

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Shin & Jang, Inc. :
t/a King's Deli & Grocery : Protest
3651 Georgia Ave., NW : Hearing
Retailer A - ANC-1BA :
License No. 87806 :
Case #11-PRO-00047 :
: :
(New Application) :
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February 8, 2012

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

Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member

HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member
JEANNETTE MOBLEY, Member

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

2 (3:48 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record. The next case that we are
5 hearing this afternoon is a Protest Hearing.
6 It's Case No. 11-PRO-00047, King's Deli &
7 Grocery at 3651 Georgia, Avenue, N.W., License
8 No. 87806 and that's in ANC-1A.

9 Would all of the parties
10 participating in this case come forward,
11 please, and have a seat at the table? You can
12 bring an extra seat if there aren't enough
13 seats.

14 Okay. And why don't we start over
15 here with the applicant. Could you identify
16 yourself for the record, please? Oh, wait, we
17 have an interpreter. Let's start here. Okay.
18 I'll start with you, sir. And, first, I need
19 to swear you in. Can you raise your right
20 hand?

21 MR. LEE: This is the interpreter
22 over here.

1 CHAIRPERSON MILLER: I'm sorry.

2 Oh, there you are. I'm sorry.

3 MEMBER ALBERTI: That's Mr. Lee,
4 the attorney.

5 CHAIRPERSON MILLER: Sorry, Mr.
6 Lee. Okay.

7 (Whereupon, Interpreter was
8 sworn.)

9 CHAIRPERSON MILLER: Okay. Thank
10 you. Now, could you identify yourself for the
11 record, please?

12 TRANSLATOR WHON: Yes, my name is
13 Jon Whon, W-H-O-N.

14 CHAIRPERSON MILLER: Okay. And
15 you are interpreting for whom?

16 TRANSLATOR WHON: For Mr. Shin.

17 CHAIRPERSON MILLER: Mr. Shin,
18 okay.

19 TRANSLATOR WHON: Soo Young.

20 CHAIRPERSON MILLER: The owner?

21 TRANSLATOR WHON: Yes.

22 CHAIRPERSON MILLER: Okay. And

1 you are Mr. Lee?

2 MR. LEE: My name is Kevin Lee,
3 Shin & Jang, Inc. t/a King's Deli & Grocery.
4 And this is the owner of the establishment and
5 the president of the establishment.

6 CHAIRPERSON MILLER: And could
7 everyone sign the white paper there, so we
8 will get your names right for the record?

9 MR. SHIN: My name is Soo Young
10 Shin. I'm the owner of the King's Deli &
11 Grocery.

12 CHAIRPERSON MILLER: Okay. Thank
13 you very much.

14 MR. SHIN: Yes.

15 CHAIRPERSON MILLER: Okay.
16 Turning to this table. Would you introduce
17 yourselves for the record, please?

18 MS. ROBINSON: Sylvia Robinson.

19 MR. JONES: My name is Darren
20 Jones.

21 MR. BOESE: And I am Kent Boese
22 from ANC-1A.

1 CHAIRPERSON MILLER: Okay. Okay.

2 So, Ms. Robinson and Mr. Jones, you are
3 representing the group of five or more
4 individuals?

5 MR. JONES: Yes.

6 MS. ROBINSON: Yes.

7 CHAIRPERSON MILLER: And is it
8 accurate that you are representing 17
9 individuals, including yourselves? Is that
10 right?

11 MS. ROBINSON: That sounds about
12 right.

13 CHAIRPERSON MILLER: Okay. Are
14 others here in the audience?

15 MR. JONES: Yes.

16 CHAIRPERSON MILLER: Okay. Good.
17 Is there any preliminary matters? Otherwise,
18 I'm going to call our witness, Mr. Parker.
19 Okay. What? First?

20 MEMBER ALBERTI: Yes.

21 CHAIRPERSON MILLER: Oh, sorry.
22 Okay. Mr. Parker, have a seat first for a

1 minute. I think we will start with opening
2 statements. Yes?

3 MR. LEE: I have -- actually, one
4 of our witnesses could not be here, Ms. Gail
5 Goldring, is not available today. So we have
6 one witness short, so we have five witnesses.

7 CHAIRPERSON MILLER: Five
8 witnesses?

9 MR. LEE: Yes. It's number three.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: Okay.

12 CHAIRPERSON MILLER: Okay. Okay.

13 I might say a couple of other preliminary
14 things.

15 First of all, you are having five
16 witnesses, correct?

17 MR. LEE: Yes, right.

18 CHAIRPERSON MILLER: And how many
19 witnesses are you having?

20 MR. BOESE: We listed five. One
21 of them will not be here today.

22 CHAIRPERSON MILLER: Yes.

1 MR. BOESE: And the other one, a
2 business owner, was unable to be here today,
3 but he sent his brother, who also --

4 CHAIRPERSON MILLER: Okay.

5 MR. BOESE: -- helps in the
6 business if that could be a substitution.

7 CHAIRPERSON MILLER: Okay. So
8 that's five and four.

9 MR. BOESE: Yes.

10 CHAIRPERSON MILLER: Okay. I just
11 want to say that we want to limit any
12 redundant testimony, so that witnesses should
13 feel free to say I agree with the testimony
14 that was just stated, at least on this issue,
15 and then move on, because that will be enough
16 for us. We don't need to hear the same thing
17 over.

18 MR. BOESE: Okay.

19 CHAIRPERSON MILLER: The other
20 thing is opening statements should be probably
21 not much longer than five minutes. We will be
22 timing this hearing. Each side gets an hour

1 and a half. I don't think that's going to be
2 a problem, but I just wanted to let you know.

3 MEMBER ALBERTI: Madam Chair?

4 CHAIRPERSON MILLER: Yes?

5 MEMBER ALBERTI: Just so everybody
6 is very clear, each side has an hour and a
7 half, that includes direct examination as well
8 as cross-examination. And that includes
9 cross-examination of the Board's witness when
10 we have our investigator.

11 I also -- may I ask Mr. Lee, Mr.
12 Lee, do you have any objections to the
13 substitution of the witness?

14 MR. LEE: That's okay.

15 MEMBER ALBERTI: It's okay?

16 MR. LEE: Who is the substitution?

17 MR. BOESE: The witness that could
18 not be here is Esubalew Wondimu, I believe.
19 And his brother is --

20 MR. LEE: So witness No. 3?

21 MR. BOESE: It would be No. 3.

22 MR. LEE: Okay.

1 MR. BOESE: And it's associated
2 with -- they are both associated with the
3 Family Food Market, so it's the same business.

4 MR. LEE: I know that business.

5 MR. BOESE: Okay.

6 MR. LEE: Yes. That's all.

7 CHAIRPERSON MILLER: Okay. Any
8 questions? All right. So we are going to
9 start with opening statements now beginning
10 with Mr. Lee.

11 MR. LEE: Okay. As for the
12 existing deli business in November 2005, and
13 they currently sell deli and grocery items.
14 And the establishment is located in very
15 densely-populated area. It is intersection of
16 Georgia Avenue, N.W.

17 And a large amount of commuter
18 traffic to and from Maryland. So people there
19 living near the establishment only have access
20 to our corridor, which is legally purchased in
21 D.C.

22 This granting of the application

1 will not create more problems in the
2 community, I believe. And the Board is aware
3 of the responsibility that we have liquor
4 license. And that he will hire manager who
5 know very well about the ABC Rules and
6 Regulations in the future.

7 So I'm familiarly integrated at
8 the closing in D.C. We don't have any --
9 there is no reported issue between one
10 license, ABC License, to the number of people.
11 So based on D.C. Title 25-3128 about defining
12 size of an area development to determination
13 of appropriate conditions and so the Board
14 shall decide on a case-by-case basis. And
15 they considering the overall characteristics
16 of the area, including population, density and
17 the general commercial and residential
18 activities, which is supported by D.C. Title.

19 So that's my opening.

20 CHAIRPERSON MILLER: Okay. Thank
21 you very much. Okay. Now, from the ANC?

22 MR. LEE: Oh, one more thing is I

1 wanted to distribute the exhibit.

2 CHAIRPERSON MILLER: The exhibit?

3 MR. LEE: Yes.

4 CHAIRPERSON MILLER: Do you want
5 to wait until you put on your case afterwards?

6 MR. LEE: Yes, I will.

7 CHAIRPERSON MILLER: Okay.

8 MR. BOESE: Okay.

9 CHAIRPERSON MILLER: Thank you,
10 sir.

11 MR. BOESE: Today, we are here to
12 determine if there is room for another Class
13 A Liquor License on Lower Georgia Avenue. To
14 us, the short answer is no. This is not
15 because the ANC or members of the community,
16 who are here to testify today, have anything
17 against the owners or operators of King's
18 Deli.

19 It is not because of any known
20 illegal activity directly created or supported
21 by the applicant.

22 The primary reason is because

1 liquor licenses and the social problems long
2 associated with them on Georgia Avenue impact
3 real estate values, criminal activity and
4 public safety.

5 In short, liquor stores and the
6 economy based on the sale and consumption of
7 alcohol impacts the lives of those who live in
8 the neighborhood and more than any other
9 commodity has the ability to undermine the
10 social fabric of otherwise stable communities.

11 One of the most controversial
12 things you can propose in the Parkview
13 community is to issue a new liquor license.
14 It does not matter if it is a Class A, B or C.

15 Georgia Avenue has long been
16 ignored by the District. Now, as the
17 neighborhood is beginning to see significant
18 signs of positive change and social engagement
19 in the community -- engagement, the community
20 is saying that they have had enough to low end
21 liquor stores and the ills that come with
22 them.

1 We are currently served by three
2 liquor stores within easy walking distance to
3 the applicant. We are additionally served by
4 no fewer than 12 establishments that sell beer
5 and wine. Add to this the growing number of
6 bars, taverns and restaurants and it becomes
7 clear that it is not difficult to buy alcohol
8 if one chooses to do so.

9 The ANC carefully examines each
10 new application to determine its value to the
11 community. Based on presentations by the
12 applicant at community meetings and during the
13 ABRA mediation, we have resolved that the
14 issuance of this license will not support the
15 community's self-determination to have
16 improved and diverse goods and services
17 located along Georgia Avenue.

18 I am confident that, after today's
19 hearing, you will better understand our
20 community and the kind of environment we want
21 to live in. I am also confident that, after
22 today, you will understand that our opposition

1 to this application is as much out of concern
2 for the community as it is for the business
3 owner who is proposing a business model we
4 find to be both undesirable and unsustainable.

5 CHAIRPERSON MILLER: Thank you.
6 Okay. And which one of you is going to be
7 doing the opening statement? Do you want to
8 do an opening statement, Ms. Robinson or Mr.
9 Jones?

10 MR. JONES: Just one?

11 CHAIRPERSON MILLER: Just one?

12 No, that's what I'm asking, which one?

13 MR. JONES: You go.

14 CHAIRPERSON MILLER: Oh, you are
15 combining your case with the ANC? I'm sorry.

16 MR. JONES: We have to.

17 CHAIRPERSON MILLER: Do you
18 understand that?

19 MS. ROBINSON: Yes, you all --

20 CHAIRPERSON MILLER: I was just
21 reminded that. I forgot that.

22 MS. ROBINSON: We are all

1 together, but I --

2 CHAIRPERSON MILLER: Okay.

3 MS. ROBINSON: -- can read a brief
4 opening statement, just to --

5 CHAIRPERSON MILLER: Well --

6 MEMBER ALBERTI: They are within
7 the five minutes.

8 CHAIRPERSON MILLER: Is it short?
9 Okay.

10 MS. ROBINSON: Yes.

11 CHAIRPERSON MILLER: I think the
12 rules kind of contemplated that we just have
13 one opening statement.

14 MS. ROBINSON: Yes, we are trying
15 to figure out exactly how we have structured
16 this.

17 CHAIRPERSON MILLER: Okay.

18 MS. ROBINSON: So this is my first
19 time.

20 CHAIRPERSON MILLER: For the most
21 part, there really should be just one person,
22 because when we get into the cross-examination

1 and things like that, really just one person
2 doing that.

3 MS. ROBINSON: Okay.

4 CHAIRPERSON MILLER: Okay.

5 MS. ROBINSON: The communities,
6 Parkview and Pleasant Plains, making up the
7 Lower Georgia Avenue Corridor formally protest
8 the application for a Class A Liquor License
9 at the King's Deli & Grocery at 3651 Georgia
10 Avenue.

11 The basis of our protest is
12 adverse impact on the peace, order and quiet,
13 over-concentration of liquor establishments,
14 adverse impacts on residential parking and
15 pedestrian safety, adverse impacts on property
16 values.

17 At this hearing, we want to
18 impress upon you that, one, we represent the
19 views of many in our community who have been
20 studying and surveying this corridor since
21 December 2009 as the Georgia Avenue Community
22 Development Task Force.

1 We have conducted a comprehensive
2 survey of almost 700 people outlining the
3 community's needs and desires. We have had
4 direct dialogue with the owners of King's Deli
5 at a meeting on October 26th where neighbors
6 of that establishment requested to express
7 their opinions.

8 We have made specific observations
9 regarding the negative effects of liquor
10 stores in the area and we have made specific
11 observations regarding issues with the
12 establishment.

13 CHAIRPERSON MILLER: Thank you.
14 Okay. So I think, at this time, then we will
15 call Mr. Parker.

16 Whereupon,

17 INVESTIGATOR VINCENT PARKER
18 was called as a witness by the ABRA Board and
19 having been first duly sworn, assumed the
20 witness stand and was examined and testified
21 as follows:

22 CHAIRPERSON MILLER: Okay. Thank

1 you. I'm ready for you to proceed, except I
2 did want to ask you, we have a report prepared
3 by you?

4 INVESTIGATOR PARKER: Yes.

5 CHAIRPERSON MILLER: Yes. I just
6 wanted to make sure that the parties have this
7 report.

8 MR. LEE: Yes, we have it.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. Do you have some testimony you would
11 like to proceed with?

12 INVESTIGATOR PARKER: Yes, ma'am.
13 On approximately January 12, 2012, I was
14 assigned to conduct a protest investigation
15 for the new application of Shin & Jang,
16 Incorporated t/a King's Deli & Grocery. The
17 establishment is located at 3651 Georgia
18 Avenue, N.W.

19 The new application is for a Class
20 A Retailer's License is protested by ANC-1A,
21 represented by Kent Boese, as well as a group
22 of five or more, citizens of the area.

1 As part of my investigation I
2 conducted, I completed a protest investigation
3 report, it's the one you mentioned earlier.
4 I would like to say, as I continue, that
5 paragraph 2, line 5 of that protest report
6 lists the subject as a renewal application,
7 when in fact it's a new application, as I
8 previously stated.

9 CHAIRPERSON MILLER: Yes.

10 INVESTIGATOR PARKER: Also, during
11 my protest investigation, I contacted Kent
12 Boese of ANC-1A. Mr. Boese stated that King's
13 Deli & Grocery obtained a new Class A ABC
14 License in the area, but had a negative impact
15 on crime and property values.

16 Mr. Boese stated that other liquor
17 stores known to ABRA's Retailer Class A
18 Licenses are near King's Deli & Grocery. Mr.
19 Boese acknowledged that these liquor stores
20 are more than 400 feet away from King's Deli
21 & Grocery, but would still have an impact on
22 the establishment or on the neighborhood near

1 the establishment.

2 Mr. Boese went on to state that
3 the establishment is across the street from a
4 church and around the corner from Tiny Tots
5 Daycare Center.

6 Mr. Boese also stated that the
7 owners are intimidated by some of the loiters,
8 who are citizens or residents of the area.
9 Mr. Boese stated that the loiter was known as,
10 I guess, proceeding to intimidate the
11 establishment and the owner.

12 I also interviewed Carolyn
13 Matthews on behalf of the group of five or
14 more citizens. Ms. Matthews echoed all of Mr.
15 Boese's points. She also stated that
16 loitering is currently bad in the area and her
17 fear is that loitering will get worse if this
18 establishment obtains an ABC license.

19 She compared with staff and others
20 and stated that she observes more loitering at
21 establishment which have an ABC license. Ms.
22 Matthews went on to state that some of the

1 loiters have been seen trespassing on her
2 neighbor's property, which is near the
3 establishment, that runs near the public in
4 the neighborhood yards.

5 Ms. Matthews also stated that the
6 owners are intimidated by the loiters. Ms.
7 Matthews referenced one incident where she was
8 aware that the owner of the establishment
9 asked the loiters to move and the loiters
10 broke the glass at the establishment.

11 Ms. Matthews also presented
12 evidence or stated to me that she had evidence
13 that the licensee or the applicant had been
14 paying residents for signatures on a petition
15 to support.

16 On behalf of the establishment, I
17 met with Kevin Lee, who is the attorney of
18 record for the establishment. Mr. Lee stated
19 that the establishment is in compliance with
20 all regulations regarding proximity of ABC
21 establishments in the District of Columbia, as
22 well as ABC establishments and schools.

1 Mr. Lee also stated that he
2 contacted the Metropolitan Police Department
3 for history. He stated that they didn't have
4 any objection to King's Deli & Grocery
5 obtaining an ABC license.

6 I researched through the D.C.
7 Zoning Commission and I found out that King's
8 Deli & Grocery is located near the R-4/C-3-A
9 Overlap Zone. The Overlap Zone, I guess,
10 includes the Georgia Avenue Overlay District.
11 I included a description of the Zoning
12 Regulations which are relevant, and again on
13 page 3 of my investigative report, and that
14 information is taken directly from the D.C.
15 Zoning Office.

16 We also conducted a Geographical
17 Information System search and determined that
18 nine ABC establishments are within 1,200 feet
19 of King's Deli & Grocery. Those -- that
20 includes two Retailer A, which will be liquor
21 stores, and four Retailer B, which will be
22 beer and wine stores.

1 There was three off-premise retail
2 restaurants, two restaurants and one
3 nightclub.

4 I also determined that Tiny Tots
5 Daycare is located within 400 feet of King's
6 Deli & Grocery.

7 As far as the establishment itself
8 is concerned, the establishment is located on
9 the north corner of Quebec Place and Georgia
10 Avenue, N.W. King's Deli & Grocery is located
11 one block south at a very busy intersection of
12 Georgia and New Hampshire Avenue, N.W. Across
13 Quebec Place from King's Deli & Grocery is the
14 Fishermen of Men Church, and I photographed
15 that church as a conclusion of the report as
16 an exhibit.

17 King's Deli & Grocery is in an
18 attached brick two story building. There is
19 glass windows on the front of the building.
20 And the door to the building is actually
21 facing the corner of Quebec.

22 Above King's Deli & Grocery there

1 appears to be residences. There is a separate
2 entrance to get to that second floor and to
3 get to those residences.

4 There is an alley behind and
5 King's Deli & Grocery houses their dumpsters
6 for the establishment. I was unable to see if
7 the place reported the alley went all the way
8 through to another street or if it was a
9 deadend.

10 I went inside King's Deli &
11 Grocery. Once you walk into King's Deli &
12 Grocery, there is a small -- there is an open
13 area. To the immediate right, upon entering
14 the establishment, their beverage coolers.
15 Directly to the rear, upon entering, there is
16 a deli counter. Beside the deli counter there
17 is a cashier.

18 The deli counter and cashier are
19 both behind protective glass. In the middle
20 of the store there are grocery aisles and
21 grocery products on the aisles.

22 To the rear of the establishment,

1 there is an ATM Easy Lottery Terminal and
2 there is also a small kitchen, prep areas in
3 the rear.

4 King's Deli & Grocery has applied
5 to have hours of operation from 7:00 a.m. to
6 10:00 p.m. and within that, they will have
7 hours of alcoholic beverage sales from 9:00
8 a.m. to 10:00 p.m.

9 As part of this investigation,
10 myself and other ABRA investigators also
11 monitored the establishment. We visited the
12 establishment on eight occasions. When we
13 monitored the establishment, we basically
14 drove to the establishment and observed from
15 the outside.

16 On three of those eight occasions,
17 loitering was observed. I observed all three
18 times. Loitering, as was observed by me, as
19 soon as I pulled up or parked or drove near
20 the establishment and slowed down, the loiters
21 would disperse the area.

22 The loiters appeared to be young

1 to middle aged males. I never saw any females
2 or any -- what I would determine to be a minor
3 loitering at the establishment. And that was
4 just from looking at it.

5 The loiters did not appear to be
6 vagrant and that determination was based on
7 just their dress, primarily, because they
8 would walk away as soon as I pulled up.

9 As far as the effects of peace,
10 order and quiet, specifically, public safety,
11 none of the loiters or customers of the
12 establishment were observed being violent or
13 aggressive in any way. No criminal activity
14 was ever observed at the establishment. No
15 drug use, no urinating in public, no consuming
16 of alcohol was observed during these eight
17 monitored visits.

18 I also did not observe the owner
19 of King's Deli & Grocery ever outside the
20 establishment or in the neighborhood. King's
21 Deli & Grocery has a sign, two signs posted,
22 one says no loitering and the other one says

1 no panhandling. Those are inside and outside
2 the establishment.

3 King's Deli & Grocery also has
4 four surveillance cameras. From my
5 investigation, I determined that all four
6 focused on the interior of the establishment.

7 On the issue of over-saturation,
8 as I previously stated, there are nine ABC
9 establishments within 1,200 feet of King's
10 Deli & Grocery. The closest ABC establishment
11 -- well, the closest Retailer Class A ABC
12 establishment is Lion's Liquors and that's
13 located at 3614 Georgia Avenue. That
14 establishment is currently closed for what
15 appears to be renovations, based on the
16 building permits they have on the window or
17 they had on the window at the time of my
18 visit.

19 There is also the closest open
20 Class A Retailer is Giant Liquors, which is
21 further down Georgia Avenue. And it still
22 falls within the 1,200 foot radius of King's

1 Deli & Grocery.

2 The closest Class B Retailer,
3 which is beer and wine, is Family Food and
4 Delicatessen and that is located on New
5 Hampshire Avenue, but it is still,
6 approximately, one block from King's Deli &
7 Grocery.

8 The area near King's Deli &
9 Grocery and Georgia Avenue, New Hampshire
10 Avenue Corridor is very densely populated.
11 There is a lot of commuter traffic which
12 appears to be going north on Georgia Avenue
13 towards Maryland, and that would be in the
14 afternoon or evening.

15 There are many residences on
16 Georgia Avenue near the establishment, as well
17 as on all of the intersecting streets, which
18 cross Georgia Avenue to include Quebec Place.
19 Quebec Place stops at Georgia Avenue, from
20 what I can tell, it doesn't go straight
21 through.

22 To go back behind King's Deli &

1 Grocery there are residences, rowhouse
2 residences on both sides of the street going
3 down for numerous blocks.

4 Like I stated before, the area
5 near King's Deli & Grocery is densely
6 populated. There are a lot of commercial
7 establishments as well as residential
8 properties within the immediate vicinity of
9 King's Deli & Grocery.

10 King's Deli & Grocery is actually
11 directly next door to Dollar Plus as well as
12 a hardware store, and a photograph of those
13 establishments is included, and across the
14 street from a CVS Pharmacy.

15 Most of the patrons I observed
16 going into King's Deli & Grocery were on foot
17 or on bicycles. I didn't observe many patrons
18 to drive to the establishment and walk in.
19 Most times they walked or appeared to be
20 coming from a bus or a train and the Metro is
21 also at the corner of Georgia and New
22 Hampshire. And that's the Georgia Avenue/

1 Petworth Metro Station.

2 I contacted the Metropolitan
3 Police Department as part of this
4 investigation. And the Crime Analysis Unit
5 provided information that there have been zero
6 calls for service and that would be from
7 January 18, 2011 until January 17, 2012, and
8 that was that ABRA requested it.

9 Okay. That concludes my
10 investigation.

11 CHAIRPERSON MILLER: Thank you.
12 Are there Board questions, at this time?
13 Okay. Why don't we ask, does the applicant
14 have any questions?

15 MR. LEE: Yes.

16 CROSS-EXAMINATION

17 BY MR. LEE:

18 Q Investigator Parker, the actual
19 opinion three on your report, it says that you
20 interview Ms. Matthews and she said that there
21 were two issues. One is the owner was scared
22 of patrons who loiter, to be intimidated by

1 that. And the second one is this addition
2 attached to side of the addition.

3 So did you speak to the owner to
4 verify her words to get explanation of what
5 happened?

6 A I did not interview the owner. I
7 relied on the interview I conducted with you
8 as a representative who I can speak to.

9 Q And then actually Ms. Matthews
10 provide you any type of evidence to support
11 the --

12 A I advised Ms. Matthews to -- that
13 that would be evidence that she could present
14 at the hearing.

15 Q So as an investigator, you didn't
16 substantiate anything, did you?

17 A I did substantiate my -- like I
18 said, that would be something that she could
19 produce and to support the evidence.

20 Q And then the other one is
21 loitering and you observed the three occasions
22 of loitering in front of the establishment.

1 How do you define the loiters? How long they
2 stay there? And that kind of stuff, because
3 it's kind of in a section between -- on front
4 of the Georgia Avenue and the section between
5 Quebec and Georgia. So a lot of people just
6 going back and forth.

7 A I understand.

8 Q Yes.

9 A When I drove -- at least on one
10 occasion, I drove by the establishment first
11 and observed the patrons standing there. I
12 went up around. I can't remember the street.
13 I basically made a circle and then I came back
14 to the establishment and the patrons were
15 still there.

16 When I parked, I parked on Quebec
17 Place --

18 Q Okay.

19 A -- once they observed where I was
20 parking, the patrons walked away.

21 Q Do you think that they related to
22 the establishment? Did they come out of the

1 establishment?

2 A I didn't see them exit the
3 establishment. I just saw them standing
4 there.

5 Q Okay. So overall, do you have any
6 suggestion to give to ABC establishment that
7 they --

8 A Say again, sir.

9 Q Do you have any suggestions to
10 give to ABC establishment, because based on
11 your observation for this establishment?

12 A I mean, if granted an ABC license,
13 I'm sure I could speak to the licensee, if
14 need be, and give a couple suggestions.

15 Q Okay.

16 A Just about things I have seen work
17 in other establishments as far as dealing with
18 loitering.

19 Q So but inside or outside, based on
20 your observation and -- they are ready to sell
21 alcohol, have the ABC?

22 A Well, like I said, I relied

1 basically on my interview with you regarding
2 this establishment.

3 Q Okay, yes.

4 A As far as this investigative
5 report goes. As far as the establishment
6 itself, it's definitely the space. I talked
7 to the owner briefly and he said that they
8 were going to remodel the interior. So like
9 I said, I relied primarily on your -- our
10 conversation.

11 Q And did you also notice any
12 illegal activities at night? You been there
13 after sunset, so the first six occasion, that
14 is you -- your arrival time is after 7:00. So
15 did you notice anything, illegal activities
16 inside or outside?

