

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

2 (4:38 p.m.)

3 CHAIRPERSON MILLER: Okay. Good
4 afternoon. The next and last case on our
5 calendar is Case No. 12-CMP-00407, The
6 Islander Caribbean Restaurant & Lounge located
7 at 1201 U Street, N.W., License No. 24599 in
8 ANC-1B.

9 Would the parties in this case,
10 please, come forward and have a seat at the
11 table? And there is also a piece of paper
12 there in which you can sign-in.

13 Okay. So have a seat and if you
14 would introduce yourself. You can sit down.
15 And I want the parties to introduce themselves
16 for the record, starting with the Government.

17 MS. SCHMIDT: Good afternoon, Amy
18 Schmidt, Assistant Attorney General, on behalf
19 of the District of Columbia.

20 CHAIRPERSON MILLER: Okay. Hi.

21 MS. GREEN: Abby Green
22 representing The Islander Caribbean Restaurant

1 & Lounge, 1201 U Street, N.W.

2 CHAIRPERSON MILLER: All right.

3 And are you the owner of the restaurant?

4 MS. GREEN: (No audible answer.)

5 CHAIRPERSON MILLER: Okay. So you
6 are here for a Show Cause Hearing.

7 Are there any preliminary matters
8 in this case?

9 MS. SCHMIDT: None.

10 CHAIRPERSON MILLER: Okay. Then,
11 Ms. Green, are you familiar with the process
12 here for this kind of hearing?

13 MS. GREEN: I don't want to say
14 yes, but I think I have an idea.

15 CHAIRPERSON MILLER: All right.
16 Well, I'll just give you a little overview, so
17 you know what is coming.

18 The Government has the burden of
19 proof. They go first. You can have an
20 opening statement to start, it's optional, so
21 if so if Ms. Schmidt wants to do that, she
22 will go first. If you want to, you can. What

1 it does is it's not evidence. It just tells
2 the Board the theory of their case.

3 And so you can do it right after
4 she does it or you can wait until it's your
5 turn to do your case or not do it at all.
6 Okay. Because it's not evidence. It's just
7 a little bit of argument.

8 Then the Government will call
9 their witnesses first and they will testify
10 and shall elicit testimony from them. You
11 will then have a chance to cross-examine them
12 based on what they testified to and the Board
13 will as well.

14 And also each party has a chance
15 to put in any documents into evidence that
16 they want the Board to consider. So when she
17 is finished, then you will do your case and
18 then when all the evidence has been presented,
19 then you each have an opportunity for closing
20 arguments.

21 And if you have any questions
22 along the way, you know, feel free to ask me.

1 Okay. All right. Ms. Schmidt, do you want to
2 start with an opening statement?

3 MS. SCHMIDT: Just very briefly.
4 Today the Government will show that on July
5 19, 2012, that the licensee's establishment
6 had made enough noise that it violated DC
7 Official Code 25-725(a). Investigator Shakoor
8 will testify that he was able to hear music
9 emanating from the establishment at an
10 apartment behind the establishment.

11 CHAIRPERSON MILLER: Okay. Thank
12 you. Ms. Green, do you want to do an opening
13 statement, at this time?

14 MS. GREEN: No, not right now.

15 CHAIRPERSON MILLER: Okay. Fine.
16 Then would you like to call your first
17 witness?

18 MS. SCHMIDT: Yes. Investigator
19 Jabriel Shakoor.

20 CHAIRPERSON MILLER: Good
21 afternoon.

22 Whereupon,

1 INVESTIGATOR JABRIEL SHAKOOR
2 was called as a witness by Counsel for the
3 Government, and having been first duly sworn,
4 assumed the witness stand and was examined and
5 testified as follows:

6 CHAIRPERSON MILLER: Okay.

7 MS. SCHMIDT: Good afternoon,
8 Investigator. Could you, please, state your
9 name for the record?

10 INVESTIGATOR SHAKOOR: Jabriel
11 Shakoor.

12 MS. SCHMIDT: And by whom are you
13 employed?

14 INVESTIGATOR SHAKOOR: The
15 Alcoholic Beverage Regulation Administration.

16 MS. SCHMIDT: And in what capacity
17 are you employed by them?

18 INVESTIGATOR SHAKOOR: I'm an
19 investigator.

20 MS. SCHMIDT: And how long have
21 you been with ABRA?

22 INVESTIGATOR SHAKOOR: About four

1 and a half years.

