy
8 that I actually had a chance to meet Ms. Sneed,
9 the current day care owner. I had constant
10 contact with the previous day care owner. There
11 are actually chairs, chairs for toddlers, that
12 are outside the day care center that grown men
13 and women sit in every day.

14 You know, they bring crates. So I
15 have asked for legislation, the Sidewalk
16 Abatement Act, that's my title. I asked the
17 Council to consider tweaking the incommoding
18 statute to make it unlawful for any person to
19 bring lawn chairs, lawn chairs and block the
20 sidewalk. This is outrageous.

21 I also have a problem -- well, I had
22 a problem with that same issue in front of 2013 I

1 Street, N.E., and a couple other places. People
2 who don't live in my community, you know, they
3 are obviously there committing unlawful acts,
4 i.e., selling drugs, and they bring their lawn
5 chairs. They bring their lawn chairs. They
6 bring their lunch and they think that they have a
7 right to impede our passage, to take over our
8 neighborhood. These people don't live in the
9 community.

10 And what I have found in working with
11 the Joungs, I don't want to butcher your names,
12 but the Sylvia Liquors' owners, is that they are
13 being held hostage like the rest of us. And the
14 same with the Food 7 owners.

15 I was -- I drafted those voluntary
16 agreements and I think that they are very
17 stringent. I'm glad that the Board approved them
18 both.

19 We -- I think it's unprecedented that
20 a 5th District Commander is part of a voluntary
21 agreement, but we wanted to make sure, I wanted
22 to make sure that my constituents are well-

1 protected. And anything and everything that is
2 possible to facilitate that, I'm for it.

3 And I have even asked the Sylvania
4 Liquors' owners to put plants outside. I have
5 asked them -- you know, I want them to do a
6 cleaning. I know I have been before this Board
7 before and my ideal liquor store environment is
8 Central Liquors, that's around the corner from
9 the Verizon Center. Well, it's now the Capital
10 One Center.

11 You know, they have hardwood floors.
12 You know, they have Persian rugs. They have
13 incense burning. The ambiance is exceptional.
14 And I think, you know, that's aspirational,
15 that's where we want to go.

16 So I have asked them to change their
17 signage. You know, put potted plants outside.
18 Now, there is only one potted plant, because some
19 deranged person, who doesn't live in our
20 community, took one of them and actually threw it
21 out into traffic.

22 I'm very pleased with their camera

1 system. The camera system is actually pretty
2 extensive. And thank God those cameras were
3 positioned where they were when there were four
4 shootings. Now, we have had a total of 10
5 shootings in and around 5 within ANC-5D05 and the
6 rest in nearby -- the nearby areas. It is gang-
7 related. It us unacceptable. And it has to
8 stop.

9 So I have asked MPD to do everything
10 possible to make sure that they provide police
11 presence. And I saw those cameras. Sylvias has
12 an extensive camera system. I actually asked
13 them to move one of the cameras in the back, so
14 that we could also see the alley without
15 obstruction. They -- you all did that.

16 Q So Commissioner, in relation to and,
17 you know, you have done this for what, you said,
18 20 years?

19 A Yes, ma'am.

20 Q I'm sure you have worked on a lot of
21 settlement agreements. In terms of cameras in
22 the area, cameras for establishments you have

1 worked on, how would you compare Sylvia's camera
2 system --

3 A Oh, their camera system is pretty
4 sophisticated. It is extensive. And I was very
5 glad that -- I am glad that they have it.

6 Four of those shootings, thank God,
7 did not result in homicides. On the -- Friday
8 the 21st, the individuals -- there was some type
9 of dispute in the Food 7 parking lot after they
10 were closed and they just started shooting and
11 someone -- a woman in front of the nail salon was
12 shot. And we saw -- I saw Sylvia's camera
13 footage and I think one of the persons has been
14 arrested. We are still looking for someone, the
15 person who committed the homicide that occurred
16 that Monday.

17 So we had five shootings, five
18 shootings within less -- over the weekend, from
19 Friday to Monday. And thank God for those
20 cameras, which were very helpful to MPD. I was
21 there on the night of the shootings, on the crime
22 scenes. And again, I looked at the same footage

1 that the detectives looked at and I'm happy that
2 the cameras were positioned the way that they
3 are.

4 Q In terms of the settlement agreement,
5 and you know you all have been trying to address
6 the issue of loitering, do you believe that the
7 terms in the agreement adequately address the
8 community's concerns?

9 A Oh, absolutely. They are doing
10 everything that we have asked them to do and then
11 some. I believe you heard earlier that Mrs.
12 Joungh, they actually clean every hour. I asked
13 them to do that. You know, when people -- people
14 are careless. And when they come in -- if you
15 allow a piece of paper, a cigarette butt, a
16 balled up napkin to remain in front of your
17 establishment, then it invites other trash.

18 So I have asked them to clean, clean
19 and then clean some more. I have asked the same
20 of the Mid City management and the same of the
21 Food 7 management. I have asked Food 7 to get
22 some plants. I go by, you know, regularly

1 throughout my day making sure those plants are
2 watered, making sure they are clean and I want to
3 make sure that my constituents have a safe and
4 clean environment and for them to be able to do
5 business in a way that is safe and allows them to
6 continue to pay their tax dollars to the
7 District's coffers.

8 Q Based on the agreement and the terms,
9 you know, and how you addressed loitering thus
10 far, do you believe that having reimbursable
11 detail or any additional reimbursable detail
12 should be required?

13 A Well, we actually have better than as
14 reimbursable detail. And when I say better than
15 a reimbursable detail, Commander Fitzgerald
16 promised me and delivered around the clock police
17 presence. I have made -- I want to make sure and
18 I also regularly interface with Chief Newsham,
19 Assistant Chief Greene and anyone else that I
20 need to make sure that we get what we need. So
21 we have better than the reimbursable detail.

22 For example, today there was an

1 officer positioned across the street on the other
2 side of Benning Road. And I had some concerns
3 that that officer could not see everything at the
4 corner of 1830 Benning, which is 19th and
5 Benning, which goes to 18th and I wanted to make
6 sure they came across the street.

7 See, across the street is Ward 6.
8 Now, I want my neighbors in Ward 6 to be safe,
9 but I have a responsibility for the citizens in
10 5D05. So that means that the police -- I called
11 the Watch Commander. I called Captain McDonald
12 and long story short, Officer McFarland, I
13 believe his name was, he came across the street.
14 Not only did he come across the street, he got
15 out of his vehicle and I wanted him to make sure
16 that he understood that there are people that
17 are, you know, they are constantly out there
18 selling drugs. These people don't live in our
19 community.

20 You know, it is the police officer's
21 responsibility and I'm going to go back and
22 follow-up with regard to the testimony that I

1 heard from Mr. Chambers and Mr. Artis, because we
2 want to make sure that the officers are
3 proactive.

4 And I -- one of the reasons why I won
5 so many award is because I go above and beyond
6 the call of duty. And for example, 3:00 in the
7 morning, I go out in my community and I see where
8 the officers are. I want to make sure they are
9 alert. I want to make sure they are not tucked
10 away in corners. I want to make sure they are
11 not asleep, they are not on their cell phones. I
12 want to make sure that they are policing. And I
13 don't want the officers just sitting. I asked
14 that they actively patrol our entire area,
15 including the alleys.

16 So we actually have better than a
17 reimbursable detail, because they are right there
18 on that block every day and Officer Blyer is also
19 assigned to that block.

20 Now, what I have found is that Officer
21 Blyer is one of the better officers for moving,
22 for aggressively moving that traffic along, the

1 loiterers.

2 Q Um-hum.

3 A The drug traffickers along. And they
4 don't like him. They don't like him, but I have
5 gotten nothing but high praise from the
6 businesses regarding Officer Blyer's due
7 diligence. And I believe he won Officer of the
8 Year for 2018.

9 Q Okay. A couple more questions.

10 A Yes, ma'am.

11 Q Can you tell me when you had these
12 meetings with the community to discuss loitering
13 at Sylvia Liquors, was the Langston Civic
14 Association, were any of their members present?

15 A No.

16 Q That you know of?

17 A Well, Ms. Moore actually -- I have
18 actually given -- issued Ms. Moore a letter to
19 ask her to cease and desist disrupting ANC 5D05
20 meetings. And I have also circulated that to
21 Attorney General Racine.

22 So the people who come to the meetings

1 who are legitimately interested in making sure
2 that we have a better community, a safer
3 community and a stronger community, they
4 participate in good faith.

5 It has been my experience that Ms.
6 Moore is not -- I represent Ms. Moore and I do my
7 best despite the disruptions, despite the overt
8 malice towards me, I do my best to make sure that
9 her interests are also represented.

10 Q One more question. Just to be clear,
11 do you believe that Sylvia Liquors will have or
12 is having any negative effects on peace, order
13 and quiet?

14 A No. What I have found is that Sylvia
15 Liquors enjoys a broad swath of support. When I
16 say broad support, it's not just people who go
17 into the store for alcoholic beverages. It's
18 also a lot of seniors. I understand that a lot
19 of my seniors who actually participate in safety
20 walks, who come to the meetings, they actually go
21 to buy their Lottery tickets there.

22 And I recently learned that Sylvias

1 has more Powerball winners or more Lottery
2 winners than other businesses. So my community,
3 from what I have been able to ascertain, they
4 really enjoy going to Sylvia Liquors. They
5 respect them. They like the, you know,
6 relationship.

7 Even earlier today we had an event
8 with the Food 7 Store where we did some grilling
9 and Sylvia's staff, they contributed some
10 paraphernalia, and it was basically a love fest.
11 And that's typically not the case, but I find
12 that there is strong support for Sylvia Liquors.

13 Q All right. Thank you.

14 MS. YOHANNES: I have no further
15 questions.

16 CHAIRPERSON ANDERSON: Ms. Moore?

17 MS. MOORE: Sure.

18 CROSS-EXAMINATION

19 BY MS. MOORE:

20 Q So you mentioned a give-away event
21 that occurred earlier today. Do you believe
22 that, you know, this give-away in an area where

1 there is tremendous problems with, you yourself
2 said, loiterers, drug dealers, public
3 intoxication, help to curtail any of those
4 issues?

5 A Oh, absolutely. And I'll tell you
6 why. Because it breeds goodwill. We also have
7 photos that we -- we have had the police in
8 front. We have done many safety walks. We have
9 had the police there numerous times. And I have
10 actually taken cell phone photos that I have
11 actually had expanded to maybe 40 x 50 and I
12 actually posted outside of Sylvia Liquors and Mr.
13 Joung is part of that, Commander Fitzgerald,
14 myself. If the Board wants to see it, I can show
15 you the picture from my cell phone.

16 But I got interesting responses from
17 the community. It was like oh, wow, that's you,
18 that's the Commander, that's him, oh, wow. We
19 really appreciate it. We really think it's very
20 positive.

21 And unfortunately, Ms. Moore, you
22 actually asked the business repeatedly to take

1 those photos down. And you harangued them
2 telling them that they are blocking a window even
3 though it wasn't the case.

4 CHAIRPERSON ANDERSON: Ma'am? Ms.
5 Henderson, you were asked a question. I would--

6 THE WITNESS: Yeah, I do think --

7 CHAIRPERSON ANDERSON: -- direct you--

8 THE WITNESS: -- those give-aways were
9 very positive.

10 CHAIRPERSON ANDERSON: -- to please --

11 THE WITNESS: We took lots of photos
12 today. Yes, and it created a sense of community
13 and camaraderie that was quite pleasing. I wish
14 you had been there to see it.

15 BY MS. MOORE:

16 Q So none of the people -- I actually
17 was there and noticed that some of the loiterers
18 were enjoying their hotdogs and wonder if that
19 was a consideration as part of the planning for
20 that event?

21 A So you wanted us to discriminate
22 against people that are there? We fed everyone.

1 And we built goodwill and we asked them to make
2 sure that they dispose of their litter properly,
3 which they did, because I didn't have to clean up
4 anything.

5 And it was a really positive event.
6 I wish you had participated.

7 Q So you mentioned also that many of the
8 people loitering on the block are selling drugs,
9 are doing other illegal activities and that they
10 do not live in the area. What purpose do you
11 think those people have and specifically coming
12 to our area to sell drugs, to loiter, to, you
13 know, engage in all manner of criminal activity
14 as opposed to doing it where it would probably be
15 more convenient closer to their own homes?

16 A Well, I'll tell you. Our community
17 has come a long way. We have had a lot of people
18 that have gone to jail and they have served their
19 time and they have come back and they found a
20 different community, but unfortunately, they
21 continue to believe that their activities are
22 welcome. They are not.

1 So we would expect that after your
2 incarceration, you know, you would get the
3 message that, you know, committing crimes is
4 inappropriate, but they come back and then, of
5 course, a lot of them live in Maryland and
6 Virginia where there are rules that are much more
7 stringent than the District's and they find they
8 have relatives in our community. And you would
9 really have to ask them why they come back, but
10 these are the reasons why I think they come back.

11 They are attempting to reestablish the
12 type of community that they left prior to their
13 incarceration.

14 Q So do you think it's a safe
15 environment to go outside as one of the owners
16 and approach the drug dealers and ask them to
17 move along? Is that something that you would
18 encourage?

19 A That's something I do and I get
20 pushback.

21 Q But you would encourage the owners to
22 go outside and approach drug dealers?

1 A Oh, absolutely. You have to protect
2 your business. Everyone -- and if people want to
3 become belligerent, that's why we have MPD. So
4 if you don't want to be cordial and you don't
5 want to move along if someone asks you not to
6 block the entrance of their store, that is their
7 right.

8 Q So you mentioned you held several
9 community meetings to discuss the terms of the
10 settlement agreement. When and where were those
11 meetings?

12 A Oh, I don't recall them. Numerous
13 meetings.

14 Q Okay.

15 A You probably didn't come, because you
16 had already been banned.

17 Q No, I haven't been banned, but I'm
18 just curious as to where and when. Just name a
19 location --

20 MS. YOHANNES: Objection.

21 MS. MOORE: -- of one of the numerous
22 meetings.

1 MS. YOHANNES: Asked and answered.

2 CHAIRPERSON ANDERSON: I'm going to
3 allow this one question and if she doesn't have
4 an answer, she can't, we can move on from there.
5 So I'll overrule the objection. Go ahead, ma'am.

6 THE WITNESS: The 5th District. We
7 had an outdoor meeting on Bennett Place. I
8 actually don't think we discussed the settlement
9 agreement there or we mentioned it. We had a
10 number of meetings. A number of meetings.

11 BY MS. MOORE:

12 Q All right. Are you aware of any Board
13 Orders issued by ABRA that mention any of your
14 testimony as having been misleading during
15 previous cases?

16 A No, I'm not. I would like to see
17 that, because that would be a surprise to me. I
18 do know that Councilmember McDuffie has oversight
19 over ABRA and I know that he has interfered in
20 the proceedings and attempted to direct the
21 proceedings, so I'm not aware of any such
22 misleading efforts, but I wouldn't be surprised

1 by that, given Mr. McDuffie's interference.

2 Q This was from 2012, so that would be
3 prior.

4 A Well, if you are referencing 2012,
5 that would be Jimmy Valentine's and they actually
6 sued me, the owner sued me, sued the city and
7 during one of those hearings, it was ascertained
8 that Mark Thorpe, the owner, was actually
9 arrested for possession of 100 pills containing
10 methamphetamine and two rocks that were tested
11 positive by the DEA.

12 So that is an ongoing matter and I
13 think the attorney has been found in contempt of
14 court. There is a whole mess regarding that. So
15 that matter is -- I protested them. I rightfully
16 protested them. And it turns out that Mr. Thorpe
17 was in possession of illegal drugs.

18 Q So just to sort of read from this, the
19 Board Order from 2012 --

20 MS. YOHANNES: Objection.

21 THE WITNESS: How is that relevant?

22 CHAIRPERSON ANDERSON: Well, hold on,

1 hold on.

2 THE WITNESS: How is it relevant to
3 Sylvias?

4 MS. MOORE: It's a Board Order.

5 CHAIRPERSON ANDERSON: Hold on. All
6 right.

7 MS. MOORE: It's relevant to --

8 THE WITNESS: To Sylvias?

9 CHAIRPERSON ANDERSON: What is it?
10 Yeah. Hold on. Miss? Ms. Henderson? All
11 right. There is an objection. What's the nature
12 of your objection, ma'am?

13 MS. YOHANNES: Relevance.

14 MS. MOORE: If the person testifying
15 has a history of dishonesty --

16 THE WITNESS: Oh, I don't have --

17 MS. MOORE: -- before --

18 THE WITNESS: -- a history of
19 dishonesty.

20 CHAIRPERSON ANDERSON: Ms. Henderson,
21 please.

22 MS. MOORE: -- the Board --

1 THE WITNESS: That's absurd.

2 CHAIRPERSON ANDERSON: Ms. Henderson,
3 please.

4 MS. MOORE: -- that should actually be
5 considered.

6 CHAIRPERSON ANDERSON: Ms. Henderson,
7 please. This is what is supposed to happen. We
8 have the two, I'll say, representatives are
9 speaking to me, ma'am. You are the witness and
10 you cannot say anything. If you are in Court,
11 the Judge would probably find you in contempt and
12 try to arrest you.

13 But I'm not a Judge. I don't have
14 those powers. But I am asking -- I'm having both
15 representatives, they address me and I'll make a
16 decision whether or not this line of questions
17 can occur. Okay?

18 As you were saying, ma'am? Who was --
19 all right. You had objected saying that the
20 document wasn't relevant. And so you are saying
21 why is this relevant to her testimony? We are
22 talking about Sylvias. So why is this relevant?

1 MS. MOORE: Sure. So if the person
2 testifying has a history of making misleading or
3 dishonest statements in ABRA and ABC Board
4 proceedings, I would think that that would be
5 relevant to the Board as they consider the
6 veracity of her testimony today.

7 CHAIRPERSON ANDERSON: I'm going to--

8 MS. YOHANNES: And --

9 CHAIRPERSON ANDERSON: I'm going to
10 sustain the objection. So we need to move away.
11 This is about renewing the liquor license and I
12 want us to talk about -- I need us to get away
13 from the -- it's almost 8:00 and we still have
14 the other side to go. And after this hearing is
15 over and you guys are gone, I'm still here. And
16 I have been here since 9:00 this morning.

17 We have been here since 9:00 this
18 morning and we are going to -- I have not put a
19 time limit on this to say each side had 90
20 minutes. Clearly, we have gone over 90 minutes
21 in the presentations and I have -- because it is
22 important to me that when we have Protest

1 Hearings, I will give folks the opportunity to
2 present their case.

3 But I don't -- I do not want us to get
4 far-a-fetch from the issue. So I'm going to
5 sustain the objection and so let's move on. Do
6 you have another question to ask?

7 MS. MOORE: Nope, that's my last
8 question.

9 CHAIRPERSON ANDERSON: All right. I
10 have a question, Ms. Henderson, I'm going to ask
11 you. You have protested the -- or you have
12 attempted to protest the past two renewals of
13 Sylvia Liquors' license. Why is it that you have
14 protested, you or the ANC has attempted to
15 protest this establishment?

16 THE WITNESS: Well, I think it is
17 appropriate to participate in the protest
18 process, so that we can work with the applicant
19 to come up with a voluntary agreement that we can
20 -- that both satisfies the business operating in
21 a lawful manner and satisfies any concerns that
22 we have with the community. And I don't believe

1 that there was a voluntary agreement on record,
2 so I wanted to make sure that we did have a
3 voluntary agreement.

4 And I wanted to make sure that Sylvia
5 Liquors understood what our expectations are and
6 that they were comporting themselves
7 appropriately. So we participated in good faith
8 in that process.

9 CHAIRPERSON ANDERSON: Second
10 question. Regarding the settlement agreement
11 that was presented to ABRA, there is a provision
12 in there that they would participate in the
13 reimbursable detail regarding camera. Is this
14 something that they have done or is this
15 something that is new that you are expecting them
16 to do? That they have agreed to do.

17 THE WITNESS: I believe at the time
18 that I included that in the voluntary agreement,
19 I had not actually seen how extensive their
20 camera system is. And I understand they added to
21 it. So I mean, you know, they can always feel
22 free if the city will allow them to participate

1 again or if they are willing to get more cameras,
2 certainly we welcome that, because that's fine.

3 CHAIRPERSON ANDERSON: No, the reason
4 I'm asking you, I mean, I'm looking at the
5 agreement.

6 THE WITNESS: Um-hum.

7 CHAIRPERSON ANDERSON: And the
8 agreement says that applicant agrees to
9 participate in the Security Camera Reimbursement
10 Program. So I am trying to add a component to
11 existing cameras, which allows MPD personnel to
12 remotely monitor applicant's security cameras.

13 So what I'm trying to find out and as
14 I have stated today, the Board only signed off on
15 this agreement today.

16 THE WITNESS: And thank you.

17 CHAIRPERSON ANDERSON: So with some
18 modifications, but you will see, but what I'm
19 trying to get at is that have they already
20 complied with this provision of the settlement
21 agreement or --

22 THE WITNESS: Yes.

1 CHAIRPERSON ANDERSON: -- okay. So
2 this is nothing new?

3 THE WITNESS: It's -- well, they have
4 already complied, but again, if they want to add
5 to the security camera programs, I mean, add to
6 their existing cameras, I think they have 16.

7 CHAIRPERSON ANDERSON: Right.

8 THE WITNESS: 16 screen shots. If
9 they want to add to it, certainly we welcome
10 that.

11 CHAIRPERSON ANDERSON: But as far as
12 you are concerned, they have already complied
13 with the provision?

14 THE WITNESS: Yes.

15 CHAIRPERSON ANDERSON: All right.

16 THE WITNESS: Yes. And very nicely.
17 They have a very extensive camera system that is
18 very clear and good quality.

19 CHAIRPERSON ANDERSON: All right.
20 Now, you talked about that there are -- that
21 allow the -- a lot of the loitering occurs at
22 this day care center, so have you had

1 conversation with the day care center how to not
2 -- how to prevent them from having all these
3 people loiter in front of their establishment?

4 THE WITNESS: Yes. Again, as I
5 indicated earlier that I had the pleasure of
6 meeting the new owner. My -- all of my contact
7 had been with the previous owner. She attended
8 meetings including -- I also have a 5D Court
9 Watch meetings where we actually advocate for
10 writing community impact statements on persons
11 that are convicted of committing crimes in our
12 community.

13 And the last meeting that the day care
14 provider attended was with the U.S. Attorney
15 Channing Phillips. So myself and Commander
16 Fitzgerald gave her extensive -- and she has come
17 to other meetings including my Single Member
18 District meetings, and I have given her extensive
19 guidance regarding what she needs to do. I have
20 been inside the day care.

21 They also have a camera situation,
22 cameras that are on the outside, but they need to

1 be more proactive about monitoring, you know, the
2 people that stand in front of that property. And
3 they need to immediately remove those chairs,
4 because again, these are chairs for toddlers that
5 adults are sitting in. And I know they come from
6 the day care center.

7 And we have asked MPD to move these
8 individuals along and to not allow them to sit
9 there.

10 CHAIRPERSON ANDERSON: All right. Are
11 you familiar with the Langston Civic Association?

12 THE WITNESS: Yes.

13 CHAIRPERSON ANDERSON: How are you
14 familiar with the Langston Civic Association?

15 THE WITNESS: Well, it has come to my
16 attention that Ms. Moore wants to be the ANC
17 Commissioner.

18 CHAIRPERSON ANDERSON: No, not --
19 that's not what --

20 THE WITNESS: You are asking me how
21 I've become familiar with it.

22 CHAIRPERSON ANDERSON: I'm asking you

1 about the Langston Civic Association.

2 THE WITNESS: Again, that is how I've
3 become familiar. Ms. Moore wants a platform to
4 say that she is doing something for the
5 community. She is running for the seat that I
6 will be vacating at the end of my term. I'm not
7 running for re-election in that regard. And she
8 has started a civic association. I think it has
9 five members that appeared during a Roll Call
10 Hearing for this matter.

11 They are also my constituents.
12 Langston Civic Association is not -- they don't
13 have any purview or any real relationship with
14 the ANC-5D05. And I understand that Ms. Moore
15 has given those as her boundaries, but they do
16 not replicate the civic association and even in
17 the civic association's guidelines, they cannot
18 compete with other civic associations and they
19 certainly don't have equal footing or standing
20 with ANCs who are a legitimate part of the D.C.
21 Government.

22 CHAIRPERSON ANDERSON: Well, the

1 question I'm asking you, ma'am, are they -- is --
2 Langston Civic Association, are they, in your
3 view, a legitimate civic association that covers
4 this area?

5 THE WITNESS: No.

6 CHAIRPERSON ANDERSON: And your basis
7 for saying that they are not a legitimate civic
8 association?

9 THE WITNESS: No. You said -- the
10 second part was that they cover this area.

11 CHAIRPERSON ANDERSON: Yes.

12 THE WITNESS: They are a legitimate
13 civic association, because I understand they have
14 met the minimum requirements set forth by DCRA.
15 I did check their registration, but in terms of
16 covering -- my area is not Langston. My area is
17 Carver Terrace.

18 And none of the members live within
19 500 feet of the establishment and certainly there
20 is no -- the Office of Planning says that the --
21 says Carver Terrace -- says that ANC-5D05 is
22 contained within Carver Terrace. It's not

1 Langston. So it's just the name and, you know,
2 it's a good name, you know, certainly we
3 appreciate the name.

4 But from what I can ascertain, the
5 Langston Civic Association appears to be an
6 unregulated political action committee of the
7 Mayor. It appears that the Mayor needs
8 additional cheerleaders and so does our
9 Councilmember, because their whole agenda simply
10 replicates information from the Mayor's Office
11 and whatever Mr. McDuffie wants to say.

12 CHAIRPERSON ANDERSON: Are you aware
13 that the city gives standing to ANCs and that the
14 city also gives standing in our regulation to
15 civic associations?

16 THE WITNESS: Yes, thanks to Mr.
17 McDuffie's, you know, input. And I think that
18 that needs to be addressed. For our purposes,
19 it's not going to make a difference here tonight,
20 but I think that the Council needs to address
21 that, because I think -- I'm pretty sure that Mr.
22 McDuffie, he has never served as an ANC

1 Commissioner.

2 He has, you know, a certain reverence
3 for civic associations and he doesn't have a good
4 reputation with working with the ANCs, so he
5 wants bodies that support him. And a civic
6 association would meet that criteria.

7 And you know, the Mayor certainly
8 appreciates anyone that wishes to be a
9 cheerleader on her behalf.

10 CHAIRPERSON ANDERSON: Okay. Any
11 other questions? Go ahead, Mr. Short.

12 MEMBER SHORT: Okay. Ms. Yohannes,
13 can you see that Ms. Henderson gets a copy of--

14 CHAIRPERSON ANDERSON: Exhibit what?

15 MEMBER SHORT: -- Exhibit 5 and
16 Exhibit 6 from the -- that's from the
17 Investigator's report.

18 MS. YOHANNES: From the Investigator?
19 All right.

20 THE WITNESS: Thank you.

21 MS. YOHANNES: 5 and 6, right?

22 MEMBER SHORT: Yes, thank you. Good

1 evening, Ms. Henderson.

2 THE WITNESS: Yes, good evening, sir.

3 MEMBER SHORT: Okay. Thank you for
4 all your great work that you have put on the
5 record today.

6 THE WITNESS: And thank you so much.
7 It's my pleasure and thank you for your
8 acknowledgement.

9 MEMBER SHORT: Okay. All right. Now,
10 looking at these two pictures, this is 5D05,
11 correct?

12 THE WITNESS: Yes, sir.

13 MEMBER SHORT: And you said that you-
14 you said something about the reimbursable detail.
15 Is this better than that?

16 THE WITNESS: Yes.

17 MEMBER SHORT: Will you look at these
18 pictures? I want this to go on the record. You
19 -- are you looking at the same pictures I'm
20 looking at?

21 THE WITNESS: Yes.

22 MEMBER SHORT: Are there people

1 sitting on the -- right beside the liquor store
2 in these pictures?

3 THE WITNESS: Yes.

4 MEMBER SHORT: On both sides?

5 THE WITNESS: Yes.

6 MEMBER SHORT: And this is okay with
7 you?

8 THE WITNESS: It's not, but let me
9 just --

10 MEMBER SHORT: No, no, no. I just --
11 please, answer the question.

12 THE WITNESS: No, it is not okay with
13 me.

14 MEMBER SHORT: Okay. All right.

15 THE WITNESS: It's not.

16 MEMBER SHORT: Okay. Now, okay,
17 please, let me say this. I know Commander
18 Fitzgerald and a few other MPD officers also and
19 I really would like for this testimony to go on--
20 it is being transcribed.

21 But if Commander Fitzgerald can look
22 me in my face and tell me this is acceptable in

1 his 5th District --

2 THE WITNESS: Oh, he won't tell you
3 that.

4 MEMBER SHORT: No, no, no, no, no,
5 please, let me finish, because this is leading up
6 to a question. I'm just trying to lay some
7 ground before I ask my question.

8 THE WITNESS: Okay.

9 MEMBER SHORT: Your testimony was that
10 what is going on is better than the reimbursable.
11 Did you make that statement today?

12 THE WITNESS: I did.

13 MEMBER SHORT: And will you look at
14 these again and this -- you are on the record.

15 THE WITNESS: Yes.

16 MEMBER SHORT: This is better than as
17 reimbursable detail? This is the standard you
18 want for the 5th District to do on Benning Road?

19 THE WITNESS: No.

20 MEMBER SHORT: Okay. All right.

21 Okay. So I wanted to get that, but and again,
22 your testimony has been quite compelling.

1 THE WITNESS: If I may explain the
2 limitations --

3 MEMBER SHORT: Let me -- okay, please.

4 THE WITNESS: -- of why this is
5 better?

6 MEMBER SHORT: We don't have a lot
7 more time. I would like to say this to you. I'm
8 very familiar with Langston Terrace and the
9 Langston Terrace Civic Association. In 1946, I
10 was born at 719 Langston Terrace. Langston
11 Terrace was the third project building in the
12 United States of America. It was the first in
13 Washington, D.C. Did you know that?

14 THE WITNESS: I do. I also served in
15 the Historic Preservation Review Board. And
16 Langston Gold Course is the oldest African-
17 American golf course in the United States.

18 MEMBER SHORT: That's fine. Okay.

19 THE WITNESS: And Langston Terrace is
20 the oldest public housing project in the nation.
21 Yes, sir, I am aware of that.

22 MEMBER SHORT: Okay. Please, please,

1 let me speak, because I want everybody else to
2 get a chance.

3 Ms. Henderson, I am not happy with
4 these pictures. I am not happy with your
5 testimony that this is okay with you.

6 THE WITNESS: I didn't say it was
7 okay. It's not okay.

8 MEMBER SHORT: What are we going to do
9 to change it?

10 THE WITNESS: Well, I'll tell you what
11 I'm going to do. Commander Fitzgerald is out of
12 town right now, I'm going to call him on his cell
13 phone when I get out of here. I'm going to call
14 Chief Greene and Chief Newsham because what I was
15 trying to say is that some -- part of the -- that
16 24-hour policing that we have asked for, we
17 actually get officers from other parts of the
18 city and sometimes they just come and sit and
19 they don't do their due diligence.