17 A I did not. I did not observe any
18 illegal activity.

19 Q Okay. And then is there ample
20 lights outside?

21 A There is lighting, yes.

22 Q Okay. All right. Thank you.

1 MR. LEE: No further questions.

2 CHAIRPERSON MILLER: Thank you.

3 Okay. Party of five, ANC?

4 MR. BOESE: Okay. I have a few
5 questions.

6 BY MR. BOESE:

7 Q You mentioned that you did notice
8 that there were no loitering signs posted on
9 the outside of the building, I believe. Did
10 you find that they were in -- posted in an
11 area where they were easy to notice and people
12 would be able to see them and know that that
13 was something that was expected of them by the
14 establishment?

15 A I have a photograph. I'm not sure
16 if this is directed related, but it will show
17 where exactly they are posted.

18 MEMBER ALBERTI: I believe Exhibit
19 20 and 21.

20 MR. BOESE: Yes, sir. Exhibit 20
21 appears to be the no loitering sign. And if
22 I'm not mistaken it's on the front door of the

1 establishment.

2 THE WITNESS: Yes. The second
3 Exhibit No. 21 is located inside the
4 establishment at the cashier.

5 BY MR. BOESE:

6 Q Okay. So the --

7 A There is no panhandling, right, as
8 21.

9 Q So the no loitering sign on the
10 door of the establishment, would you say it's
11 posted on the outside of the door or on the
12 inside of the door facing out?

13 A It's on the inside of the door
14 facing out, I believe, if I understand your
15 question.

16 Q Okay. And the reason I asked that
17 is because as you would have noticed visiting
18 the site, the windows have a very heavy dark
19 tint which diminishes the visibility of the
20 sign on the other side of the tinted windows.

21 CHAIRPERSON MILLER: Is that a
22 question?

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BY MR. BOESE:

Q I would just say, did you notice that the windows were tinted?

A As I said, I have Exhibit 20 and that's the glass. If you look at Exhibit 20 in the rear, I'm not sure which windows or doors we are talking about, but in the rear of the picture, that's the glass there. I know that there is a security gate over many of the windows. I think maybe all of the windows except for the front door and that has the glass in it.

Q Okay.

A But I'm unsure about the tint or whatever or something like that would be.

Q Did you -- when you were visiting the site, one of the things that was conveyed to us when we talked to the owner during community meetings was a desire to have a liquor license on the east side of Georgia Avenue, so that they could catch the commuter traffic leaving the city as to stop and

1 purchase alcohol and then leave.

2 In your observation, was there any
3 parking available around King's Deli and do
4 you think it could handle traffic that would
5 park, shop and leave?

6 A No, there is no designated parking
7 area for King's Deli & Grocery. There is
8 street parking available on Georgia Avenue.
9 There is also street parking, I guess,
10 available on Quebec Place. I'm not sure
11 whether street parking is available up on the
12 next block in Georgia/New Hampshire or I guess
13 that's Rock Creek Church Road, I'm not sure,
14 but there is street parking and the only
15 parking I saw to be available.

16 Q Okay. And then the last question
17 I have is did you ever visit the establishment
18 when they were closed?

19 A I believe on at least one occasion
20 they may have been closed. I'm not sure. The
21 establishment isn't currently operating late,
22 when I have -- while I was at the

1 establishment.

2 Q From your visit when they were
3 closed, did you observe a tagging on the front
4 of the building and on the security gate?

5 A I observed graffiti on the side of
6 the building, yes, sir.

7 Q Okay.

8 MR. BOESE: I know you probably
9 already have our Protest Information Form. I
10 do have color versions if you need color,
11 simply because I think that they do show both
12 the tagging on the front gate and the tinted
13 windows much better, even though the gate is
14 down.

15 CHAIRPERSON MILLER: Okay. How
16 many copies do you have?

17 MR. BOESE: I have one for each of
18 you.

19 CHAIRPERSON MILLER: Oh, okay. Do
20 you have one for the --

21 MR. BOESE: Sure.

22 CHAIRPERSON MILLER: Okay.

1 MR. BOESE: And the image in
2 question would be Exhibit E.

3 CHAIRPERSON MILLER: Are you using
4 a document to describe your questions?

5 MR. BOESE: If I'm allowed to.

6 BY MR. BOESE:

7 Q I would say do you think this is
8 an accurate representation of what the
9 building looks like when it is closed?

10 A Yes.

11 Q Okay.

12 CHAIRPERSON MILLER: And for the
13 record, why don't you identify where that
14 picture is in your exhibit?

15 MR. BOESE: Sure.

16 CHAIRPERSON MILLER: I'm sure you
17 would like to enter at some point as your
18 exhibits on this.

19 MR. BOESE: Correct. It's in E.

20 CHAIRPERSON MILLER: Which is
21 already in our file.

22 MR. BOESE: It's in your files.

1 CHAIRPERSON MILLER: Right.

2 MR. BOESE: It's in the Protest
3 Information Form. It's Exhibit E on page 5.

4 CHAIRPERSON MILLER: And what did
5 you ask Mr. Parker about this?

6 MR. BOESE: First of all, I would
7 like -- and I got recognition that this is, in
8 fact, an accurate picture of what the store
9 looked like and it still looks like and it has
10 looked like this for quite some time.

11 BY MR. BOESE:

12 Q And I guess my final question
13 about this is is tagging generally considered
14 something that enhances the safety and reduces
15 crime on a local convenience store?

16 A I'm not qualified to answer that
17 question.

18 Q Okay.

19 CHAIRPERSON MILLER: Tagging
20 meaning graffiti?

21 MR. BOESE: Yes, it's the
22 graffiti. For instance, 6400 is a gang tag.

1 CHAIRPERSON MILLER: Oh, okay.

2 Thank you. All right. That completes your
3 questioning?

4 MR. BOESE: Yes, it does.

5 CHAIRPERSON MILLER: Okay. Let's
6 go to some Board questioning. Mr.
7 Silverstein?

8 MEMBER SILVERSTEIN: Thank you,
9 Mr. Parker, for an excellent report.

10 Do you believe that this
11 application clearly would impact negatively on
12 the peace, order and quiet of the
13 neighborhood? And if so, to what extent?

14 INVESTIGATOR PARKER: Can you
15 repeat the question?

16 MEMBER SILVERSTEIN: Do you
17 believe that if this application were approved
18 to decide on behalf of the applicant, the
19 licensee, that this would impact negatively on
20 the peace, order and quiet of the
21 neighborhood? And if so, to what extent? A
22 little bit, a lot?

1 INVESTIGATOR PARKER: I think that
2 if this establishment were issued an ABC
3 license, there would be an issue that they
4 would need to address prior. I guess their
5 issue, I think, that they need to address
6 prior to getting the issuance of a license.

7 Not to say that they shouldn't be
8 granted a license. But we think that there
9 are steps to be made. One example, I guess,
10 I hinted at it towards Mr. Lee, is the
11 surveillance cameras at the establishment all
12 four of them are on the interior of the
13 establishment.

14 That doesn't do much to discourage
15 activity on the outside of the establishment.
16 People who would loiter notice cameras, so
17 they would see if there was a big camera at
18 the front of the establishment at the door,
19 that would be something that could be helpful.

20 There are other things at the
21 establishment. The owner mentioned that there
22 would be a remodel and those kind of things

1 will -- how this is to be the entryway and
2 other things about the establishment will be
3 addressed.

4 But I wouldn't say that this
5 licensee should not get a license and I
6 wouldn't say that they wouldn't have an effect
7 on peace, order and quiet.

8 MEMBER SILVERSTEIN: Any other red
9 flags? Gangs loitering, anything?

10 INVESTIGATOR PARKER: The
11 loitering issue, like I said, I think that's
12 something that steps would need to be taken to
13 address before this licensee was issued a
14 license.

15 MEMBER SILVERSTEIN: Trash?

16 INVESTIGATOR PARKER: I didn't
17 observe trash to be a large issue. There are
18 three or four dumpsters behind the
19 establishment. I didn't observe large amounts
20 of trash to be an issue.

21 MEMBER SILVERSTEIN: Any other red
22 flags or anything else that we should kind of

1 keep an eye on that might pop up that we
2 should address before hand?

3 INVESTIGATOR PARKER: One thing
4 that I guess I didn't mention and the
5 protestants brought it to my attention is that
6 the establishment sits on the walking route
7 for students to a school. The protestants can
8 probably speak to that during their testimony.

9 But the students -- I did see
10 students, who I determined to be students,
11 with backpacks walking past the establishment,
12 either going or coming, so that may be an
13 issue just as far as we're concerned. The
14 concerns of the investigator as far as there
15 needs to be some kind of policy in place for
16 the establishment to ensure that those patrons
17 aren't purchasing or doing -- we have seen a
18 lot where they will send someone else in to
19 purchase alcohol for them.

20 But that's not what I would
21 consider to be -- just that again would be
22 something that could be addressed hopefully by

1 the establishment.

2 MEMBER SILVERSTEIN: Thank you
3 very much. Your report was excellent and your
4 responses exactly the type of thing that we
5 are looking for.

6 INVESTIGATOR PARKER: Thank you.

7 MEMBER SILVERSTEIN: Thank you,
8 sir.

9 CHAIRPERSON MILLER: Anybody else?

10 MEMBER ALBERTI: I have a few,
11 Investigator Parker. A quick question. Did
12 you notice if there were any -- if whether or
13 not there were any public trash cans in the
14 area?

15 INVESTIGATOR PARKER: There are
16 public trash cans on Georgia Avenue. I
17 apologize for not having a photograph of the
18 trash cans. The exact location, I don't
19 recall right now, but there are -- there is at
20 least one in the block between King's Deli &
21 Grocery and New Hampshire and Georgia on the
22 corner.

1 MEMBER ALBERTI: Okay. Do you
2 think there are others in that proximity?

3 INVESTIGATOR PARKER: There are,
4 I'm sure. There is also, like I said, the
5 dumpsters are exposed to the public. I didn't
6 observe them all to be locked. They are in
7 the alley behind the establishment.

8 MEMBER ALBERTI: In the alley.
9 But I was thinking --

10 INVESTIGATOR PARKER: On the
11 street.

12 MEMBER ALBERTI: -- on the street.

13 INVESTIGATOR PARKER: Yes, there
14 was at least one in the block.

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR PARKER: In the
17 block.

18 MEMBER ALBERTI: Is there one that
19 is maintained by the owner?

20 INVESTIGATOR PARKER: I didn't
21 observe a public trash can that I would
22 determine to be maintained by the owner.

1 MEMBER ALBERTI: Okay. How busy
2 was the store on your visits? I know you made
3 several visits, so it's kind of -- help me out
4 here. Pick a time, pick several or a couple
5 times and tell me how busy the store was.

6 INVESTIGATOR PARKER: Um, on
7 January 30, 2012, that was, I guess, breakfast
8 time, the deli counter was quite crowded.
9 Patrons were ordering breakfast, patrons were
10 in and out of the establishment quite a bit
11 during that period. It's pretty much a steady
12 flow of patrons in and out of the
13 establishment on that one occasion.

14 Other times, midday, for example,
15 1/28 from 2:10 to 2:15, there weren't any
16 patrons. That was only a five minute period,
17 but there wasn't any loitering and no one
18 appeared to be inside the establishment and no
19 one was going or coming.

20 So during busy times, I guess, in
21 the morning being that they sell breakfast or
22 serve breakfast, there was a large number of

1 customers in and out of the establishment. A
2 large number for this establishment would be
3 10 to 15.

4 MEMBER ALBERTI: Okay. Do you
5 recall like on 1/24 and on 1/19, on both of
6 those dates you visited sort of mid to late
7 afternoon. Was it busy?

8 INVESTIGATOR PARKER: On 1/24, I
9 recall that's the day that I drove around the
10 block, that I drove past the establishment and
11 observed the loiters and then I drove around
12 the block and parked and the loiters walked up
13 Georgia Avenue.

14 The establishment was busiest in
15 the morning, I referenced on 1/30, but the
16 door -- the patrons were in and out of the
17 establishment regularly.

18 MEMBER ALBERTI: And do you have
19 any recollection on 1/19?

20 INVESTIGATOR PARKER: I don't
21 recall that date exactly. I'm sure it was --
22 I know it was a similar instance where I drove

1 up and the loiters walked away.

2 MEMBER ALBERTI: Part of what is
3 striking me here and it may be just -- I'll
4 admit I have very sparse data here, but the
5 dates and times that you mentioned, there were
6 no loitering and there were dates and times
7 when you said the store wasn't busy. And then
8 there were dates and times where you said the
9 store was busy and those coincide with
10 loitering.

11 I mean, if you can't -- can you
12 speak to that? And if not, I understand,
13 because you made limited visits here and I
14 have very limited data.

15 INVESTIGATOR PARKER: No, I don't
16 really --

17 MEMBER ALBERTI: You have no
18 impression on that?

19 INVESTIGATOR PARKER: No.

20 MEMBER ALBERTI: Okay.

21 INVESTIGATOR PARKER: Yes, it's
22 just to explain the limited number of visits

1 was based on the proximity of the hearing date
2 and the time this report was assigned.

3 MEMBER ALBERTI: Yes.

4 INVESTIGATOR PARKER: Like I said,
5 I have been monitoring since this report has
6 been submitted and will continue to monitor,
7 if the establishment gets an ABC license.

8 MEMBER ALBERTI: This is a deli
9 and carry-out. In your observation, what did
10 you see the primary business being? Was it
11 people getting carry-out food or was the
12 people buying items from the store like --

13 INVESTIGATOR PARKER: From my--

14 MEMBER ALBERTI: -- items on the
15 shelf? So they stock grocery items.

16 INVESTIGATOR PARKER: From my
17 firsthand account, I observed the deli portion
18 to be the major part of the business. I also
19 observed the lottery terminal.

20 MEMBER ALBERTI: Yes.

21 INVESTIGATOR PARKER: From my
22 experience, those terminals are only given to

1 establishments who do a high volume of
2 lottery, so I would assume, based on that,
3 that lottery would be also a major part of
4 this business.

5 MEMBER ALBERTI: Okay. Thank you.

6 INVESTIGATOR PARKER: D.C.

7 Lottery.

8 MEMBER ALBERTI: Yes. Thank you,
9 Mr. Parker.

10 CHAIRPERSON MILLER: Yes, sir, Mr.
11 Nophlin?

12 MEMBER NOPHLIN: Yes. Thank you,
13 Investigator Parker. Would you describe the
14 interior of the store, please? I thought we
15 had some pictures. Is there a cage as you go
16 in?

17 INVESTIGATOR PARKER: Okay. So
18 Exhibit 14 is the one I have to use to
19 describe the establishment. Exhibit 14 is
20 taken from the corner of the establishment.
21 The door you can see in the background of the
22 picture is the front door of the

1 establishment. So this is a picture across
2 towards the front door.

3 So I guess you can see when you
4 come into the establishment, there is a
5 walkway. There are two coolers, which have
6 sodas and water and other beverages. And then
7 where the man is standing to the left of the
8 picture, that's where you would order from the
9 deli counter.

10 I'm standing basically directly in
11 front of the cashier counter taking this
12 photograph. The grocery aisles are in the
13 middle of the store. And if you follow the
14 grocery aisle to the right, that would be
15 where the ATM and the lottery machine are
16 located.

17 There are, approximately, three
18 aisles of grocery products in the middle of
19 the store. There is also a lot of products
20 behind the security glass. I have photographs
21 in Exhibit 15 and 16.

22 MEMBER NOPHLIN: Yes.

1 INVESTIGATOR PARKER: There the
2 establishment sells T-shirts and hats and
3 jewelry and, you know, other things like that.

4 MEMBER NOPHLIN: Yes.

5 INVESTIGATOR PARKER: Perfume, I
6 believe.

7 MEMBER NOPHLIN: One last
8 question. Thank you. One last question. Is
9 there a Safeway or another big store near this
10 establishment? Would you say, do you know?

11 INVESTIGATOR PARKER: Yes, sir.
12 Across -- going up Georgia across New
13 Hampshire, there is a Safeway on the left
14 side. I'm not sure of the exact distance, but
15 there is a Safeway store. Yes, sir.

16 MEMBER NOPHLIN: And you're not
17 sure if they serve alcoholic beverages there,
18 do you?

19 INVESTIGATOR PARKER: I'm almost
20 positive that they are not a licensee.

21 MEMBER NOPHLIN: They are not
22 licensed. All right. Thank you, Madam Chair.

1 CHAIRPERSON MILLER: Thank you.
2 Investigator Parker?

3 INVESTIGATOR PARKER: Yes.

4 CHAIRPERSON MILLER: Did you say
5 that this establishment is located next to the
6 Dollar Store?

7 INVESTIGATOR PARKER: Dollar Plus
8 Grocery is located directly next door to the
9 establishment.

10 CHAIRPERSON MILLER: Okay. So I'm
11 looking at the Photo No. 9 that has the Dollar
12 Plus and Grocery store. Are those residences
13 above these commercial establishments?

14 INVESTIGATOR PARKER: From what I
15 can tell, they are residences. Now, the
16 entrance to these residences actually, from
17 what I can tell, is off of Quebec Place.

18 CHAIRPERSON MILLER: Yes.

19 INVESTIGATOR PARKER: There is an
20 entrance near the alley and I assume it has to
21 be the entrance, because there are mailboxes
22 I can see there, so I guess those -- through

1 that door, there are steps that go up and that
2 is above. I'm sure it's above King's Deli &
3 Grocery. And it appears that it is above the
4 entire block or most of the block.

5 CHAIRPERSON MILLER: Okay. Thank
6 you for clarifying that for me. And on page
7 7 of your report, you have a section entitled
8 the effect of the establishment on over-
9 saturation. And it is bulleted.

10 I'm wondering, do you have a
11 conclusion with respect to whether there is an
12 over-concentration of establishments that
13 currently sell beer, wine and spirits or
14 whether adding this one would make it an over-
15 saturation?

16 INVESTIGATOR PARKER: The bullets
17 are the conclusion that I could come to. I
18 didn't make a determination that adding this
19 establishment would make the area over-
20 saturated. And I also didn't say that keeping
21 them away would make it less saturated.

22 The area near King's Deli &

1 Grocery is very densely populated, with what
2 I determine to be residents, because of the
3 large number of rowhouses as well as the very,
4 very high amount of traffic. It's one of the
5 busiest routes. You know, from my experience
6 just driving around the city, Georgia Avenue
7 in that area is very busy, especially in the
8 evening going out and in the mornings coming
9 in down Georgia, I should say.

10 As well as New Hampshire going
11 across, it's also a very, very busy
12 thoroughfare. So as far as the determination
13 of if one more establishment would make this
14 area over-saturated, I did not make a
15 determination in that.

16 CHAIRPERSON MILLER: So you don't
17 make -- draw a conclusion one way or the
18 other? The fact that it is busy doesn't mean
19 something with respect to whether this would
20 be over-saturating?

21 INVESTIGATOR PARKER: Yes, ma'am.

22 CHAIRPERSON MILLER: You didn't

1 draw a conclusion. And you didn't draw a
2 conclusion with respect to whether it would be
3 an over-concentration with respect to impact
4 on the school that is nearby?

5 INVESTIGATOR PARKER: That would
6 be on the peace, order and quiet issue as far
7 as the public safety, as far as I'm concerned.
8 I would say that the issue, that I mentioned
9 to Mr. Silverstein, is that students walk past
10 the establishment in the morning and I guess
11 in the afternoon coming back. And as far as
12 my experience, I would be concerned about
13 underage drinking and taking preventative
14 steps to make sure that that wasn't an issue.

15 CHAIRPERSON MILLER: Okay. And
16 what's the -- what kind of school is it? Do
17 you know the age?

18 INVESTIGATOR PARKER: The students
19 appear to be high school age. It could have
20 been middle school though, but I'm pretty sure
21 they were high school.

22 CHAIRPERSON MILLER: Okay. So,

1 basically, you have laid out a lot of really
2 excellent facts for us and you are leaving it
3 for us to draw the conclusions?

4 INVESTIGATOR PARKER: Yes.

5 CHAIRPERSON MILLER: You are not
6 drawing any. Okay. Any other questions?

7 MEMBER BROOKS: Yes.

8 CHAIRPERSON MILLER: Yes, Mr.
9 Brooks?

10 MEMBER BROOKS: Yes, thank you,
11 Madam Chair. Investigator Parker, when you
12 made your visits, I see on your chart there
13 are a number of other A stores and B stores in
14 the neighborhood. Did you see any other
15 loiters in front of those stores?

16 INVESTIGATOR PARKER: I have
17 observed loitering at Giant Liquors, that's
18 the one that is not nearest to the
19 establishment. The nearest A store to the
20 establishment has been closed throughout my
21 entire investigation. If I'm not mistaken,
22 it's still currently closed and they are in

1 the process of, my understanding is, a new
2 ownership as well as remodeling of the
3 establishment. So that would have had to have
4 been a factor.

5 The establishment which is -- like
6 I said Giant Liquors, which is further away,
7 there have been issues of loitering at that
8 establishment.

9 MEMBER BROOKS: And I don't want
10 to put you on the spot, but how would you
11 define loitering?

12 INVESTIGATOR PARKER: The best
13 example I could give is someone standing -- in
14 most cases when I drove by, there were at
15 least two males and they were smoking
16 cigarettes many time and talking to each
17 other, just standing there not really
18 appearing to be -- there isn't a bus stop
19 there, right at that place where they are
20 standing.

21 They appear to be standing there
22 as someone would be standing at a bus stop.

1 In this case, there wasn't a bus. They were
2 standing there talking.

3 MEMBER BROOKS: Okay. Were they
4 standing in the middle of the sidewalk or the
5 side or were they impeding pedestrians while
6 they are standing there?

7 INVESTIGATOR PARKER: I wouldn't
8 say they were impeding pedestrians. The case
9 I recall most clearly, the patrons were
10 actually standing. I guess where they were
11 standing would be considered Quebec Place. I
12 have a photograph. I want to make sure I get
13 it right.

14 All right. Exhibit 13 is the side
15 of the building from Quebec Place. The
16 patrons were standing down near the entrance,
17 but they were actually not facing Georgia
18 Avenue, but were facing Quebec Place. So most
19 of the foot traffic would be walking up and
20 down Georgia and they were kind of out of the
21 walkway.

22 MEMBER BROOKS: Okay. Fine.

1 INVESTIGATOR PARKER: Still near
2 the front door of the establishment.

3 MEMBER BROOKS: Thank you. That's
4 all I have, Madam Chair.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. Any other Board questions?

7 MEMBER NOPHLIN: One more
8 question, please.

9 CHAIRPERSON MILLER: Yes.

10 MEMBER NOPHLIN: In exhibit --
11 well, let's do pages. Where you have the
12 green starting with No. 5 where you have the
13 feeling, I guess, on -- and then you have
14 evidence of empty vodka bottles, etcetera.

15 In your estimation, this could
16 come from anywhere other than this
17 establishment, couldn't it?

18 INVESTIGATOR PARKER: I --

19 MEMBER NOPHLIN: I mean, the store
20 is -- are there stores nearby?

21 INVESTIGATOR PARKER: Yes, I don't
22 have the exhibits that you have, but if it was

1 a vodka bottle, that would have come from
2 another establishment. There wasn't any
3 alcohol at this location.

4 MEMBER NOPHLIN: Okay. Right.
5 They don't have any alcohol.

6 INVESTIGATOR PARKER: Which
7 exhibit? Oh, I see.

8 MEMBER NOPHLIN: Yes.

9 INVESTIGATOR PARKER: Okay.

10 MEMBER NOPHLIN: It wouldn't come
11 from this particular establishment?

12 INVESTIGATOR PARKER: Not if it's
13 vodka, no, because they don't have any
14 alcohol.

15 MEMBER NOPHLIN: They don't have
16 any alcohol?

17 INVESTIGATOR PARKER: No, sir.

18 MEMBER NOPHLIN: But they -- there
19 are cans. What about beer? No?

20 INVESTIGATOR PARKER: No beers.

21 MEMBER NOPHLIN: They don't have
22 any license at all, right?

1 INVESTIGATOR PARKER: No beer,
2 sir. No, sir.

3 MEMBER NOPHLIN: Okay. You don't
4 have what I have. I have some photographs.
5 Okay. Thank you very much.

6 CHAIRPERSON MILLER: Okay. Any
7 other Board questions? All right. If there
8 are other questions from the parties, we can
9 start with the applicant. Okay. Relating to
10 the questioning that just occurred from the
11 Board. It's cross on the Board's questions or
12 redirect.

13 MR. LEE: I am not familiar. I
14 have no further questions.

15 CHAIRPERSON MILLER: Yes.

16 MR. LEE: Thank you.

17 CHAIRPERSON MILLER: Okay. Do
18 you?

19 MR. BOESE: No. The only question
20 I have, and I'll make it short, is you looked
21 at police statistics for the address in
22 question. Did you look at police statistics

1 for the area of the street, the block,
2 anything beyond the address?

3 INVESTIGATOR PARKER: No, sir.

4 CHAIRPERSON MILLER: Okay.

5 MR. BOESE: Okay.

6 CHAIRPERSON MILLER: All right.

7 Thank you very much, Mr. Parker.

8 INVESTIGATOR PARKER: Thank you.

9 CHAIRPERSON MILLER: Okay. So
10 now, we're ready for the applicant's case.

11 MEMBER ALBERTI: Mr. Jones?

12 CHAIRPERSON MILLER: Do you have a
13 witness?

14 MR. LEE: Yes. I would like the
15 owner to testify to questions.

16 CHAIRPERSON MILLER: Okay. Raise
17 your right hand.

18 Whereupon,

19 SOO Y. SHIN

20 was called as a witness by counsel for the
21 licensee and having been first duly sworn,
22 assumed the witness stand and was examined and

1 testified as follows:

2 CHAIRPERSON MILLER: Okay. Okay.
3 You may be seated.

4 DIRECT EXAMINATION

5 BY MR. LEE

6 Q Okay. For the record, please,
7 state your name and position of the business
8 and the address, please.

9 A Yes, my name is Soo Young Shin. I
10 am the owner of the King's Deli & Grocery
11 located at 3651 Georgia Avenue. I have the
12 100 percent of the controlling stock.

13 Q Okay. Please, describe your
14 establishment, interior and outside.

15 A The area of my establishment is
16 about 2,000 square feet and then it is divided
17 for safety reasons roughly in half with safety
18 windows. The front part of the store/
19 establishment is where the commodities is
20 stacked up and customers come in and out. And
21 the rear part of the establishment used for
22 counter, kitchen and storage area.

1 There are five coolers along the
2 wall, the two walls where the customers come
3 inside. And in the center of the front area
4 are two tables that has a display of grocery
5 items. The output -- aside of the entrance is
6 lottery machine and ATM. And the cashier,
7 cash register and closer to the entrance is
8 for the deli counter operation.

