

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Three Way Liquors, Inc. :
t/a Three Way Liquors, Inc.: Protest
4823 Georgia Avenue, NW : Hearing
Retailer A - ANC-4D :
License No. 21972 :
Case #12-PRO-00058 :
: :
(Renewal Application) :
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February 13, 2013
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

MIKE SILVERSTEIN, Member

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

(1:04 p.m.)

CHAIRPERSON MILLER: Okay. Good afternoon, everyone.

ALL: Good afternoon.

CHAIRPERSON MILLER: All right. We are with our first case in the afternoon. It's Case No. 12-PRO-00058, Three Way Liquors, located at 4823 Georgia Avenue, N.W., License No. 21972 in ANC-4D.

So why don't we start with introductions for the record? We can start on my right.

MS. YU: Yes, my name is Sunghee Yu. I'm the co-owner of the Three Way Liquor store.

CHAIRPERSON MILLER: Okay. Could you speak a little louder? I'm sorry, I didn't catch your name.

MS. YU: Yes, my name is Sunghee Yu.

CHAIRPERSON MILLER: Okay. And

1 you are what?

2 MS. YU: I'm the co-owner of the
3 Three Way Liquors.

4 CHAIRPERSON MILLER: Co-owner?

5 MS. YU: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MR. YU: My name is Jung Yu.

8 CHAIRPERSON MILLER: Yes.

9 MR. YU: Three way Liquor store
10 owner.

11 CHAIRPERSON MILLER: You are a co-
12 owner?

13 MR. YU: Co-owner.

14 CHAIRPERSON MILLER: Okay.

15 MR. DIETZ: I'm Bernard C. Dietz
16 representing the applicants.

17 CHAIRPERSON MILLER: Okay. Good
18 afternoon. All right. And over here?

19 REVEREND WAY: I'm Paster Alfonso
20 Way, owner of the property.

21 CHAIRPERSON MILLER: Yes, all
22 right.

1 MS. WAY: I'm Mrs. Tawanna Way.

2 CHAIRPERSON MILLER: All right.

3 MR. BOND: Charles Bond.

4 CHAIRPERSON MILLER: Could you
5 refresh my memory, who you are?

6 MR. BOND: Church member.

7 CHAIRPERSON MILLER: Member?

8 Okay. And, Mr. Jones, you can come up to the
9 stand actually.

10 So this is a continuation of a
11 Protest Hearing and we are going to try to
12 somewhat pick up where we left off, except we
13 are going to start with Mr. Jones, the
14 Investigator, because he wasn't here at the
15 last hearing. And you all really should hear
16 him before we go onto the rest of the
17 witnesses.

18 And Board Member Jones kept track
19 of time, so I'm going to just turn to him and
20 he can tell everyone how much time they have
21 used up or how much time they have left for
22 the rest of the hearing this afternoon.

1 MEMBER JONES: Based on the time
2 that we left off, the protestants had used up
3 30 minutes and have 60 minutes remaining. The
4 licensee had used up 17 minutes and has 73
5 minutes remaining.

6 CHAIRPERSON MILLER: Okay. All
7 right. So the procedure is going to be we are
8 going to have Mr. Jones first. He will give
9 his testimony. The Board can ask questions
10 and all the parties can ask questions of Mr.
11 Jones.

12 And then Mr. Dietz we will finish
13 up with your witnesses. Did you have any more
14 witnesses or did you present all your
15 witnesses?

16 MR. DIETZ: I will probably have
17 just one witness, that's all.

18 CHAIRPERSON MILLER: Okay. And
19 then we will turn to the protestants. Okay.
20 Any questions? All right. Mr. Jones?

21 INVESTIGATOR JONES: Thank you.

22 CHAIRPERSON MILLER: I'll swear

1 you in.

2 Whereupon,

3 INVESTIGATOR EARL JONES

4 was called as a witness by the ABRA Board, and

5 having been first duly sworn, assumed the

6 witness stand and was examined and testified

7 as follows:

8 CHAIRPERSON MILLER: Okay. So do

9 you have some testimony you would like to

10 provide with respect to this protest?

11 INVESTIGATOR JONES: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay.

13 DIRECT EXAMINATION

14 INVESTIGATOR JONES: I conducted a

15 protest investigation of Three Way Liquors,

16 Inc., which is located at 4823 Georgia Avenue,

17 N.W., 2011. The establishment at 4823 Georgia

18 Avenue, N.W., is bounded by Delafield Place,

19 N.W., to the south, Emerson Street, N.W., to

20 the north, 9th Street, N.W., to the east and

21 Arkansas Street, N.W., to the west.

22 A renewal A Store License

1 application for 4823 Georgia Avenue, N.W., was
2 protested by area citizens led by designated
3 representative Reverend Alfonso Way.

4 There are five ABC establishments
5 within the block of 4823 Georgia Avenue, N.W.
6 You have Fusion Restaurant and Bar, Ras
7 Restaurant and Lounge, Moroni & Brother's
8 Pizza Restaurant, Midnight Delicatessen and
9 Colony Liquors.

10 The protest issues of the area
11 citizens are adverse impact on peace, order
12 and quiet of residents in surrounding area,
13 residential parking and vehicular and
14 pedestrian safety, as well as trash, loitering
15 and criminal activity.

16 On August 28, 2012 and September
17 6, 2012, I spoke to Reverend Way, the
18 designated representative, as well as Tawanna
19 Way and Mr. Charles Bond, protestants of Three
20 Way Liquors, who stated their primary issues
21 with the renewal license application of Three
22 Way Liquors, Inc. is an over-saturation of

1 parking, criminal activity, solicitation and
2 intoxicated patrons in and around the
3 storefront and as well as the church.

4 Trash, drug paraphernalia and
5 other illegal activity take place in and
6 around the storefront during its business
7 hours and after several attempts at trying to
8 establish a good working relationship with the
9 owner, the protestants say things have gotten
10 worse over the years.

11 He also stated the owner of Three
12 Way Liquors has made a mockery of his
13 congregation in relation -- excuse me and
14 religious beliefs by changing the front, the
15 side of the store to look exactly like his
16 church.

17 Reverend Way stated not only does
18 he have to deal with the drunken state of
19 individuals who patronize Three Way Liquors,
20 but many think he sells alcohol out of his
21 church as well.

22 On August 30, 2012, I spoke to Mr.

1 Jung Yu, the proprietor of the establishment
2 who stated the primary issues with the renewal
3 license application of his store is trash,
4 over-saturation of patrons in and around the
5 area, dealing with intoxicated -- intoxication
6 and parking, as well as criminal activity.

7 The establishment at 4823 Georgia
8 Avenue, N.W., was monitored by ABRA personnel
9 a total of 25 times from August 2, 2012 to
10 October 26, 2012 with no violations found.

11 I monitored 4823 Georgia Avenue,
12 N.W., on ten occasions and observed little to
13 no parking. I also observed several male
14 individuals congregating on a retaining wall
15 that surrounds the parking lot that abuts
16 Three Way Liquors, as well as an empty alcohol
17 bottle was found in front of Reverend Way's
18 church.

19 Also a male was, I also found,
20 peddling belts in front of the store.

21 MEMBER SILVERSTEIN: Pardon?

22 INVESTIGATOR JONES: Also an

1 individual was found peddling belts, selling
2 belts in front of the store.. There was also
3 excessive vehicular and foot traffic in the
4 area specifically on the weekend nights.

5 And finally, according to MPD
6 Crime Analysis Unit, there were 15 calls for
7 service for this location with 11 being alarm
8 calls, two being destruction of property, one
9 being a disabled auto and one being a
10 disorderly individual. None of these calls
11 were ABRA-related violations. Thank you.

12 CHAIRPERSON MILLER: All right.
13 Board questions? Mr. Silverstein?

14 MEMBER SILVERSTEIN: Mr. Jones,
15 was there anything in the applicant's record
16 that would justify pulling the license in
17 terms of actual violations?

18 INVESTIGATOR JONES: As far as
19 violations, sir, I could not determine that
20 there should be anything there per se to pull
21 the license. Again, this would be something
22 that the protestants would really have to

1 delve into.

2 But from an ABRA-related
3 standpoint, we couldn't determine from just
4 that the license should be pulled. Just
5 because of the history.

6 MEMBER SILVERSTEIN: If we were to
7 do anything, it would have to be based on
8 other --

9 INVESTIGATOR JONES: Yes, sir.

10 MEMBER SILVERSTEIN: No further
11 questions.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: Good afternoon,
14 Mr. Jones.

15 INVESTIGATOR JONES: Good
16 afternoon.

17 MEMBER ALBERTI: The parking lot
18 you said is next to Three Way Liquors, is it
19 directly next door or is there a building
20 between Three Way and the parking lot?

21 INVESTIGATOR JONES: You have the
22 church, which seems to be one building.

1 MEMBER ALBERTI: Yes.

2 INVESTIGATOR JONES: And it has --
3 Three Way Liquors is right next to the church.

4 MEMBER ALBERTI: Yes.

5 INVESTIGATOR JONES: Basically
6 almost the same building pretty much. And
7 then you have the parking lot which is right
8 next to or right to the side of the liquor
9 store, Three Way Liquors.

10 MEMBER ALBERTI: Okay. And do you
11 know who owns the parking lot?

12 INVESTIGATOR JONES: The
13 Industrial Bank across the street.

14 MEMBER ALBERTI: And I see that
15 one of your times was mid-afternoon 2:20 p.m.
16 on a Tuesday. Were there cars parked in the
17 parking lot?

18 INVESTIGATOR JONES: I don't have
19 the report in front of me, sir, but I'm
20 assuming that there would, at that point in
21 time.

22 MEMBER ALBERTI: But you don't

1 recall?

2 INVESTIGATOR JONES: No, I don't.
3 On any given one day, I couldn't tell you.

4 MEMBER ALBERTI: All right. I
5 have no other questions. Thank you.

6 CHAIRPERSON MILLER: Yes, Mr.
7 Jones?

8 MEMBER JONES: Thank you. You
9 said you do not have a copy of your report in
10 front of you?

11 INVESTIGATOR JONES: No, sir.

12 MEMBER JONES: Okay. So if I try
13 to reference specific exhibits to get
14 clarification on some of the items that were
15 included in that report, you wouldn't be able
16 to say?

17 INVESTIGATOR JONES: Even if I had
18 the report, we don't have the exhibits, so you
19 would have to -- I would have to get the
20 exhibit from you.

21 MEMBER JONES: Got it. Okay.

22 CHAIRPERSON MILLER: Give him the

1 report.

2 MEMBER JONES: Would he be able to
3 have those?

4 CHAIRPERSON MILLER: Yes. Ms.
5 Walker can give you a report.

6 MEMBER JONES: Okay.

7 CHAIRPERSON MILLER: Do you want
8 to wait a minute?

9 MEMBER JONES: While that is being
10 pulled --

11 CHAIRPERSON MILLER: Okay.

12 MEMBER JONES: -- in terms of the
13 parking, I just want to make sure I'm clear on
14 your synopsis of your findings related to
15 that. So overall, did I hear you correctly or
16 did I interpret what you said correctly in the
17 sense that you didn't attribute any
18 significant parking issues to the operation of
19 this licensed establishment or may I reading
20 more into your statement?

21 INVESTIGATOR JONES: Well, it
22 depends. Well, from my statement, there were

1 parking issues that were directly related to
2 the church that were right in front of the
3 church, in front of the storefront. Not
4 specifically with the parking lot area.

5 MEMBER JONES: Okay.

6 INVESTIGATOR JONES: I know that
7 there were several occasions where I did
8 monitor other ABRA Investigators monitor and
9 there was a lot of activity as far as
10 vehicular traffic right in front of the store,
11 right in front of the church, because you had
12 patrons kind of parking real quick and jumping
13 into the store and coming back out.

14 MEMBER JONES: Okay.

15 INVESTIGATOR JONES: So there were
16 cars being parked, moved, cars being parked
17 and moved.

18 MEMBER JONES: Okay. Did you get
19 the sense -- well, not sense. Could you
20 observe and see whether or not those cars were
21 parked illegally or in an inappropriate
22 fashion?

1 INVESTIGATOR JONES: I didn't see.

2 No, I didn't see that.

3 MEMBER JONES: You didn't get that
4 perception?

5 INVESTIGATOR JONES: No.

6 MEMBER JONES: Okay. Did you get
7 the impression that the -- that if that
8 licensed establishment wasn't operating, that
9 those problems would not exist as you defined
10 them, as you saw them?

11 INVESTIGATOR JONES: If that
12 licensed establishment was not there, there
13 wouldn't have been that problem there.

14 MEMBER JONES: All right.

15 INVESTIGATOR JONES: As far as the
16 parking right there in that area.

17 MEMBER JONES: Right there in the
18 area. And what was the extent of the problem,
19 as you defined the problem? Was it just two
20 or three car lengths or was it up and down the
21 whole block, both sides of the block?

22 INVESTIGATOR JONES: It wasn't all

1 the way up and down the block. It was maybe
2 about two to three car lengths of vehicles
3 that would be parked at any given time. And
4 like I said, the patrons would get out and got
5 into the liquor store and then jump back in
6 and kind of exit the area.

7 MEMBER JONES: Okay. But the area
8 where this two or three car lengths was
9 definitely impacted the frontage of the
10 church?

11 INVESTIGATOR JONES: Yes, sir.

12 MEMBER JONES: Okay. And you
13 observed this?

14 INVESTIGATOR JONES: Yes, sir.

15 MEMBER JONES: Okay. Was there
16 any type of -- was there any peak time that
17 this would occur? Like, you know, like in the
18 evenings or on a particular day or was it just
19 a randomly -- consistently bad to the level
20 that you would characterize bad during the
21 entire time?

22 INVESTIGATOR JONES: It seemed to

1 be, from my perception, a type of thing where
2 it was just maintained through the day. Now,
3 I guess if you are a church member, it would
4 affect you more if you were having service or
5 you were having some type of program going on
6 at that point, at a certain point and time of
7 the day, that would probably cause a problem
8 for, you know, people who wanted to make --
9 when you are handicapped, that type of thing,
10 and you're --

11 MEMBER JONES: Right.

12 INVESTIGATOR JONES: -- trying to
13 get out in front of the church, that type of
14 thing.

15 MEMBER JONES: Okay.

16 INVESTIGATOR JONES: But that
17 traffic seemed to kind of level out throughout
18 the whole day. It seemed to be the whole --
19 that seemed to be the pattern throughout the
20 day.

21 MEMBER JONES: So it's fairly
22 consistent?

1 INVESTIGATOR JONES: Yes.

2 MEMBER JONES: Okay. The parking
3 lot you mentioned was, I think it was, owned
4 by Industrial Bank?

5 INVESTIGATOR JONES: I believe so,
6 yes.

7 MEMBER JONES: Okay. Is that --
8 to your -- is it your understanding that that
9 parking lot was for the patrons of this
10 licensed establishment or general use by
11 whoever needed a parking space? Like what was
12 the intent of that parking lot?

13 INVESTIGATOR JONES: From my
14 understanding, there was an agreement between
15 Reverend Way and the managers of Industrial
16 Bank where his congregation would be able to
17 park there when they had service or when they
18 had some type of event or program or whatever
19 need be.

20 MEMBER JONES: Okay.

21 INVESTIGATOR JONES: As far as the
22 patrons for Three Way Liquors, I wasn't under

1 the impression that it was allowed for them to
2 use.

3 MEMBER JONES: Okay. So the only
4 available parking for patrons of Three Way
5 Liquors appears to be street parking?

6 INVESTIGATOR JONES: Yes.

7 MEMBER JONES: Okay. Is there
8 anything that you observed that you think the
9 establishment could do differently to help
10 mitigate the issues as you have identified
11 them related to the temp parkers who come in
12 real quick to come in and get something and go
13 back out to their car? Is it something that
14 we -- is there anything that you could
15 identify in the nature of their operations
16 that would help to alleviate or mitigate that
17 issue, as you observed it?

18 INVESTIGATOR JONES: The problem
19 with that is that area it's right on the
20 corner. The church is sitting on the corner.
21 The only parking lot that is in the area is
22 that Industrial Bank parking lot.

1 MEMBER JONES: Okay.

2 INVESTIGATOR JONES: I don't think
3 that there is anything else they would do with
4 reference to parking outside of building a
5 lot. So you would have to use street parking.

6 MEMBER JONES: Okay. Now, is
7 there available real estate for them to build
8 a lot like in -- I'm not prying. Some of the
9 questions I may be asking about pictures, but
10 is there available real estate for them to
11 even build a lot? Is that a feasible option?
12 It seems to be a pretty crowded neighborhood.

13 INVESTIGATOR JONES: Yes, I didn't
14 see that option in that area.

15 MEMBER JONES: Okay. Okay. Do
16 you now have the pictures or exhibits?

17 INVESTIGATOR JONES: Yes, sir.

18 MEMBER JONES: 11, etcetera?

19 INVESTIGATOR JONES: Yes, sir.

20 MEMBER JONES: On -- are you -- do
21 you have any understanding of what the source
22 is of these pictures? Specifically, Exhibit

1 10?

2 INVESTIGATOR JONES: I took the
3 picture, sir.

4 MEMBER JONES: You did?

5 INVESTIGATOR JONES: Yes, sir.

6 MEMBER JONES: Okay. So for
7 Exhibit 10, I just want to confirm that this
8 is the -- it looks like the corner of the
9 Delafield and Georgia?

10 INVESTIGATOR JONES: Yes, sir.

11 MEMBER JONES: And I'm looking at
12 the side of the church?

13 INVESTIGATOR JONES: Yes, sir.

14 MEMBER JONES: And if I look
15 straight down, I can see the awning on the
16 frontage of the liquor store as well?

17 INVESTIGATOR JONES: Yes, sir.

18 MEMBER JONES: Okay. I just
19 wanted to confirm that's what I was looking
20 at.

21 And when you said you saw people
22 congregating --

1 INVESTIGATOR JONES: Yes, sir.

2 MEMBER JONES: -- from this angle,
3 were would this congregation extend to? Would
4 it extend all the way down to the corner?
5 Would it be closer to the liquor -- the
6 licensed establishment?

7 INVESTIGATOR JONES: It would be
8 closer to the opposite corner. So it would be
9 past the --

10 MEMBER JONES: Okay.

11 INVESTIGATOR JONES: -- facade of
12 the liquor store that you see there sticking
13 out.

14 MEMBER JONES: Okay.

15 INVESTIGATOR JONES: It would be
16 past that towards the corner.

17 MEMBER JONES: Towards the corner?

18 INVESTIGATOR JONES: Yes, sir.

19 MEMBER JONES: So if you flip to
20 Exhibit 11 --

21 INVESTIGATOR JONES: Yes, sir.

22 MEMBER JONES: -- is one of these

1 corners representative of where it would have
2 extended to?

3 INVESTIGATOR JONES: It would be
4 closer to this corner. However, it would be
5 coming back this way. So it's --

6 MEMBER JONES: So it's not in the
7 picture itself?

8 INVESTIGATOR JONES: No, sir.

9 MEMBER JONES: Got it.
10 Understood. Okay. And when you said you saw
11 people congregating, can you put a boogie
12 number on that? Is it in the single digits or
13 we're in the 10s, 20s?

14 INVESTIGATOR JONES: Probably I
15 would say 5 to 10.

16 MEMBER JONES: 5 to 10.

17 INVESTIGATOR JONES: Yes.

18 MEMBER JONES: And it was fairly
19 consistent 5 to 10 people?

20 INVESTIGATOR JONES: Yes.

21 CHAIRPERSON MILLER: I'm sorry,
22 somebody is rustling their mike, I think.

1 REVEREND WAY: Is it possible --
2 we didn't get a copy of those photos that Mr.
3 Jones -- is it possible? We didn't have any--

4 CHAIRPERSON MILLER: You don't
5 have a copy of the investigative report?

6 REVEREND WAY: No. Yes.

7 CHAIRPERSON MILLER: With --

8 REVEREND WAY: Yes.

9 CHAIRPERSON MILLER: Are the
10 photos attached to the report?

11 REVEREND WAY: We have them, but
12 if there is an extra copy, our printer had
13 some lines through it.

14 CHAIRPERSON MILLER: Oh.

15 REVEREND WAY: Just asking if it's
16 available.

17 CHAIRPERSON MILLER: Yes, we'll
18 get that for you.

19 MEMBER ALBERTI: No problem.

20 CHAIRPERSON MILLER: No, I'm glad
21 you brought it up.

22 MEMBER JONES: We apologize.

1 REVEREND WAY: We have it, but at
2 the time our printer was low in color.

3 CHAIRPERSON MILLER: All right.
4 Yes. Okay. So Ms. Walker is making copies
5 for you.

6 REVEREND WAY: Thank you.

7 CHAIRPERSON MILLER: You're
8 welcome. Your questions on the photos, right?

9 MEMBER JONES: The questions that
10 I have are related to the photos --

11 CHAIRPERSON MILLER: Yes.

12 MEMBER JONES: -- in exhibits. So
13 I think given the concern that was raised,
14 it's only appropriate to wait until they have
15 the copies in their hands.

16 REVEREND WAY: Thank you, Mr.
17 Jones.

18 MEMBER JONES: No, thank you.

19 CHAIRPERSON MILLER: Well, while
20 we are waiting, do you mind if I just ask some
21 random questions then?

22 MEMBER JONES: Not at all.

1 CHAIRPERSON MILLER: Okay. This
2 is a fairly random question, so, Mr. Jones,
3 the selling of the belts, did you make any
4 connection between that and the liquor store?
5 It's just something that you noticed?

6 INVESTIGATOR JONES: Well, it was
7 -- it took place during one of my monitoring
8 times. I noticed that the gentleman went in
9 and out of the liquor store. He kind of
10 caught patrons as they were going in and
11 coming out. And that's where he stood, right
12 in front of the store.

13 CHAIRPERSON MILLER: Okay.

14 INVESTIGATOR JONES: I'm not
15 saying that he is affiliated with the
16 management or ownership of the store, but
17 that's where he was. That's where he was
18 selling his wares.

19 CHAIRPERSON MILLER: So he was a
20 patron as well as a --

21 INVESTIGATOR JONES: I don't know
22 if he was a patron, ma'am. Like I said, when

1 I was observing, he just had a bunch of belts
2 around his waist and on his shoulders and like
3 I said, he would go in and out and he would
4 catch patrons coming in and out of the store
5 to try to sell them, you know.

6 CHAIRPERSON MILLER: Oh, I see.
7 Okay. So in that manner he was connected to
8 the store, because he was going --

9 INVESTIGATOR JONES: Yes, ma'am.

10 CHAIRPERSON MILLER: -- up to the
11 patrons?

12 INVESTIGATOR JONES: Yes, ma'am.

13 CHAIRPERSON MILLER: Okay. On
14 page 11 of your report, I think you made a
15 comment about noise not being excessive.

16 INVESTIGATOR JONES: Yes, ma'am.

17 CHAIRPERSON MILLER: Can you
18 elaborate on that? I mean, what kind of noise
19 was there?

20 INVESTIGATOR JONES: For the most
21 part, noise that was heard in the area was due
22 to passerby traffic. You have other ABC

1 establishments that are kind of further down
2 the block. You may hear patrons coming and
3 going from those establishments. But not
4 right in that specific area was there a lot of
5 noise.

6 CHAIRPERSON MILLER: Okay. And
7 when you talked about the men sitting on the
8 wall --

9 INVESTIGATOR JONES: Yes, ma'am.

10 CHAIRPERSON MILLER: -- is that
11 like loitering or is that something different?

12 INVESTIGATOR JONES: I would
13 attribute that to loitering. I think that
14 that's the only way -- where -- that's the
15 only place in the area that they can kind of
16 sit down. They would -- there are some that
17 I saw go into Three Way Liquors and come back
18 out and sit down, but during my monitoring
19 times, I did not see anything as far as
20 alcoholic beverages or bottles that were left
21 around by the wall area.

22 CHAIRPERSON MILLER: Did you

1 conclude that they were connected to the
2 liquor store, that they were patrons?

3 INVESTIGATOR JONES: Again, I saw
4 a couple that may have gone in that -- excuse
5 me, that did go into the store. I can't say
6 that they all were.

7 CHAIRPERSON MILLER: Okay.

8 INVESTIGATOR JONES: But I did see
9 a couple that did go into the store. And then
10 they would come back out and go back out to
11 the parking lot where the retaining wall is.

12 CHAIRPERSON MILLER: Okay. I
13 think investigators are often asked this
14 question, but when you were doing your
15 monitoring, was it at the time that the liquor
16 store had applied for renewal and they knew
17 they would be monitored?

18 INVESTIGATOR JONES: Yes, ma'am.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Jones, tell me if you have seen the photos
21 come back yet. I haven't seen them yet.

22 So how long have you been an

1 investigator with ABRA?

2 INVESTIGATOR JONES: Since
3 September of 2009, ma'am.

4 CHAIRPERSON MILLER: Okay. So you
5 are pretty familiar with the liquor
6 establishments throughout the city?

7 INVESTIGATOR JONES: Yes, ma'am.

8 CHAIRPERSON MILLER: So is this
9 the only place where there is a liquor store
10 next to a church that you know of?

11 INVESTIGATOR JONES: Since I've
12 been working with ABRA, this is the only
13 liquor store that I have seen that abuts a
14 church.