20 MEMBER SHORT: Okay. All right.

21 THE WITNESS: Now, the PSA 507
22 officers, they know they need to work hard.

1 MEMBER SHORT: I don't mean to cut you
2 off, okay, but I want to say this.

3 THE WITNESS: So this is not
4 acceptable.

5 MEMBER SHORT: The testimony from
6 those two gentlemen who live in that community to
7 me was appalling.

8 THE WITNESS: And I feel the same way.

9 MEMBER SHORT: They say the police
10 officers that you have requested can sit out
11 there and do nothing.

12 THE WITNESS: Oh, I'll address that.

13 MEMBER SHORT: Are you aware of that?

14 THE WITNESS: Oh, no, I'll address it.
15 I'm happy to address that.

16 MEMBER SHORT: Okay. Well, wait a
17 minute.

18 THE WITNESS: I'm happy to address
19 that?

20 MEMBER SHORT: Well, how come it has
21 not been addressed when we were talking about
22 reimbursable details?

1 THE WITNESS: Well, it has been
2 addressed. Any time I see officers that are not
3 doing what I feel that they need to do or I hear
4 from citizens that they have concerns, oh, I
5 address it, because we don't want officers just
6 sitting.

7 MEMBER SHORT: This is my last --

8 THE WITNESS: We want to make sure--

9 MEMBER SHORT: -- statement.

10 THE WITNESS: -- that they are
11 actively policing.

12 MEMBER SHORT: This is my last
13 statement before I give you my last question.

14 THE WITNESS: Yes.

15 MEMBER SHORT: The testimony I heard
16 today, I think that Chief Newsham should hear
17 about it.

18 THE WITNESS: Oh, he will.

19 MEMBER SHORT: Oh, I'm quite sure. I
20 can assure you he will. And he is going to see
21 these pictures and this testimony is on public
22 record tonight that a commissioner from this city

1 states that a reimbursable detail -- this is
2 better than a reimbursable detail. Something is
3 wrong with that picture.

4 THE WITNESS: I would agree.

5 MEMBER SHORT: Okay.

6 THE WITNESS: And I am going to
7 address it.

8 MEMBER SHORT: Okay. Thank you very
9 much. That's all I have. Thank you, Mr. Chair.

10 THE WITNESS: Thank you.

11 CHAIRPERSON ANDERSON: Yes, Mr.
12 Silverstein?

13 MEMBER SILVERSTEIN: I'm going to ask
14 you some questions. I want some very short
15 answers, because these are yes or no. And we are
16 going way, way, way too long.

17 I think is it fair to say we all agree
18 that loitering is a problem in the general area
19 around Sylvia Liquors?

20 THE WITNESS: For that entire block.

21 MEMBER SILVERSTEIN: General area.
22 Okay. We are in agreement.

1 Does the licensee in any way benefit
2 from people loitering around there?

3 THE WITNESS: No.

4 MEMBER SILVERSTEIN: Does it hurt them
5 in any way?

6 THE WITNESS: It hurts all of us.

7 MEMBER SILVERSTEIN: Do they try to
8 alleviate the problem?

9 THE WITNESS: They do.

10 MEMBER SILVERSTEIN: How?

11 THE WITNESS: They ask the people to
12 move on. When they don't move on, they call the
13 police.

14 MEMBER SILVERSTEIN: Is there anything
15 else you believe they could do reasonably to try
16 to alleviate the problem, given the laws, given
17 law enforcement, given the realities that they
18 face?

19 THE WITNESS: Yes, I think there is
20 something they can do. And I would ask that the
21 owners of Sylvia Liquors join me in lobbying
22 Councilmember Charles Allen in changing the

1 incommoding statute to make that type of behavior
2 unlawful.

3 MEMBER SILVERSTEIN: Is there anything
4 that you believe that we, as a Board, should
5 require them to do beyond what they are required
6 to do now to alleviate this problem?

7 THE WITNESS: To require them to do?
8 I'm not sure what you could require more. I
9 think they are taking all the reasonable steps.
10 I would -- I'm not happy about these pictures and
11 certainly if MPD -- I don't know when these
12 pictures were taken, but if these pictures were
13 taken while MPD was on patrol, they are not
14 acceptable.

15 My guess is that they were probably
16 not taken while MPD was on patrol. But
17 nonetheless, I'm going to address it.

18 I don't know that there is anything--

19 MEMBER SILVERSTEIN: Okay. Fine.

20 THE WITNESS: -- else that you can do.
21 I think that they are working very diligently. I
22 would not come here and share with you that they

1 are doing everything they can, if I new
2 reasonably that there is more that they can do.

3 I would ask that they join me in
4 writing/drafting a letter through their attorney
5 to Councilmember Allen actually and the entire
6 Council, because I'll be meeting with Chairman
7 Mendelson shortly to address this very same issue
8 of loitering which is a problem in my community
9 and throughout the city.

10 MEMBER SILVERSTEIN: Thank you. No
11 further questions.

12 CHAIRPERSON ANDERSON: All right.
13 Thank you. All right. Ms. Moore?

14 MS. MOORE: I do.

15 RECROSS-EXAMINATION

16 BY MS. MOORE:

17 Q I just have one question, which is
18 were you aware that -- or just a series of
19 questions related to the same topic.

20 Were you aware that public -- calls
21 for police service are public records?

22 MEMBER SILVERSTEIN: It's not based on

1 our questions.

2 MS. MOORE: It is.

3 CHAIRPERSON ANDERSON: It's --

4 MS. MOORE: It is because her comment
5 was that I -- they are doing everything that they
6 can as far as she knows. And I was wondering if
7 she had --

8 CHAIRPERSON ANDERSON: I'm going to
9 give you some leeway, but --

10 MS. MOORE: Okay.

11 CHAIRPERSON ANDERSON: -- they should
12 be based on the questions that were asked by the
13 Board.

14 MS. MOORE: Okay. Sure.

15 BY MS. MOORE:

16 Q So your comment was that they doing
17 everything that they can as far as you know.
18 Have you examined the records of calls for
19 service to the location?

20 A Yes, I actually have. I also have a
21 Landlord Roundtable Initiative whereby I actually
22 request the police calls for service for every

1 rental property and every business within my
2 community, so I have personally examined the
3 calls for service going back to, I think, 2001 to
4 2018 for my area.

5 Q So were you aware that the 2017 calls
6 for service originating from the phone number
7 assigned to Sylvia Liquors is drastically lower
8 than other similar establishments in the area?

9 MS. YOHANNES: Objection.

10 THE WITNESS: I mean, what's the
11 point.

12 MEMBER SHORT: The question --

13 CHAIRPERSON ANDERSON: I'm going to
14 sustain the objection. So let's move on.

15 MS. MOORE: That is my last question.

16 CHAIRPERSON ANDERSON: Ms. Yohannes?

17 REDIRECT EXAMINATION

18 BY MS. YOHANNES:

19 Q I have one question.

20 A Yes, ma'am.

21 Q When you said that what you have or
22 what we have is better than reimbursable detail,

1 weren't you referring to the terms of the
2 agreement for policing that area that the
3 settlement agreement?

4 A Yes. The reimbursable detail is
5 limited. Officers who are off-duty, but who are
6 in uniform, are paid to police for a limited
7 amount of time.

8 And what we have now is actually
9 around the clock policing.

10 Q Thank you.

11 CHAIRPERSON ANDERSON: Thank you, Ms.
12 Henderson, for your testimony. You can step
13 down.

14 THE WITNESS: It's my pleasure.

15 CHAIRPERSON ANDERSON: Thank you.

16 THE WITNESS: And thank you for your
17 service and thank you for your due diligence and
18 convening a hearing into the late hour of today.
19 So thank you.

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

22 (Whereupon, the witness was excused.)

1 CHAIRPERSON ANDERSON: Do you have
2 another witness?

3 MS. YOHANNES: I do not, but I would
4 like to request or just make sure it's okay that
5 one of the owners leaves and comes back in half
6 an hour?

7 CHAIRPERSON ANDERSON: You don't need
8 my permission, ma'am.

9 MS. YOHANNES: I don't, yes. I just
10 wanted to let you all know.

11 CHAIRPERSON ANDERSON: All right. All
12 right. So do you rest?

13 MS. YOHANNES: Yes, we rest.

14 CHAIRPERSON ANDERSON: All right.
15 It's 8:16. We are going to take a 15 minute
16 break.

17 (Whereupon, the above-entitled matter
18 went off the record at 8:15 p.m. and resumed at
19 8:26 p.m.)

20 CHAIRPERSON ANDERSON: All right.
21 Well, if you are ready, we can go back on the
22 record.

1 Can you raise your right hand? I'm
2 sorry, who is your next witness? Call your
3 witness, please.

4 MS. MOORE: Mr. Ian Moss.

5 CHAIRPERSON ANDERSON: Raise your
6 right hand, Mr. Moss.

7 Whereupon,

8 IAN MOSS

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

12 MR. MOSS: I do.

13 CHAIRPERSON ANDERSON: All right.
14 Have a seat, please.

15 DIRECT EXAMINATION

16 BY MS. MOORE:

17 Q Good evening.

18 A Hello.

19 Q Thank you for staying.

20 A Um-hum.

21 Q So I'll keep this very brief. We had
22 the owner and I'm so sorry, Ms. Joung?

1 MS. NA: Hye.

2 BY MS. MOORE:

3 Q Hye Jung mention that in her time as
4 an owner, since 2016, she noticed that the
5 loitering has moved. Have you lived in the
6 neighborhood since 2016?

7 A I have. I have lived in the
8 neighborhood since January of 2015.

9 Q Have you noticed --

10 MEMBER SILVERSTEIN: Sir, please, into
11 the microphone.

12 THE WITNESS: Sure. I said -- my
13 apologies. I have. I have lived in the
14 neighborhood since January of 2015.

15 BY MS. MOORE:

16 Q Have you also noticed that the
17 loitering has transitioned? The majority of the
18 loitering has transitioned on the block?

19 A I have noticed that it has
20 intensified. I mean, it is relatively
21 concentrated in the area from where Sylvias is to
22 the corner, but I would say of late, yes, it has

1 migrated a little bit, but that's generally the
2 same area.

3 Q Um-hum. Do you feel that, you know,
4 given the things that we have discussed today,
5 the placement of the camera, that you feel that
6 the changing the placement so that you can see in
7 both directions along the sidewalk would improve
8 your sense of safety?

9 A I think that it is inexcusable for any
10 business or entity on that block in the front not
11 to have cameras facing both ways, that's what I
12 think.

13 Q Are you satisfied with MPD's response?

14 A No. In fact, I emphatically agree
15 with the -- my two neighbors, Mr. Chambers and
16 Mr. Artis, who spoke. MPD has not done what they
17 need to do. On a daily basis, almost, I observe
18 them sitting there and doing nothing to address
19 the loitering situation, in addition to all the
20 other nefarious activity that happens in front of
21 Sylvias and next door to Sylvias on either side.
22 I mean, it's a problem.

1 Q So you notice loitering on a daily
2 basis, would you say that's correct?

3 A Yeah, that's correct.

4 Q Would you feel -- how many times would
5 you think would be appropriate or if a business
6 were truly engaged and you wanted to gauge that
7 engagement with dealing with the loitering issue,
8 would you expect that they would call police
9 maybe on a daily basis?

10 A I would --

11 MS. YOHANNES: Objection.

12 CHAIRPERSON ANDERSON: Well, what's
13 the nature of the objection?

14 MS. YOHANNES: Speculation.

15 CHAIRPERSON ANDERSON: I'm going to
16 overrule the objection. We will just give it for
17 what it is worth. All right. You can answer the
18 question, sir.

19 THE WITNESS: Sure. I actually don't
20 have to speculate. I would actually -- I mean, I
21 think the answer to the question is first of all,
22 one, I'm unable to give an exact number of times

1 that a business should call. What I can say is
2 that a business -- if it -- as long as there are
3 people loitering out in front of the
4 establishment, selling drugs, drinking alcohol in
5 front of the establishment, as not just, you
6 know, not only I have observed that, but the
7 other witnesses have as well, they should call
8 nonstop and they should engage as much and as
9 frequently as they need to in order to make sure
10 that that type of behavior stops.

11 And yes, MPD hasn't done all it needs
12 to do, but to suggest or intimate that like the
13 businesses aren't benefitting from that same
14 group of people is absurd. I mean, those are the
15 same people going in and out of the businesses
16 buying alcohol, coming outside, drinking it on
17 the street and going back in to buy more.

18 BY MS. MOORE:

19 Q Are there any other observations that
20 you think would help the Board make a decision
21 about how they can be a partner with us improving
22 safety in our community?

1 A Listen, to be quite honest, if it were
2 up to me, I would say pull their license, that's
3 what I would say, because this has been going on
4 for far too long. Irrespective of whatever
5 Consent Agreements this business or the previous
6 owner had entered into, like at some point you
7 have to cut people off.

8 You know, they seem to suggest or have
9 testified that they don't think that they can do
10 any more. Well, what I can say is from what I
11 have observed on a basically daily basis, what
12 they are doing is woefully insufficient. There
13 are people out there all the time and it is the
14 same people going inside, buying alcohol and
15 coming outside and sitting there.

16 Yes, MPD is at fault, but that's also
17 not to say that the establishments, including
18 Sylvias, are not contributing to that problem.
19 They are a major contributing factor. The
20 establishments that sell single servings
21 contribute to it. It is a problem.

22 And I have -- learning here today that

1 there was -- that -- of the steps that have been
2 taken over the past four months or even that
3 there is a Consent Decree that has been entered
4 into that has been praised as kind of
5 comprehensive, says to me that it's not worth
6 much, because all of this behavior has not only
7 been going on for a long time, but has gotten
8 worse. And there are a variety of reasons that
9 contribute to that, but the inaction on the part
10 of the businesses, like Sylvias, is one of the
11 major reasons.

12 Q Thank you. I appreciate your
13 testimony.

14 CHAIRPERSON ANDERSON: Ms. Yohannes?

15 MS. YOHANNES: Yes.

16 CROSS-EXAMINATION

17 BY MS. YOHANNES:

18 Q How far do you live from Sylvia
19 Liquors?

20 A A block and a half.

21 Q And do you go into Sylvias?

22 A No.

1 Q But you walk by there every day?

2 A I don't walk by there every day. I
3 walk by there sometimes. I drive by there almost
4 every day.

5 Q Okay. So you drive by there almost
6 every day. And you see the same people go into
7 Sylvias, come back out and then go back in later
8 on, I guess?

9 A So I mean, if I am on the X1 and I get
10 off across the street, I can see the people
11 coming in and out while I'm waiting across the
12 street. If I am at the -- waiting on -- at the
13 bus stop to go to work, if I ride the bus that
14 day, I can see the people down the street. If
15 I'm walking by, I can see them. I have to walk
16 through them, which quite honestly, I try not to
17 do given all of the nonsense and madness that
18 takes place right there on the sidewalk, that is
19 if you can even walk through the sidewalk.

20 Yeah, I observe. I observe them from
21 my vehicle when I'm like at -- when I'm -- I'm
22 answering your question.

1 Q All right.

2 A When I'm at the light at 19th Street
3 to make a left, I can -- I'm looking right out of
4 my driver's side window. Yeah, so I see them
5 very regularly.

6 Q Okay. So you see them very regularly.
7 You see the same people there regularly?

8 A Some of them are, many of them are the
9 same people, but there are also, you know, people
10 I don't necessarily recognize. But look, I'm not
11 going to suggest to you or to the Board that I
12 have like, you know, some sort of like special
13 gift at facial recognition. There are plenty of
14 people out there all the time.

15 If I am going into work late, there
16 are people standing out there at like 10:00,
17 11:00 in the morning. If I happen to come home
18 for something at lunch, there are people out
19 there. There are people out there right now, I
20 guarantee it.

21 Q Okay. And all the people out there
22 are customers of Sylvia Liquors?

1 A Some of them are, because as I
2 mentioned, I see them go in and come out.

3 Q Okay. You mentioned the settlement
4 agreement. Have you read the settlement
5 agreement?

6 A No, but I heard what I consider to be
7 a relatively detailed description a couple of
8 hours ago sitting in here.

9 Q Do you have any knowledge regarding
10 the calls that Sylvia Liquors has made to MPD?

11 A No, I don't.

12 Q Okay.

13 A But I would -- I have to assume if
14 there is -- you know, if there are calls made
15 consistently on a daily basis, as there are
16 undoubtedly numerous reasons to do every day,
17 then I'm sure that there would be a pretty thick
18 record of calls for service.

19 Q Okay. Thank you.

20 A You're welcome.

21 CHAIRPERSON ANDERSON: Questions by
22 any Board Members? Mr. Short?

1 MEMBER SHORT: Your name again, sir?

2 THE WITNESS: Ian Moss.

3 MEMBER SHORT: Mr. Moss. Mr. Moss,
4 thank you for your testimony so far, it has been
5 compelling. And I can only say to anyone who --
6 and I still live in the city and have lived here
7 for better than 72 years and I grew up in that
8 neighborhood when it was very beautiful and very
9 vibrant. And it saddens me when I ride down
10 Benning Road now to see it has gone to that and
11 that being just it seems like seeing people
12 sitting on walls and in chairs, it just doesn't
13 look like it's healthy.

14 And I'll just say this, hang in there,
15 because change is coming to your area. I saw the
16 new buildings across the street next to the
17 Langston Bar & Grill and I just saw that tonight.
18 I haven't been over there in a while apparently.

19 But at any rate, again, if you could
20 help the situation in any way possible as a
21 citizen living a block and a half away, what
22 would you say to your elected officials? What

1 would you say to the police department? What
2 would you say to this Board that could help give
3 you some relief?

4 THE WITNESS: I would ask for a
5 results-based approach and one that does not
6 request or expect results over a long-term period
7 of time, but rather over a short-term, very
8 short-term.

9 Everyone in here today has
10 acknowledged what the problems are and that they
11 have existed for a long time. But yet, they
12 continue to exist and people haven't taken and
13 business owners and MPD and members of the
14 community haven't taken the steps that they
15 needed to take to address those issues.

16 You all have the authority to
17 genuinely put in place some pretty compelling
18 requirements on the part of Sylvia Liquors. Like
19 I said and you know admittedly and in full
20 candor, I'm sick of it. And it ain't just
21 Sylvias. It's other -- it's the other two liquor
22 stores within, you know, 120 feet that are also

1 the problem, but we are here today about Sylvias.

2 MEMBER SHORT: There is one on 21st
3 and Benning. Where is the other one?

4 THE WITNESS: 21st and Benning. At
5 19th and Benning. Four doors down from Sylvias.
6 But like I -- I would -- what I would -- in terms
7 of the relief that I seek or would hope for would
8 be to -- if not revocation of the licensee,
9 again, quite honestly I think that is actually
10 the only thing that will help, then short of that
11 then like actual verifiable requirements on the
12 part of the business that demand immediate
13 implementation and quite honestly also disregard
14 of testimony that says like oh, well, you know, I
15 can have one camera and it is -- you know, can
16 pick up people and be relatively detailed, but I
17 can't put another one up.

18 I mean, this is laughable and it is
19 representative of the lack of sincerity on the
20 part of the business owner at Sylvias and other
21 business owners. It is as if folks come in here
22 or engage and commit themselves to say Consent

1 Agreements surely for the purpose of having one
2 on paper, so they can get out of here and keep
3 their license and continue to make money and not
4 ever actually do anything to improve the
5 circumstances in the area.

6 MEMBER SHORT: One of my last
7 questions. The two gentlemen who live in the
8 neighborhood and said they are there two or three
9 times a day --

10 THE WITNESS: Sure.

11 MEMBER SHORT: -- what were their
12 names? Do you know them?

13 THE WITNESS: I don't know them.
14 Their faces look familiar, but I don't know them.
15 I agree with them about MPD. I disagree with
16 them having heard kind of the commentary in the
17 back.

18 MEMBER SHORT: Okay. You think it
19 might help if either of those two gentlemen, Ms.
20 Moore, your ANC person, the owner, I think a
21 comprehensive plan to start, like you were
22 saying, with a long-range plan would be for all

1 of you to sit down and talk.

2 I really think I got a good feeling
3 that Sylvia's proprietor or licensee who
4 testified today would probably be very, very
5 cooperative if all of you could sit down
6 together, just not one ANC person, but everybody
7 in the community, that's what we used to do in
8 that area over there and sit down and actually
9 work it out with not a police sergeant or
10 lieutenant, have one of those -- even the
11 Commander, have him at the meeting.

12 And just say to him get the
13 transcript, Commander, from this hearing tonight
14 and how satisfied are you with this transcript
15 that three citizens, at least you and those two
16 young gentlemen, said police officers sit there
17 and do nothing while there is public drinking,
18 urinating, trash and these officers do nothing.
19 And if they are -- if -- what happens if that
20 Commander gets into -- if that Commander and the
21 Chief get involved, you will see some changes
22 tomorrow.

1 THE WITNESS: I hear you. I would be
2 willing to do that. They know. Like there are
3 multiple elements here that are failing. All
4 right. It's the owners. It's members of the
5 community that don't have any respect for the
6 community. And it's the police.

7 But you know, again, we are here about
8 the owners. Like they've got to take this
9 seriously.

10 MEMBER SHORT: My challenge to you,
11 Mr. Moss, is to get with Ms. Moore -- Mr. Moss
12 and get with the owner, get with the ANC.

13 THE WITNESS: Yes. Well, I would ask
14 the Board to designate a mediator, because I want
15 it to actually be a productive conversation as
16 opposed to like sniping back and forth, because
17 that's what it will result in.

18 MEMBER SHORT: Okay. Here is what I
19 suggest. Our legal person, our attorney sitting
20 back here and you can get her information.

21 THE WITNESS: Sure.

22 MEMBER SHORT: I'm quite sure you can

1 get information. You can get information. You
2 can get information. And I really think that
3 that's what needs to happen with this situation.
4 And then bring the police in after you guys talk.

5 THE WITNESS: Sure.

6 MEMBER SHORT: Because the police are
7 going to do what you want, what the business
8 wants, what the ANC wants, just not one ANC, but
9 the whole community wants. I bet you will see
10 some changes, because if this transcript ever
11 hits the newspaper, somebody's head is going to
12 roll. This is public record.

13 Thank you very much, Mr. Moss.

14 THE WITNESS: Thank you.

15 MEMBER SHORT: That's all I have, Mr.
16 Chair.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any other Board Members? No, I
19 don't have any questions, Mr. Moss. Now, Ms.
20 Yohannes, any questions of Mr. Moore?

21 MS. YOHANNES: No questions.

22 CHAIRPERSON ANDERSON: Ms. Moore? Mr.

1 Moss, not Mr. Moore. Mr. Moss.

2 MEMBER SHORT: Mr. Moss, yes.

3 CHAIRPERSON ANDERSON: Ms. Moore, any
4 questions specifically based on questions that
5 were asked by --

6 MS. MOORE: Yes.

7 CHAIRPERSON ANDERSON: -- Mr. Short?

8 REDIRECT EXAMINATION

9 BY MS. MOORE:

10 Q I think one of the questions was asked
11 as to a community meeting. Have you attended a
12 community meeting where we have the owners out to
13 vote on how to move forward as to whether we are
14 going to --

15 A I have. And if I remember correctly,
16 this is a civic association meeting, they didn't
17 show up. I have also attended, I recall, the, it
18 may have been, 2016 meeting, I can't remember,
19 with Commissioner Henderson with the previous
20 owner of the day care. I actually remember that
21 meeting. I don't make them as much as I would
22 like, given my work schedule. But when I can, I

1 try to be there. But yeah, happy to engage.

2 Q All right. Do you remember any
3 community members making specific requests?

4 A I don't. I can't say with certainty
5 that they did.

6 Q Okay.

7 MS. MOORE: That's all.

8 CHAIRPERSON ANDERSON: All right. Mr.
9 Moss, I know that you are trying to get some
10 place, but you know, you are not dismissed until
11 I tell you you are dismissed.

12 MR. MOSS: I'm sorry.

13 CHAIRPERSON ANDERSON: But thank you,
14 Mr. Moss, for your testimony.

15 MR. MOSS: Thank you.

16 CHAIRPERSON ANDERSON: You can step
17 down.

18 MEMBER SILVERSTEIN: Thank you for
19 staying.

20 (Whereupon, the witness was excused.)

21 CHAIRPERSON ANDERSON: Do you have any
22 other witnesses?

1 MS. MOORE: Yes, I do. This is my
2 last witness.

3 CHAIRPERSON ANDERSON: Don't -- I'm
4 not -- it's not my goal to say this is my last
5 witness. As I said before, I'm flexible. I know
6 time, but I'm flexible. I don't want you to feel
7 rushed.

8 MS. MOORE: Okay. Sure.

9 CHAIRPERSON ANDERSON: Yes, your next
10 witness?

11 MS. MOORE: I just have a question.
12 So one of the -- I know one of the exhibits was a
13 video and I had mentioned earlier showing the
14 video when asking a question of the owner. Would
15 it be appropriate for me to do that after Ms.
16 Diggs testifies?

17 CHAIRPERSON ANDERSON: But you would
18 have to -- no. You can only show her a video of
19 something and have her testify. I mean, you
20 can't --

21 MS. MOORE: No, I know, but I'm saying
22 would it be appropriate to recall the owner after

1 Ms. Juanita --

2 CHAIRPERSON ANDERSON: No, you can't
3 recall the owner.

4 MS. MOORE: Oh.

5 CHAIRPERSON ANDERSON: That is her
6 witness.

7 MS. MOORE: Okay.

8 CHAIRPERSON ANDERSON: That's her --

9 MS. MOORE: Understood.

10 CHAIRPERSON ANDERSON: -- you can only
11 recall a witness if you wanted to rebut
12 something. Now, if there is a video and if this
13 witness can -- you can have this witness, if she
14 submitted a video, talk about it and that's how
15 you can introduce it.

16 MS. MOORE: Okay.

17 CHAIRPERSON ANDERSON: So --

18 MS. MOORE: Okay.

19 CHAIRPERSON ANDERSON: -- all right.

20 So I'm sorry. Ma'am, I didn't -- did I swear you
21 in?

22 MS. DIGGS: You did not swear me in.

1 CHAIRPERSON ANDERSON: Then can you
2 stand up, please, and raise your right hand?
3 Whereupon,

4 JUANITA L. DIGGS
5 was called as a witness for the Protestant, and
6 having been first duly sworn, assumed the witness
7 stand and was examined and testified as follows:

8 (No audible answer.)

9 CHAIRPERSON ANDERSON: All right.
10 Have a seat, please, ma'am.

11 DIRECT EXAMINATION

12 BY MS. MOORE:

13 Q Good evening. Are you -- how long
14 have you been living --

15 CHAIRPERSON ANDERSON: Have her state
16 her name for the record.

17 MS. MOORE: Oh, I'm sorry.

18 MEMBER SILVERSTEIN: Have the lady to
19 identify herself.

20 MS. MOORE: Oh, okay, so sorry.

21 THE WITNESS: My name is Juanita L.
22 Diggs, D-I-G-G-S. I live at 1113 21st Street,

1 N.E., Apartment 104.

2 CHAIRPERSON ANDERSON: I'm not -- I --
3 just for the record, she just needs to introduce
4 herself, that's --

5 MS. MOORE: I'm not a professional --

6 CHAIRPERSON ANDERSON: -- so we will
7 know who is speaking.

8 MS. MOORE: -- at this. So sorry.

9 CHAIRPERSON ANDERSON: And that's one
10 of the reasons why I go along. Now, it's your
11 witness to ask whatever questions you want to
12 ask.

13 BY MS. MOORE:

14 Q Ms. Diggs, how long have you lived in
15 the neighborhood?

16 A Well, we actually moved on Maryland
17 Avenue in 1959.

18 Q So you have been here for a long time.

19 A I would say yes.

20 Q Have you noticed changes in the
21 loitering and the location of the loitering
22 specific to that block, the 1800 Block of Benning

1 Road in the recent months?

2 A Yes, it has gotten a little better
3 right at the corner at Food 7, but it seems the
4 folks that were at Food 7 have moved down to
5 Sylvia Liquors.

6 Q Is there anything that you feel that
7 Sylvia Liquors could do to help improve the
8 situation now that the loitering has --

9 A Well, I'm listening to everyone speak
10 about camera angles. And it seems to me that one
11 of the things that would be very prudent to do
12 would be to point the camera at the store, at the
13 entrance where most of the loitering occurs.
14 They keep talking about both the day care center
15 and the nail salon and, indeed, it encompasses
16 all three, but it is mostly right there at the
17 entrance of.

18 Q Um-hum, okay. So I want to show, and
19 excuse me, this -- the video includes some
20 nudity, some lewd behavior happening in front of
21 the store, so I --

22 CHAIRPERSON ANDERSON: Well, at least

1 it will wake us up.

2 (Laughter)

3 MS. MOORE: I apologize.

4 MEMBER SHORT: We might have to take
5 another break.

6 MS. MOORE: I think it's necessary, so
7 so sorry. I'm just going to pull this up now.
8 So I'm going to pull this up and you will be able
9 to see on the monitor behind you.

10 (Video 1 Played)

11 MS. YOHANNES: Objection. What is
12 this?

13 CHAIRPERSON ANDERSON: Stop, stop the
14 video a minute, please.

15 (Video 1 Stopped)

16 CHAIRPERSON ANDERSON: Can you give us
17 a --

18 MS. MOORE: Sure.

19 CHAIRPERSON ANDERSON: -- what is --

20 MS. MOORE: So this is a video of a
21 patron that just left the store disrobing in the
22 middle of traffic on Benning Road. And then it

1 shows the -- a person running back into the
2 store. And so these kinds of scenes are pretty
3 familiar to people who live in the area.

4 CHAIRPERSON ANDERSON: Okay.

5 MS. YOHANNES: Can --

6 CHAIRPERSON ANDERSON: Yes? Yes,
7 ma'am?

8 MS. YOHANNES: Could I ask for more
9 foundation? I don't know where this came from,
10 who took the video.

11 MS. MOORE: Sure. So a neighbor took
12 the video. There are plenty of people, including
13 myself, who were standing on the street at the
14 time. This person's video happens to be a bit
15 clearer than mine is, but this is an incident,
16 you know, that is familiar to those of us who
17 live in the neighborhood.

18 CHAIRPERSON ANDERSON: And this is
19 video from when?

20 MS. MOORE: This is from the June of
21 last year, June of 2017.

22 MS. YOHANNES: I'm going to object,

1 based on foundation. She hasn't authenticated
2 the document -- the video.

3 MS. MOORE: Well, I was standing
4 there, so --

5 CHAIRPERSON ANDERSON: Well, I'm --
6 are you saying -- does this video clearly show
7 this person exiting or entering the store?