9 And another cash register on the
10 opposite side is for cigarette sales and also
11 for the lottery.

12 Q Okay. So do you have a storage
13 area, secured storage area?

14 A Yes, there is a secure storage
15 area behind the safety window. And I plan on
16 expanding the building on it even better once
17 I get the license.

18 Q Okay. Who operate if you have
19 issued an ABC license approved?

20 A I will be in charge of the
21 operation, but, if necessary, I will be
22 willing to hire somebody who has a very

1 detailed professional knowledge of ABC to work
2 with me.

3 Q What are your hours of operation
4 you request?

5 A For regular days, it's from 7:00
6 to 10:00 p.m. 7:00 in the morning until 10:00
7 p.m. Saturdays would be from 8:00 in the
8 morning until 10:00 in the evening. And it's
9 closed on Sundays. And the sale of liquor
10 will begin only after 9:00 a.m. in the morning
11 until 10:00 p.m.

12 Q Why did you apply for ABC license?
13 Did you already have a deli and grocery items?

14 A Yes, many customers who frequent
15 my establishment have publicly expressed a
16 desire if we carry ABC items.

17 Q Can you describe your business
18 plan, if the Board approve your application?

19 A Once I get the approval of ABC, I
20 will be adding to the three already existing
21 operation, deli, grocery and lottery. So I
22 will be -- I will have own the four different

1 operations. And that would serve the
2 convenience of the customers and also add more
3 activity to my already existing business.

4 And once approval is granted, I'm
5 going to add a large refrigeration facility
6 and expand the first storage area for maximum
7 efficiency of the operation. And I will also
8 add extra items. They will go over here, wine
9 and liquor to the deli and grocery items as
10 well.

11 And I will be focusing on the sale
12 of mostly beer and wine and making out the
13 list of what beer and what wine to be sold.
14 I'll be closely surveying my customers for
15 their likes and community. I will launch a
16 survey of the community in order to have the
17 best beer from my neighbor.

18 Yes, I know my deli have concerns
19 of the community, so I swear that I will never
20 sell any cheap small alcohol product. And I
21 will position alcoholic beverages at the end
22 of a pathway, so that the youth coming in for

1 deli product will not have any access to it.
2 So it will be behind pathway guidance where it
3 would be the last -- if you were to move
4 around the path, alcoholic beverages would be
5 positioned there at the very end of this
6 pathway.

7 Lastly, I want to implement a
8 number of problems in an effort to better
9 relations with community. Yes, I would like
10 to add my contribution to improving
11 environmental situation of the community by
12 giving certain percentage of discount if a
13 customer brings empty bottles when purchasing
14 alcoholic product.

15 And if this program turns to be
16 successful, I would encourage other stores/
17 establishments doing similar business in the
18 community to follow suit.

19 Yes, I plan to -- I noticed a lot
20 of people who use Metro sometime are
21 disadvantaged because they can't find
22 sufficient change, I formally propose that I

1 will set up a change machine for the
2 convenience of those who are in need of change
3 for the Metro.

4 And it has come to my attention
5 that the main box which was used to be outside
6 the store has been removed. It's not there
7 any more. And it is inconvenience of people
8 in the neighborhood. And to help ease the
9 situation, I will have a complimentary name
10 drop service inside my establishment.

11 And I will continue to make
12 contributions to the community block party and
13 the youth programs as I had been. Thank you.

14 Q Now, then how do you handle the
15 graffiti issue that's current, the painting
16 outside? And do you have any plan to prevent
17 this? Actually, this is Exhibit No. 5 by the
18 protestant. And then do you --

19 A Yes, so far I relying on the
20 Government people to come by and erase the
21 graffiti, but I plan to buy my own paint and
22 I take care of any graffiti as soon as it is

1 done, okay?

2 Q And you mentioned that you have
3 four security cameras inside. So are you
4 willing to purchase another security camera
5 for outside to prevent illegal criminal
6 activities at night?

7 A Yes. Yes, I plan to add a few
8 more security cameras as well as more flood
9 lights that will be more illumination outside.

10 Q So how often trash be collected?

11 A It's twice weekly, on Tuesdays and
12 Fridays the trash is picked up.

13 Q And how often do you clean or
14 trash pick up in this area? Do you now or you
15 hire somebody to do that?

16 A When I go to work in the morning,
17 there is someone in the building who is in
18 charge of cleaning. So he cleans initially at
19 7:00 and at about 10:00 a.m., I go out and
20 clean. Also, whenever I can find free time,
21 I clean. And the one who is in charge of
22 cleaning also helps out in the afternoon, so

1 we clean very frequently.

2 Q Have you reported any criminal
3 activities to the MPD, police department, or
4 do you have operational log in your
5 establishment?

6 A Yes, I do have police log in my
7 establishment. And when necessary, we call
8 the police as well.

9 Q Okay.

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

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

(5:00 p.m.)

BY MR. LEE:

Q I have a question about the investigator report and then actually there is two allegations that you are intimidated by the youths who loiter at the establishment. So did you make any attempt to ask them to stop loitering in the area?

Can you explain about it? And one question it takes a long time, so I'll just ask two questions at the same time about you gave us exhibits attached to support your application. Can you explain your version?

A I regret that I have not been actively involved in stemming it, but in the future, I resolve to be very aware of the concerns of the community and take positive actions to curb it with assistance of police.

As for the second allegation that I give cash to people to support ABC license, it is out of the question. The ones who

1 supported me are very important frequent
2 customers for my establishment. It would be
3 quite unimaginable for me to offer cash to
4 those who already are very favorite of my
5 establishment.

6 The only donation I made of any
7 money is that to someone who was going -- who
8 is a supporter of me said he might come to
9 today's meeting, today's hearing. I said I
10 would be happy to reimburse you for the hours
11 that you are away from work.

12 But as we can see, he has not come
13 to this hearing.

14 MR. LEE: Thank you very much. No
15 further questions.

16 CHAIRPERSON MILLER: Thank you.
17 Board questions?

18 MEMBER ALBERTI: Yes, but I think
19 we have got other questions.

20 CHAIRPERSON MILLER: Okay. Cross-
21 examination?

22 MR. BOESE: Sure.

CROSS-EXAMINATION

BY MR. BOESE:

1
2
3 Q I have a few. Let's start with
4 your establishment currently has safety glass.
5 Do you intend to keep the safety glass and do
6 you feel that it is necessary for the safety
7 of you working in the environment?

8 A Yes, I'm going to change some of
9 it when we do remodeling.

10 Q Do you mind describing how you are
11 going to change it?

12 A Yes, right now it is covering
13 entire front of area and when I make the
14 change, I want to take off -- lop off about
15 one-third of the height from the top, so it
16 would be less overpowering.

17 Q Okay. So then you do feel that
18 safety glass is necessary for the safety of
19 the employees?

20 A The main reason I have the window
21 is to distinguish between the employee-only
22 area from customer-only.

1 Q Okay. Do you have a plan in place
2 to prevent shoplifting? You described how
3 liquor would be at the end of a corridor, but
4 will it be locked up? Will there be
5 additional staff to monitor the situation?
6 What is going to keep somebody from grabbing
7 a bottle and running?

8 MR. LEE: Objection. They are
9 shoplifting issues.

10 CHAIRPERSON MILLER: I'm sorry,
11 what is the objection?

12 MR. LEE: That's a shoplifting
13 issue and not a relevant issue.

14 CHAIRPERSON MILLER: Shoplifting
15 issue is not a what?

16 MR. LEE: Irrelevant.

17 CHAIRPERSON MILLER: Irrelevant?
18 Well, it's related. I think it's relevant on
19 peace, quite and order.

20 MR. BOESE: And trash.

21 CHAIRPERSON MILLER: It's
22 overruled. Go ahead. You can answer the

1 question.

2 THE WITNESS: How do we go and
3 explain the employee-only zone? Beer and wine
4 will be displayed at the end of a pathway from
5 the entrance and to keep youth away, I'll have
6 a protective bar.

7 BY MR. BOESE:

8 Q Okay. So it will be locked up
9 then?

10 A Yes.

11 Q You have applied for a Class A
12 License. Have you considered other licenses
13 or is this the license that you have
14 determined is the only one that will work for
15 you?

16 A There is no Class B License. As
17 for Class C it requires a tremendous amount of
18 remodeling for my business. And I believe
19 it's not the kind of license that my customers
20 would like.

21 Q Well, are you aware of any -- as
22 you have met with the community and gone to

1 community meetings, I believe having been in
2 them, are you -- do you not recall that there
3 was much more support in the community for a
4 Class C License than a Class A license?

5 I mean, there is much stronger
6 opposition to a Class A License. Why do you
7 believe that a Class C License would not work
8 if members of the community have asked you to
9 consider that?

10 A Yes, I would be -- it wouldn't be
11 feasible to make remodel my present
12 establishment to meet the requirements of a
13 Class C License, because I have security in a
14 very, very old building and to enable restroom
15 and other convenience facilities would require
16 an enormous investment that would almost make
17 the old business oblique.

18 If I were to opt for Class C
19 License, I believe we required to stay open
20 until 1:00 or 2:00 in the morning and that
21 would almost make my deli business inoperable,
22 because it opens at 7:00 in the morning.

1 Q I'll wrap this up. Your business
2 is currently a deli. And I have observed that
3 you do have seating along the front window for
4 people to purchase food items and actually
5 consume them.

6 So my question to you then is are
7 you telling me that you do not provide
8 restrooms or any kind of support facilities
9 now for customers who may want to purchase
10 food at your establishment and eat it on site?

11 A Let me explain. Right now, the
12 tables for people who buy deli item and to eat
13 it inside is not for their use. It is made
14 for lottery customers. So it's very high, if
15 you think about it.

16 Q Okay.

17 MR. BOESE: Nothing else at this
18 time.

19 CHAIRPERSON MILLER: Thank you.
20 Now, any Board questions? Mr. Silverstein?

21 MEMBER SILVERSTEIN: Thank you.
22 Mr. Shin, you said I'm aware of the concerns

1 of the community. I swear I will never sell
2 any small or cheap liquor products that youth
3 will have an opportunity to buy these
4 products, at least that's what I took in my
5 notes here.

6 Would you be more specific? Are
7 you saying you're not going to sell single
8 sales of beer or small liquor?

9 MR. SHIN: Yes, sir. I made that
10 statement in reference to hard liquor, cheap
11 hard liquor that you can buy for a couple of
12 bucks.

13 MEMBER SILVERSTEIN: You say you
14 will not sell what is commonly referred to as
15 "rot gut." Is it the same thing with cheap
16 wine?

17 MR. SHIN: Yes, I will not sell it
18 in small bottles. I promise I will not sell
19 small bottles of wine.

20 MEMBER SILVERSTEIN: What about
21 single sales of beer under 72 ounces?

22 MR. SHIN: Nope, I will not sell

1 anything under 72 ounce of beer. I will only
2 sell larger bottles.

3 MEMBER SILVERSTEIN: Okay. Or
4 six-packs, which anyone can buy.

5 MR. SHIN: Six-packs, yes.

6 MEMBER SILVERSTEIN: And also in
7 Investigator Parker's report, he stated that
8 one of the neighbors was saying that it's not
9 your fault, that you really don't have any
10 control of the patrons who loiter outside.
11 And this one individual stated that on at
12 least one occasion, you tried to get them to
13 move and the loiters retaliated by breaking a
14 window in your place. Did that happen?

15 MR. SHIN: I'm sorry, I was resist
16 to their very act of breaking the window. It
17 wasn't just my establishment that has broken
18 window. All other establishments in the area
19 have broken window there at times.

20 MEMBER SILVERSTEIN: So that did
21 not happen to your establishment? That
22 happened to a neighboring establishment, is

1 your testimony?

2 MR. SHIN: Yes, you are correct,
3 sir.

4 MEMBER SILVERSTEIN: How serious
5 is the loitering problem, in just the whole
6 neighborhood?

7 MR. SHIN: Yes, that has been
8 brought to my attention by a few of the
9 customers who frequent my store, so they have
10 complained about it. And I am determined to
11 take, you know, control and try to ease the
12 problem in the future.

13 MEMBER SILVERSTEIN: How can you
14 do that? You are just one person. And how --
15 where can you go for help? Where can an
16 honest businessman go for help, if there are
17 people outside loitering and creating a
18 nuisance for the entire neighborhood?

19 MR. SHIN: I have been enlisting
20 help from the police department and I've been
21 making continuous report to them. And
22 recently, police have made their presence at

1 my establishment at certain number of hours a
2 day. And so that has eased up the problem
3 considerably.

4 MEMBER SILVERSTEIN: Thank you.
5 Thank you very much. Thank you, Madam Chair.

6 CHAIRPERSON MILLER: Okay. Other
7 questions? Okay. Mr. Alberti?

8 MEMBER ALBERTI: Good evening, Mr.
9 Shin. I really wish I could say good
10 afternoon, but good evening.

11 Okay. I'm going to divide your
12 business into three parts. One is the deli
13 portion where you sell food, prepared food.
14 One is lottery sales. And the other is all
15 other items, which I assume is tobacco, snack
16 foods, sodas, T-shirts I heard, all other
17 items.

18 What portion of your gross sales
19 is the deli, the prepared foods?

20 MR. SHIN: The deli accounts for
21 40 to 50 percent of the total sales. And then
22 lottery accounts for 30 percent. And all

1 other items, tobacco, snack food and soda
2 account for 20 percent of total sales.

3 MEMBER ALBERTI: Okay. I'm
4 interested in what you see will be the
5 increase in sales if you introduce alcohol
6 sales. There is more to that question. So
7 let me ask the question. So relative to your
8 current sales, how much of an increase will
9 you have if you introduce alcohol sales or you
10 can give me -- yes, relative to your current
11 sales, what kind of increase will you see if
12 you introduce alcohol?

13 MR. SHIN: In my estimation,
14 probably 30 percent increase over sales.

15 MEMBER ALBERTI: 30 percent.
16 Okay. You mentioned that you would consider
17 a program where you give a discount for people
18 who return bottles to you. Can you describe
19 that a little bit more? What kind of
20 discount? What restrictions there would be on
21 what could be returned? I'm interested in
22 your ideas on that program.

1 MR. SHIN: Yes, I am determined to
2 address the concerns of the community,
3 especially with respect to environmental
4 protection, generation of garbage and
5 etcetera. So I believe those who buy alcohol
6 product will be coming back for identical
7 product next time he comes to buy something.

8 If he brings back the empty
9 container, we are going to put it in a place
10 for certain amount of discount for the
11 customer who loyally brings empty bottles.
12 And if this has become successful, I will
13 expand this type of discount program to
14 include not only the bottles, but also empty
15 aluminum cans in the future.

16 And so when it comes to when some
17 day this program become so successful that I
18 have large quantity of empty bottles and
19 aluminum cans, I will then at least solicit
20 help from the Government to deal with this.

21 MEMBER ALBERTI: Okay. Okay.
22 Thank you. A lofty ambition there. But let's

1 move on. You spoke about your willingness to
2 install a security camera out front. What
3 area would that cover?

4 MR. SHIN: Yes, it would be the
5 security camera would be the front part of the
6 establishment and also on the entrance to the
7 back alley adjoining the establishment.

8 MEMBER ALBERTI: Okay. Just one
9 moment. I'm curious about how the camera
10 would be used. Would there be a monitor
11 inside your establishment showing what the
12 camera sees?

13 MR. SHIN: Yes, the monitor would
14 be located inside the store and it would keep
15 recording for many number of hours.

16 MEMBER ALBERTI: Okay. You
17 currently have four cameras. Is that correct
18 inside the store?

19 MR. SHIN: Yes.

20 MEMBER ALBERTI: Do you save any
21 of the camera footage, I'll call it, from --
22 I mean images from those cameras?

1 MR. SHIN: Yes, it is stored on
2 the hard disk.

3 MEMBER ALBERTI: Okay. And for
4 how long?

5 MR. SHIN: Two weeks.

6 MEMBER ALBERTI: Two weeks. Okay.
7 And could the same thing be done with the
8 front -- with new cameras if they were
9 installed on the exterior?

10 MR. SHIN: Yes, true.

11 MEMBER ALBERTI: Okay. I would
12 like to follow-up on Mr. Silverstein's
13 questions about the small package products
14 that you would and would not sell. Would you
15 sell -- you referred to hard liquor. I will
16 call it spirits. Would you sell pints of
17 spirits?

18 MR. SHIN: No, no, sir.

19 MEMBER ALBERTI: No pints?

20 MR. SHIN: I will not sell any
21 cheap --

22 MEMBER ALBERTI: No. Answer my

1 question. There is no where -- I'm not
2 looking for a particular answer here. I want
3 to know from you what your plans are. Please,
4 tell him that. Okay.

5 MR. SHIN: I have no desire to
6 sell anything that is very cheap.

7 MEMBER ALBERTI: My question is
8 will you sell pints in spirits? Yes or no?

9 MR. SHIN: I will not sell
10 anything that is so cheap that people buy them
11 and consume them in the street.

12 MEMBER ALBERTI: Mr. Shin, I have
13 asked a question. I would like a direct
14 answer. Please, translate that for me.

15 No, no, please translate what I
16 just said to him, please. And then I will ask
17 my question.

18 MR. SHIN: Yes.

19 MEMBER ALBERTI: Okay. Will you
20 sell pints of spirits? There is no correct
21 answer to that question. I want to know what
22 your plans are. And the answer? Please,

1 translate. Just one moment. Mr. Lee, do you
2 have an objection?

3 MR. LEE: No. Actually, he
4 doesn't know anything about the pints.

5 MEMBER ALBERTI: Oh, okay, okay.

6 MR. LEE: He doesn't know about --

7 MEMBER ALBERTI: Sir, you must use
8 different measures. Is that what you are
9 telling me?

10 MR. LEE: Not measures. Actually,
11 he is not familiar with the alcohol. He plan
12 on --

13 MEMBER ALBERTI: Mr. Lee?

14 MR. LEE: He --

15 MEMBER ALBERTI: Mr. Lee, this
16 licensee -- just one moment, please, Mr. Lee.
17 Mr. Lee, this licensee is planning on selling
18 alcohol.

19 MR. LEE: That's correct.

20 MEMBER ALBERTI: I have to assume
21 that as a businessman and as someone who would
22 be responsible for the sale of alcohol, he

1 would be educated on the size of containers.

2 MR. LEE: That's correct.

3 MEMBER ALBERTI: Okay. If he
4 isn't -- Mr. Lee, if he isn't, he can tell me
5 that he is not educated on the size of
6 containers.

7 MR. LEE: Okay.

8 MEMBER ALBERTI: And I will take
9 that into my decision making.

10 MR. LEE: Yes.

11 MEMBER ALBERTI: Would you,
12 please, translate what I just said to Mr. Lee?

13 MR. SHIN: Yes, yes.

14 MEMBER ALBERTI: Yes?

15 MR. SHIN: Yes. The answer is
16 yes.

17 MEMBER ALBERTI: You will sell
18 pints. Okay. Will you sell -- okay. Will
19 you sell half-pints, which I think are -- just
20 one moment, please. Are half-pints the 250
21 milliliter bottles?

22 Okay. Will you sell half-pints of

1 alcohol?

2 MR. SHIN: No. His answer was no.

3 MEMBER ALBERTI: No.

4 MR. SHIN: no.

5 MEMBER ALBERTI: Will you sell
6 anything smaller than a half-pint?

7 MR. SHIN: No.

8 MEMBER ALBERTI: Okay. Thank you.
9 See that was not very painful. When it comes
10 to wine, you said you wouldn't sell any small
11 containers of wine. What's the smallest
12 container of wine that you would sell?

13 MR. SHIN: Yes, the smallest I
14 would sell wine would be pint size.

15 MEMBER ALBERTI: Okay. So
16 probably 375 milliliters is what we are
17 talking about. Does that sound right?

18 MR. SHIN: Yes.

19 MEMBER ALBERTI: Okay. Now, beer
20 sales.

21 MR. SHIN: Yes.

22 MEMBER ALBERTI: You talked about

1 you said you wouldn't sell anything small.

2 Let me see, wait. With respect to beer sales,
3 beer, ale, malt liquor, okay, those, so when
4 I refer to beer, I'm talking about beer, ale
5 and malt liquor.

6 Do you desire to be able to divide
7 a manufacture's package to be able to sell
8 single individual containers from that
9 package?

10 MR. SHIN: Only -- divided only
11 large units.

12 MEMBER ALBERTI: How large?

13 MR. SHIN: The larger bottles,
14 larger than 500 milliliter. Half of a liter.

15 MEMBER ALBERTI: Oh, okay. I sort
16 of understand what you are saying. But for
17 example, do you intend to -- do you plan to
18 allow customers to divide a six-pack to
19 purchase an individual container from that
20 six-pack?

21 MR. SHIN: No, sir. Absolutely
22 not.

1 MEMBER ALBERTI: Okay. And I
2 assume that goes for a 12-pack, am I correct?

3 MR. SHIN: Yes, same goes for a 12
4 pack, sir.

5 MEMBER ALBERTI: Okay. I think I
6 understand. Mr. Shin, I appreciate this. I
7 just want to know what your plans are and this
8 has been very helpful to me. So thank you for
9 your answers. I have no further questions
10 right now. Thank you.

11 MR. SHIN: Thank you.

12 CHAIRPERSON MILLER: Other Board
13 Members? I have a few.

14 I want to know how long have you
15 had your current business at this site?

16 MR. SHIN: Seven years, ma'am.

17 CHAIRPERSON MILLER: Seven years.
18 And it has operated basically the same way?

19 MR. SHIN: Yes.

20 CHAIRPERSON MILLER: Mr. Parker, I
21 think, said something like establishments that
22 sells lottery tickets tend to have a high

1 volume of customers. Could you characterize
2 how high the volume of customers is?

3 MR. SHIN: Yes, I didn't keep
4 exact count, but it's my estimation that there
5 would be about 200 to 300 customers coming
6 every day.

7 CHAIRPERSON MILLER: Okay. And do
8 you have any idea how many are neighborhood
9 customers?

10 MR. SHIN: Yes, I believe close to
11 50 percent would be people from the
12 neighborhood. The rest, the other 50 percent
13 made up of people who commute from Maryland to
14 D.C. either by own private vehicle or Metro
15 and also the small business people in the
16 neighborhood and the construction crew who
17 happened to be in the area.

18 CHAIRPERSON MILLER: And are there
19 certain types of, you know, categories of
20 customers who support your application and
21 those who don't, of your customers?

22 MR. SHIN: Yes, I had to

1 generalize, but it's my feeling that even some
2 of the residents are for sale of alcoholic
3 beverage. And by category, as you mentioned
4 there, those who are commuters and
5 construction crew indicated they would like to
6 have, you know, alcohol sales.

7 CHAIRPERSON MILLER: So you are
8 saying that the commuters and construction
9 workers would like this?

10 MR. SHIN: Yes, in addition to
11 some residents.

12 CHAIRPERSON MILLER: Some
13 residents.

14 MR. SHIN: Commuters and
15 construction workers indicated they would like
16 alcohol.

17 CHAIRPERSON MILLER: Okay. Have
18 the residents? Your characterization is that
19 some support it?

20 MR. SHIN: Those have signed a
21 petition are those -- a few of them are
22 residents.

1 CHAIRPERSON MILLER: What
2 petition? Which petition are you referring
3 to?

4 MR. LEE: Actually, I have not
5 submitted yet.

6 CHAIRPERSON MILLER: Oh, it's not
7 submitted yet. Okay.

8 MR. LEE: You want us show it now?

9 CHAIRPERSON MILLER: No, you can
10 later. That's okay. I just wanted to know,
11 because I have seen another petition also.
12 Okay.

13 This hasn't been entered into
14 evidence yet, but it is attached to the
15 protestant's PIF. And it came up earlier.
16 There is a picture of what was called tagging
17 or graffiti on page 5 of their exhibit.

18 And my question, number one, is
19 how long has this been here, this graffiti
20 tagging?

21 MR. SHIN: Maybe a month or two.

22 CHAIRPERSON MILLER: Just a month

1 or two? Do you have plans to clean it off or
2 no?

3 MR. SHIN: Yes, I already bought
4 the paint, so I'm going to work on it this
5 Sunday.

6 CHAIRPERSON MILLER: Okay. Okay.
7 And I mean do you know who did it?

8 MR. SHIN: No, I have no idea.

9 CHAIRPERSON MILLER: Okay. You
10 gave hours. Are your hours going to change
11 from your current hours to different hours if
12 your application is approved?

13 MR. SHIN: Yes, ma'am. It will
14 increase.

15 CHAIRPERSON MILLER: So could you
16 just say what it is now and what it's changing
17 to?

18 MR. SHIN: Yes, opening time would
19 be -- would remain the same, but closing time
20 would be extended until 10:00 p.m.

21 CHAIRPERSON MILLER: And what is
22 it now? You did give us the hours. You gave

1 us the hours that it is going to be. I just
2 don't know what it is today.

3 MR. SHIN: Currently, we operate,
4 we are open on regular days from 7:00 in the
5 morning until 5:30 in the afternoon. And
6 Saturdays open at 8:30 and close at 2:00 p.m.

7 CHAIRPERSON MILLER: Okay. And is
8 this your only business?

9 MR. SHIN: That is true.

10 CHAIRPERSON MILLER: Okay. Okay.
11 That's all my questions. Any other Board
12 questions? Okay. Any redirect questions?

13 MR. LEE: I don't have no redirect
14 questions. That's okay.

15 CHAIRPERSON MILLER: Okay. Do you
16 guys have any?

17 MR. BOESE: No.

18 CHAIRPERSON MILLER: All right.
19 Then you can be excused. Thank you very much.

20 MR. SHIN: Thank you.

21 MR. LEE: I would like to call Ms.
22 Vernelle Weldon, he is No. 5 on the witness

1 list. And actually, she had to catch earlier
2 and had to go home to take care of the babies.