15 CHAIRPERSON MILLER: Okay. And do
16 you have any opinion as to whether those uses
17 might be incompatible neighbors?

18 INVESTIGATOR JONES: I don't know
19 if I can really give my opinion, ma'am, but --

20 CHAIRPERSON MILLER: Well --

21 INVESTIGATOR JONES: -- I don't --
22 personally, I wouldn't mix my religion with my

1 alcohol.

2 CHAIRPERSON MILLER: I think --
3 did you -- you got your photos, right?

4 MS. WAY: Yes.

5 CHAIRPERSON MILLER: Okay. So
6 I'll go back to you, Mr. Jones.

7 MEMBER JONES: Thank you, Madam
8 Chair.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER JONES: All right.

11 Investigator Jones.

12 INVESTIGATOR JONES: Yes, sir.

13 MEMBER JONES: Exhibit 2.

14 INVESTIGATOR JONES: Yes, sir.

15 MEMBER JONES: This looks like a
16 front-on view of the church and the licensed
17 establishment. Is that correct?

18 INVESTIGATOR JONES: That is
19 correct, sir.

20 MEMBER JONES: All right. And
21 this may be a better opportunity for me to get
22 clarification on where -- the extent to which

1 you saw or witnessed the loitering or the
2 gathering of people.

3 CHAIRPERSON MILLER: Wait. I'm
4 sorry. I just want to remind people, you need
5 to keep your papers away from the microphones.
6 Okay. Thank you. Sorry, Mr. Jones.

7 MEMBER JONES: No problem. In
8 terms of the gathering of people that you
9 noticed, for lack of a better expression we
10 will characterize it as, loitering, how far
11 did they extend? And I'm more concerned in
12 terms of into the area of the church facade or
13 frontage.

14 INVESTIGATOR JONES: Okay.

15 MEMBER JONES: So I see a little
16 tree. Do you see that tree in front of the
17 church?

18 INVESTIGATOR JONES: Yes, sir.

19 MEMBER JONES: Do you see a sign
20 that is mounted on the wall to the left of the
21 main entrance with a cross on it?

22 INVESTIGATOR JONES: Yes, sir.

1 MEMBER JONES: How far down --
2 using reference points such as that, can you
3 give me a feel for how far down the extent of
4 the loitering went?

5 INVESTIGATOR JONES: Sure. I can
6 give you two views.

7 MEMBER JONES: Okay.

8 INVESTIGATOR JONES: If you were
9 to pull out Exhibit 14 as well?

10 MEMBER JONES: 14. I'm there.

11 INVESTIGATOR JONES: Okay. We can
12 start with Exhibit 2. The parking lot
13 structure and the wall start -- actually, if
14 you go all the way to the left of the
15 photograph --

16 MEMBER JONES: Yes.

17 INVESTIGATOR JONES: -- on Exhibit
18 2, where there is a door with a burglar bar,
19 burglar bars on it.

20 MEMBER JONES: Yes, sir, I see it.

21 INVESTIGATOR JONES: Right at the
22 end of that building is where the parking lot

1 is.

2 MEMBER JONES: Okay. So right at
3 the end of that building. So if I -- if the
4 photo extended further down, then would I be
5 able to observe cars in a parking lot area or
6 would I have to go behind or towards the back
7 of that property in order to see the parking
8 lot?

9 INVESTIGATOR JONES: No. If the
10 photo extended past that, you would clearly
11 see, because right there is where the driveway
12 is to go in.

13 MEMBER JONES: Got it.

14 INVESTIGATOR JONES: And you would
15 see cars right there.

16 MEMBER JONES: Okay.

17 INVESTIGATOR JONES: Now, if you
18 move on to Exhibit 14?

19 MEMBER JONES: Yes, sir.

20 INVESTIGATOR JONES: Exhibit 14 is
21 the parking lot itself along with the alley
22 that goes in back of Three Way Liquors and the

1 church.

2 MEMBER JONES: Okay. So I'm
3 looking at Exhibit 14. I see cars to the
4 right --

5 INVESTIGATOR JONES: Yes, sir.

6 MEMBER JONES: -- of a retaining
7 type wall.

8 INVESTIGATOR JONES: Yes, sir.

9 MEMBER JONES: And then I see an
10 alley.

11 INVESTIGATOR JONES: Yes, sir.

12 MEMBER JONES: That alley --
13 directly to the left is a building.

14 INVESTIGATOR JONES: Yes, sir.

15 MEMBER JONES: That building that
16 is directly to the left, is that any of the
17 subject property that I can see the front of
18 in Exhibit 2?

19 INVESTIGATOR JONES: All right.
20 Okay. Let me explain this to you.

21 MEMBER JONES: Okay.

22 INVESTIGATOR JONES: So on the

1 right of the photo --

2 MEMBER JONES: Which photo,
3 Exhibit 14?

4 INVESTIGATOR JONES: Oh, I'm
5 sorry. Exhibit 14.

6 MEMBER JONES: Got it.

7 INVESTIGATOR JONES: On the right
8 of Exhibit 14, the building structure that you
9 see to the right?

10 MEMBER JONES: Yes.

11 INVESTIGATOR JONES: That is the
12 building that is at the end of the photo in
13 Exhibit 2.

14 MEMBER JONES: Got it. Okay. I
15 follow. So that, if I may interrupt you,
16 means the very large structure that is to the
17 right of Exhibit 14 that is in the far
18 background would be the church?

19 INVESTIGATOR JONES: Yes, sir.

20 MEMBER JONES: Okay. That would
21 mean Three Way Liquors is in between the big
22 building, which is the church and this

1 building that is abutting the parking lot?

2 INVESTIGATOR JONES: Yes, sir.

3 MEMBER JONES: Got it. Okay.

4 Understood. And so this alleyway that I'm
5 looking at in Exhibit 14 it looks like there
6 is a fence at the -- a chain link fence at the
7 end of that alleyway?

8 INVESTIGATOR JONES: Yes, sir.

9 MEMBER JONES: And you have to
10 turn left to go down the alley?

11 INVESTIGATOR JONES: There is kind
12 of a turn there and then it kind of goes
13 straight down further. It goes -- so there is
14 like a small -- a short left and then you go
15 to the right and it goes further down the
16 alley.

17 MEMBER JONES: I got it.

18 INVESTIGATOR JONES: Behind the
19 church.

20 MEMBER JONES: Okay. Understood.

21 Now, so I go down here to the chain link
22 fence, make a left and then shortly thereafter

1 I make a right and I'll be eventually in an
2 alley that is directly behind the church?

3 INVESTIGATOR JONES: It would be--
4 it will take you directly behind the church
5 and you will end up on Delafield Place.

6 MEMBER JONES: Understood. Okay.
7 Now, I follow you. Now, question, when you
8 said there was loitering and sitting on a
9 retaining wall --

10 INVESTIGATOR JONES: Yes, sir.

11 MEMBER JONES: -- is it this
12 retaining wall in Exhibit 14?

13 INVESTIGATOR JONES: It would be
14 this wall and then there is like a little
15 structure that is along the building that is
16 on that right side of the photo. So it would
17 be these walls. Yes, it would be these small
18 retaining walls.

19 MEMBER JONES: Okay. So there is
20 -- the retaining wall 1 is in Exhibit 14, I
21 can see clearly.

22 INVESTIGATOR JONES: Yes.

1 MEMBER JONES: Is there a -- the
2 other retaining wall, the other area where
3 they are sitting?

4 INVESTIGATOR JONES: It's like a
5 little area that is -- there is the back of --
6 the rear of a car that is on the right side of
7 that photo in Exhibit 14.

8 MEMBER JONES: Yes.

9 INVESTIGATOR JONES: There is like
10 something like a small brick area where they
11 kind of sit there as well.

12 MEMBER JONES: Okay. Got it. So
13 at the end in the parking lot, essentially?

14 INVESTIGATOR JONES: Yes, yes.

15 MEMBER JONES: Okay. And did you
16 observe that these were patrons of this
17 establishment? Did you observe them go in,
18 make a purchase, come out with some item and
19 then matriculate to the areas or zones that
20 you have identified in Exhibit 14?

21 INVESTIGATOR JONES: Out of the 5
22 to maybe 10 individuals that I saw sitting out

1 there in that parking lot area, I may have
2 seen two or three go into the liquor store, go
3 into Three Way Liquors.

4 MEMBER JONES: Go into Three Way
5 Liquors, okay.

6 INVESTIGATOR JONES: And come out
7 with some sort of bag.

8 MEMBER JONES: Okay. So do you
9 have any sense of the other eight to seven --
10 seven to eight individuals what their intent,
11 purpose, driver for being there was?

12 INVESTIGATOR JONES: You know, on
13 -- I would say on almost every occasion that
14 I monitored that area, that seemed to be a
15 hangout spot --

16 MEMBER JONES: Okay.

17 INVESTIGATOR JONES: -- for them.
18 So whether they were consuming alcoholic
19 beverages or not, that seemed to be just kind
20 of a congregating area for the guys.

21 MEMBER JONES: For them.

22 INVESTIGATOR JONES: Yes.

1 MEMBER JONES: Okay. Which leads
2 to, I guess, the root question, did you --
3 would you have identified or attributed there
4 being these individuals loitering as created
5 by the existence of this licensed
6 establishment?

7 INVESTIGATOR JONES: I can't
8 necessarily say that it solely attributed to
9 Three Way Liquors. The only reason that I'm
10 saying that is because you have Colony Liquors
11 which is right there on the next corner.

12 MEMBER JONES: Got it. Okay.

13 INVESTIGATOR JONES: Which is just
14 directly across from the parking lot.

15 MEMBER JONES: Understood.

16 INVESTIGATOR JONES: So it could
17 be a combination of -- it could be one or the
18 other or it could be a combination of both.

19 MEMBER JONES: Okay. And I know
20 this wasn't directly in your task assignments,
21 I guess, during this investigation, but did
22 you happen to see patrons of the secondary

1 licensed establishment go in to that secondary
2 licensed establishment and then matriculate to
3 this loitering area?

4 INVESTIGATOR JONES: On one
5 occasion I saw one individual go into Colony
6 Liquors and then go over to the wall.

7 MEMBER JONES: Okay. Understood.
8 Thank you, sir.

9 Exhibit 15, I just wanted to make
10 sure I understood. What am I looking at here?

11 INVESTIGATOR JONES: Exhibit 15
12 would be --

13 MEMBER JONES: Is this the end of
14 the alley behind the church or is this the
15 other extent of the alleyway?

16 INVESTIGATOR JONES: This is the
17 extent of the alley behind Three Way Liquors.

18 MEMBER JONES: Got it. Okay.

19 INVESTIGATOR JONES: Going the
20 other way. Going the opposite way.

21 MEMBER JONES: Understood. So
22 okay, I got it. Thank you.

1 INVESTIGATOR JONES: Yes, sir.

2 MEMBER JONES: And did you observe
3 any illegal parking or loitering in that area?

4 INVESTIGATOR JONES: I didn't see
5 any illegal parking in the alleyway at all.

6 MEMBER JONES: Okay. Understood.
7 And I have one other question or two other
8 questions.

9 On Exhibit 23, I'm not sure if you
10 can make this out or not, but I just didn't
11 know what I was looking at here.

12 INVESTIGATOR JONES: Okay.

13 MEMBER JONES: It looks like it's
14 a bottle, but I can't really tell.

15 INVESTIGATOR JONES: Exhibit 23 is
16 a bottle of alcohol empty.

17 MEMBER JONES: Right.

18 INVESTIGATOR JONES: That was
19 left. Let me give you a point of reference.

20 MEMBER JONES: Okay.

21 INVESTIGATOR JONES: If we were to
22 go back to -- let's go to Exhibit 19.

1 MEMBER JONES: I'm there.

2 INVESTIGATOR JONES: The point of
3 reference that you gave me where the little
4 tree was in front of the church --

5 MEMBER JONES: Yes, sir.

6 INVESTIGATOR JONES: -- that's
7 exactly where the bottle is.

8 MEMBER JONES: Oh, wow, okay.
9 Understood. So that bottle was left in this
10 area on Exhibit 19 where the little tree is,
11 which is clearly in front of, I guess, the
12 church's property?

13 INVESTIGATOR JONES: Yes, sir.

14 MEMBER JONES: Or frontage of the
15 church. Okay. Fair enough. Thank you for
16 that clarification.

17 INVESTIGATOR JONES: Yes, sir.

18 MEMBER JONES: And did you happen
19 to see -- is that the only example of litter
20 of this nature that you observed or you just
21 happened to take a picture of this one because
22 of its close proximity?

1 INVESTIGATOR JONES: Well, what
2 was interesting was that on one of the nights
3 that I was there, actually it was on a night
4 that I came to do the interviews with Pastor
5 Way and the following protestants that we kind
6 of walked the area.

7 MEMBER JONES: Okay.

8 INVESTIGATOR JONES: And it was
9 right there.

10 MEMBER JONES: It was right there.
11 Okay. In your walking around or walking the
12 area, did you happen to see any liquor in the
13 alleyway? Not liquor, I apologize. Any
14 litter in the alleyway actually on the
15 property of the church in the back in the
16 alleyway area that you could attribute to
17 Three Way Liquors? And not necessarily
18 directly attributed to it as in it was labeled
19 with Three Way Liquors, but what you would
20 reasonably believe could have come from Three
21 Way Liquors, did you see a large occurrence of
22 that?

1 INVESTIGATOR JONES: Outside of
2 this alcohol bottle, I didn't see a lot of
3 other factors I may have attributed to this.
4 I did see trash in the parking lot area, but
5 I didn't see anything as far as alcohol is
6 concerned.

7 MEMBER JONES: Okay.

8 INVESTIGATOR JONES: Whether it
9 was in the front alleyway outside of this.
10 Again, there was trash that was in the parking
11 lot. I couldn't contribute that to -- or
12 attribute that to the guys who were kind of
13 hanging out.

14 MEMBER JONES: Okay.

15 INVESTIGATOR JONES: But there was
16 definitely litter in the parking lot area.

17 MEMBER JONES: Okay. Understood.
18 Exhibit 21, just curious, this is the door of
19 the -- into -- is this the licensed
20 establishment?

21 INVESTIGATOR JONES: I would
22 assume so. Yes, sir.

1 MEMBER JONES: Okay.

2 INVESTIGATOR JONES: Oh, this is
3 the door leading to the -- this is the door
4 inside of the licensed establishment leading
5 to the back.

6 MEMBER JONES: Ah, okay. And I'm
7 not really familiar with the layout of the
8 property, so in the back, did they have
9 property that wasn't improved that led to --
10 before you got to the alleyway aspect of it?
11 So is there an area back there where the owner
12 may be able to park or they could have
13 deliveries come in the back or was it -- did
14 their property -- the improvements to their
15 property end right at the alley line?

16 INVESTIGATOR JONES: There is a
17 small kind of parking area, I would say, where
18 that chain link fence is that we were looking
19 at.

20 MEMBER JONES: Yes, sir.

21 INVESTIGATOR JONES: And that's
22 where the property stops.

1 MEMBER JONES: Okay.

2 INVESTIGATOR JONES: Right there
3 where it meets the alleyway.

4 MEMBER JONES: Okay. So there is
5 some expanse, but not of significance?

6 INVESTIGATOR JONES: Yes.

7 MEMBER JONES: Okay. Exhibit 22.

8 REVEREND WAY: Excuse me, Mr.
9 Jones. If it's appropriate, that area he is
10 talking about is --

11 MEMBER JONES: No, it's not quite
12 -- you can --

13 REVEREND WAY: Okay. Because it
14 was an error that --

15 MEMBER JONES: No.

16 CHAIRPERSON MILLER: No.

17 REVEREND WAY: Okay.

18 CHAIRPERSON MILLER: You can save
19 it though. Save it for when it's your turn.

20 REVEREND WAY: Okay.

21 MEMBER JONES: You will have an
22 opportunity to ask questions of him where you

1 can clarify anything along those lines.

2 REVEREND WAY: Okay.

3 MEMBER JONES: And you are
4 obviously going to have an opportunity to --

5 REVEREND WAY: Thank you.

6 MEMBER JONES: -- present your
7 case.

8 REVEREND WAY: Thank you.

9 MEMBER JONES: On Exhibit 22, this
10 looks like the peddler of the belts?

11 INVESTIGATOR JONES: Yes, sir.

12 MEMBER JONES: Okay. The one
13 question I did have related to this is did
14 you, at any point, see anyone that you knew to
15 be affiliated with the licensed establishment
16 either ask this gentleman to leave or interact
17 with this gentleman in any way?

18 INVESTIGATOR JONES: No.

19 MEMBER JONES: No. Okay. Did it
20 appear as if he was concerned about him being
21 there or that he was looking over his shoulder
22 to see if the owner was going to come out and

1 tell him to move? Did he seem comfortable?

2 INVESTIGATOR JONES: Yes, very
3 comfortable.

4 MEMBER JONES: Okay. But you only
5 observed him there once?

6 INVESTIGATOR JONES: Yes.

7 MEMBER JONES: Okay. And in
8 general -- so that's all the questions I have
9 regarding the photos.

10 In general, when you were
11 observing the licensed establishment, I've got
12 two questions, but one for sure, did you ever
13 see the licensee or anyone affiliated with the
14 licensed establishment come out and request
15 that people that were loitering not do so?

16 INVESTIGATOR JONES: No.

17 MEMBER JONES: No. At any point,
18 second question, did you observe anybody
19 associated with the licensed establishment
20 come out and request or come out and clean up
21 any litter or make any attempts to clean the
22 area, either in front of their establishment,

1 to the side or in the back?

2 INVESTIGATOR JONES: No. And I
3 only say that because the times that I
4 monitored, it was fairly clean outside of --
5 you know, again, the Industrial Bank parking
6 lot is not per se theirs.

7 MEMBER JONES: Understood.

8 INVESTIGATOR JONES: So no, I
9 didn't see them attempt to have to really come
10 out and do any type of cleaning.

11 MEMBER JONES: Okay. Did you
12 happen to see anyone cleaning? And I ask it
13 from the standpoint of if it was clean and you
14 have littering type activities going on in the
15 parking lot, which is fairly close proximity--

16 INVESTIGATOR JONES: Yes.

17 MEMBER JONES: -- then it would
18 beg to question of is it just a naturally
19 clean place, which it doesn't seem like it
20 would be.

21 INVESTIGATOR JONES: Yes.

22 MEMBER JONES: Or is it clean

1 because someone is making the effort to clean
2 it? And if -- just curious to see if that was
3 the licensed establishment or if you observed
4 others in a volunteer capacity trying to
5 address.

6 INVESTIGATOR JONES: Well, I will
7 say this, I know that through -- well, first
8 of all, through my monitoring I didn't see
9 anyone come out and clean anything.

10 MEMBER JONES: Okay.

11 INVESTIGATOR JONES: Through
12 talking with Pastor Way, I know that -- from
13 his statements to me was that he and members
14 have done a huge type of wave of trying to
15 keep that area clean. So, you know, again, I
16 don't know if it was them or it was, you know,
17 Three Way Liquors' management that had been
18 keeping the area clean, but I know that for
19 the most part when I monitored the area, the
20 front outside of seeing this alcohol was
21 fairly clean.

22 MEMBER JONES: Understood. Thank

1 you.

2 INVESTIGATOR JONES: Yes.

3 MEMBER JONES: Thank you for that.
4 Thank you, Madam Chair.

5 CHAIRPERSON MILLER: Okay. Other
6 Board questions?

7 MEMBER ALBERTI: I have just a
8 few.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Alberti?

11 MEMBER ALBERTI: Mr. Jones,
12 Investigator Jones, Exhibit 19, that picture.
13 Do you know what that sign is? There is a
14 parking sign it looks like in front of the
15 church. Do you know what that sign says?

16 INVESTIGATOR JONES: It is a
17 parking sign. It indicates the time as well
18 as the zone and when you can park.

19 MEMBER ALBERTI: Do you know what
20 those restrictions are on that strip? And do
21 they extend -- and how far they extend?

22 INVESTIGATOR JONES: If you could

1 give me one second, sir?

2 MEMBER ALBERTI: Sure.

3 INVESTIGATOR JONES: So it's a two
4 hour parking.

5 MEMBER ALBERTI: And all along --
6 how far is it extended? Do you remember?

7 INVESTIGATOR JONES: The parking
8 goes all the way down Georgia Avenue.

9 MEMBER ALBERTI: Okay. So the
10 length of these three buildings I see here,
11 except possibly for that crosswalk, but there
12 is -- it's two hour parking? Zone parking,
13 residential zone parking?

14 INVESTIGATOR JONES: Yes, sir.

15 MEMBER ALBERTI: Okay. Now, to
16 the left, in that same picture, I asked about
17 this before, of the Three Way Liquors, is that
18 building part-owned by Three Way Liquors or is
19 it a separate structure owned by someone else
20 or controlled by someone else, at least?

21 INVESTIGATOR JONES: That's --
22 this is all part of the church.

1 MEMBER ALBERTI: To the left of
2 Three Way Liquors?

3 INVESTIGATOR JONES: Yes.

4 MEMBER ALBERTI: And then so they
5 are adjacent to the parking lot?

6 INVESTIGATOR JONES: Yes.

7 MEMBER ALBERTI: Now, you said
8 something about Pastor Way talking about doing
9 cleanup efforts.

10 INVESTIGATOR JONES: Yes, sir.

11 MEMBER ALBERTI: Could you be more
12 specific about what he told you?

13 INVESTIGATOR JONES: Pastor Way
14 stated that there have been many instances of
15 patrons who have left Three Way Liquors
16 intoxicated and they have littered the area.
17 There have been several areas -- like if you
18 look at Exhibit 19?

19 MEMBER ALBERTI: Yes.

20 INVESTIGATOR JONES: There are
21 planters that are in front of the church as
22 well as there is a bush area that is to the

1 left of the facade of Three Way Liquors. He
2 showed me where there are empty -- normally
3 there are empty alcohol bottles that are
4 thrown behind the bush area or thrown into the
5 planters.

6 He said that there is -- you know,
7 normally there the whole front of the whole
8 area is usually littered and then they have to
9 come out and clean it, because they are
10 constantly either having service or some type
11 of things going on at the church where it has
12 to be presentable.

13 MEMBER ALBERTI: Did he talk about
14 how often he has to do that?

15 INVESTIGATOR JONES: I can't give
16 you an exact time, but from what I understood,
17 it was fairly often.

18 MEMBER ALBERTI: Once a week,
19 twice a week, every day?

20 INVESTIGATOR JONES: I would say
21 probably twice a week.

22 MEMBER ALBERTI: Did he say

1 anything about efforts to clean the parking
2 lot? First of all, they have an agreement to
3 use the parking lot with the Industrial Bank.
4 Is that true?

5 INVESTIGATOR JONES: Yes, sir.

6 MEMBER ALBERTI: Did he talk about
7 efforts to clean the parking lot at all?

8 INVESTIGATOR JONES: Yes, sir.

9 MEMBER ALBERTI: And what were
10 those?

11 INVESTIGATOR JONES: It was the
12 same as the front of the church, because he
13 takes responsibility for pretty much that
14 corner.

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR JONES: So he tries
17 to keep that area as clean as possible.

18 MEMBER ALBERTI: Let me ask you
19 this, so put on your -- so during your
20 observation --

21 INVESTIGATOR JONES: Yes, sir.

22 MEMBER ALBERTI: -- you didn't see

1 any litter in front of the --

2 INVESTIGATOR JONES: No, sir.

3 MEMBER ALBERTI: -- buildings?

4 INVESTIGATOR JONES: No, sir.

5 MEMBER ALBERTI: You did see

6 litter in the parking lot?

7 INVESTIGATOR JONES: There were

8 times where I did see litter in the parking

9 lot.

10 MEMBER ALBERTI: Okay. Well, it

11 just seems -- I mean, do you -- I'll ask you

12 to speculate, because it just seems odd. I

13 mean, the whole facade is clean, but the

14 parking lot has litter and yet you are hearing

15 of efforts to clean both.

16 INVESTIGATOR JONES: Well, if you

17 are looking at it, Three Way Liquors is

18 occupied more than the church would be. So

19 meaning that Three Way Liquors stays open

20 every day or six days a week, whatever the

21 case may be.

22 MEMBER ALBERTI: Right.

1 INVESTIGATOR JONES: Whereas when
2 you are operating a church, you are not there
3 every day. So when you are there, you are
4 trying to keep that area clean.

5 Now, of course, there are -- when
6 you are not there, I'm sure that there are
7 times where things may kind of get out of
8 control and you have people that are in the
9 parking lot kind of congregating and leaving
10 things. So once you get back to that area,
11 I'm assuming that you would try to make that
12 cleanup effort.

13 MEMBER ALBERTI: But at the same
14 time we are seeing litter in the parking lot,
15 we are not seeing it in front of the store.
16 So someone -- so either litter is not
17 occurring in front of the store or someone is
18 cleaning it up, other than the church.