8 (No audible answer.)

9 CHAIRPERSON ANDERSON: I mean, I'll
10 allow it if -- I mean, if --

11 MS. MOORE: There was no reason to
12 film her leaving, but definitely what she had
13 already disrobed and is headed back in.

14 MS. YOHANNES: And the neighbor is not
15 here or whoever took it is not here.

16 MS. MOORE: Well, I was there, so.

17 CHAIRPERSON ANDERSON: I mean, I don't
18 think it's -- I mean, what is this witness going
19 to --

20 MS. MOORE: Sure. So just to --
21 whether this type of behavior is consistent with
22 behavior that she has seen in her --

1 CHAIRPERSON ANDERSON: All right.

2 MS. MOORE: -- time --

3 CHAIRPERSON ANDERSON: All right. Was
4 -- did she --

5 MS. MOORE: -- has this gotten worse?

6 CHAIRPERSON ANDERSON: -- see this?
7 Was -- did she --

8 MS. MOORE: No, she didn't
9 specifically witness this particular incident to
10 my knowledge, but there have been several similar
11 incidents.

12 CHAIRPERSON ANDERSON: All right. No,
13 I'm not going to allow it and the only reason I'm
14 not going to allow it is because she cannot
15 authenticate it. If you were able to tell me
16 that she witnessed it, then I could ask her to
17 describe it.

18 MS. MOORE: Okay. Understood.

19 CHAIRPERSON ANDERSON: So if there is
20 a video that you want to show that if she has
21 seen and so she can explain to us what was the
22 video.

1 MS. MOORE: Gotcha. Okay.

2 CHAIRPERSON ANDERSON: But yeah.

3 MS. MOORE: Understood.

4 CHAIRPERSON ANDERSON: That's the only
5 reason why I'm not going to --

6 MS. MOORE: Okay. Understood.

7 CHAIRPERSON ANDERSON: -- because this
8 witness would have to identify what is going on.

9 MS. MOORE: The owner was also
10 standing there at the time. Is it possible to
11 ask if they would like to comment on it?

12 CHAIRPERSON ANDERSON: Well, it wasn't
13 in the -- I mean, no, but I -- no.
14 Unfortunately, no, because it is your document
15 and it's probably the only way it is -- no, you
16 can't do that unfortunately.

17 MS. MOORE: Okay.

18 CHAIRPERSON ANDERSON: So we cannot --
19 So I'm not going to admit the video. And as I
20 said before, the reason I'm not going to admit
21 the video is because this witness cannot identify
22 the video, because she wasn't there.

1 MS. MOORE: Okay.

2 CHAIRPERSON ANDERSON: All right.

3 MS. MOORE: Understood.

4 BY MS. MOORE:

5 Q Okay. So I guess my question to you
6 is what has been the most concerning behaviors
7 that have you seen recently now that the
8 loitering is escalating?

9 A Well, the, as you said, drug dealing
10 and the fact that there are times -- I take the
11 bus. I don't have a car, so I don't have the
12 luxury of not having to traverse the streets.
13 And so trying to get by is a problem, you know.
14 And you are actually sort of sometimes, though
15 I'm not -- I'm a city girl, you know, and I grew
16 up here, but at 68 years-old, I sort of know
17 better now that I may not speak of -- the way I
18 want to.

19 I may not say something to someone as
20 I would -- these are younger people than I am.
21 I'm expecting to not have to address them in that
22 manner in the first place. But we have lost the

1 -- all the concepts we used to have of manners
2 and decorum.

3 But anyway, that fear, you know, it
4 actually keeps me from going to the store. That
5 used to be our store. There used to be a time
6 there was a Blue Law in D.C. and the only things
7 that were open on the weekends and later in the
8 evening were the store, the High's that is now
9 called Food 7, Washington Brothers, which is now
10 called -- well, I'm not even sure what it is
11 called, and then Sylvia Liquors.

12 These were the options that we had to
13 actually make a purchase if we wanted to and we
14 would have to walk all the way down from 21st and
15 Maryland Avenue to 19th and Benning Road. And so
16 that now, for me, has ended. I try to make my
17 purchases in other places, because when I am
18 there and I'm there because I get on the street
19 car and, you know, take the bus, I just -- it's
20 concerning and there is fear, you know.

21 I don't -- and that is something that
22 is an unknown concept for me. Fear, I don't -- I

1 should not have fear of walking the city streets.

2 Q So if you were to hear that as part of
3 a settlement agreement that the store has entered
4 into a reimbursable detail with MPD, would you
5 think that that would improve your sense of
6 safety?

7 A I think it would actually. I think it
8 would. That and having a camera that actually
9 did capture everything, because cameras can
10 indeed capture everything, but they have to be
11 angled in the right direction in order to do so.

12 Q Are you satisfied with MPD's current
13 response?

14 A I am not and I'm really rather taken
15 aback to hear Commissioner Henderson say that a
16 lot of police or patrol is taken down there when,
17 indeed, we also need it up where I am. And it's,
18 to me, we are both in the same area and we are
19 both commanded by Commander Fitzgerald.

20 So I'm worried that there is a lot of
21 presence, police presence there and virtually
22 none which is -- but is really needed where I am.

1 Q Um-hum. So you have witnessed the
2 loitering. You have witnessed the drug dealing
3 personally.

4 A Yes.

5 Q You have seen those activities?

6 A Yes.

7 Q Have you witnessed where MPD officers
8 were in the area at the time and did not engage?

9 A I actually have. I actually have seen
10 them as --

11 Q Okay.

12 A -- Mr. Moss said sitting in their car
13 and just not doing -- and I'm not sure how that
14 should be or why that is or if it's because of
15 the loitering laws that were spoken of or lack
16 thereof that was spoken of before or what.

17 Q Have you attended any community
18 meetings?

19 A I have attended many, because--

20 CHAIRPERSON ANDERSON: Ma'am, ma'am,
21 ma'am, let her answer -- let her ask you a
22 question before -- let her finish her question

1 before you start answering.

2 THE WITNESS: I'm sorry. Did you say
3 have I --

4 BY MS. MOORE:

5 Q Well, so have you attended any
6 community meetings to discuss this topic where
7 MPD was present?

8 A I have gone to a year and a half's
9 worth of ANC meetings at which there is a police
10 report at each one, at which I am the one that
11 stands up and says, please, give some presence to
12 where I am. And please, give more presence
13 actually to our whole neighborhood.

14 I have begged. I have pleaded. I
15 have entreated. I have requested. I have asked.
16 I have done everything I possibly could. And we
17 have had intermittent, we have had some one week,
18 none the next. You know, it has not been
19 consistent in any way.

20 Q Um-hum. And at those meetings has the
21 owner attended and attempted to address any of
22 the community concerns?

1 A I cannot remember having seen -- I am
2 sorry, there may have been one. There may have
3 been one.

4 Q Okay. And what kind of concerns did
5 the community express? Were they similar to the
6 concerns expressed here?

7 A The exact same.

8 Q Okay.

9 A Yeah.

10 Q Okay. Were there any solutions
11 offered by the store on those?

12 A The mediation and the agreement that
13 we had was --

14 Q Okay. And you are one of the parties
15 who could have attended a mediation on behalf of
16 the civic association?

17 A Absolutely.

18 Q Correct?

19 A And we will have.

20 Q To your knowledge, did the store
21 owners attend the mediation session that was
22 originally scheduled by ABRA?

1 A I'm not sure if they did. In the last
2 hearing we had here, I --

3 MEMBER SHORT: Ms. Diggs, please,
4 speak right into the microphone.

5 THE WITNESS: I'm sorry. I'm not sure
6 if they did. I cannot remember.

7 BY MS. MOORE:

8 Q Okay.

9 A Yeah, I don't remember.

10 Q So did they attend the -- so you did
11 attend the Status Hearing for this?

12 A I did, yes.

13 Q And did the owner arrive and what was
14 the nature of that?

15 MS. YOHANNES: Objection. Asked and
16 answered.

17 MS. MOORE: No, that's a separate
18 question. Status Hearings and mediations are
19 separate --

20 MS. YOHANNES: Hearings?

21 MS. MOORE: -- events.

22 MS. YOHANNES: That's fine. Okay.

1 CHAIRPERSON ANDERSON: What was the --
2 I don't --

3 MS. YOHANNES: Sorry.

4 CHAIRPERSON ANDERSON: -- recall --

5 MS. MOORE: Yes. So I asked if the --
6 so Ms. Diggs is one of the parties who is allowed
7 to attend mediations and attend Status Hearings
8 on behalf of the Langston Civic Association.

9 I asked had the -- at the Status
10 hearing that she attended, had the owners
11 attended the hearing, had they attended the
12 mediation.

13 CHAIRPERSON ANDERSON: Okay.

14 THE WITNESS: They did not, if I
15 remember correctly.

16 BY MS. MOORE:

17 Q So thank you. Is there anything else
18 that you would like to share with the Board about
19 your experiences in the community that you think
20 would help them make a decision to help improve
21 your safety?

22 A Well, I agree with Mr. Silverstein.

1 Is that -- no, I'm sorry, you, Mr. Short, in
2 saying that I think that the way to go is to have
3 the community involved. I think it's a very good
4 idea.

5 But we need the backup of the Board
6 and the backup of MPD. It's us -- because we
7 made efforts to try, this is how we began in the
8 first place. We started having meetings and
9 asking everyone to come together with us to
10 discuss what we could do as a community, which
11 was, I thought, a very positive thing.

12 I mean, it wasn't like attacking
13 anyone. It was like we have got a problem, can
14 we try to solve it together? And so it's not
15 like we haven't taken your suggestion and tried
16 to take -- make it into fruition, but this is
17 where we are. This is where we have come from
18 that state to now.

19 Q Okay. Thank you.

20 CHAIRPERSON ANDERSON: Ms. Yohannes?

21 MS. YOHANNES: Just one question.

22 CROSS-EXAMINATION

1 BY MS. YOHANNES:

2 Q Do you believe that Sylvias is the
3 cause of this loitering?

4 A I believe that as Mr. Moss said, that
5 there are a number of elements, but it's partly
6 one of them, yes. But I think that -- I was
7 listening to Mrs. Joung and she seems to be a
8 reasonable person. And a young person and so she
9 is tech-savvy and she understands. And I think,
10 you know, it's possible to come to some kind of
11 an agreement. I hope so.

12 But if not, we need to do -- we need
13 to make some serious steps to resolve the
14 problem, no matter what it actually takes,
15 because resolution is the actual answer.

16 MS. YOHANNES: Nothing further.

17 CHAIRPERSON ANDERSON: Any questions
18 by any Board Members? Yes, Mr. Short?

19 MEMBER SHORT: Ms. Juanita Diggs,
20 thank you very much for your compelling
21 testimony. I used to serve the Evening Star on
22 the 1900 Block of Maryland Avenue right down --

1 over the hill to the arboretum.

2 THE WITNESS: Yes, that's where we--

3 MEMBER SHORT: When I was a young
4 person before I moved to Beverley Terrace and I
5 just thank you for being here today, because you
6 look younger than me.

7 THE WITNESS: I'm 68, sir.

8 MEMBER SHORT: You're doing good.
9 Okay. All right. Well, you are younger than me.

10 THE WITNESS: Okay.

11 MEMBER SHORT: But I'll just say this.
12 Thank you again and here is what I would really
13 like to suggest and then we'll give a question
14 that makes a suggestion.

15 Meet here, meet here, call our
16 attorneys, we have rooms back in the back, have
17 MPD and not just a sergeant or a lieutenant o
18 somebody who can be -- who has no power. And
19 I'll be willing to bet you you will see something
20 happen.

21 Write a letter to the police chief and
22 make a suggestion to him that the transcript from

1 this hearing, he needs to read or have somebody
2 in his staff read it. And you -- before that
3 meeting, he will have somebody here. I can
4 guarantee you that.

5 Again, thank you very much for your
6 testimony and staying as long as you have for us
7 today.

8 THE WITNESS: Thank you, sir. I
9 appreciate your --

10 MEMBER SHORT: Thank you. Okay.

11 THE WITNESS: -- idea of neutral
12 ground, that's very nice.

13 MEMBER SHORT: Correct.

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Silverstein?

16 MEMBER SILVERSTEIN: Very briefly.
17 Thank you very much for your patience for waiting
18 so long, for being such a good neighbor. The
19 difficulty we have here is apparently one of
20 enforcement, it seems like.

21 Do you believe that MPD are not doing
22 their job on this block?

1 THE WITNESS: I believe that they are
2 so stressed, so --

3 MEMBER SILVERSTEIN: I'm sorry,
4 please, --

5 THE WITNESS: I believe that they
6 don't have enough manpower. I believe that they
7 are stretched so thin, that it's rather
8 impossible and it seems like that is the case. I
9 don't really know why, other than that.

10 MEMBER SILVERSTEIN: Do you ever see
11 people sitting there, chairs there, things --

12 THE WITNESS: Oh, yes.

13 MEMBER SILVERSTEIN: -- while there
14 are --

15 THE WITNESS: They --

16 MEMBER SILVERSTEIN: Wait.

17 THE WITNESS: Sorry.

18 MEMBER SILVERSTEIN: While there are
19 police cars sitting there and officers are not
20 moving these people on?

21 THE WITNESS: Yes. They also do it on
22 my block, sir.

1 MEMBER SILVERSTEIN: Pardon?

2 THE WITNESS: They also do the same
3 thing on my block.

4 MEMBER SILVERSTEIN: Well, if police
5 regularly deployed in this area are not doing
6 their job during the regular 8-hour shift, why
7 should we believe that police working overtime on
8 a 4-hour shift would suddenly be that much
9 better? Or would it be simply that if we add
10 more police, they might be able to?

11 THE WITNESS: I think if you add more
12 police presence period, they might be able to,
13 yes, sir.

14 MEMBER SILVERSTEIN: That's the
15 decision perhaps I'll have to make. Thank you,
16 ma'am.

17 THE WITNESS: Thank you, sir.

18 MEMBER SHORT: I have a follow-up as
19 well.

20 CHAIRPERSON ANDERSON: Yes, Mr. Short?

21 MEMBER SHORT: One thing that didn't
22 come out, I think that needs to go on the public

1 record today is, maybe they can't make people
2 move along who are loitering, but public drinking
3 is a crime in Washington, D.C.

4 MEMBER SILVERSTEIN: Yes.

5 MEMBER SHORT: If they are sitting on
6 the side of that -- on Benning Road drinking
7 beer, wine or whatever it is, if they are
8 drinking in public, those officers can arrest
9 them. And if they are smoke -- well, they can
10 smoke marijuana I think in private homes, but not
11 in public. But if they are doing those kinds of
12 things and running around the street naked, then
13 MPD has got to step it up. And the citizens put
14 a little heat on them, it happens.

15 I was in public safety for 33 years in
16 the city before I retired. I know it works.
17 Thank you.

18 CHAIRPERSON ANDERSON: All right.

19 MEMBER SHORT: Thank you. That's all
20 I have, Mr. Chair.

21 CHAIRPERSON ANDERSON: And, Ms.
22 Yohannes?

1 Q Throughout the day?

2 A -- 24 hours a day.

3 Q Throughout the day, throughout the
4 day.

5 A Throughout the day.

6 Q Okay. So this isn't necessarily just
7 -- so people are out there and not necessarily
8 just drinking and being out there. Is that
9 right?

10 (No audible answer.)

11 Q Is it fair to say that there are
12 people that are out there that are just
13 conversing? Loitering, but conversing --

14 A I have --

15 Q -- and not drinking?

16 A -- not actually taken a survey of the
17 people.

18 Q Okay.

19 A So I couldn't really answer that
20 question.

21 Q Could you see people out there without
22 drinks in their hands?

1 A As well as see people with drinks in
2 their hands.

3 Q Okay. That's fair. Okay. And you
4 have seen people -- okay, that's fair.

5 MS. YOHANNES: Withdraw. Thank you.

6 THE WITNESS: Okay. You're welcome.

7 CHAIRPERSON ANDERSON: That's it? Ms.
8 Moore?

9 MS. MOORE: No, I don't have any
10 follow-up.

11 CHAIRPERSON ANDERSON: All right. Ms.
12 Diggs, thank you very much for your testimony,
13 ma'am. You can step down.

14 (Whereupon, the witness was excused.)

15 CHAIRPERSON ANDERSON: Do you have any
16 other witnesses, Ms. Moore?

17 MS. MOORE: No.

18 CHAIRPERSON ANDERSON: All right. All
19 right. Does the applicant have any rebuttal
20 witness?

21 MS. YOHANNES: No, I do not. We do
22 not.

1 CHAIRPERSON ANDERSON: Does the
2 protestant have any rebuttal witness?

3 MS. MOORE: So just to clarify, what
4 would that -- what would --

5 CHAIRPERSON ANDERSON: Meaning that if
6 someone gave a testimony and you had a witness
7 who can testify to rebut their testimony, because
8 they said something that was not true and you
9 have someone else who can --

10 MS. MOORE: No.

11 CHAIRPERSON ANDERSON: -- testify to
12 say --

13 MS. MOORE: No, I do not.

14 CHAIRPERSON ANDERSON: All right. All
15 right. Okay. With that, we are going to do
16 closing. So the applicant goes first and then
17 the protestant. So do you need a couple of
18 minutes to do a closing or are you ready to
19 close?

20 MS. YOHANNES: I'm ready.

21 CHAIRPERSON ANDERSON: Okay. Go
22 ahead, ma'am.

1 MS. YOHANNES: Okay. No one here
2 denies that loitering generally is a problem.
3 But to blame loitering and to blame this
4 continued issue just on Sylvia Liquors is not
5 right.

6 Most of the testimony provided here
7 today, I mean, we have heard there are several
8 elements that are going on. This issue has been
9 going on since before Sylvia Liquors came in. So
10 before 2016.

11 And in -- so all I am hearing today or
12 a lot of what I have heard today is that the MPD
13 may have been part of the problem. So I would
14 like to take a moment and kind of remember that,
15 you know, it's not just Sylvia Liquors that is on
16 that block. There are other establishments on
17 that block and we haven't heard any evidence that
18 Sylvia Liquors is the cause of this, that they
19 are causing the loitering, that they are
20 disruptive.

21 As a matter of fact, we haven't heard
22 that the people who are loitering, there is no

1 evidence that the people that are actually out
2 there are creating -- are being aggressive or
3 really bothering people the way that protestant
4 here claims.

5 ABRA's own Investigator went out there
6 and you heard testimony from ABRA's Investigator,
7 he went out there 10 times, at least 10 times.
8 He did not witness any ABRA violations. And he
9 witnessed the licensees being very cooperative,
10 showing him the cameras, showing him the
11 establishment.

12 So and we also heard testimony from
13 the owners themselves. They are here today or
14 two of the owners. They have testified regarding
15 the efforts that they made with the community.
16 They have entered a settlement agreement with the
17 ANC. They have security cameras currently at the
18 establishment and I believe they have 16 security
19 cameras, is what they testified to at the
20 establishment.

21 And I understand and we have heard
22 that there is some concern that there may be a

1 camera that is not faced in the direction where
2 people are loitering and that's fine. The
3 licensees are willing to add another camera if
4 that makes the community feel better.

5 The licensee is still willing to
6 cooperate and to continue to work with the
7 community, work with the ANC, work with Langston.
8 I mean, at the end of the day, I think that we
9 all agree that loitering, you know, is not good
10 for the licensee. It's not good for the
11 community. We would like to prevent that from
12 happening.

13 And at this point, the licensee has
14 taken every effort or made every effort possible.
15 They have made the calls to MPD. They have
16 contacted their community resources. They are
17 doing what they can in order to stop the problem.

18 But for what we are here for today,
19 which is the renewal of this license, the
20 protestant has not been able to establish that
21 Sylvia Liquors is a -- that Sylvia Liquors
22 themselves has this negative effect on peace,

1 order and quiet and directly causes this
2 loitering, this whole issue of loitering.

3 There are other factors here. And I
4 think applicant has sufficiently demonstrated
5 with the witnesses that came forth today, with
6 the petition that -- and all the signatures that
7 they have and also with the testimony from ANC
8 Commissioner that they are good for this
9 community and that they are willing to continue
10 to work with this community. And that they have
11 not created -- that they don't have an adverse
12 affect on peace, order and quiet.

13 And for those reasons, we will request
14 that the Board approve renewal of Sylvia Liquors
15 license.

16 CHAIRPERSON ANDERSON: Thank you, Ms.
17 Yohannes. Yes, Ms. Moore?

18 MS. MOORE: Sure. So I think the
19 important thing to note here is not that the
20 community is saying that 100 percent of the
21 problem is just Sylvia Liquors. Obviously, there
22 is a problem here with MPD's response, which is

1 why our concern about saying that a reimbursable
2 detail is the answer to addressing this issue as
3 outlined in the ANC agreement is insufficient to
4 protect the community from very real dangers.

5 The guys hanging out front of Sylvia
6 Liquors are not selling Girl Scout cookies. And
7 so we need to get real about the fact that these
8 are dangers that the community is facing and we
9 need real solutions to address those dangers.

10 One of those solutions would obviously
11 be directing the camera in the direction of the
12 people who are hanging out there selling drugs,
13 defecating in public, drinking in public,
14 urinating on the side of the building. And as
15 much as it is sort of incumbent on MPD to protect
16 the safety of the public space, it's also
17 incumbent on business owners to actually call
18 them.

19 And one of the things you see clearly
20 in the OUC records that outline -- that, you
21 know, are submitted is that there are
22 substantially fewer calls for service coming from

1 Sylvia Liquors as compared to 7 Food Store as
2 compared to Benning Market.

3 And on those blocks and in those
4 specific 100 foot areas around those
5 establishments that are more proactively calling
6 the police that they are seeing results.

7 And so to solely blame MPD's
8 lackluster response on their officers, you know,
9 particular behaviors is not 100 percent of the
10 case. It's also that MPD allots officers to
11 particular areas of the community based on calls
12 for service in a previous time period.

13 And so if you are not consistently
14 making those calls, you are making fewer than
15 half the calls that the same -- that the other
16 store owners on that same block are making, that
17 you are not doing your part to help MPD get a
18 full sense of how they need to place officers in
19 our community.

20 And so I would ask that any order that
21 the Board makes really take into account that
22 everyone is accountable for their piece here.

1 Right? So MPD is accountable for the way that
2 they are engaging with the community and
3 addressing these issues.

4 But the store owner is also
5 accountable for making sure that they are
6 actually consistently placing those 911 calls
7 when they see issues, when they see public
8 urination, when they see drug dealing, when they
9 see loitering and not to, you know, find ways to
10 not see it by repositioning the cameras, but to
11 really take a that on.

12 If you have got a safe spot where you
13 can view from your camera what is going on
14 outside, you can communicate with people that
15 have these issues in front of your store.

16 There is absolutely no reason that
17 when you see -- when you have the full cameras up
18 and you see that those issues are taking place,
19 that you are not constantly on the phone with
20 MPD, as a member of the community, when these
21 people are damaging your business.

22 And so I want to just make it very

1 clear that, you know, there is plenty of
2 accountability for the response here to go
3 around. It's not zero and 100, but there needs
4 to be some accountability on the part of the
5 store for making sure that they are as consistent
6 as other stores in our area with their calls for
7 service to MPD.

8 CHAIRPERSON ANDERSON: That's it?

9 MS. MOORE: Yes.

10 CHAIRPERSON ANDERSON: Thank you. The
11 record is now closed.

12 Do the parties wish to file proposed
13 findings of fact and conclusions of law or waive
14 their right to do so?

15 MS. YOHANNES: We will waive.

16 CHAIRPERSON ANDERSON: I'm sorry?

17 MS. MOORE: I just wanted to clarify
18 for findings of fact?

19 CHAIRPERSON ANDERSON: Meaning that
20 you would get the transcript. You will review
21 the transcript.

22 MS. MOORE: We concede.

1 CHAIRPERSON ANDERSON: All right. You
2 will -- all right. All right.

3 The Board then will issue a decision
4 within 90 days. Hold on.

5 MS. YOHANNES: Thank you very much.

6 CHAIRPERSON ANDERSON: Hold on. I'm
7 not quite done yet.

8 MS. YOHANNES: Oh, I'm sorry.

9 CHAIRPERSON ANDERSON: I still have my
10 little part to -- I know you are trying to get
11 out of here, but, you know, I have to do my
12 little part first.

13 As Chairperson of the Alcoholic
14 Beverage Control Board for the District of
15 Columbia and in accordance with Section 405 of
16 the Open Meetings Amendment Act of 2010, I move
17 that the ABC Board hold a closed meeting for the
18 purpose of seeking legal advice from our counsel
19 on Case No. 18-PRO-00042, Sylvia Liquors, per
20 Section 405(b)(4) of the Open Meetings Amendment
21 Act of 2010, and deliberating upon Case No. 18-
22 PRO-00042, Sylvia Liquors, for the reasons cited

1 in Section 405(b)(13) of the Open Meetings
2 Amendment Act of 2010.

3 Is there a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON ANDERSON: Mr. Short has
6 seconded the motion. I will now take a roll call
7 vote on the motion before us now that it has been
8 seconded.

9 Ms. Wahabzadah?

10 MEMBER WAHABZADAH: I agree.

11 CHAIRPERSON ANDERSON: Mr.
12 Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON ANDERSON: Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON ANDERSON: Mr. Anderson?
17 I agree.

18 As it appears that the motion has
19 passed, I hereby give notice that the ABC Board
20 will hold a closed meeting in the ABC Board
21 conference room pursuant to the Open Meetings
22 Amendment Act of 2010 and issue an order within

1 90 days.

2 Thank you very much. I want to thank
3 the parties for being here today and for their
4 presentation. And we will issue a decision
5 within 90 days.

6 All right. Thank you very much. All
7 right.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with DC Official Code
11 Section 2-574(b), closed meetings, and Section 2-
12 574, Notice of Meetings, of the Open Meetings
13 Act, I move that the ABC Board hold a closed
14 meeting on October 24, 2018 for the purpose of
15 discussing and hearing reports concerning ongoing
16 or planned investigations of alleged criminal or
17 civil misconduct or violations of law or
18 regulations and seeking legal advice from our
19 counsel on the Board's Investigative, Legal and
20 Licensing Agenda for October 24, 2018 as
21 published in the DC Register on October 19, 2018.

22 Is there a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON ANDERSON: Mr. Silverstein
3 has seconded the motion. I will take a roll call
4 vote on the motion before us now that it has been
5 seconded.

6 Ms. Wahabzadah?

7 MEMBER WAHABZADAH: I agree.

8 CHAIRPERSON ANDERSON: Mr.
9 Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON ANDERSON: Mr. Anderson?
14 I agree.

15 As it appears that the motion has
16 passed, I hereby give notice that the ABC Board
17 will hold this aforementioned closed meeting
18 pursuant to the Open Meetings Act. Notice will
19 also be posted on the ABC Board hearing room
20 bulletin board, placed on the electronic calendar
21 on ABRA's website and published in the DC
22 Register in as timely a manner as practicable.

1 It is 9:18 p.m. and we are adjourned
2 for the day.

3 Again, I thank everyone for being here
4 today. Thank you.

5 MS. YOHANNES: Thank you all.

6 (Whereupon, the Protest Hearing was
7 concluded at 9:18 p.m.)