3 CHAIRPERSON MILLER: Oh.

4 MR. LEE: Yes. I will call her
5 first.

6 CHAIRPERSON MILLER: Okay.

7 MR. LEE: Yes. No. 5 on my
8 witness list.

9 CHAIRPERSON MILLER: The witness
10 list.

11 MEMBER ALBERTI: Mr. Lee, your
12 witness is?

13 MR. LEE: Okay. Sir, No. 2 on
14 this letter. I don't know.

15 CHAIRPERSON MILLER: Could you
16 raise your right hand and I'll swear you in?
17 Okay.

18 Whereupon,

19 VERNELLE WELDON
20 was called as a witness by counsel for the
21 licensee and having been first duly sworn,
22 assumed the witness stand and was examined and

1 testified as follows:

2 CHAIRPERSON MILLER: Okay. Thank
3 you.

4 DIRECT EXAMINATION

5 BY MR. LEE:

6 Q Ms. Weldon, thanks for coming.
7 For the record, please, state your name and
8 address.

9 A My name is Vernelle C. Weldon. I
10 reside at 758 Rock Creek Church Road, N.W.,
11 Washington, D.C.

12 Q How long have you lived in that
13 area?

14 A Oh, I have been there since '51, I
15 think.

16 Q Okay.

17 A No, since '61.

18 Q Okay.

19 A Yes.

20 Q Are you familiar with the
21 business, the establishment?

22 A Yes.

1 Q The store, are you familiar with
2 it?

3 A Yes, I am.

4 Q Are you regular customer?

5 A Yes, just about every day.

6 Q Yes. Actually, how did you decide
7 to testify for the applicant? Do you support
8 his ABC license?

9 A Well, he asked me if I would come
10 to the hearing. I didn't know I had to
11 testify, but that's okay. I told him I would
12 come. But I really don't see any problem him
13 getting this license. He is a very nice
14 person. And he has always treated me nice.

15 When I sit with my grandchildren,
16 you know, he always get what they want. You
17 know, he always let them get -- they get what
18 I'm supposed -- what they want. So I don't
19 see any harm in that.

20 And as I told him, I'm for anyone
21 that is trying to kept themselves, for anyone
22 that is, you know, trying to make an honest

1 living. And I believe that that's what he is
2 trying to do. And I could have stopped and
3 said, you know, I don't --

4 Q Go ahead.

5 A I don't drink myself, but I don't
6 see no harm in anybody else that wants to buy
7 it there.

8 Q So have you seen any loitering
9 happening in front of the establishment?

10 A No, I haven't.

11 Q So how often you go to the
12 establishment? Every day or --

13 A Just about every day.

14 Q How many times?

15 A Just once, maybe twice.

16 Q Okay. Do you also believe the
17 trash can or beer bottle or that need control?

18 A No, I didn't see it.

19 Q Have you observed any kids
20 consuming alcohol in front of or around that
21 establishment?

22 A No, I haven't.

1 Q Have you observed any criminal
2 activities, including everything, around the
3 establishment?

4 A Any what?

5 Q Criminal, criminal activities.

6 A Criminal?

7 Q Yes.

8 A No, I don't -- I don't stay that
9 long to see. I just go in the store and come
10 back. I haven't seen anything like that.

11 Q So do you believe that if the
12 owner has an ABC license and it pose more
13 problem in this area, in this community?

14 A I don't think so.

15 Q How?

16 A You say --

17 Q What's your -- based on your
18 opinion?

19 A Because I really believe that if
20 he has a license, just like another
21 establishment, you go get what you want and go
22 on home or wherever you want to go. I don't

1 think that's going to cause no problem.

2 Q Okay. Do you think if this
3 establishment has ABC license it create some
4 problem to the public safety or quality of
5 life in the neighborhood?

6 A No, I don't. I mean, the owner of
7 the store, you know, Parkview Paper, before
8 they tore that down. He was going to get --
9 you know, they didn't -- I didn't see anything
10 going on. I didn't see or hear anything.
11 Well, let's put it like this, I didn't hear of
12 anything.

13 Q Okay.

14 MR. LEE: No further questions.

15 CHAIRPERSON MILLER: Yes, go right
16 ahead.

17 CROSS-EXAMINATION

18 BY MR. BOESE:

19 Q Since you spoke to the issue of
20 criminal activity in the area that you had not
21 or that you were not aware of any or actually,
22 what I would like is some clarification, do

1 you regularly sign -- do you sign-up to any
2 listservs where daily listing of crime comes
3 out? Do you go to MPD websites to see what
4 the crimes are? Do you go to PSA meetings?
5 How familiar are you with what crimes do and
6 do not exist in the area?

7 A The only crime that I know that
8 might exist for the Parkview Paper kind of was
9 there.

10 CHAIRPERSON MILLER: Excuse me,
11 Ms. Weldon?

12 THE WITNESS: Yes?

13 CHAIRPERSON MILLER: We missed
14 your answer. Can you repeat it and can you
15 see where the mike is, maybe speak a little
16 louder, so we don't miss your answers?

17 THE WITNESS: I was saying that
18 the only time that I know what was happening
19 in the community is, unless I look at the
20 paper, when the Parkview Paper came up. I
21 think they have a newspaper come out and I
22 read that and it tell me that a crime has been

1 committed.

2 But other than that though, I
3 really don't know.

4 CHAIRPERSON MILLER: What kind of
5 paper did you say?

6 THE WITNESS: It's the Parkview,
7 okay, Parkview.

8 THE WITNESS: Yes, the Parkview
9 news letter.

10 CHAIRPERSON MILLER: Go ahead.

11 BY MR. BOESE:

12 Q Okay. So then you -- what you are
13 really saying is with regards to crime in the
14 area, you are really not informed enough to
15 make a statement on that issue?

16 A No, I'm not, but I thought he
17 asked me --

18 Q Okay.

19 A -- if I saw any when I been around
20 there.

21 MR. BOESE: I don't think there is
22 anything we can ask her.

1 CHAIRPERSON MILLER: Okay. Board
2 questions? I have a quick question then.

3 Where do you live in relation to
4 the establishment?

5 MS. WELDON: On Rock Creek Church
6 Road around the corner.

7 CHAIRPERSON MILLER: The same
8 block on the corner or what? How far away is
9 it?

10 MS. WELDON: It's around the
11 corner. Well, this is going up Georgia would
12 be Rock Creek.

13 CHAIRPERSON MILLER: Okay.

14 MS. WELDON: Georgia/New
15 Hampshire.

16 CHAIRPERSON MILLER: So you walk
17 to the establishment every day?

18 MS. WELDON: Yes.

19 CHAIRPERSON MILLER: And do you go
20 at any certain time of day?

21 MS. WELDON: Most of the time it's
22 in the morning when I go to the activity

1 center.

2 CHAIRPERSON MILLER: Okay. Thank
3 you. Any other questions? Any redirect?

4 MR. LEE: I have no redirect.

5 CHAIRPERSON MILLER: Any other
6 questions? Okay. Thank you very much.

7 MS. WELDON: Yes, ma'am.

8 MEMBER ALBERTI: Thank you.

9 (Whereupon, witness excused.)

10 CHAIRPERSON MILLER: Do you have
11 another witness, sir?

12 MR. LEE: Yes. We would like to
13 call Mr. Mose Montgomery.

14 MR. MONTGOMERY: Mose Montgomery.

15 CHAIRPERSON MILLER: I want to
16 swear you in. Okay.

17 Whereupon,

18 MOSE MONTGOMERY
19 was called as a witness by counsel for the
20 licensee and having been first duly sworn,
21 assumed the witness stand and was examined and
22 testified as follows:

1 CHAIRPERSON MILLER: Thank you.

2 DIRECT EXAMINATION

3 BY MR. LEE:

4 Q Can you state your name and
5 address?

6 A Yes, J. Mose Montgomery.

7 Q Your address?

8 A 753 Quebec Place, N.W., D.C.

9 Q Okay. How long have you lived
10 there?

11 A Since 1975.

12 Q Are you familiar with the
13 business?

14 A Pardon?

15 Q Are you familiar with the
16 business?

17 A Yes.

18 Q Are you a regular customer?

19 A Yes.

20 Q Okay. How did you decide to
21 testify in support of establishment?

22 A A couple stores have license for

1 sale of beer and stuff and then no problem.
2 And I don't feel anyone shouldn't be able to
3 compete and do the same thing in business. It
4 should be no problem.

5 Q Did you saw any loitering or
6 littering surrounding that area?

7 A I have seen some in the front,
8 yes, but it's only between the check cashier
9 joint and his place, too. But here lately,
10 about two or three days, there hasn't been too
11 much loitering, because the police is coming
12 through now and they disperse them.

13 Q Have you ever saw any criminal
14 activity surrounding the area?

15 A Any what?

16 Q Criminal activities?

17 A No.

18 Q Or graffiti that type of stuff?

19 A No. Our neighborhood -- I mean,
20 big printing on the car, but I haven't seen
21 any, no, myself personally.

22 Q Did you saw any juveniles

1 surrounding the area, kids consuming alcohol
2 or loitering around there, any drug problems?

3 A Yes. But not in front of the
4 store. But I have seen it in my block and in
5 the alley behind me. I mean, you get the
6 school kids getting out of school and you have
7 kids coming through doing the drugs. And then
8 you probably call the police and they come
9 about half hour, 45 minutes later and the kids
10 disperse. So they is gone, you know, so no
11 problem.

12 Q And do you think there is a
13 natural tendency in the establishment to show
14 that they kind of are aware of activities?

15 A No.

16 Q Okay. Do you believe that the
17 granting of an ABC license, if he has an ABC
18 license, do you support the local business?

19 A Do what now?

20 Q Is it good for local business?

21 A A license?

22 Q Yes. If they have an alcohol

1 license.

2 A I don't have no problem with it.

3 I don't see no problem with it.

4 MR. LEE: No further questions.

5 CHAIRPERSON MILLER: Thank you.

6 Okay. Cross?

7 MR. BOESE: Sure.

8 CROSS-EXAMINATION

9 BY MR. BOESE:

10 Q Hi, Mose.

11 A How you doing?

12 Q I'll leave it to one question.

13 You made a comment in your testimony that you
14 don't see a problem with him selling beer and
15 wine and stuff like the other stores do. And
16 I just want clarification on that.

17 You have testified that you think
18 it is okay for this store to also sell beer
19 and wine. And what is your opinion on this
20 store selling spirits?

21 A I don't have -- I'm against that.

22 Q Okay.

1 A Yes, I'm against that part now.

2 Q Okay. Thank you.

3 MEMBER ALBERTI: I'm sorry, I
4 didn't hear the answer to that.

5 CHAIRPERSON MILLER: He is against
6 it.

7 MEMBER ALBERTI: What was that
8 answer?

9 THE WITNESS: No. He said about
10 the spirits. I'm against that part of it.
11 But the beer and wine, I could go along with
12 it.

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: And do you
15 want to say why you are against the spirits?

16 THE WITNESS: Pardon?

17 CHAIRPERSON MILLER: Why you are
18 against the spirits?

19 THE WITNESS: I just don't think
20 the spirits be, you know, good for the
21 neighborhood. I mean, especially no kid
22 coming home pretty filthy. If they drink and

1 get the spirits, they probably drink it on the
2 streets. And more so what he was saying about
3 the people, the cheap stuff like vodka and
4 stuff like that --

5 CHAIRPERSON MILLER: Yes.

6 THE WITNESS: -- I'm pretty sure.
7 When Lion was open, you could see it all
8 happen like, you know.

9 CHAIRPERSON MILLER: That other
10 place? That other place that is closed down
11 right now you are talking about?

12 THE WITNESS: Yes.

13 CHAIRPERSON MILLER: Okay. And
14 you live in the neighborhood?

15 THE WITNESS: Yes.

16 CHAIRPERSON MILLER: I missed the
17 street that you live on.

18 THE WITNESS: It's Quebec. 753.
19 I'm about seven or eight houses up from his
20 store.

21 CHAIRPERSON MILLER: Oh, okay.

22 THE WITNESS: Quebec.

1 CHAIRPERSON MILLER: And so you
2 frequent this store every day or --

3 THE WITNESS: Yes.

4 CHAIRPERSON MILLER: What time do
5 you go?

6 THE WITNESS: Sometimes I get
7 through -- most times I'm going to play my
8 lottery numbers.

9 CHAIRPERSON MILLER: Okay.

10 THE WITNESS: Day and night.

11 CHAIRPERSON MILLER: And --

12 THE WITNESS: Hoping I can win.

13 CHAIRPERSON MILLER: -- are you
14 around most of the day? Do you --

15 THE WITNESS: I -- yes, most of
16 the time of the day, yes.

17 CHAIRPERSON MILLER: Okay. All
18 right. Any other questions? Okay. Thank
19 you. Thank you very much. Oh, I'm sorry, go
20 ahead. Do you have any cross?

21 MR. LEE: No, I don't have any.

22 CHAIRPERSON MILLER: No. Okay.

1 Yes, thank you.

2 THE WITNESS: Thank you very much.

3 MEMBER ALBERTI: Can I ask --

4 CHAIRPERSON MILLER: Oh, sorry.

5 MEMBER ALBERTI: Mr. Montgomery,
6 can I ask you a couple of questions?

7 MR. MONTGOMERY: Okay.

8 MEMBER ALBERTI: I'm sorry.

9 CHAIRPERSON MILLER: I'm sorry. I
10 should do that.

11 MEMBER ALBERTI: No, I was slow on
12 the draw.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: I'm sorry. This
15 is kind of a vague question, but I'll ask it
16 anyway. There are a number of commercial
17 establishments along Georgia Avenue in the
18 area around the store. Is that correct?

19 MR. MONTGOMERY: Right.

20 MEMBER ALBERTI: Are there any
21 problems in that area that -- well, you know,
22 we have heard about loitering in some areas,

1 right? Are there any problems in that area,
2 in that commercial area, that concern you?
3 And what are they?

4 MR. MONTGOMERY: Not really, not
5 seriously. You know, they had, like I said,
6 a break-in or two robberies or something, you
7 know, stuff like that. But no not no real
8 crime, I don't think so.

9 MEMBER ALBERTI: Okay. Do you
10 feel safe walking down the street down Georgia
11 Avenue?>

12 MR. MONTGOMERY: Yes, I do.

13 MEMBER ALBERTI: How late at
14 night?

15 MR. MONTGOMERY: Yes.

16 MEMBER ALBERTI: How late at night
17 by yourself?

18 MR. MONTGOMERY: Oh, I've been out
19 sometimes I came in like 12:30 or 1:00.

20 MEMBER ALBERTI: Okay.

21 MR. MONTGOMERY: It all depends.

22 MEMBER ALBERTI: Do you see a lot

1 of local neighbors walking up and down the
2 street in that area?

3 MR. MONTGOMERY: Not a whole lot
4 at night.

5 MEMBER ALBERTI: Okay. During the
6 day?

7 MR. MONTGOMERY: Yes, in the day.

8 MEMBER ALBERTI: Are their
9 families walking up and down?

10 MR. MONTGOMERY: My family or
11 other families?

12 MEMBER ALBERTI: Well, families,
13 in general.

14 MR. MONTGOMERY: Yes, yes.

15 MEMBER ALBERTI: Like do you see
16 it during the day?

17 MR. MONTGOMERY: yes.

18 MEMBER ALBERTI: Are you out there
19 during the day?

20 MR. MONTGOMERY: Yes.

21 MEMBER ALBERTI: Okay. I would
22 assume you were, because you -- because the

1 store is only open during day hours.

2 Do you see like young families,
3 like parents with children?

4 MR. MONTGOMERY: Yes.

5 MEMBER ALBERTI: In that area?

6 MR. MONTGOMERY: Yes.

7 MEMBER ALBERTI: Are you seeing
8 that more and more?

9 MR. MONTGOMERY: Yes.

10 MEMBER ALBERTI: That's good.

11 That's good for the city. Okay. No further
12 questions.

13 MR. MONTGOMERY: Okay.

14 MEMBER ALBERTI: Thank you.

15 CHAIRPERSON MILLER: Anything
16 else?

17 MEMBER BROOKS: Yes, I have one.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Brooks?

20 MEMBER BROOKS: Yes. Thank you,
21 Madam Chair. Sir, the District passed a law
22 maybe about four months ago that liquor stores

1 can stay open until midnight. Before that,
2 the latest was 10:00 p.m.

3 If stores in your neighborhood
4 that sell liquor, beer and wine and spirits
5 stayed open until midnight, would that be a
6 problem for you?

7 MR. MONTGOMERY: Nope, it would
8 not.

9 MEMBER BROOKS: Thank you, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay.
12 Anybody else?

13 MEMBER NOPHLIN: Just one.

14 CHAIRPERSON MILLER: Yes, Mr.
15 Nophlin?

16 MEMBER NOPHLIN: Mr. Montgomery,
17 do you attend the ANC meetings at all for
18 needs of the community? Do you attend?

19 MR. MONTGOMERY: In the community,
20 yes.

21 MEMBER NOPHLIN: You do?

22 MR. MONTGOMERY: Yes.

1 MEMBER NOPHLIN: And do you feel
2 that -- are you able to say how you feel about
3 this particular establishment staying open?
4 You're saying that to the community?

5 MR. MONTGOMERY: No, no problem.
6 Like I said, I don't think too many people in
7 the neighborhood have a problem with it.
8 That's my opinion now.

9 MEMBER NOPHLIN: Oh, that's --

10 MR. MONTGOMERY: I would not. I
11 know I wouldn't have a problem with it.

12 MEMBER NOPHLIN: But you do attend
13 meetings where they talk about the stores?

14 MR. MONTGOMERY: Yes.

15 MEMBER NOPHLIN: And some people
16 don't have a problem with it?

17 MR. MONTGOMERY: No they don't.

18 MEMBER NOPHLIN: Okay. Thank you
19 very much for your testimony.

20 MR. MONTGOMERY: Yes.

21 CHAIRPERSON MILLER: Okay. Okay.

22 Any other questions?

1 MR. LEE: No questions.

2 CHAIRPERSON MILLER: Okay. Thank
3 you very much.

4 MR. MONTGOMERY: Yes.

5 CHAIRPERSON MILLER: We have two
6 more witnesses and, obviously, they overlap
7 with the previous ones, so actually No. 5 they
8 support and testified about the real estate
9 value in the area as for landowners. And No.
10 6, Mr. Joe Thompson, will testify about that
11 he was hired by vending company to pick up the
12 trash and that he reside over second floor and
13 they come out and pick up the trash.

14 So they will go, obviously, so we
15 have no more witnesses to testify today.

16 CHAIRPERSON MILLER: Okay. We
17 think that maybe we should break for like 15
18 minutes before the protestants do their case
19 just to give everybody a chance to -- does
20 anybody have a problem with that?

21 MR. BOESE: I would just like to
22 ask how --

1 CHAIRPERSON MILLER: Do you have a
2 problem with like a witness that has to leave
3 or anything like that? We just thought it is
4 a good breaking point for a very quick, pretty
5 quick break.

6 MR. BOESE: I was just going to
7 ask quickly if you have an idea of how late in
8 the evening we are going to go, because this
9 was actually scheduled during our ANC-1A
10 meeting tonight.

11 CHAIRPERSON MILLER: Oh, you do
12 have a --

13 MR. BOESE: Yes.

14 MEMBER ALBERTI: It's up to you.

15 MR. BOESE: Well, I --

16 CHAIRPERSON MILLER: It's your
17 case.

18 MR. BOESE: -- can stay. I mean,
19 I can call them to tell them they will have to
20 find a secretary, but --

21 CHAIRPERSON MILLER: Okay. It
22 will only take -- oh, how many witnesses do

1 you have?

2 MR. BOESE: Well, there is -- I
3 was going to testify to a few things and the
4 people behind, but if you wanted to take a 15
5 minute break --

6 CHAIRPERSON MILLER: Well, should
7 we do 10 minutes?

8 MR. BOESE: Well, it depends on
9 how many questions we get.

10 CHAIRPERSON MILLER: I mean, we
11 could do 10 minutes, since they --

12 MR. BOESE: Okay. Do 10.

13 CHAIRPERSON MILLER: Okay. So
14 let's do 10 minutes and then it's your case.
15 I don't think it should take that long, but I
16 really don't know, you know. It's not really
17 within our control how long your --

18 MR. BOESE: That's fine.

19 CHAIRPERSON MILLER: All right.
20 So we will see you back here in 10 minutes.
21 Everybody can make phone calls or do whatever
22 you need to do.

1 MR. BOESE: Thank you.

2 MR. LEE: Can I let them go, my
3 witnesses?

4 (Whereupon, at 6:07 p.m. a recess
5 until 6:26 p.m.)

6 CHAIRPERSON MILLER: We're back on
7 the record. Mr. Lee, is your client here?

8 MR. BOESE: Mr. Lee?

9 MR. LEE: Yes?

10 CHAIRPERSON MILLER: I was just
11 wondering if your client is still here? Your
12 client.

13 MR. LEE: Oh, he is at the
14 restroom. He will come back soon.

15 CHAIRPERSON MILLER: Okay.

16 MR. LEE: He is at the restroom.

17 CHAIRPERSON MILLER: Okay.

18 MR. LEE: We can resume, it's
19 okay.

20 CHAIRPERSON MILLER: We can start
21 without him?

22 MR. LEE: Yes.

1 CHAIRPERSON MILLER: Okay. Well,
2 actually, there are three of us here right now
3 and three is a quorum actually under the ABC
4 Law, so the others are going to be joining us,
5 but we thought we would let you all get
6 started.

7 So we are ready then for the
8 protestants to present their case.

9 MR. BOESE: Okay. I would like to
10 give the stand to Sylvia Robinson.
11 Whereupon,

12 SYLVIA ROBINSON
13 was called as a witness by counsel for the
14 protestants and having been first duly sworn,
15 assumed the witness stand and was examined and
16 testified as follows:

17 CHAIRPERSON MILLER: Okay. Thank
18 you.

19 DIRECT EXAMINATION

20 BY MR. BOESE:

21 Q Thank you, Ms. Robinson. You are
22 one of the co-founders, co-organizers of the

1 Georgia Avenue Community Development Task
2 Force, are you not?

3 A Yes.

4 Q And on July 10th or in let's say
5 the spring or early summer of 2010, the task
6 force did commit or did put out and develop
7 and process and put together a community
8 survey of goods and services and things of
9 that nature on Georgia Avenue, correct?

10 A That's correct.

11 Q What -- since you are intimately
12 familiar with this study and its results,
13 could you tell us a little bit on the size and
14 scope of this survey as well as what the
15 survey said about the community's interest or
16 support for establishments selling beer, wine
17 and liquor?

18 CHAIRPERSON MILLER: I just want
19 to interject for one second.

20 MR. BOESE: Sure.

21 CHAIRPERSON MILLER: What's the
22 name of the survey? And when was it taken?

1 MR. BOESE: Okay. It was the
2 Georgia Avenue User Survey by the Georgia
3 Avenue Community Development Task Force. We
4 submitted a copy, which I believe the master
5 copy is 144 pages and it's in your files, but
6 this is a good opportunity. We did bring
7 parts of it --

8 CHAIRPERSON MILLER: Okay.

9 MR. BOESE: -- so that you could
10 look at it should you have any questions while
11 we are --

12 MS. ROBINSON: I have actually
13 prepared just some testimony on this.

14 CHAIRPERSON MILLER: Right.

15 MS. ROBINSON: And I'll just read
16 it to fill you in on the task force and the
17 survey.

18 CHAIRPERSON MILLER: I just wanted
19 to get the context. I didn't -- I thought I
20 missed the words.

21 MEMBER ALBERTI: Mr. Boese?

22 MR. BOESE: Yes?

1 MEMBER ALBERTI: Has Mr. Lee seen
2 this survey? The entire master copy?

3 MR. BOESE: We submitted the
4 entire master copy. I do not know if it was
5 the entire copy was sent to him. The sections
6 that are relevant that we will be testifying
7 or speaking to, he does have a copy of those
8 pertinent pages.

9 MEMBER ALBERTI: Okay. And is
10 that the only portion that you are going to
11 enter into evidence?

12 MR. BOESE: We provided the entire
13 survey, but this is what we -- this is the
14 core piece that we care about being entered
15 into evidence.

16 MEMBER ALBERTI: So that's the
17 piece that you will enter into evidence? I
18 mean, because we --

19 MR. BOESE: Correct.

20 MEMBER ALBERTI: For the record,
21 we have to know what is entered into evidence.

22 MR. BOESE: Okay.

1 MEMBER ALBERTI: And if it is the
2 entire survey is going to be entered into
3 evidence, then Mr. Lee has to have a chance to
4 look at it and object or say he is okay with
5 it. So I'm just trying to clarify, you know,
6 what. And I know I'm talking -- I may be
7 being nudged here, but --

8 MR. BOESE: No.

9 MEMBER ALBERTI: -- we have to
10 have this for the record.

11 MR. BOESE: We would be agreeable
12 to having these excerpts represent the -- what
13 is being submitted for the record.

14 MEMBER ALBERTI: So that will be
15 your exhibit that you are going to --

16 MR. BOESE: Yes.

17 MEMBER ALBERTI: -- enter as an
18 exhibit. Okay. Thank you.

19 CHAIRPERSON MILLER: Could you
20 just clarify, I haven't seen your 144 page
21 report.

22 MR. BOESE: Yes.

1 CHAIRPERSON MILLER: In what way--
2 when did you submit it to the record?

3 MR. BOESE: We submitted an
4 electronic copy of that when we submitted our
5 PIF.

6 CHAIRPERSON MILLER: Oh, with your
7 PIF, okay.

8 MR. BOESE: Yes, we submitted it
9 with the PIF.

10 CHAIRPERSON MILLER: Okay.

11 MR. BOESE: Because the -- it
12 itself actually does refer to the entire
13 report as an exhibit. And based on the
14 feedback they got back that it was so large
15 that it would be put into the file, but they--
16 it was not going to be printed out for each of
17 the Board Members, that's when we condensed it
18 down to this --

19 CHAIRPERSON MILLER: Okay.

20 MR. BOESE: -- to bring with us.

21 CHAIRPERSON MILLER: Okay. So you
22 are satisfied with submitting that for your

1 case?

2 MR. BOESE: I believe so.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: Okay. Go
5 ahead. Oh, we are just going to get the -- I
6 had just asked what's the name of it and what
7 year was the survey taken.

8 MR. BOESE: This is title version
9 0 point -- well, zero created July 10, 2010.

10 CHAIRPERSON MILLER: Okay. Thank
11 you.

12 THE WITNESS: Okay. So if I may,
13 I can just give you a summary of the group
14 that did the survey.

15 CHAIRPERSON MILLER: Yes.

16 MS. ROBINSON: And then we will go
17 on to the details of the survey?

18 BY MR. BOESE:

19 Q Yes.

20 A Okay. Georgia Avenue between New
21 Hampshire Avenue and S Street has historically
22 been in neglected neighborhood. Although it

1 is marked by many vacant buildings, there has
2 always been a strong thread of community pride
3 and civic engagement.

4 We care deeply about our
5 neighborhood. Until recently, city-funding
6 has consistently bypassed this area in favor
7 of 14th Street Corridor in other parts of the
8 city.

9 New development is just beginning
10 to become a part of the landscape and the
11 community is determined to be a part of it.
12 Residents along Georgia Avenue hopeful that
13 there will be some activity along the corridor
14 organized in December of 2009 as a group known
15 as the Georgia Avenue Community Development
16 Task Force.

17 Meeting twice a month since then,
18 we have been proactive in conducting an
19 inventory of vacancies, city plans and current
20 activity along Georgia Avenue. We now have
21 over 700 numbers.