2 MS. SCHMIDT: Drawing your
3 attention, were you -- on July 19, 2012, do
4 you remember being on duty that night?

5 INVESTIGATOR SHAKOOR: I was.

6 MS. SCHMIDT: And were you in the
7 vicinity of 1201 U Street, N.W., at
8 approximately 9:30 p.m.?

9 INVESTIGATOR SHAKOOR: I was.

10 MS. SCHMIDT: And what's at that
11 location?

12 INVESTIGATOR SHAKOOR: I received
13 a hot phone call from a complainant regarding
14 a noise complaint for The Islander Caribbean.

15 MS. SCHMIDT: And where was this?
16 So what did you do when you received this
17 complaint?

18 INVESTIGATOR SHAKOOR: I spoke
19 with the complainant, Todd Eismeier. He
20 stated that the establishment had a live DJ on
21 their sidewalk cafe and music could be heard
22 inside of his residence.

1 MS. SCHMIDT: And did you go over
2 there to his residence?

3 INVESTIGATOR SHAKOOR: I did.

4 MS. SCHMIDT: And where was his
5 residence located?

6 INVESTIGATOR SHAKOOR: His
7 residence is located right behind the
8 establishment.

9 MS. SCHMIDT: What was the
10 address? Do you remember?

11 INVESTIGATOR SHAKOOR: It's 2020
12 12th Street, N.W.

13 MS. SCHMIDT: And was he on the
14 ground floor or which floor was he on?

15 INVESTIGATOR SHAKOOR: He is on
16 the fifth floor.

17 MS. SCHMIDT: So what did you do
18 when you -- so what happened when you went
19 over there?

20 INVESTIGATOR SHAKOOR: When I went
21 to his residence, we walked into his bedroom
22 and we could hear very clearly hip-hop music

1 coming from the sidewalk cafe. You could
2 actually hear the lyrics very clearly, which
3 was Kanye West actually.

4 MS. SCHMIDT: And did you -- and
5 do you happen to know what kind of zoning his
6 apartment was in?

7 INVESTIGATOR SHAKOOR: They are
8 Zoned CR.

9 MS. SCHMIDT: And what does that
10 mean?

11 INVESTIGATOR SHAKOOR: That means
12 it would be a violation of the Regulation 2 --

13 MS. SCHMIDT: What does CR mean
14 exactly?

15 INVESTIGATOR SHAKOOR: It's kind
16 of commercial/residential. It's like a mixed-
17 zone.

18 MS. SCHMIDT: Okay. And so when
19 you were there, how long were you there for
20 about?

21 INVESTIGATOR SHAKOOR: About 10,
22 15 minutes.

1 MS. SCHMIDT: And did you hear the
2 noise the entire time you were there?

3 INVESTIGATOR SHAKOOR: Yes, I did.

4 MS. SCHMIDT: So what did you do
5 next?

6 INVESTIGATOR SHAKOOR: After that,
7 I advised the complainant that the noise heard
8 was a violation and I proceeded down to where
9 -- to The Islander to advise the establishment
10 of the violation.