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A	
a.m 56:10 58:5,10,10	110:12 183:13 218:20
aback 247:15	acts 170:3
abandoned 67:20 69:18 147:7,8 160:10	actual 39:8 63:4 228:11 254:15
Abatement 169:16	add 53:10 64:3 134:7 193:10 194:4,5,9 258:9,11 266:3
ABC 60:3 66:14 95:3 165:17 190:3 272:17 273:19,20 274:13 275:16,19	added 44:12 192:20
ABC-licensed 42:1	adding 64:22
ability 7:2	addition 12:10 85:15 218:19
able 42:11 46:6 48:11 54:1 84:6 91:13 135:1 137:9 167:14 175:4 180:3 240:8 243:15 258:10,12 266:20	additional 11:18 13:1 81:11 175:11 199:8
above- 50:20 52:8 87:12 103:18 105:4 106:22 107:18	additionally 46:5
above-entitled 215:17	address 11:6,7 13:19 23:10 37:18 46:14 60:17 62:3,9,10 63:4 63:10 80:6 86:6 108:12 110:5 138:15 159:6 168:14 174:5,7 189:15 199:20 206:12 206:14,15,18 207:5 208:7 210:17 211:7 218:18 227:15 245:21 249:21 268:9
ABRA 19:1,2 21:9,12 24:21 40:21 42:15 49:17,19 50:10 61:11 61:14 95:3 143:20 165:17 186:13,19 190:3 192:11 250:22 265:8	addressed 11:10 81:18 102:3 168:5,7 175:9 199:18 206:21 207:2
ABRA's 49:18 265:5,6 275:21	addresses 85:13 99:12 108:22
absolutely 164:6 174:9 181:5 185:1 250:17 270:16	addressing 12:22 37:2 268:2 270:3
absurd 189:1 220:14	adequately 174:7
accept 87:4,4,5,11	adjacent 67:9
acceptable 202:22 206:4 210:14	adjourned 276:1
accident 105:11	adjust 125:20
account 269:21	Administration 41:13
accountability 271:2,4	admit 244:19,20
accountable 269:22 270:1,5	admittedly 227:19
accurate 60:7	adults 196:5
accurately 6:20	adverse 267:11
accustomed 57:22	advice 272:18 274:18
acknowledged 227:10	advocate 195:9
acknowledgement 201:8	advocating 165:5
Act 169:16 272:16,21 273:2,22 274:13 275:18	affect 87:2 267:12
action 165:22 199:6	affirm 6:19
actionable 39:10,21	aforementioned 275:17
active 47:2 128:21	afraid 8:19 39:15,17 90:16
actively 177:14 207:11	African- 204:16
activities 183:9,21 248:5	afternoon 7:21 8:9,11 55:20,22 91:9
activity 12:6 109:2,5	age 58:18 77:4
	Agency 41:16,18,20 94:22 95:2,8,22 137:6
	agenda 15:6 199:9 274:20
	aggressive 265:2
	aggressively 177:22
	ago 27:2 29:1,11 31:13 80:21 81:2 102:8 121:17 225:8
	agree 29:10 95:10 99:19 108:18 126:15 138:14 139:9 208:4 208:17 218:14 229:15 252:22 266:9 273:10 273:13,15,17 275:7 275:10,12,14
	agreed 99:16 139:3 192:16
	agreement 4:6 10:13,15 10:19 11:1,3,4,11,12 13:22 14:4,12 15:5,15 39:4 49:21 71:22 79:17,19 81:15,18,22 98:10,13,16 99:12,15 100:3 107:8,10,16 108:12,15,17,22 109:4 111:1,3,7 138:11,14 139:4,19 139:22 140:1 148:15 149:2 170:21 174:4,7 175:8 185:10 186:9 191:19 192:1,3,10,18 193:5,8,15,21 208:22 214:2,3 225:4,5 247:3 250:12 254:11 265:16 268:3
	agreements 170:16 172:21 221:5 229:1
	agrees 193:8
	ahead 7:14 8:3 24:17 66:11 74:7 81:12 91:7 91:20 97:7 103:9 151:1 186:5 200:11 263:22
	ain't 227:20
	air 142:7
	ALBERTI 1:18 21:1 22:9,12,15,19 28:11
	alcohol 76:20 132:6 220:4,16 221:14
	alcoholic 1:2,13,13 41:12 45:5 48:7 55:17 179:17 272:13 274:8
	alert 177:9
	allegation 18:15
	alleged 274:16
	allegedly 125:11
	Allen 168:10 209:22 211:5
	alleviate 209:8,16 210:6
	alley 172:14
	alleys 177:15
	allots 269:10
	allow 30:16 31:21 32:1 39:19 45:4 47:12 49:5 150:14 174:15 186:3 192:22 194:21 196:8 242:10 243:13,14
	allowed 44:8 86:11 102:2 252:6
	allows 95:8 175:5 193:11
	ambiance 171:13
	amenable 14:16 166:20
	Amendment 272:16,20 273:2,22
	America 204:12
	American 204:17
	amount 214:7
	an-- 60:2
	ANC 1:7 10:8,9 34:15 35:18 79:13,21 81:22 82:14 86:1 95:20 96:4 99:12 107:9,11,17 110:20 111:1,4,7 135:14 138:11 148:16 149:2 164:15,19 165:22 166:9 167:4 168:1,2 178:19 191:14 196:16 199:22 229:20 230:6 231:12 232:8,8 249:9 265:17 266:7 267:7 268:3
	ANC-5B 165:2
	ANC-5D 10:13
	ANC-5D05 164:18 172:5 197:14 198:21
	ANCs 197:20 199:13 200:4
	Anderson 1:15,17 3:3 5:3,12,16,20 6:6,9,12 6:15 7:4,8,12,21 8:2,6 8:9,12,16 9:3,7,9,17 9:21 11:8 12:8 13:3 13:20 14:1 15:2,17,20 16:2 17:3,8,11,19 18:3,8,11,14,20 19:13 19:17,21 20:2,10,13 20:21 21:2,7,14,17,21 22:4,11 23:12,17,21 24:6,10,15,18 25:2,7 25:9,13,15,18 26:2,8 26:18 27:1 28:4,6,16 28:20 30:1,4,7 33:16 33:21 34:2,7 36:4 37:21 38:5,8,11,15,19 38:22 40:14 41:3,6,10 41:14,19 42:3,9 50:4 51:3,8,11 52:13 53:8 53:12 54:5,7,11 55:9 55:12,18 61:21 65:4

- 66:2,8 67:13 68:3
70:4,11,14,18 71:1,5
71:16 72:10,12,16
73:5,11,16,21 74:3,6
75:6 80:13,17 82:22
84:13,16,20 85:2,6,9
86:10 87:3,19 89:9,13
89:16 91:6 92:9,12
96:9,12,16 97:4,6,12
97:16,19 98:1,4 100:6
100:11,13,17 101:4
103:3,7 106:18,21
110:15 116:18,20
117:1,6,12 118:1,4,10
118:13,17 119:4,9,16
119:22 120:5,12,16
120:21 121:3,12,18
122:18,21 123:1,7,11
124:1,5,17 125:7,10
125:15 138:8,13
139:2,6,8,20 140:3,5
143:3 145:13,17,20
146:1,9,13,18 150:3,7
150:10,13,17,20
151:6,16,19 154:7,12
154:16,19 156:21
158:4,9,13,22 162:10
163:11,17 164:7
180:16 182:4,7,10
186:2 187:22 188:5,9
188:20 189:2,6 190:7
190:9 191:9 192:9
193:3,7,17 194:1,7,11
194:15,19 196:10,13
196:18,22 197:22
198:6,11 199:12
200:10,14 208:11
211:12 212:3,8,11
213:13,16 214:11,15
214:20 215:1,7,11,14
215:20 216:5,13
219:12,15 222:14
225:21 232:17,22
233:3,7 234:8,13,16
234:21 235:3,9,17
236:2,5,8,10,17,19
237:1,9,15 238:2,6,9
239:22 240:13,16,19
241:4,6,18 242:5,9,17
243:1,3,6,12,19 244:2
244:4,7,12,18 245:2
248:20 252:1,4,13
253:20 254:17 256:14
258:20 259:18,21
262:7,11,15,18 263:1
263:5,11,14,21
267:16 271:8,10,16
271:19 272:1,6,9
- 273:5,11,14,16,16
275:2,8,11,13,13
Andrew 2:15 8:14
angled 247:11
angles 239:10
announced 10:11 15:4
answer 53:11 66:5,9
75:3 89:10 97:15
115:5 120:4 127:7
186:4 202:11 219:17
219:21 237:8 242:8
248:21 254:15 260:6
261:10,19 268:2
answered 92:12 186:1
251:16
answering 89:17
223:22 249:1
answers 208:15
anybody 60:16
anything-- 210:18
anyway 155:2,3 246:3
apartment 119:1
122:11 123:17 238:1
apartments 152:22
153:1 155:9
apologies 6:8 70:13
96:15,15 217:13
apologize 240:3
appalling 206:7
apparently 226:18
256:19
appear 68:11,20
appeared 197:9
appears 199:5,7 273:18
275:15
applicant 2:11,12 3:4,5
3:9 4:3 8:15 10:14
17:12 34:3 42:4 70:12
71:7,11 73:1 87:14
100:22 103:20 105:6
107:3,20 151:12
158:18 164:3 191:18
193:8 262:19 263:16
267:4
applicant's 193:12
Applicants' 2:14,15
application 1:9 34:9
appreciate 118:3
181:19 199:3 222:12
256:9
appreciates 200:8
approach 5:7 82:20
103:2 184:16,22
227:5
appropriate 97:10
191:17 219:5 235:15
235:22
appropriately 192:7
- approve** 36:2 267:14
approved 39:4 170:17
approximately 164:18
April 23:6,16,19,19
24:13
arboretum 255:1
area 13:7 35:1,11 36:10
36:17 37:19 40:13
49:12 52:21 57:5,19
57:20 63:14 64:7,9,18
64:20 67:20 68:20
69:5 77:15 79:2,6
89:5 90:10 104:4,4
118:20 123:17 128:13
133:15 134:13 141:6
141:7,20 144:6 147:9
147:9 148:18 160:1
165:13 172:22 177:14
180:22 183:10,12
198:4,10,16,16
208:18,21 213:4,8
214:2 217:21 218:2
226:15 229:5 230:8
241:3 247:18 248:8
258:5 271:6
areas 37:9 47:17
132:22 172:6 269:4
269:11
argue 90:13
arguing 90:10,11,17
arguments 54:21
arrangements 43:10
arrest 189:12 259:8
arrested 173:14 187:9
arrive 251:13
arrived 66:1
articles 32:21
Artis 3:11 158:12,16,21
159:7 177:1 218:16
ascertain 180:3 199:4
ascertained 187:7
asked 5:21 19:17 33:17
55:8 66:4,6,10 89:10
97:13,18 125:22
134:7 167:3 169:15
169:16 171:3,5,16
172:9,12 174:10,12
174:18,19,21 177:13
181:22 182:5 183:1
186:1 196:7 205:16
212:12 233:5,10
249:15 251:15 252:5
252:9
asking 5:17 10:21
27:13 28:10 86:13
96:17 117:11 121:13
132:11 189:14 193:4
196:20,22 198:1
- 235:14 253:9
asks 185:5
asleep 177:11
aspirational 171:14
assault 63:18
assigned 42:6 44:17,18
177:19 213:7
assist 44:13 94:22
126:5
assistance 45:15 73:19
73:19 99:21 137:18
Assistant 175:19
association 2:17 5:11
7:20 10:9 36:9 42:14
45:20 50:10 86:9
178:14 196:11,14
197:1,8,12,16 198:2,3
198:8,13 199:5 200:6
204:9 233:16 250:16
252:8
association's 197:17
associations 197:18
199:15 200:3
assume 63:16 225:13
assumed 40:22 73:2
101:1 151:13 158:19
164:4 216:10 237:6
assumption 29:12,13
63:22
assure 207:20
ATM 104:6
attach 63:10
attached 23:5 28:2,3
49:22 50:5 53:5
attachment 20:6 27:15
29:8
attachments 19:9 25:4
25:4,5 27:7,11 29:6
31:4
attacking 253:12
attempted 36:14 186:20
191:12,14 249:21
attempting 47:11
184:11
attend 167:4 250:21
251:10,11 252:7,7
attended 79:21 110:19
111:6 112:8 167:15
195:7,14 233:11,17
248:17,19 249:5,21
250:15 252:10,11,11
attention 123:16 196:16
attorney 23:9 27:14
28:18,21,21 30:10,21
31:1,2 178:21 187:13
195:14 211:4 231:19
Attorney's 165:3
attorneys 5:17 255:16

audible 75:3 97:15
115:5 120:4 127:7
237:8 242:8 260:6
261:10
August 49:13,14 52:6,7
authenticate 243:15
authenticated 242:1
authority 227:16
available 36:19,19
Avenue 136:2 238:17
246:15 254:22
average 57:14,17
avoids 12:5
award 165:1 177:5
aware 19:6 32:14,16
47:5 76:4 88:3,7
94:20 186:12,21
199:12 204:21 206:13
211:18,20 213:5

B

B 46:16 63:7 67:16
back 5:4 15:12 17:4
20:8 22:2,7 65:6
94:12 122:8 127:1,21
131:13 156:11,14,15
157:10 161:2,3
172:13 176:21 183:19
184:4,9,10 213:3
215:5,21 220:17
223:7,7 229:17
231:16,20 241:1
242:13 255:16,16
backup 253:5,6
bad 110:11,12 129:12
152:21
bag 132:12
bagging 125:5
balance 40:11
balled 174:16
ban 45:21
banned 185:16,17
bans 46:4
Bar 226:17
barring 99:16 138:21
149:11
based 29:19 31:12,22
33:10 43:13,20 44:6
46:21 47:19 49:13,18
52:17,19 64:13 70:5
97:1,12 175:8 211:22
212:12 233:4 242:1
269:11
basically 13:13 45:3
104:10 119:13 180:10
221:11
basis 42:16,17 91:1,1,2
198:6 218:17 219:2,9

221:11 225:15
bear 37:20 167:14
beat 13:18
beautiful 226:8
beauty 121:4,22 157:21
because-- 248:19
been-- 126:13
beer 48:4,7 75:10 83:14
84:4 259:7
beers 157:14
began 253:7
begged 249:14
beginning 44:19 108:6
behalf 14:2 34:4 36:8
45:20 50:9 86:1 200:9
250:15 252:8
behavior 210:1 220:10
222:6 239:20 242:21
242:22
behaviors 245:6 269:9
believe 21:12 50:9
53:20 65:18 66:13
87:1 110:4,10 122:9
126:21 127:17 129:1
130:5 145:12 148:19
174:6,11 175:10
176:13 178:7 179:11
180:21 183:21 191:22
192:17 209:15 210:4
254:2,4 256:21 257:1
257:5,6 258:7 265:18
belligerent 40:8 185:3
belong 8:21
Ben 136:2
beneficial 117:16 135:4
benefit 209:1
benefitting 220:13
Bennett 186:7
Benning 1:6 3:19 34:11
35:5,9 37:7 46:15
50:18 67:2 69:14,17
77:12 86:4 127:9
148:5 152:5 159:8
176:2,4,5 203:18
226:10 228:3,4,5
238:22 240:22 246:15
259:6 269:2
best 7:1 110:7,11
126:16,21 135:15
179:7,8
bet 232:9 255:19
better 53:17 92:1
117:13 154:5,8,18
175:13,14,21 177:16
177:21 179:2 201:15
203:10,16 204:5
208:2 213:22 226:7
239:2 245:17 258:9

266:4
beverage 1:2,13,13
41:12 55:17 272:14
274:9
beverages 45:5 48:7
179:17
Beverley 255:4
beyond 13:22 177:5
210:5
big 132:12 136:2 168:6
biggest 35:3
binding 14:14
bit 75:1 128:14,16
132:20 218:1 241:14
blame 264:3,3 269:7
block 37:6,7,14 67:1,5
67:6,11 68:8 69:16
78:3 94:14,17 126:6
131:20 132:3 133:4
136:13 152:10 159:14
169:19 177:18,19
183:8 185:6 208:20
217:18 218:10 222:20
226:21 238:22,22
254:22 256:22 257:22
258:3 264:16,17
269:16
blocking 169:6 182:2
blocks 37:6 269:3
Blue 246:6
Blyer 177:18,21
Blyer's 178:6
board 1:2,13 3:6,7
10:12,12 11:12 14:4,9
14:10,14 15:18 30:3,9
40:15,21 53:14 55:19
65:5,8 70:5 71:11
75:1,8 78:4 91:7 95:3
125:16 138:9 143:10
143:11 144:4 152:8
158:5 163:12 165:16
166:3 170:17 171:6
181:14 186:12 187:19
188:4,22 190:3,5
193:14 204:15 210:4
212:13 220:20 224:11
225:22 227:2 231:14
232:18 252:18 253:5
254:18 267:14 269:21
272:3,14,17 273:19
273:20 274:9,13
275:16,19,20
Board's 85:3 97:1
274:19
boarded 69:20,21
bodies 200:5
born 204:10
bothering 112:6 265:3

bottle 132:6
bottles 77:8 132:4,9
bought 123:8 128:17
boundaries 197:15
boxes 130:15 131:2
136:18
break 215:16 240:5
breeds 181:6
brief 216:21
briefly 14:20 65:9
256:16
bright 63:1
bring 169:14,19 170:4,5
170:6 232:4
bringing 130:17
broad 179:15,16
broken 114:8
brother 65:18
Brothers 246:9
brought 54:16 108:16
bucks 114:20
build 97:21 153:1
building 1:14 53:17
88:21 117:15 120:7
124:8 125:8 129:6,22
141:7 146:22 160:7,8
163:8 204:11 268:14
buildings 37:9 63:6
67:20 69:19 147:8
160:10 226:16
built 183:1
bulletin 275:20
burning 171:13
bus 69:4 223:13,13
245:11 246:19
business 3:19,20,21
19:1 34:18 40:5 46:9
46:22 47:2 48:6 57:15
60:20,21,22,22 61:13
68:18 80:22 81:2,7
89:6 90:5 92:8,22
93:3,7,9,13,15 95:13
118:7 128:21,22
129:7 130:22 136:14
175:5 181:22 185:2
191:20 213:1 218:10
219:5 220:1,2 221:5
227:13 228:12,20,21
232:7 268:17 270:21
businesses 81:8 92:15
92:17 93:14,17 94:14
132:22 147:8 178:6
180:2 220:13,15
222:10
bustling 60:21
butcher 170:11
butt 174:15
buy 77:5 136:15 153:14

156:16 179:21 220:17
buying 220:16 221:14

C

C 165:3
C-O-N-T-E-N-T-S 3:1
 4:1
CAC 165:3
cafe 43:13 145:9 167:6
calendar 275:20
call 40:15 45:10,14
 48:17 60:12 70:12
 79:2,3 88:15 90:19,21
 91:3 99:6 100:15
 106:10,11 109:5
 112:5 115:18 116:1,3
 116:4 137:17,18,19
 138:19 142:12 151:2
 151:5 153:2 155:9,13
 155:14 158:11 163:19
 177:6 197:9 205:12
 205:13 209:12 216:2
 219:8 220:1,7 255:15
 268:17 273:6 275:3
called 40:21 49:6 52:21
 60:1 72:22 99:20
 100:21 151:11 158:17
 164:2 176:10,11
 216:9 237:5 246:9,10
 246:11
calling 37:15 38:3
 126:12 269:5
calls 3:22 36:13,21
 45:10 49:15 52:5,14
 52:16,21,22 62:2,14
 62:18,21 64:4 211:20
 212:18,22 213:3,5
 225:10,14,18 266:15
 268:22 269:11,14,15
 270:6 271:6
camaraderie 182:13
camera 12:1 45:17 78:7
 78:7,8 101:21 102:9
 102:11,12,17 103:16
 104:19 105:12 112:12
 112:19,22 113:21
 115:4 116:21 117:2,7
 117:9,13,14,18,19
 118:8,14,20 119:5
 120:2,6,14 121:9,14
 121:20,21 122:5,13
 123:19 126:11 127:1
 127:18 134:8,10,12
 135:6,18 139:9,12,13
 139:16,21,21 140:21
 143:16 144:2,3,6,20
 149:15,16 171:22
 172:1,12 173:1,3,12

192:13,20 193:9
 194:5,17 195:21
 218:5 228:15 239:10
 239:12 247:8 266:1,3
 268:11 270:13
cameras 4:6 11:21,21
 12:4 34:20 45:11
 60:12,17 101:17
 102:4,5 106:8 115:2
 135:9 140:15 143:9
 145:11 172:2,11,13
 172:21,22 173:20
 174:2 193:1,11,12
 194:6 195:22 218:11
 247:9 265:10,17,19
 270:10,17
camp 136:20
candor 227:20
candy 77:8 159:19
cans 132:5,7,9
capable 13:17
Capital 171:9
Capitol 136:1
Captain 176:11
capture 39:5 247:9,10
captured 141:14,21
car 59:15 69:10 89:4
 119:6 141:5 155:21
 156:4 245:11 246:19
 248:12
care 40:2 46:21 48:16
 53:4,16 59:12 63:5
 68:10,12,15 69:20
 70:21 113:1,3,4,21
 115:9 119:2,3,5,18
 120:2,7,8,22 121:9,10
 121:19,21 122:2,10
 122:15 123:9 124:10
 124:20 125:1 128:22
 130:1 143:13,15
 144:15,16 146:7,8
 147:13 160:8,13
 163:8,8 169:9,10,12
 194:22 195:1,13,20
 196:6 233:20 239:14
careless 174:14
carry 39:5
cars 48:20 69:15
 257:19
carts 53:19
Carver 198:17,21,22
case 1:8 5:4,5 35:4
 36:14 37:19 38:12
 62:5 71:8,9,14,14
 97:11 180:11 182:3
 191:2 257:8 269:10
 272:19,21
cases 186:15

cashier 104:5
caught 135:1
cause 254:3 264:18
causes 267:1
causing 264:19
cced 21:12
cease 178:19
cell 4:4,5 103:15 104:10
 104:11 112:1,2
 177:11 181:10,15
 205:12
center 46:21 48:16 53:4
 59:12 63:6 113:4
 160:8,13 169:12
 171:9,10 194:22
 195:1 196:6 239:14
centers 50:16
Central 171:8
certain 38:16 86:20,21
 200:2
certainly 193:2 194:9
 197:19 198:19 199:2
 200:7 210:11
certainty 234:4
Chair 61:18 73:7 96:6
 138:7 208:9 232:16
 259:20
Chairman 3:3 211:6
Chairperson 1:14,17
 5:3,12,16,20 6:6,9,12
 6:15 7:4,8,12,21 8:2,6
 8:9,12,16 9:3,7,9,17
 9:21 11:8 12:8 13:3
 13:20 14:1 15:2,17,20
 16:2 17:3,8,11,19
 18:3,8,11,14,20 19:13
 19:17,21 20:2,10,13
 20:21 21:2,7,14,17,21
 22:4,11 23:12,17,21
 24:6,10,15,18 25:2,7
 25:9,13,15,18 26:2,8
 26:18 27:1 28:4,6,16
 28:20 30:1,4,7 33:16
 33:21 34:2,7 36:4
 37:21 38:5,8,11,15,19
 38:22 40:14 41:3,6,10
 41:14,19 42:3,9 50:4
 51:3,8,11 52:13 53:8
 53:12 54:5,7,11 55:9
 55:12,18 61:21 65:4
 66:2,8 67:13 68:3
 70:4,11,14,18 71:1,5
 71:16 72:10,12,16
 73:5,11,16,21 74:3,6
 75:6 80:13,17 82:22
 84:13,16,20 85:2,6,9
 86:10 87:3,19 89:9,13
 89:16 91:6 92:9,12

96:9,12,16 97:4,6,12
 97:16,19 98:1,4 100:6
 100:11,13,17 101:4
 103:3,7 106:18,21
 110:15 116:18,20
 117:1,6,12 118:1,4,10
 118:13,17 119:4,9,16
 119:22 120:5,12,16
 120:21 121:3,12,18
 122:18,21 123:1,7,11
 124:1,5,17 125:7,10
 125:15 138:8,13
 139:2,6,8,20 140:3,5
 143:3 145:13,17,20
 146:1,9,13,18 150:3,7
 150:10,13,17,20
 151:6,16,19 154:7,12
 154:16,19 156:21
 158:4,9,13,22 162:10
 163:11,17 164:7
 180:16 182:4,7,10
 186:2 187:22 188:5,9
 188:20 189:2,6 190:7
 190:9 191:9 192:9
 193:3,7,17 194:1,7,11
 194:15,19 196:10,13
 196:18,22 197:22
 198:6,11 199:12
 200:10,14 208:11
 211:12 212:3,8,11
 213:13,16 214:11,15
 214:20 215:1,7,11,14
 215:20 216:5,13
 219:12,15 222:14
 225:21 232:17,22
 233:3,7 234:8,13,16
 234:21 235:3,9,17
 236:2,5,8,10,17,19
 237:1,9,15 238:2,6,9
 239:22 240:13,16,19
 241:4,6,18 242:5,9,17
 243:1,3,6,12,19 244:2
 244:4,7,12,18 245:2
 248:20 252:1,4,13
 253:20 254:17 256:14
 258:20 259:18,21
 262:7,11,15,18 263:1
 263:5,11,14,21
 267:16 271:8,10,16
 271:19 272:1,6,9,13
 273:5,11,14,16 274:8
 275:2,8,11,13
chairs 43:9 48:20,20
 54:17 130:15 131:3
 168:11 169:11,11,19
 169:19 170:5,5 196:3
 196:4 226:12 257:11
challenge 231:10

- challenging** 64:20
Chambers 3:10 151:5,7
 151:10,15,18 152:4,7
 177:1 218:15
chance 96:21 169:8
 205:2
change 49:20 171:16
 205:9 226:15
changed 140:11
changes 12:22 14:21
 109:21 230:21 232:10
 238:20
changing 109:20
 209:22 218:6
Channing 195:15
characteristics 46:10
characterize 66:22
 111:20
Charles 209:22
Charter 46:19
chasing 142:3
check 76:19,20 78:9
 87:8,9 116:8,12,12
 198:15
checked 76:22 78:6
checking 56:12,15
cheerleader 200:9
cheerleaders 199:8
Chicago 168:20
chief 71:8,9 165:1
 175:18,19 205:14,14
 207:16 230:21 255:21
children 47:12 68:13
chips 48:5 77:5,8
 153:15 159:19
choose 162:19
cigarette 125:5 174:15
cigarettes 133:22
circulated 178:20
circumstances 229:5
cited 272:22
citizen 57:17 226:21
citizens 176:9 207:4
 230:15 259:13
city 36:11,20 132:22
 167:6,12 168:7
 174:20 187:6 192:22
 199:13,14 205:18
 207:22 211:9 226:6
 245:15 247:1 259:16
civic 2:17 5:10 7:19
 10:9 36:9 42:14 45:20
 50:10 86:9 178:13
 196:11,14 197:1,8,12
 197:16,17,18 198:2,3
 198:7,13 199:5,15
 200:3,5 204:9 233:16
 250:16 252:8
- civil** 274:17
claim 36:20
claims 265:4
clarify 64:3 147:17
 263:3 271:17
Class 34:10 36:2
clean 131:21 133:3,14
 142:12 174:12,18,18
 174:19 175:2,4 183:3
cleaned 56:13
cleaning 133:1 142:9
 142:15 165:6 171:6
clear 120:15 142:18
 143:9 160:17 179:10
 194:18 271:1
cleared 49:9
clearer 241:15
clearly 26:10 27:6 29:1
 29:14 32:6,12 141:22
 190:20 242:6 268:19
client 14:2 34:5
clock 175:16 214:9
close 19:1 56:20 155:3
 263:19
closed 47:1,8 56:13
 113:3 119:2,3,17
 121:8,10 122:10,15
 123:15 128:18,20,22
 129:1 147:16 148:14
 173:10 271:11 272:17
 273:20 274:11,13
 275:17
closely 137:5 164:21
closer 183:15
closing 3:5,5 38:9
 263:16,18
clubs 135:22
cluster 59:10 67:9
co-owner 8:8
co-owners 9:6
Code 274:10
codes 52:18
coffers 175:7
cold 12:20
collected 85:16,17
collecting 132:14
Columbia 1:1 42:2
 92:16 272:15 274:10
combat 36:16
come 6:16 8:19,20,21
 11:11 14:3,21 15:9,14
 24:11 33:6 43:17 44:4
 49:5,9 55:16 65:6
 71:21 77:7,9 83:9
 90:12 109:22 117:20
 127:22 136:18 174:14
 176:14 178:22 179:20
 183:17,19 184:4,9,10
 185:15 191:19 195:16
 196:5,15 205:18
 206:20 210:22 223:7
 224:17 225:2 228:21
 253:9,17 254:10
 258:22 260:8
comes 60:6 77:4 105:1
 215:5
comfort 83:14
comfortable 54:16
 57:13,16,21 58:1,21
comfortably 56:6
coming 8:18 64:7 105:9
 127:4 136:15 141:15
 183:11 220:16 221:15
 223:11 226:15 260:5
 268:22
commanded 247:19
Commander 80:11
 167:14,18 170:20
 175:15 176:11 181:13
 181:18 195:15 202:17
 202:21 205:11 230:11
 230:13,20,20 247:19
comment 212:4,16
 244:11
commentary 229:16
commission 166:11
commissioner 34:15
 107:11 163:20 164:15
 164:19 172:16 196:17
 200:1 207:22 233:19
 247:15 267:8
commit 228:22
committed 173:15
committee 168:11
 199:6
committing 170:3
 184:3 195:11
common 43:8 59:4
communicate 108:18
 114:13 270:14
communicates 114:4
communicating 112:7
communication 32:20
communications 32:21
 107:6
communities 44:4
community 11:6,18,19
 33:1,2 34:17,19 35:17
 79:11,13 82:3,4,8
 86:16,20 92:1 95:21
 107:7 109:9 110:12
 111:11 112:10 138:2
 138:22 155:6 161:6
 162:21 165:5,6,6,20
 170:2,9 171:20
 176:19 177:7 178:12
 179:2,3,3 180:2
 181:17 182:12 183:16
 183:20 184:8,12
 185:9 191:22 195:10
 195:12 197:5 206:6
 211:8 213:2 220:22
 227:14 230:7 231:5,6
 232:9 233:11,12
 234:3 248:17 249:6
 249:22 250:5 252:19
 253:3,10 265:15
 266:4,7,11,16 267:9
 267:10,20 268:4,8
 269:11,19 270:2,20
community's 174:8
company 102:20
 114:21
comparable 54:14
compare 173:1
compared 36:22 269:1
 269:2
compelling 203:22
 226:5 227:17 254:20
compete 197:18
complained 167:13
complaining 12:6
complains 125:5
complaint 49:18 109:12
 112:3
Complaint-wise 109:10
complaints 37:5 82:4
 108:14 109:8
completed 50:11
 149:21
completely 117:10
 168:19
complied 14:11 193:20
 194:4,12
comply 14:13 45:19
component 193:10
comporting 192:6
comprehensive 222:5
 229:21
concede 271:22
concentrated 217:21
concept 246:22
concepts 246:1
concern 33:1 112:4
 265:22 268:1
concerned 39:8 42:12
 45:18 61:15 194:12
concerning 245:6
 246:20 274:15
concerns 11:6,7,9,18
 12:12,14 13:10 36:9
 39:5 40:9 42:19,22
 45:11,20 108:12
 109:20 112:4 155:5

161:5,7,22 166:21
 174:8 176:2 191:21
 207:4 249:22 250:4,6
concluded 276:7
conclusions 271:13
concrete 57:8
conduct 44:18
conducting 41:22
conference 273:21
confirm 19:2,11 20:9
 23:6
confirmation 20:11
conjunction 112:13
connected 46:17 47:14
connection 44:1 102:15
Consent 10:19 11:14
 14:5,17 15:10 221:5
 222:3 228:22
consider 135:18 169:17
 190:5 225:6
consideration 182:19
considered 189:5
consistency 43:4
consistent 61:2,8
 242:21 249:19 271:5
consistently 225:15
 269:13 270:6
constant 169:9
constantly 112:7
 176:17 270:19
constituents 170:22
 175:3 197:11
constraint 70:22 72:3
constraints 71:18
consumers 45:4,8
contact 47:10 106:12
 106:14 137:4 138:20
 169:10 195:6
contacted 31:7 49:17
 266:16
contained 198:22
containing 187:9
contempt 187:13
 189:11
continue 39:12 51:11
 175:6 183:21 227:12
 229:3 266:6 267:9
continued 16:5 264:4
continuing 35:20
contrary 40:3
contribute 221:21
 222:9
contributed 180:9
contributes 43:18
contributing 129:21
 221:18,19
control 1:2,13,13 44:13
 54:22 60:14 71:19

272:14 274:9
convene 167:5
convenient 183:15
convening 214:18
conversation 31:20
 44:22 52:19 130:13
 195:1 231:15
conversations 64:6
 130:11
conversing 261:13,13
convicted 195:11
cookies 268:6
cooperate 34:20 266:6
cooperated 78:11
cooperative 230:5
 265:9
coordination 149:10
copy 22:9 23:8 118:3
 146:21 200:13
cordial 185:4
corner 67:16 99:9 122:7
 127:14 141:2 143:21
 155:15,22 161:3
 171:8 176:4 217:22
 239:3
corners 177:10
correct 18:19 26:6,7
 65:1 67:21 81:16 88:4
 94:17 98:21,22 99:7
 99:14,17,18 107:8,9
 109:2 123:5 140:22
 144:20 147:14 149:12
 201:11 219:2,3
 250:18 256:13
correctly 233:15 252:15
cost 81:6,9 114:18
 167:14
costs 167:13
Council 169:17 199:20
 211:6
Councilmember 20:17
 32:12 168:8,10,13
 186:18 199:9 209:22
 211:5
Councilmembers
 168:15
counsel 2:14,15 8:5
 72:22 97:14 100:21
 151:11 158:17 164:2
 272:18 274:19
counsels 79:13 80:8
counter 77:2
country 94:2
couple 6:3 15:1 33:15
 79:22 170:1 178:9
 225:7 263:17
course 162:22 184:5
 204:16,17

court 168:18 187:14
 189:10 195:8
cover 11:15 12:13
 27:11 118:8,20 119:5
 119:10,12,19 120:2,6
 121:20 123:20 198:10
covered 39:3
covering 121:21 145:3
 198:16
covers 118:14,15,21
 119:6 198:3
Cowboys 86:3
Cowboys' 85:14
crates 48:17,18 169:14
created 104:8 182:12
 267:11
creating 265:2
crime 13:14 32:22 35:1
 35:5,9 36:10,12,16
 37:2,4,18 43:18 45:16
 77:14 110:11 173:21
 259:3
crimes 36:13 64:14,15
 184:3 195:11
criminal 109:2,5 183:13
 274:16
criteria 200:6
cross 3:6 96:20
CROSS-EXAMINATI...
 65:10 87:22 110:17
 157:1 162:12 180:18
 222:16 253:22
cross-examine 71:13
cross-examining 72:7
crowd 59:2 137:15
curb 57:4
curious 185:18
current 12:1 47:2
 135:21 152:12 159:5
 169:9 247:12
currently 81:21 265:17
curtail 169:1 181:3
customer 61:4 82:9
 83:5 104:5 106:13
 125:4,14 160:21
customers 60:21 61:6
 75:12,15 83:22 84:9
 105:2 109:15 110:2
 125:12 126:13,13
 147:18,19 224:22
cut 206:1 221:7
cycle 165:22 166:11