22 One of our most significant

1 efforts in 2010 was a neighborhood-wide survey
2 conducted between April and June. The survey
3 was completed by 690 people and profiled the
4 opinions and desires of the community.

5 And so now I'll talk a little bit
6 about the details of the survey.

7 The survey highlighted -- the
8 survey report that you have highlights areas
9 that relate to our opinions regarding liquor
10 stores. The survey, as I said, was taken by
11 690 people most of whom identified as a
12 resident or business owner in our target area,
13 which is from New Hampshire Avenue to S
14 Street.

15 Respondents further identified the
16 closest intersection allowing us to gather
17 data on specific sections. Those living on
18 Harvard and North were one of the areas we
19 pinpointed and we are going to refer to here.
20 this is the area where the King's Deli is
21 located.

22 The survey had a section on

1 retailer shopping which listed 10 types of
2 retail establishments, which included beer/
3 wine stores. For each establishment, the
4 respondent was asked to tell us how important
5 that item is to them on a scale of 1 to 5,
6 with 1 being not important at all and 5 being
7 very important.

8 In addition, they were asked to
9 tell us whether they thought the item was
10 available on Georgia Avenue on a scale of 1 to
11 5, with 1 being never available and 5 being
12 always available. They were also asked to
13 make general comments about Georgia Avenue.

14 So to summarize the highlighted
15 sections that you have, the survey made the
16 following points:

17 Beer/wine stores had the highest
18 "least important" ranking among all
19 respondents. Also, beer/wine stores was
20 ranked overwhelmingly as "always available" on
21 Georgia Avenue by all respondents and on those
22 living on Harvard and North.

1 73 percent of all respondents
2 ranked cleanliness as a reason they did not
3 shop, dine or enjoy being on Georgia Avenue.
4 And 70 percent cited safety as well.

5 The survey also asked for specific
6 commentary from the respondents. And just to
7 look at some of the comments that people have
8 related to Georgia Avenue, a few quotes:

9 (1) "I hate the abundance of
10 liquor stores, nail salons and the strip club
11 right next to the charter school."

12 Also, "I hate the consistent
13 loitering of drunk men."

14 Another one, "There is very little
15 offered beyond fried food and booze."

16 Litter. "There is too many liquor
17 stores, too many unhealthy food eateries, too
18 much crime, building and businesses are an
19 eyesore."

20 Another comment, "Drunks, liquor
21 stores, hair salons, junkies, dilapidated
22 infrastructure and shuttered store fronts."

1 Another one, "A cleaned up,
2 healthier Georgia Avenue would be wonderful.
3 Get rid of the loiters and drugs, please,
4 let's get people to put their litter in the
5 trash. How can we get people to stop dropping
6 garbage all over?"

7 Another one, "Fewer liquor stores,
8 nail/hair salons, big book store, health and
9 exercise facilities, fewer cars, more public
10 transport."

11 And finally, "Georgia Avenue is
12 overrun with carry-out food places, nail
13 salons and liquor stores. Without a better
14 mix of businesses in an environment where
15 people can feel safe, it will always be
16 preferable to go to Adams Morgan and Columbia
17 Heights, rather than hang out on Georgia
18 Avenue."

19 So the survey, of course, outlined
20 much of what we wanted to happen on Georgia
21 Avenue and we need the task force to work
22 consistently with developers and city planners

1 to try to improve our neighborhood.

2 I want to emphasize the
3 development of our community in an equitable
4 way won't happen without people being involved
5 in the process. We have spent the last two
6 years attempting to create a neighborhood that
7 we can all be proud of.

8 So we are asking that you consider
9 these views when you are considering this
10 application for protest.

11 Q Thank you.

12 MR. BOESE: We have no further
13 questions.

14 CHAIRPERSON MILLER: Okay. Yes,
15 Mr. Lee?

16 MR. LEE: Yes, I have one
17 question.

18 CHAIRPERSON MILLER: Okay.

19 CROSS-EXAMINATION

20 BY MR. LEE:

21 Q Please explain to me or relay to
22 me, explain to me about the -- where is your

1 real scientific basis or axis to access the
2 true public safety issue and increase in crime
3 related to availability of corridor?

4 I didn't see. It just a census or
5 survey for artificial and political
6 experience. It's true, but I didn't see any
7 scientific basis or axis. Where is it related
8 to between alcohol -- more alcohol related to
9 increase in crime or public safety issue?

10 A No, what I was pointing out was
11 what we, as a community, want to see happen in
12 our neighborhood.

13 Q Yes.

14 A And these are the preferences.
15 This was the research that we had done as we
16 were looking at how to develop Georgia Avenue.
17 What sort of things we wanted to see happen
18 and what people thought about the community.
19 It wasn't until it was a scientific study on,
20 you know, how alcohol relates to crime issues,
21 but we do know that people want to see less
22 crime, would feel more safe in order to

1 patronize Georgia Avenue than the need to
2 bring the businesses that people are asking
3 for. And the survey outlines what people are
4 asking for.

5 Q Okay.

6 CHAIRPERSON MILLER: Okay?

7 MR. LEE: Yes, that's all.

8 THE WITNESS: Then if I could also
9 add that this is the third liquor license that
10 we have been asked to consider on Georgia
11 Avenue. There was one at 2917 that was
12 withdrawn. We had a discussion with the
13 community and that establishment is now a jazz
14 lounge that I think is a very great option for
15 the community.

16 And then there is two that are
17 down -- we are in the process of protesting.
18 So it's, I mean, clear and understandable that
19 businesses are trying to do what they can in
20 order to be able to consider -- continue to be
21 profitable, but I think that we should have to
22 also consider the impact that we have on the

1 community as a developing neighborhood, the
2 impact that these establishments are having
3 and the fact that there is a very strong
4 community organization that is really helping
5 to bring positive -- more positive, more
6 desirable businesses to the neighborhood.

7 CHAIRPERSON MILLER: Okay. Board
8 questions? Mr. Nophlin?

9 MEMBER NOPHLIN: Yes, please.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER NOPHLIN: I'm so sorry. I
12 came in a little late, but according to your
13 testimony, there was a survey done?

14 MS. ROBINSON: Yes.

15 MEMBER NOPHLIN: And the survey,
16 how many people were involved in the survey?

17 MS. ROBINSON: There were 690
18 people that did the survey.

19 MEMBER NOPHLIN: Responded to the
20 survey?

21 MS. ROBINSON: Yes.

22 MEMBER NOPHLIN: And the questions

1 were developed by whom?

2 MS. ROBINSON: By the community.

3 MEMBER NOPHLIN: By the community?

4 MS. ROBINSON: Yes. It was a
5 project of the community, the Georgia Avenue
6 Community Development Task Force.

7 MEMBER NOPHLIN: Okay. And the
8 results of the survey showed? A real quick
9 answer, I'm sorry, I missed it.

10 CHAIRPERSON MILLER: No, wait, no.
11 That's all the questions. I'm sorry we
12 started without you. We just weren't sure how
13 long it would be. So it would be good for you
14 to get that background.

15 MEMBER NOPHLIN: Okay.

16 CHAIRPERSON MILLER: Yes.

17 MS. ROBINSON: So you want me to
18 repeat?

19 CHAIRPERSON MILLER: Yes.

20 MS. ROBINSON: To summarize, there
21 were a section on retail shopping and it
22 listed 10 types of retail establishment, which

1 included beer/wine stores as one of the types
2 of establishments that people had to assess.

3 For each establishment,
4 respondents were asked to tell how important
5 it is to them on a scale of 1 to 5 and also
6 whether if the item was available or vended on
7 Georgia Avenue on a scale from 1 to 5.

8 So looking at the points that came
9 out of the survey related to the beer/wine
10 stores was that it had the highest "least
11 important" ranking among all the respondents
12 and it also ranked overwhelmingly as "always
13 available" on Georgia Avenue by all the
14 respondents and also on those specifically
15 living on Harvard and North, which is the area
16 that -- where King's Deli is.

17 It also noted that 73 percent of
18 the respondents ranked cleanliness as the
19 reason that they did not shop, dine or enjoy
20 being on Georgia Avenue and 70 percent cited
21 safety reasons as a big concern for them on
22 Georgia Avenue.

1 MEMBER NOPHLIN: Thank you.

2 MS. ROBINSON: And the details of
3 all of that is in the --

4 MEMBER NOPHLIN: Report, yes.

5 MS. ROBINSON: -- report.

6 MEMBER NOPHLIN: That you
7 submitted to the Board?

8 MS. ROBINSON: Yes.

9 MEMBER NOPHLIN: Okay.

10 CHAIRPERSON MILLER: Not exactly
11 yet. They have excerpts from this report that
12 they are going to put in evidence. We don't
13 have it yet.

14 MEMBER NOPHLIN: We don't have it
15 yet.

16 CHAIRPERSON MILLER: They are
17 referring to it. Also, apparently, they filed
18 with their PIF a 144 page report, which,
19 apparently, was too long they were told to get
20 into the Board files. So we never saw that.

21 MEMBER NOPHLIN: Thank you.

22 CHAIRPERSON MILLER: Okay. So we

1 will be getting the excerpt.

2 I have a quick question.

3 MEMBER ALBERTI: Go ahead.

4 CHAIRPERSON MILLER: Now, it just
5 kind of makes me smile when I hear your list,
6 because I think that some of the things that
7 they said about Georgia Avenue are almost --
8 could apply to any neighborhood, like the nail
9 salons or something. You know, everybody has
10 so many nail salons.

11 So you said quite a few times
12 liquor stores, that people didn't want liquor
13 stores.

14 MS. ROBINSON: Yes.

15 CHAIRPERSON MILLER: And --

16 MS. ROBINSON: No, I pulled the
17 comments on those related to liquor stores.
18 There were several hundred comments --

19 CHAIRPERSON MILLER: Okay.

20 MS. ROBINSON: -- on the report,
21 but I just was pointing out the ones that
22 related to the liquor stores.

1 CHAIRPERSON MILLER: Okay. Was
2 there a distinction made in that survey
3 between liquor stores and groceries or markets
4 that sell beer and wine and possibly spirits?

5 This isn't a liquor store, at
6 least in my mind per se, like they are just
7 selling liquor.

8 MS. ROBINSON: No, there wasn't
9 any distinction in the comments.

10 CHAIRPERSON MILLER: So when they
11 answered, how did they answer? Did they say
12 liquor stores or did they say any
13 establishment that sells alcohol period?

14 MS. ROBINSON: No. There was a
15 part of the survey where they were ranking
16 certain things from 1 to 5, as I had said
17 before. So beer/wine stores are the ones
18 where they were doing the formal ranks and we
19 collected data, you know, tables and things
20 like that, but there was also a section where
21 they could do some free-form commentary.

22 And those are all collected at the

1 end of the report. I think there were several
2 questions, one of them was a one-word
3 impression of Georgia Avenue and then there
4 was another one for just your general
5 impressions on Georgia Avenue.

6 And then there were questions
7 about whether you wanted to eat, shop or dine
8 on Georgia Avenue. And if so, why or not why?
9 And so there were some sections where they
10 could just put in commentary and that's where
11 those comments came from. But then there were
12 also the tabulated parts of the survey, which
13 showed, you know, places where they could, you
14 know, have to select, you know, yes, no or
15 define what the nos were, were calculated as
16 well.

17 CHAIRPERSON MILLER: So we are
18 going to get all the -- the excerpts are going
19 to be all the relevant parts?

20 MR. BOESE: Yes, and we have them
21 here if you would like.

22 CHAIRPERSON MILLER: Okay. Well,

1 we can look at them in a little bit. I don't
2 even want to be distracted looking while --
3 because I want to hear the witnesses talk.

4 Is there any distinction made
5 between, for instance, when you have a vacant
6 building, like what you want to come in,
7 versus, in this case, you already have a
8 market, deli, however we are going to
9 characterize it, and then they are adding the
10 liquor to it?

11 Would something like that be
12 captured in this survey?

13 MS. ROBINSON: It's hard to know,
14 because, you know, I don't have insight into
15 the thinking of the people that -- you know,
16 all I have is the commentary.

17 CHAIRPERSON MILLER: You didn't
18 ask a question like that per se? Okay.

19 MS. ROBINSON: Yes, no. There
20 were other comments that talked specifically
21 about, you know, the vacant properties, you
22 know, the fact that there were so many vacant

1 properties. And we spent a lot of time
2 looking at vacancies as well.

3 CHAIRPERSON MILLER: Okay. Okay.
4 I don't have any other questions. Do Board
5 Members? Yes, Mr. Alberti?

6 MEMBER ALBERTI: Hi, Ms. Robinson.

7 MS. ROBINSON: Hi.

8 MEMBER ALBERTI: First of all, I
9 want to tell you that I'm impressed by the
10 fact that neighbors got together and formed
11 the task force and all the work that
12 apparently has gone into your survey and the
13 efforts that you are putting in to revitalize
14 that area. So just on the little I have heard
15 today, I'm very impressed with that.

16 MS. ROBINSON: Thank you.

17 MEMBER ALBERTI: I don't know
18 quite how to phrase this, but is there a model
19 for a Class A liquor store that would be
20 acceptable to the community or to you
21 personally or is it that you don't think any
22 model for a Class A liquor store would be

1 appropriate currently to add to that
2 neighborhood?

3 MS. ROBINSON: I don't know if
4 it's about a model. I think that the issue is
5 that there are enough. I think you will hear
6 in a bit about -- you know, and I think you
7 have already heard about the number of
8 alcoholic stores that are along the stretch of
9 Georgia Avenue.

10 And so I think that what you are
11 going to see is that there is an abundance of
12 liquor stores there. And so something that we
13 just don't need more of. So I don't -- I'm
14 not taking issue with every liquor store that
15 exists on Georgia Avenue, I'm just taking
16 issue with adding new liquor stores on Georgia
17 Avenue.

18 MEMBER ALBERTI: All right. Well,
19 you know, I'm going to play devil's advocate
20 here, because when I hear you say -- one way
21 of interpreting what you are telling me that
22 we don't need any more liquor stores, is to

1 say well, what's the harm?

2 There is no demand. When you say
3 need, you could be talking about demand. And
4 you could say well, there isn't really a
5 demand for additional alcohol establishments
6 on Georgia Avenue.

7 And so the result of that is that
8 there will be competition between these
9 stores. That's one way of interpreting what
10 you mean by not needing any more.

11 And, quite frankly, from what I've
12 heard you say so far and from the survey,
13 that's the way I have to interpret what you
14 are telling me. Am I missing something here?

15 MS. ROBINSON: I'm not sure what
16 the question is. Can you --

17 MEMBER ALBERTI: Well, you heard
18 my interpretation of what you just said,
19 right?

20 MS. ROBINSON: Yes.

21 MEMBER ALBERTI: Is it correct?

22 MS. ROBINSON: That the --

1 MEMBER ALBERTI: That when you
2 speak of there is no need for additional
3 liquor stores, what you are talking about
4 there that there is no demand for no new
5 liquor stores.

6 MS. ROBINSON: I wouldn't say
7 necessarily there is not demand. I mean, I
8 think alcohol will always sell, because it's,
9 I mean, a drug, so people will always buy
10 alcohol and there will always be a market for
11 it.

12 I think that liquor establishments
13 bring with it certain negative elements. And
14 there is a trade-off of how much of the
15 negative element that you want in order to
16 balance out your community. There is a trade-
17 off between how many -- how much negative
18 element you want that comes with it and the
19 number of liquor establishments that you have.

20 MEMBER ALBERTI: Okay. Now --

21 MS. ROBINSON: In this area, we
22 have quite a bit and several large ones and it

1 affects how people -- the impression that
2 people have if they walk up Georgia Avenue,
3 which I do quite a bit. So, you know, I think
4 that, you know, that would be the impression
5 I have that there is enough and that there are
6 a number of other establishments that can be
7 conducted.

8 MEMBER ALBERTI: So when you say
9 there is enough, what you are telling me, from
10 what you just said, is that if we have more,
11 it will -- it may create new problems or add
12 to problems that exist there?

13 MS. ROBINSON: This will add to
14 problems that --

15 MEMBER ALBERTI: I'm just saying
16 that that is what you are trying to tell me?
17 Is that correct?

18 MS. ROBINSON: Yes. It will add
19 to problems that are currently -- we have
20 issues with on Georgia Avenue and are trying
21 to clean up and make a better impression of
22 and a better offering to people in the

1 neighborhood as well.

2 MEMBER ALBERTI: So it is purely
3 no more new alcohol establishments. It has
4 nothing to do with the way it would be
5 operated?

6 MS. ROBINSON: That's right. No
7 more Class A alcohol establishments.

8 MEMBER ALBERTI: Do you take issue
9 -- let me see, what other Class As are there
10 currently? I'm trying to find that.

11 MS. ROBINSON: There is Lion's
12 Liquor, Petworth Liquor, Giant Liquor.

13 MEMBER ALBERTI: Okay. Lion,
14 Petworth. Was it Petworth or Pethouse?

15 MR. BOESE: Petworth.

16 MR. LEE: Petworth.

17 MEMBER ALBERTI: I'm not sure I
18 see that. Oh, it says Pethouse on here.

19 MS. ROBINSON: And there are a
20 number of beer and wine -- smaller beer and
21 wine markets.

22 MEMBER ALBERTI: Where is

1 Petworth? Where is Petworth Liquor, do you
2 know?

3 MR. BOESE: Just north of Kenyon.

4 MS. ROBINSON: Kenyon.

5 MEMBER ALBERTI: It's where?

6 MS. ROBINSON: Kenyon. Georgia
7 and Kenyon.

8 MEMBER ALBERTI: Oh, Georgia and
9 Kenyon. Okay. That's not on my map here,
10 because I'm on the map. Is there anything
11 about any of those stores that you find
12 particularly troubling?

13 MS. ROBINSON: Yes. Well, there
14 is always a lot of drunks hanging out in front
15 of them. I don't know which stores
16 themselves, I don't go in them, but there is
17 certainly a lot of evidence of the clientele
18 hanging out in front of them.

19 MEMBER ALBERTI: Okay. If Mr.
20 Shin was to be issued a license, are there any
21 operational procedures, aspects, conditions
22 that you think you would like to see the

1 business adhere to that would mitigate some of
2 the problems that you envision? Now, this is
3 all speculation, but that you envision would
4 be coming?

5 MS. ROBINSON: Well --

6 MEMBER ALBERTI: That arise.

7 MS. ROBINSON: -- I would like to
8 leave -- defer to some of the people that live
9 closer to there. I live on Euclid Street, 733
10 Euclid.

11 MEMBER ALBERTI: Okay.

12 MS. ROBINSON: And it's not close
13 enough that the daily --

14 MEMBER ALBERTI: Okay.

15 MS. ROBINSON: I, you know,
16 understand all of the issues around there.

17 MEMBER ALBERTI: I understand.

18 MS. ROBINSON: So I think Kent and
19 others are going to talk more about the
20 neighborhood.

21 MEMBER ALBERTI: Okay. So you are
22 really here to represent the survey sort of?

1 MS. ROBINSON: Yes.

2 MEMBER ALBERTI: That was your --

3 MS. ROBINSON: I represent the
4 larger -- the impact on the larger community
5 and the work that we are doing in trying to
6 develop the --

7 MEMBER ALBERTI: Okay. Very good.
8 Thank you. Thank you for that. I have no
9 further questions.

10 CHAIRPERSON MILLER: I just want
11 to follow-up. Before I was asking about the
12 survey, but now I wanted to ask you whether
13 you think that there is going to be a big
14 change in this spot where the deli itself, the
15 business itself is going to still be there,
16 but they are adding liquor to their inventory.

17 Do you see a big change in the
18 impact on the sidewalk or the community from
19 that addition?

20 MS. ROBINSON: I mean, I can guess
21 that there will be. I don't have any way of
22 knowing what the impact is.

1 CHAIRPERSON MILLER: Well --

2 MS. ROBINSON: But all I know is
3 what currently exists on Georgia Avenue and,
4 you know, what I see from the liquor stores
5 that exist there now. I mean, I don't have
6 issues with -- I don't have current issues
7 with how they are running their business now,
8 so I can't say that they will be neglectful
9 necessarily, but I think that because it's a
10 liquor store, I think things will change.

11 CHAIRPERSON MILLER: But it's not
12 a liquor store per se.

13 MS. ROBINSON: I mean, it would
14 be.

15 CHAIRPERSON MILLER: No. I think
16 it is going to be a market selling liquor. I
17 mean, I'm distinguishing between -- when I'm
18 talking about liquor stores, I'm talking about
19 that's all they sell is liquor. A liquor
20 store, you go in, get your beer, you get maybe
21 cigarettes or whatever, but basically, that.

22 And I'm wondering when you are

1 talking about the establishments that are
2 there now that sell alcohol, what are they
3 that you are talking about? Are they liquor
4 stores? Are they, you know, a mix of use,
5 like he has?

6 MS. ROBINSON: Well, there is
7 three large liquor stores and then there is --
8 there are other markets that sell beer and wine
9 and other things.

10 CHAIRPERSON MILLER: Okay. So do
11 you know any difference between the impacts of
12 the liquor stores versus the markets that sell
13 the alcohol?

14 MS. ROBINSON: Well, just my
15 observation is that the liquor stores have
16 more -- well, and it's hard to say, because
17 the liquor store is so much bigger than the
18 small beer and wine markets. But the liquor
19 stores certainly have a visual impact on --
20 you know, with the people hanging out and just
21 kind of camped out in front of the store.

22 You know, I don't see that as much

1 in the markets that sell bee and wine as well
2 as other things, but, you know, I can't assess
3 what the impact would be in a particular
4 store.

5 CHAIRPERSON MILLER: And would you
6 feel differently if this were going to be a
7 Class B License?

8 MS. ROBINSON: Like I said, our --
9 in our meetings, we were discussing it as a
10 Class A. We haven't had a chance to talk
11 about --

12 CHAIRPERSON MILLER: Okay. That's
13 a hypothetical.

14 MS. ROBINSON: -- the effects of a
15 Class B.

16 CHAIRPERSON MILLER: I just was
17 curious. All right. I don't have any other
18 questions.

19 MEMBER NOPHLIN: Just one quick
20 question. I'm sorry.

21 CHAIRPERSON MILLER: Yes.

22 MEMBER NOPHLIN: You live where in

1 proximity to the business?

2 MS. ROBINSON: I live at 733
3 Euclid Street and it's maybe a half mile or a
4 quarter of a mile down Georgia Avenue.

5 MEMBER NOPHLIN: Okay.

6 MS. ROBINSON: Off of Euclid.

7 MEMBER NOPHLIN: Okay. And maybe
8 this question was asked of you before, so you
9 have actually seen and surveyed the area to
10 see what kind of activity goes around this
11 business?

12 MS. ROBINSON: Have I surveyed the
13 area? No. No, I haven't. The survey I was
14 referring to was the neighborhood-wide survey
15 that we did in 2010.

16 MEMBER NOPHLIN: Okay. Thank you.
17 Thank you, Madam Chair.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Any other Board questions? Yes, Mr.
20 Jones?

21 MEMBER JONES: Really quickly.
22 Just for purposes of my clarification, so

1 there is nothing that you are pointing to or
2 trying to offer up to speak on how this
3 specific establishment will directly impact
4 the community neighborhood or what have you.

5 You are speaking about a general
6 survey about the general impact of ABC-
7 licensed establishments or various types that
8 sell alcohol in the community --

9 MS. ROBINSON: Yes.

10 MEMBER JONES: -- and the general
11 effect that those establishments --

12 MS. ROBINSON: Yes, speaking --

13 MEMBER JONES: -- have?

14 MS. ROBINSON: -- about the
15 general community and also in my experience
16 just as a patron of Georgia Avenue and that
17 area that -- there will be other more detailed
18 testimony about that specific neighbor -- that
19 specific intersection.

20 MEMBER JONES: Understood. Thank
21 you very much. Thank you, Madam Chair.

22 CHAIRPERSON MILLER: Okay. Thank

1 you. Anybody else have questions? Any
2 redirect? Any recross?

3 MR. LEE: No.

4 CHAIRPERSON MILLER: Okay. Thank
5 you very much.

6 (Whereupon, witness was excused.)

7 MR. BOESE: Am I -- because this
8 is awkward, in order for me to go up there and
9 ask myself questions, can I just go up and
10 address the issues I want to address?

11 CHAIRPERSON MILLER: You could or
12 you could have Ms. Robinson ask you questions,
13 if you want.

14 MR. BOESE: Okay.

15 CHAIRPERSON MILLER: Or Mr. Jones,
16 I mean.

17 MEMBER ALBERTI: He can make a
18 statement.

19 CHAIRPERSON MILLER: Do you want
20 to make a statement as a witness?

21 MR. BOESE: Yes.

22 CHAIRPERSON MILLER: Whatever you

1 want to do.

2 MR. BOESE: I think I can be
3 pretty succinct.

4 CHAIRPERSON MILLER: All right.

5 MR. BOESE: And stay on point.

6 CHAIRPERSON MILLER: Okay.

7 MR. BOESE: If that's okay? I do
8 have two handouts that I would like to submit
9 that you may want. If there is someone or
10 some way --

11 CHAIRPERSON MILLER: Okay.

12 MR. BOESE: Yes, those are for the
13 Board. Okay.

14 CHAIRPERSON MILLER: You can enter
15 that exhibit at any time you want.

16 MR. BOESE: Okay.

17 CHAIRPERSON MILLER: It is your
18 case.

19 MR. BOESE: I would like to enter
20 them now, so that you have them.

21 CHAIRPERSON MILLER: Okay.

22 MR. BOESE: Because they are --

1 CHAIRPERSON MILLER: This is
2 Protestant's Exhibit No. 1. Is that right or
3 what would you call it?

4 MR. BOESE: I guess 2 or 3.

5 CHAIRPERSON MILLER: Oh, you have
6 already entered --

7 MR. BOESE: I entered something
8 earlier?

9 CHAIRPERSON MILLER: You did?

10 MEMBER ALBERTI: Okay. Well,
11 wait. Time out, time out. First of all,
12 let's deal with this exhibit.

13 MR. BOESE: Sure.

14 MEMBER ALBERTI: Mr. Lee, do you
15 have any objection --

16 MR. LEE: This is the first time
17 to see this one.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: No, the survey.
20 The survey.

21 MR. LEE: The survey?

22 MEMBER ALBERTI: The survey

1 excerpts.

2 MR. LEE: I got the --

3 MEMBER ALBERTI: Do you have any
4 objections to admitting that into evidence?

5 MR. LEE: I just want to -- I
6 don't have any disagreement with it.

7 MEMBER ALBERTI: Pardon?

8 MR. LEE: I agree with this. It's
9 okay.

10 MEMBER ALBERTI: Okay. So we are
11 going to -- it's the survey excerpt we are
12 going to enter. Now, that you are going to
13 label as Protestant's Exhibit 1.