11 MS. SCHMIDT: What did you see
12 when you went to The Islander?

13 INVESTIGATOR SHAKOOR: When I went
14 downstairs, I did observe the live DJ on the
15 sidewalk cafe.

16 MS. SCHMIDT: And was it -- and
17 were they -- and was there music being played
18 at that time?

19 INVESTIGATOR SHAKOOR: Yes, it
20 was.

21 MS. SCHMIDT: And what did you do
22 when you spoke to -- and what did the -- and

1 who was the DJ? Do you --

2 INVESTIGATOR SHAKOOR: It was a
3 radio station. I didn't get the radio station
4 name.

5 MS. SCHMIDT: But who did you
6 speak to when you were there?

7 INVESTIGATOR SHAKOOR: One of the
8 managers, Mr. Curtis Green.

9 MS. SCHMIDT: And what did he tell
10 -- what did he say about what was going on
11 there?

12 INVESTIGATOR SHAKOOR: He stated
13 that a radio station was broadcasting live and
14 they were having their performance on the
15 sidewalk cafe. In his opinion, he didn't feel
16 that the music was loud.

17 MS. SCHMIDT: Okay. No further
18 questions, at this time.

19 CHAIRPERSON MILLER: Okay. Ms.
20 Green, do you have any questions for Mr.
21 Shakoor?

22 MS. GREEN: No.

1 CHAIRPERSON MILLER: Okay. Do
2 Board Members have any questions? No. Thank
3 you.

4 MS. SCHMIDT: The Government rests
5 at this time.

6 CHAIRPERSON MILLER: Okay. You
7 can be excused. Thank you very much.

8 (Whereupon, witness was excused.)

9 CHAIRPERSON MILLER: Okay. So
10 now, it's time for you to make your case in
11 any way you like. You don't have any
12 witnesses, do you?

13 MS. GREEN: No. Do I need to
14 stand up?

15 CHAIRPERSON MILLER: Well, no.
16 You don't have to stand up yet. But do you
17 wish to testify yourself about this case?

18 MS. GREEN: Yes.

19 CHAIRPERSON MILLER: Okay. So if
20 you don't mind coming over here and we will
21 swear you in.

22 Whereupon,

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ABBY GREEN

was called as a witness for the licensee, and having been first duly sworn, assumed the witness stand and was examined and testified as follows:

CHAIRPERSON MILLER: Okay. You can have a seat. There is a microphone in there. Have a seat there actually, if that's okay. Yes.

Since you don't have counsel or anything to ask you questions, you can make whatever statement that you would like relevant to this case.

MS. GREEN: Okay. When I received the notice that this had occurred, I wasn't present the date that it had occurred.

CHAIRPERSON MILLER: Wait. Can you speak a little louder?

MS. GREEN: Yes. I said I wasn't present the date it occurred, but when I got the notice, I said to Mr. Curtis Green, who happens to be my manager, my son and my agent

1 for The Islander, that we have an
2 entertainment endorsement that I pay \$1,275
3 every year for us to have entertainment on the
4 patio. And that I did not believe that at
5 9:30 at night that I was in violation of them
6 having anything -- if it was after 11:00, I
7 could have seen it.

8 CHAIRPERSON MILLER: Wait. I'm
9 sorry. Could you say that again?

10 MS. GREEN: I did not believe that
11 we were in violation of noise regulations,
12 because it was 9:30 and the program was
13 supposed to be done by 10:00.

14 It was a live broadcast for -- to
15 encourage people to register to vote. It was
16 a voter registration drive that we were having
17 for the upcoming election. And we had an
18 Internet radio station that came in to
19 interview people as to their preference or
20 choice or comments they would make pertaining
21 to the upcoming election, general election.

22 And we just thought we were doing

1 a good service to the community and not to
2 offend or violate any laws. And I didn't
3 think 9:30 at night would be a violation as
4 far as the codes go.

5 So I opted to appeal the fine the
6 gentleman left of \$250. I came down here,
7 brought the fine -- appeal forms, signed and
8 brought it in. And then you guys called for
9 a hearing.

10 And when I came down, there was a
11 lady here who said to me since I didn't pay
12 the fine, that she was representing someone
13 else who had the complainant's concern or
14 whatever. And I didn't quite get her name,
15 but they got together and decided they should
16 charge me \$850. And I said why?