D

D 7:17
D-I-G-G-S 237:22
D.C 1:14 92:16 93:21
 197:20 204:13 246:6

259:3
daily 91:1,1,2 218:17
 219:1,9 221:11
 225:15
damaging 270:21
dangers 268:4,8,9
dap 156:10
data 32:22 33:2 36:11
 36:12,15
date 19:2 85:19
dated 52:6
dates 99:20
day 13:13 40:2 46:21
 48:16 53:4,16 58:2
 59:12 63:5 68:10,12
 68:15 69:20 70:21
 75:21 77:15 81:6 89:2
 89:2,22 90:1 113:1,3
 113:4,21 115:9 116:9
 116:13 119:2,3,5,6,17
 120:2,7,8,22 121:8,10
 121:19,21 122:2,10
 122:15 123:9 124:10
 124:19 125:1 128:22
 130:1 133:3 137:10
 143:12,15 144:15,16
 146:7,8 147:13 148:9
 153:12 159:17 160:8
 160:13 163:8,8 169:9
 169:10,12,13 175:1
 177:18 194:22 195:1
 195:13,20 196:6
 223:1,2,4,6,14 225:16
 229:9 233:20 239:14
 260:19,20 261:1,2,3,4
 261:5 266:8 276:2
daylight 82:10
days 18:7 29:1,11 48:10
 106:4 272:4 274:1,5
daytime 130:8,8
DC 274:10,21 275:21
DCRA 198:14
DEA 187:11
deal 40:1
dealers 181:2 184:16
 184:22
dealing 136:7 219:7
 245:9 248:2 270:8
dearth 36:21
debris 56:12
December 50:3 129:10
 129:12 130:21
decision 15:18 189:16
 220:20 252:20 258:15
 272:3 274:4
decorum 246:2
Decree 222:3
defecating 268:13

definitely 42:20 135:19
242:12
deli 145:8
deliberating 272:21
delivered 48:19 175:16
demand 228:12
demonstrated 267:4
denies 264:2
density 60:20
department 148:16
149:19 227:1
Depending 47:15
deployed 258:5
deranged 171:19
describe 57:1 152:17
160:1 243:17
description 225:7
designate 13:6 231:14
designated 149:9
designating 39:16
desist 178:19
despite 179:7,7
detail 12:13,15 13:2
44:12 49:4 94:13,13
94:16,21,21 95:14
98:9,10,14 135:21
136:6,13,19 137:22
138:18 139:12 167:7
167:18,21 175:11,11
175:14,15,21 177:17
192:13 201:14 203:17
208:1,2 213:22 214:4
247:4 268:2
detailed 225:7 228:16
details 95:9 206:22
detectives 174:1
determine 62:3,3
determined 166:6
detrimental 46:8
difference 199:19
different 30:21 31:1
43:16,19 76:10
183:20
difficult 64:18,20 81:8
difficulty 256:19
Diggs 3:13 235:16
236:22 237:4,22
238:14 251:3 252:6
254:19 262:12
diligence 178:7 205:19
214:17
diligently 210:21
direct 3:6 35:13,13 41:5
71:12 74:8 101:6
151:21 159:2 164:10
182:7 186:20 216:15
237:11
directing 268:11

direction 11:21 12:5
45:12 112:21 119:8
119:10,15,20 121:11
122:8 123:19 134:8
134:19,22 140:17,20
247:11 266:1 268:11
directions 12:5 105:3
218:7
directly 48:13 49:17
53:6 60:8 62:16 63:12
66:10,19 69:19
104:21 267:1
dirt 57:6
disagree 229:15
disagreement 11:16
disclose 32:5
disclosed 31:13 87:9
87:10
disclosing 32:9
disclosure 26:11 28:22
disclosures 33:4
discourage 34:21
discriminate 182:21
discuss 14:3,17,20,22
80:1,3 96:3 178:12
185:9 249:6 253:10
discussed 80:22 186:8
218:4
discussing 274:15
discussion 81:4 138:11
dishonest 190:3
dishonesty 188:15,19
dismissed 166:3,9
234:10,11
disorderly 63:17
dispersing 124:12
display 3:21 52:3
dispose 183:2
dispute 173:9
disregard 228:13
disrobed 242:13
disrobing 240:21
disrupting 178:19
disruptions 179:7
disruptive 264:20
District 1:1 10:14 42:2
92:16 95:8 100:1
165:3 167:15 170:20
186:6 195:18 203:1
203:18 272:14 274:9
District's 175:7 184:7
document 25:10,12
26:4 27:3 29:14 30:11
83:22 84:22 85:7,16
85:22,22 86:3,7,11
87:6,8,13 103:3,19
104:7,15 105:5
107:13,19 108:8

189:20 242:2 244:14
documents 19:22 20:3
21:4 25:16 26:5,10,10
27:10,12,16,18 28:22
30:17 31:12 32:1,3,4
32:6,9 33:6,8 50:21
52:9 84:14 103:6
107:1
dog 7:18
doing 36:15 37:17
39:12,13 54:12 91:22
98:15,17 110:4,6,11
126:5,15,15,20
136:21 142:1 144:13
157:6 166:15,16
174:9 183:9,14 197:4
207:3 211:1 212:5,16
218:18 221:12 248:13
255:8 256:21 258:5
259:11 266:17 269:17
dollars 175:6
don't-- 60:1
Donovan 1:15,17
door 40:8 53:4 56:21
57:4,8 77:3 89:4
127:5,9,12,22 144:11
147:13 218:21
doors 70:1 228:5
download 20:6
draft 108:17
drafted 170:15
drastically 213:7
drink 39:16 45:4 156:5
156:6 157:13,13,14
161:16 260:12
drinking 11:22 55:10
60:16 147:22 220:4
220:16 230:17 259:2
259:6,8 260:11,16,18
261:8,15 268:13
drinks 261:22 262:1
drive 223:3,5
driver's 224:4
drop 40:6
drug 136:7 178:3 181:2
184:16,22 245:9
248:2 270:8
drugs 170:4 176:18
183:8,12 187:17
220:4 268:12
drunk 40:7
due 178:6 205:19
214:17
duly 40:22 73:1 100:22
151:12 158:18 164:3
216:10 237:6
duties 41:21 101:14
duty 177:6

E

E-L-L-E 7:18
E-V-E-N-I-N-G 17:1
earlier 23:2 26:16
174:11 180:7,21
195:5 235:13
easier 114:13
easily 63:8
easy 12:10
eat 157:10,11
economic 130:5,7
effect 35:7 266:22
effects 179:12
effort 12:2 266:14,14
efforts 109:1 186:22
253:7 265:15
eight 56:7
either 18:2 88:18 97:13
218:21 229:19
elderly 130:9 131:14
elected 226:22
electric 102:20 114:21
electronic 275:20
Electronically 20:1
elements 231:3 254:5
264:8
email 19:3,4 20:1,7 21:5
21:10,18 22:12 23:1
23:10,13,15,22 26:21
27:21 28:12 29:4,5,7
29:16,18 30:14 112:5
emails 21:9,11
emphatically 218:14
employed 41:11 49:3
employee 60:2 76:11
106:11 125:3
employees 76:8,11,13
153:17
empty 80:12
encompasses 239:15
encourage 184:18,21
ended 246:16
enforceable 10:20
11:14 14:10
enforced 43:1
enforcement 209:17
256:20
engage 183:13 220:8
228:22 234:1 248:8
engaged 219:6
engagement 219:7
engaging 270:2
English 6:21,22 7:1
80:20
enhanced 81:1,4 139:9
enjoy 180:4
enjoying 182:18
enjoys 179:15

ensure 32:10
enter 149:20
entered 81:17 221:6
 222:3 247:3 265:16
entering 242:7
entire 40:13 49:7 59:13
 177:14 208:20 211:5
entity 218:10
entrance 104:21,22
 146:15 185:6 239:13
 239:17
entreated 249:15
environment 171:7
 175:4 184:15
envy 91:11
equal 197:19
error 26:1
escalating 245:8
especially 46:2 87:8
 105:9 106:4
Essence 164:22
establish 266:20
establishment 34:13
 42:8,12,17 43:2,7,11
 43:12,20 44:9,15,17
 44:20 45:5,6,22 46:14
 46:15 47:6,11,14,18
 48:3,14 50:13,17
 51:16,18 53:7,16 54:2
 55:16,16 56:8,13,18
 59:11 60:6 61:3 62:5
 62:16 63:21 64:11,14
 64:16,19,21 65:12
 66:18,19 67:10 68:10
 74:11,21 75:2 77:12
 86:17 98:15,17
 101:14 120:22 146:5
 155:1 166:8 174:17
 191:15 195:3 198:19
 220:4,5 265:11,18,20
establishment's 50:1
establishments 42:1,2
 46:12 50:14 145:7
 172:22 213:8 221:17
 221:20 264:16 269:5
estate 33:2
estimate 88:17 89:1
 90:22
evening 5:12 16:5 58:3
 58:6 76:17 91:9,9
 125:18 152:7 201:1,2
 216:17 237:13 246:8
 254:21
event 77:18,21 78:1
 111:16 180:7,20
 182:20 183:5
events 251:21
everybody 83:8 116:3

205:1 230:6
evidence 34:16 35:12
 35:13,22 84:12 87:16
 107:2 264:17 265:1
exact 85:22 86:2 138:17
 219:22 250:7
exactly 55:6 108:4
 112:16
examination 41:5 71:12
 74:8 98:7 101:6 143:5
 151:21 159:2 164:10
 213:17 216:15 233:8
 237:11
examined 41:1 73:2
 101:1 151:13 158:19
 164:4 212:18 213:2
 216:11 237:7
example 89:3 175:22
 177:6
exception 136:3
exceptional 164:20
 171:13
excited 96:17
exclude 31:11,11
excuse 93:1 104:13
 114:20 119:14 160:20
 166:4 239:19
excused 70:10 100:9
 150:6 158:8 163:16
 214:22 234:20 262:14
exhibit 19:20 20:5 23:8
 25:12 27:4,22 28:1,2
 50:7,22 51:4,13,15,17
 51:20,22 52:1,2,5,10
 53:22 62:19 83:3
 84:17,18,21 85:3
 87:14 97:8 103:6,6,12
 103:13,20 104:16
 105:6 106:17 107:3
 107:13,20 143:8,10
 143:21 145:4,5,6,14
 145:15,21 148:22
 149:6 200:14,15,16
exhibits 3:2,15 4:2
 17:15,19,20 18:6,16
 18:16,19 19:16 20:14
 25:17,19 26:12,22
 29:2,3,4 30:2,11,12
 50:5,6 235:12
exist 227:12
existed 227:11
existing 193:11 194:6
existing 242:7
expanding 181:11
expect 184:1 219:8
 227:6
expectation 30:10,12
 31:2

expectations 192:5
expecting 192:15
 245:21
expensive 78:8 137:11
experience 152:16
 153:5 154:22 159:22
 179:5
experienced 54:20
experiences 252:19
explain 18:20 144:4
 204:1 243:21
explained 55:6
express 250:5
expressed 13:10 250:6
extensive 172:2,12
 173:4 192:19 194:17
 195:16,18
exterior 3:19 117:19
 118:5,5,6,8,14
extra 155:12

F

face 12:4 78:9 112:22
 120:14 122:16 141:21
 202:22 209:18
faced 266:1
faces 229:14
facial 224:13
facilitate 99:16 171:2
facings 45:12 113:2,4,5
 113:7 119:14 127:9
 127:19 134:8,12,19
 140:15 141:18 143:19
 144:7 218:11 268:8
fact 11:20 31:12 33:10
 36:18 85:15 218:14
 245:10 264:21 268:7
 271:13,18
factor 221:19
factors 267:3
facts 37:20
failing 231:3
fair 63:22 98:18 208:17
 261:11 262:3,4
faith 179:4 192:7
faithfully 6:20
familiar 42:4,8 107:14
 128:13 165:9 166:13
 196:11,14,21 197:3
 204:8 229:14 241:3
 241:16
families 77:7
far 42:11 46:10 47:13
 61:14 120:21 144:20
 152:8 159:12 175:10
 194:11 212:6,17
 221:4 222:18 226:4
far-a-fetch 191:4

farther 144:17
fault 221:16
favorable 134:9
fear 246:3,20,22 247:1
featured 164:22
fed 182:22
feel 39:15 45:18,21 46:5
 58:21 90:16 136:15
 157:16 192:21 206:8
 207:3 218:3,5 219:4
 235:6 239:6 266:4
feeling 230:2
feels 43:22
feet 3:17,18 36:17
 46:13 50:13,14,16
 56:16,17,20 166:7
 198:19 227:22
fest 180:10
fewer 268:22 269:14
fighths 54:21
figure 10:7 24:7 96:13
file 271:12
film 242:12
finally 108:18 109:18
find 10:16,20 15:8
 24:19 42:11 61:11
 95:21 122:19 180:11
 184:7 189:11 193:13
 270:9
finding 142:20
findings 271:13,18
fine 8:3 193:2 204:18
 210:19 251:22 266:2
finer 14:11
finish 94:9,15 203:5
 248:22
finished 149:21
first 40:15,22 44:16
 50:7 70:15,16 71:3,11
 72:14 73:1 77:6 78:22
 87:8 90:8 92:22 93:2
 97:3 100:22 101:10
 104:3,19 105:10
 109:11 129:15 151:3
 151:4,12 158:18
 164:3 204:12 216:10
 219:21 237:6 245:22
 253:8 263:16 272:12
Fitzgerald 167:15,19
 175:15 181:13 195:16
 202:18,21 205:11
 247:19
five 46:12 61:5 116:7,11
 152:13 153:12 159:17
 166:2 173:17,17
 197:9
fix 80:6 114:12
fixed 114:8,16

flexible 235:5,6
flip 33:14
floors 171:11
flow 61:8
focus 134:16
fold-up 48:20
folks 8:19,20 54:9
 150:15 151:1 191:1
 228:21 239:4
follow-up 176:22
 258:18 262:10
following 81:21
follows 41:1 73:3 101:2
 151:14 158:20 164:5
 216:11 237:7
food 3:21 46:15 49:2
 52:3 67:17 81:7 85:18
 86:2 141:2,18,20
 145:9 157:11 160:14
 161:13 162:16 163:7
 167:6,12 170:14
 173:9 174:21,21
 180:8 239:3,4 246:9
 269:1
foot 269:4
footage 18:1 117:21
 141:10,14 144:8
 173:13,22
football 85:14
footing 197:19
form 18:2 19:20 20:4,5
 25:6,12 28:2,2
formal 15:7
forms 19:1 23:9
forth 198:14 231:16
 267:5
forward 17:7,9 39:9
 51:10,12 71:7 72:1
 233:13
forwarded 19:4
found 95:12 166:17,22
 170:10 177:20 179:14
 183:19 187:13
foundation 97:21 241:9
 242:1
four 46:6 48:5 61:5
 74:13 76:10 80:9,10
 80:21 81:2,5,6,11
 93:9,14 94:3,14
 103:16 104:3 116:7
 137:14 148:11 153:12
 159:17 172:3 173:6
 222:2 228:5
fourth 105:2
frankly 13:18
free 114:22 192:22
freezers 48:4
frequently 220:9

Friday 95:16 173:7,19
Fridays 95:15
friend 114:10 115:20,20
friend-friend 114:11
friends 130:11
Friendship 46:19
front 20:20 32:17,19,22
 39:16,18 40:8 48:14
 48:15 51:18 53:15,22
 54:14,15 56:21 57:2,7
 59:11 63:5,6 66:19
 77:2 78:15 83:18 88:4
 88:21 89:4 113:9,12
 113:15,21 115:13,14
 118:21 119:1,3 120:6
 122:10,10 123:8
 124:8,9,10,13,14,18
 124:19 125:1 136:6
 141:2,19,21 142:9
 148:1 155:15 156:8
 157:21 160:7,7,12,14
 160:15 161:13 162:16
 163:7,7 169:22
 173:11 174:16 181:8
 195:3 196:2 218:10
 218:20 220:3,5
 239:20 268:5 270:15
fruition 253:16
frustrated 157:16
full 101:8 112:14 152:2
 159:5 227:19 269:18
 270:17
further 47:20 65:3
 69:15 91:5 100:5
 113:18 126:17 156:19
 162:9 180:14 211:11
 254:16

G

gang- 172:6
gather 62:17
gathering 132:10
gauge 219:6
general 35:4 36:10
 52:21 62:15 63:14
 64:7 68:20 69:5
 165:17 166:13 169:2
 178:21 208:18,21
generally 56:11 218:1
 264:2
gentleman 9:13 141:14
gentlemen 60:2 132:10
 142:9 206:6 229:7,19
 230:16
genuine 166:20
genuinely 227:17
getting 26:1 39:22
 108:13
gift 224:13
girl 245:15 268:6
GIS 3:17,18 46:18 50:12
 50:14
give 14:14 18:11 88:17
 94:1 112:4,19 117:14
 117:19 137:3,8 191:1
 207:13 212:9 219:16
 219:22 227:2 240:16
 249:11,12 255:13
 273:19 275:16
give-away 180:20,22
give-aways 182:8
giveaways 111:17
given 62:11 84:21
 178:18 187:1 195:18
 197:15 209:16,16,17
 218:4 223:17 233:22
gives 199:13,14
giving 71:21
glad 135:17 170:17
 173:5,5
go 7:14 8:3 13:7,18,18
 22:7 24:1,17 39:15,17
 42:10 52:18 55:15
 60:17 66:11 72:17,18
 74:6 78:22,22 79:5
 81:12 83:12 88:10,21
 89:21 90:2,8,12 91:7
 91:11,20 97:7 99:2
 103:8 106:12 133:3
 133:22 142:21 149:20
 151:1 153:10 155:11
 155:14,16 156:7,14
 156:14,16 157:9
 159:15 161:3,12
 171:15 174:22 176:21
 177:5,7 179:16,20
 184:15,22 186:5
 190:14 200:11 201:18
 202:19 215:21 222:21
 223:6,7,13 225:2
 238:10 253:2 258:22
 263:21 271:2
goal 235:4
God 172:2 173:6,19
goes 71:7,11 86:18
 88:7 94:12 100:16
 176:5 263:16
going 5:21 10:1 13:17
 18:21 24:8 28:17
 29:19 30:16 31:3,5,11
 31:11 32:1 33:5,7,8,9
 40:6 51:4 53:13 58:15
 60:21 67:11 70:17
 72:15 79:8 83:2 89:14
 91:12 100:15 105:9
 114:12 126:1,6 127:5

127:21 135:18 136:7
 136:20 140:16 151:5
 156:11 157:4 158:11
 160:18 162:18 163:19
 176:21 180:4 186:2
 190:7,9,18 191:4,10
 199:19 203:10 205:8
 205:11,12,13 207:20
 208:6,13,16 210:17
 212:8 213:3,13
 215:15 219:15 220:15
 220:17 221:3,14
 222:7 224:11,15
 232:7,11 233:14
 240:7,8 241:22
 242:18 243:13,14
 244:5,8,19,20 246:4
 263:15 264:8,9
 270:13
Gold 204:16
golf 204:17
good 5:12 7:21 8:9,11
 22:16 34:17 55:20,22
 73:20 79:12,16 91:9,9
 91:9 111:19 125:18
 128:13 134:3,16
 135:5,11 136:16
 179:4 192:7 194:18
 199:2 200:3,22 201:2
 216:17 230:2 237:13
 253:3 255:8 256:18
 266:9,10 267:8
goodwill 181:6 183:1
Gotcha 244:1
gotten 96:10 178:5
 222:7 239:2 243:5
Government 3:16 50:22
 52:10 95:9 197:21
grass 57:6,6
great 129:3 201:4
Greene 175:19 205:14
greet 160:12,14 163:5,6
grew 226:7 245:15
Grill 226:17
grilling 180:8
ground 203:7 256:12
group 59:10 141:1
 166:2 220:14
grown 169:12
guarantee 224:20 256:4
guard 13:12
guess 53:16 91:8 94:11
 107:7 117:16 118:2
 132:12 134:6 138:9
 145:1 210:15 223:8
 245:5
gustimation 58:20
guidance 195:19

guidelines 197:17
gun 141:19
gunman 105:14,16
 141:19
gunshots 134:19,21
guys 14:2 15:13 76:2
 108:14 133:21 139:8
 190:15 232:4 268:5

H

H 69:15
half 71:3 116:5,12
 215:5 222:20 226:21
 269:15
half's 249:8
hall 104:4
hand 6:18 40:18 72:18
 100:18 128:7,8 151:7
 158:14 216:1,6 237:2
hands 261:22 262:2
hang 130:9,9 156:8
 160:15 226:14
hanging 169:1 268:5,12
hangout 141:4
happen 64:8 117:22
 189:7 224:17 232:3
 255:20
happened 27:2 53:6
 64:14,15 77:20,21
 78:1,5 134:22 161:20
happening 35:10 37:18
 77:15 134:9 239:20
 266:12
happens 13:14,15
 161:18 218:20 230:19
 241:14 259:14 260:22
happy 19:7 89:6 139:14
 169:7 174:1 205:3,4
 206:15,18 210:10
 234:1
harangued 182:1
hard 115:16 205:22
hardwood 171:11
harmed 39:20
head 232:11
headed 242:13
Headquarters 10:14
 100:2
healthy 226:13
hear 34:12,13,14,22
 35:2 72:2 80:2,14,17
 82:5 92:5 154:9 207:3
 207:16 231:1 247:2
 247:15
heard 82:6 87:10
 130:14 141:18 174:11
 177:1 207:15 225:6
 229:16 264:7,12,17

264:21 265:6,12,21
hearing 1:7,13 5:5 9:22
 14:8 16:5 17:5,7,10
 18:7 28:15 34:22
 35:21,22,22 65:6 70:7
 79:15 109:11,18,18
 118:18 154:13 158:6
 163:13 190:14 197:10
 214:18 230:13 251:2
 251:11 252:10,11
 256:1 264:11 274:15
 275:19 276:6
hearings 187:7 191:1
 251:18,20 252:7
heat 259:14
held 170:13 185:8
Hello 74:10 159:4
 216:18
help 40:1 78:5 95:9
 96:1,1 98:21 114:21
 134:15 135:15 136:13
 137:9,22 138:2 169:1
 181:3 220:20 226:20
 227:2 228:10 229:19
 239:7 252:20,20
 269:17
helpful 12:12,18 122:17
 141:13 173:20
Henderson 3:11 107:11
 108:16 111:8,12,16
 111:20 135:14 139:11
 163:21 164:1,6,14
 182:5 188:10,20
 189:2,6 191:10
 200:13 201:1 205:3
 214:12 233:19 247:15
hey 161:2
Hi 74:12
high 37:8 178:5
High's 246:8
high-crime 13:12
higher 14:12
hill 255:1
hire 81:11 95:13
hiring 80:12 81:5
Historic 204:15
history 35:4,9 50:1
 188:15,18 190:2
hits 232:11
hold 5:13 6:17 10:5
 20:21,22 24:6,15
 30:21 66:2,2 70:18
 97:6 187:22 188:1,5
 188:10 272:4,6,17
 273:20 274:13 275:17
holder 36:14 37:17
home 102:19,20,21
 110:8 156:16 224:17

homes 183:15 259:10
homicide 173:15
homicides 173:7
honest 221:1
honestly 13:8 223:16
 228:9,13
Honor 80:16
hope 150:22 228:7
 254:11
hoping 15:14 26:15
 28:14
hostage 170:13
hosted 111:15
hotdogs 182:18
hour 49:10 71:3 133:16
 133:17,18 142:9,11
 142:16,21 148:10
 174:12 214:18 215:6
hours 13:12 58:7,8,9
 75:16 81:6,12 102:13
 139:16 155:1 162:1,7
 225:8 261:2
house 54:17 156:14,15
houses 155:16
housing 204:20
hum 129:16
hurt 209:4
hurts 209:6
husband 103:1 106:11
 110:21 116:5 125:3
 125:22
husband's 102:14
Hye 2:12 3:10 9:5
 100:16,20 101:10
 217:1,3
hypothetical 91:15

I

i.e 170:4
lan 3:13 216:4,8 226:2
ID 76:20,22
idea 37:16 63:3 95:11
 95:18,19 253:4
 256:11
ideal 171:7
ideas 137:3,9
identification 51:2
 52:12 87:15 103:21
 105:7 107:21
identified 3:15 4:2
 107:13 144:2
identify 5:8 103:13
 105:13 120:18,19
 237:19 244:8,21
illegal 183:9 187:17
Imani 22:7
immediate 48:1 228:12
immediately 47:22
 109:5 115:19 196:3
impact 35:15 40:11
 42:22 46:8 161:6
 195:10
impacting 68:9 155:6
impairment 154:13
impede 170:7
implementation 228:13
implications 43:6
important 190:22
 267:19
impossible 257:8
impression 43:12
improve 39:9 40:2
 218:7 229:4 239:7
 247:5 252:20
improving 220:21
in-line 25:21
inaction 222:9
inappropriate 184:4
inbox 24:9
incarceration 184:2,13
incense 171:13
incident 49:6 53:1
 144:9 241:15 243:9
incidents 20:19 32:13
 32:14 36:22 49:16
 90:17 243:11
inclined 29:10
include 41:21 42:19
 119:13
included 25:21 27:21
 27:21 192:18
includes 20:16 25:8
 85:14 239:19
including 37:6 86:3
 101:16 119:20 177:15
 195:8,17 221:17
 241:12
incommoding 168:22
 169:3,17 210:1
increase 136:14 149:10
increased 148:5 155:18
 167:19
increasing 123:14
 148:17
incumbent 31:15
 268:15,17
indicated 195:5
individual 65:17 111:22
 166:7
individuals 44:3 56:9
 59:3 67:11 149:11
 173:8 196:8
inexcusable 218:9
influence 45:8 110:12
Info 3:17,18
inform 60:13

information 18:2 19:20
28:9,14 36:19 46:18
47:9 50:12,15 149:20
199:10 231:20 232:1
232:1,2
informed 60:3,10,13
102:10
initially 10:4
Initiative 212:21
input 199:17
inside 4:5 45:6 51:14
53:2,6 55:15 60:6,17
61:3,7 64:14,15 89:4
103:16 104:22 105:2
115:21 121:7,7,8
141:15 148:2 157:9
195:20 221:14
insist 83:7
inspection 3:17 44:19
50:11
inspections 41:22
Inspector 86:4
install 90:4 114:6
117:18 119:11,18,19
120:5,11 122:13
123:18,22 134:12
135:6
Installation 122:5
149:21
installed 98:19,20
114:5 121:9,15,20
123:19 140:21 143:17
instance 60:1
instruction 89:8
insufficient 221:12
268:3
intensified 217:20
interested 179:1
interesting 181:16
interests 179:9
interface 175:18
interfered 186:19
interference 187:1
interior 3:20,21 48:3
51:18,18,20 52:2
intermittent 249:17
Internet 102:15
interpret 6:20 74:5
82:13
interpreter 2:13 5:14,15
5:19 7:3,6,11 9:12,14
9:18,19 73:8,13 74:1
74:4 80:19 82:12
91:18,20 94:5 95:1,6
95:16 104:13
intimate 220:12
intoxicated 20:19 32:17
32:19

intoxication 32:18
181:3
introduce 7:15 9:2,4
236:15 238:3
investigating 55:7
investigation 42:7
investigations 41:22
54:8 59:17 61:11
274:16
Investigative 274:19
Investigator 40:4,20
41:8 55:21 200:18
265:5,6
Investigator's 143:8
145:5,15 200:17
invites 174:17
involved 62:4 63:20
138:10 230:21 253:3
involvement 101:15
107:7
iron 110:22
irrelevant 30:9
Irrespective 221:4
isolated 44:2
issue 14:4,17 19:5 35:3
37:15 64:20 67:6
77:14 88:3 105:14
110:3 122:1 127:1
168:6,14 169:22
174:6 191:4 211:7
219:7 264:4,8 267:2
268:2 272:3 273:22
274:4
issued 40:3 178:18
186:13
issues 13:19 14:6,18
15:9 19:9 35:19 37:3
37:11 78:20 81:18
103:17 121:22 122:1
154:22 162:21 169:7
181:4 227:15 270:3,7
270:15,18
issuing 149:10
item 20:16 77:1 160:22
itemized 26:5 27:7
items 15:6 19:6 20:16
54:18 75:11 153:14
159:18

J

jail 183:18
JAMES 1:19
January 85:20 217:8,14
Jenna 100:16,16
Jennings 151:10 152:4
Jimmy 187:5
job 256:22 258:6
join 209:21 211:3

Joung 2:11 3:9 8:7,7,11
70:17 72:15,21 73:4
74:12 100:10,12
174:12 181:13 216:22
254:7
Joungs 170:11
Jr 159:7
Juanita 3:13 236:1
237:4,21 254:19
Judge 189:11,13
Judiciary 168:11
juices 48:8 159:19
July 44:16 56:10 108:6
108:6
June 85:21 108:5,9,9
108:10 241:20,21
Jung 2:12 3:10 9:5
100:16,20 101:10
217:3