19 INVESTIGATOR JONES: Well, that's
20 what I said initially. I said I didn't know
21 if it was contributed to the church or from
22 Three Way Liquors, but I know that the front

1 of the area, the entire area usually stayed
2 clean when I monitored.

3 MEMBER ALBERTI: Okay. Okay. I
4 have no further questions. Thank you.

5 CHAIRPERSON MILLER: Mr. Brooks?

6 MEMBER BROOKS: Yes. Thank you,
7 Madam Chair.

8 MEMBER BROOKS: Investigator
9 Jones, a couple questions. Approximately, how
10 many visits did you make to the area?

11 INVESTIGATOR JONES: I would say
12 about 11, sir.

13 MEMBER BROOKS: About 11. Okay.
14 And you said that the liquor store is open six
15 days a week?

16 INVESTIGATOR JONES: Yes, sir.

17 MEMBER BROOKS: Okay. Where you
18 there after the liquor store closed?

19 INVESTIGATOR JONES: Yes, sir.

20 MEMBER BROOKS: Ever? You were?

21 INVESTIGATOR JONES: Yes, sir.

22 MEMBER BROOKS: Okay. And the

1 parking lot, approximately, what is the
2 capacity of it, as far as number of parked
3 cars? Approximately, if you have any idea.

4 INVESTIGATOR JONES: The parking
5 lot has -- it was 25 spots in it, sir.

6 MEMBER BROOKS: Okay. And that
7 lot is used in addition to the church also by
8 the bank customers. Is that correct?

9 INVESTIGATOR JONES: Yes, sir.

10 MEMBER BROOKS: Okay.

11 INVESTIGATOR JONES: Well,
12 primarily it is for Industrial Bank.

13 MEMBER BROOKS: Yes, right, okay.
14 Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay.
16 Others? I just have a few final questions.

17 So, Mr. Jones, the liquor store is
18 not open on Sundays. Is that right or is it?
19 Do you know?

20 INVESTIGATOR JONES: No, it's
21 closed on Sundays, ma'am.

22 CHAIRPERSON MILLER: Okay. So you

1 -- and you didn't make any visits on Sundays,
2 because --

3 INVESTIGATOR JONES: We are not --

4 CHAIRPERSON MILLER: You don't do
5 Sundays and the store was closed.

6 INVESTIGATOR JONES: Right.

7 CHAIRPERSON MILLER: Okay.

8 INVESTIGATOR JONES: Yes, ma'am.

9 CHAIRPERSON MILLER: Okay.

10 INVESTIGATOR JONES: I am not
11 working on Sunday.

12 CHAIRPERSON MILLER: Can you tell
13 me when you took -- did you take all these
14 photos the same day?

15 INVESTIGATOR JONES: They were
16 different days, ma'am.

17 CHAIRPERSON MILLER: Okay. So
18 Exhibit 19, do you know what day you took it
19 and what hour? And I'm asking because there
20 aren't any cars parked there.

21 INVESTIGATOR JONES: I can't tell
22 you exactly what day I took this photo, but I

1 will tell you that this was on a dayshift and
2 it was pretty much in the middle of the day.

3 Normally, in the middle of the
4 day, 12:00 to 1:00, there's not a lot of
5 traffic in that area.

6 CHAIRPERSON MILLER: Okay. So
7 that explains why there are all these parking
8 spaces --

9 INVESTIGATOR JONES: Yes.

10 CHAIRPERSON MILLER: -- there.

11 INVESTIGATOR JONES: Yes.

12 CHAIRPERSON MILLER: Okay. And
13 then my other question is I think you made an
14 observation about pedestrians who appear to be
15 intoxicated wandering into the street during
16 early morning hours.

17 INVESTIGATOR JONES: Yes, ma'am.

18 CHAIRPERSON MILLER: So is the
19 liquor store open then?

20 INVESTIGATOR JONES: Now, again, I
21 can't attribute that to Three Way Liquors
22 because it was --

1 CHAIRPERSON MILLER: Right.

2 INVESTIGATOR JONES: -- I was
3 monitoring the area.

4 CHAIRPERSON MILLER: Okay.

5 INVESTIGATOR JONES: And during
6 those times, it was while Three Way Liquors
7 was closed.

8 CHAIRPERSON MILLER: Right.

9 INVESTIGATOR JONES: So you have
10 the other establishments in the area.

11 CHAIRPERSON MILLER: Okay.

12 INVESTIGATOR JONES: So these
13 individuals walk up and down Georgia Avenue,
14 so we are just, you know, notating what we saw
15 in the area at that time.

16 CHAIRPERSON MILLER: Okay. All
17 right. I don't think there are any other
18 Board questions, are there? All right. Mr.
19 Dietz, do you have some questions?

20 MR. DIETZ: Yes.

21 CROSS-EXAMINATION

22 MR. DIETZ: Now, can you attribute

1 any of the photos regarding litter, loitering
2 or trash to any other business on -- within
3 that vicinity or is it solely -- is Three Way
4 Liquors the sole source of all this problem?

5 INVESTIGATOR JONES: The block
6 that the -- the 4800 Block of Georgia Avenue,
7 N.W., where Three Way Liquors is located, as
8 well as the church, pretty much, and the
9 parking lot, consumes that entire block.

10 So there are no other ABC
11 establishments, retail establishments or
12 anything like that that are on that block.

13 Again, when I observed the
14 individuals who were congregating in the
15 parking lot, I did mention that I can
16 attribute that whatever trash had been left
17 behind was solely attributed to Three Way
18 Liquors, because there is Colony Liquors that
19 is on the opposite corner.

20 MR. DIETZ: Okay. But Fusion
21 Restaurant is at 4815, isn't that the same
22 block?

1 INVESTIGATOR JONES: That's across
2 the street though.

3 MR. DIETZ: But it's the same
4 block, isn't it?

5 INVESTIGATOR JONES: It's not on
6 the same block. It's across the street
7 though.

8 MR. DIETZ: And Ras Restaurant?

9 INVESTIGATOR JONES: It's across--
10 it's down the block.

11 MR. DIETZ: And Moroni &
12 Brother's?

13 INVESTIGATOR JONES: It's down the
14 block.

15 MR. DIETZ: So nobody would cross
16 the street?

17 INVESTIGATOR JONES: I'm not
18 indicating that no one would cross the street.

19 MR. DIETZ: They would stay on
20 their side of the street?

21 INVESTIGATOR JONES: What I'm
22 saying to you is that the church as well as

1 Three Way Liquors and the parking lot consume
2 that footage on that block.

3 MR. DIETZ: So is it your
4 testimony then that their activity is go
5 egregious that they shouldn't -- the license
6 should be revoked?

7 INVESTIGATOR JONES: I did not say
8 that.

9 MR. DIETZ: I asked you is that
10 your testimony?

11 INVESTIGATOR JONES: I did not say
12 that.

13 MR. DIETZ: Thank you. Now, as
14 far as the parking is concerned, you took
15 photos, okay. Will you show me which photos
16 you took that would show that there was a
17 parking problem in front of the store?

18 INVESTIGATOR JONES: There are no
19 photos, as far as in front of the store.

20 MR. DIETZ: But you said you
21 observed that there was a constant flow of
22 traffic where people were illegally parking in

1 front of the store.

2 INVESTIGATOR JONES: I didn't say
3 that they were illegally parking, either.

4 MR. DIETZ: You mean parking is
5 simply illegal?

6 INVESTIGATOR JONES: I didn't say
7 that they were parked illegally. That's not
8 what I said. I said that there was a constant
9 flow of traffic and there were cars that were
10 two to three lengths in front of the church as
11 well as the Three Way Liquors. The patrons
12 would come in and they would go and they would
13 leave.

14 MR. DIETZ: Well --

15 INVESTIGATOR JONES: I didn't
16 mention anything about anybody being parked
17 illegally. I didn't say anything about there
18 being a constant log jam of traffic. I didn't
19 mention any of that.

20 MR. DIETZ: Okay. Now, how about
21 the rowdiness that is going on in the parking
22 lot? These were our customers of the store.

1 Is that --

2 INVESTIGATOR JONES: I didn't say
3 that, either.

4 MR. DIETZ: Okay. Now, when you
5 checked the police runs, how many police runs
6 were there attributable to the loitering,
7 drunk and disorderly and so forth within that
8 block in the past year? I'm referring to
9 Exhibit No. 30.

10 INVESTIGATOR JONES: There was one
11 disorderly call, sir.

12 MR. DIETZ: Over what period of
13 time?

14 INVESTIGATOR JONES: Over that
15 year that -- over a period of a year, sir.

16 MR. DIETZ: And what time did that
17 occur?

18 INVESTIGATOR JONES: We don't get
19 the time, sir. We just get the calls.

20 MR. DIETZ: So it's conceivable
21 that the disorderly person might have been at
22 one of those bars, but he wanted to cross the

1 street?

2 INVESTIGATOR JONES: Sure.

3 MR. DIETZ: Okay. Let's see, I
4 have no further questions.

5 CHAIRPERSON MILLER: Okay. Mr.
6 Way?

7 REVEREND WAY: Yes.

8 CHAIRPERSON MILLER: Pastor Way.

9 REVEREND WAY: Mr. Jones, earlier
10 you made reference to the area behind 4823,
11 Three Way Liquors, as that -- you did clarify
12 that you weren't sure, gut that there may be,
13 upon responding to the Panel's questions,
14 space for parking. There is a garage
15 structure behind the 4823 establishment.

16 INVESTIGATOR JONES: Yes.

17 REVEREND WAY: Did you acknowledge
18 that or did I mishear you? The only open area
19 is where the chain is is our second property
20 4825 Georgia Avenue. Was that an error on my
21 part in hearing or did you --

22 INVESTIGATOR JONES: No, I did

1 mention that gate. The structure was a part
2 of the church. We didn't get into whether
3 there was a garage in the back, because we
4 were just talking about space behind the --

5 REVEREND WAY: Right, right,
6 right. So the -- in other words, the space
7 behind that area you were referencing as our
8 second property, not the garage, the large
9 two-car garage that is the structure that is
10 the width of 4823?

11 INVESTIGATOR JONES: Correct.

12 REVEREND WAY: Okay. Very good.
13 That was the question, Ms. Miller, that I
14 wanted to clarify.

15 CHAIRPERSON MILLER: Okay.

16 REVEREND WAY: And thank you.
17 Secondly, you made mention that when we walk
18 that block and you were able to just see live
19 what was going on that the parking lot trash
20 was there. Was your impression that -- and I
21 believe that was in the afternoon.

22 INVESTIGATOR JONES: Yes.

1 REVEREND WAY: I believe it was
2 like maybe 6:00 or 7:00.

3 INVESTIGATOR JONES: Yes, yes.

4 REVEREND WAY: It didn't get dark
5 until 9:00. Was it your impression that that
6 trash was only attributable to the Industrial
7 Bank customers or Colony or Three Way? What
8 was your -- how would you -- what would be
9 your assessment of that?

10 INVESTIGATOR JONES: Well, my
11 observation is that when we took the walk,
12 because I did not observe anyone come out of
13 Three Way Liquors at that time, I couldn't
14 attribute it to Three Way Liquors.

15 Again, people still congregate in
16 that parking lot and again, every time that I
17 have gone, it has been 5 to 10 gentlemen in
18 that parking lot. And I know that -- again,
19 I have seen them go across the street to
20 Colony Liquors. I have seen them -- they come
21 in there with food sometimes, you know, from
22 some of the local eateries. And they will

1 just -- or even I have seen a couple go into
2 Three Way Liquors and they will just come and
3 congregate in the parking lot.

4 So I can't really say it was all
5 attributed to them.

6 REVEREND WAY: Okay. Thank you.
7 In Exhibit 22 --

8 INVESTIGATOR JONES: Yes, sir.

9 REVEREND WAY: -- there was a
10 gentleman here that I'm quite familiar with,
11 but just for the sake of time, what exactly is
12 this gentleman doing and what did you observe
13 him during this time that the photograph was
14 taken?

15 INVESTIGATOR JONES: I drove up
16 Georgia Avenue and I sat in front of the
17 Industrial Bank actually across the street
18 from the church and Three Way Liquors. And I
19 sat for about 30 minutes. And I observed this
20 gentleman standing out in front of the store,
21 in front of Three Way Liquors. Again, he had
22 I would say probably 100 or 200 belts on him,

1 selling them.

2 REVEREND WAY: 100 belts?

3 INVESTIGATOR JONES: Yes, he had a
4 lot. He had a lot of leather belts on him and
5 they were individuals who were going up and
6 down the block that he would stop and patrons
7 would go in and out of the store. He would
8 stop them and that's where he stood. Where I
9 took the picture is where he stood for that
10 time frame that I was out there.

11 REVEREND WAY: Thank you. During
12 that 30 minute period, did you see him stand
13 in front of Colony South Liquor Store?

14 INVESTIGATOR JONES: No, sir.

15 REVEREND WAY: On Georgia? Did
16 you see him stand in front of Moroni &
17 Brother's or Ras or any of the other liquor
18 establishments on the 4900 Block of Georgia
19 Avenue?

20 INVESTIGATOR JONES: No, sir.

21 REVEREND WAY: Did you see him
22 stand in front of the Industrial Bank of

1 Washington across the street?

2 INVESTIGATOR JONES: No, sir.

3 REVEREND WAY: Even though the
4 Industrial Bank of Washington owns the
5 property abutted to our second property, there
6 was no attempt to go across the street?

7 INVESTIGATOR JONES: No, sir.

8 REVEREND WAY: Oh, right, you were
9 parked there. Were there those who had
10 stopped this one person without getting into
11 detail, was there a transaction made? Was it
12 your impression that transactions were made
13 whether it was this person or not?

14 INVESTIGATOR JONES: Actually,
15 this person that's in the picture that he
16 stopped on the bike purchased a belt from him.

17 REVEREND WAY: So you witnessed
18 that with your own eyes?

19 INVESTIGATOR JONES: Yes, sir.
20 Actually, in the picture he is going into his
21 wallet.

22 REVEREND WAY: The address right

1 next to it, which is 23A, exactly what
2 entrance is that? And then the brick that is
3 beside it, is this abutting to Faith Assembly
4 of Christ?

5 INVESTIGATOR JONES: Yes, it is.

6 REVEREND WAY: Okay. Was there
7 any -- in that 30 minute window, was there
8 anyone from Three Way Liquors -- first of all,
9 is that the front door to Three Way Liquors?

10 INVESTIGATOR JONES: Yes, it is.

11 REVEREND WAY: And was there
12 anyone from Three Way Liquors or representing
13 Three Way Liquors that came out and asked him
14 to stop or any motion or any communication,
15 whether it was Mr. Yu or the co-owner, Mrs.
16 Yu? Was there any message or any
17 communication that you observed as to move
18 away or move it along, young man, or whatever?
19 Was there any communication in that or was he
20 unfettered?

21 INVESTIGATOR JONES: I didn't see
22 any communication with him.

1 REVEREND WAY: All right. Thank
2 you. On Exhibit 23, the bottle that is here
3 on the ground.

4 INVESTIGATOR JONES: Yes, sir.

5 REVEREND WAY: Exactly where was
6 that found?

7 INVESTIGATOR JONES: Again, that
8 was found in front of the church. There is an
9 area in front of the church that has a planted
10 tree there and it was found directly under
11 that tree.

12 REVEREND WAY: Okay. Was this
13 area a mud area or was it a mulched out
14 landscaped area?

15 INVESTIGATOR JONES: Mulched out
16 area.

17 REVEREND WAY: Okay. You referred
18 to the planters, even though the planters
19 cannot be seen architecturally, these planters
20 that you were shown, what was your impression
21 of -- was there any plants there when you were
22 shown these planters?

1 INVESTIGATOR JONES: Well, when I
2 was shown the planters, there seemed to be --
3 there were plants there that seemed to --
4 well, the area was landscaped. It seemed that
5 -- I don't know how long or whether new plants
6 had been there or not, but it seemed that they
7 had been there for a little while. But they
8 were definitely something there in the
9 planters.

10 REVEREND WAY: All right. And my
11 follow-up to that is on Exhibit 11, which is
12 a shot of Colony, what is that intersection?

13 INVESTIGATOR JONES: Which one?

14 REVEREND WAY: Where you took that
15 photograph on Georgia Avenue.

16 INVESTIGATOR JONES: If my memory
17 serves me correctly, I want to say it's the
18 corner of Emerson and Georgia.

19 REVEREND WAY: Very good.

20 INVESTIGATOR JONES: I believe.

21 REVEREND WAY: And what is across
22 the street from Colony South Liquor Store?

1 I'm curious. It says --

2 INVESTIGATOR JONES: There is an
3 auto parts store across the street.

4 REVEREND WAY: Have you noticed
5 any -- in your time, you said you went there
6 more than once, have you noticed a large
7 congregating of anyone, since it's in your
8 photograph, in front of the auto parts store?

9 INVESTIGATOR JONES: No, sir.

10 REVEREND WAY: Have you seen a
11 congregation of any of the things you have
12 witnessed in front of the Industrial Bank of
13 Washington?

14 INVESTIGATOR JONES: No, sir.

15 REVEREND WAY: Which is of similar
16 design to ours.

17 INVESTIGATOR JONES: No, sir.

18 REVEREND WAY: In the area behind
19 our second building, 4825, in any of your
20 review and assessment of that area, we note
21 you reported in Mrs. Miller's queries that
22 there were people sitting on that rear wall

1 that abuts that alleyway as well as the front
2 that abuts to ours, because of the way that
3 Industrial Bank has their parking lot.

4 INVESTIGATOR JONES: Yes.

5 REVEREND WAY: What did you notice
6 in the rear of our second building or did you
7 notice any trash or liquor or -- not liquor,
8 but the liquor bottles or the -- I don't know
9 what they call them, the go cups? Did you
10 notice any go cups or any --

11 INVESTIGATOR JONES: I noticed --

12 REVEREND WAY: -- condoms or
13 anything in your travels?

14 INVESTIGATOR JONES: I noticed
15 that there -- I noticed cups that were in the
16 parking lot. That was a part of the trash
17 issue that I was talking about. I noticed
18 that there were cups in the parking lot.

19 I didn't see anything in the
20 alleyway, but I did notice that there were
21 cups in the parking lot area.

22 REVEREND WAY: All right. I don't

1 want you to speculate and I'll talk about that
2 later. Mrs. Way, Mr. Bond, is it proper that
3 they have an opportunity?

4 CHAIRPERSON MILLER: I'm sorry,
5 what is the question?

6 REVEREND WAY: Is it proper for
7 them to have the opportunity to ask one
8 question?

9 CHAIRPERSON MILLER: Who?

10 REVEREND WAY: If they --

11 CHAIRPERSON MILLER: I don't know
12 who they are. Who are you talking about?

13 REVEREND WAY: Mrs. Way.

14 CHAIRPERSON MILLER: Mrs. Way?

15 REVEREND WAY: And Mr. Bond.

16 CHAIRPERSON MILLER: Okay. You
17 are all the same party, correct?

18 REVEREND WAY: Yes.

19 CHAIRPERSON MILLER: Can they give
20 you the question? No, you have to give it.
21 We have one person asking questions. If you
22 want to feed him a question, if you want to

1 feed the pastor a question.

2 MR. BOND: The question has to do
3 with existing to --

4 CHAIRPERSON MILLER: Okay. Board
5 Members objecting to more than one person
6 asking a question. So like you have an
7 attorney, you have one person who is asking
8 the questions. You can write on a piece of
9 paper your question and give it to the pastor.

10 REVEREND WAY: I think we have one
11 additional question. Thank you, Ms. Miller --

12 CHAIRPERSON MILLER: Okay.

13 REVEREND WAY: -- for that
14 clarification.

15 My last question for you, Mr.
16 Jones, given the context of the parking that
17 you mentioned in your earlier response to
18 questions that they -- that while they were
19 legal, would it pose a threat to 2 and 3 and
20 4 year-olds who are coming to Bible study and
21 to worship and to youth events and seniors if
22 one of those cars did not honor the

1 discharging of a senior exiting from a taxi
2 cab? There is a handicap zone there, of
3 course, and we are grateful for that, for them
4 to egress off of the sidewalk.

5 MR. DIETZ: I'm going to object to
6 that question, because there is absolutely no
7 foundation for his answer.

8 CHAIRPERSON MILLER: He didn't
9 finish the question, so I'm not sure what the
10 question is. I'm sorry. What is the
11 question?

12 MR. DIETZ: I understand the
13 question.

14 REVEREND WAY: Before I finished
15 it?

16 MR. DIETZ: Yes.

17 REVEREND WAY: Thank you. Mr.
18 Jones, if I may continue, please, without
19 interruption.

20 CHAIRPERSON MILLER: Finish your
21 question and then --

22 REVEREND WAY: From what you have

1 noticed --

2 CHAIRPERSON MILLER: Excuse me.

3 REVEREND WAY: -- from the cars,
4 would that pose a danger to seniors and to
5 young children?

6 CHAIRPERSON MILLER: Now, do you
7 still have an objection?

8 MR. DIETZ: Yes, I still have an
9 objection.

10 CHAIRPERSON MILLER: Okay. So
11 what -- don't answer the question yet. Oh,
12 you know that, Mr. Jones. Okay. So we have
13 an objection. The objection is what?

14 MR. DIETZ: The objection is he is
15 asked to speculate as to whether or not he, in
16 his expert opinion, considers the danger --
17 that that is a source of danger to seniors and
18 children. What I need to know is how the
19 Investigator can form an opinion and say it's
20 a matter of public safety. I think --

21 CHAIRPERSON MILLER: Okay. So you
22 need to ask --

1 MR. DIETZ: -- they can go to
2 school and get degrees.

3 CHAIRPERSON MILLER: Mr. Jones,
4 first, if he has some experience in assessing
5 public safety in order to --

6 REVEREND WAY: Mr. Jones, in your
7 experience. Thank you. Thank you, Mr. Dietz.

8 In your experience and judgment
9 with public safety, referring back to your
10 statement, referring to the two or three car
11 length directly in front of our church, do you
12 have any experience in observing potential
13 dangers of safety?

14 INVESTIGATOR JONES: I do have
15 experience, but the problem is is that I can't
16 give my opinion.

17 REVEREND WAY: Okay. Can you give
18 a professional judgment, based on what you
19 have observed?

20 INVESTIGATOR JONES: What is it
21 that you are asking me?

22 CHAIRPERSON MILLER: Yes.

1 REVEREND WAY: Does the climate of
2 excessive cars coming in as they are going in
3 and out of the establishment, the legal
4 establishment, does that pose a risk during
5 our service times, which are often throughout
6 the week?

7 The other question is also
8 centered around the times and the question is
9 in your professional judgment, since you do
10 have the standing to answer that question, do
11 you, in your professional judgment -- what do
12 you observe? What can you say to that?

13 MR. DIETZ: I am going to object
14 to that question, because it's my
15 understanding that the witness had testified--
16 did not testify that the traffic was excessive
17 in terms of categorization of his theory of
18 the vehicles being excessive.

19 REVEREND WAY: I'll withdraw that
20 question and say the cars that are coming in
21 and out during that space where there are two
22 or three cars directly in front of our church.

1 Thank you, Mr. Dietz. I'll rephrase it from
2 there.

3 CHAIRPERSON MILLER: Okay.

4 REVEREND WAY: Not was it
5 excessive. What is your professional judgment
6 relating to the safety of young children of
7 which we have many and seniors or just in
8 general?

9 INVESTIGATOR JONES: Just in
10 general, if your patrons are parking directly
11 in front of the church to go into Three Way
12 Liquors, I'm assuming that if that's a landing
13 pad for handicap citizens, that that would
14 cause a problem with reference to the traffic
15 issue.

16 I can't comment on whether that's
17 a safety issue.

18 REVEREND WAY: Okay. Thank you
19 very, very much.

20 CHAIRPERSON MILLER: Okay.

21 REVEREND WAY: Madam Miller,
22 that's the conclusion of my questions at this

1 time.

2 CHAIRPERSON MILLER: Thank you.

3 MR. DIETZ: I have a couple of
4 follow-ups.

5 CHAIRPERSON MILLER: Okay.

6 MR. DIETZ: Okay. And is that a
7 handicap area?

8 INVESTIGATOR JONES: Directly in
9 front of the church?

10 MR. DIETZ: Yes.

11 INVESTIGATOR JONES: There is a
12 landing pad for handicap citizens.

13 MR. DIETZ: And there is a sign
14 stating that that's reserved for handicap?

15 INVESTIGATOR JONES: There is no
16 sign there.

17 MR. DIETZ: But it is a handicap--

18 INVESTIGATOR JONES: From what I'm
19 understanding, that's a handicap.

20 MR. DIETZ: And if I were to park
21 there, I would get a ticket. Is that correct?

22 INVESTIGATOR JONES: I can't tell

1 you that, sir.

2 MR. DIETZ: Well, would it be --
3 if it's a handicap area and you don't have a
4 handicap sign, you would get a ticket. Is
5 that true?