17 She says because we have to hire
18 an attorney. And I said well, I didn't hire
19 an attorney. And why would I want to pay
20 \$850? I didn't want to pay the \$250, because
21 I didn't think we did anything wrong.

22 And she says well, then do you

1 want to go to a hearing and I said I would and
2 that's why I'm here today to express my
3 thoughts on it. But I did not think that we
4 were in violation and that we were trying to
5 do a good community service by having a
6 registration drive for the upcoming election.

7 And it was early at night and not
8 11:00 that I thought would have been a
9 violation time.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. Now, you need to stay there for some
12 questions. So the Government has the
13 opportunity to ask you questions first.

14 MS. SCHMIDT: Okay. Ms. Green,
15 were you present there that night?

16 MS. GREEN: No.

17 MS. SCHMIDT: So you don't know
18 how loud the music was playing that night?

19 MS. GREEN: No.

20 MS. SCHMIDT: No further
21 questions.

22 CHAIRPERSON MILLER: Okay. Board

1 questions? Yes, Mr. Alberti?

2 MEMBER ALBERTI: Ms. Green, I'm
3 trying to be helpful here for the future, but
4 are you aware that your license does not allow
5 you to have entertainment on the sidewalk
6 cafe?

7 MS. GREEN: No, I'm not aware. I
8 thought that's what I was paying for.

9 MEMBER ALBERTI: You have an
10 entertainment endorsement, but that only
11 applies to the interior. You need -- if you
12 want to have entertainment on the sidewalk
13 cafe, you need an additional endorsement for
14 that area to have entertainment.

15 And so I just want to make you
16 aware of that.

17 MS. GREEN: Okay.

18 MEMBER ALBERTI: So for the
19 future. I mean, you know, separate from this
20 case, but I'm putting that out there, so you
21 are --

22 MS. GREEN: I appreciate that.

1 MEMBER ALBERTI: -- aware. If you
2 have any questions about that, please, call
3 our general counsel, but that's what I see in
4 our records. And I just wanted to make sure
5 you were aware of that.

6 MS. GREEN: All right.

7 MEMBER ALBERTI: Okay. Thank you.

8 CHAIRPERSON MILLER: Other
9 questions? Have you seen a copy of the
10 investigative report?

11 MS. GREEN: Yes, I have.

12 MS. SCHMIDT: Okay. So is Mr.
13 Green your husband?

14 MS. GREEN: He is my son.

15 CHAIRPERSON MILLER: Your son.
16 Okay. So he was there?

17 MS. GREEN: Yes.

18 CHAIRPERSON MILLER: And did he
19 tell you what happened?

20 MS. GREEN: Yes, he did.

21 CHAIRPERSON MILLER: Okay. So did
22 he turn down the sound after --

1 MS. GREEN: It quit, because --

2 CHAIRPERSON MILLER: You quit?

3 MS. GREEN: -- it was packing up
4 time and it started to rain, that's what he
5 said. So they quit at that time when all that
6 occurred.

7 CHAIRPERSON MILLER: Okay. And
8 this also talks about music. Was there music
9 and interviewing?

10 MS. GREEN: Yes.

11 CHAIRPERSON MILLER: Okay. And
12 had anybody else complained to you about the
13 music before Mr. Shakoor?

14 MS. GREEN: No.

15 CHAIRPERSON MILLER: What time had
16 you started?

17 MS. GREEN: 5:30. It was supposed
18 to be during happy hour.

19 CHAIRPERSON MILLER: Oh.

20 MS. GREEN: Then we can embrace
21 the happy hour crowd that comes in and have
22 them register to vote and try to encourage

1 people to get involved and that sort of thing
2 and at about 9:30 we would shut it down and by
3 10:00 they are gone.