K

K2 161:16
Kathy 3:11 107:11
111:8 163:20 164:1
164:14
keep 36:11 99:19
138:20,21 156:11
216:21 229:2 239:14
keeps 246:4
Kenneth 158:16 159:7
Kenny 3:11 158:12
Kiddie 46:21 53:4
kids 110:7
Kim 2:13 5:14,19 7:3,6
7:7,11 9:12 73:13
74:1,4,19 80:19 82:12
91:18,20 94:5 95:1,6
95:16 104:13
kind 55:17 75:2 109:22
115:16 118:2 128:13
222:4 229:16 250:4
254:10 264:14
kinds 241:2 259:11
Kline 2:15 8:13,14,14
know 5:16 10:22 12:15
12:17 15:13,21 19:3,6
19:10 20:8,9 23:2
30:4 32:4 34:9 37:8
38:12,16,17 39:18
40:7,12 45:1 52:14,15
52:15 60:7 64:10 69:6
71:12 81:6 85:4 86:7
86:22 90:12 92:8
93:12 101:22 106:3
107:14 112:1 113:19
114:11 115:20 116:5
119:18 122:22 123:17
130:4,10,16,17,18
132:8,10 133:21
134:15 136:1 143:12
146:16 147:11 148:22
150:13,18 152:6
153:19 156:10 160:4
160:6 161:2 163:3
164:16 166:21 167:8
168:16 169:14 170:2
171:5,6,11,12,14,17
172:17 174:5,13,22
175:9 176:17,20
178:16 180:5,22
183:13 184:2,3
186:18,19 192:21
196:1,5 199:1,2,17
200:2,7 202:17
204:13 205:22 210:11
210:18 212:17 215:10
218:3 220:6 221:8
224:9,12 225:14
227:19,22 228:14,15
229:12,13,14 231:2,7
234:9,10 235:5,12,21
238:7 241:9,16
245:13,15,16 246:3
246:19,20 249:18
254:10 257:9 259:16
264:15 266:9 268:21
269:8 270:9 271:1
272:10,11
knowledge 110:6
145:10 225:9 243:10
250:20 260:4
known 31:4
knows 212:6
Korean 2:13 6:14,15,22
7:1 80:20 82:13

L

L 237:4,21
lack 228:19 248:15
lackluster 269:8
lady 237:18
Landlord 212:21
Langston 2:17 3:16
5:10 7:19 36:9 42:14
50:9 178:13 196:11
196:14 197:1,12
198:2,16 199:1,5
204:8,9,10,10,16,19
226:17 252:8 266:7
language 6:13
largest 67:9
late 82:10 135:22
214:18 217:22 224:15
laughable 228:18
Laughter 240:2
law 168:20 209:17

246:6 271:13 274:17
lawful 191:21
lawn 43:9 48:19 54:15
 169:19,19 170:4,5
laws 168:17 209:16
 248:15
lawyers 137:2
lay 203:6
leading 203:5
learned 179:22
learning 221:22
leave 43:14 49:10 55:8
 79:1 83:4 88:8,12,19
 90:1,9 99:3,5 124:16
leaves 215:5
leaving 242:12
led 49:17
leeway 212:9
left 47:16 54:4,6 59:11
 121:7 123:3 127:16
 128:1,7,9 143:14,21
 144:22 146:3,6
 184:12 224:3 240:21
Leftwich 3:8 40:16,17
 40:20 41:9 55:21,21
 62:1 70:8 86:4
legal 137:3 231:19
 272:18 274:18,19
legislation 169:15
legitimate 197:20 198:3
 198:7,12
legitimately 179:1
lessons 33:1
let's 22:6 25:21 40:12
 96:20 126:22 191:5
 213:14
letter 3:16 20:17 32:11
 32:13 42:15 50:8 84:8
 178:18 211:4 255:21
letters 33:1
letting 23:2 101:22
 122:22
level 37:10
levels 37:4
lewd 239:20
license 1:7,9 5:6 10:4
 20:18 34:10 36:3,14
 37:16 47:1,2 75:17
 76:2,2,5,12 95:5
 109:11 166:1,10
 190:11 191:13 221:2
 229:3 266:19 267:15
licensed 40:4 42:1
 46:12 50:13 62:16
 95:21
licensee 8:5 209:1
 228:8 230:3 266:5,10
 266:13

licensee's 23:9 148:22
licensees 59:18 165:18
 166:19 265:9 266:3
licenses 101:17
Licensing 274:20
lieutenant 230:10
 255:17
life 37:5
light 224:2
liked 78:10
limit 190:19
limitations 204:2
limited 42:20 214:5,6
line 49:19 61:5 94:9
 138:18 189:16
lines 104:6
link 25:21,22
liquor 67:15,15 75:11
 83:8,10 84:5 92:3,7,8
 93:12,15 94:9 136:2
 145:8,21,21 146:11
 146:19,19 153:15,19
 155:11 156:6 160:16
 160:19 162:4 171:7
 190:11 202:1 227:21
Liquors 1:6 4:5 5:6 8:8
 9:8 34:10,11 35:6,14
 35:16 42:4 49:15
 51:14 62:20,22 63:8
 74:13 107:17 109:9
 152:9 153:5,11 156:8
 159:13,16 165:9,21
 166:18 167:5 171:8
 178:13 179:11,15
 180:4,12 181:12
 192:5 208:19 209:21
 213:7 222:19 224:22
 225:10 227:18 239:5
 239:7 246:11 260:5
 264:4,9,15,18 266:21
 266:21 267:14,21
 268:6 269:1 272:19
 272:22
Liquors' 20:18 166:10
 170:12 171:4 191:13
list 19:20 20:15 21:3
 26:5,12 27:22 62:19
 63:15 86:21
listed 23:16 26:12 48:9
 85:12 86:5
listen 38:16 88:14
 221:1
listening 38:12 239:9
 254:7
lists 29:2
literally 161:17
litter 131:17,19 132:16
 132:17 133:4 142:15

183:2
little 12:2 41:18 44:21
 57:6 132:19,19
 142:18 218:1 239:2
 259:14 272:10,12
live 57:22 152:9 159:8
 161:4 170:2,8 171:19
 176:18 183:10 184:5
 198:18 206:6 222:18
 226:6 229:7 237:22
 241:3,17
lived 152:11 159:9
 166:5,7 217:5,7,13
 226:6 238:14
lives 153:1 155:12
living 152:14 155:9
 226:21 237:14
lobbying 209:21
located 34:11 93:5
location 12:2 43:20
 44:2 67:7 77:11
 140:12 143:9 160:1
 165:13 185:19 212:19
 238:21
locations 36:12 37:12
 69:5 93:10
locked 70:1
log 45:9 59:22 138:20
loiter 118:19 183:12
 195:3
loiterer 90:3 106:13
 115:17,19 116:2,3
 141:1
loiters 58:19 59:6,10
 59:18 69:7,11 88:8
 89:22 90:1,17 106:5,8
 113:14,20 115:3,7,14
 118:22 119:3 122:9
 140:11 178:1 181:2
 182:17
loiters' 120:14
loitering 34:19,21 35:2
 35:2,5,19 43:14 44:14
 48:12,13,15,22 49:12
 53:19 56:5 58:15
 60:15 67:5,9 68:7,9
 68:11,20 78:20 79:7
 80:1,3 88:3,21,22
 89:2 92:2 98:21 99:13
 99:13 102:1 109:1
 110:5 113:8,9 120:8
 121:13,19 122:2
 123:8,12 124:6,18,19
 125:1,11,11 126:5
 128:19 129:12 134:8
 138:15,19 140:10
 147:20 160:3,6 168:3
 168:4,17 174:6 175:9

178:12 183:8 194:21
 208:18 209:2 211:8
 217:5,17,18 218:19
 219:1,7 220:3 238:21
 238:21 239:8,13
 245:8 248:2,15 254:3
 259:2 260:3 261:13
 264:2,3,19,22 266:2,9
 267:2,2 270:9
loitering-wise 138:18
loiters 56:17 57:16
long 41:15 61:5 74:20
 115:22 121:14 152:6
 152:11,17 159:9
 176:12 183:17 208:16
 220:2 221:4 222:7
 227:11 237:13 238:14
 238:18 256:6,18
 260:19,20
long-range 229:22
long-term 227:6
longer 72:8
look 8:20 38:3 52:18
 54:1 63:1 79:5 103:12
 103:14 104:16 105:21
 106:4,8 107:14 108:8
 115:17 143:10,20
 144:13 145:4 148:21
 201:17 202:21 203:13
 224:10 226:13 229:14
 255:6
looked 173:22 174:1
looking 21:8 22:17,20
 47:15 54:2 62:18
 63:15 87:7 102:16
 107:13 143:11 146:21
 173:14 193:4 201:10
 201:19,20 224:3
looks 130:12
lost 245:22
lot 11:6,22 12:3,6 43:3
 72:6 87:6 90:11
 128:19 130:9 133:1,2
 136:7,13 142:15
 161:13 172:20 173:9
 179:18,18 183:17
 184:5 194:21 204:6
 247:16,20 264:12
lots 182:11
Lottery 179:21 180:1
love 110:10 180:10
lower 213:7
lunch 170:6 224:18
luxury 245:12

M

M-O-O-R-E 7:18
ma'am 7:14 9:3 10:22

- 18:9,21 19:22 30:1
33:3 36:6 65:14 66:5
66:21 67:22 68:14,17
68:22 69:8,12 70:2,19
71:1,5 75:14 76:7
77:19,22 78:14 80:4
81:16 84:21 85:7
87:20 89:9 97:4 99:7
99:10 100:18 106:19
150:8 151:20 158:10
159:1 164:8,17
172:19 178:10 182:4
186:5 188:12 189:9
189:18 198:1 213:20
215:8 236:20 237:10
241:7 248:20,20,21
258:16 260:14 262:13
263:22
- madness** 223:17
magazine 164:22,22
main 63:14 104:4 160:6
major 221:19 222:11
majority 48:1,4,6,14
52:20 69:13,14
113:13 120:8 140:20
217:17
making 101:17 166:21
175:1,2 179:1 190:2
234:3 269:14,14,16
270:5 271:5
malice 179:8
man 141:16
management 174:20,21
manager 60:3 66:14
76:2,2,11
manager's 76:5
manner 183:13 191:21
245:22 275:22
manners 246:1
manpower 257:6
map 3:17,18 33:2 50:12
50:15
marijuana 259:10
mark 144:10,14,16
187:8
marked 18:1 50:22
52:10 83:2 87:14
103:6,20 104:15
105:6 107:12,20
143:20 148:21
Market 269:2
Martha 23:16
Maryland 93:20 94:9
162:5 184:5 238:16
246:15 254:22
matter 1:5 3:2 6:21 10:8
187:12,15 197:10
215:17 254:14 264:21
- matters** 33:18 34:1
Mayor 199:7,7 200:7
Mayor's 149:17 199:10
McDonald 176:11
McDuffie 20:17 32:12
168:8 186:18 199:11
199:22
McDuffie's 187:1
199:17
McFarland 176:12
mean 15:3 22:20 26:3
27:3,8,12 29:6 52:14
60:20 67:15 86:11
87:3,5 89:7 93:6,7
94:6 95:1 104:3
106:12,13 109:22
113:6,18 114:11,14
114:20 123:18 126:20
131:11 132:19 134:3
135:3 143:19 152:14
155:7 160:3,4 166:4
192:21 193:4 194:5
206:1 213:10 217:20
218:22 219:20 220:14
223:9 228:18 235:19
242:9,10,17,18
244:13 253:12 260:8
264:7 266:8
Meaning 263:5 271:19
means 176:10
measure 81:1
measures 81:5 139:10
mediation 109:17
250:12,15,21 252:12
mediations 251:18
252:7
mediator 231:14
meet 43:21 169:8 200:6
255:15,15
meeting 1:3 79:14 80:9
81:4,10,11 86:1 94:15
110:20 111:10,13
112:9 167:5,16,21
168:14 186:7 195:6
195:13 211:6 230:11
233:11,12,16,18,21
256:3 272:17 273:20
274:14 275:17
meetings 79:20 111:6
167:4 178:12,20,22
179:20 185:9,11,13
185:22 186:10,10
195:8,9,17,18 248:18
249:6,9,20 253:8
272:16,20 273:1,21
274:11,12,12 275:18
member 1:18,18,19,20
13:7 16:1 17:17 21:1
- 22:9,12,15,19 28:11
55:20 56:1,4,16 57:1
57:9,13 58:2,7,11,15
58:18 59:6,16,20
60:19 61:10,13,17,20
62:1 63:11 64:2,17
65:2 73:7,15,20 91:8
91:19,21 92:5,11,14
92:20 93:1,4,8,16,19
94:1,7,11,20 95:3,7
95:12,17,19 96:5
125:18 126:3,9,14,22
127:4,8,11,15,18,21
128:3,6,9,12,16 129:2
129:5,9,11,15,18,20
130:6,14,20 131:2,6,9
131:16,19,22 132:3,6
132:15,21 133:6,9,12
133:14,18 134:2,5,14
134:18,21 135:8,10
135:13,17,20 136:5
136:12,17 137:1,8,13
137:17,21 138:2,6
154:3,6,9 195:17
200:12,15,22 201:3,9
201:13,17,22 202:4,6
202:10,14,16 203:4,9
203:13,16,20 204:3,6
204:18,22 205:8,20
206:1,5,9,13,16,20
207:7,9,12,15,19
208:5,8,13,21 209:4,7
209:10,14 210:3,19
211:10,22 213:12
217:10 226:1,3 228:2
229:6,11,18 231:10
231:18,22 232:6,15
233:2 234:18 237:18
240:4 251:3 254:19
255:3,8,11 256:10,13
256:16 257:3,10,13
257:16,18 258:1,4,14
258:18,21 259:4,5,19
270:20 273:4,10,13
273:15 275:1,7,10,12
- members** 13:11 33:2
34:17 55:19 65:5 70:5
91:7 111:11 112:9
125:17 138:9,22
158:5 163:12 165:17
166:4 178:14 197:9
198:18 225:22 227:13
231:4 232:18 234:3
254:18
memorializes 14:5
men 169:12
Mendelson 168:13
211:7
- mention** 186:13 217:3
mentioned 88:2 94:13
110:19 112:12 114:1
122:13 135:5 139:17
140:10 141:10,17
142:8,14 157:3 163:4
180:20 183:7 185:8
186:9 225:2,3 235:13
mess 20:22 187:14
message 26:1 184:3
met 1:13 80:22 81:3
198:14
methamphetamine
187:10
Metro 62:8,10
Metropolitan 149:18
microphone 17:18 60:4
60:5 73:10 217:11
251:4
mid 58:22,22 167:6,12
174:20
middle 54:3 240:22
midnight 58:13 75:17
75:18
migrated 218:1
mike 1:18 73:13 154:15
milk 48:17,19
milkbox 130:18
mind 39:6 91:16
mindful 151:1
mine 114:10 241:15
minimum 46:7 61:5
198:14
minor 77:1,9
minute 20:22 24:7 66:3
206:17 215:15 240:14
minutes 6:3 14:20 15:1
72:5 116:1 124:15
150:21 190:20,20
263:18
misconduct 274:17
misleading 186:14,22
190:2
misunderstanding
27:20 168:16
mitigate 45:14
mixed 47:20
ml 44:10 46:7 83:15,15
84:4,5,6,6
modifications 193:18
mom 77:7
moment 33:9 150:9
264:14
Monday 173:16,19
money 132:13 229:3
monitor 102:13,21
113:11 116:6,8
193:12 240:9

monitoring 47:19 102:1
102:22 110:8 115:2
124:21 139:16 148:17
196:1
monitorings 56:11
monopolize 40:13
months 12:20 80:21
81:2 222:2 239:1
Moo 2:13 7:6
Moon's 155:11,14
Moore 2:16 5:9,10,13
7:16,17,18,22 11:5,17
12:9 13:5,21 18:10,13
18:13,14,22 20:1,4,11
20:15 21:5,11,16,20
22:1,6,14,17 23:2,5,7
23:14,18 24:1,4,8,11
24:22 25:5,8,11,14,17
25:20 33:14 36:7,8
38:1,7,10,14,18,21
39:2 42:13 43:21
44:11 50:10 64:6 68:3
68:4,5 70:20 71:2,15
72:9,11 82:5,6 85:1,8
85:11 87:21 88:1 89:7
89:12,15,19,20 91:5
96:20 97:2,5,8,18,22
98:3 106:20 109:13
110:15,16,18 116:19
140:7,8,9 143:2
156:21,22 157:2
158:2 162:10,11,13
163:10 178:17,18
179:6,6 180:16,17,19
181:21 182:15 185:21
186:11 188:4,7,14,17
188:22 189:4 190:1
191:7 196:16 197:3
197:14 211:13,14,16
212:2,4,10,14,15
213:15 216:4,16
217:2,15 220:18
229:20 231:11 232:20
232:22 233:1,3,6,9
234:7 235:1,8,11,21
236:4,7,9,16,18
237:12,17,20 238:5,8
238:13 240:3,6,18,20
241:11,20 242:3,11
242:16,20 243:2,5,8
243:18 244:1,3,6,9,17
245:1,3,4 249:4 251:7
251:17,21 252:5,16
262:8,9,16,17 263:3
263:10,13 267:17,18
271:9,17,22
Moore's 42:19 45:19
46:22 96:21 109:19

moratorium 46:3
morning 15:6 26:17,20
28:9 39:4 76:15 154:1
162:6 177:7 190:16
190:18 224:17
mornings 153:22
Moss 3:13 216:4,6,8,12
226:2,3,3 231:11,11
232:13,19 233:1,1,2
234:9,12,14,15
248:12 254:4
motion 3:2 273:6,7,18
275:3,4,15
motors 78:2
move 17:15 28:10 34:1
51:10 55:5,8 84:11
89:14 90:9,12 106:16
124:7 137:15 141:6
169:4 172:13 184:17
185:5 186:4 190:10
191:5 196:7 209:12
209:12 213:14 233:13
259:2 272:16 274:13
moved 87:11 106:21
154:15 217:5 238:16
239:4 255:4
moving 17:6,9 39:9
69:14 72:1 79:3 141:7
177:21,22 257:20
MPD 3:22 12:13 35:18
40:13 44:12 45:10,14
49:1,3,13 52:6,19
55:2 60:1,12 62:19
78:5,6,7,10,10,11
79:2,4 80:11 81:5
88:15 89:3 90:20,22
94:13,21 99:6,20
102:9 105:10 106:11
106:14 109:5 112:14
112:18 117:3,14
126:12 138:19,20
141:4,13 149:2,9
157:3 162:14 164:21
172:9 173:20 185:3
193:11 196:7 202:18
210:11,13,16 218:16
220:11 221:16 225:10
227:13 229:15 247:4
248:7 249:7 253:6
255:17 256:21 259:13
264:12 266:15 268:15
269:10,17 270:1,20
271:7
MPD's 149:16 162:20
169:2 218:13 247:12
267:22 269:7
Multi-Use 46:11
multiple 64:6 161:12

231:3
murder 141:11
murders 32:22

N

N-A 45:3
N.E 34:12 67:2 152:5,14
159:8 170:1 238:1
N.W 1:14
nail 68:19,21 69:1 81:7
113:1,5,7,10,12,15
115:13,14 118:16,22
121:4,5,8 122:14
124:9,13,18 125:8
127:1 128:10 140:17
141:18 143:12,16,19
144:14,17 145:8
157:22 161:14 162:16
173:11 239:15
Nails 146:10
naked 259:12
name 5:9 7:5,5,6,16,18
8:7 9:5 18:9,12 22:21
24:5,9 36:7 41:7 45:2
48:18 65:19 74:10,12
74:19 101:8,10,11
146:4,5,19,21 152:1,2
159:4,5,7 164:12
176:13 185:18 199:1
199:2,3 226:1 237:16
237:21
named 94:9
names 32:3 45:2
170:11 229:12
Namyong 2:11 3:9 8:7
72:15,21 74:12
napkin 174:16
napkins 132:19
narrow 15:9
nation 204:20
natural 69:13
nature 12:14 85:10
188:11 219:13 251:14
NE 1:6
near 20:19 32:13
nearby 34:14 37:1
172:6,6
necessarily 224:10
261:6,7
necessary 240:6
need 9:14 14:7 21:7
24:18 72:6,16,17 74:4
89:11 114:15,15
120:18 123:17 134:12
138:21 151:17 175:20
175:20 190:10,12
195:22 196:3 205:22
207:3 215:7 218:17

220:9 247:17 253:5
254:12,12 263:17
268:7,9 269:18
needed 9:16 20:7
227:15 247:22
needs 73:18 195:19
199:7,18,20 220:11
232:3 238:3 256:1
258:22 271:3
nefarious 218:20
negative 35:7,15 87:2
179:12 266:22
negatively 155:6
negotiate 11:13
neighbor 134:3 135:11
241:11 242:14 256:18
neighborhood 46:11
62:14 75:13,15 77:11
152:18 170:8 217:6,8
217:14 226:8 229:8
238:15 241:17 249:13
neighborhoods 43:17
43:19 44:4
neighboring 37:6
neighbors 176:8
218:15
nerve 161:19
neutral 256:11
never 26:13 27:4,5 29:2
29:4,18 30:18,19 31:8
31:16,16,17,18 54:20
55:15 60:8 61:4
199:22
new 78:8 102:11 117:18
119:11 136:2 153:1
192:15 194:2 195:6
211:1 226:16
Newsham 175:18
205:14 207:16
newspaper 32:21
232:11
nice 12:18 256:12
nicely 194:16
NICK 1:18
night 135:22 173:21
noise 49:19
nonsense 223:17
nonstop 220:8
Nope 153:7,9 191:7
norm 57:21
normally 30:5,7 72:3
96:17
north 67:12 136:1
note 267:19
noted 68:9
notice 31:14 33:4 56:5
60:11,19 85:19 113:8
113:9 116:4 125:4

130:8 131:13 132:4
138:19,21 149:11
219:1 273:19 274:12
275:16,18
noticed 45:8 102:8
106:6 123:14 148:12
182:17 217:4,9,16,19
238:20
notices 99:16
nudity 239:20
number 43:16 88:17
112:2,2 143:14 165:4
186:10,10 213:6
219:22 254:5
number- 131:11
numbers 37:19 38:4
144:1
numerous 181:9
185:12,21 225:16

O

o 255:17
O-F 3:1 4:1
object 241:22
objected 189:19
objection 85:7,10
106:18 108:21 185:20
186:5 187:20 188:11
188:12 190:10 191:5
213:9,14 219:11,13
219:16 240:11 251:15
observation 48:13
observations 43:13
44:20 48:9 54:20 61:7
67:8 69:9,12 165:13
220:19
observe 48:11 68:16
69:4,18 160:2 218:17
223:20,20
observed 67:19 153:4
220:6 221:11
obstruction 172:15
obviously 170:3 267:21
268:10
occasion 66:13
occasionally 115:12
occasions 56:4
occupy 47:12
occupying 47:21
occur 35:20 56:11 71:6
189:17
occurred 53:2,3 62:10
63:13 105:12 173:15
180:21
occurring 48:12 149:13
occurs 11:22,22 67:9
194:21 239:13
October 1:11 23:15

24:13 25:1 47:8
147:12 274:14,20,21
of-- 200:13
off-camera 12:1
off-duty 214:5
offered 250:11
Office 149:18 165:4
198:20 199:10
officer 49:1 52:20 55:2
57:11,14 111:9 176:1
176:3,12 177:18,20
178:6,7
officer's 176:20
officers 49:3 162:15
177:2,8,13,21 202:18
205:17,22 206:10
207:2,5 214:5 230:16
230:18 248:7 257:19
259:8 269:8,10,18
Official 274:10
officially 10:8
officials 226:22
oh 19:19 24:1 51:6,15
95:10 100:12 108:9
110:21 128:15 133:5
133:11 136:4 137:7
144:3 149:7 168:17
173:3 174:9 181:5,17
181:18 185:1,12
188:16 203:2 206:12
206:14 207:4,18,19
228:14 236:4 237:17
237:20 257:12 272:8
okay 6:7,9,11 7:4,13
9:21 12:17 15:12,16
15:19 21:2 22:15,17
24:1,8,20,22 25:7,13
34:6,7 38:7,10,18
51:13 53:8 54:5 60:19
61:17 66:7,16 68:1,15
69:4 70:3 71:15 72:9
74:3,6,20 75:12,16
76:10 77:10 78:15,22
80:1 81:17 82:2,7,19
84:10 88:16 89:12,15
89:19 90:4 92:14 93:4
94:11,20 95:20 96:5
97:22 101:13,19
102:4 103:10 106:15
107:12 108:20 109:14
110:13,22 111:11,15
112:8 113:13,20
114:9,17 116:11,16
125:16 127:15 128:3
128:12,13,15 129:2
131:16 133:9,13
134:2,5,14 137:12,16
137:20 138:1 139:2

141:8 142:4,8,13,13
142:20 143:1 144:4
144:12,13,22 146:9
146:10,13,22,22
147:12 148:3,3 149:7
149:15,22,22 152:1,6
152:11 153:4,10,13
153:16 154:11,20
156:2,7,13,18 159:20
161:9 162:3 165:12
168:1 178:9 185:14
189:17 194:1 200:10
200:12 201:3,9 202:6
202:12,14,16,16
203:8,20,21 204:3,18
204:22 205:5,7,7,20
206:2,16 208:5,8,22
210:19 212:10,14
215:4 223:5 224:6,21
225:3,12,19 229:18
231:18 234:6 235:8
236:7,16,18 237:20
239:18 241:4 243:18
244:1,6,17 245:1,5
248:11 250:4,8,10,14
251:8,22 252:13
253:19 255:9,10
256:10 260:10,13
261:6,18 262:3,3,4,6
263:15,21 264:1
older 59:1,3
oldest 204:16,20
on-- 202:19
on-site 11:22
once 7:13 33:5 71:13
89:1,21 90:1 133:3,16
160:17
ones 115:12
ongoing 187:12 274:15
online 149:20
open 19:8 47:11 55:17
68:15 69:1 75:18 82:9
82:10 130:1 153:20
155:13 160:9,17,17
162:4,5 246:7 272:16
272:20 273:1,21
274:12 275:18
opened 29:14 128:19
129:13
opening 3:4,4 17:12
34:1,4 36:5 38:6
46:22 47:6 154:1
operable 40:4
operated 74:20
operating 40:5,10 47:4
48:16 56:8 75:16
76:19 147:2,14
191:20

operation 48:10 58:9
155:1 162:1
opinion 57:18 130:2
opportunity 71:21
191:1
Oppose 84:2
opposed 183:14 231:16
opposing 84:1,2,3,5,7
options 246:12
order 10:19 11:14 14:4
14:5,9,10,14,17 15:10
35:8,15 37:17 42:17
87:2 165:19 179:12
187:19 188:4 220:9
247:11 266:17 267:1
267:12 269:20 273:22
orders 169:2 186:13
organizations 165:4
original 22:10,12 23:14
85:17
originally 85:16 140:19
250:22
originating 213:6
OSSE 46:20
OUC 268:20
outdoor 186:7
outline 268:20
outlined 268:3
outrageous 169:20
outside 13:18 43:10,14
45:5,11 51:15 54:17
56:9 60:7,12,15,16
61:7 66:18 77:2,16
78:7,19 79:1,8 88:7
88:11,18 89:21 90:5
104:20 106:5 112:19
112:21 113:8 114:4
114:13,14,16 117:2,7
117:8,13,14 125:4,6,7
125:8 130:10 134:1
139:15 141:16,17
143:16 169:12 171:4
171:17 181:12 184:15
184:22 195:22 220:16
221:15 260:4 270:14
outstanding 14:6,18
overrule 186:5 219:16
Overruled 3:3
oversight 186:18
overt 179:7
overtime 258:7
owned 93:16 123:4
owner 5:13 6:1,10 8:17
60:3 65:20 70:21
74:13,13,16 75:19
76:10 80:10,10 85:17
85:17 91:14 101:12
101:13 114:10 169:9

169:10 187:6,8 195:6
195:7 216:22 217:4
221:6 228:20 229:20
231:12 233:20 235:14
235:22 236:3 244:9
249:21 251:13 270:4
owners 34:13,16,18
37:13 42:21 45:1,17
60:8,10 65:16 74:15
80:22 81:3 153:16
170:12,14 171:4
184:15,21 209:21
215:5 227:13 228:21
231:4,8 233:12
250:21 252:10 265:13
265:14 268:17 269:16
ownership 38:3

P

P-R-O-C-E-E-D-I-N-G-S
5:1

p.m 5:2 16:4 17:2 23:16
24:14 25:1 56:11 58:5
58:6,12 215:18,19
276:1,7
pack 83:14
packs 46:7
page 27:11 87:9
pages 25:10 33:15
paid 214:6
pairing 64:5
panhandlers 59:12
67:11 69:7,11
panhandling 59:4,8
paper 174:15 229:2
papers 83:4 132:19
142:17
paperwork 101:16
paraphernalia 180:10
Pardon 258:1
park 141:5
parked 48:21 162:15
parking 6:3 141:3
161:13 173:9
part 34:21 62:12 64:3
66:20 76:18 99:15
100:2 101:12 104:5
112:13 118:16 147:18
170:20 181:13 182:19
197:20 198:10 205:15
222:9 227:18 228:12
228:20 247:2 264:13
269:17 271:4 272:10
272:12
participants 10:3
participate 167:7,12,18
179:4,19 191:17
192:12,22 193:9

participated 183:6
192:7
participation 12:16
particular 243:9 269:9
269:11
particularly 66:9
parties 5:7 9:10 10:2,18
11:13 14:15,16 15:10
71:21 109:21 250:14
252:6 271:12 274:3
partly 254:5
partner 220:21
parts 205:17
party 107:10 166:2
passage 170:7
passed 273:19 275:16
patience 256:17
patient 138:3
patrol 99:8 155:21
156:4 177:14 210:13
210:16 247:16
patron 240:21
patrons 20:20 32:17,19
49:11,11 64:9 68:12
68:21 85:13
pay 95:9,22 96:1 98:11
112:14 123:16 175:6
payments 94:22
peace 35:8,15 42:17
87:2 165:19 179:12
266:22 267:12
pen 144:10
people 12:6 30:20,21
39:15 40:11 47:21
53:19 64:7 66:17,22
67:4 68:11,19 75:14
78:15,19 79:1,7,9
80:8,9 84:8 86:16,22
88:9,19,20,22 89:2
90:8 99:2 101:22
106:9 114:16 116:7
118:19 120:20 122:6
122:7 124:6,7,9,10,11
124:12,18,19,22
125:10 130:9 131:12
131:14,15 133:21
136:14,19 146:7
152:20 153:8 155:8
156:10 160:9,12,15
161:15,19 163:3,4,6
164:22 169:1,5 170:1
170:8 174:13,13
176:16,18 178:22
179:16 182:16,22
183:8,11,17 185:2
195:3 196:2 201:22
209:2,11 220:3,14,15
221:7,13,14 223:6,10