6 INVESTIGATOR JONES: I can't tell
7 you that, sir.

8 MR. DIETZ: Okay. Now, you stated
9 that you observed go cups in the parking lot.
10 Did you do a regulatory inspection of the
11 store?

12 INVESTIGATOR JONES: I can't say--
13 I didn't say that I saw go cups. I said that
14 I saw cups in the parking lot.

15 MR. DIETZ: Okay. And did you see
16 those cups for sale in the store during your
17 regulatory inspection?

18 INVESTIGATOR JONES: I didn't do a
19 regulatory inspection.

20 MR. DIETZ: Okay. I have no
21 further questions.

22 CHAIRPERSON MILLER: Mr. Jones?

1 MEMBER JONES: Just to clarify,
2 you were asked earlier about the individual in
3 the parking lot, that congregated in the
4 parking lot.

5 INVESTIGATOR JONES: Yes, sir.

6 MEMBER JONES: And you were
7 questioned as to whether or not the
8 feasibility or whether or not it was possible
9 that some of these patrons were individuals
10 from the restaurant or restaurant-like
11 establishments or across the street on that
12 same block?

13 INVESTIGATOR JONES: Yes, sir.

14 MEMBER JONES: Did you ever
15 observe anyone leaving the restaurants or any
16 of those restaurant-like establishments on the
17 other side of that block and matriculate over
18 to the parking lot area to congregate?

19 INVESTIGATOR JONES: I didn't see.
20 Well, again, during the monitoring area,
21 especially the later or the early morning
22 monitoring times --

1 MEMBER JONES: Yes, sir.

2 INVESTIGATOR JONES: -- it seemed
3 that that area where the gentlemen congregated
4 kind of leveled off maybe around 11:00, 12:00.

5 MEMBER JONES: Okay.

6 INVESTIGATOR JONES: And then you
7 have the club crowd that kind of walked up and
8 down Georgia Avenue. So I didn't necessarily
9 see any of them congregating in the parking
10 lot. When I went to monitor the area, it
11 seemed to be -- I can't tell you face-for-
12 face, but I could tell you that I could
13 probably recognize a few of them, because they
14 were there regularly.

15 MEMBER JONES: Okay.

16 INVESTIGATOR JONES: And they
17 seemed to kind of level off, you know, 11:00,
18 12:00, they were done.

19 MEMBER JONES: Okay. But during
20 your observations, would it be more likely
21 that the individuals congregating in that area
22 were from Colony Liquors and/or Three Way

1 Liquors or more likely they were from the
2 restaurant establishments that were -- that
3 you were pointed to that are across the street
4 or can you offer? I mean, if you can't,
5 that's fine as well.

6 INVESTIGATOR JONES: I can't offer
7 that.

8 MEMBER JONES: Okay. And were
9 there -- the restaurant establishments that
10 are across the street, are they sit-down
11 restaurants, carryouts? Do you happen to
12 know? And if you don't, that's fine as well.

13 INVESTIGATOR JONES: It's a
14 mixture.

15 MEMBER JONES: Mixture?

16 INVESTIGATOR JONES: Yes.

17 MEMBER JONES: Okay. Thank you.

18 INVESTIGATOR JONES: Yes.

19 MEMBER JONES: Thank you very
20 much.

21 CHAIRPERSON MILLER: Okay. Other
22 Board questions? I just have one. Could you

1 clarify what you are referring to when you
2 talked about the handicapped area or
3 handicapped designation in front of the
4 church?

5 INVESTIGATOR JONES: It's a -- I
6 want to see if I can find a picture. It's an
7 area where the curb levels off or evens out
8 that is right in front of the church. There
9 is no handicap sign there. So I can't
10 officially say that that's a handicap area
11 that the District says is, you know, this is
12 a handicap zone.

13 From what I'm understanding from
14 Pastor Way, this was kind of a handicap area
15 for when they have their congregation who come
16 there who are that way. They are able to exit
17 out easily right there at that landing area.

18 CHAIRPERSON MILLER: I mean, I'm
19 looking at Exhibit 2, which was the front of
20 the church and Three Way Spirits where there
21 was no parking in front. Are you talking
22 about there is a curb cut there that is wide?

1 INVESTIGATOR JONES: Yes, yes.

2 CHAIRPERSON MILLER: Okay. Okay.

3 So that's what you are talking about?

4 INVESTIGATOR JONES: Right.

5 CHAIRPERSON MILLER: But there is
6 no sign in front of it?

7 INVESTIGATOR JONES: Not that I
8 recall, ma'am.

9 CHAIRPERSON MILLER: Okay. All
10 right. Thank you very much.

11 MEMBER ALBERTI: Clarification on
12 that?

13 CHAIRPERSON MILLER: Yes.

14 MEMBER ALBERTI: Investigator
15 Jones, it also looks like that is a crosswalk
16 because of the line going across the street
17 going perpendicular to the curb.

18 INVESTIGATOR JONES: If that's the
19 area -- right. And that's the -- well, from
20 what I'm understanding, that's the area that
21 is used.

22 MEMBER ALBERTI: But it looks to

1 me that it's -- it sets at the edge of an area
2 that would be a crosswalk.

3 INVESTIGATOR JONES: A crosswalk.

4 MEMBER ALBERTI: Is that correct?

5 INVESTIGATOR JONES: Yes, sir.

6 MEMBER ALBERTI: Thank you.

7 CHAIRPERSON MILLER: Well, can I
8 ask a follow-up? Then why would cars be
9 allowed to park there?

10 INVESTIGATOR JONES: They're not.

11 CHAIRPERSON MILLER: They are not
12 allowed to park there?

13 INVESTIGATOR JONES: No. Not in
14 the cross --

15 CHAIRPERSON MILLER: Oh, I thought
16 the issue was that --

17 INVESTIGATOR JONES: You are not
18 allowed to park in the crosswalk.

19 CHAIRPERSON MILLER: Oh, so where
20 -- the discussion was about, I thought, cars
21 pulling in and out of spaces in front of the
22 handicapped area. Did I miss it?

1 INVESTIGATOR JONES: No. The
2 discussion --

3 CHAIRPERSON MILLER: What's the --

4 INVESTIGATOR JONES: -- we were
5 talking about the two to three car length. If
6 you look at Example 2 or excuse me, Exhibit
7 2?

8 CHAIRPERSON MILLER: Right.

9 INVESTIGATOR JONES: The cars
10 would park from right in front of the facade
11 of Three Way Liquors all the way to the front
12 of the church. I didn't observe cars parked
13 all the way to the corner or in the crosswalk,
14 but I did observe they were parked right in
15 front of the church.

16 CHAIRPERSON MILLER: Okay.

17 INVESTIGATOR JONES: So I didn't
18 observe them covering up that walkway area.

19 CHAIRPERSON MILLER: Yes.

20 INVESTIGATOR JONES: But I did
21 observe them park directly in front of the
22 church.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR JONES: So that's the
3 two to three car length we were talking about.

4 CHAIRPERSON MILLER: Up to that
5 crosswalk line?

6 INVESTIGATOR JONES: Yes, ma'am.

7 CHAIRPERSON MILLER: Okay. Thank
8 you. All right. Other Board questions? All
9 right. Any other questions?

10 MR. DIETZ: No.

11 CHAIRPERSON MILLER: Okay. Any
12 other questions based on the Board questions?

13 REVEREND WAY: One additional
14 question.

15 Mr. Jones, referring to that
16 crosswalk.

17 CHAIRPERSON MILLER: He said that.

18 REVEREND WAY: In the time that
19 you observed, you saw no cars abutting over
20 during either the time where the belts were
21 being sold by Mr. Williams or during your
22 other observation, you saw no cars abutting

1 over that line? Because I just want to
2 clarify that. Can you respond to that,
3 please?

4 INVESTIGATOR JONES: I didn't
5 recall seeing any cars that crossed that line.
6 The only time that I saw cars that were on
7 that line was when there was something going
8 on at the church and they were getting out of
9 the vehicles and moving on.

10 REVEREND WAY: And in Exhibit No.
11 3, there is a photograph. It looks like an
12 oily substance on the -- that faces up to the
13 front of our building.

14 INVESTIGATOR JONES: Yes, sir.

15 REVEREND WAY: What did you
16 observe? What is that, in your judgment? Or
17 what is that photograph? What is that a
18 photograph of, Exhibit No. 3?

19 CHAIRPERSON MILLER: Mr. Way, I
20 just have to caution you that your questions
21 now have to be related to the last line of
22 Board questions. Is this related?

1 REVEREND WAY: It's right on that
2 same corner and that's why I -- this is my
3 last question.

4 CHAIRPERSON MILLER: Okay. Okay.

5 INVESTIGATOR JONES: Okay. I
6 can't find No. 3, but I know what you are
7 talking -- that you are speaking of.

8 MS. WAY: That's 5.

9 REVEREND WAY: Oh, is that -- no,
10 that's 3.

11 MS. WAY: It's 3 or 5.

12 REVEREND WAY: That's a -- if I
13 can read the handwriting.

14 INVESTIGATOR JONES: I don't think
15 it is 3. It may be. I don't know.

16 REVEREND WAY: It is 3.

17 INVESTIGATOR JONES: Okay.

18 MR. DIETZ: It's 2.

19 REVEREND WAY: Mr. Dietz provided
20 this, Mr. Jones.

21 INVESTIGATOR JONES: Okay. That
22 substance from what I'm understanding and

1 again, I'm not an expert at chemical
2 substances, this is testimony that I took when
3 we were speaking.

4 From what I understood, there was
5 a verbal altercation that had taken place
6 almost from a conversation that kind of
7 stemmed from between you and the owner of
8 Three Way Liquors and you felt that through
9 that conversation trying to either make peace
10 or trying to come to some kind of positive
11 resolution between yourself and Three Way
12 Liquors, you felt that the conversation didn't
13 go well and you thought that your
14 interpretation of it was that this was a
15 retaliation tactic.

16 MR. DIETZ: Objection.

17 CHAIRPERSON MILLER: Okay. This
18 really is beyond the questioning of the Board.

19 REVEREND WAY: I'm sorry.

20 CHAIRPERSON MILLER: This is well
21 beyond the questioning of the Board's
22 questions.

1 REVEREND WAY: Could you repeat
2 it, please?

3 CHAIRPERSON MILLER: That line of
4 questioning was beyond the Board's questions.
5 It wasn't really related. Mr. Dietz has made
6 an objection and I'm going to uphold it that
7 you not pursue this line of questions.

8 REVEREND WAY: That's fine. I was
9 just asking because that was a very important
10 point in our case, which we didn't get a
11 chance to discuss in our prior session. And
12 so while Mr. --

13 CHAIRPERSON MILLER: You are going
14 to have a chance to put on your case though.
15 You haven't had your chance yet. You will
16 this afternoon.

17 REVEREND WAY: Right. But while I
18 was here, I just thought because of the corner
19 and the proximity --

20 CHAIRPERSON MILLER: Okay.

21 REVEREND WAY: That's fine. Thank
22 you so much.

1 CHAIRPERSON MILLER: Okay. I
2 think that concludes your testimony. Thank
3 you very much, Mr. Jones.

4 INVESTIGATOR JONES: Thank you.
5 (Whereupon, witness was excused.)

6 CHAIRPERSON MILLER: Okay. So now
7 we are going to pick up where we left off.
8 Mr. Dietz, were you still --

9 MR. DIETZ: Yes, we were still --
10 I think we had 15 minutes left.

11 CHAIRPERSON MILLER: Okay. Let me
12 check. You were in the middle of what? Do
13 you recall?

14 REVEREND WAY: We were presenting
15 and if you are referring to our last time
16 here, we were presenting. And because of the
17 medical emergency --

18 CHAIRPERSON MILLER: Oh, that's
19 why we mixed up the order. Okay. Okay.
20 That's correct. All right. So we can proceed
21 with your finishing your case then.

22 REVEREND WAY: Yes.

1 CHAIRPERSON MILLER: So --

2 REVEREND WAY: I would like to
3 call my two witnesses that are here.

4 CHAIRPERSON MILLER: Okay. Could
5 you just refresh our memory which witness you
6 called and then which ones we are going to
7 hear now?

8 REVEREND WAY: In your packet, we
9 have letters dated June 4, 2012 as well as
10 June 3rd from Mrs. Donna Sheler.

11 CHAIRPERSON MILLER: Okay.

12 REVEREND WAY: And dated June 3rd,
13 Mrs. Tanya S. Willis, they are here and I
14 would like to --

15 CHAIRPERSON MILLER: Okay.

16 REVEREND WAY: -- be able to
17 present.

18 CHAIRPERSON MILLER: Okay.

19 REVEREND WAY: I'll take --

20 CHAIRPERSON MILLER: Where are
21 they?

22 REVEREND WAY: -- Ms. Donna

1 Sheler.

2 CHAIRPERSON MILLER: All right.
3 When you are ready, if you could take the
4 stand, I'll swear you in.

5 MR. DIETZ: Excuse me, does Mr.
6 Jones got the clock running again?

7 CHAIRPERSON MILLER: Yes.

8 MR. DIETZ: Thank you.

9 CHAIRPERSON MILLER: Okay. Would
10 you raise your right hand?

11 Whereupon,

12 DONNA TUCKER SHELER
13 was called as a witness on behalf of 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 REVEREND WAY: Ms. Sheler, could
21 you state your full name, please?

22 MS. SHELER: Donna Tucker Sheler,

1 S-H-E-L-E-R.

2 REVEREND WAY: How long have you
3 been a member of Faith Assembly of Christ?

4 MS. SHELER: Since 1986.

5 REVEREND WAY: All right. Are you
6 also a resident in Washington, D.C.?

7 MS. SHELER: Yes.

8 REVEREND WAY: All right. What
9 was your observation as relates to liquor
10 store patrons, if any, and their urination or
11 defecation or any other observations that you
12 have made as you have been a long-standing
13 member of our parish?

14 MS. SHELER: Well, there had been
15 occasions where, particularly on Thursday
16 evenings, I had seen someone sort of wedged
17 where the door was by the -- between where the
18 liquor store's private door is and the flower
19 bed turning around urinating there.

20 REVEREND WAY: You saw this with
21 your own eyes?

22 MS. SHELER: Yes, yes.

1 REVEREND WAY: Were you coming
2 from church or coming to one of the worship
3 services?

4 MS. SHELER: I don't remember
5 whether it was to. I think we were -- I was
6 coming out.

7 REVEREND WAY: You were coming
8 out?

9 MS. SHELER: It has been a while,
10 but --

11 REVEREND WAY: Are there any
12 indications that you believe that there are
13 other observations that support this? Have
14 you ever seen anything like this before? What
15 are your other observations as relates to our
16 church building?

17 MS. SHELER: I --

18 REVEREND WAY: The front, the rear
19 or the side.

20 MS. SHELER: -- am recalling also
21 another incident on the side of the building.
22 And again, it was dark, so it just have been

1 another Thursday evening. It was dark and
2 when I went to the side, I saw another turn to
3 the side of the building urinating on the
4 Delafield.

5 REVEREND WAY: Actually urinating
6 on the brick of our --

7 MS. SHELER: Yes.

8 REVEREND WAY: -- temple?

9 MS. SHELER: Yes, it was.

10 REVEREND WAY: Did you, in your
11 observation, based on your testimony, see them
12 either go into the establish of Three Way
13 Liquors or leave?

14 MS. SHELER: No, I didn't see any
15 of that. I just saw when we were coming -- it
16 was probably we were coming out of service.
17 I must have been going to the car. So it had
18 to be late.

19 REVEREND WAY: You have seen it on
20 more than one occasion. Were there any other
21 things that you would like to make statements
22 about that you have observed whether it

1 relates to litter or urination or defecation
2 on the church premises?

3 MS. SHELER: Well, no, just the
4 fact that I have seen those -- just those two
5 incidents. I mean, it has been there a lot of
6 years and just the chances of seeing that is
7 probably slim anyway, but I did happen to see,
8 only it was two different, separate occasions.
9 I can't say that proximity.

10 I can just remember in my mind's
11 eye coming out and you have a recall of those
12 incidents happening, because it's just so
13 egregious to me to see that. You know, the
14 boldness of someone who -- they must be either
15 inebriated or I don't know, because I mean,
16 can't you find a bathroom somewhere close by?
17 That's just not normal behavior for people who
18 have a right mind, to me.

19 But other than that, you know,
20 just coming to church sometimes on Thursday
21 evening and coming past the liquor store, I
22 mean, the fellow who was always out there, the

1 same fellow who came in the church and
2 threatened my pastor, he would be cordial. He
3 would come out, but there were times he would
4 be fresh with me or --

5 REVEREND WAY: When you say fresh,
6 what do you mean?

7 MS. SHELER: I mean, proposing,
8 give me roses and just saying inappropriate.
9 He knew I was a married woman and everything.
10 But, you know, so sometimes it's uncomfortable
11 to walk past, but, you know, I'm always nice
12 and -- you know, to people. But it would be--
13 and it's just strange. I haven't seen him
14 since that incident out there doing that,
15 since that time he threatened our pastor. I
16 have not personally seen him. He stopped just
17 like he just dropped doing it.

18 REVEREND WAY: You mentioned him
19 threatening your pastor. Did you eyewitness
20 that?

21 MS. SHELER: Yes.

22 REVEREND WAY: What -- and just

1 briefly, can you just speak to that?

2 MS. SHELER: I don't remember the
3 exact words that he said, I'm not probably --
4 others probably can remember a lot better
5 exactly what he said. I just remember how I
6 interpreted it and my response inside
7 internally what I was thinking when he said
8 what he said.

9 REVEREND WAY: This happened
10 outside the church or inside the church?

11 MS. SHELER: Inside the church.
12 This was when he came down one Sunday after we
13 had Sunday service and he talked about -- he
14 wanted you to come outside and you had said
15 no. What you can say, you can say in front of
16 all of us. And when I realized what was going
17 on and he was mad, he seemed angry that --

18 REVEREND WAY: Why was he angry?

19 MS. SHELER: Because he used the
20 words messing with my store and he --

21 REVEREND WAY: He said messing
22 with my store?

1 MS. SHELER: Right.

2 REVEREND WAY: Referring to Three
3 Way Liquors?

4 MS. SHELER: Right. And he
5 claimed it was his store and that he really
6 owns it and it just seemed like the rantings
7 of someone sort of delusional, but we were so
8 familiar with this guy, but he just came in
9 and I can remember it was one thing he said
10 that sat on -- I said that is a direct threat.
11 And I said that in my brain.

12 REVEREND WAY: What did he say,
13 Ms. Sheler?

14 MS. SHELER: I don't remember what
15 it was exactly he said. I can just remember
16 my response in my brain when he said it. I
17 don't remember exactly what he said.

18 REVEREND WAY: All right. Thank
19 you very much. I'm done.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Dietz?

22 MR. DIETZ: I have no questions.

1 CHAIRPERSON MILLER: Board

2 Members? Yes, Mr. Alberti?

3 MEMBER ALBERTI: Ms. Sheler, you
4 talked about two incidents where you observed
5 someone urinating on the side of the building.

6 MS. SHELER: Yes.

7 MEMBER ALBERTI: The first
8 instance where it was by the door that leads
9 into the building where Three Way Liquors is,
10 do you remember what time of day that was?

11 MS. SHELER: It was probably a
12 Thursday evening, because it was dark, I
13 believe.

14 MEMBER ALBERTI: And you think you
15 were coming from th church?

16 MS. SHELER: I believe so.

17 MEMBER ALBERTI: So do you know
18 about what time that would be?

19 MS. SHELER: It was probably 9:00.
20 It was probably after closing time of the
21 liquor store.

22 MEMBER ALBERTI: Okay.

1 MS. SHELER: Because we get out
2 usually about 9:30 or 10:00.

3 MEMBER ALBERTI: Okay. And the
4 second time you -- the second incident that
5 you observed, what time of day was that?

6 MS. SHELER: It was probably about
7 the same time.

8 MEMBER ALBERTI: About the same
9 time?

10 MS. SHELER: It was dark.

11 MEMBER ALBERTI: Now, the
12 gentleman who interrupted your Sunday
13 services, what is your impression as to his
14 connection, his association with Three Way
15 Liquors?

16 MS. SHELER: I don't -- well, I
17 guess -- I don't know if he knows the owner
18 directly or not, but he seemed to hang there.
19 He had a white truck and it almost seemed like
20 he was selling in front of the liquor store,
21 but he didn't -- well, I can't say he didn't
22 try to sell to me, because he did try to get

1 me to buy something from him before.

2 MEMBER ALBERTI: Do you know what
3 it was?

4 MS. SHELER: No, I don't remember
5 what it was. I said I don't need that or
6 whatever. But he just seemed to hang there.
7 It was every Thursday night he was there.

8 MEMBER ALBERTI: So when are you
9 at the church normally?

10 MS. SHELER: On Thursdays and
11 Sundays.

12 MEMBER ALBERTI: Thursdays and
13 Sundays. Are you typically or often there at
14 any other times?

15 MS. SHELER: No. I may drive
16 past, because I have a child who is in daycare
17 not far away. I lived in the neighborhood for
18 a number of years as well.

19 MEMBER ALBERTI: So the gentleman
20 who owns the white truck and interrupted your
21 services, when you interacted with him, would
22 it have been on a Sunday or a Thursday

1 evening?

2 MS. SHELER: Oh, Thursday evening,
3 because he was there usually Thursday
4 evenings. Some Sundays I have seen him.

5 MEMBER ALBERTI: In the same spot?

6 MS. SHELER: Some Sundays. I
7 believe. It was just very isolated maybe on
8 the parking lot or parked in front. His
9 daughter actually used to attend thee.

10 MEMBER ALBERTI: Attend your
11 church?

12 MS. SHELER: Yes, but she had
13 moved and so she wasn't attending there any
14 more.

15 MEMBER ALBERTI: And he was
16 parked? Where would he park?

17 MS. SHELER: He would park in
18 front of the liquor store.

19 MEMBER ALBERTI: He would park in
20 front of the liquor store. And would he be
21 there when you came out of services?

22 MS. SHELER: Not that I recall

1 usually.

2 MEMBER ALBERTI: Okay. I have no
3 further questions.

4 CHAIRPERSON MILLER: Mr.
5 Silverstein?

6 MEMBER SILVERSTEIN: Thank you for
7 coming, Ms. Sheler.

8 The two incidents that Board
9 Member Alberti referred to, did you see in
10 either case these two men who defaced the
11 church by urinating, did you see them go into
12 the liquor store at any time?

13 MS. SHELER: No.

14 MEMBER SILVERSTEIN: Did you see
15 them come out of the liquor store?

16 MS. SHELER: Well, first of all, I
17 may have. I back that up. I may have seen
18 them. I don't remember the face of the guys
19 who did it. Their back was to me, but they
20 could have. I don't remember whether they
21 were actually familiar people. I don't
22 recall. So I can't say that I have never seen

1 them go in the liquor store, because maybe I
2 did.

3 MEMBER SILVERSTEIN: On that
4 occasion, did you?

5 MS. SHELER: So on that occasion
6 that same night, I'm not -- no, I had no
7 connection of that particular night of them
8 going into the liquor store.

9 MEMBER SILVERSTEIN: And again, if
10 I can follow-up on my colleague and friends'
11 questioning, this person, I won't use the term
12 gentleman, who interrupted your service, is
13 there any reason to believe -- you said he
14 appeared to be delusional.

15 MS. SHELER: Well, his rantings
16 were -- seemed rather delusional to me.

17 MEMBER SILVERSTEIN: Is there
18 any --

19 MS. SHELER: But --

20 MEMBER SILVERSTEIN: Okay. Is
21 there any reason to believe that he had a
22 relationship or any kind of financial or

1 anything like that with the liquor store or
2 was this just some crazy drunk guy yelling at
3 the wind?

4 MS. SHELER: He didn't seem drunk.
5 He didn't seem drunk, that's the whole thing
6 about it. He didn't seem like he was drunk.
7 He seemed like he actually owned -- had
8 ownership of some sort in this place. But he
9 wasn't inebriated to me, you know, necessarily
10 coming in there. He seemed rather sound mind,
11 but the rantings he was saying is somebody who
12 may have some grandiose idea of his position
13 with this place.

14 So I don't really know the
15 connection. There could be an actual
16 connection. I just don't know.

17 MEMBER SILVERSTEIN: Thank you.
18 No further questions.

19 CHAIRPERSON MILLER: Others? Yes,
20 Mr. Jones?

21 MEMBER JONES: Thank you, Madam
22 Chair. I'm going to make an assumption that

1 you are -- that you attend service regularly?

2 MS. SHELER: Yes.

3 MEMBER JONES: Have you ever had
4 issues parking?

5 MS. SHELER: Parking?

6 MEMBER JONES: Yes.

7 MS. SHELER: No. I usually park
8 on the parking lot or sometimes I would park
9 on the street or right there.

10 MEMBER JONES: All right. But you
11 haven't had issues with parking, like running
12 into major challenges trying to find a parking
13 spot, whether it was in the parking lot or on
14 the street? Is that --

15 MS. SHELER: Not usually. Only
16 when the bank would have a late Thursday
17 evening meeting or something, but that's very
18 rare occasions.