4 CHAIRPERSON MILLER: Okay. So you
5 weren't there, but did -- how do you know no
6 one called to complain earlier?

7 MS. GREEN: Because I asked.

8 CHAIRPERSON MILLER: You asked
9 your son?

10 MS. GREEN: Yes. Did anybody else
11 call and complain and he says no, the
12 Investigator came over and spoke with him and
13 he told me the conversation that they had. It
14 was similar to what the gentleman said here a
15 while ago, that he came in and he told him
16 that the neighbors complained and that he
17 wrote him up a citation.

18 CHAIRPERSON MILLER: Okay.

19 MS. GREEN: And asked him to turn
20 the music down.

21 CHAIRPERSON MILLER: And had you
22 ever done an event like this before?

1 MS. GREEN: Yes.

2 CHAIRPERSON MILLER: And no one
3 ever told you that you weren't allowed to do
4 that?

5 MS. GREEN: No. I thought that
6 this is what it says on my placard thing that
7 has the hours for entertainment. And I
8 specifically read it and thought this is what
9 it said to me. Had I known that I was in
10 violation, I would not -- I have had this
11 restaurant for over 40 years and it's only
12 until recently that we have got new neighbors
13 in the neighborhood that we do have anybody
14 not liking what we do.

15 So I'm hoping that I'll go back
16 and read this and look at it and if I need to
17 make any adjustments, I will do what the law
18 requires. But it was not my intention to
19 disturb or annoy. But if anybody in this room
20 knows where The Islander is, it's an open
21 corner and the building to which the
22 complainant is supposedly to be living hangs

1 right over the restaurant.

2 And as we all know, sound travels
3 up. So if you sneeze, they are going to hear
4 it. So we are not going to try to have music
5 there 11:00, 12:00 at night. But we were
6 trying to do a good community service like we
7 have always done. And this was the end
8 result.

9 CHAIRPERSON MILLER: Okay. And I
10 would say, you know, if you are not sure, you
11 know, when you are looking at the laws and you
12 are really not sure what you are allowed to do
13 or not do, you should definitely call our
14 office. You can talk to Ms. Jenkins, unless
15 they refer you to someone else because it's
16 not always that easy to figure out, you know,
17 the statute and the regulations and our office
18 is really very happy to help.

19 MS. GREEN: Thank you.

20 CHAIRPERSON MILLER: Okay. Any
21 other questions?

22 MEMBER BROOKS: I have a question.

1 CHAIRPERSON MILLER: Yes, Mr.

2 Brooks.

3 MEMBER BROOKS: Yes. Ms. Green,
4 the condo building, is it across the street
5 from you?

6 MS. GREEN: It's in the back of
7 the building.

8 MEMBER BROOKS: It's in the back
9 of the building?

10 MS. GREEN: The driveway that
11 enters to the 2020 loft separates the property
12 of the restaurant from the building.

13 MEMBER BROOKS: So it's an alley?
14 Is that a little alley?

15 MS. GREEN: It used to be an
16 alley, but --

17 MEMBER BROOKS: Yes, right.

18 MS. GREEN: -- they use the alley
19 to build a driveway.

20 MEMBER BROOKS: Yes. Now, across
21 the street, are those the same apartments,
22 same condos or different?

1 MS. GREEN: No, those are the
2 Lincoln condos across the street where I stay.

3 MEMBER BROOKS: I'm thinking on
4 12th Street.

5 MS. GREEN: Yes, on the right hand
6 side behind the 7-Eleven?

7 MEMBER BROOKS: Yes.

8 MS. GREEN: Yes, those are the
9 Lincoln Condos.

10 MEMBER BROOKS: So those are not
11 the same?

12 MS. GREEN: No.

13 MEMBER BROOKS: Okay.

14 MS. GREEN: These are on the
15 opposite side of the street.

16 MEMBER BROOKS: Right. Yes, I
17 know where you are. Okay. All right. Thank
18 you, Madam Chair.

19 MS. GREEN: You're welcome.

20 CHAIRPERSON MILLER: Other
21 questions? I have just a couple more
22 actually. How long have you been there? Did

1 you say 40 years?