14 CHAIRPERSON MILLER: Okay. Let me
15 step in here a second. You think you
16 submitted something earlier?

17 MR. BOESE: Well --

18 MEMBER ALBERTI: Please, don't do
19 that.

20 MR. BOESE: -- yes, I was
21 referring to the Protest Information Form, but
22 if that is already considered a --

1 MEMBER ALBERTI: No.

2 MR. BOESE: -- then --

3 MEMBER ALBERTI: We are going to
4 handle that next, Mr. Boese.

5 MR. BOESE: Okay.

6 MEMBER ALBERTI: Let's deal with
7 this one.

8 MR. BOESE: Okay.

9 MEMBER ALBERTI: Okay. So now the
10 excerpt to the --

11 MR. BOESE: Would be 1.

12 MEMBER ALBERTI: Would be 1.

13 MR. BOESE: Yes.

14 MEMBER ALBERTI: Okay.

15 Protestant's Exhibit 1.

16 (Whereupon, the document was
17 marked for identification as
18 Protestant Exhibit 1 and was
19 received in evidence.)

20 MEMBER ALBERTI: Now, you have
21 this package of stuff that you were using for
22 illustration purposes and witnesses earlier.

1 All right?

2 MR. BOESE: Right. And that's the
3 Protest Information Form. I just gave you a
4 color copy of it.

5 MEMBER ALBERTI: Well, we can't
6 accept the attachments to the PIF --

7 MR. BOESE: Okay.

8 MEMBER ALBERTI: -- as evidence
9 without going through this, because Mr. Lee
10 has to have a chance to object and --

11 MR. BOESE: Okay.

12 MEMBER ALBERTI: -- to cross-
13 examine if he wishes to. So the attachment to
14 the PIF --

15 MR. BOESE: Yes.

16 MEMBER ALBERTI: -- is one, two,
17 three, four, five, six pages. Is that
18 correct?

19 MR. BOESE: That is correct.

20 MEMBER ALBERTI: Photos and charts
21 with dots and arrows and everything. Thank
22 you. So, Mr. Lee, do you have any objections

1 to entering this into evidence?

2 MR. LEE: I'm not sure. I want to
3 clarify. This one?

4 MEMBER ALBERTI: Yes.

5 MR. BOESE: Correct.

6 MR. LEE: Okay. No objection.

7 MEMBER ALBERTI: No objections.

8 Okay. And --

9 MR. LEE: But this one, I do.

10 MEMBER ALBERTI: Okay. And that
11 will be -- what are you pointing to, Mr. Lee?
12 The six page attachment to the PIF form, you
13 are okay with that?

14 MR. LEE: Yes.

15 MEMBER ALBERTI: Okay. I just
16 want to make sure what we're talking about.

17 MR. LEE: Yes.

18 MEMBER ALBERTI: And that is going
19 to be --

20 MR. LEE: I have all these things.

21 MEMBER ALBERTI: Okay. Okay.

22 Just to be sure. The first page says Exhibit

1 A, Exhibit B, Exhibit C and then there is a
2 map on it. The second page says Exhibit D.
3 The third page has -- the middle of it says
4 Exhibit E. The sixth page -- how many pages
5 am I up to now? The fourth page says Exhibit
6 F and it has got two pictures on it. The
7 fifth page has just two pictures of beer cans
8 on it. And the sixth page is labeled in the
9 middle with Exhibit G.

10 Is this what I'm talking about,
11 Mr. Lee?

12 MR. LEE: Yes.

13 MEMBER ALBERTI: Okay. So that we
14 will accept and label as Protestant's Exhibit
15 2.

16 MR. LEE: Okay.

17 MEMBER ALBERTI: Okay.

18 (Whereupon, the document was
19 marked for identification as
20 Protestant Exhibit 2 and was
21 received in evidence.)

22 MEMBER ALBERTI: Great. And now

1 these things are in evidence.

2 MR. BOESE: Now, but one thing I
3 would like to add and if you object to, I'm
4 fine with not submitting that, but one thing
5 you will notice in the exhibits you just
6 accepted is the item labeled Exhibit D.

7 And what that is is an area map of
8 crime and a list of what those crimes are.

9 MEMBER ALBERTI: Well, you can
10 speak to it at any time.

11 MR. BOESE: Okay.

12 MEMBER ALBERTI: Just as long as--

13 MR. BOESE: What I want to do is--

14 MEMBER ALBERTI: Okay.

15 MR. BOESE: Well --

16 CHAIRPERSON MILLER: No, go ahead.

17 MR. BOESE: Could I submit an
18 update to that, since --

19 MEMBER ALBERTI: Sure.

20 MR. BOESE: -- time has elapsed?

21 MEMBER ALBERTI: We can consider
22 that a protestant's exhibit. So you just want

1 to substitute one for the other?

2 MR. BOESE: Correct.

3 MEMBER ALBERTI: Mr. Lee? Has Mr.
4 Lee seen the update?

5 MR. LEE: It's a duplicate?

6 MR. BOESE: It's an update. It
7 includes --

8 MR. LEE: It's updated?

9 MR. BOESE: -- additional
10 information that has happened since the time
11 the PIF was submitted.

12 CHAIRPERSON MILLER: Does this
13 have a different period on it?

14 MR. BOESE: Yes, it goes to
15 February 5th.

16 CHAIRPERSON MILLER: Okay.

17 MR. BOESE: Instead of January
18 27th.

19 CHAIRPERSON MILLER: And it still
20 is December 27th?

21 MR. BOESE: Actually, yes. It's a
22 different period because it's January 1st

1 through February 5th.

2 CHAIRPERSON MILLER: Okay. And
3 you want to submit it instead of the one, not
4 in addition to the one, correct?

5 MR. BOESE: Correct.

6 CHAIRPERSON MILLER: Any --

7 MEMBER ALBERTI: Mr. Lee?

8 MR. LEE: No objection.

9 MR. BOESE: Okay.

10 MR. LEE: So just replace the
11 Exhibit D, right?

12 MEMBER ALBERTI: Right.

13 MR. LEE: Yes.

14 MR. BOESE: Okay.

15 MEMBER ALBERTI: Accepted. Good.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: I think the Chair
18 has accepted it as evidence.

19 MR. BOESE: Okay.

20 MEMBER ALBERTI: Okay.

21 CHAIRPERSON MILLER: Oh, you were
22 sworn in as ANC, but I think we will do it

1 again anyway.

2 MR. BOESE: Okay.

3 Whereupon,

4 KENT BOESE

5 was called as a witness by counsel for the
6 protestants and having been first duly sworn,
7 assumed the witness stand and was examined and
8 testified as follows:

9 CHAIRPERSON MILLER: Okay.

10 MR. BOESE: Thank you. What I
11 would like to address directly are the issues
12 of shall I saw over-density and crime and the
13 impact on trash in the neighborhood.

14 When you look at page 3 in what
15 was just accepted as Exhibit C, I would like
16 to point out that that map is color coded.
17 The red dots are Class A establishments. The
18 Class B establishments are blue. And the one
19 in question is colored in green, so that we
20 know the jive of the place.

21 I don't think it is --

22 CHAIRPERSON MILLER: I'm sorry,

1 I'm sorry.

2 MR. BOESE: Sure.

3 CHAIRPERSON MILLER: I'm not sure
4 what I should be looking at now.

5 MR. BOESE: Oh, this map.

6 CHAIRPERSON MILLER: Where?

7 MR. BOESE: Page --

8 CHAIRPERSON MILLER: That was
9 within the attachment to the PIF?

10 MR. BOESE: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MR. BOESE: It's page 3.

13 CHAIRPERSON MILLER: Okay. Thank
14 you.

15 MR. BOESE: I think there are a
16 couple things that are worth noting.

17 First of all, the vast majority of
18 the establishments are in Ward 1, not Ward 4,
19 and is an establishment that is requesting a
20 Class A License is in Ward 1 on the border.
21 I believe, if I'm speaking correctly, Ward 4
22 has some additional bans, single sales, things

1 like that that are not automatic in Ward 1.

2 And I think that this could be
3 part of the reason why we have such a high
4 density in Ward 1 versus Ward 4. The
5 community does not stop interacting once they
6 get this imaginary political line. It just
7 doesn't.

8 You will also notice that the
9 establishments are right on top of the Georgia
10 Avenue/Petworth Metro. And I find it
11 fascinating that there is so much
12 concentration of alcohol south of the station
13 and nothing north, relatively nothing north,
14 and definitely not a Class A establishment
15 north of the Metro on Georgia Avenue south of
16 Upshur Street. Whereas, we have three of them
17 south.

18 Furthermore, the applicant is 400
19 feet -- they have to be 400 feet north of
20 Lion's Liquor, which has been closed for
21 nearly a year. They are not ready to reopen.
22 This is one of those cases where I don't think

1 a liquor store is a liquor store is a liquor
2 store.

3 The applicant has testified that
4 their establishment is about 2,000 square
5 feet. Lion's Liquor is in a building that is
6 9,300 square feet. They are currently in
7 renovations to open within weeks and from my
8 tour of the building, I would estimate that
9 they are using about 4,300 to 5,000 square
10 feet for the liquor store.

11 I think that is more than the
12 capacity and it should be considered a more
13 significant footprint than a 2,000 square foot
14 liquor store -- that is 400 feet away from a
15 2,000 square foot liquor store. I mean, it's
16 a significant presence.

17 With regards to crime, the one
18 thing I noticed and it is a little difficult
19 for me to pull the statistics right now with
20 the D.C. Crime Map off-line due to
21 redistricting, but I was able, through the One
22 City Map, to get all the stats from the

1 beginning of the year through February 5th.

2 And what I would like to point out
3 is we do have what I would consider to be
4 typical crime. You know, there is wide
5 incidents. If you look at this map, they have
6 numbers on them in addition. You know, there
7 is one crime over here on Water Street.
8 Princeton has three on it.

9 But I don't think it is
10 insignificant that the 3600 Block of Georgia
11 Avenue since the beginning of the year has had
12 seven incidents that I was able to find. This
13 is the same block that the applicant is asking
14 to have a Class A application for.

15 These crimes are not due to the
16 applicant, but I think that when you do have
17 a concentration of crime -- one of them is an
18 assault with a deadly weapon, several of them
19 are theft from autos, a few of them are theft
20 from stores, I believe that's what Theft 2 is,
21 and one was an arrest for possession of
22 marijuana.

1 Again, I'm not saying such a high
2 concentration of -- even if you consider them
3 minor crimes in the surrounding areas. So I
4 think that we do have to pay attention to the
5 behavior or crime behavior in this area.

6 There are many reasons why it
7 could be -- you know, if I could guess, maybe
8 because it's proximity to the Metro Station,
9 but maybe it's because there is a higher
10 density of loitering. I don't know.

11 And with regards to the loitering,
12 I believe you were asking Ms. Robinson about
13 differentiation. We -- you can readily
14 witness loitering at the Petworth Liquor.
15 Loitering exists, but to a lesser extent, at
16 Giant Liquor. Loitering used to be horrendous
17 at Lion before they closed.

18 I don't suspect that will be a
19 problem based on the renovations they are
20 making, but time will tell.

21 We already have a small loitering
22 problem at King's. The only other place in

1 the community where I see a significant
2 loitering problem is with Gee's Market, which
3 is on Water Street and Otis Place. And that
4 has more to do with the loitering that occurs
5 across the street at the rec center.

6 So because there is a Class B
7 license across from the rec center and the
8 school, teens and young adults tend to hang
9 out there. But we do not see a lot of
10 loitering around the other Class B
11 establishments in my Single Member District.

12 CHAIRPERSON MILLER: Okay. That
13 completes your testimony?

14 MR. BOESE: Yes. I think I can
15 end it there in the interest of not rehashing.

16 CHAIRPERSON MILLER: Okay. Is
17 there cross?

18 MR. LEE: I have a couple
19 questions.

20 CROSS-EXAMINATION

21 BY MR. LEE:

22 Q Actually, the first two pertain to

1 page 3, that map. It cover for Georgia Avenue
2 here from Howard University up to Maryland
3 border line, right?

4 A That property -- that map covers
5 from, I believe, Gresham Place in the south,
6 which is just north of Howard, all the way up
7 to Webster Street. It's just south of Webster
8 Street.

9 Q If you could draw the map, the
10 work of DC 1600 dots on the map, so if --
11 because the King's Deli -- from the King's
12 Deli to next ABC-licensed liquor store, it's
13 Lion's Liquor, it's more than 400 feet over
14 there, right?

15 So we were more focused on that
16 area, not cover all -- it's kind of impression
17 that we already have too many liquor stores
18 and ABC-licensed facilities.

19 MEMBER ALBERTI: Is there a
20 question here?

21 CHAIRPERSON MILLER: What?

22 MEMBER ALBERTI: Is there a

1 question? Mr. Lee, is there a question? Do
2 you need a moment? Okay.

3 MR. LEE: Well, I have to repeat
4 my question again?

5 MR. BOESE: Yes.

6 MEMBER ALBERTI: Yes.

7 MR. LEE: Okay.

8 CHAIRPERSON MILLER: You may start
9 again.

10 MEMBER ALBERTI: Well, are you
11 ready?

12 CHAIRPERSON MILLER: Are you
13 ready?

14 COURT REPORTER: It has fixed
15 itself, yes.

16 MEMBER ALBERTI: Okay.

17 CHAIRPERSON MILLER: Okay. Do you
18 want to start again? Where were you?

19 MR. LEE: Yes.

20 BY MR. LEE:

21 Q Actually, what you think about
22 this map impressed other people that we

1 already have enough ABC-licensed along this
2 area, but this map track all -- that's kind of
3 large area, right?

4 A I think it is showing an accurate
5 picture of the liquor stores that are within
6 walking distance to me and my home.

7 Q Okay.

8 A Because I have walked that entire
9 territory personally many times over the
10 weekends, so I think it accurately shows what
11 is available to me as a customer, as a
12 resident and things of that nature.

13 Q Given we --

14 CHAIRPERSON MILLER: Could I
15 interject for a second, because I want to make
16 sure I'm following and the Board is following.
17 Is this the map you are referring to or a
18 different one or is it this one? This one or
19 that -- okay. The one in the --

20 MR. LEE: Yes, this one.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Okay.

1 BY MR. LEE:

2 Q So we narrow down this map to
3 King's Deli as an ABC license is affected
4 area, however, it's the last there on the
5 block, right?

6 A If I may answer your question this
7 way, you are talking about the area
8 immediately around King's Deli, I believe.

9 Q This is the affected area.

10 A Yes. Well, the area immediately
11 around King's Deli, as far as what I think you
12 are asking with the affected area, currently
13 does not have a Class A liquor store within
14 400 feet of it.

15 Q No.

16 A It likely does not have a Class A
17 liquor license around it. Well, taking the
18 Lion's aside, because they are not open, it
19 does not have an active Class A liquor
20 license, I would presume, within 800 feet,
21 because I'm guessing that Giant must be 400
22 feet south of Lion's.

1 Q Yes.

2 A Yet, when I walk on the 700 Block
3 of Rock Creek Church Road, when I walk on
4 Georgia Avenue, when I walk on Princeton
5 Place, when I walk in the alley, I am finding,
6 now considering that there is not an active
7 Class A License, vodka bottles, brandy
8 bottles, MD 20-20.

9 So you cannot tell me that these
10 other active liquor stores are not impacting
11 this area, because if they are far enough way
12 that there is no impact, where are these empty
13 bottles coming from?

14 Q Have you discussed your concern
15 with the one already existing ABC-licensed
16 owners, ABC stores?

17 A I'm sorry, the last time I had --
18 the last time I looked at the bottles, it
19 didn't, tell me where it came from.

20 Q So you --

21 CHAIRPERSON MILLER: Is that a no?

22 BY MR. LEE:

1 Q -- have some concern. You already
2 discuss -- have you discussed with --

3 A We --

4 Q -- the other --

5 A We -- as the ANC, every time a
6 liquor license come up, especially if it's a
7 known problem business, we try to negotiate
8 voluntary agreements with them. We try to
9 correct the problems. When Rock Creek Market
10 reopened after the fire, we had a voluntary
11 agreement drawn up that restricted them from
12 the sale of singles, specifically because of
13 problems that existed with the previous
14 owners.

15 Q Okay.

16 A I mean, we had a voluntary
17 agreement which took a lot of work with Lion's
18 before they closed and this new owner came in,
19 because we do have concerns about this and we
20 do want their to be some teeth when an
21 inspector comes out and sees infractions.

22 Q Do you just got information about

1 the crime around that area? Do you think --
2 I just hear a lot of crime like auto theft,
3 the robbery, there is a lot of all those kind
4 of violent here. Do you think that that
5 special crime associated with the liquor store
6 or alcohol?

7 A I am not expert enough to express
8 why the crime is occurring. I know what the
9 crimes are. I know where they are.

10 Q Yes.

11 A And I can map when they are
12 occurring, because the city makes that data
13 available to us.

14 Q Yes. What do you think based on
15 investigator report No. 7 -- page 7, I'll just
16 read it. Just up from the middle section.

17 CHAIRPERSON MILLER: Wait. You
18 are --

19 MR. LEE: Investigative report.

20 CHAIRPERSON MILLER: Yes, exactly.

21 What page?

22 MR. LEE: Page 7.

1 CHAIRPERSON MILLER: 7?

2 MR. LEE: Yes.

3 CHAIRPERSON MILLER: Okay.

4 BY MR. LEE:

5 Q In the middle, the last sentence
6 before count to seven, there is "According to
7 the Metropolitan Police Department, the Crime
8 Analysis Unit, they haven't in any course for
9 service to this address." Now, what do you
10 think about that? And then they have liquor
11 license -- this and it's provided --

12 CHAIRPERSON MILLER: Is this --
13 excuse me, is this related to what he
14 testified to?

15 MR. LEE: Yes.

16 CHAIRPERSON MILLER: It is? How?
17 Could you repeat your question, because it
18 sounds like you're going off into Mr. Parker's
19 report. Is it related to what he said?

20 MR. LEE: Yes, he testified about
21 the crime.

22 CHAIRPERSON MILLER: Okay.

1 MR. LEE: You know, status.

2 CHAIRPERSON MILLER: Could you --

3 MR. LEE: Status. So that's why I
4 just ask about the related question, yes.

5 CHAIRPERSON MILLER: Okay. I'm
6 sorry. Could you repeat the question?

7 BY MR. LEE:

8 Q So do you think if they have a
9 liquor license it should be different in the
10 future, the crime nature, the crime stats and
11 this kind of comparable crime? This is
12 different in that community?

13 A I do not know a situation where
14 there is no criminal activity or a hot spot
15 where the inclusion of alcohol makes it
16 better.

17 Q Yes.

18 A And I can't guarantee it would
19 make it worse. I can't guarantee it would
20 make it better. But with regards to Mr.
21 Parker's report, he focused specifically on
22 the address in question and he made it clear

1 when I asked him -- when I redirected that he
2 was not looking at area crime, block crime or
3 any other crime but the address in question.

4 Q Yes. I just track whether MPD
5 look into assigned to that area. I didn't
6 show my exhibit is the one with my exhibit
7 list.

8 CHAIRPERSON MILLER: What is that?
9 That's your exhibit?

10 MR. LEE: Yes.

11 CHAIRPERSON MILLER: Did you give
12 that to us?

13 MR. LEE: I asked a couple of
14 times and --

15 CHAIRPERSON MILLER: Well, let's
16 do it. Okay. Let's do it. I'm sorry if you
17 asked, because usually it's done with your
18 case.

19 MR. LEE: I just make only one
20 copy.

21 MEMBER ALBERTI: Hold on, hold on.

22 CHAIRPERSON MILLER: All right.

1 Okay.

2 MEMBER ALBERTI: Excuse me, Madam
3 Chair.

4 MR. LEE: That's --

5 CHAIRPERSON MILLER: Go ahead.
6 Yes, you need to show it to them. You need to
7 show it.

8 MR. LEE: That's my four potential
9 list.

10 CHAIRPERSON MILLER: Okay. Let's
11 calm down. Have you all seen his exhibit that
12 he would like to put in?

13 MR. BOESE: Not yet, I didn't.

14 CHAIRPERSON MILLER: Okay. Show
15 it to them. You want to use it for
16 questioning right now? Okay. Show it to
17 everybody.

18 MR. LEE: I just prepare in the
19 beginning.

20 CHAIRPERSON MILLER: Okay.

21 MR. LEE: Yes. I didn't have a
22 chance. Can I?

1 CHAIRPERSON MILLER: Well, let's
2 give them a chance to look at it.

3 MR. BOESE: I just wanted to
4 object.

5 CHAIRPERSON MILLER: If you could
6 give it to --

7 MR. LEE: This is a list of my
8 protestor form, so I did not have and then I
9 submitted this form.

10 CHAIRPERSON MILLER: I don't know
11 that we have it. But even if you submitted it
12 before, I think what Mr. Alberti was saying
13 earlier if it's going to be admitted as an
14 exhibit, you need to go through the process of
15 showing it to the other side and then we --

16 MR. LEE: Yes.

17 CHAIRPERSON MILLER: -- will
18 accept it.

19 MR. LEE: Yes, copies I never
20 have.

21 CHAIRPERSON MILLER: They have it
22 now and if you want to give a copy to Ms.

1 Davis right now? Do you all have any
2 objection? Have you seen it before?

3 MS. ROBINSON: We haven't seen it
4 before.

5 CHAIRPERSON MILLER: Okay. So we
6 will wait a minute.

7 MR. BOESE: I'm okay with this.
8 If he wants to submit it, I'm okay with this.

9 CHAIRPERSON MILLER: You have no
10 objection?

11 MR. BOESE: I have no objection.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: It's labeled how?

14 CHAIRPERSON MILLER: Is that your
15 first exhibit?

16 MR. LEE: Yes, that's it
17 hopefully.

18 CHAIRPERSON MILLER: Okay.

19 MR. LEE: And that's all.

20 (Whereupon, the document was
21 marked for identification as
22 Licensee Exhibit 1 and was

1 received in evidence.)

2 CHAIRPERSON MILLER: So that --

3 MR. LEE: And the second item is
4 an email again to assign it to that area and
5 they said that no issue towards the actual
6 location. So I just identify with them, so--

7 MR. BOESE: Which corroborates
8 what Mr. Parker said, there is no reported
9 issues with the actual location. They are not
10 addressing the block. They are not addressing
11 the area.

12 MR. LEE: I want to clarify that,
13 so that's why. You just talking about and
14 presented this as an exhibit, so I have to
15 clarify that what's the meaning of this. So
16 there is no further questions.

17 CHAIRPERSON MILLER: That's it?

18 MR. LEE: Yes.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. Board questions?

21 MEMBER ALBERTI: Okay. I guess
22 I'll start.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: Commissioner
3 Boese, is it Boese?

4 MR. BOESE: It's Boese.

5 MEMBER ALBERTI: Boese, okay,
6 excuse me.

7 MEMBER JONES: I would like to
8 make a time announcement.

9 MEMBER ALBERTI: Okay. We are
10 going to -- okay, fine. I'll --

11 MEMBER JONES: I apologize.

12 MEMBER ALBERTI: No, please.
13 Please, go ahead, Mr. Jones.

14 MEMBER JONES: The protestants
15 have 45 minutes remaining and the licensee has
16 44 minutes remaining. Thank you.

17 MEMBER ALBERTI: Thank you.

18 CHAIRPERSON MILLER: Thank you.

19 MEMBER ALBERTI: Okay.

20 Commissioner Boese, I apologize for
21 mispronouncing your name. First of all, thank
22 you for your service as an ANC Commissioner.

1 I always do that. I'm also an ANC
2 Commissioner, so I think it is important.

3 MR. BOESE: Do you get sleep?

4 MEMBER ALBERTI: Pardon?

5 MR. BOESE: Do you get sleep?

6 CHAIRPERSON MILLER: Sleep?

7 MEMBER ALBERTI: Yes. Not often.

8 Okay. I'm going to ask the questions I asked
9 of Ms. Robinson.

10 Well, first of all, I'll tell you,
11 where do you live again?

12 MR. BOESE: I live at 608 Rock
13 Creek Church Road, N.W. It is -- from the
14 Metro Station it is two blocks east.

15 MEMBER ALBERTI: Okay. So you
16 live in the Ward 1 side or the Ward 4 side?

17 MR. BOESE: Oh, I live on the Ward
18 1 side.

19 MEMBER ALBERTI: Okay. That's
20 right, because you are Commissioner of Ward --

21 MR. BOESE: Right.

22 MEMBER ALBERTI: -- 1. So are you

1 familiar with the portion of Georgia Avenue or
2 the portion of the neighborhood that is in
3 Ward 4?

4 MR. BOESE: Yes, I am. I walk
5 through Ward 4 frequently.

6 MEMBER ALBERTI: Do you believe
7 that the Ward 4 targeted moratorium, I think
8 it is referred to, the restrictions that they
9 have on the sale of alcohol products, that the
10 existing moratorium of that area -- well,
11 first of all, does it exist in that area?

12 I mean, I don't have in front of
13 me the -- I know it's not all of Ward 4. It's
14 a targeted area of Ward 4. So I'll ask you to
15 your knowledge. Do you have knowledge of what
16 area is covered? And does it include the area
17 that we are looking at in these maps?

18 MR. BOESE: To be perfectly
19 honest, I'm not entirely sure. Based on the
20 mediation with the information shared with us
21 with Mr. Fletcher, I was led to believe it
22 was. But I did not follow through to double

1 check that.

2 MEMBER ALBERTI: Okay. Are you
3 familiar with the liquor establishments in the
4 Ward 4 portion of this neighborhood?

5 MR. BOESE: I have not shopped
6 there, but I have walked past several of them
7 at different times of the day in my
8 investigation or as I enjoy the neighborhood.

9 MEMBER ALBERTI: Do you see any
10 difference in the atmosphere in Ward 4 of
11 those alcohol-licensed establishments versus
12 the ones in the Ward 1 portion? And I'm
13 referring to Exhibit C. So that's the
14 neighborhood I'm referring to.

15 MR. BOESE: Right. Okay.

16 MEMBER ALBERTI: Exhibit C on your
17 -- from your -- what you -- the one labeled
18 "Protestant's Exhibit 2" within that Exhibit
19 C.

20 MR. BOESE: I am. I have walked
21 and driven past the one at 5th -- on 5th Street
22 frequently. I have walked past the one on

1 Upshur Street at both ends. The one closer to
2 the library or Georgia Avenue more frequently
3 than the other one. And I do go up and down
4 Georgia Avenue enough where I feel I have a
5 good sense of what is going on around those
6 establishments.