19 MEMBER JONES: Rare occasions.
20 Okay. The times when you have had to park on
21 the street, did you have to park long
22 distances away from the church location in

1 order to find a parking spot? What would you
2 say is your typical distance in parking away
3 when you have to park on the street? When you
4 have to park on the street.

5 MS. SHELER: Well, I would park on
6 that side on Delafield on occasion.

7 MEMBER JONES: Yes.

8 MS. SHELER: But there -- I mean,
9 there were ones where I would -- times where
10 I would just park on the street and then my
11 husband would say you need to park on the
12 parking lot and so I would park on the parking
13 lot.

14 MEMBER JONES: Parking lot. Okay.

15 MS. SHELER: So but there were
16 times where I would park on the street and
17 then other times I would just -- I'm always
18 right -- right now, I just always park in the
19 parking lot.

20 MEMBER JONES: Okay. Understood.
21 The -- have you ever observed people
22 congregating, loitering, gathered that weren't

1 affiliated with the church, to your knowledge
2 anyway, in front of or near or around the
3 church property?

4 MS. SHELER: Yes, yes.

5 MEMBER JONES: And where have you
6 encountered them? Where have you seen them?

7 MS. SHELER: Well, they would be
8 directly in front of the church, maybe by the
9 flower bed between where the liquor store is
10 and right on that end where the liquor store
11 is, they may stand there.

12 MEMBER JONES: Okay.

13 MS. SHELER: They would stand
14 anywhere as far as to the corner. So, yes,
15 yes.

16 MEMBER JONES: So you have seen
17 individuals that you were -- that you did not
18 know to be affiliated with the church to be
19 gathered and congregated out across the entire
20 frontage of the church at different points in
21 time? To make sure I'm clear, I'm not saying
22 that there was a solid mass of people covering

1 the entire front of the church property, but
2 you indicated you would normally see them in
3 that area between the flower bed and the
4 liquor store.

5 Have you ever seen them directly
6 in front of the main door to the church
7 establishment or at that end, the corner, the
8 street where Delafield and Georgia Avenue,
9 have you seen them congregating -- have
10 congregated that far down or is it really you
11 have only really seen them on that end closest
12 to the liquor store?

13 MS. SHELER: Well, I would say
14 that over the years, there may be an incident
15 of them hanging there. I can't say on the
16 regular, you know.

17 MEMBER JONES: And when you say
18 there, just to make sure I'm clear --

19 MS. SHELER: In front of the
20 church door.

21 MEMBER JONES: In front of the
22 church door. Okay. And what about at the far

1 end?

2 MS. SHELER: Where the corner is?

3 MEMBER JONES: The corner. Have
4 you ever seen anyone?

5 MS. SHELER: They would be -- they
6 would stand maybe on the corner, you know.

7 MEMBER JONES: They would stand on
8 the corner.

9 MS. SHELER: There is a trash can
10 there and they may stand around the corner.

11 MEMBER JONES: Okay. Have you
12 ever observed individuals that you knew to be
13 patrons of Three Way Liquors performing
14 loitering-type activities around the church
15 property?

16 MS. SHELER: I don't know
17 particularly if they were patrons of Three Way
18 Liquors. I know that there were some that
19 hang out there. And I have not witnessed or,
20 maybe necessarily with my own eyes, seen them
21 going in and out of Three Way Liquors.

22 MEMBER JONES: Okay. And I'm

1 sorry, you said you have been affiliated with
2 the church since 1986?

3 MS. SHELER: Yes.

4 MEMBER JONES: Okay. All right.
5 And what are you -- well, what is your role in
6 the church?

7 MS. SHELER: Right now, I'm one of
8 the ministers.

9 MEMBER JONES: You're one of the
10 ministers?

11 MS. SHELER: Yes.

12 MEMBER JONES: Okay. Do you have
13 -- have you had opportunity to be or reason to
14 be in the back of the church where the
15 alleyway is or where the -- I think it was
16 described it the last time we met, there is an
17 air conditioning unit that is fenced off back
18 there.

19 Have you had an opportunity to be
20 back there and see with your own eyes what
21 transpires back there?

22 MS. SHELER: What I have seen with

1 my own eyes -- what's back there, I don't go
2 back there often. My travels don't take me
3 back there that often.

4 MEMBER JONES: Okay. Would you --
5 can you explain to me what you have seen in
6 terms of litter in the back?

7 MS. SHELER: It looks dirty like
8 maybe any other place or alley, but I haven't
9 particularly looked at the alley back there.

10 MEMBER JONES: Okay. I'm sorry.
11 My question wasn't very precise. Can you
12 speak to me about what you have observed in
13 terms of litter on the church property at the
14 back of the church property? Specifically, in
15 that area that encloses your air conditioning
16 or your HVAC units back there?

17 MS. SHELER: Okay.

18 MEMBER JONES: Have you observed
19 or personally have you seen there to be any
20 litter back there? And if so, to what extent?

21 MS. SHELER: I would not go back
22 there. I have no reason to go back there.

1 MEMBER JONES: I understand.

2 MS. SHELER: So I'm not --

3 MEMBER JONES: Okay. Thank you.

4 MS. SHELER: The front, yes, but I
5 have seen bottles in there on the -- of beer
6 type in the bushes where the planters are. I
7 have seen in the front.

8 MEMBER JONES: Okay. So as I look
9 at the front of the church, there is a front
10 door and then on either side of the front main
11 entryway, it looks like there is, what I would
12 describe as, planters.

13 MS. SHELER: Yes, they are like
14 planters that are brick.

15 MEMBER JONES: In there. And so
16 you are saying in that area, you have noticed
17 a fairly large accumulation of trash at times?

18 MS. SHELER: I can't characterize
19 it as that, but on a periodic I would see a
20 bottle or a can of beer or alcohol.

21 MEMBER JONES: Okay.

22 MS. SHELER: Yes.

1 MEMBER JONES: Okay. And as a
2 minister, are you familiar with the
3 initiatives or efforts that your establishment
4 has made to keep the community clean, at least
5 immediately surrounding the church?

6 MS. SHELER: Yes. I have been
7 part of it.

8 MEMBER JONES: You've been part of
9 it. And what -- can you describe that to me?

10 MS. SHELER: We would do the
11 planters in front and pastor would put mulch.
12 He was one of the hardest working ones. He
13 would go the way around the corner, even
14 across the street in front of where the Fusion
15 is planting or putting mulch there, all the
16 way up to where the parking lot is. He,
17 himself, would do that and along with Charles
18 Bond had done that.

19 MEMBER JONES: Okay.

20 MS. SHELER: And then --

21 MEMBER JONES: Is there something,
22 that as an effort of the church, you say we

1 are going to do this every month, every week?
2 And you look to -- on a Sunday service, do you
3 say hey, we need volunteers to do cleanup work
4 on Monday or Thursday or is there something
5 that is regular, periodic, or is it just kind
6 of ad hoc?

7 MS. SHELER: No. Well, that
8 particular group effort would be around our
9 Fall Festival that we do. But pastor I have
10 observed doing it on occasions by himself, on
11 his own.

12 MEMBER JONES: Okay. So in terms
13 of the effort, the church has an effort to
14 clean around, but it's not a set ministry or
15 set group or whatever. It's just as needed ad
16 hoc and whoever is inspired to do it is
17 encouraged to do it, but there is no
18 individual that says every Thursday at 7:00
19 meet me in front of the church --

20 MS. SHELER: No.

21 MEMBER JONES: -- for whoever
22 wants to help and we are going to clean up.

1 MS. SHELER: Not that I am aware,
2 no.

3 MEMBER JONES: Okay.

4 MS. SHELER: That's not a call the
5 pastor has made, but he has certain people
6 that I understand and I have seen he, himself,
7 and --

8 MEMBER JONES: Right.

9 MS. SHELER: -- a few of the other
10 brothers.

11 MEMBER JONES: Okay. Thank you.
12 Thank you very much. Thank you, Madam Chair.

13 CHAIRPERSON MILLER: Okay. Other
14 Board questions? I just have a few.

15 The man that you talked about, we
16 heard about him in the last hearing, who
17 threatened the pastor. When is the last time
18 you saw him?

19 MS. SHELER: I might have seen him
20 at least once since then, but it was like a
21 very long time before I saw him again. I have
22 not seen him outside the liquor store any more

1 since that day. I may have seen him only once
2 since then.

3 CHAIRPERSON MILLER: And when was
4 that event?

5 MS. SHELER: When was what?

6 CHAIRPERSON MILLER: The event
7 where he threatened the pastor?

8 MS. SHELER: I can't even remember
9 what month it was.

10 CHAIRPERSON MILLER: I mean, what
11 year was it?

12 MS. SHELER: It was warm outside.

13 CHAIRPERSON MILLER: Was it last
14 year or?

15 MS. SHELER: Yes, I believe it was
16 last year.

17 CHAIRPERSON MILLER: Okay. So
18 that problem doesn't exist right now? He
19 hasn't come back.

20 MS. SHELER: I haven't seen him.

21 CHAIRPERSON MILLER: Does the
22 problem with -- when did you see the men

1 urinating on the church?

2 MS. SHELER: It has been -- over
3 time, I can't pinpoint exactly when that is
4 either. I just know at least two occasions
5 that I have seen that with my own eyes.

6 CHAIRPERSON MILLER: Was it within
7 the last couple of years, the last five years?

8 MS. SHELER: Probably conceivably
9 about the last couple.

10 CHAIRPERSON MILLER: Okay. I'm
11 not sure if you are the right witness for this
12 question, but maybe. Can you tell me what
13 days of the week the church has programs and
14 at what time?

15 MS. SHELER: Well, yes. We have
16 Thursday evening rehearsal, Bible study.

17 CHAIRPERSON MILLER: What time?

18 MS. SHELER: We get there about
19 7:00.

20 CHAIRPERSON MILLER: Okay.

21 MS. SHELER: And we may be there
22 as late as 10:00.

1 CHAIRPERSON MILLER: Okay.

2 MS. SHELER: Yes. And then some
3 Saturdays. Basically, twice a month, the
4 first Saturday, third Saturday we have
5 activities and they would be morning like
6 11:00 a.m., 12:00 noon to 2:00. Then there
7 are, of course, our Sunday school.

8 CHAIRPERSON MILLER: Okay. What
9 time are those?

10 MS. SHELER: We have service at
11 8:00, 11:00. We occasionally have service at
12 4:00 on third Sundays, unless it's the
13 anniversary month. We may have it every
14 Sunday.

15 CHAIRPERSON MILLER: So the other
16 days of the week are quiet for the church?

17 MS. SHELER: Yes.

18 CHAIRPERSON MILLER: Okay. Do you
19 have a problem that you could articulate with
20 the liquor store?

21 MS. SHELER: Well, I mean, it's my
22 personal belief that you shouldn't drink

1 alcohol, that's my personal belief. I think
2 it is a poison. I think it is poisonous to
3 our society.

4 So in general for all liquor
5 stores, I have problems with liquor stores.
6 You know, they are a business. I understand.
7 And they do exist. So I don't scorn them.
8 I'm not irritated by anyone coming in and out.
9 I'm nice to them all. I believe that if they
10 are to change, it will be won over by love of
11 Jesus Christ.

12 And I don't have a personal
13 problem with people. I have a problem with
14 the establishment of alcohol in our city.

15 CHAIRPERSON MILLER: And do you
16 have a particular problem with having this
17 establishment next to your church?

18 MS. SHELER: I believe it is
19 inappropriate. It's in many ways a nuisance
20 to what our motivation for our community is.
21 And it's very directly contraindicated.

22 CHAIRPERSON MILLER: Okay. Thank

1 you. All right. Are there any other --

2 MEMBER BROOKS: I just have one
3 more question.

4 CHAIRPERSON MILLER: Yes, Mr.
5 Brooks?

6 MEMBER BROOKS: Just one more
7 question.

8 MS. SHELER: Yes.

9 MEMBER BROOKS: Reverend, does the
10 church have social programs that is offered at
11 the church?

12 MS. SHELER: Social programs?

13 MEMBER BROOKS: Yes.

14 MS. SHELER: As far as like?

15 MEMBER BROOKS: Well, what I had
16 in mind was something like Alcoholic Anonymous
17 or a drug treatment, that sort of thing.

18 MS. SHELER: Well, we don't have a
19 particular group like that.

20 MEMBER BROOKS: Okay. But have
21 you ever had that?

22 MS. SHELER: No, not to my

1 knowledge.

2 MEMBER BROOKS: Okay.

3 MS. SHELER: We have had meetings
4 and counseling, individual.

5 MEMBER BROOKS: Right, right.
6 Thank you. But not as a group or ongoing
7 program?

8 MS. SHELER: Not that I know of,
9 no.

10 MEMBER BROOKS: Thank you, Madam
11 Chair.

12 CHAIRPERSON MILLER: Thank you.
13 Any questions on Board questions?

14 MR. DIETZ: No.

15 REVEREND WAY: No.

16 CHAIRPERSON MILLER: No, okay.
17 Thank you very much.

18 REVEREND WAY: Thank you, Ms.
19 Sheler.

20 MS. SHELER: Yes.

21 (Whereupon, witness was excused.)

22 CHAIRPERSON MILLER: And you have

1 another witness?

2 REVEREND WAY: Yes, my next
3 witness is Shante Clark.

4 CHAIRPERSON MILLER: Okay. Good
5 afternoon. Do you want to raise your right
6 hand?

7 Whereupon,

8 SHANTE CLARK
9 was called as a witness on behalf of the
10 protestants, and having been first duly sworn,
11 assumed the witness stand and was examined and
12 testified as follows:

13 CHAIRPERSON MILLER: Okay. Thank
14 you. Have a seat.

15 DIRECT EXAMINATION

16 REVEREND WAY: Ms. Clark, can you
17 state your full name, please?

18 MS. CLARK: My name is Shante L.
19 Clark.

20 REVEREND WAY: And can you state
21 where you live?

22 MS. CLARK: I live at 921 Emerson

1 Street, N.W., Washington, D.C.

2 REVEREND WAY: How long have you
3 lived there?

4 MS. CLARK: 29 years.

5 REVEREND WAY: 29 years?

6 MS. CLARK: Yes.

7 REVEREND WAY: And can you
8 describe the proximity of where you lived for
9 29 year to the church?

10 MS. CLARK: I live on Emerson
11 Street, so I am on the main street of Georgia
12 Avenue, so I'm like the corner house right
13 there beside the alley. Then there is a
14 clubhouse. Then it's another liquor store.
15 Then we have got the parking lot, another
16 building and I know then Three Way Liquors
17 store is in the middle and then the church.

18 REVEREND WAY: So you have a clear
19 -- from your porch, can you see all of the
20 things that you just described freely without
21 any obstruction?

22 MS. CLARK: Pretty much.

1 REVEREND WAY: All right. Thank
2 you very much. How long have you been a
3 member at Faith Assembly?

4 MS. CLARK: I have been a member
5 four years.

6 REVEREND WAY: Wonderful. Can you
7 describe what you see on any given day, not
8 just on the time that we meet, although we
9 meet at other times other than just two --
10 Thursdays and Sundays. Can you describe what
11 you have observed in terms of large crowds and
12 specifically as relates to whether you have
13 seen then coming in and out of Three Way
14 Liquors/

15 MS. CLARK: Well, being a resident
16 at the address that I stated prior, I
17 definitely experienced a lot of soliciting, a
18 lot of just congregating at both liquor stores
19 actually, at Three Way Liquors and at the
20 Colony.

21 My house even we get bottles,
22 urination on our wall, even defecation beyond

1 our house. They urinate on the clubhouse
2 wall.

3 REVEREND WAY: You have seen this
4 with your own eyes?

5 MS. CLARK: Oh, yes.

6 REVEREND WAY: Okay.

7 MS. CLARK: Oh, yes. Bottles
8 along our alleyway that we have to clean up.
9 Currently now, we have, you know, markings on
10 our fence that has to be repaired. You know,
11 and then as far as Three Way Liquors store,
12 the parking lot wall, then it is the church
13 building. Then it is the -- it's definitely
14 the congregation right there.

15 REVEREND WAY: In front of the
16 church building or beside the church building?

17 MS. CLARK: Both. It's like there
18 will be a group or crowd that is probably
19 sitting on the wall or standing in front of
20 each other on the wall and it's by the
21 building. They are pretty much in front of
22 the building.

1 They have these white clear cups.

2 REVEREND WAY: White clear cups?

3 MS. CLARK: White clear cups,
4 plastic cups.

5 REVEREND WAY: Okay.

6 MS. CLARK: They have to be
7 probably, I want to say, either 2 inches or
8 so. Sometimes walking past, I usually go to
9 the corner store further down. I don't even
10 go to the liquor store, neither one, because
11 I'm not a drinker. You can smell the alcohol,
12 they either have it in a brown bag or some
13 even bold to put it in the plastic cup and
14 drink.

15 I have experienced that they
16 either congregate right there or they
17 congregate -- there's a grassy area on the
18 side of the parking lot and they definitely
19 congregate there. They congregate on my wall
20 drinking their liquor. So I see it every day.
21 And I see it for 29 years.

22 REVEREND WAY: Have you, Ms.

1 Clark, asked them to not do that in front of
2 your property, which is it's not the church
3 property, but have you asked and has there
4 been any success in getting the outcome you
5 want?

6 MS. CLARK: At the end of the day,
7 people are going to do what they want to do.
8 Police have been called. It has been put on
9 record, you know, we have congregating on or--
10 outside on our wall. I'm getting cursed out
11 in regards to calling the police. So, yes.

12 REVEREND WAY: Have you called the
13 police?

14 MS. CLARK: Yes, I have.

15 REVEREND WAY: All right. And who
16 -- how would you describe the activity
17 specifically in front of the church? Not the
18 grassy area, not the parking lot.

19 MS. CLARK: Yes.

20 REVEREND WAY: How would you
21 describe what you have personally seen and
22 have you seen any of those activities prior or

1 subsequent to seeing them?

2 MS. CLARK: I have seen
3 congregation -- I have seen people congregate.
4 I have seen people standing beside the -- it's
5 our church and then it's like, I guess it is,
6 apartments and then it's the liquor store.
7 I'm not sure if they own those apartments or
8 not, but they definitely standing --

9 REVEREND WAY: When you say
10 apartment, are you referring to the second
11 floor over 4823?

12 MS. CLARK: Yes.

13 REVEREND WAY: Yes, okay.

14 MS. CLARK: I have seen people
15 standing there at least two to three. I know
16 one, LaTreo. actually sits on the stoop
17 sometimes and he has a bottle. He sits there
18 and drink.

19 REVEREND WAY: Ms. Clark, have you
20 seen the person you mentioned go in or out
21 during any time of your observations?

22 MS. CLARK: Yes, I have.

1 REVEREND WAY: Thank you.

2 MS. CLARK: Yes.

3 REVEREND WAY: Have you seen
4 others who have gone into Three Way Liquors
5 and come out and sit or stand in front of our
6 church?

7 MS. CLARK: Yes, I have.

8 REVEREND WAY: Have you seen them
9 on more than one occasion?

10 MS. CLARK: Yes.

11 REVEREND WAY: And you have lived
12 there for how long?

13 MS. CLARK: 29 years.

14 REVEREND WAY: 29 years.

15 MS. CLARK: Yes.

16 REVEREND WAY: All right. On the
17 rear in the alleyway, have you observed, yes
18 or no, any trash or the abundance of liquor
19 bottles or trash that you have seen eye
20 witness?

21 MS. CLARK: I can't -- I would
22 have to say no.

1 REVEREND WAY: Okay.

2 MS. CLARK: Please, don't ask me
3 that.

4 REVEREND WAY: Right. Okay. I
5 understand. What about the daily activity
6 when we are not in church? It has been said
7 that we are there maybe three, four days a
8 week. When we are not there, do you -- would
9 you all -- would your testimony hold true that
10 even when we are not there, they are still
11 using our church as a place to stand in front
12 of and to disrespect?

13 MS. CLARK: Yes, that would be
14 true.

15 REVEREND WAY: Are there any other
16 observations or things that you would like to
17 share from your 29-year experience there and
18 four years as a member?

19 MS. CLARK: Just pretty much what
20 I stated prior. Like it has just been an
21 ongoing thing with just having two liquor
22 stores within the same neighborhood. I just

1 find that to be ridiculous, not, you know,
2 attacking Three Way Liquors store.

3 If Colony was here, I would be
4 saying the same thing.

5 REVEREND WAY: So it's not an
6 attack on Three Way. You are saying even if
7 Colony was there, it was -- is the liquor
8 store being adjacent or in between two church
9 properties?

10 MS. CLARK: Right, right, right.
11 I just don't see the purpose. It brings the
12 morale of our neighborhood down, especially
13 the morale of the church.

14 REVEREND WAY: How does it affect
15 the church? Be specific.

16 MS. CLARK: It affects the church
17 in a way that, you know, just coming past and
18 just to see people out there with their -- the
19 smell of liquor or things of that sort when
20 you have visiting guests coming. Sometimes
21 people are going in and out. Sometimes people
22 are standing in front of the liquor store

1 talking.

2 REVEREND WAY: Would that impede
3 their progress to come in? Have you observed
4 that? I'm going to ask you to make a
5 judgment. But when guests come, do they have
6 to move around? Is it --

7 MS. CLARK: Oh, yes, you have to
8 move around. I mean, some may move, but I
9 have also experienced where the people have to
10 move out of their -- that are coming out of
11 Three Way Liquors store having their
12 conversation or whatever the case may be after
13 purchasing their alcoholic beverages, I'm
14 assuming, and, you know, coming to the church.

15 REVEREND WAY: Ms. Clark, last
16 question. Have you observed Mr. Yu or Mrs. Yu
17 or anyone related to the establishment, while
18 we love and respect them, have you noticed
19 that they have made any indication from either
20 your observation or direct experience and
21 tried to mitigate or to try to encourage those
22 who you see directly in front of the store and

1 the church to move? Have you noticed any of
2 that or observed anything, if any?

3 MS. CLARK: No. I have never seen
4 that, like if I'm understanding your question.

5 REVEREND WAY: So they don't come
6 out? You have never seen them out?

7 MS. CLARK: I have never seen them
8 outside of the -- I have never been in the
9 liquor store. I have never seen them like out
10 on the street in passing or whatever the case
11 may be.

12 REVEREND WAY: Even throughout
13 Monday, Tuesday, Wednesday, throughout the
14 rest of the week, you don't see them?

15 MS. CLARK: No, I don't.

16 REVEREND WAY: Thank you so very
17 much.

18 MS. CLARK: You're welcome.

19 CHAIRPERSON MILLER: Mr. Dietz?

20 CROSS-EXAMINATION

21 MR. DIETZ: Now, how often have
22 you called the police because of these crowds?

1 MS. CLARK: Oh, gosh, an
2 approximation, are you referring to me
3 personally or just from the residence, itself?

4 MR. DIETZ: Well, in other words,
5 you testified that you have on numerous
6 occasions called the police.

7 MS. CLARK: Yes, I have personally
8 called the police.

9 MR. DIETZ: Okay.

10 MS. CLARK: And my question to you
11 was are you talking about me personally?

12 MR. DIETZ: Yes, you personally.

13 MS. CLARK: I would say I have
14 called, I'm giving you an approximation of --
15 in 29, I want to say at least 25, give or
16 take.

17 MR. DIETZ: And would that have
18 been during a period between August of 2011
19 and July of 2012?

20 MS. CLARK: Yes. I just called
21 maybe two weeks ago.

22 MR. DIETZ: Thank you.

1 REVEREND WAY: Ms. Clark, this is
2 just a follow-up. You said you were --

3 CHAIRPERSON MILLER: No, no.

4 MR. DIETZ: Whoa.

5 CHAIRPERSON MILLER: I'll get back
6 to you.

7 REVEREND WAY: Okay.

8 CHAIRPERSON MILLER: We are going
9 this way.

10 REVEREND WAY: Okay.

11 CHAIRPERSON MILLER: Are you done,
12 Mr. Dietz?

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

15 CHAIRPERSON MILLER: Okay. Board
16 questions? Mr. Silverstein?

17 MEMBER SILVERSTEIN: Thank you,
18 Ms. Clark, for coming. You say you live down
19 the block and you have seen these things. You
20 have a clear unobstructed view of both liquor
21 stores or Three Way?

22 MS. CLARK: I can definitely see

1 the Colony, because it's right there on the
2 corner of Georgia Avenue and Emerson. I can
3 see the parking lot. I can see the side of
4 the other building that the church has. As
5 far as the front of Three Way, because I'm on
6 Emerson Street, I cannot see Three Way in
7 front, but I can definitely see the sidewalk.
8 So you are referring to like people going
9 inside the door, I can see the sidewalk of
10 Three Way, you know where people walk in front
11 of Three Way Liquors store.

12 MEMBER SILVERSTEIN: You say --
13 are you saying that you have seen people go
14 into and out of Three Way Liquors and then
15 come out and engage in public drinking?

16 MS. CLARK: Yes, I have, yes.

17 MEMBER SILVERSTEIN: You have seen
18 them come out of the store and come out with
19 an open container of alcohol or open it and
20 drink it within sight of the store, within
21 your sight?