223:14 224:7,9,9,14
224:16,18,19,21
226:11 227:12 228:16
241:3,12 245:20
257:11,20 259:1
260:3,8,12,15,17
261:7,12,17,21 262:1
262:4 264:22 265:1,3
266:2 268:12 270:14
270:21
people's 155:15 156:15
percent 13:14 65:22
66:12 116:14 267:20
269:9
period 13:15 227:6
258:12 269:12
permission 215:8
Persian 171:12
persistent 12:19
person 27:17 29:17
39:17,19 57:14 63:17
66:4 74:17 76:16,17
105:13 169:18 171:19
173:15 188:14 190:1
229:20 230:6 231:19
241:1 242:7 254:8,8
255:4
person's 241:14
personal 44:20 48:13
57:18 112:1
personally 44:15 48:11
54:19 213:2 248:3
personnel 149:10
193:11
persons 169:4 173:13
195:10
petition 4:4 110:2 267:6
phenomenon 123:12
Phil 168:13
Phillips 195:15
phone 4:4,5 63:9
102:13,14 103:16
104:10,11,19 105:21
106:2 139:16 181:10
181:15 205:13 213:6
270:19
phones 177:11
photo 3:18,19,20,20,21
3:21 50:17 51:14,19
photos 32:18 33:13,13
33:15 53:21 181:7,10
182:1,11
physically 39:19
pick 68:12 73:13 228:16
picked 73:9
picking 133:19
picture 104:8 144:5
181:15 208:3

pictures 201:10,18,19
202:2 205:4 207:21
210:10,12,12
piece 174:15 269:22
PIF 20:4 23:8 25:6 26:4
27:22 28:1,2
pills 187:9
place 36:22 39:7 43:5
44:5 46:4 48:15,22
92:18 102:6 130:19
145:9 147:3 186:7
223:18 227:17 234:10
245:22 253:8 269:18
270:18
placed 275:20
placement 218:5,6
places 135:22 162:5
170:1 246:17
placing 270:6
plan 229:21,22
planned 274:16
planning 182:19 198:20
plant 171:18
plants 171:4,17 174:22
175:1
platform 197:3
Played 4:8 240:10
playing 106:1
pleaded 249:14
please 5:7,8 7:10 8:12
9:4 15:22 18:12 23:5
23:7 28:1 40:18 41:7
51:12 72:19 88:12
90:10 100:18 151:8
152:2 154:4 158:14
159:1,4,6 164:12
182:10 188:21 189:3
189:7 202:11,17
203:5 204:3,22,22
216:3,14 217:10
237:2,10 240:14
249:11,12 251:3
257:4
pleased 171:22
pleasing 182:13
pleasure 165:8 167:1
195:5 201:7 214:14
plenty 224:13 241:12
271:1
point 31:7,15 38:20
39:6 44:7 63:14
136:16 213:11 221:6
239:12 266:13
pointed 89:11,17
119:10
pointing 104:4,20 119:7
121:10 122:14 123:19
pointless 122:12

123:22
police 34:20 37:15 38:3
 57:10,14 62:11 94:12
 94:16 95:9 100:1
 134:22 135:20 136:5
 136:12,19 137:18
 144:8 148:3,4,6
 149:18,19 153:2
 155:10,13,14,18,21
 157:14,17,19 160:4
 161:11 165:1 167:19
 172:10 175:16 176:10
 176:20 181:7,9 206:9
 209:13 211:21 212:22
 214:6 219:8 227:1
 230:9,16 231:6 232:4
 232:6 247:16,21
 249:9 255:21 257:19
 258:4,7,10,12 269:6
policeman 141:5
policemen 81:5,11
policing 177:12 205:16
 207:11 214:2,9
political 199:6
poor 102:9
pops 86:8
porch 54:15
position 30:15 101:9
 140:11
positioned 172:3 174:2
 176:1
positive 181:20 182:9
 183:5 187:11 253:11
possession 187:9,17
possible 126:4 171:2
 172:10 226:20 244:10
 254:10 266:14
possibly 249:16
posted 181:12 275:19
potentially 39:20
potted 171:17,18
power 255:18
Powerball 180:1
powers 189:14
practicable 275:22
practice 43:8 44:13
praise 178:5
praised 222:4
precautions 43:5
Preliminarily 17:14
preliminary 3:2 33:18
 33:22
premises 47:13
presence 148:4,5,6,17
 155:19 160:5 167:20
 172:11 175:17 247:21
 247:21 249:11,12
 258:12

present 1:16 2:9 42:21
 71:7,14 111:12
 112:10 178:14 191:2
 249:7
presentation 29:20
 31:22 274:4
presentations 190:21
presented 71:9 192:11
presenting 97:11
Preservation 204:15
president 2:16 7:19
 42:14
presiding 1:15
pretty 42:7 59:13 61:14
 102:18 120:15 172:1
 173:3 199:21 225:17
 227:17 241:2
prevent 34:19 35:19
 103:17 109:1 110:11
 195:2 266:11
preventing 99:13
previous 114:10 165:22
 167:8 169:10 186:15
 195:7 221:5 233:19
 269:12
previously 86:1
primary 13:21
prior 19:7 31:7 50:2
 184:12 187:3
private 259:10
PRO-00042 272:22
proactive 37:2,14 98:20
 177:3 196:1
proactively 269:5
probably 22:16 42:20
 57:20 65:6 116:6
 135:1 148:1 163:1
 183:14 185:15 189:11
 210:15 230:4 244:15
problem 55:5 134:11
 135:7 149:11 161:8,9
 169:21,22 208:18
 209:8,16 210:6 211:8
 218:22 221:18,21
 228:1 245:13 253:13
 254:14 264:2,13
 266:17 267:21,22
problems 12:18 77:13
 140:20 160:18 161:22
 181:1 227:10
procedural 97:3
procedure 109:17
procedures 76:19,21
 78:21
proceedings 6:21 71:6
 86:14 150:14 186:20
 186:21 190:4
process 71:10,20 72:4

191:18 192:8
productive 231:15
professional 238:5
program 95:7 102:10
 112:13 117:5,17
 137:5 149:16,16,17
 149:19 167:7 193:10
programs 194:5
prohibit 109:1
project 204:11,20
promise 39:11
promised 175:16
pronounce 45:1 65:19
proof 35:13
properly 183:2
properties 37:10,10
 47:15,16 48:1 85:13
 145:5
property 37:13 86:5
 88:4,12 90:11 123:4,8
 145:2,3 196:2 213:1
proposed 271:12
proprietor 230:3
protect 185:1 268:4,15
protected 171:1
protecting 165:5
protest 1:7 3:16 5:5
 9:22 10:3,4 14:7 16:4
 17:5 18:1 19:20 42:5
 42:7 44:18 50:8 79:14
 85:18,20 86:9 109:18
 165:21 166:1,8,10,11
 190:22 191:12,15,17
 276:6
protestant 2:16 3:2,4,5
 3:12 35:3 216:9 237:5
 263:2,17 265:3
 266:20
protestant's 17:15
protestants 166:5
protestants' 86:19
protested 10:8 187:15
 187:16 191:11,14
protesting 42:16
 165:18
provide 138:22 172:10
provided 23:10 32:2,4
 47:9 49:22 50:10 69:6
 73:19 105:10 167:19
 264:6
provider 195:14
provision 192:11
 193:20 194:13
prudent 239:11
PSA 205:21
public 46:19 57:2
 164:20 165:15 181:2
 204:20 207:21 211:20

211:21 230:17 232:12
 258:22 259:2,8,11,15
 268:13,13,16 270:7
published 274:21
 275:21
pull 21:5,12 78:10
 221:2 240:7,8
purchase 102:2 160:22
 246:13
purchased 44:3 129:5,6
 130:21
purchases 246:17
purpose 32:9 117:7
 183:10 229:1 272:18
 274:14
purposes 199:18
pursuant 273:21
 275:18
purview 197:13
pushback 184:20
put 7:12 43:5 44:12
 63:9 117:14 136:5
 171:4,17 190:18
 201:4 227:17 228:17
 259:13
putting 134:10

Q

quality 37:5 102:9
 194:18
quantities 44:10 46:6
question 5:22 26:3
 59:17 67:3 75:5 89:10
 89:11,17,18 92:10,13
 94:12 97:2,3,9,13
 98:16 116:21 121:14
 126:1 131:17 134:6
 179:10 182:5 186:3
 191:6,8,10 192:10
 198:1 202:11 203:6,7
 207:13 211:17 213:12
 213:15,19 219:18,21
 223:22 235:11,14
 245:5 248:22,22
 251:18 253:21 255:13
 261:20
questions 53:11,14
 55:19 61:22 65:3,5,7
 66:3,5,10,10 70:5,6
 87:20 91:5,6 96:13,18
 96:19,22 97:1 98:2,4
 100:5 125:16 138:9
 140:7 143:2 146:16
 150:2 156:20 158:3,5
 162:9 163:10,11
 178:9 180:15 189:16
 200:11 208:14 211:11
 211:19 212:1,12

225:21 229:7 232:18
232:19,20,21 233:4,4
233:10 238:11 254:17
quick 150:19
quiet 35:8,15 42:18
87:2 165:19 179:13
267:1,12
quite 182:13 203:22
207:19 221:1 223:16
228:9,13 231:22
272:7

R

R-Y-U 45:2
Racine 178:21
raise 6:17 40:17 72:18
100:17 151:7 158:13
216:1,5 237:2
raised 35:3 110:3
Randall 23:6,19
Randolph 158:16 159:7
rarely 48:12
rate 43:18 226:19
re-election 197:7
reached 46:20 108:12
168:8,9,12,15
read 15:6 83:6,6,20
144:1 187:18 225:4
256:1,2
readily 36:19
reading 51:5
ready 15:13,21 167:13
215:21 263:18,20
real 33:2 48:18 70:21
197:13 268:4,7,9
realities 209:17
realize 146:22
really 38:1 65:19 102:9
123:10,15 125:20
135:5 153:18 155:2
168:6 180:4 181:19
181:19 183:5 184:9
202:19 230:2 232:2
247:14,22 255:12
257:9 261:19 265:3
269:21 270:11
rear 3:21 47:17 52:1
reason 62:7,14 90:2
95:4 110:1 130:5,7
153:6 155:16 193:3
242:11 243:13 244:5
244:20 270:16
reasonable 27:14 39:10
39:20 162:7 210:9
254:8
reasonably 209:15
211:2
reasons 39:18 177:4

184:10 222:8,11
225:16 238:10 267:13
272:22
rebate 112:18,19 117:2
117:4,14,19 149:19
rebut 236:11 263:7
rebuttal 262:19 263:2
recall 185:12 233:17
235:22 236:3,11
252:4
receipt 19:2,11 20:9,12
21:19,22 23:6
receipts 142:17,18
receive 18:6,16 19:14
19:15,18,19 20:11
23:3 27:12,16,17
30:14 31:14 33:10
109:12,14,19 110:2
received 3:15 4:2 17:21
17:22 18:17,18 19:5
19:12 21:19 22:2,2
26:6,14 27:9,10,11,20
29:2,13,19 33:13 82:4
82:7 87:16 107:2
109:8
recess 16:1,3
recognition 224:13
recognize 224:10
recognized 8:13 165:2
recollection 148:20
149:1
record 5:4,8 7:15 9:4
10:10 15:7 17:4 41:7
53:5 78:10 99:19
101:9 106:17 138:21
152:2 164:13,20
165:15 192:1 201:5
201:18 203:14 207:22
215:18,22 225:18
232:12 237:16 238:3
259:1 271:11
recording 101:22
117:21
records 32:21 49:13,19
211:21 212:18 268:20
recreation 50:15
RECROSS 3:6
RECROSS-EXAMINA...
211:15 260:1
recycling 132:13
REDIR 3:6
REDIRECT 98:7 143:5
213:17 233:8
reestablish 184:11
Reeves 1:14
references 35:1,2 86:19
referencing 187:4
referred 50:21 52:9

87:13 103:19 105:5
107:1,19
referring 103:4,5 214:1
reflect 10:11
refresh 148:20
refreshes 149:1
Refrigerator 3:20
refrigerators 48:4
51:21
refuse 45:9
regard 176:22 197:7
regarding 32:20 62:2
82:3 92:2 98:9,19
102:4 109:9 143:8
149:1 166:17 168:3
178:6 187:14 192:10
192:13 195:19 225:9
265:14
regards 47:10
Register 274:21 275:22
registered 101:11
registration 198:15
regular 75:15 126:13
258:6
regularly 142:11 174:22
175:18 224:5,6,7
258:5
regulation 41:13
199:14
regulations 18:7 61:14
274:18
regulatory 3:17 44:18
50:11
reimbursable 12:13,15
13:2 94:12,21 98:9,10
98:14 137:5,22 167:7
167:18,21 175:10,11
175:14,15,21 177:17
192:13 201:14 203:10
203:17 206:22 208:1
208:2 213:22 214:4
247:4 268:1
Reimbursement 193:9
related 62:16 63:12
97:17,20 172:7
211:19
relation 74:11 172:16
relationship 79:10,12
111:19 112:1 180:6
197:13
relatively 217:20 225:7
228:16
relatives 184:8
Relevance 188:13
relevant 86:12,13,15
187:21 188:2,7
189:20,21,22 190:5
relief 227:3 228:7

REMA 1:20
remain 174:16
remember 23:8 108:4
112:15 131:5,6
138:16,17 139:10
233:15,18,20 234:2
250:1 251:6,9 252:15
264:14
remind 73:8
reminded 135:21
remotely 193:12
remove 132:11 196:3
Renew 1:9
renewal 34:9 36:2
109:11,16 166:11
266:19 267:14
renewals 191:12
renewing 190:11
rental 213:1
repairs 114:18
repeatedly 181:22
rephrase 67:3
replicate 197:16
replicated 167:20
replicates 199:10
report 40:3 42:10 49:5
50:5 200:17 249:10
reported 47:7 49:2
reports 274:15
repositioning 270:10
represent 37:1 164:18
179:6
representative 47:4
228:19
representatives 189:8
189:15
represented 179:9
representing 5:10 7:22
reputation 200:4
request 36:1 44:8 45:13
45:14 99:2 139:1
166:9 212:22 215:4
227:6 267:13
requested 9:18 19:2
43:22 44:11 139:13
166:1 206:10 249:15
requesting 20:17 99:20
requests 234:3
require 210:5,7,8
required 19:1 175:12
210:5
requirements 198:14
227:18 228:11
residence 152:3,12
159:5,10
residences 147:7,9
residential 47:17 67:19
residents 34:14 82:3,16

86:16
resolution 14:22
 254:15
resolve 254:13
resources 40:13 49:5
 266:16
respect 165:19 180:5
 231:5
respond 29:9 30:15
 31:19
responded 23:7 30:19
respondent 63:9
response 22:2,4 23:18
 59:21 89:8 162:20
 218:13 247:13 267:22
 269:8 271:2
responses 181:16
responsibility 11:2
 31:3 176:9,21
responsive 166:22
 167:1
rest 53:13 160:13
 170:13 172:6 215:12
 215:13
restaurant 62:7
rested 71:14
result 81:10 173:7
 231:17
results 10:12 227:6
 269:6
results-based 227:5
resumed 215:18
Retailer 1:7
Retailer's 34:10 36:2
retired 259:16
return 43:7 49:12
reverence 200:2
review 204:15 271:20
revocation 20:18 228:8
ride 223:13 226:9
right 5:3 6:6,12,17 7:8
 8:16 9:7,9,22,22 10:6
 10:6,7,10 12:8 15:2
 15:21 17:3,11 18:15
 20:13 21:17 22:19
 23:17,21 24:10 25:6
 28:4,10,17,19 34:2
 36:4 40:5,14,15,17
 41:3 44:16 47:18,20
 47:22 53:4 55:18
 56:14,21 59:14 62:8
 65:5,13,21 66:20 70:7
 72:10,18 76:18 78:13
 79:4,7 81:15,19,20
 84:2 85:2 87:19 88:9
 89:5 98:1 100:3,6,18
 103:8 104:15 109:6
 110:8 115:8,18 116:4

116:16 118:1,4
 119:16 121:1,2,4,8,9
 123:2 124:1,2,4
 125:15 126:22 127:5
 127:11,16 128:2,3,5,6
 128:8 129:8 132:2
 134:4,17 135:2 136:6
 136:22 138:6 140:5,6
 140:18 141:1,8,12
 143:15,22 144:21
 145:1 146:9,14,18
 147:3,21 149:13
 150:3 151:7,16,19
 154:16 155:12,12
 156:14,15 157:8,10
 157:11,21,22 158:1
 158:14 160:11 162:8
 163:1 165:10 169:2
 170:7 177:17 180:13
 185:7 186:12 188:6
 188:11 189:19 191:9
 194:7,15,19 196:10
 200:19,21 201:9
 202:1,14 203:20
 205:12,20 211:12,13
 214:21 215:11,12,14
 215:20 216:1,6,13
 219:17 223:18 224:1
 224:3,19 231:4 234:2
 234:8 236:19 237:2,9
 239:3,16 243:1,3,12
 245:2 247:11 251:4
 254:22 255:9 256:14
 259:18 260:21 261:9
 262:11,18,19 263:14
 263:15 264:5 270:1
 271:14 272:1,2,2
 274:6,7
rightfully 187:15
road 1:6 3:19 34:11
 35:5,9 37:7 50:19
 67:2 69:14,17 77:12
 86:4 127:9 152:5,17
 159:8 176:2 203:18
 226:10 239:1 240:22
 246:15 259:6
rocks 187:10
role 41:20
roll 197:9 232:12 273:6
 275:3
room 1:14 8:19 273:21
 275:19
rooms 255:16
Roundtable 212:21
routinely 160:21
row 46:13,15
rowdiness 54:21
rows 48:5

rugs 171:12
rule 29:22
ruled 33:18
rules 184:6
run 61:13 114:14
running 197:5,7 241:1
 259:12
rushed 235:7
Ryu 45:3

S

S 7:17 74:19
S-E-S-S-I-O-N 17:1
saddens 226:9
saddle 175:3,5 176:8
 184:14 270:12
safer 136:15 179:2
safety 13:10 40:2
 164:21 165:16 179:19
 181:8 218:8 220:22
 247:6 252:21 259:15
 268:16
sales 33:2 44:1,8 45:22
 46:4 86:18 104:4
 125:5
salon 68:19,21 69:1
 81:7 113:1,5,7,10,12
 113:15 115:13,15
 118:16,22 121:5,5,8
 121:22 122:14 124:9
 124:13,18 125:8
 128:10 140:17 141:18
 143:12,19 144:14,17
 145:8 173:11 239:15
Sam 7:17
satisfied 139:18 162:20
 163:1 218:13 230:14
 247:12
satisfies 191:20,21
satisfy 109:21
Saturday 58:9 95:16
Saturdays 95:15
saw 24:20 57:10 66:13
 172:11 173:12,12
 226:15,17
saying 22:2 23:19
 26:19,21 30:14 38:6
 39:14 54:8 58:22
 64:18 65:22 83:18
 86:22 87:6 118:7
 119:5 120:1,3 123:12
 129:22 134:7 150:18
 189:18,19,20 198:7
 229:22 235:21 242:6
 253:2 267:20 268:1
says 25:3 26:11 27:15
 27:21 28:1 52:22
 62:21 157:14 193:8
 198:20,21,21 222:5
 228:14 249:11
scared 90:19
scenes 173:22 241:2
schedule 233:22
scheduled 168:14
 250:22
School 46:19
schools 50:15
Scout 268:6
screen 4:4,5 21:6
 103:15 104:1,9,11,18
 104:19 105:10 115:17
 124:22 194:8
search 24:4,9
seat 7:9 41:4 73:5
 158:22 159:1 164:7
 197:5 216:14 237:10
seating 43:9
second 104:21 106:3
 192:9 198:10 273:3,4
 274:22 275:1
seconded 273:6,8
 275:3,5
secretary 101:12
section 52:4 137:3
 272:15,20 273:1
 274:11,11
security 4:6 12:11 13:1
 13:11 39:9 81:1,5
 101:17,21 102:4,5,8
 139:10 145:11 193:9
 193:12 194:5 265:17
 265:18
see 8:19 12:21 14:20
 15:8 22:6 25:6,21
 28:1 37:15 38:2 43:1
 53:18 54:9 60:15,16
 62:19,22 66:17 69:10
 96:18,20 106:7,8
 113:14,20 115:3,3,6
 115:10,12,14 116:7
 116:11 128:3 136:19
 142:11 153:16,18,20
 154:1,2 157:19 160:3
 160:4 161:2 162:14
 162:15,18,21 163:3,4
 163:5 172:14 176:3,7
 177:7 181:14 182:14
 186:16 193:18 200:13
 207:2,20 218:6 223:6
 223:10,14,15 224:4,6
 224:7 225:2 226:10
 230:21 232:9 240:9
 243:6 255:19 257:10
 261:21 262:1 268:19
 270:7,7,8,9,10,17,18
seeing 22:20,21 25:22

37:11 86:2 91:17
226:11 269:6
seek 228:7
seeking 11:10 15:11
38:13 272:18 274:18
seen 11:4,5 13:8 29:15
53:21 55:15 85:22
147:19 155:18 192:19
242:22 243:21 245:7
248:5,9 250:1 260:7,8
260:12,15,17 262:4
sees 157:3
sell 45:9 46:6 48:5 75:8
75:10,10,10 83:8,9
84:4,6 157:12 183:12
221:20
selling 83:13,14 132:13
170:4 176:18 183:8
220:4 268:6,12
send 21:8,9,9 23:8
27:14 28:11,22 29:3
29:15,18
sends 28:21 30:10
seniors 179:18,19
sense 10:18 12:3 68:7
182:12 218:8 247:5
269:18
sent 19:8 21:11,15,18
22:13 23:15,22 24:19
24:20,20 25:3 26:4,4
26:5,11,21 27:4,5,6
29:1,7,11,12 30:13,18
31:16
separate 21:8,11
251:17,19
sergeant 230:9 255:17
series 211:18
serious 36:21 254:13
seriously 231:9
serve 76:20 77:6,8
254:21
served 183:18 199:22
204:14
service 3:22 49:15 52:6
52:14 62:2,15,18 77:1
211:21 212:19,22
213:3,6 214:17
225:18 268:22 269:12
271:7
servings 221:20
session 16:5 250:21
set 43:5 49:4 198:14
settlement 4:6 10:13,15
11:1,3,4,10 13:22
14:12 15:5 49:20
79:17,19 81:14,18,22
99:11 107:8,16
108:17 111:1,3

138:11,14 139:3,22
140:1 172:21 174:4
185:10 186:8 192:10
193:20 214:3 225:3,4
247:3 265:16
seven 18:7 28:22 29:11
share 81:7,9 210:22
252:18
shared 141:11
sheet 7:10 8:10
shelter 69:6
shift 58:4 258:6,8
shoot 141:19
shooting 77:16 78:2
105:11,14 148:8
173:10
shootings 64:8 172:4,5
173:6,17,18,21
shop 62:11 127:1
143:16 157:22 161:14
162:17
short 1:19 16:1 55:19
55:20 56:1,4,16 57:1
57:9,13 58:2,7,11,15
58:18 59:6,16,20
60:19 61:10,13,17,20
91:7,8,19,21 92:5,11
92:14,20 93:1,4,8,16
93:19 94:1,7,11,20
95:3,7,12,17,19 96:5
125:17,18 126:3,9,14
126:22 127:4,8,11,15
127:18,21 128:3,6,9
128:12,16 129:2,5,9
129:11,15,18,20
130:6,14,20 131:2,6,9
131:16,19,22 132:3,6
132:15,21 133:6,9,12
133:14,18 134:2,5,14
134:18,21 135:8,10
135:13,17,20 136:5
136:12,17 137:1,8,13
137:17,21 138:2,6
176:12 200:11,12,15
200:22 201:3,9,13,17
201:22 202:4,6,10,14
202:16 203:4,9,13,16
203:20 204:3,6,18,22
205:8,20 206:1,5,9,13
206:16,20 207:7,9,12
207:15,19 208:5,8,14
213:12 225:22 226:1
226:3 228:2,10 229:6
229:11,18 231:10,18
231:22 232:6,15
233:2,7 240:4 251:3
253:1 254:18,19
255:3,8,11 256:10,13

258:18,20,21 259:5
259:19 273:4,5,14,15
275:11,12
short-term 227:7,8
shortly 211:7
shot 4:4,5 103:15 104:9
104:18 173:12
shots 104:2 194:8
show 21:6,15 34:16
35:12,14 83:2 97:8
120:11 122:15 123:20
139:13 144:17 146:16
181:14 233:17 235:18
239:18 242:6 243:20
showed 59:22
showing 105:2 135:5
144:20 235:13 265:10
265:10
shown 145:6
shows 6:10 86:16 104:5
144:22 145:1 241:1
sick 63:17 227:20
side 3:20 51:21,22
68:10,18 69:16 72:5
104:5 122:8 123:16
128:7,8 150:21 176:2
190:14,19 218:21
224:4 259:6 268:14
sides 202:4
sidewalk 43:13 57:2,7
169:6,15,20 218:7
223:18,19
Sidon 2:14 8:4 25:1
sign 15:10 63:1 77:2
79:14,15 99:11
101:21
sign- 8:12 10:22 11:2
sign-in 7:9,10,13 8:10
signage 171:17
signature 84:8
signatures 84:9 85:12
86:22 267:6
signed 4:4 79:17 107:7
107:17 108:1,19
193:14
signed-off 10:12 15:3,4
signs 101:17,19 102:2
Silverstein 1:18 17:17
61:22 62:1 63:11 64:2
64:17 65:2 73:7,15,20
154:3,6,9,12 208:12
208:13,21 209:4,7,10
209:14 210:3,19
211:10,22 217:10
234:18 237:18 252:22
256:15,16 257:3,10
257:13,16,18 258:1,4
258:14 259:4 273:12

273:13 275:1,2,9,10
similar 37:4,8,9,9,10,12
213:8 243:10 250:5
simply 37:19 199:9
258:9
sincerity 228:19
single 39:17 44:1,8
45:22 46:4 63:19 83:8
83:10,13 84:4 86:18
125:5 195:17 221:20
singles 44:2 157:12
sir 5:17 6:16,18,22 7:5
8:10,11 9:10 41:11,20
42:9 50:6 58:14,17
59:19 61:12,16 64:1
66:3 72:17 74:2 80:15
92:19 93:18 100:7,12
151:8,17,20 154:3
158:6,14,21 163:13
201:2,12 204:21
217:10 219:18 226:1
255:7 256:8 257:22
258:13,17
sit 14:3 130:11,19
155:10,15 156:1
157:8,10,11 160:9,10
160:11 161:11,15,17
169:13 196:8 205:18
206:10 230:1,5,8,16
sits 43:21 46:13 49:4
63:7 67:16 155:21
sitting 54:13,19 55:12
59:7 131:3 141:5
146:8 157:20,22
161:21 177:13 196:5
202:1 207:6 218:18
221:15 225:8 226:12
231:19 248:12 257:11
257:19 259:5
situated 112:22
situation 45:14 96:2
125:20 195:21 218:19
226:20 232:3 239:8
situations 40:1
six 21:1
Sky 146:10
sleep 102:19
slow 60:22 61:8
small 47:14 52:4 57:5
62:6 83:8 142:22
smoke 134:1 156:5
157:12 161:15 259:9
259:10
smoking 133:22
smoothly 61:14
Sneed 169:8
sniping 231:16
sodas 153:15

- sold** 44:10
solely 269:7
solemnly 6:19
solution 39:21 110:1
solutions 250:10 268:9
 268:10
solve 253:14
somebody 76:5 115:18
 142:3 161:2 255:18
 256:1,3
somebody's 232:11
someone's 76:19
sophisticated 173:4
sorry 5:14 7:14 17:8,20
 18:8 22:7,7,18 24:17
 28:6 51:6 52:1 78:17
 80:13,16 85:5 96:9,11
 96:11 97:7 120:7
 121:13 145:14 147:9
 151:4 216:2,22
 234:12 236:20 237:17
 237:20 238:8 240:7
 249:2 250:2 251:5
 252:3 253:1 257:3,17
 271:16 272:8
sort 12:9 39:11 40:10
 68:6 71:3 86:8 187:18
 224:12 245:14,16
 268:15
sounds 125:19 134:2
 135:10,13
Sousa 165:3
south 67:12,12
space 47:12,22 57:2,7
 141:3 268:16
sparse 59:13
speak 17:18 26:17
 29:16 46:20 60:5 66:4
 73:9 80:20 90:5
 114:15 124:11 151:17
 154:4 205:1 239:9
 245:17 251:4 260:22
speaker 88:18 89:22
 90:4 114:1,5 124:2,6
 124:12,15 125:2
speakerphone 88:10
 90:14,14
speakers 98:19,20 99:1
speaking 80:19 189:9
 238:7
special 165:1 224:12
specific 36:12 38:9
 77:17 140:12 234:3
 238:22 269:4
specifically 19:3 20:8
 30:17 35:7 42:21 68:8
 109:12 165:17 168:3
 168:22 183:11 233:4
 243:9
speculate 219:20
Speculation 219:14
spell 45:2
spend 71:3 72:6
spirits 44:9
spoke 28:13 47:5 49:1
 65:17 66:14 218:16
spoken 248:15,16
spot 270:12
staff 13:7,10,16,17 88:7
 137:2 180:9 256:2
stand 41:1 73:2 101:1
 151:13 153:2 158:19
 164:4 196:2 216:11
 237:2,7 260:9
standard 30:22 203:17
standing 59:7 66:18
 67:1,4 115:18,22
 116:7 119:1 121:6
 124:8,9,14 197:19
 199:13,14 224:16
 241:13 242:3 244:10
stands 249:11
Star 254:21
start 22:16 51:7,9 143:7
 229:21 249:1
started 109:17 173:10
 197:8 253:8
starting 152:21,21
state 41:6 74:10 101:8
 152:1 159:4 164:12
 237:15 253:18
stated 27:6 31:21 45:3
 45:7 193:14
statement 3:4,4,5,5
 17:13 34:4 36:6 46:22
 203:11 207:9,13
statements 190:3
 195:10
states 32:6,12,13
 204:12,17 208:1
Status 109:18 251:11
 251:18 252:7,9
statute 168:22 169:3,18
 210:1
stay 76:3 88:9 89:3,5
staying 216:19 234:19
 256:6
step 15:12 70:9 100:7
 100:10 150:4 158:7
 163:14 214:12 234:16
 259:13 262:13
steps 39:8,10 109:19
 210:9 222:1 227:14
 254:13
stop 62:8,9,9 69:10
 172:8 240:13,13
 266:17
stopped 136:7 147:13
 240:15
stops 69:4 220:10
store 13:15 20:19,20
 32:14,15,18,19,22
 36:17 38:2 39:16,18
 40:10 46:16,16 49:2
 58:7,8 63:7 67:15,15
 67:16,17 69:19 75:2,9
 75:20 76:9 77:9 78:6
 78:16 79:2 80:9 84:6
 85:18 86:2 92:4,7,8
 93:15,15 94:8,9 102:3
 102:7 103:17,17
 104:19,20,22 105:1,2
 106:10,12 113:2
 114:7 115:21 118:22
 119:14,21 121:7,7
 122:7,8,14 123:2,3
 124:14,16 125:3
 127:14 128:18,21,21
 133:7,21 136:3,6
 141:3,6,15,15,22
 142:2,5,10 143:16
 145:8,21,21 146:11
 146:19,20 148:2,2,13
 153:17,19 155:11,12
 156:9 160:16,19
 171:7 179:17 180:8
 185:6 202:1 239:12
 239:21 240:21 241:2
 242:7 246:4,5,8 247:3
 250:11,20 260:9
 269:1,16 270:4,15
 271:5
storefront 3:18 118:15
 118:16 119:13 120:2
 131:21 132:1 141:21
 144:7 145:19
stores 37:1 93:9,12,20
 130:1 133:2 162:4
 227:22 271:6
story 176:12
strategically 12:1
streamline 10:17
streamlined 71:20
street 1:14 3:19 12:4
 50:18 54:3,3 55:3
 57:4,10,15 69:10,15
 69:16 80:12 118:7,9
 118:10 119:2 127:2,2
 127:6,6,13,15,16,19
 127:19 128:11,12
 132:16,17 140:16
 144:7 147:20 148:6
 152:18 161:14 162:17
 170:1 176:1,6,7,13,14
 220:17 223:10,12,14
 224:2 226:16 237:22
 241:13 246:18 259:12
streets 245:12 247:1
stressed 257:2
stretch 72:8
stretched 257:7
strictly 48:7
strike 3:2 17:15 18:4,5
 28:10
stringent 170:17 184:7
strip 48:21 56:21 59:14
 63:1,5
strong 165:4,15 180:12
stronger 179:3
struck 168:18
stuff 106:6 156:16
 160:11 161:1,12
 162:6
Su 74:19
submit 21:4 23:11
submitted 17:21 18:22
 19:22 20:3,5 30:3,9
 42:15 236:14 268:21
substantial 49:20
substantially 268:22
subway 62:8,9
success 13:9
successful 94:19
 167:10,22
suddenly 258:8
sued 187:6,6,6
sufficiently 267:4
suggest 114:12 220:12
 221:8 224:11 231:19
 255:13
suggested 168:21
suggestion 13:6 122:4
 253:15 255:14,22
Suite 1:14
summertime 12:17
Sunday 58:9 76:1
 153:22 154:1
super 59:2
support 36:15,20 82:7
 82:17,18 86:17,18
 95:10 109:14 179:15
 179:16 180:12 200:5
supporters 36:1
supporting 82:14
supposed 72:4 118:8
 138:15 150:21 166:15
 189:7
Supreme 168:18
sure 7:11,16 8:2 10:21
 11:17 18:22 21:16
 38:14,21 48:18 65:19
 67:4 68:4 70:20 73:12