7 MEMBER ALBERTI: And do you listen
8 to the atmosphere?

9 MR. BOESE: I do. I do not recall
10 any alarming or shocking or noticeable
11 loitering. When I see people grouped
12 together, it tends to be more at the rec
13 center or other locations that make sense.

14 For instance in the summer, up and
15 down Georgia Avenue people tend to hang out on
16 Georgia Avenue just because there is nothing
17 else to do.

18 MEMBER ALBERTI: Are you familiar
19 with the restrictions, Ward 4 restrictions
20 that may -- I'm not sure. We haven't
21 established that it is included, this area is
22 included. But the Ward 4 restrictions that

1 apply to some area of Ward 4, the targeted
2 area of Ward 4, are you familiar with it?

3 MR. BOESE: The only restriction I
4 am familiar with is single sales. And I guess
5 smaller bottles that tend to be more portable
6 and problematic. And again, I don't know the
7 complete list, but --

8 MEMBER ALBERTI: Okay. Would you
9 -- this is the same question I asked Ms.
10 Robinson. Is there any model of an alcohol
11 licensed-establishment that would, just say,
12 be acceptable on some level to the community
13 or is it that any increase of licensed
14 establishments is an absolute problem for the
15 neighborhood?

16 MR. BOESE: Well, what we would
17 like to see, the neighborhood -- let me start
18 getting there by saying this. When the
19 placards went up for this establishment, I
20 received several phone calls and emails
21 immediately from people who are absolutely,
22 absolutely opposed to any more liquor stores.

1 That said, if I may speak towards
2 the renovations of Lion's without introducing
3 any photographs, they are doing a very good
4 renovation. It's a very large store. They
5 are restoring the tin ceiling. They want to
6 go high-end. They have taken down the
7 bulletproof glass.

8 And as people have seen, preview,
9 photographs of them, which I posted on-line,
10 I have seen a lot of positive response to
11 people that are willing to raise the
12 neighborhood up in some way, you know, make it
13 more of a community space versus hiding behind
14 a bulletproof glass and just trying to take
15 the community's money and the heck with
16 everything else.

17 So, yes, if it's a business that
18 is already existing and they are lifting
19 themselves up by their bootstraps and they are
20 trying to make a better impression of the
21 neighborhood, that is better, that does have
22 more positive reception.

1 MEMBER ALBERTI: Okay. Mr. Boese,
2 I amplify that. I mean, as an ANC
3 Commissioner, I wish there was, in theory, an
4 agency out there in the Government that could
5 enforce aesthetics.

6 MR. BOESE: No, I understand.

7 MEMBER ALBERTI: But there isn't,
8 and, you know, this Board can't enforce
9 aesthetics and you know that. I'm just, you
10 know, prefacing my remarks, my question here.

11 So within what you think is the
12 purview of this Board, if Mr. Shin was to get
13 the license, is there anything that you think
14 that the Board could require of his operation
15 that might mitigate the problems that you
16 anticipate?

17 MR. BOESE: What I would like to
18 have seen prior to this is a responsible
19 business owner who was quick to get rid of
20 tagging or graffiti, rather than leaving it
21 there sending a clear signal that that's
22 appropriate, but it's not. It marks it as

1 territorial.

2 I would have liked to have seen
3 more community engagement prior to this versus
4 a laundry list of promises that will happen if
5 he gets it. For instance, this wonderful
6 recycling program. There is no reason why
7 that couldn't have been instituted a year ago.
8 That has nothing -- that is -- to me, it's a
9 complete disconnect with the issue at hand.

10 If he wants to provide community
11 service and be a better neighbor in the
12 community, he can do that now. But I don't
13 think that we should expect to have him be a
14 better neighbor because we have magnanimously
15 given him what he wants. That's, to me, not
16 how it works.

17 I would like to have seen
18 something that was more of a gesture of good
19 faith prior to today.

20 MEMBER ALBERTI: Okay. Well,
21 okay. You heard Mr. Shin say that he doesn't
22 intend to sell spirits in containers less than

1 half-pints or he doesn't intend to divide
2 manufacturer's packages to sell single
3 containers, which is -- I'm using the language
4 which is probably Ward 4 and in no other
5 wards.

6 What's your reaction to that?

7 MR. BOESE: Well, I also heard one
8 of the people testifying on his behalf say
9 that beer and wine was fine, but no spirits.
10 And it leads me to the question of should we
11 be trying to tailor the Class A License to
12 function as a Class B License when there is a
13 moratorium on Class B, which I presume is not
14 without good reason.

15 Because if a Class A License is
16 cobbled together in such a way to make a
17 business function differently, if there is a
18 store 400 feet north of this or let's say 395
19 feet north of this establishment, that the
20 community does not oppose, they no longer have
21 that option, because the Class A is blocking
22 it.

1 So I mean, is that, to me, an
2 appropriate use of a Class A License? And I
3 will also say that in the mediation and the
4 community meetings, one of the things I
5 brought up is there is a lot less opposition
6 to a Class C.

7 Now, I know that there is
8 resistance there, but that is more in line
9 with what the neighborhood hopes and could
10 address problems of loitering if people are
11 consuming and spending time on-site versus in
12 and out and in and out.

13 And, you know, that was just a
14 complete non-start. So I'm not going to say
15 that the ANC or the community is absolutely
16 against alcohol 100 percent, but we want it to
17 fit in with good services, products, the way
18 the community wants to function.

19 We would like to have it where we
20 are a partner with the business owner and that
21 we are weaving the fabric of the community
22 together, rather than just someone that comes

1 in and takes their money and goes home.

2 MEMBER ALBERTI: Okay. Thank you.

3 No further questions.

4 CHAIRPERSON MILLER: Questions? I
5 have a question. Do you live close to this
6 establishment?

7 MR. BOESE: I would say a little
8 over two blocks.

9 CHAIRPERSON MILLER: Do you
10 frequent it?

11 MR. BOESE: No.

12 CHAIRPERSON MILLER: Ever?

13 MR. BOESE: No. There is a corner
14 store right down the block from me that has a
15 Class B License, which I think is extremely
16 nice, and I go there.

17 CHAIRPERSON MILLER: Okay. So
18 this one doesn't have any liquor right now.
19 Is it known as the type of establishment you
20 were describing that takes your money and goes
21 home or something?

22 MR. BOESE: You know, I do not

1 know. All I know is that the public presence
2 with the tagging on it is not very friendly,
3 allowing the loitering in front is not very
4 welcoming. It's very off-putting to people
5 who have not been there before and when there
6 are establishments that are not that way, you
7 tend to go there instead, even if it's just
8 for milk, butter and eggs.

9 CHAIRPERSON MILLER: Right. And
10 well, how was it -- we heard testimony today
11 I think that this tagging/graffiti has been
12 there for like a month or six weeks or
13 something.

14 MR. BOESE: Yes.

15 CHAIRPERSON MILLER: Do you
16 remember how the establishment was before this
17 graffiti occurred?

18 MR. BOESE: In the past, they have
19 been tagged before and they have dealt with
20 it, but it was not right away. This last
21 spring Georgia Avenue had a huge problem with
22 tagging where we would report it to the city.

1 The city would come out. In less than 12
2 hours after they painted over it, the same
3 person came back, because they were not going
4 to be put down.

5 We finally got ahead of it during
6 the warmer months and it was settled down.
7 And most of it had been removed and now this
8 is back and it has been allowed to stay.

9 CHAIRPERSON MILLER: And have you
10 called the city about it?

11 MR. BOESE: This particular
12 instance I haven't, because it's getting
13 colder again and everything depends --
14 depending upon where it is, and in this case,
15 they consider this to be private property and
16 they would need the signature of the property
17 owner to take care of it.

18 If it's on public space, they will
19 do it right away.

20 CHAIRPERSON MILLER: Right.

21 MR. BOESE: If it's private, then
22 they have to go through this whole process to

1 get approval of the property owner, because
2 they don't want to be tampering with private
3 property.

4 CHAIRPERSON MILLER: So it sounds
5 like this has been your observation, and
6 correct me if I'm wrong, but when a property
7 is allowed to become almost kind of run down
8 like that with graffiti, then it tends to have
9 more loitering in front, because you are kind
10 of showing a lack of respect for your own
11 building.

12 I don't know. I mean, I think --

13 MR. BOESE: Not --

14 CHAIRPERSON MILLER: -- just in
15 your observation that that is the case?

16 MR. BOESE: You know, I think that
17 you are correct that when you don't keep up
18 your property, even if it is a private
19 residence, you open yourself up to even more
20 littering outside. If you are not picking up
21 the trash, more graffiti. If the graffiti
22 there isn't going, because that's a clear sign

1 to a tagger that hey, I'll be famous for
2 longer, because they are not getting rid of
3 it.

4 CHAIRPERSON MILLER: Okay.

5 MR. BOESE: You know, and it is
6 one of those things that you can't, you know,
7 modify.

8 CHAIRPERSON MILLER: Yes.

9 MR. BOESE: But it does lead in
10 that direction.

11 CHAIRPERSON MILLER: Now, the
12 other thing I think you said though was
13 talking about existing buildings upgrading
14 themselves and that that was a positive. Like
15 this Lion -- no. The Lion place?

16 MR. BOESE: Yes.

17 CHAIRPERSON MILLER: Okay. Can
18 you envision that happening with this
19 establishment, you know, painting the outside
20 and upgrading itself?

21 MR. BOESE: I'm not going to
22 belittle the amount of cost that would be

1 involved, but this is a corner property. It
2 has a very wide sidewalk on Quebec Place. If
3 it wanted to do a cafe with a sidewalk cafe,
4 there is more than enough space there. It
5 could be a lovely spot with appropriate
6 upgrades where it would, I believe, be a draw.
7 And it would be a place that people would want
8 to spend time in.

9 It has the space and it has space
10 to expand outside if that's the type of
11 business the community wanted to go to. And
12 it is the kind of business that is not
13 currently on our section of Georgia Avenue nor
14 are there many places that have that luxury of
15 sidewalk space.

16 CHAIRPERSON MILLER: Okay. And
17 finally, I think, the map shows the different
18 liquor establishments.

19 MR. BOESE: Yes.

20 CHAIRPERSON MILLER: Attached to
21 the PIF. So how was that map generated?

22 MR. BOESE: I found all the --

1 evidence of all the liquor licenses and then
2 I created the map in Google Maps.

3 CHAIRPERSON MILLER: Okay. And
4 now, when we are looking at that, were you
5 referring to the blue dot, the blue whatever
6 you call it, the small dots, to the north of
7 King's Deli they are Class B?

8 MR. BOESE: Class B.

9 CHAIRPERSON MILLER: And you said,
10 if I understood you correctly, that that all
11 had a different atmosphere where you felt safe
12 walking up that way. It didn't have crime,
13 etcetera. Is that right?

14 MR. BOESE: Well --

15 CHAIRPERSON MILLER: I just want
16 to make sure I got that.

17 MR. BOESE: -- Class B
18 establishments generally don't have the same
19 problems in front. They generally don't have
20 the loitering in front that a Class A
21 establishment has.

22 CHAIRPERSON MILLER: Okay. Oh, I

1 have one other question. I'm sorry. You
2 talked about the crime that was occurring
3 south of King's Deli with the other liquor
4 establishments, that isn't occurring up north,
5 assault, auto theft, various things.

6 And you said you are not an expert
7 in crime. You don't know what generates it.

8 MR. BOESE: Right.

9 CHAIRPERSON MILLER: But you think
10 that the liquor establishments have something
11 to do with it. And then my question is as an
12 ANC though don't you have meetings with the
13 police department and ask them these kind of
14 questions?

15 MR. BOESE: I communicate with MPD
16 quite frequently. As you may know, we have
17 had to start to get to know a whole new crop
18 of police officers.

19 CHAIRPERSON MILLER: Yes.

20 MR. BOESE: Because with the
21 redistricting, I just moved from the 3rd
22 District to the 4th District.

1 CHAIRPERSON MILLER: So don't they
2 have theories?

3 MR. BOESE: They do. Again, but,
4 even so, it's their best guess. I think a lot
5 of the crimes right now with the assaults,
6 they are saying that a lot of people are going
7 after smart phones, hand-helds, things of that
8 nature, but there are still assaults with
9 deadly weapons and they have gone up.

10 And you probably recall not too
11 long ago the high profile case for Petworth
12 even though two of those incidents, one was
13 here on Rock Creek Church Road, 701, it was a
14 few blocks out by Newton, and, you know, it
15 just seems like there has been a spike in more
16 violent crime at the beginning of the year.

17 I know they are trying to get on
18 top of it. I know --

19 CHAIRPERSON MILLER: But my
20 question is why there? You are saying it's
21 south instead of north.

22 MR. BOESE: Oh.

1 CHAIRPERSON MILLER: Did they say
2 why there?

3 MR. BOESE: What I was trying to
4 show with this and crime is depending upon the
5 crime, like theft from autos is pretty evenly
6 spread throughout the city. And it is insane,
7 but it wouldn't have anything to do with that
8 area in particular.

9 CHAIRPERSON MILLER: Okay.

10 MR. BOESE: If you go to page 4 of
11 the PIF?

12 CHAIRPERSON MILLER: Okay.

13 MR. BOESE: Just to give you an
14 example, even though it's the map I
15 substituted this other one for, that would
16 include some of the dots in Ward 4. And you
17 can see that northeast of the Metro Station
18 there seems to be a void and that is probably
19 because it's more residential.

20 I also don't think it is any
21 slight coincidence that that's also an area
22 that has very few Class B or Class A Licenses.

1 It's just heavily residential.

2 Georgia Avenue has a higher
3 percentage of crime. It also has a -- it's a
4 business corridor. It's heavily traveled. It
5 has a lot more liquor licenses. Are there
6 correlations? For some of them, yes, for some
7 of them, no. You know, it's impossible to
8 tell case-by-case for every single crime.

9 CHAIRPERSON MILLER: Is it true
10 that it's the most commercial part of this
11 whole map?

12 MR. BOESE: Oh, Georgia Avenue?

13 CHAIRPERSON MILLER: Yes.

14 MR. BOESE: East of 14th Street, I
15 would say yes.

16 CHAIRPERSON MILLER: How about
17 south versus north of King's Deli? I mean, I
18 think that your map shows, you know, the blue
19 dots, so the Class Bs.

20 MR. BOESE: Right.

21 CHAIRPERSON MILLER: But I can't
22 tell how the commercial aspect is different

1 north versus south.

2 MR. BOESE: Right. You know, when
3 you are standing at that intersection and you
4 look south, some of it is dilapidated, but it
5 is largely commercial. When you look north,
6 there is commercial that is being brought in,
7 but the first big project that is on the left
8 is a huge residential building, which half of
9 the commercial spaces of the lower level are
10 still empty.

11 And then to the right of it, there
12 is a very short block with a few commercial
13 establishments, a barber shop, another market
14 that has just opened up. You go to the next
15 block and on the east side most of that has --
16 I think there is two shops and then perhaps
17 two that were empty, which are currently in
18 renovation for Billy's, Billy Simpson's
19 rebirth, and then another huge residential
20 building that is still not occupied.

21 And on the left is a Safeway. So
22 -- and a large apartment building.

1 CHAIRPERSON MILLER: Okay.

2 MR. BOESE: So when you go north,
3 commercial is kind of coming in as it is being
4 built, but it was a more residential section.
5 And the south, though it has fallen on hard
6 times, was a much more commercial section.

7 CHAIRPERSON MILLER: Okay. Thank
8 you. Any other Board questions? Yes, Mr.
9 Jones?

10 MEMBER JONES: I think you
11 mentioned earlier in your testimony that
12 sometimes you work with the licensees via
13 voluntary agreements?

14 MR. BOESE: Um-hum.

15 MEMBER JONES: And I think you may
16 have answered this question, but I just want
17 to make sure I'm clear and consolidate the
18 response to a level that I can understand.

19 Are there specific things that you
20 would put in a voluntary agreement or that you
21 would like to see from this particular
22 licensee that would make it okay for this

1 licensee to open up and operate?

2 Please, don't go into the details
3 of any negotiations that you may have had
4 regarding any VAs. I'm just speaking
5 esoterically trying to get a better
6 understanding of it there is anything that
7 this licensee could do to help facilitate a
8 level of comfort from the ANC's standpoint?

9 MR. BOESE: If there was something
10 that this applicant could do, I don't think we
11 would be here today.

12 MEMBER JONES: Okay. Cool.
13 Thanks. Thank you, Madam Chair.

14 CHAIRPERSON MILLER: Well, excuse
15 me, I thought you just said oh, if he did a
16 sidewalk cafe, that --

17 MR. BOESE: Well, but that's a
18 Class C and we are talking about a Class A.

19 CHAIRPERSON MILLER: Oh, you mean
20 in the context of this --

21 MR. BOESE: I mean, we were -- we
22 encouraged him earlier to consider applying

1 for a different type of alcohol license. So
2 if that's the question, yes, there are things
3 that we would be amenable to.

4 But if we are just talking about
5 the Class A, if there was something we could
6 put in a voluntary agreement, we would have
7 tried very hard to do it and not be here
8 tonight.

9 MEMBER JONES: Okay. Thank you.

10 CHAIRPERSON MILLER: Okay. Anyone
11 else?

12 MEMBER NOPHLIN: Just one quick
13 question.

14 CHAIRPERSON MILLER: Yes, Mr.
15 Nophlin?

16 MEMBER NOPHLIN: Yes, please. I
17 would like to go on the record to say that I
18 have some difficulty following the report on
19 crime, because I just don't think that, in
20 fact, that's good evidence that because of
21 this establishment, crime is committed.

22 So I would just like to go on the

1 record, because certainly I live in a
2 neighborhood that crime is increasing and I
3 have no bars near me at all. So I think we
4 better be careful about those kind of
5 statements. I just wanted to put that on the
6 record. Thank you very much.

7 CHAIRPERSON MILLER: Thank you.
8 Any other Board questions? Okay. Any cross?

9 MR. LEE: I have one question.

10 CHAIRPERSON MILLER: Yes.

11 MR. LEE: So you know about the
12 total business plan. After that, what's your
13 reaction? And here just follow once he got
14 the ABC license here and he just follow his --
15 what he said as a business plan. So you
16 reaction will be changed or is there an option
17 to the community?

18 MR. BOESE: I am not going to
19 speak to how agreeable that would be to the
20 community without a chance to see it in
21 writing and know exactly what you are talking
22 about and be able to share with this the

1 community to get their reaction.

2 MR. LEE: Okay.

3 CHAIRPERSON MILLER: Okay. Any
4 other questions? I think that concludes your
5 testimony. Thank you. Do you have another
6 witness?

7 MS. ROBINSON: Yes.

8 MR. BOESE: We would like to call
9 Carolyn Matthews --

10 CHAIRPERSON MILLER: Okay.

11 MR. BOESE: -- to the stand.

12 CHAIRPERSON MILLER: Good evening.

13 MS. MATTHEWS: Good evening.

14 Whereupon,

15 CAROLYN MATTHEWS

16 was called as a witness by counsel for the
17 protestants and having been first duly sworn,
18 assumed the witness stand and was examined and
19 testified as follows:

20 CHAIRPERSON MILLER: Okay. Thank
21 you.

22 DIRECT EXAMINATION

1 BY MR. BOESE:

2 Q Good evening, Ms. Matthews.

3 A Good evening.

4 Q You are a resident of the 700
5 Block of Quebec, correct?

6 A Yes.

7 Q As someone who lives close to this
8 establishment, do you mind sharing your -- or
9 would you, please, share your personal
10 observations that you -- as a resident who is
11 right down the street?

12 A Not to be redundant, I have
13 witnessed the loitering. I have witnessed
14 juveniles as well as adults trespassing on
15 residential properties: My next door
16 neighbor, the neighbor across the street, the
17 neighbors up the street.

18 I have witnessed urination in the
19 alleys. I have witnessed drug transactions on
20 the corner. I have been working with the 3rd
21 District as well as 4th District Police
22 Department and making calls regarding that

1 issue and requesting them to put patrols up in
2 that area.

3 I go down to the Senior Wellness
4 Center every day and it had become a problem
5 more so than it has been in the past. We have
6 had a group of juveniles, adults that have
7 been in the neighborhood that we hadn't
8 experienced before. They have been on the
9 porches, laying on the cars. They were
10 smoking drugs. The cursing.

11 We have been trying to work with
12 the police department and I have requested the
13 bike patrols as well as they have sent
14 officers up there on the segway.

15 I have worked with Assistant Chief
16 Groomes. I have had a meeting with the new
17 4th District Commander, Commander Missouri. I
18 have -- Inspector Medina that was under 3rd
19 District which became 4th District Substation,
20 Lieutenant Monk, it's just been a different
21 breed lately.

22 I don't -- you know, and they have

1 congregated down at the corner of King's Deli.
2 That had become a problem when the weather is
3 warm, you find more of a concentration.

4 I have taken photos of the trash
5 on the blocks. I have took photos of the
6 loitering in front of Petworth Liquor Store
7 and before Lion's closed, that was like a
8 gathering place for the various elements that
9 were creating problems with the alcoholism,
10 the drugs, the dealing.

11 I mean, these are things that have
12 been visible.

13 Q Thank you. And to the best of
14 your knowledge, the people that are loitering,
15 do you know if they live in the neighborhood?

16 A Some do, but they -- I think I'm
17 seeing more strangers in the area now. I
18 don't know where they are coming from. I know
19 that they are more aggressive, a little bit
20 more intimidating. I just have never seen it
21 like this before in the area. I have lived up
22 there since 1971, so I don't know what is

1 happening. I really don't know what is
2 happening.

3 MR. BOESE: No further questions,
4 at this time.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. Cross?

7 MR. LEE: Thank you.

8 CROSS-EXAMINATION

9 BY MR. LEE:

10 Q Where do you live? How far away
11 from the establishment?

12 A I live 732 Quebec Place. I'm up
13 the street.

14 Q Okay. So can you see the
15 establishment from your place?

16 A Yes, I can.

17 Q Okay. And have you been inside
18 the establishment?

19 A Oh, yes, I have.

20 Q Okay. So whenever you see or you
21 observe criminal activities or some kind of a
22 nuisance, do you contact the owner --

1 A No.

2 Q -- to discuss what you see?

3 A I haven't. No, I deal with the
4 police.

5 Q You just --

6 A Yes.

7 Q -- call the police?

8 A Yes, I deal with the police.

9 Q Okay. Do you think if owner
10 cooperated with something to eliminate that
11 kind of problem in the community, can he do
12 that?

13 A What I think is that I have never
14 known this level of interest in the community
15 from King's Deli until now.

16 Q Okay.

17 A I even took the papers down and
18 handed it to Mr. --

19 Q Okay.

20 A -- for the graffiti.

21 Q Yes.

22 A I gave them to him myself.

1 Q Okay.

2 A And I told him that he needs to
3 fill them out and send them in or call the
4 number, the D.C. -- the Government would come
5 out and clean it, you know.

6 I have known the graffiti to be up
7 there for more than two months.

8 Q Okay.

9 A So, you know, even I tried to
10 assist him with that. And it was nothing --
11 you know, I haven't seen any improvement. As
12 a matter of fact, there are more tags on the
13 building. I went past there today. There is
14 more tags on the building.

15 I just feel that I guess liquor
16 stores all kind of end up for everybody's
17 livelihood.

18 Q So besides the graffiti issue, do
19 you think that the establishment was clean
20 when you were there?

21 A Well, I know definitely that a
22 gentleman that lives in the apartment building

1 over --

2 Q Yes.

3 A -- there, he cleans.

4 Q Joe Thompson.

5 A He keeps that clean. So I don't
6 know if he is working in conjunction --

7 Q Yes.

8 A -- with him or not. I don't know,
9 but this man has been doing this for years.

10 Q Okay.

11 A So he takes it upon himself to
12 keep that area, especially from where the
13 trash --

14 Q Yes.

15 A -- containers are in the alley all
16 the way around up to -- almost to the corner
17 of Georgia and New Hampshire. He does that
18 every day.

19 Q Okay.

20 MR. LEE: No further questions.

21 CHAIRPERSON MILLER: Any Board

22 questions? I'll just ask you one question, I

1 think.

2 Is it your opinion that if they
3 add the liquor to what they are selling now,
4 that there is going to be an increase in crime
5 or loitering?

6 MS. MATTHEWS: I believe it will.
7 I've lived up there, like I said, since 1971.
8 Because the weather is cold right now, you
9 don't have that concentration of loitering,
10 but there have been times during the summer,
11 the warmer days that you go through there and
12 you have to walk around the group that is down
13 there some times.

14 This isn't all the time. I
15 wouldn't lie and say that. But there have
16 been times where they are really concentrated
17 in front of that store, that's why I went to,
18 at the time it was, 3rd District Substation
19 and I went via through Assistant Chief Groomes
20 to get the bike patrols to start coming
21 through there, because that's when we start
22 having an influx of these outsiders coming

1 into our neighborhoods trespassing --

2 CHAIRPERSON MILLER: Let me just
3 ask you this quickly.

4 MS. MATTHEWS: -- on our property.

5 CHAIRPERSON MILLER: Okay. There
6 are groups concentrated there now. Why do you
7 think they are there now when they don't have
8 liquor?

9 MS. MATTHEWS: They may not have
10 the liquor store there, but they have places
11 where they can go get the liquor that's not
12 far from there.

13 CHAIRPERSON MILLER: So it's
14 related to the block? It's related to the
15 block that there are other liquor stores on
16 the block?

17 MS. MATTHEWS: Well, the one down
18 -- there is one at Park Road and there is one
19 at Kenyon Street.

20 CHAIRPERSON MILLER: Okay. Okay.
21 Any other questions? Any other questions?

22 MR. LEE: No.

1 CHAIRPERSON MILLER: All right.

2 Thank you very much.

3 (Whereupon, witness was excused.)

4 MS. MATTHEWS: Good luck.

5 MR. BOESE: Thank you. I think we
6 just have one more, Mr. Wondimu.

7 CHAIRPERSON MILLER: Okay.

8 MR. BOESE: Esubalew.

9 Whereupon,

10 ESUBALEW WONDIMU

11 was called as a witness by counsel for the
12 protestants and having been first duly sworn,
13 assumed the witness stand and was examined and
14 testified as follows:

15 CHAIRPERSON MILLER: Okay. Thank
16 you.

17 MR. BOESE: Thank you.

18 DIRECT EXAMINATION

19 BY MR. BOESE:

20 Q You currently operate and run,
21 well same thing, but, the Family Food Market
22 around the corner, correct?

1 A That is correct.

2 Q What I would like you to speak to
3 is how adding a Class A License to this --

4 CHAIRPERSON MILLER: Did you give
5 your name and address?

6 MR. BOESE: Sorry.

7 THE WITNESS: Yes. My name is
8 Wondimu.

9 CHAIRPERSON MILLER: Okay. Can
10 you spell your last name?

11 THE WITNESS: W-O-N-D-I-M-U.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 THE WITNESS: Esubalew is my first
15 name.