22 MS. CLARK: I have seen people

1 come out of Three Way Liquors store and, as I
2 stated prior, that the wall in the building,
3 they congregate right there closest to the
4 church property wall and they stand there
5 drinking. Yes, I have seen that definitely.

6 MEMBER SILVERSTEIN: And have you
7 seen people come out of Three Way Liquors or
8 go into Three Way Liquors and come out and
9 then engage in public urination?

10 MS. CLARK: Yes, I have. They
11 urinate where I was saying that they stand
12 there in front of the wall. They will go
13 behind the wall and urinate on that side of
14 the wall.

15 MEMBER SILVERSTEIN: You have seen
16 with your own eyes people coming out of the
17 store. You have watched them and you see them
18 go over and relieve themselves?

19 MS. CLARK: Yes, I have.

20 MEMBER SILVERSTEIN: Okay. Having
21 two liquor stores on the block, you are
22 certain that this is Three Way and not Colony

1 in those cases?

2 MS. CLARK: It's both.

3 MEMBER SILVERSTEIN: There are
4 cases involving both. Is that what you were--

5 MS. CLARK: It's both. I mean, I
6 know people by name that all they do all day
7 is stay in their cars, go to either Colony or
8 Three Way Liquors store and buy bottles all
9 day, every day.

10 REVEREND WAY: That's what they
11 do.

12 MS. CLARK: And in the summertime,
13 they are out of their cars. So they are
14 standing outside going back and forth to
15 either -- both liquor stores and purchasing
16 alcoholic beverages and are outside drinking.
17 So I have experienced it, yes, I have or I
18 have seen it, I should say.

19 MEMBER SILVERSTEIN: Thank you.
20 Thank you, Ms. Clark. No further questions.

21 CHAIRPERSON MILLER: All right.
22 Other questions? Mr. Alberti?

1 MEMBER ALBERTI: Good afternoon,
2 Ms. Clark.

3 MS. CLARK: Good afternoon.

4 MEMBER ALBERTI: You said you
5 lived in the neighborhood in your current
6 residence how long?

7 MS. CLARK: 29 years.

8 MEMBER ALBERTI: 29 years. When
9 did your concerns start?

10 MS. CLARK: As far as what?

11 CHAIRPERSON MILLER: I'm sorry,
12 what did you say?

13 MEMBER ALBERTI: Well, okay.

14 MS. CLARK: He asked me when did
15 my concerns start.

16 MEMBER ALBERTI: Public drinking
17 and public urination.

18 MS. CLARK: I would have to say
19 when -- okay, may I ask you a question?

20 MEMBER ALBERTI: Sure.

21 MS. CLARK: When you asked me when
22 my concerns start, and I asked you concerning

1 what, and you said as far as drinking. Are
2 you -- what are you referring to, as far as my
3 residence or just in general or the church?

4 MEMBER ALBERTI: The fact that it
5 is happening in your neighborhood. And my
6 impression from your testimony is that it is
7 causing you concern that it is located so
8 close to your house.

9 So with regards to your concerns
10 regarding your neighborhood --

11 MS. CLARK: Yes.

12 MEMBER ALBERTI: -- and the fact
13 that, according to your testimony, there are
14 people drinking and urinating in public, when
15 did those concerns start?

16 MS. CLARK: Well, I guess when I
17 was able to realize and recognize that was
18 when I was in my teens. Like some of the guys
19 or females had probably grew up in the
20 neighborhood, but no longer lived in the
21 residence or, you know, they live maybe some
22 blocks away, but choose to, you know, stand

1 around and do what they do in our
2 neighborhood, because the common denominator
3 is the liquor store. And that's what they do,
4 purchase the liquor and drink.

5 And I have seen police lock people
6 up for being inebriated out in public. That
7 has happened in front of the church or, you
8 know, in the church facility as well as in
9 front of my house. I have seen it all. So my
10 concern arise when I guess when I was 15 and,
11 you know, I would talk to my mom about it and
12 let her know, my mom, you know, knew some of
13 the guys out there. But, yes.

14 And I guess I started calling the
15 police. I went away to college, came back.
16 When I came back to live, I guess I would have
17 to say some years ago.

18 MEMBER ALBERTI: How many?

19 MS. CLARK: Some years ago maybe
20 when I came back, so about 2003.

21 MEMBER ALBERTI: You came back
22 about 2003?

1 MS. CLARK: I went away to
2 college. Yes.

3 MEMBER ALBERTI: But did you
4 notice this earlier than that?

5 MS. CLARK: Yes. It was then.

6 MEMBER ALBERTI: So about seven
7 years earlier? Well, six years earlier than
8 that maybe? So no, you went away to school
9 about three years earlier than that.

10 MS. CLARK: Right.

11 MEMBER ALBERTI: So around 2000 is
12 when you really became aware of this issue?

13 MS. CLARK: I was aware of it
14 throughout my whole entire life I was aware of
15 it, but I guess as far as me applying action
16 in the sense of calling the police --

17 MEMBER ALBERTI: Yes.

18 MS. CLARK: -- that's what I was
19 stating that I was involved in making a voice.

20 MEMBER ALBERTI: Okay. Over the
21 years would you say it has gotten better,
22 stayed the same, gotten worse?

1 MS. CLARK: It has not gotten
2 better at all. In my opinion, no.

3 MEMBER ALBERTI: Has it got worse?

4 MS. CLARK: I would say it -- in
5 the wintertime, it's -- all right. Okay. I'm
6 not even going to say it's okay. It's still
7 an issue to me. But the summertime is
8 definitely heightened to another level.

9 MEMBER ALBERTI: Okay.

10 MS. CLARK: Definitely.

11 MEMBER ALBERTI: So in the winter
12 you don't see this as much or what's the
13 difference between --

14 MS. CLARK: You don't see it as
15 much.

16 MEMBER ALBERTI: -- winter and
17 summer?

18 MS. CLARK: But it still occurs.
19 Like yesterday, because the weather was kind
20 of nice, they were outside.

21 MEMBER ALBERTI: Okay.

22 MS. CLARK: They were outside.

1 And when it's like brisk, cold, you may see
2 one, but when the weather is nice, they are
3 outside.

4 MEMBER ALBERTI: Okay. When are
5 you -- where are you observing this? I mean,
6 you are not -- I assume you are not -- well,
7 are you around all day?

8 MS. CLARK: Pretty much. I go to
9 work. I go to school. I come home in
10 summertime. I have a daughter. She usually
11 play outside. We sit on the porch, especially
12 in the summertime.

13 MEMBER ALBERTI: Okay. What times
14 of day, during the week, weekdays, are you
15 able to observe the neighborhood and what is
16 going on?

17 MS. CLARK: I would say from my
18 work day of Monday through Friday, I'm usually
19 out of the house by 7:00. I come back around
20 about 1:00.

21 MEMBER ALBERTI: Yes.

22 MS. CLARK: Take a break. Head

1 off to class. I come back home, do what I
2 need to do, then I go pick my daughter up by
3 4:30. So I'm back and forth from my residence
4 pretty much throughout the day.

5 MEMBER ALBERTI: Okay. So during
6 the week, do you observe this activity early
7 in the morning when you leave for work?

8 MS. CLARK: No. It's more so --
9 they are out there in the morning. They are
10 waiting until the liquor store opens up.

11 MEMBER ALBERTI: Okay.

12 MS. CLARK: Because it opens up at
13 9:00, so I'm not saying that they are
14 carousing around the liquor store early in the
15 morning, but I noticed -- I have noticed --
16 seeing and noticed some people waiting for the
17 liquor store to open up.

18 MEMBER ALBERTI: And do you
19 observe this at 1:00 in the afternoon or
20 thereabouts?

21 MS. CLARK: Yes. It's all day.
22 There's no break with them.

1 MEMBER ALBERTI: Okay. About how
2 many people or does it change?

3 MS. CLARK: I can tell you from
4 yesterday and I can literally count one, two,
5 three, four, five, six.

6 MEMBER ALBERTI: Six?

7 MS. CLARK: Yes, six males.

8 MEMBER ALBERTI: In the general
9 area or one spot or just in general in that
10 area?

11 MS. CLARK: They were in front --

12 MEMBER ALBERTI: The parking lot
13 or in front of the store?

14 MS. CLARK: -- of the Colony
15 Liquor store.

16 MEMBER ALBERTI: Okay. And you
17 said that you are very familiar with the
18 people. I mean, regarding your position, so
19 I'm asking questions from their perspective.
20 Is it generally the same people?

21 MS. CLARK: Sometimes it is,
22 sometimes it's not. They may bring a friend.

1 MEMBER ALBERTI: Okay.

2 MS. CLARK: It may be someone that
3 I haven't recognized maybe in a day or two.
4 And then they may go off and then they may be
5 there next week. So it depends. It really
6 depends.

7 MEMBER ALBERTI: And how many
8 regulars do you see?

9 MS. CLARK: Regulars, I would say
10 three.

11 MEMBER ALBERTI: Three?

12 MS. CLARK: Yes.

13 MEMBER ALBERTI: Okay. Have you
14 together with -- not with the church, but
15 together with your neighbors, your residents
16 in any way attempted to address this in an
17 organized fashion? And by that I mean
18 approaching the police in an organized
19 fashion, going to the ANC in an organized
20 fashion, even thinking about doing a protest
21 as a neighborhood group?

22 Have you done any of those efforts

1 as a group of residents?

2 MS. CLARK: If I'm not mistaken, I
3 believe a resident that lives directly across
4 from me has put a petition out for us to sign
5 for the Colony Liquor store to petition it to
6 be gone. I don't know if there was a follow-
7 through on that.

8 MEMBER ALBERTI: Yes.

9 MS. CLARK: But she did -- I did
10 witness her ask neighbors to, you know, sign
11 this petition to get rid of Colony Liquor
12 store.

13 MEMBER ALBERTI: And have you
14 spoken to the ANC, your or your neighbors?

15 MS. CLARK: Like I said, I'm not
16 sure if -- she never came back with anything.
17 Now, I don't know if there was follow-up with
18 that, but I do witness my parents signing the
19 petition in regards to Colony Liquors.

20 MEMBER ALBERTI: Yes. I have no
21 more questions. Thank you, Ms. Clark.

22 MS. CLARK: You're welcome.

1 CHAIRPERSON MILLER: Others? I
2 just have one about Colony. Was Colony
3 Liquors open before Three Way Liquors? Do you
4 know? You've been there a long time.

5 MS. CLARK: I thought they would
6 be the same.

7 CHAIRPERSON MILLER: Same time?

8 MS. CLARK: I -- they were both --
9 if I can remember, they were pretty much both
10 there.

11 CHAIRPERSON MILLER: Okay.

12 MS. CLARK: Yes.

13 CHAIRPERSON MILLER: Okay. All
14 right. That's all I wanted to know. Yes, Mr.
15 Jones?

16 MEMBER JONES: Thank you, Madam
17 Chair. How are you doing, ma'am?

18 MS. CLARK: I'm good. How are
19 you?

20 MEMBER JONES: I'm all right. A
21 quick question for you.

22 MS. CLARK: Yes.

1 MEMBER JONES: What -- why are you
2 here today?

3 MS. CLARK: Well, I'm here to be a
4 voice of -- as a neighbor and as a member of
5 Faith Assembly of Christ that I'm just tired
6 of seeing, you know, the congregating of
7 people on my side of the street in my
8 neighborhood as well as beside our church
9 drinking and carousing around and not going to
10 the church or they don't live at 921 Emerson
11 Street, but feel the need to do what they do
12 as far as public drinking and sitting on my
13 wall and littering in front of my house and
14 littering by the church.

15 So that's my reason just to put my
16 voice out there to state that I'm tired of it
17 as being a neighbor and I'm tired of it as
18 being a member.

19 MEMBER JONES: Okay.

20 MS. CLARK: You know.

21 MEMBER JONES: Thank you. Would
22 you consider the licensed establishment to be

1 a bad operator? In other words, do you think
2 there is anything that they could do
3 differently to help mitigate the issues that
4 you are seeing that you are "tired of" dealing
5 with or is it for you that it does not exist?

6 MEMBER JONES: I would prefer it
7 not existing. Like the fact that if they
8 don't sell liquor, that would be great to me.
9 I don't go in their liquor store. They may
10 sell -- I don't know what all they may sell,
11 but I don't go in Colony nor do I go in Three
12 Way. I go all the way down to the Quik Stop.
13 I don't drink liquor, so there is no need for
14 me to go in there.

15 If I want a bag of chips or
16 anything, I go to the Quik Stop. So the fact
17 of them selling liquor, I prefer them not to.

18 MEMBER JONES: Okay.

19 MS. CLARK: If it was just a
20 convenience store that may sell chips or hot
21 food, okay, that's the preferable choice, but
22 as far as the liquor, I would definitely --

1 they could relocate that for me personally.

2 MEMBER JONES: Okay. And would
3 you have the same opinion about Colony?

4 MS. CLARK: Oh, yes, definitely.

5 MEMBER JONES: Okay. Thank you.

6 CHAIRPERSON MILLER: Mr.
7 Silverstein, yes?

8 MEMBER SILVERSTEIN: Ms. Clark,
9 please, don't read anything into this
10 question. It's something we ask very
11 frequently in cases such as this. And that is
12 assuming that the licensee were to rescind his
13 license, what would -- what conditions would
14 you hope would be put on it to mitigate this
15 type of situation?

16 Sometimes hours or sometimes
17 loitering restrictions or something like that.
18 Do you think there is anything that, you know,
19 could be done short of the death penalty?

20 MS. CLARK: Well, as I stated
21 prior, people are going to do what they are
22 going to do -- what they want to do. So if I

1 have a say or a suggestion in the matter to
2 try to mitigate, fine them. I would propose
3 that the liquor store should be fined if, you
4 know, coming out of the liquor store and, you
5 know, being inebriated whatever the case may
6 be. Fine them.

7 I mean, I just feel as though they
8 just should not sell liquor. So I mean,
9 that's the best I can give you, but nothing
10 against the owners and nothing against their
11 store. It's I'm against liquor pretty much.
12 So revoking their license for selling liquor
13 would be very great.

14 MEMBER SILVERSTEIN: Thank you
15 very much, ma'am.

16 CHAIRPERSON MILLER: Okay. Any
17 questions based on Board questions?

18 MR. DIETZ: None.

19 CHAIRPERSON MILLER: Okay. All
20 right. Thank you very much. Okay. Does that
21 conclude your witnesses?

22 REVEREND WAY: No, my final

1 witness is here.

2 CHAIRPERSON MILLER: Okay.

3 REVEREND WAY: Ms. Tanya Willis.

4 CHAIRPERSON MILLER: All right.

5 REVEREND WAY: Ms. Tanya Willis,

6 would you approach the stand, please?

7 MR. DIETZ: At this point, I would

8 ask Mr. Jones how much time remains.

9 CHAIRPERSON MILLER: Yes. Mr.

10 Jones, do you want to give an update on time?

11 MEMBER JONES: The licensee has

12 used 34. They have 56 remaining. The

13 protestant has used 76 and they have 14

14 minutes remaining.

15 REVEREND WAY: That's all we need.

16 Very good. Thank you.

17 CHAIRPERSON MILLER: Okay. Ms.

18 Willis, would you raise your right hand?

19 Whereupon,

20 TANYA WILLIS

21 was called as a witness on behalf of the

22 protestants, and having been first duly sworn,

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

3 CHAIRPERSON MILLER: Okay.

4 Thanks. Have a seat.

5 DIRECT EXAMINATION

6 REVEREND WAY: Good afternoon, Ms.
7 Willis. Can you state your full name, please?

8 MS. WILLIS: Tanya Sheila Willis.

9 REVEREND WAY: Can you state why
10 you are here today?

11 MS. WILLIS: I'm here to have --

12 REVEREND WAY: Can you speak a
13 little louder?

14 MS. WILLIS: I'm so sorry. I have
15 been so silent. I'm here on behalf of Faith
16 Assembly of Christ as a long-standing member
17 and to give my opinion or my assessment of the
18 impact of having Three Way Liquors as a
19 neighbor.

20 REVEREND WAY: Would you state how
21 long you have been a member of Faith Assembly
22 of Christ?

1 MS. WILLIS: I have been a member
2 of Faith Assembly of Christ going on now 29
3 years. I have been a member since 1983.

4 REVEREND WAY: Thank you. Can you
5 give me your assessment of what you have
6 observed as an eye witness as it relates to
7 parishioners and the patrons of Three Way
8 Liquors?

9 MS. WILLIS: The parishioners, I
10 mean, I am a parishioner of Faith Assembly of
11 Christ, so I'm going to start with myself.

12 In my experience, I'm usually -- I
13 mean, I have been a long-standing member of
14 Faith Assembly of Christ and over the years I
15 have been a witness to patrons -- I mean,
16 people being inebriated, hanging out on the
17 parking lot, because I tend to park on the
18 parking lot.

19 I have been a witness to litter
20 and all kinds of horribleness being left in
21 our planters from condoms to liquor bottles to
22 trash to just --

1 REVEREND WAY: Are you saying you
2 personally eye witnessed to see that specific
3 trash you just detailed?

4 MS. WILLIS: Yes, because,
5 unfortunately, it was one of my children that
6 directed me over to the planter to show me the
7 wretchedness of, you know, used condoms and
8 whatever being in the flower bed. It was once
9 in the flower bed in front of the church, but
10 it was once in the flower -- the section over
11 where the house is, where we have the other
12 annex building for FAC, at the time.

13 REVEREND WAY: So you have found
14 trash in both the planter at 4825?

15 MS. WILLIS: I have, yes. Yes, I
16 have witnessed trash.

17 REVEREND WAY: And 4821?

18 MS. WILLIS: Yes, absolutely over
19 the years. And so it's just personally coming
20 in from the parking lot and into the front
21 door of the church, on occasions, I have
22 parked in other places. I used to park

1 outside of the parking lot on earlier days,
2 because you could actually find a parking
3 space.

4 And also, you know, you didn't run
5 into too much activity, you know, earlier --
6 in the earlier years when I was younger. But
7 as I have gotten older and I had children, I
8 didn't want to run into people hanging around,
9 so I would park on the lot, so I could have a
10 shorter distance with my children, three
11 children from the parking lot to the front of
12 the church.

13 REVEREND WAY: How did having
14 children affect your attitude toward coming to
15 church and toward how you had to respond to
16 the people standing outside 4825 and the
17 liquor store 4823 and 4821?

18 MS. WILLIS: Well, you know,
19 raising children and having young children
20 growing up in the inner city and growing up in
21 the urban area, you know, it was kind of a
22 concern for me to come to church on Sunday.

1 You open your door and you have to be greeted
2 by inebriated males, maybe a woman at some
3 time-to-time on the wall, greeting you and
4 your children before church.

5 And, you know, I'm always polite
6 because, you know, that's just what -- how I
7 am, you know. They say good morning, I say
8 good morning. Pray for me. I'm going to pray
9 for you. And I'm like come on children, let's
10 go, you know.

11 And so you are doing this, you
12 know, brisk walk from the parking lot to the
13 church. And, you know, that's just -- you
14 know, in the earlier years you know, I raised
15 three children, two to adulthood at this
16 church. Their whole life they have been a
17 witness.

18 You know, they actually have
19 become familiar with some regulars that used
20 to hang on the wall. And they say, you know,
21 he used to hang out there when we were like
22 really -- you know, I had to really endure

1 this with my children for 20 years, because
2 I'm trying to, you know, give them a
3 foundation.

4 You know, that in itself has been
5 an annoyance to me. And, you know, fast
6 forward and come into today, the millennium,
7 because I was in the '80s, the '90s and the
8 early part of the millennium, you know, come
9 into the last few years, you know, I'm a
10 missionary at Faith Assembly of Christ. And
11 because I park on the parking lot, I have had
12 the opportunity to assist the mothers of the
13 church.

14 When they drive in and I'm on the
15 parking lot, then, you know, I leave my bags
16 and I come and assist them and walk them from
17 the parking lot to the church. And this
18 usually occurs most around Thursday nights
19 when it occurs.

20 REVEREND WAY: Mrs. Willis, when
21 you refer to -- only for clarity for the
22 panel, when you refer to the mothers, what

1 particular demographic are you referring to?

2 When you say mothers, what does it --

3 MS. WILLIS: Seniors.

4 REVEREND WAY: Thank you.

5 MS. WILLIS: You know, the

6 elderly.

7 REVEREND WAY: Because you

8 referred to our seniors.

9 MS. WILLIS: You know the mothers

10 of the church or the senior women of the

11 church. And I would assist them with their

12 bags. And, you know, some of them are -- you

13 know, have assistance with their cane and I

14 would just walk with them from the parking lot

15 by the annex by Three Way Liquors and into the

16 church.

17 And, you know, on -- I would have

18 to say, you know, I'm getting up there in age

19 and my mind used to be a lot quicker than, but

20 the two occasions that just stand out with me

21 was when I was with one mother and I was

22 walking with her, you know, as she was -- you

1 know, walking with her to the church.

2 And it was like going through a
3 gauntlet on a Thursday night. It was
4 literally like going through a gauntlet,
5 because --

6 REVEREND WAY: When you say
7 gauntlet, what does that mean?

8 MS. WILLIS: Because once you get
9 past the annex and you are approaching the
10 Three Way Liquors, then, you know, it's just
11 such traffic. You have the man that everyone
12 has talked about.

13 REVEREND WAY: Mr. Williams?

14 MS. WILLIS: Mr. Williams that
15 entered our sanctuary on that Sunday selling,
16 then you have people coming out of the store.
17 And then, you know, talking, because they have
18 made their purchase. And then I have to walk
19 this woman who is not walking very fast. You
20 know, I'm like come on mother and, you know,
21 someone is standing there and then I have to
22 say excuse me and they are like oh, oh, okay,

1 walk you by.

2 You know, she is not walking as
3 fast as I wanted to briskly walk to get her
4 through this and I can't say that it is
5 intimidating, but it was extremely
6 embarrassing and annoying.

7 And then, you know, if they are
8 like, what do you call it, horse-playing, you
9 know, like they are laughing and, you know,
10 they are jovial, you know, and I had to hold
11 somebody and say excuse me, you know, I had to
12 actually, you know, like excuse me she is
13 here, because, you know, she is like oh,
14 probably 4'9" or 5 feet, you know, and they
15 say, oh, my bad. I'm sorry. I'm sorry. I'm
16 like okay and try to get her to the church.

17 And I probably had maybe about two
18 or three incidents of that kind over the last
19 -- and I can't even tell whether it was like
20 over the last couple of years. Mostly, you
21 know, maybe between the last two or three
22 years, but those incidents, that incident with

1 the elderly and the senior women stays, you
2 know, kind of in my mind.

3 You know, they have to come off
4 the parking lot, too.

5 REVEREND WAY: Ms. Willis, thank
6 you so much. The next question is in
7 reference to the matter of someone making a
8 threat, a verbal threat, can you give us your
9 concise recollection of that day?

10 MS. WILLIS: Well, I was present.

11 REVEREND WAY: You were present?

12 MS. WILLIS: I was present --

13 REVEREND WAY: Can you give me as
14 much detail as possible?

15 MS. WILLIS: -- in the sanctuary
16 during that day when Mr. Williams entered in.
17 And he said -- you know, and he addressed our
18 pastor and said I want to talk to you. And,
19 you know, pastor was sitting there and he said
20 okay. And he was standing up.

21 He said come on, I want you to go
22 outside and pastor said no, I'm not going to

1 go out. We can talk right here. You can say
2 whatever you want, you know, in front of
3 everyone here.

4 And he asked him -- you know, and
5 I'm not going to even begin to tell you I
6 could tell you verbatim what he said, but he
7 asked him something like, you know, I can
8 remember him saying something like why are you
9 messing with my money? I think it was like
10 why are you messing with my money?

11 REVEREND WAY: Why are you messing
12 with my money?

13 MS. WILLIS: My money. You know,
14 you are messing with my money. You are in my
15 business. You know, and pastor is looking at
16 him like, you know, what are you talking
17 about, you know? And he went on to tell --
18 you know, he went on to say that, you know, I
19 own Three Way Liquors, that's my
20 establishment. I'm a felon. I could not get
21 a license. They couldn't -- you know, they
22 needed someone who could, I guess, understand

1 the system who had spoke English. And so
2 that's what the impression I was getting.

3 And he said that is -- I was a
4 felon. I couldn't get a license. That's my
5 license. That's why I thought -- I'm like,
6 well, that kind of -- you know, maybe that
7 speaks to why he was always out in front of
8 there, the establishment over the years, you
9 know, in that little white truck selling
10 things, because I didn't -- it did not impress
11 upon me that when he said that, I didn't say
12 is that true. I'm like oh, that's why he is
13 always hanging out there, that was my reaction
14 to what he was saying. And I'm like okay.