73:16 75:6 82:22
 85:11 87:21 101:10
 103:8 108:7 112:17
 116:17 126:2 135:12
 136:11 137:14 141:9
 156:22 162:11 165:18
 166:14,21 170:21,22
 172:10,20 175:1,2,3
 175:17,20 176:6,15
 177:2,8,9,10,12 179:1
 179:8 180:17 183:2
 190:1 192:2,4 199:21
 207:19 210:8 212:14
 215:4 217:12 219:19
 220:9 225:17 229:10
 231:21,22 232:5
 235:8 240:18 241:11
 242:20 246:10 248:13
 251:1,5 267:18 270:5
 271:5
sure-- 207:8
surely 229:1
surprise 32:7,11 186:17
surprised 186:22
surprises 27:8 32:10
 33:3
surrounding 64:9
surveil 13:7
survey 261:16
sustain 190:10 191:5
 213:14
swath 179:15
swear 236:20,22
sweep 134:1
sworn 40:22 73:1
 100:22 151:12 158:18
 164:3 216:10 237:6
Sydelle 2:16 5:9 7:17
 18:13 36:8 82:5,6
Sylvia 1:6 4:5 5:5 8:8
 9:8 20:18 34:10,11
 35:6,14,16 42:4 49:15
 51:14 62:20,22 63:8
 74:13 107:17 109:9
 152:9 153:5,11 156:8
 159:12,15 165:9,21
 166:10,17 167:5
 170:12 171:3 178:13
 179:11,14 180:4,12
 181:12 191:13 192:4
 208:19 209:21 213:7
 222:18 224:22 225:10
 227:18 239:5,7
 246:11 260:5 264:4,9
 264:15,18 266:21,21
 267:14,21 268:5
 269:1 272:19,22
Sylvia's 46:14 173:1,12

180:9 230:3
Sylvias 52:22 53:1,5
 155:5 161:5,8,8
 167:13 168:2 172:11
 179:22 188:3,8
 189:22 217:21 218:21
 218:21 221:18 222:10
 222:21 223:7 227:21
 228:1,5,20 254:2
sympathetic 31:9,10
system 45:17 60:4
 88:19 89:22 90:5
 102:11 112:13,14
 114:2,5 116:21 117:2
 117:7,9,13,18 120:14
 120:18 124:15 125:2
 126:12 135:22 139:12
 139:13,21,21 140:21
 172:1,1,12 173:2,3
 192:20 194:17

T

T-A-B-L-E 3:1 4:1
table 83:5
tablet 102:14 106:1
 139:17
taco 62:6,11
tailgating 130:12
take 14:3,19 38:2 39:9
 48:22 72:4 102:7
 103:13 104:16 105:20
 114:7 128:21 143:10
 144:10,13 147:15
 148:21 165:22 170:7
 181:22 215:15 227:15
 231:8 240:4 245:10
 246:19 253:16 264:14
 269:21 270:11 273:6
 275:3
taken 50:18 181:10
 210:12,13,16 222:2
 227:12,14 247:14,16
 253:15 261:16 266:14
takes 48:15 223:18
 254:14
talk 79:1,8,13 80:8
 88:11,20 90:8,9 95:4
 106:13 137:2 190:12
 230:1 232:4 236:14
talked 23:3 194:20
talking 77:17 80:11
 126:12 132:15 139:15
 149:6 189:22 206:21
 239:14
tax 175:6
team 85:14
tear 152:21
tech-savvy 254:9

technician 114:21
 122:5,6,19 123:21
tell 7:5 20:14 27:13
 30:13 31:15 39:15
 42:10 50:6 51:4 75:1
 75:8 77:10 78:4 83:3
 101:14,19 102:5
 103:14 104:16 105:8
 108:11 115:16 117:9
 124:7,22 131:4
 143:11 147:11 152:8
 152:8 164:16 165:12
 167:11 168:1,2
 178:11 181:5 183:16
 202:22 203:2 205:10
 234:11 243:15
telling 182:2
tend 43:14 48:21
term 197:6
terms 11:15 12:11
 147:19 148:3 149:15
 172:21 174:4,7 175:8
 185:9 198:15 214:1
 228:6
Terrace 152:14 198:17
 198:21,22 204:8,9,10
 204:11,19 255:4
tested 187:10
testified 41:1 73:3 86:5
 101:2 151:14 158:20
 164:5 216:11 221:9
 230:4 237:7 265:14
 265:19
testifies 235:16
testify 73:18 235:19
 263:7,11
testifying 138:3 188:14
 190:2
testimony 33:6,7 34:12
 34:14,15 36:1 56:1
 70:8 100:7 125:19
 158:7 163:14 167:8
 176:22 186:14 189:21
 190:6 202:19 203:9
 203:22 205:5 206:5
 207:15,21 214:12
 222:13 226:4 228:14
 234:14 254:21 256:6
 262:12 263:6,7 264:6
 265:6,12 267:7
text 112:5
thank 7:9 8:17 15:19,20
 22:2 23:7,10,19 36:5
 40:15 41:4 61:17,18
 61:19,20 65:2 66:11
 70:3,7 72:11 77:10
 82:2 84:10 91:4 96:5
 96:6 100:7,12 101:4

105:18 108:11 110:13
 116:16 125:18 138:3
 138:5 140:6 141:8
 149:12 150:4,5
 151:20 152:7 154:6
 158:3,4,6 163:13,15
 164:9,17 165:7,8
 172:2 173:6,19
 180:13 193:16 200:20
 200:22 201:3,6,7
 208:8,9,10 211:10,13
 214:10,11,15,16,17
 214:19,20,21 216:19
 222:12 225:19 226:4
 232:13,14 234:13,15
 234:18 252:17 253:19
 254:20 255:5,12
 256:5,8,10,17 258:15
 258:17 259:17,19
 262:5,12 267:16
 271:10 272:5 274:2,2
 274:6 276:3,4,5
thanks 199:16
that-- 117:1
theft 63:16
thereof 248:16
THFT 63:16
thick 225:17
thin 257:7
thing 39:7 72:4 78:22
 80:14,18 137:11
 152:19 228:10 253:11
 258:3,21 267:19
things 10:1 38:16 39:3
 39:12 43:5 53:6 63:13
 63:17 64:8 84:7 86:20
 86:21 92:1 101:18
 122:16 136:10,15,19
 142:19 218:4 239:11
 246:6 257:11 259:12
 268:19
think 6:5 8:17 10:1,3
 11:17 12:3 14:12,19
 26:20 32:7 36:13 39:6
 68:6 73:11,17,21
 108:5,6 112:18
 119:12 120:18,19
 125:22 126:18,20
 129:20 130:5 132:5
 134:14 136:9,12
 137:1 142:3,6 144:2
 161:8,9 162:6 165:21
 168:20 170:6,16,19
 171:14 173:13 181:19
 182:6 183:11 184:10
 184:14 186:8 187:13
 190:4 191:16 194:6
 197:8 199:17,20,21

207:16 208:17 209:19
 210:9,21 213:3 218:9
 218:12 219:5,21
 220:20 221:9 228:9
 229:18,20 230:2
 232:2 233:10 240:6
 242:18 247:5,7,7
 252:19 253:2,3 254:6
 254:9 258:11,22
 259:10 266:8 267:4
 267:18
thinking 57:4 126:7
third 105:1 204:11
thorough 42:7
Thorpe 187:8,16
thought 29:12 71:19
 253:11
thoughts 28:7
three 28:14 41:18 43:19
 48:5 76:17 93:5,5,14
 137:14 148:11 150:12
 159:11 169:4,5 229:8
 230:15 239:16
three-hour 13:15
threw 171:20
throw 142:17
Thursday 42:15
tickets 179:21
time 34:1 43:18 44:7,16
 44:21 45:7,13,16
 48:11 49:8,16 55:14
 56:7,9 58:2,16 61:2,6
 64:11 65:22 66:13
 69:13 70:22 71:18
 72:3,6 76:14 81:8
 86:8 88:14 90:20
 102:1,22 106:3,3
 108:5,6 109:11,20
 112:4 114:14 116:6
 116:15 150:15 151:1
 153:18 154:2 155:3
 160:15 183:19 190:19
 192:17 204:7 207:2
 214:7 217:3 221:13
 222:7 224:14 227:7
 227:11 235:6 238:18
 241:14 243:2 244:10
 246:5 248:8 269:12
timed 150:22
timely 275:22
times 13:1 28:14 43:4
 49:3 61:8 65:13,13,15
 66:16 68:16 79:22
 88:12 113:14 116:6,7
 116:9,10,12,12,13
 136:20 137:14 148:11
 153:12 159:17 169:4
 169:5 181:9 219:4,22

229:9 245:10 265:7,7
timing 150:14
title 7:13 169:16
to-- 190:7
today 10:11,16 15:5
 19:7 23:2,4 28:14
 29:9 30:13,15 31:7,10
 31:21,22 34:8,12 42:4
 95:4 148:12 152:8
 175:22 180:7,21
 182:12 190:6 193:14
 193:15 201:5 203:11
 207:16 214:18 218:4
 221:22 227:9 228:1
 230:4 255:5 256:7
 259:1 264:7,11,12
 265:13 266:18 267:5
 274:3 276:4
toddler 40:6
toddlers 169:11 196:4
told 30:17 31:6,18
 33:18 73:12,17,22
 123:3 144:19 153:9
tomorrow 230:22
tonight 138:4 199:19
 207:22 226:17 230:13
top 143:21
topic 211:19 249:6
total 172:4
touch 26:16 28:8
town 62:12 205:12
traffic 37:8 171:21
 177:22 240:22
traffickers 178:3
trained 13:16 39:22
transcribed 202:20
transcriber 73:9
transcript 230:13,14
 232:10 255:22 271:20
 271:21
transitioned 217:17,18
translate 9:16
translating 9:10
translator 6:16,17
 72:17
trash 43:15 56:12 106:5
 131:17,20 132:16,17
 142:11,22 174:17
 230:18
traverse 245:12
tremendous 181:1
trend 63:20
trickling 60:22 61:1
tried 71:5 253:15
Trinidad 166:6
trouble 134:13
troubled 132:22
truck 153:20 157:8,11

158:1
true 168:19 263:8
truly 219:6
try 9:15 109:21,22
 150:14 161:19 189:12
 209:7,15 223:16
 234:1 246:16 253:7
 253:14
trying 10:7,16,20 15:8
 24:7 32:5 68:6 96:12
 122:19 124:7 125:20
 133:10 135:15 146:16
 152:22 174:5 193:10
 193:13,19 203:6
 205:15 234:9 245:13
 272:10
tucked 177:9
Tuesday 56:9
turn 127:5
turned 62:7 127:11
turns 187:16
tweaked 168:21
tweaking 169:17
tweaks 168:21
twice 85:15 86:3 89:2
 133:3 165:1
two 10:3,3 13:22 25:3,4
 25:5,9 28:13 44:22
 74:22 76:11,16 81:5
 93:13 102:8 110:7
 112:20 123:4,6 147:3
 147:4 187:10 189:8
 191:12 201:10 206:6
 218:15 227:21 229:7
 229:8,19 230:15
 265:14
type 11:11 15:14 60:4
 139:9 173:8 184:12
 210:1 220:10 242:21
types 40:1 153:13
 159:18
typical 166:18
typically 113:9 157:19
 162:15 163:5 180:11

U

U.S 165:3 195:14
Uh-huh 120:16
Um 111:8
Um-hum 57:12 95:6
 115:11 127:10 129:4
 131:1,18 134:20
 157:5 178:2 193:6
 216:20 218:3 239:18
 248:1 249:20
unable 45:13 84:3
 219:22
unacceptable 172:7

unauthorized 63:18
unclear 54:17
understand 8:18 19:10
 27:3 74:1 117:11
 129:2 134:6 179:18
 192:20 197:14 198:13
 265:21
understanding 44:6
 62:21 64:13
understands 254:9
understood 9:13 72:9
 97:22 176:16 192:5
 236:9 243:18 244:3,6
 245:3
underway 85:21
undoubtedly 225:16
unfortunately 71:2,10
 71:17 166:2 181:21
 183:20 244:14,16
uniform 214:6
United 32:21 204:12,17
unknown 246:22
unlawful 169:18 170:3
 210:2
unprecedented 170:19
unreasonable 46:8
unregulated 199:6
upgrade 126:11
upgraded 45:17 102:10
 117:17
urinating 230:18
 268:14
urination 270:8
use 63:18 88:18 89:22
 90:14 91:15 99:1
 124:15 125:3,6
usually 76:8 131:13
utilized 124:3
UUV 63:18

V

vacant 37:10 47:14,16
 47:21 48:2 53:17 63:6
 85:12 86:5 119:1
 122:11 123:16 129:22
 141:7
vacating 197:6
Valentine's 187:5
valid 39:18
variety 222:8
vehicle 63:19 176:15
 223:21
veracity 190:6
verifiable 228:11
Verizon 171:9
Vernon 3:8 40:16,20
 41:8
version 86:19

versus 95:22 153:17
vibrant 226:9
video 4:8,9 18:1 20:18
 20:19 32:13 117:20
 117:21 142:1,4
 235:13,14,18 236:12
 236:14 239:19 240:10
 240:14,15,20 241:10
 241:12,14,19 242:2,6
 243:20,22 244:19,21
 244:22
videos 32:17
view 3:20,21 51:21,22
 52:1 104:22 105:12
 118:9,11 135:5
 139:16 141:17 198:3
 270:13
viewed 17:22
viewpoint 104:1
views 102:12 103:16
vinyl 142:18,18
violation 49:18 50:2
violations 49:20,21
 61:11 265:8 274:17
violent 64:8,15
Virginia 93:20 184:6
virtually 247:21
visited 65:12 66:17
visits 56:2 58:3,5,12
 69:2,3
vodka 157:14 159:19
voice 73:14
voluntary 170:15,20
 191:19 192:1,3,18
vote 166:9 233:13
 273:7 275:4

W

W 1:15,17
Wahabzadah 1:20
 273:9,10 275:6,7
wait 6:10 97:10 115:19
 206:16 257:16
waiting 6:1 68:12 69:15
 71:3 115:22 160:16
 223:11,12 256:17
waive 271:13,15
wake 240:1
walk 51:15,17 56:22
 88:18 136:18 160:19
 161:1 223:1,2,3,15,19
 246:14
walked 23:4
walking 6:4 55:2 57:9
 57:15 59:15 105:3
 141:20 142:2,5
 223:15 247:1
walks 179:20 181:8

walls 226:12
want 6:1 8:13,21 9:1
 10:10,18 18:3,5 37:22
 38:12 51:7 52:13 53:9
 64:3 65:8 66:3 83:12
 83:13 84:11 86:20
 91:15 96:13 102:13
 106:16 107:6 108:8
 112:6 118:5,6,6 143:7
 154:9 166:14 170:11
 171:5,15 175:2,17
 176:8 177:2,8,9,10,12
 177:13 185:2,4,5
 190:12 191:3 194:4,9
 201:18 203:18 205:1
 206:2 207:5,8 208:14
 231:14 232:7 235:6
 238:11 239:18 243:20
 245:18 270:22 274:2
wanted 103:8 147:17
 162:14 170:21,21
 176:5,15 182:21
 192:2,4 203:21
 215:10 219:6 236:11
 246:13 271:17
wants 82:9 86:20
 181:14 196:16 197:3
 199:11 200:5 232:8,8
 232:9
Ward 46:2 176:7,8
wards 46:3
Washington 1:14 92:16
 93:21 204:13 246:9
 259:3
wasn't 59:1 60:3 121:20
 128:19,20 131:8
 182:3 189:20 244:12
 244:22 253:12
watch 102:19 116:6
 122:7 156:3,5,6
 161:11,15,18 176:11
 195:9
watches 156:1
watching 102:22
 104:22 106:2 115:21
 161:21
watered 175:2
waters 153:15
way 10:17 12:22 15:8
 26:21 59:15 67:1 71:6
 71:9,10 89:8 111:21
 155:4 160:22 163:6
 174:2 175:5 183:17
 206:8 208:16,16,16
 209:1,5 226:20
 244:15 245:17 246:14
 249:19 253:2 265:3
 270:1

ways 108:22 218:11
 270:9
we'll 255:13
We're 5:4
we-- 255:2
website 275:21
Wednesday 1:11 23:15
 25:1
wee 128:14,16
weed 156:5 157:12
week 26:16 27:2 28:8
 30:19 31:13 137:14
 148:11 249:17
weekend 173:18
weekends 246:7
weeks 35:10
welcome 183:22 193:2
 194:9 225:20 262:6
well- 170:22
went 44:15 55:8 81:12
 108:17 215:18 265:5
 265:7
weren't 30:6 214:1
wife 74:17,17
William 3:10 151:5,6,10
 152:4
willing 45:18 46:1 95:14
 134:11 135:6 167:11
 167:14 193:1 231:2
 255:19 266:3,5 267:9
willingness 167:17
window 182:2 224:4
windows 69:21
wine 75:10 156:6
 157:13 259:7
winners 180:1,2
wise 131:12
wish 17:12 34:3,3 36:5
 70:12 168:7 182:13
 183:6 271:12
wishes 200:8
withdraw 75:4 78:17
 262:5
witness 3:6 40:16,21,22
 41:2,8,12,17,21 42:6
 42:13 50:7 51:6,10,13
 52:17 53:11,20 54:6
 54:10,13 55:11,14,22
 56:3,6,19 57:3,12,18
 58:4,8,14,17,21 59:9
 59:19,22 61:1,12,16
 61:19 62:17 64:1,5
 65:1,8,21 66:12 67:14
 70:10,12,15,16 71:17
 71:18 72:14,22 73:2,6
 73:18 80:16,21 82:14
 82:21 87:18 92:3,6,19
 92:22 93:2,6,11,18,22

94:8,18 95:10,18 96:3
 100:9,14,21 101:1,5
 105:8 116:22 117:4
 117:10,16 118:2,9,12
 118:15,21 119:7,11
 119:17 120:10,13,17
 121:2,6,16 122:4,20
 122:22 123:6,10,13
 124:4,13,21 125:9,13
 126:2,7,11,19 127:3
 127:10,13,17,20
 128:2,5,7,10,15,20
 129:4,8,10,14,17,19
 130:4,7,16 131:1,4,8
 131:11,18,21 132:2,4
 132:8,18 133:5,8,11
 133:13,16,20 134:4
 134:11,17,20 135:3,9
 135:12,16,19 136:4
 136:11,16,22 137:7
 137:12,16,20 138:1,5
 138:12,17 139:5,7,11
 140:2,4 150:5,6,8
 151:2,3,4,4,11,13,20
 154:5,11,14,17,20
 158:8,10,17,19 159:1
 163:15,16,20 164:2,4
 164:8 182:6,8,11
 186:6 187:21 188:2,8
 188:16,18 189:1,9
 191:16 192:17 193:6
 193:16,22 194:3,8,14
 194:16 195:4 196:12
 196:15,20 197:2
 198:5,9,12 199:16
 200:20 201:2,6,12,16
 201:21 202:3,5,8,12
 202:15 203:2,8,12,15
 203:19 204:1,4,14,19
 205:6,10,21 206:3,8
 206:12,14,18 207:1,8
 207:10,14,18 208:4,6
 208:10,20 209:3,6,9
 209:11,19 210:7,20
 213:10 214:14,16,22
 215:2 216:2,3,9,10
 217:12 219:19 226:2
 227:4 228:4 229:10
 229:13 231:1,13,21
 232:5,14 234:20
 235:2,5,10 236:6,11
 236:13,13 237:5,6,21
 238:11 242:18 243:9
 244:8,21 249:2 251:5
 252:14 255:2,7,10
 256:8,11 257:1,5,12
 257:15,17,21 258:2
 258:11,17 262:6,14

262:20 263:2,6 265:8
witnessed 60:18
 243:16 248:1,2,7
 265:9
witnesses 150:11
 163:18 220:7 234:22
 262:16 267:5
woefully 221:12
woman 173:11
women 169:13
won 165:1 177:4 178:7
wonder 182:18
wondering 212:6
words 73:8
work 34:19 35:18,19
 41:15 94:3,4 95:20
 102:19,20,20 114:21
 133:21 137:5 155:4
 164:21 165:5,7 167:1
 167:9 191:18 201:4
 205:22 223:13 224:15
 230:9 233:22 266:6,7
 266:7 267:10
worked 39:13 41:15,17
 94:2,10 172:20 173:1
working 35:17,17,18
 41:20 76:13,16,17
 81:22 92:3,6 93:12,14
 135:14 153:17 170:10
 200:4 210:21 258:7
works 71:10 259:16
worried 106:5 247:20
worse 129:13,14,17,18
 129:21 130:2,3 131:9
 222:8 243:5
worsened 140:12
worth 95:13 102:12
 219:17 222:5 249:9
would-- 182:5
wouldn't 27:9 28:9 58:1
 134:9,16 136:17
 163:1 186:22
wow 181:17,18
wrap 38:17
wrap-up 98:5
write 10:19 11:13
 255:21
writing 195:10
writing/drafting 211:4
written 50:9
wrong 83:7 113:7 208:3

X

x 181:11
X1 223:9

Y

Y 7:17

yeah 106:6 110:9 112:6
 116:14 121:18 122:3
 123:13 125:13,14
 130:16 131:11 133:20
 135:3 140:4,14
 148:12 149:9 154:2
 156:17 161:1 182:6
 188:10 219:3 223:20
 224:4 234:1 244:2
 250:9 251:9
year 12:19,20 85:21
 102:11 121:16,17
 129:6,9 151:17 178:8
 241:21 249:8
year-round 12:14
years 41:18 74:22 92:4
 92:7,17 93:9 94:2,3,6
 102:8 123:4,6 147:3,4
 152:13 159:11 165:14
 165:18 172:18 226:7
 259:15
years-old 245:16
yellow 7:17
Yep 157:18
yesterday 89:3,5
 148:13
Yohannes 2:14 6:2,8,11
 6:14 8:4,4,6 9:1,19
 14:1,19 15:16,19 17:6
 17:9,14,17,20 18:5,18
 19:4,14,15,19 22:13
 23:1 24:3,13,16,17
 26:3,7,15,20 27:19
 28:5,7,13,16,19 29:21
 30:2,6 33:12,20,22
 34:6,8 65:7,9,11
 66:15 67:18 68:2
 70:13,16 72:13,14
 74:7,9 75:4,7 78:17
 78:18 81:13 82:15,20
 83:1 84:11,14,15,19
 85:5 86:10,15 87:17
 96:8,11,15 98:5,6,8
 100:5,15 101:7 103:2
 103:5,10,11,22
 104:14 105:15 106:16
 107:5,22 110:14
 143:3,4,6 145:13,15
 145:19,22 146:3,6,12
 146:15 147:1 150:1,9
 150:12,16,19 151:3
 151:22 154:21 156:19
 158:11 159:3 162:9
 163:18,19 164:9,11
 180:14 185:20 186:1
 187:20 188:13 190:8
 200:12,18,21 213:9
 213:16,18 215:3,9,13
 219:11,14 222:14,15
 222:17 232:20,21
 240:11 241:5,8,22
 242:14 251:15,20,22
 252:3 253:20,21
 254:1,16 259:22
 260:2 262:5,21
 263:20 264:1 267:17
 271:15 272:5,8 276:5
Yohannes' 22:21
York 136:2
you- 201:13
you-- 182:7
young 2:13 7:6 59:2
 131:14 230:16 254:8
 255:3
younger 245:20 255:6,9

Z

zero 271:3
Zhu 74:16
Zhu's 74:17
Zone 46:11

0

08 144:2

1

1 3:16 4:4,9 11:20 49:14
 51:1 83:3 84:17,18,21
 85:4 87:15 143:14,15
 143:19 240:10,15
1,000 84:7,9 86:22
1:15 56:11
10 3:21 20:16 48:10
 52:2 56:3,5,19 65:13
 65:13 92:4,7,17 93:9
 94:2,5 116:1,6,8,10
 116:13 124:15 172:4
 265:7,7
10:00 58:12,12 75:18
 224:16
100 36:17 84:4,6 187:9
 267:20 269:4,9 271:3
101 3:10
103 4:5
104 238:1
104606 1:7 5:6
105 4:6
106 4:5,6
107 4:6
10th 23:15 24:14 25:1
11 3:22 52:5,11
11:00 224:17
110 3:10
1113 237:22
116 3:10
12:00 15:7 56:14 58:10
 58:12 162:6
12:50 56:10
120 227:22
1200 3:17 46:12 50:12
 50:14 56:17
12th 44:16
140 3:10
143 3:10
14th 1:14
15 56:19 116:1 124:15
 215:15
151 3:10
157 3:10
159 3:11
16 102:12 194:6,8
 265:18
162 3:11
164 3:11
17 1:11 3:2 128:8 135:9
1700 37:6
172 152:14
1732 152:4
1746 159:8
17th 56:10 127:2,6,16
 127:19,22,22 128:2
18 63:15 128:4,5
18- 272:21
18-PRO-00042 1:8 5:5
 272:19
180 3:11
1800 69:16 238:22
1814 86:4
1818 1:6 34:11 46:15
 127:14
1830 46:16 127:14
 176:4
18th 176:5
19 63:16 128:4,7 274:21
1900 37:7 254:22
191 3:11
1946 204:9
1959 238:17
19th 127:2,3,6,13,15,19
 127:20 128:10,12
 140:15 144:7 152:14
 176:4 224:2 228:5
 246:15

2

2 3:17 4:4 85:3 103:6,12
 103:13,21 106:17
 107:3 143:15,17,19
2- 274:11
2-574(b) 274:11
20 49:14 172:18
20-year 164:18
200 83:15 84:5,6
2000 1:14 152:15

2009 1:14
2001 213:3
2010 272:16,21 273:2
 273:22
2012 187:2,4,19
2013 169:22
2015 217:8,14
2016 47:8 50:3 123:15
 128:18 129:1,10,12
 130:21 140:13 147:5
 147:10,12 217:4,6
 233:18 264:10
2017 49:14 50:2 52:6
 213:5 241:21
2017/18 3:22
2018 1:11 49:14 52:7
 85:20 178:8 213:4
 274:14,20,21
20s 58:22
21 77:5 102:2
211 3:11
213 3:11
216 3:13
21st 173:8 228:2,4
 237:22 246:14
222 3:13
225 3:13
233 3:13
237 3:13
24 102:13 139:16 261:2
 274:14,20
24-hour 205:16
240 4:9
24th 42:16
250 62:6 112:18
253 3:13
254 3:13
25th 108:10
260 3:13
264 3:5
267 3:5

3

3 3:17 4:5 103:6 104:16
 105:7 106:17 107:4
 143:14,16,17,21
3:00 177:6
3:41 23:15
3:45 24:14
30 3:3
30s 58:22
31 47:8
33 259:15
34 3:4
36 3:4
375 83:15

4

4 3:18 4:6 107:13,21
 148:22 149:3,4
4-hour 258:8
4,000 102:11 112:14
4,300 112:17
4,500 112:17
4:00 58:5
4:30 5:2
40 13:13 181:11
400 3:18 50:16
400S 1:14
405 272:15
405(b)(13) 273:1
405(b)(4) 272:20
41 3:8

5

5 3:18 46:2 51:1 143:8
 143:10 145:4,5,14,16
 145:21 172:5 200:15
 200:21
5:00 16:4
5:02 17:2
5:26 25:1
50 3:16,17,17,18,19
 116:14 181:11
500 114:19,20 166:7
 198:19
507 205:21
52 3:19,20,20,21,21,22
55 3:8
574 274:12
5D 1:7 195:8
5D05 176:10 178:19
 201:10
5th 10:14 100:1 165:2
 167:15 170:20 186:6
 203:1,18

6

6 3:19 51:13,15 52:11
 53:22 176:7,8 200:16
 200:21
6:00 91:10 162:5
65 3:8
68 245:16 255:7

7

7 3:20 46:15 49:2 51:17
 67:14,17 81:7 85:18
 86:2 141:2,18,20
 160:14 161:13 162:16
 163:7 167:6,12
 170:14 173:9 174:21
 174:21 180:8 239:3,4
 246:9 269:1
7:30 58:4,6
719 204:10

72 226:7
723 152:14
74 3:9
750 44:10 46:7

8

8 3:20 51:20 144:3
8-hour 258:6
8:00 190:13
8:15 215:18
8:16 215:15
8:26 215:19
87 3:9 4:4,4

9

9 3:21 51:22 52:1
9:00 58:10 75:17 190:16
 190:17
9:18 276:1,7
90 65:22 66:12 72:5
 150:21 190:19,20
 272:4 274:1,5
91 3:9
911 36:13,21 270:6
92 49:15 62:2 64:4
98 3:9

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Sylvia Liquors

Before: Alcoholic Beverage Control Board

Date: 10-17-18

Place: Washington, D.C.

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