16 CHAIRPERSON MILLER: Okay. And
17 where do you live?

18 THE WITNESS: I live in 4 Pennydog
19 Court in Silver Spring, Maryland.

20 CHAIRPERSON MILLER: Okay.

21 THE WITNESS: But we run 3713 New
22 Hampshire Avenue, the Family Food Store.

1 CHAIRPERSON MILLER: Okay. Thank
2 you. Sorry.

3 MR. BOESE: No, it's okay.

4 BY MR. BOESE:

5 Q What I would like to know is, as a
6 small business owner, since I have heard from
7 a few small business owners, how this
8 application, if granted, would impact your
9 business and would there be no change? Would
10 it make it harder? Just if you could speak to
11 that.

12 A It make it very hard. It will be,
13 first of all, the -- I want to mention that
14 right now, business is not like when we bought
15 it -- not bought it, but when we started it
16 about a year and a half ago. And today it's
17 a lot of change.

18 Business is not as it used to be.
19 Economy is bad. I didn't do the liquor
20 license about two -- not even driveway, it's
21 going to hurt our business, highly hurt it.

22 Number one is we went from can't

1 sell no single beer. Then with -- and number
2 two is --

3 CHAIRPERSON MILLER: I'm sorry,
4 what was number one?

5 THE WITNESS: Number one would be
6 we not allowed to sell single beers.

7 CHAIRPERSON MILLER: Okay.

8 THE WITNESS: They would be
9 selling the single beer, because they are Ward
10 1.

11 CHAIRPERSON MILLER: Okay. I
12 thought they said they wouldn't, but --

13 THE WITNESS: So --

14 CHAIRPERSON MILLER: -- go ahead.

15 THE WITNESS: -- they have --

16 CHAIRPERSON MILLER: And they
17 would be allowed --

18 THE WITNESS: The -- we are not
19 allowed.

20 CHAIRPERSON MILLER: Okay.

21 THE WITNESS: Yes, so tomorrow if
22 they change their mind, there is nothing that

1 is going to stop them, because the law they
2 can sell single beer.

3 CHAIRPERSON MILLER: Okay. Okay.

4 THE WITNESS: So that would hurt
5 the establishment. The establishment be there
6 the last probably 26 years. And this is a
7 family-owned business. I just took over a
8 year and a half ago from my brother.

9 How do you think this is -- when
10 we say single beer is not only the economy,
11 loitering was the first problem. It was how
12 it affected is when you buy single beer and
13 drink it right there and just throw them away
14 and the other side where we don't sell single
15 beer, we try to clear the place by, you know,
16 trying our best.

17 So economically, is number two
18 issue. Of course, they have food
19 establishment. They are making, you know,
20 enough income. Now, they try to be a bigger
21 fish, try to eat the small fish by have,
22 number one, deli. Like we don't sell deli

1 like them.

2 The income, that's what I'm
3 talking about. There is another three or four
4 grocery the last two or three months. And the
5 last probably about six months open up right
6 next to each other down near us. And adding
7 another liquor store is going to hurt us,
8 that's why we fighting for this.

9 Q Okay. You do currently sell beer
10 and wine, correct?

11 A Yes, we do.

12 Q And you do not have -- you do not
13 sell liquor, because you do not have a Class
14 A, correct?

15 A No. No, sir.

16 Q Okay.

17 A No, sir. At the same time, we are
18 -- have the same customers which is right next
19 to each other. We just try to -- I mean, our
20 neighbors is, you know, from next to each
21 other. We are fighting over the same
22 customers.

1 So that's why I'm concerned how we
2 going to survive?

3 Q Okay.

4 MR. BOESE: I think I'm fine for--
5 I'm done.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. Cross?

8 MR. LEE: Okay.

9 CROSS-EXAMINATION

10 BY MR. LEE:

11 Q So do you think that your
12 establishment located in BG area is commercial
13 area, right?

14 A Correct, yes.

15 Q And then how do you handle any
16 ABC-related issue, such as littering,
17 loitering, panhandling? How you handle this?

18 A Well, like I said, my brother be
19 there the last 26 years.

20 Q Yes.

21 A So he -- when I came in last -- a
22 year and a half ago, there was a little

1 problem.

2 Q Yes.

3 A The problem was like you said
4 loitering was how we do handle those customers
5 who standing by the door.

6 Q Yes.

7 A Cleaning our stuff, whatever they
8 -- whatever we see any loitering, we clean.
9 We talked to the, you know, people, please,
10 don't hang out on our corner, because we need
11 the business. So people right there in front
12 of our door, nobody is going to come through
13 and buy our stuff. That how we protect us.

14 Q Okay.

15 A My brother is here. He is the one
16 who taught me, he is the one who coach me.

17 Q So actually, do you think Mr. Shin
18 can handle the same way you do now, if have
19 ABC license?

20 A I cannot tell, because I only
21 stick on my own -- have my own experience.

22 Q Okay.

1 A I don't know Mr. King that much.
2 I went his store.

3 Q Yes.

4 A Buy stuff, but I don't think he
5 can handle it. He can handle it? I'm not
6 sure. My concern is our competition is the
7 same neighborhood.

8 Q Okay.

9 MR. LEE: No other, that's enough.
10 Thank you.

11 CHAIRPERSON MILLER: Any redirect?
12 Okay. Any Board questions?

13 MEMBER ALBERTI: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Mr., is it?

16 MR. WONDIMU: Esubalew, Esubalew,
17 Esubalew.

18 MEMBER ALBERTI: Esubalew?

19 MR. WONDIMU: Yes.

20 MEMBER ALBERTI: Hi, Esubalew.
21 Sir, where exactly is your store located?

22 MR. WONDIMU: It's 3713 New

1 Hampshire Avenue.

2 MEMBER ALBERTI: What's the
3 closest cross street there?

4 MR. WONDIMU: Georgia.

5 MEMBER ALBERTI: Georgia and?

6 MR. WONDIMU: New Hampshire.

7 MEMBER ALBERTI: And New
8 Hampshire. But you are above -- you are north
9 of Georgia Avenue. Is that correct?

10 MR. WONDIMU: Right across from
11 Petworth.

12 MEMBER ALBERTI: Pardon?

13 MR. WONDIMU: Right across from
14 Petworth.

15 MEMBER ALBERTI: Oh, right across
16 from Petworth. And you are in Ward 4?

17 MR. WONDIMU: Yes, sir.

18 MEMBER ALBERTI: So you are
19 subjected to the Ward 4 Moratorium
20 restrictions?

21 MR. WONDIMU: I don't understand.

22 MEMBER ALBERTI: You are subjected

1 to the Ward 4 restrictions on the sale of
2 alcohol?

3 MR. WONDIMU: Alcohol, single
4 beer.

5 MEMBER ALBERTI: Okay. Single
6 beers. Okay. And you are here because you
7 believe that if a liquor license, a Class A
8 Liquor License opens so close to you, it would
9 affect your business?

10 MR. WONDIMU: Correct, that's one
11 of the reasons.

12 MEMBER ALBERTI: And is it because
13 you are not -- you wouldn't be competing on
14 equal grounds? Is that what your fear is or
15 just that they are there?

16 MR. WONDIMU: Don't forget what I
17 say, they are much bigger than -- they are
18 going to be a much bigger than us, because
19 they sell food, deli.

20 MEMBER ALBERTI: Okay.

21 MR. WONDIMU: And plus liquor, A
22 Class. So we are a small store who try to

1 survive.

2 MEMBER ALBERTI: Okay. Do you
3 think the fact that they don't have
4 restrictions, the Ward 4 restrictions, it will
5 give them an advantage?

6 MR. WONDIMU: I believe I can't
7 change the rules. But what I believe is
8 selling single beer is not only affect the
9 lottery, it affect the economy, too. People
10 might just walk by and buy a single beer,
11 rather than come to us and buy a six-pack.

12 MEMBER ALBERTI: Okay. Yes, I
13 understand. All right. I have no further
14 questions.

15 MR. WONDIMU: Thank you.

16 CHAIRPERSON MILLER: Just one
17 minute.

18 MEMBER ALBERTI: Are we done with
19 Board questions?

20 CHAIRPERSON MILLER: Are we done
21 with Board questions? Go ahead, Mr. Jones.

22 MEMBER JONES: Thank you, Madam

1 Chair. Just for clarification purposes, did
2 you make a statement or imply that the
3 creation or the -- yes, I guess the creation
4 of a new Class A --

5 MR. WONDIMU: Yes.

6 MEMBER JONES: -- liquor store
7 would create competition for you?

8 MR. WONDIMU: Not only
9 competition, it just would kill us.

10 MEMBER JONES: And --

11 MR. WONDIMU: And the single sales
12 is more. They will be -- they selling food,
13 which is deli.

14 MEMBER JONES: Yes.

15 MR. WONDIMU: We don't. We only
16 have a grocery and a beer and wine.

17 MEMBER JONES: Understood. So is
18 that to say that there is a limited pool of
19 customers?

20 MR. WONDIMU: Exactly.

21 MEMBER JONES: So there are a
22 limited number of customers?

1 MR. WONDIMU: Exactly.

2 MEMBER JONES: And right now,
3 there is a certain number of Class A liquor
4 stores that sell alcohol and you have a
5 certain number of customers --

6 MR. WONDIMU: Yes.

7 MEMBER JONES: -- and, therefore,
8 if you add another Class A liquor store that
9 has -- that does other things besides sell
10 liquor, you say that is a big fish versus you?

11 MR. WONDIMU: Yes, sir.

12 MEMBER JONES: I'm assuming you
13 are characterizing yourself as a small fish?

14 MR. WONDIMU: Exactly.

15 MEMBER JONES: By comparison?

16 MR. WONDIMU: Exactly.

17 MEMBER JONES: So you have a big
18 fish now that you are creating that is going
19 to be eating or going after --

20 MR. WONDIMU: Exactly.

21 MEMBER JONES: -- that limited
22 pool or limited number of customers?

1 MR. WONDIMU: Exactly, sir.

2 MEMBER JONES: Okay. So from that
3 standpoint, it would seem like it is not as if
4 this liquor store is going to be creating more
5 customers?

6 MR. WONDIMU: No.

7 MEMBER JONES: Okay.

8 MR. WONDIMU: They not creating
9 more customers.

10 MEMBER JONES: Thank you.

11 MR. WONDIMU: Thank you.

12 MEMBER JONES: Thank you, Madam
13 Chair.

14 CHAIRPERSON MILLER: How was this
15 one so much bigger than yours? You have a
16 market and beer and wine. They have a market.

17 MR. WONDIMU: Now, don't forget
18 the Class A.

19 CHAIRPERSON MILLER: So it's the
20 Class A?

21 MR. WONDIMU: Don't forget they
22 sell liquor.

1 CHAIRPERSON MILLER: Right.

2 MR. WONDIMU: Beer, wine, single
3 beer. Characterized as four stages. Now,
4 when they sell single, who is going to come
5 buy a six-pack?

6 CHAIRPERSON MILLER: Okay.

7 MR. WONDIMU: Do you understand
8 me?

9 CHAIRPERSON MILLER: Yes, I
10 understand you, yes. Okay. Any other cross?

11 MR. LEE: I have one question.

12 MEMBER ALBERTI: Okay.

13 CHAIRPERSON MILLER: Wait, wait,
14 wait.

15 MEMBER ALBERTI: It's their
16 witness and they get to recross first.

17 MR. BOESE: I don't -- I can't
18 think of any other questions, at this time.

19 MEMBER ALBERTI: Okay. I just
20 wanted to give you the opportunity.

21 MR. BOESE: I appreciate it.

22 MEMBER ALBERTI: You're up.

1 BY MR. LEE:

2 Q You said that you located in the
3 highly commercial area. And that you have to
4 understand that it's not fair that any more
5 higher in customers. As far as I know, there
6 is a Metro Station nearby and that a lot will
7 commute more than 50 percent customers,
8 commuters.

9 So how do you say that this will
10 not create customers around that area? I
11 mean, it's lot of standing area. It's kind of
12 a lot of commuters from Maryland to D.C.

13 A Let me explain that and show you.
14 Our store and King's store is about -- you
15 can't even walk three minutes from each other.
16 And another store it open up two weeks ago
17 right by Petworth Station. Do you understand
18 me?

19 Q Yes.

20 A Now, we don't create anything new.
21 We don't create any, like you say, coffee
22 shop, any kind of store. We are fighting over

1 the same customer, same grocery, same deli,
2 same beer, some wine. Do you understand me?

3 So we are the small group. We try
4 to make it daily. We are not making the same
5 amount of money that we make last year. We
6 are struggling. Now, open up King's store,
7 like I said, it's going to wipe us out. Why
8 would I want to stand right there and wait for
9 it?

10 MR. LEE: No further questions.

11 CHAIRPERSON MILLER: Okay. Any
12 redirect?

13 MR. BOESE: One.

14 BY MR. BOESE:

15 Q Because I believe this was -- the
16 question is creating new customers. Has it
17 been your experience that the people that shop
18 at your store or the people in the
19 neighborhood, do they live in the neighborhood
20 or are they coming from other neighborhoods to
21 come shopping?

22 A I tell you it was very long. A

1 lady was testify here is our really nice
2 customer, deli customer. The guy supposed to
3 testify, he left. He was our last probably
4 year and a half customer. We are the same --
5 have the same place, same customers if we not
6 open up anything else, but clearly grocery be
7 alone.

8 Q Okay. And then the follow-up
9 question. So then it has been your
10 observation that the majority of the people
11 using the Metro Station --

12 A Right.

13 Q -- live in the neighborhood, leave
14 to go to work and then come back? They are
15 not commuting to come to the neighborhood, buy
16 our goods and then leave?

17 A No.

18 Q Okay.

19 CHAIRPERSON MILLER: Okay. I
20 think that concludes the testimony. Thank you
21 very much.

22 MR. WONDIMU: Thank you.

1 Appreciate it.

2 (Whereupon, witness was excused.)

3 CHAIRPERSON MILLER: Okay. Any
4 other witnesses or is that it?

5 MR. LEE: That's it.

6 MR. BOESE: That's it.

7 CHAIRPERSON MILLER: Okay. Then
8 we are ready for closing. Mr. Lee?

9 MR. LEE: Yes, thank you. Thanks
10 for the time today. Yes, actually, the
11 located area is densely-populated. And more
12 than 50 percent is commuter traffic from
13 Maryland. And then based on the D.C. Title
14 again, we have -- we don't have any measured
15 number for ratio between ABC license and the
16 number of person.

17 So it depends on case-by-case and
18 customer over -- characteristics over area.
19 The population density or that kind of stuff,
20 we have to consider to determine that.

21 So it is just to me speculation
22 that granting a license will bring in more

1 crimes. I think it's a mere subsequent
2 speculation.

3 And then King's Deli is not a big
4 liquor store like we just mentioned about the
5 Lion's Liquor. Because we are going to
6 operate a deli with the liquor and limited
7 items, so it's probably decrease the community
8 concern.

9 At the same time, all he presented
10 is his detailed business plan today and that
11 he follow, I hope, the business plan. That
12 not big impact or negative impacts on
13 community. And he very aware of community
14 concerns.

15 So he is willing to cooperate with
16 the community in the future. So as granting,
17 I strongly believe that granting the
18 application is appropriate and will not
19 detrimentally impact the community. Thank you
20 very much.

21 CHAIRPERSON MILLER: Thank you.

22 MR. BOESE: Do you mind if I -- do

1 you want me to close or do you mind if I let
2 Mr. Jones close?

3 CHAIRPERSON MILLER: Mr. Jones?

4 Yes, Mr. Jones.

5 MR. JONES: Good evening and thank
6 you.

7 CHAIRPERSON MILLER: Yes.

8 MR. JONES: Just based on the
9 Georgia Avenue User Survey that we dated 2010
10 from April 1 through June 15, where we got
11 almost 700 responses, we went to over 300
12 houses to deliver the survey as well as did it
13 on the community listservs.

14 And based on the people who come
15 to the Georgia Avenue Community Development
16 Task Force, who say what they want to see in
17 the community, there is no need for another
18 Class A Liquor License in our neighborhood.

19 Everybody believes that we are
20 saturated. And that liquor stores are causing
21 a lot of problems, a lot of loitering, a lot
22 of trash, so I think that we are here today to

1 say that we just don't want to see another
2 Class A Liquor License.

3 We have worked with other
4 licensees in the neighborhood to try to get
5 them to bring in new businesses and we worked
6 successfully with one back in August. We were
7 hoping to be successful with King's Deli, but
8 there has not been any type of agreement
9 between the two parties.

10 As somebody who has lived in the
11 neighborhood my entire life, my mother moved
12 into the neighborhood in 1955 and I'm over 50
13 years-old now, we just don't want to see any
14 more liquor licenses, that's Class A Liquor
15 Licenses, because we just -- we have enough.

16 CHAIRPERSON MILLER: Okay. Thank
17 you very much.

18 So at this point, we are going to
19 close the record. I think we have gotten all
20 of your exhibits, your witnesses. Okay.

21 And I'm going to ask the parties,
22 you have an option to file findings of fact

1 and conclusions of law or waiving that option.

2 MS. ROBINSON: What?

3 CHAIRPERSON MILLER: You have an
4 option to submit proposed findings of fact and
5 conclusions of law, if you would like, or you
6 can waive it. Do you have questions?

7 MS. ROBINSON: I have no idea what
8 it is.

9 MR. BOESE: I guess we will waive
10 it. Let's make it simple.

11 CHAIRPERSON MILLER: Okay. Okay.
12 Mr. Lee?

13 MR. LEE: Yes, I will waive it as
14 well, too.

15 CHAIRPERSON MILLER: Okay. Fine.
16 Okay. So that concludes this hearing. And we
17 will be issuing an order within 90 days.

18 So thank you. What? Mr. Jones?

19 MEMBER JONES: Just a
20 clarification. The record is officially
21 closed?

22 CHAIRPERSON MILLER: The record is

1 closed.

2 MEMBER JONES: Okay. Thank you.

3 CHAIRPERSON MILLER: Okay.

4 MS. ROBINSON: Will we all get
5 notification of your decision?

6 CHAIRPERSON MILLER: Yes.

7 MS. ROBINSON: Or just the --

8 CHAIRPERSON MILLER: All the
9 parties get it.

10 MS. ROBINSON: All the parties,
11 okay.

12 CHAIRPERSON MILLER: I'm sure,
13 yes, parties. And you're a party.

14 MS. ROBINSON: Okay.

15 CHAIRPERSON MILLER: Thank you.
16 Good night.

17 MR. BOESE: Thank you very much.

18 CHAIRPERSON MILLER: I should get
19 one of those. Do you have any?

20 MEMBER ALBERTI: You don't have
21 any of these?

22 CHAIRPERSON MILLER: No. I need

1 an order of procedure.

2 MEMBER ALBERTI: Oh, no, no, you
3 should get one of these. I'll see if Martha
4 can.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: If not, we can
7 just get copies of this for you.

8 CHAIRPERSON MILLER: That would be
9 good. Thank you.

10 MEMBER ALBERTI: In fact, if they
11 don't have them, I'll send them to you. I'm
12 pretty sure I have there.

13 CHAIRPERSON MILLER: Oh, thank
14 you. Okay.

15 (Whereupon, off the record for a
16 recess.)

17 MEMBER ALBERTI: We're back on the
18 record, please. Please, read it. We're back
19 on the record.

20 CHAIRPERSON MILLER: Did I go off
21 the record?

22 MEMBER ALBERTI: I don't know.

1 CHAIRPERSON MILLER: I don't think
2 I went off the record.

3 MEMBER ALBERTI: Okay. I'll send
4 them to you. I'll send copies to you.

5 CHAIRPERSON MILLER: Thank you.
6 Do I read this now?

7 MEMBER ALBERTI: Yes, just go
8 ahead.

9 CHAIRPERSON MILLER: All right.

10 MEMBER ALBERTI: Excuse us, we
11 have one more matter of business, so we kind
12 of need to have the room quiet. Thank you.

13 MR. BOESE: Okay.

14 MEMBER ALBERTI: Thank you for
15 coming.

16 CHAIRPERSON MILLER: As
17 Chairperson of the Alcoholic Beverage Control
18 Board for the District of Columbia and in
19 accordance with ^U 405 of the Open Meetings
20 Amendment Act of 2010, I move that the ABC
21 Board hold a closed meeting for the purpose of
22 seeking legal advice from our counsel and

1 possibly deliberating on issues related to the
2 Board's agenda for February 15th as published
3 in the DC Register on February 8th.

4 Is there a second? Second?

5 MEMBER NOPHLIN: Second. Sorry.

6 CHAIRPERSON MILLER: Okay. I'll
7 take a roll call on the vote then to close the
8 meeting.

9 Mr. Nophlin?

10 MEMBER NOPHLIN: I agree.

11 CHAIRPERSON MILLER: Mr. Brooks?

12 MEMBER BROOKS: I agree.

13 CHAIRPERSON MILLER: Mr. Alberti?

14 MEMBER ALBERTI: I agree.

15 CHAIRPERSON MILLER: Ms. Miller
16 agrees. Ms. Mobley?

17 MEMBER MOBLEY: Agree.

18 CHAIRPERSON MILLER: Mr. Jones?

19 MEMBER JONES: I agree.

20 CHAIRPERSON MILLER: Okay. The
21 motion passes. And that's it for our closed
22 meeting. Okay.

1 (Whereupon, at 8:20 p.m. a recess
2 until 8:55 p.m.)

3 MEMBER ALBERTI: So we are now
4 going back on the record. All right.

5 CHAIRPERSON MILLER: Back on the
6 record.

7 MEMBER ALBERTI: We are reopening
8 and going back to Case No. 11-PRO-00047, Shin
9 & Jang, Inc. t/a King's Deli & Grocery. There
10 is one more item to address on that.

11 Madam Chair, please, close that
12 hearing.

13 CHAIRPERSON MILLER: Are we on the
14 record?

15 MEMBER ALBERTI: We're on the
16 record and we are on Case No. 11-PRO --

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: -- 00047.

19 CHAIRPERSON MILLER: Okay. I'm
20 going to close the record for the Protest
21 Hearing that we had earlier.

22 As Chairperson of the Alcoholic

1 Beverage Control Board for the District of
2 Columbia and in accordance with ^U 405 of the
3 Open Meetings Amendment Act of 2010, I move
4 that the ABC Board hold a closed meeting for
5 the purpose of seeking legal advice from our
6 counsel on Case No. 11-PRO-00047 per ^U
7 405(b)(4) of the Open Meetings Amendment Act
8 of 2010 and deliberating upon Case No. 11-PRO-
9 00047, this is King's Deli & Grocery for the
10 reasons cited in 405(b)(13) of the Open
11 Meetings Amendment Act of 2010.

12 Is there a second?

13 MEMBER MOBLEY: Second.

14 CHAIRPERSON MILLER: I'll take a
15 roll call. Mr. Nophlin, how say you?

16 MEMBER NOPHLIN: I agree.

17 CHAIRPERSON MILLER: Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIRPERSON MILLER: Ms. Miller
22 agrees. Ms. Mobley?

1 MEMBER MOBLEY: I agree.

2 CHAIRPERSON MILLER: Mr. Jones?

3 MEMBER JONES: I agree.

4 CHAIRPERSON MILLER: Okay. Then
5 the vote is 6-0 to close the meeting.

6 MEMBER ALBERTI: Okay. Now, --

7 CHAIRPERSON MILLER: And that --

8 MEMBER ALBERTI: -- we are off the
9 record. I have a question. I'm sorry, go
10 ahead.

11 CHAIRPERSON MILLER: That
12 concludes our hearings for today. Thank you.

13 MEMBER ALBERTI: Okay. Thank you.
14 Off the record, because I have one question.

15 (Whereupon, at 8:57 p.m. a recess
16 until 8:58 p.m.)

17 CHAIRPERSON MILLER: We are on the
18 record to read a corrected closed meeting as
19 follows.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 on February 15 for the purpose of seeking
4 legal advice from our counsel on the matters
5 identified on the Board's agenda for February
6 15 as published in the DC Register on February
7 10th.

8 Is there a second?

9 MEMBER NOPHLIN: Second.

10 CHAIRPERSON MILLER: I'm going to
11 take a roll call. Mr. Nophlin?

12 MEMBER NOPHLIN: I agree.

13 CHAIRPERSON MILLER: Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Ms. Miller
18 agrees. Ms. Mobley?

19 MEMBER MOBLEY: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MEMBER JONES: I agree.

22 CHAIRPERSON MILLER: The vote

1 passes 6-0.

2 As it appears that this motion has
3 passed, I hereby give notice that the ABC
4 Board will hold its aforementioned closed
5 meeting pursuant to the Open Meetings
6 Amendment Act of 2010. Notice will also be
7 posted on the ABC Board hearing room bulletin
8 board, placed on the electronic calendar on
9 ABRA's website and published in the DC
10 Register in as timely a manner as practicable.

11 As Chairperson of the Alcoholic
12 Beverage Control Board for the District of
13 Columbia and in accordance with ^U 405 of the
14 Open Meetings Amendment Act of 2010, I move
15 that the ABC Board hold a closed meeting on
16 February 15th for the purpose of discussing
17 and hearing reports concerning ongoing or
18 planned investigations of alleged criminal or
19 civil misconduct or violation of law or
20 regulations and seeking legal advice from our
21 counsel on the Board's investigative agenda
22 for February 15th as published in the DC

1 Register on February 10th.

2 Is there a second?

3 MEMBER NOPHLIN: Second.

4 CHAIRPERSON MILLER: I will now
5 take a roll call vote on the motion now that
6 it has been seconded.

7 Mr. Nophlin?

8 MEMBER NOPHLIN: I agree.

9 CHAIRPERSON MILLER: Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr. Alberti?

12 MEMBER ALBERTI: I agree.

13 CHAIRPERSON MILLER: Ms. Miller
14 agrees. Ms. Mobley?

15 MEMBER MOBLEY: I agree.

16 CHAIRPERSON MILLER: Mr. Jones?

17 MEMBER JONES: I agree.

18 CHAIRPERSON MILLER: The motion
19 passes 6-0.

20 I thereby give notice that the ABC
21 Board will hold this aforementioned closed
22 meeting pursuant to the Open Meetings

1 Amendment Act of 2010. Notice will also be
2 posted on the ABC Board hearing room bulletin
3 board, placed on the electronic calendar, on
4 ABRA's website and published in the DC
5 Register in as timely a manner as practicable.

6 The end.

7 MEMBER ALBERTI: That may be the
8 most painful part of the day, I agree.

9 CHAIRPERSON MILLER: Okay.

10 (Whereupon, the Protest Hearing in
11 the above-entitled matter was concluded at
12 9:01 p.m.)

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