15 REVEREND WAY: Did he say it loud
16 enough for those around to hear?

17 MS. WILLIS: Oh, he was talking,
18 you know, at the top of his lungs. This man
19 was angry. He was angry about the fact that
20 pastor had that audacity to, you know, even
21 complain about the fact that or even attempt
22 to do anything about the fact that would cause

1 Three Way Liquors to close.

2 And he went on to say during that
3 period of time, he threatened him. What did
4 he say? He said something like, you know,
5 even before he even threatened him, the thing
6 that stuck in my mind was when he said you
7 will never -- you are not going to close this.
8 You won't get this license, because this
9 church -- how much do you make? This church
10 doesn't pay an ounce of taxes in this city.

11 REVEREND WAY: To who? To the
12 District?

13 MS. WILLIS: To the District. You
14 are not closing this down. You can bet that.
15 You don't pay any taxes. I pay taxes. This
16 liquor store pays taxes. You don't pay
17 anything. And then he went on, you know, he
18 started getting very -- he was very
19 belligerent already and he started like -- you
20 know, it was almost like the more he talked,
21 the more he just ratcheted it up.

22 CHAIRPERSON MILLER: Can I

1 interrupt for one minute? I'm not keeping
2 track of time, Mr. Way, but I have a feeling
3 you are really running down on your time. And
4 I would also --

5 REVEREND WAY: If she can just --
6 can she just take one minute?

7 CHAIRPERSON MILLER: She can do
8 it. It's up to you. I just wanted to let you
9 know, because it also goes to cross-
10 examination, so --

11 REVEREND WAY: This is a
12 highlight.

13 CHAIRPERSON MILLER: That's fine.

14 REVEREND WAY: Can you just
15 quickly say what --

16 MS. WILLIS: And then after -- you
17 know, just to make a long story short, after
18 he said that, and he told him that he was --

19 REVEREND WAY: Just synopsis to
20 make.

21 MS. WILLIS: You know, basically
22 that he threatened him. He threatened his

1 life because the deacons in the church, we
2 were like -- when he started ratcheting up,
3 they all stood up. The pastor stayed seated,
4 but those men they just stood up like ready
5 like if he does anything, we are not going to
6 let him attack our pastor, that's just not
7 going to happen. And those men stood at the
8 reign.

9 REVEREND WAY: Did I say anything
10 to incite this man?

11 MS. WILLIS: Just like -- no. He
12 just like well, he talked to him very -- you
13 know, I think we were like stunned by the
14 whole event.

15 REVEREND WAY: Right. All right.
16 Ms. Willis, thank you very, very much.

17 CHAIRPERSON MILLER: I just wanted
18 to let you know, in case you wanted to save a
19 little bit of time, that's all.

20 REVEREND WAY: Thank you.

21 CHAIRPERSON MILLER: I didn't want
22 to cut you short.

1 REVEREND WAY: Thank you, Madam
2 Miller.

3 CHAIRPERSON MILLER: Okay.

4 REVEREND WAY: You have been so
5 helpful.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. Mr. Dietz, cross?

8 MR. DIETZ: I have no questions.

9 CHAIRPERSON MILLER: Okay. Any
10 Board questions? Mr. Silverstein?

11 MEMBER SILVERSTEIN: Again, I'm
12 going to ask the question that I previously
13 asked Ms. Clark. And that is short of closing
14 this place, if that's not what happens, what
15 can be done? What could we do? What could
16 the police do to alleviate the problems?

17 MS. WILLIS: After almost short --
18 shy of 30 years, I don't see what other
19 alternative you have. You have had the police
20 for 30 years or 20 years. You have had the
21 regulatory people. You have had complaints.
22 You have had neighbors calling the police.

1 I don't see what short of not
2 having that establishment there that the
3 people can utilize it to do the things that
4 they do near the church, I don't see what --
5 I don't see an alternative to that, because
6 you have had those in place already.

7 MEMBER SILVERSTEIN: You spoke of
8 this particular incident, Ms. Willis, where
9 you described it as walking through a
10 gauntlet.

11 MS. WILLIS: Yes.

12 MEMBER SILVERSTEIN: Just the
13 attempt of you and an elderly woman to attend
14 your house of worship.

15 MS. WILLIS: Yes, sir.

16 MEMBER SILVERSTEIN: Were they --
17 did anyone threaten you? Did anyone -- is
18 there -- what was the deterrent factor here?
19 Talk to me about it.

20 MS. WILLIS: Well, and that's why
21 I said like a gauntlet, because it was more or
22 like you are going around or had to, you know,

1 wait for people to move out of the way. I
2 couldn't shift her. It was more like a safety
3 issue. It was more -- because I had to stop
4 a gentleman who didn't notice that we were
5 there, because this was on a Thursday evening
6 a little over dusk, so this was -- you know,
7 we were going to a Thursday evening service.
8 We were coming from the parking lot.

9 So I would have to say that no one
10 threatened us. It was the actual -- that's
11 why I say gauntlet. You know, it was like we
12 are having to, you know, adjust ourselves to
13 get to where we are going.

14 See if I'm alone, I'm walking very
15 briskly, I always have, through those types of
16 situations when it's just me coming from the
17 parking lot. Even sometimes I come to
18 Thursday, I would go to Thursdays without my
19 children, so it was just me after work, you
20 know, carrying my case and quickly, I move
21 fast. I don't saunter when I'm coming from my
22 car, because I know what I'm going to get when

1 I'm getting in and out.

2 I don't want them speaking to me,
3 you know. I'm like --

4 REVEREND WAY: Flirting.

5 MS. WILLIS: -- Minister Donna, I
6 don't -- you know, I don't want to entertain
7 that. You know, if you speak hello and I just
8 keep going. I never look. I'm just going
9 pretty quickly. So it was more like that's
10 why I called it the gauntlet versus, you know,
11 a grudge match where I feel like we are in
12 there being beat upon the head. I didn't say
13 that. I'm not saying that.

14 MEMBER SILVERSTEIN: I apologize.
15 It might not be good form to ask a woman's
16 age, but the elderly woman who you were
17 escorting, could you tell us about how old she
18 was? And also what her reaction was to all
19 this when she went through this?

20 MS. WILLIS: This is the sweetest
21 woman you ever want to know. And I think at
22 the time this was happening, mother was

1 probably -- if she had not reached 80, she was
2 probably about 79 at the time, 79 if she
3 hadn't reached 80 by then, because I don't
4 know her age, but I know she is around in her
5 80s now.

6 MEMBER SILVERSTEIN: Okay. And
7 what was her --

8 MS. WILLIS: She is in her 80s
9 now, but that was probably around when she was
10 like -- I don't know. I know she is somewhere
11 in her 80s now, so she could have been --

12 MEMBER SILVERSTEIN: Well, what
13 was her reaction to this? How did she handle
14 it? I mean, sometimes these folks are really
15 steel magnolias, you know. They are tough and
16 they are brave. Sometimes they can be shaken,
17 but did she say anything? Do you remember?

18 MS. WILLIS: I'm remembering more
19 of the reaction because, you know, especially
20 the one where the guy almost, you know, ran
21 into us, ran into her. And she was like oh,
22 like she just said oh, you know. And like I

1 said, I didn't -- I wasn't saying that this
2 was an intimidating situation in one sense.

3 But what -- I was communicating
4 that it wasn't safe and it was not -- it
5 wasn't a safe situation. And what I'm
6 communicating to you is that it's not an
7 appropriate situation to have to experience.

8 MEMBER SILVERSTEIN: But she kind
9 of steeled it and just went right through it?

10 MS. WILLIS: Well, I mean, she is
11 not that type of -- we are not talking about
12 old granny. This is a delicate woman and I --
13 she had me. She was leaning on me, because we
14 had to kind of stop, so she is leaning on me.
15 This is a woman who I was assistant. She --
16 it wasn't like, you know, granny, get your
17 guns. That's not the type of woman she is.

18 MEMBER SILVERSTEIN: She was
19 leaning on you, that's what she needed to do.

20 MS. WILLIS: You know, she didn't
21 fall apart. It wasn't that type of incident.
22 She didn't fall out and, you know, it wasn't

1 like that, so, I mean, I don't want to make
2 like it was more dramatic than it was. She
3 just -- you know, she was like -- she kind of
4 like oh, you know, because like of the
5 situation.

6 You know, with elderly people, you
7 know, they are one slip, trip and fall away
8 from a broken hip. So having some young
9 person coming at them and thinking they are
10 going to, you know, be knocked down, that's
11 something for them to be -- that's a huge
12 concern.

13 Maybe not for a young person like
14 me at the time, you know, a person like me,
15 but for them, yes.

16 MEMBER SILVERSTEIN: Thank you
17 very much for --

18 MS. WILLIS: You're quite welcome.

19 MEMBER SILVERSTEIN: -- clearing
20 that up.

21 CHAIRPERSON MILLER: Other
22 questions? I just have a couple.

1 Would you say though that you are
2 nervous in that situation where you are
3 leaving your car to go to the church and you
4 have to go back to the men that are loitering?

5 MS. WILLIS: I don't know if the
6 word is nervous. I don't know. You know, it
7 all depends on what time of day it is, because
8 when I'm -- if it's a late night issue, you
9 know, I don't even know if nervous is the
10 word. I'm very conscientious. I'm
11 conscientious because to be -- I don't -- you
12 know, I don't -- when I'm going around the
13 corner and I see a lot of people around, I'm
14 very conscientious because, you know, of a
15 past situation.

16 One of my close girlfriends was
17 walking by some inebriated -- past an
18 inebriated person like that and they -- when
19 she walked by, they took their fists and hit
20 her in her eye. It almost took her eye out
21 the socket. This happened when we were
22 teenagers.

1 So when I'm around people like
2 that, I'm very deliberate and like I said, I'm
3 quick. I'm not spending a whole lot of time
4 being nervous, but I'm being -- I'm very
5 conscientious and conscious of my
6 surroundings.

7 CHAIRPERSON MILLER: And my other
8 question is do you believe that Three Way
9 Liquors has a greater adverse impact on the
10 church with respect to peace, order, quiet
11 than Colony Liquors?

12 MS. WILLIS: You know, my
13 experience has been only mostly with, you
14 know, Three Way Liquors presence near the
15 church, not with Colony. I park on the
16 parking lot. I park on the side of the
17 building. I park. You know, I'm dealing with
18 what is going on on the back side of the
19 parking lot.

20 Because, you know, with three
21 kids, and being a caregiver, I was always the
22 last one in, so I'm the one with the car

1 parked up at the top of the parking lot a lot
2 of times in that space, so I'm closer to the
3 guys hanging around there.

4 And so I'm coming not with a group
5 of people usually, I'm coming in by myself and
6 having to run around and go into the
7 sanctuary.

8 So, you know, my problems have
9 been -- my direct connection has been with
10 Three Way, not with Colony across the street.

11 CHAIRPERSON MILLER: So you know
12 that those men are from Three Way?

13 MS. WILLIS: Well, I mean, if
14 there -- you know, only because -- you know,
15 I can't say that I always see -- I saw -- If
16 I saw, you know, two guys and they are hanging
17 outside of the annex as I walk by, you know on
18 a Sunday morning or I walk by on a Thursday or
19 on a Saturday, you know, I didn't see them
20 come out of Three Way. They are near Three
21 Way.

22 CHAIRPERSON MILLER: Yes.

1 MS. WILLIS: They are near our
2 church. You know, and if it's a person that
3 is inebriated on the back wall, you know, I
4 didn't see them where they came from or where
5 they bought their liquor that they are now
6 drinking on Sunday morning or I don't know
7 where. I can't say that. However, you know,
8 I'm not near Colony. I'm near Faith Assembly
9 and Three Way.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. Any other Board questions? Any other
12 questions based on Board questions?

13 MR. DIETZ: No questions.

14 CHAIRPERSON MILLER: Okay. Thank
15 you very much.

16 MS. WILLIS: You're welcome.

17 REVEREND WAY: Thank you, Ms.
18 Willis.

19 (Whereupon, witness was excused.)

20 CHAIRPERSON MILLER: Okay. Does
21 that conclude your case? I mean, you will
22 have a chance for closing argument, but other

1 than that? Is that all of your witnesses and
2 documents?

3 REVEREND WAY: Will I have an
4 opportunity to make a closing statement?

5 CHAIRPERSON MILLER: Yes, closing
6 doesn't count in those minutes, so, yes,
7 definitely. Okay. Mr. Dietz, where are we in
8 your case?

9 MR. DIETZ: I'm just going to call
10 Ms. Yu very briefly.

11 CHAIRPERSON MILLER: Okay. Good
12 afternoon. Will you raise your right hand?
13 Okay.
14 Whereupon,

15 SUNGHEE YU
16 was called as a witness on behalf of the
17 licensee, 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. Have a seat.

22 DIRECT EXAMINATION

1 MR. DIETZ: Now, Ms. Yu, you are
2 going to have to talk very, very loudly.

3 MS. YU: I'll try.

4 MR. DIETZ: Okay. Thank you.
5 Okay. And you and your husband are
6 stockholders in the corporation that owns
7 Three Way Liquors. Is that correct?

8 MS. YU: Yes.

9 MR. DIETZ: And when did you
10 purchase Three Way Liquors?

11 MS. YU: August 1994.

12 MR. DIETZ: And do you own the
13 building?

14 MS. YU: Yes.

15 MR. DIETZ: And when did you
16 purchase the building?

17 MS. YU: I think in May 2000.

18 MR. DIETZ: Okay. Up until this
19 protest and the protest that this church filed
20 a few years earlier that simply didn't go
21 anywhere, have there been any complaints
22 against your business?

1 MS. YU: No.

2 MR. DIETZ: Has the ANC ever
3 complained against your business?

4 MS. YU: No.

5 MR. DIETZ: Have the police?

6 MS. YU: No.

7 MR. DIETZ: Now, what time do you
8 open for business in the morning?

9 MS. YU: Monday through Thursday
10 10:00 a.m.

11 MR. DIETZ: And what time do you
12 close?

13 MS. YU: 9:00.

14 MR. DIETZ: 9:00.

15 MEMBER SILVERSTEIN: I'm sorry,
16 say again, please?

17 MR. DIETZ: Are you open on
18 Sunday?

19 MS. YU: No.

20 MR. DIETZ: Okay.

21 CHAIRPERSON MILLER: Could you
22 repeat the hours, please?

1 MS. YU: Monday through Thursday
2 10:00 to 9:00.

3 CHAIRPERSON MILLER: Okay.

4 MS. YU: Friday/Saturday 10:00 to
5 10:00.

6 MR. DIETZ: Okay. And are you
7 aware what time Colony Liquors opens?

8 MS. YU: I believe they open at
9 9:00 in the morning.

10 MR. DIETZ: 9:00. Okay. Have you
11 any connection whatsoever in any way, shape or
12 form with this Mr. Williams we have been
13 hearing about?

14 MS. YU: Nope.

15 MR. DIETZ: Does he own your
16 business?

17 MS. YU: Nope.

18 MR. DIETZ: Is he your partner?

19 MS. YU: Nope.

20 MR. DIETZ: Did you ask him to go
21 to the church and complain?

22 MS. YU: No.

1 MR. DIETZ: Did you talk to him
2 about the church's protest?

3 MS. YU: Yes, we did.

4 MR. DIETZ: So he was aware of it?

5 MS. YU: Yes.

6 MR. DIETZ: But --

7 MS. YU: And before I talked to
8 him, he knew already, so I don't know where he
9 got it from. He knew already.

10 MR. DIETZ: Does Mr. Williams
11 still hang around?

12 MS. YU: I haven't seen him.

13 MR. DIETZ: Okay. I have no
14 further questions.

15 CHAIRPERSON MILLER: Okay. Cross?

16 CROSS-EXAMINATION

17 REVEREND WAY: Mrs. Yu?

18 MS. YU: Yes.

19 REVEREND WAY: When you mentioned
20 to Mr. Williams that Pastor Way representing
21 the church was going through the process that
22 ABRA gives us, you said that he already knew.

1 MS. YU: Yes.

2 REVEREND WAY: Do you recall what
3 he said?

4 MS. YU: Not only I just talked to
5 the Mr. Williams, I talked to all my customers
6 saying that we are doing these Protest Hearing
7 because at some time they going to try close
8 the store like that, so we're going to talk
9 every customer. So when I talked to him, he
10 already knew. I don't know where he got it
11 from.

12 REVEREND WAY: Did you --

13 CHAIRPERSON MILLER: I'm sorry,
14 could you repeat the last sentence? You
15 didn't know what?

16 MS. YU: I didn't know that he --
17 when I talked to him about the Protest
18 Hearing, he knew already, so I don't know
19 where he got it from.

20 CHAIRPERSON MILLER: Oh, okay.

21 MS. YU: I don't know.

22 CHAIRPERSON MILLER: Thank you.

1 REVEREND WAY: You started the
2 business when you purchased the business in
3 August of 1994?

4 MS. YU: Yes.

5 REVEREND WAY: Did you purchase
6 the building from him or did you purchase the
7 business or building from Mr. Williams?

8 MS. YU: Nope. By the time we
9 purchased the store, the owner was the Mr.
10 Stanley and there was three other people.
11 Stanley and his sister.

12 REVEREND WAY: Do you know if Mr.
13 Williams was a part of that?

14 MS. YU: No.

15 REVEREND WAY: So Mr. Stanley was
16 who you -- and three other partners?

17 MS. YU: Right. No, Stanley and
18 his sisters.

19 REVEREND WAY: His sister?

20 MS. YU: Yes, I forgot his name,
21 whole name.

22 REVEREND WAY: Mr. Stanley and his

1 sisters?

2 MS. YU: Yes.

3 REVEREND WAY: Thank you. Thank
4 you for that clarification.

5 During this purchase, was there
6 any other shadow or issue that came up in your
7 purchase that would involve Mr. Williams?

8 MS. YU: No.

9 REVEREND WAY: Do you have any
10 legal or fiduciary relationship with Mr.
11 Williams?

12 MS. YU: No.

13 REVEREND WAY: When Mr. Williams
14 was outside on any given Thursday, why do you
15 allow him to stand and sell items in front of
16 your store?

17 MS. YU: I didn't allow him.

18 REVEREND WAY: Have you ever asked
19 him to not --

20 MS. YU: No, I don't know why he
21 asked me. No, we didn't allow.

22 REVEREND WAY: Have you --

1 MS. YU: There is nothing to
2 resolve.

3 REVEREND WAY: Have you ever asked
4 him to leave?

5 MS. YU: Yes, we did.

6 REVEREND WAY: And what was his
7 response?

8 MS. YU: He said okay.

9 REVEREND WAY: But he is there --

10 MS. YU: Then he go. Yes, then he
11 move.

12 REVEREND WAY: -- quite frequently
13 and then he comes back?

14 MS. YU: Yes, he comes back and
15 buy some chips or he is talking to --

16 REVEREND WAY: Have you ever given
17 him a verbal or a written letter asking him
18 kindly to not sell his belts and other items
19 out of his van in front of your store?

20 MR. DIETZ: Objection. I don't
21 see the relevance of that.

22 CHAIRPERSON MILLER: Okay.

1 REVEREND WAY: If someone repeats
2 a verbal offense, it is often that you give a
3 letter saying would you kindly not sell? You
4 have acknowledged that he does sell items.
5 You are aware that he does sell items in front
6 of your store? Are you aware? Prior to the
7 photograph? Are you aware?

8 CHAIRPERSON MILLER: We still have
9 an objection. Do you still --

10 MR. DIETZ: Objection. This is
11 totally irrelevant --

12 CHAIRPERSON MILLER: Okay. It's
13 not --

14 MR. DIETZ: -- to the operation of
15 a liquor -- the operation of a liquor license.

16 REVEREND WAY: It speaks to an
17 exhibit. It speaks to the exhibit.

18 CHAIRPERSON MILLER: Now, what is
19 the relevance?

20 REVEREND WAY: Let me rephrase the
21 question.

22 CHAIRPERSON MILLER: Okay.

1 REVEREND WAY: Please, are you
2 aware that Mr. --

3 CHAIRPERSON MILLER: He is allowed
4 to make an objection.

5 REVEREND WAY: Huh?

6 CHAIRPERSON MILLER: Mr. Dietz is
7 allowed to make an objection, but go ahead.
8 So rephrase and we'll see where we are.

9 REVEREND WAY: Mrs. Yu, is it your
10 policy to allow anyone to sell something
11 outside of your liquor store?

12 MS. YU: What policy?

13 REVEREND WAY: Well, do you have--

14 MS. YU: I don't know.

15 REVEREND WAY: -- a guideline?

16 MS. YU: Yes.

17 REVEREND WAY: You have a
18 guideline?

19 MS. YU: This is our liquor store.

20 MR. DIETZ: Objection.

21 MS. YU: It's what it is. This is
22 my liquor store.

1 REVEREND WAY: Okay.

2 MS. YU: And that's his stuff.

3 But I don't know. What are policies? I don't
4 know. We don't have any connection. We don't
5 know.

6 REVEREND WAY: Okay. Is he a
7 customer?

8 MS. YU: Our policy have to be --

9 REVEREND WAY: Okay. Let me
10 rephrase.

11 MS. YU: -- related to him.

12 REVEREND WAY: Is Mr. Williams a
13 customer of Three Way Liquors?

14 MS. YU: Yes, he is a customer.
15 Regular customer, yes.

16 REVEREND WAY: Okay. Yes or no,
17 have you observed him over more than several
18 time selling items that are not connected to
19 Three Way Liquors? Have you observed that?
20 Yes or no?

21 MS. YU: Yes. He said he got a
22 shirt.

1 REVEREND WAY: What effort, if
2 any, has been made by you and your husband,
3 co-owner, to, because that's really illegal
4 activity --

5 MR. DIETZ: Objection.

6 CHAIRPERSON MILLER: Go ahead.

7 MR. DIETZ: Okay. I got to object
8 to this.

9 CHAIRPERSON MILLER: Okay.

10 REVEREND WAY: He doesn't have a
11 license to sell, Madam Chair.

12 CHAIRPERSON MILLER: Well, you are
13 not testifying though, you are just asking
14 questions, at this point.

15 REVEREND WAY: Let me rephrase the
16 question.

17 CHAIRPERSON MILLER: Okay.

18 REVEREND WAY: When you have
19 approached him, you said you did ask him to
20 not sell?

21 MS. YU: Not -- I didn't ask him
22 not to sell. I asked him to move.

1 MR. YU: Move, yes.

2 REVEREND WAY: Okay. So that's
3 what you -- you have asked him to move?

4 MS. YU: Yes.

5 REVEREND WAY: How often do you
6 ask him to move on any given week? Is he
7 there on any other day other than Thursday?

8 MS. YU: Yes, sometimes he comes
9 in once a week. Sometimes he comes in twice
10 a week. Sometimes more than twice a week. I
11 cannot say how many times he comes in. Like
12 sometimes I haven't see him for a month.
13 Sometimes I haven't see him for six months.

14 REVEREND WAY: To your knowledge,
15 does he come --

16 MS. YU: Sometimes he --

17 REVEREND WAY: -- any other time
18 other than Thursday?

19 MS. YU: He -- I guess, yes. He
20 comes not just Thursday. He comes on a
21 Monday, Tuesday, whenever he want to come in,
22 he comes in. I just cannot say don't come in

1 this day or that day or come in this day or
2 that day. I just cannot say that. He comes
3 in -- he is now around he comes in the store.

4 CHAIRPERSON MILLER: Mr. Jones has
5 something to say.

6 MEMBER JONES: Do I?

7 CHAIRPERSON MILLER: Yes. Time.

8 MEMBER JONES: Oh,

9 CHAIRPERSON MILLER: Okay.

10 REVEREND WAY: Am I allowed to
11 continue?

12 CHAIRPERSON MILLER: Okay. No,
13 your time is up.

14 REVEREND WAY: Thank you.

15 CHAIRPERSON MILLER: I mean, it
16 was something.

17 REVEREND WAY: Thank you, Ms. Yu.

18 CHAIRPERSON MILLER: There was
19 something burning, but, okay. All right.
20 Where are we now?

21 MR. DIETZ: I have nothing
22 further.

1 CHAIRPERSON MILLER: Okay. It is
2 Board questions. Any Board questions? Ms.
3 Yu?

4 MS. YU: Yes.

5 CHAIRPERSON MILLER: When is the
6 last time you saw Mr. Williams?

7 MS. YU: I haven't seen him for a
8 while, so I cannot say specifically. A few
9 weeks.

10 CHAIRPERSON MILLER: A few weeks?

11 MS. YU: Yes, I think.

12 CHAIRPERSON MILLER: Okay. Does
13 he regularly frequent your store? Does he
14 come to your store on a daily basis?

15 MS. YU: Not daily basis. He
16 comes like once a week or sometimes twice a
17 week.

18 CHAIRPERSON MILLER: Okay. Did
19 you notice if he makes any trouble? Have you
20 noticed him bothering other people or being
21 noisy or urinating or yelling?

22 MS. YU: No. I know he talk a

1 lot.

2 CHAIRPERSON MILLER: He talks a
3 lot?

4 MS. YU: He talk a lot, yes. I
5 know that.

6 CHAIRPERSON MILLER: Okay.

7 MS. YU: But other than that, I
8 didn't say anything.

9 CHAIRPERSON MILLER: Okay. Is --
10 the outside of your store, is it public space?

11 MS. YU: Yes.

12 CHAIRPERSON MILLER: Okay. Do you
13 notice loitering in front of your store, at
14 any time?

15 MS. YU: No.

16 CHAIRPERSON MILLER: No? And do
17 you have a practice of cleaning up trash?

18 MS. YU: Yes, we do, because my
19 husband comes in in the morning and he cleans
20 up in the front of the store and back of store
21 and then during the daytime we have one
22 employee and he comes in the afternoon and he

1 cleans up, so that's how we do it.

2 CHAIRPERSON MILLER: Okay. So
3 your only relationship with Mr. Williams is
4 that he is a customer of yours?

5 MS. YU: Yes.

6 CHAIRPERSON MILLER: Okay. How
7 long has he been a customer of yours?

8 MS. YU: Oh, he -- it's been for a
9 while.

10 CHAIRPERSON MILLER: Years?

11 MS. YU: Yes, many years, yes.

12 CHAIRPERSON MILLER: Okay. All
13 right. I don't have any other questions. Mr.
14 Silverstein?

15 MEMBER SILVERSTEIN: Following up
16 on the Chair, does Mr. Williams have a first
17 name? Do you know it?

18 MS. YU: I don't know. See, we
19 call him Doc.

20 MEMBER SILVERSTEIN: Doc?

21 MS. YU: Yes.

22 MEMBER SILVERSTEIN: Do you know

1 where he lives?

2 MS. YU: We only knew his last
3 name. I just knew his last name was Williams
4 during the hearings.

5 MEMBER SILVERSTEIN: Do you know
6 where he lives?

7 MS. YU: He used to live in around
8 our neighborhood, but me moved to the -- he
9 said the Northeast or the Baltimore. He
10 said --

11 MEMBER SILVERSTEIN: To Baltimore?

12 MS. YU: -- his mother is in
13 Baltimore, so I don't know. He is at
14 Baltimore right now, I don't know where he is
15 at.

16 MEMBER SILVERSTEIN: But he still
17 comes to your store?

18 MS. YU: Yes, still, yes.

19 MEMBER SILVERSTEIN: -- every -- a
20 couple --

21 MS. YU: Sometimes, yes.

22 MEMBER SILVERSTEIN: -- of times a

1 week? Isn't there something closer to
2 Baltimore where he can get liquor?

3 MS. YU: Yes, because he has the
4 daughter who lives in our neighborhood and
5 then ex-wife still around the neighborhood.

6 MEMBER SILVERSTEIN: Thank you.
7 It's getting late. No further questions.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Jones?

10 MEMBER JONES: Thank you, Madam
11 Chair. During the beginning of your
12 testimony, you were asked or there was a
13 question about your ownership interest.

14 MS. YU: Yes.

15 MEMBER JONES: Can you clarify
16 that for me? What is your ownership interest?

17 MS. YU: Me and my husband own the
18 store and the property.

19 MEMBER JONES: Through what
20 entity? Through what vehicle? Do you have a
21 corporation, a partnership or --

22 MS. YU: Yes, Three Way, Inc.

1 MEMBER JONES: Three Way, Inc.?

2 MS. YU: Yes.

3 MEMBER JONES: Okay. And the --

4 MS. YU: Corporation, yes.

5 MEMBER JONES: And you have 50

6 percent and your husband has 50 percent or

7 what's the allocation of the shares?

8 MS. YU: He has -- the -- my

9 husband has almost -- about 90 percent.

10 MEMBER JONES: He has 90 percent?

11 MS. YU: Yes.

12 MEMBER JONES: Do you have the

13 other 10?

14 MS. YU: Yes.

15 MEMBER JONES: Okay. So there are

16 no other --

17 MS. YU: No other.

18 MEMBER JONES: -- shareholders --

19 MS. YU: No.

20 MEMBER JONES: -- in Three Way,

21 Inc.?

22 MS. YU: Yes. No.

1 MEMBER JONES: No? Okay. Thank
2 you. Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Okay. I just
4 have one other question and it's kind of what
5 Mr. Silverstein asked some of the other
6 witnesses.

7 We heard your neighbors,
8 especially the church and some neighbors, talk
9 about problems related to your liquor store.
10 Do you have any thoughts whether if the Board
11 allowed you to renew, any changes you would
12 make or consider making to alleviate some of
13 the problems that they talk about?

14 MS. YU: I don't know what kind of
15 agreement we have to make, but that we
16 maintain to be nice to the neighborhood,
17 because we are in that business for the long
18 time. We in that neighborhood and we saw the
19 people go up, young kids grow up to be old
20 enough to be drinking liquor and like that.
21 We have a very good relationship with the
22 other neighborhood.

1 They come into my store before we
2 purchase the store and they come in and ask
3 for the broom and we have a very good
4 relationship. And we do our best to keeping
5 our store clean and nice and then everything,
6 follow all the rules, ABC's rules and
7 everything. So I don't know. I don't know
8 what can we change? I don't know.

9 CHAIRPERSON MILLER: Okay.

10 MS. YU: We do our best.

11 CHAIRPERSON MILLER: Yes. Right,
12 okay. All right. That concludes, I think,
13 our Board questions. Are there any questions
14 based on the Board questions? No? Good. All
15 right. Then that you very much.

16 Okay. Does that conclude your
17 case as well, Mr. Dietz?

18 MR. DIETZ: Yes, our case is
19 concluded.

20 CHAIRPERSON MILLER: All right.
21 Then that brings us to closing arguments, I
22 believe. Yes. Mr. Dietz, you go first.

1 MR. DIETZ: The licensees have
2 been in business since 1994. There is
3 absolutely no record of complaint regarding
4 their activities, other than that of the
5 church, which is an abutting property.

6 The Board must keep in mind that
7 although the owner of an abutting property has
8 ground to protest and there are certain
9 protest issues that it can address, the
10 investigator's report indicates, especially
11 with Exhibit No. 20, that there have been no
12 record of police complaints other than burglar
13 alarms going off, except for one disorderly,
14 which the investigator was unable to determine
15 whether or not it was connected with the
16 business or not.

17 The ANC has not complained. I
18 believe the community organization is the
19 Petworth, they have not complained.

20 As the Chair and as Member
21 Silverstein have alluded to, this issue, from
22 my point of view, would be ripe for people to

1 sit around the table and work something out.
2 But there have been no ABRA violations. There
3 have been no criminal violations. There have
4 been no other regulatory violations.

5 And there is absolutely no basis
6 to revoke the license as the protestants have
7 requested.

8 CHAIRPERSON MILLER: Thank you.
9 And, Pastor Way?

10 REVEREND WAY: Thank you. First
11 of all, I want to thank the Panel and thank
12 all of you for your assistance in this long
13 process.

14 (1) In 2006, we did file a
15 petition and showed up for several hearings,
16 but we were never treated fairly nor given
17 closure. While that had nothing to do with
18 your Administration and your good excellence,
19 needless to say, we do have a clear
20 documentation that even though his license --
21 that the Three Way Liquors was granted, though
22 it was not illegal, we feel that it was

1 inappropriate, because we never received any
2 written documentation which, in fact, were
3 ABRA's own ground rule and protocol.

4 In lieu of that, we decided to be
5 peacemakers, which we, basically, have been
6 for the last 42 years and out of that context
7 of peacemaking, our issue is founded on our
8 very credible witnesses, who have all
9 testified that though the ANC or the
10 Metropolitan Police have not found something,
11 Godfully egregious, that our opinions and our
12 perceptions of our seniors and our youth and
13 all of our members cannot be discounted merely
14 because the ANC or any of the community
15 associations have not been approached or
16 documented.

17 Our paper trail has really been
18 the paper trail of our own blood, sweat and
19 tears. As our own witnesses have testified,
20 we have dedicated countless person hours,
21 energy, physical hours of people who work
22 every day and who will take off, who will do

1 what is necessary to keep our neighborhood
2 clean.

3 I find it quite the conundrum
4 that, as Mr. Jones announced and I'm going to
5 indicate in my summary, despite the fact that
6 the ANC and the Metropolitan Police have not
7 complained, that there have been issues
8 relating to the Department of Health and there
9 have been disorderlies.

10 Beyond that, our witnesses have
11 made it very clear that the liquor store
12 continues to be a problem, not only for our
13 elderly and youth, but for the safety of their
14 children and their grandchildren who attend
15 our parish.

16 While we have stayed the course
17 the last six years, while we have no gall, no
18 hatred certainly, nothing but respect for our
19 fellow citizens, we feel that we need and
20 deserve to be treated fairly. We have turned
21 the other cheek when the license was granted
22 without due process, without your own due

1 process being honored and we have turned the
2 cheek and doing everything we can.

3 I also want to add that I
4 personally as a servant leader in the
5 community, I have personally given up my own
6 time to make sure that the front of our church
7 and as many of my parishioners have so
8 accurately said, I've gone down to the 4900
9 Block all the way up to the 4700 Block
10 providing work, not out of altruism or
11 benevolence, not to be seen, but to provide an
12 example.

13 I share the same heartened desire
14 that the Industrial Bank of Washington and the
15 long lineage of that organization with three
16 generations of leaders in that particular
17 organization that they are able to, ironically
18 less than 50 yards away, keep their front of
19 their building spotless and yet we, because we
20 abut to a legally planted liquor store, cannot
21 keep ours.

22 I am -- I have great issue with

1 that. We provide just as much and great
2 return to the community as industrial and the
3 auto part store.

4 In summary, despite the owners'
5 best effort to help us clean up, his patrons
6 continue to disrespect our property and leave
7 their bottles, their cans. You have heard
8 specific testimony of people who could not
9 attest as to whether they saw someone defecate
10 whether they went in or out of Three Way, but
11 you also have heard testimony from people who
12 said they have. That credibility is powerful.

13 As I close I feel very much like
14 Rosa Parks. Wow. I am concerned about my own
15 issues. I am more concerned about my
16 parishioners and about our church and the
17 conundrum of this all is that because we did
18 not seek to create a paper trail to harm your
19 brand or to harm your business, we simply
20 wanted to be treated fairly.

21 And so it is so important for you
22 to know that we really believe, based on our

1 testimony, and our observance over a 12 year
2 period, specifically, during the six years
3 prior to the 2006 and then from 2006 to today,
4 we have shown due benevolence and concern, but
5 we believe this liquor store has had plenty of
6 opportunity, I'm going to second what Ms.
7 Willis said, to get the ship right.

8 It has not and I want you to know
9 that I have been as patient as possible, but
10 our testimonies are overwhelming. This is
11 just the tip of the iceberg. It is
12 overwhelming.

13 Had I known the legal proceedings,
14 then I would personally have hired a
15 videocamera to do that, but I did not think
16 that I would have to go to that extent. So I
17 want to say that I firmly believe this liquor
18 store contributes to an environment of
19 negativity, uncleanliness, a lack of holiness
20 and respect for our holy temple, a lack of
21 responsibility.

22 It shows a disrespect for the

1 rights and property of others. And yes, I am
2 deeply convicted that from Georgia that runs
3 from Silver Spring to 7th Street and Howard
4 University Hospital, there is no other temple,
5 house of worship with ethnicity or demographic
6 where they abut.

7 And it's not about the past. We
8 want to move forward. We want to continue to
9 feed the hungry. We want to continue to
10 provide esteem and self-esteem and discipline.

11 And, yes, Mr. Brooks, we take a
12 proactive approach. While we individually
13 minister to many, I want to say that many of,
14 I was touched by your question actually, the
15 ex-inebriated are now members of our church.
16 They could not make it today.

17 In fact, that's one of the reasons
18 why we have not left the city and have no
19 desire to, because we know it is the joy of
20 Christ to actually help those who want to be
21 helped. Not everybody will, but we have many
22 who serve on our deacon board, who Ms. Clark

1 can -- and in fact, is related to Ms. Clark
2 who used to be one of the ones that she saw as
3 the regulars.

4 I also want to say in my closing
5 I'm so proud of not only the members who have
6 taken the time off their work to be here, but
7 I'm so proud of just this whole process that
8 we can peacefully try to resolve it. But I
9 believe the time is over for putting a bandaid
10 on a gash.

11 And from my judgment, from my
12 experience, and from all that I know as a
13 servant leader, we ask that you take into
14 consideration every bit of evidence, direct
15 evidence not hearsay, not conjecture, not a
16 willingness to allow people to defecate and
17 then to not even acknowledge that it is an
18 issue.

19 I don't know how much I can
20 resolve, because I know that the youth cannot
21 be there 24/7 neither can I.

22 Now, as a servant leader that has

1 personally, and Elda Bond and others have
2 cleaned the parking lot, both there in front
3 of the church as well as the relationship we
4 have with the bank and all the way around, we
5 are not tired of cleaning. We just simply
6 know that it is not just.

7 It's not about litter. It's all
8 of it together. It is unjust. It is not
9 right. It is inequitable. And it is the
10 grandiose of conundrums. We ask that you give
11 our worshipers, whether it was just one
12 senior, we have several seniors, one just
13 joined who is 84, her birthday was on Monday,
14 just joined, that they have the peace and the
15 psychological comfort to go to their house of
16 worship just as any other parishioner on
17 Georgia Avenue or for that matter the eight
18 wards of the city without having to step over
19 refuse and for their children to say look,
20 mommy, there is a condom. Just for the
21 decency of our children. Not for any self-
22 serving desire we have.

1 We have no desire necessarily. We
2 want to make the community better. We do not
3 want to harm Mr. Yu or Mrs. Yu. We have
4 developed a friendship over the years, but
5 enough is enough. My board and my members,
6 they have come to me and enough is enough.
7 Enough is enough and it must stop.

8 And I ask based on the testimony,
9 not on my emotion, but on the testimony and
10 the commitment of many, many members who have
11 been here 29, 30, 35 years. This is a
12 committed part of this community and we always
13 desire to do that.

14 Help us help our people. Help us
15 help our people and our young children and our
16 seniors, who should not have to even feel one
17 ounce -- Madam Miller, I don't know how to add
18 a metric or quantitative analysis to fear or
19 did you feel nervous? I don't know if there
20 is a metric that actually can do that.

21 But I do know that they look in my
22 eyes and say, Pastor, would you do something?

1 I can't give you an algorithm to figure it
2 out. All I know is that they are hurting.
3 And they don't want to change their
4 membership. And I don't want them to and it's
5 not right.

6 And I'm asking based on the human
7 evidence and what is right and what is
8 equitable in the city and what we stand for.
9 And as a native of the city, and I grew up and
10 went to public schools, D.C. Public Schools,
11 went to a university within the ward, have
12 stayed in the city all my life, I'm asking
13 based on the evidence and the technical
14 expertise of my team that I am so proud of.

15 This liquor store license must be
16 revoked. It must. There is no opportunity to
17 move forward and to raise our children. And
18 so no, there is not a condom with semen in it,
19 but we can pass out -- we can pass -- grow
20 flowers. We haven't been able to grow
21 flowers. We grow flowers and people urinate
22 on our areas.

1 What motivation? There is nothing
2 in man's most hierarchy of motivation that
3 will allow me to overcome their fear. And I
4 can't put a metric to it. But I don't want to
5 lose the motivation of my grandparents and my
6 grandmas who come and who love our church.
7 They love our church. Many of them moved
8 because they are in the military or employment
9 settings asked them to move.

10 But we have long-time members
11 because they love what we do. It doesn't
12 matter what is going on behind me, all I can
13 do is move forward and I ask for you to just
14 be fair. I ask as President Obama asked last
15 night, just give it a vote. It may seem
16 insurmountable, but give it a vote. Give it
17 an opportunity.

18 Think about if you were a member
19 of our church.

20 CHAIRPERSON MILLER: Thank you.
21 Thank you.

22 REVEREND WAY: I am done. Thank

1 you.

2 CHAIRPERSON MILLER: Thank you
3 very much. We will do that. Okay. At this
4 point then, I'm going to close the record. I
5 don't believe there is any other evidence
6 anyone is putting in the record, documents.
7 You have all had a chance.

8 Okay. And I'm going to ask if the
9 parties want to file proposed findings of fact
10 and conclusions of law?

11 REVEREND WAY: Could you --

12 MS. SHELER: We can't hear you.

13 CHAIRPERSON MILLER: Okay. I'm
14 going to ask if you want to file written
15 proposed findings of fact and conclusions of
16 law? Most parties don't, but you have that
17 opportunity, if you wanted to.

18 What it means is after the
19 transcript comes out, you would get to go
20 through all the transcript and the evidence
21 that was put in the record and you would file
22 like a written brief saying these are what the

1 Board should find as findings of fact, based
2 on what evidence is in the record, and these
3 are the conclusions of law that the Board
4 should draw, based on that evidence.

5 Most parties decline, but some
6 don't. You have that right, but you don't
7 have to.

8 REVEREND WAY: How much time would
9 I have, Madam Miller, to do that?

10 CHAIRPERSON MILLER: I think it is
11 30 days.

12 REVEREND WAY: 30 days?

13 CHAIRPERSON MILLER: 30 days from
14 when the transcript becomes available.

15 REVEREND WAY: Yes, I would like
16 to accept that and my attorney team will
17 assist me in that --

18 CHAIRPERSON MILLER: Okay.

19 REVEREND WAY: -- part of this
20 piece.

21 CHAIRPERSON MILLER: Okay. All
22 right.

1 REVEREND WAY: That has been very
2 helpful.

3 CHAIRPERSON MILLER: Okay. All
4 right. So you will get contacted when the
5 transcript is available. And if you have any
6 questions, you can contact Ms. Jenkins, our
7 general counsel. Okay.

8 Mr. Dietz, I guess you will want
9 to leave that opportunity open?

10 MR. DIETZ: I would simply want an
11 opportunity to respond to the brief.

12 CHAIRPERSON MILLER: No, it
13 doesn't work that way.

14 MR. DIETZ: Okay.

15 CHAIRPERSON MILLER: It's
16 simultaneous.

17 MR. DIETZ: Just for the record,
18 no, I rely on the Board and the staff.

19 CHAIRPERSON MILLER: Okay. If you
20 change your mind about filing, just let us
21 know, because we will reach our decision
22 earlier if we know your filing is not coming

1 in, otherwise, we are going to wait to
2 deliberate until we get the proposed findings.

3 REVEREND WAY: All right. So
4 you're saying, if I'm understanding you
5 correctly, that you are going to give us an
6 opportunity to -- 30 days.

7 CHAIRPERSON MILLER: 30 days from
8 when the transcript becomes available, which
9 is not yet. Say that's going to be in a
10 couple of weeks.

11 REVEREND WAY: What's the
12 projection of that?

13 CHAIRPERSON MILLER: About a
14 couple of weeks or so it becomes --

15 MEMBER ALBERTI: Two weeks
16 usually.

17 CHAIRPERSON MILLER: Yes, two
18 weeks. It should be available in two weeks.

19 REVEREND WAY: In two weeks time.

20 CHAIRPERSON MILLER: Then you will
21 have 30 days from that point to file this
22 written brief.

1 REVEREND WAY: Which is -- which
2 are our recommendations based on the factual
3 findings?

4 CHAIRPERSON MILLER: Yes.

5 REVEREND WAY: Within the
6 testimony?

7 CHAIRPERSON MILLER: Right.

8 REVEREND WAY: Within the
9 testimony.

10 CHAIRPERSON MILLER: What
11 conclusions of law the Board should draw from.
12 Your --

13 REVEREND WAY: Conclusions of law.

14 CHAIRPERSON MILLER: --
15 identification of facts on the evidence.

16 REVEREND WAY: Yes.

17 CHAIRPERSON MILLER: Yes.

18 REVEREND WAY: My attorney will
19 help me with that.

20 CHAIRPERSON MILLER: Okay. All
21 right. Good.

22 MEMBER ALBERTI: And you should

1 know that you need to provide a copy to Mr.
2 Dietz as well as to the Board.

3 REVEREND WAY: Absolutely.

4 Absolutely, Mr. Alberti.

5 MEMBER ALBERTI: Okay.

6 REVEREND WAY: Thank you for --

7 MEMBER ALBERTI: You're welcome.

8 I just wanted to make sure you understood
9 that.

10 CHAIRPERSON MILLER: And I
11 understand you want to do that and that's
12 fine. I just want to say if you don't, if you
13 change your mind, just let us know, because we
14 will be waiting for that before we deliberate
15 on this case.

16 REVEREND WAY: As of this moment,
17 the answer is yes.

18 CHAIRPERSON MILLER: Yes, that's
19 fine. That's fine. Okay. Thank you. Thank
20 you all very much then.

21 Oh, and I will issue an order
22 within 90 days after that, after we get the

1 proposed findings.

2 REVEREND WAY: In the meantime,
3 the -- what is the term, Madam Miller, the
4 license will not be granted until we go
5 through the 15 days, approximately, the 30
6 days of the --

7 CHAIRPERSON MILLER: Oh, they are
8 going to continue on their old license right
9 now.

10 REVEREND WAY: Right. So nothing
11 can be done?

12 CHAIRPERSON MILLER: And we will
13 not make a decision on a renewal until after--

14 REVEREND WAY: 90 days after.

15 CHAIRPERSON MILLER: -- 90 days
16 from -- a written decision, 90 days from after
17 we get the proposed findings and conclusions
18 of law. Okay?

19 And if you have any other
20 questions, really feel free to call our
21 attorney. All right. Thank you all very
22 much. Are you going to make the train, Mr.

1 Dietz?

2 MR. DIETZ: I have to call the
3 nurse.

4 CHAIRPERSON MILLER: Okay.

5 MR. DIETZ: And get her into the
6 house right away.

7 REVEREND WAY: Thank you.

8 CHAIRPERSON MILLER: Best of luck
9 to you.

10 MEMBER ALBERTI: Thank you all
11 very much. Thank you for your kindness every
12 one of you.

13 CHAIRPERSON MILLER: Yes. Best of
14 luck to you, too.

15 MEMBER ALBERTI: Do you need to
16 close the meeting?

17 CHAIRPERSON MILLER: I will. I
18 will, though we don't know when we're
19 deliberating it. I suppose 90 days from 30
20 days, I guess. Whatever.

21 REVEREND WAY: Ma'am, a little
22 beside here, because I think we have --

1 CHAIRPERSON MILLER: Oh, leave
2 that there. We will get it later. Thank you
3 very much.

4 REVEREND WAY: You have all my
5 contact information, Ms. Miller, nothing has
6 changed.

7 CHAIRPERSON MILLER: Okay.

8 REVEREND WAY: We will get a call
9 from Ms. Fashbaugh?

10 CHAIRPERSON MILLER: I'm not sure,
11 but if you don't hear something in a few
12 weeks, contact either Ms. Fashbaugh.

13 REVEREND WAY: Will it be
14 certified mail or will it be a PDF coming --

15 CHAIRPERSON MILLER: My
16 understanding is it will probably be on the
17 website.

18 MEMBER ALBERTI: An email.

19 REVEREND WAY: So --

20 CHAIRPERSON MILLER: It's on the
21 Internet.

22 MEMBER ALBERTI: But do we have an

1 email address for you?

2 REVEREND WAY: Yes, you have all
3 that, yes.

4 MEMBER ALBERTI: Yes.

5 REVEREND WAY: I just wanted to
6 know whether it would be a PDF.

7 MEMBER JONES: Just to make sure
8 we don't misspeak, it's always best if you
9 would address those --

10 REVEREND WAY: Sorry.

11 MEMBER JONES: -- types of
12 questions to legal, that way you get a
13 consistent answer.

14 REVEREND WAY: Okay.

15 MEMBER JONES: And she is going to
16 be the one facilitating it, so she is probably
17 going to be the best information.

18 REVEREND WAY: Okay. Thank you.

19 MEMBER JONES: Yes, no problem.

20 CHAIRPERSON MILLER: As
21 Chairperson of the -- oh, do you still have me
22 on the record?

1 COURT REPORTER: You're off,
2 right?

3 CHAIRPERSON MILLER: No, I need to
4 do the closing on the record.

5 COURT REPORTER: Yes, we are on.

6 CHAIRPERSON MILLER: Okay. All
7 right.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with Section 405 of
11 the Open Meetings Amendment Act of 2010, I
12 move that the ABC Board hold a closed meeting
13 for the purpose of seeking legal advice from
14 our counsel on Case No. 12-PRO-00058, Three
15 Way Liquors, per Section 405(b)(4) of the Open
16 Meetings Amendment Act of 2010, and
17 deliberating upon this case for the reasons
18 cited in Section 405(b)(13) of the Open
19 Meetings Amendment Act of 2010.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. I'll now take a roll
2 call vote.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Ms. Miller
6 agrees.

7 And Mr. Jones?

8 MEMBER JONES: I agree.

9 CHAIRPERSON MILLER: Okay. The
10 vote is 3-0-0.

11 I hereby give notice that the ABC
12 Board will hold a closed meeting in the ABC
13 Board conference room soon after receiving the
14 proposed findings of fact and conclusions of
15 law pursuant to the Open Meetings Amendment
16 Act of 2010 and issue an order within 90 days
17 from that point, from receiving the proposed
18 findings of fact and conclusions of law.

19 Okay. That concludes this case.

20 (Whereupon, the Protest Hearing in
21 the above-entitled matter was concluded at
22 4:09 p.m.)

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