2 MS. GREEN: On the corner, 18
3 years.

4 CHAIRPERSON MILLER: 18 years.
5 Okay. And do you have a settlement agreement
6 or a voluntary agreement with anybody?

7 MS. GREEN: I did a few years ago
8 with a young man by the name of Aaron Spencer
9 and he was with the ABC -- a representative
10 for the ANC, I believe, back then, but I don't
11 have one now, I don't think.

12 CHAIRPERSON MILLER: Okay. Have
13 you had any noise issues in the past?

14 MS. GREEN: Yes, we have. We had
15 a broken or malfunctioning exhaust system that
16 we had problems over the last four or five
17 years from time to time, difficult when the
18 weather is bad and it happens to get some
19 water on the roof, that too have been a
20 concern to one of our neighbors.

21 Her name was Barbara Coleman, I
22 believe. And she called everybody she could

1 to get that done and we had to present all the
2 receipts to the ABC Board to prove to them
3 that we were trying to get it done. And how
4 many times we had people over and all that
5 other stuff.

6 But eventually, we got it done and
7 then we had problems with that back, I think,
8 in 2011, '10 or '11. We got that fixed. But
9 right now, no noise coming from it.

10 CHAIRPERSON MILLER: Okay. All
11 right. I don't have any other questions.
12 Anybody else? Any questions, Ms. Schmidt,
13 based on the Board's questions?

14 MS. SCHMIDT: Yes, just one quick
15 question. No. No further questions.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 MS. SCHMIDT: You're welcome.

19 CHAIRPERSON MILLER: You can go
20 back to that table.

21 Ms. Green, do you have any
22 documents or anything you want to put in

1 evidence?

2 MS. GREEN: No.

3 CHAIRPERSON MILLER: Okay. So do
4 you rest your case?

5 MS. GREEN: Yes.

6 CHAIRPERSON MILLER: Okay. All
7 right. And --

8 MS. SCHMIDT: Just a very brief
9 argument.

10 CHAIRPERSON MILLER: Okay. So
11 now, we are doing closings. Okay.

12 MS. SCHMIDT: While it is
13 admirable that -- if this was a voter
14 registration event, it is very admirable.
15 However, it still must be done within the
16 confines of the law.

17 And the law was clearly breached
18 here because DC Code ^U 25-725 states that "The
19 licensee under an on-premise retailer's
20 license shall not produce any sound, noise or
21 music of such intensity that it may be heard
22 in any premises other than the licensed

1 establishment by the use of any mechanical
2 device, machine, apparatus, instrument for
3 amplification of the human voice or any sound
4 or noise."

5 And even though there is an
6 exception section which lists certain zoning
7 areas, this -- the apartment building was a
8 CR, which is residential, therefore, it is not
9 -- therefore, the licensee did violate the law
10 on July 19, 2012.

11 CHAIRPERSON MILLER: Okay. Thank
12 you. Ms. Green, do you have any closing you
13 want to make?

14 MS. GREEN: None I can think of.
15 Just what I think is the truth of what took
16 place and what my position is. I'm willing to
17 do whatever is necessary to not repeat the
18 type of thing that may cause a disturbance to
19 anyone.

20 But unless we have an enclosure to
21 the patio, there is absolutely no way that we
22 could even be talking just like on this level

1 and not be heard.

2 CHAIRPERSON MILLER: Okay. So
3 thank you. I'm going to close the record,
4 which means this is all the evidence that the
5 Board is going to consider on this case.

6 I'm going to ask a standard
7 question and I can explain it to you further,
8 if you need me to. And that is do the parties
9 want to file proposed findings of fact and
10 conclusions of law or waive their right to do
11 so?

12 MS. SCHMIDT: The Government
13 waives its right.

14 CHAIRPERSON MILLER: Do you
15 understand what I'm asking?

16 MS. GREEN: No.

17 CHAIRPERSON MILLER: Okay. So in
18 these cases, parties have a right to read the
19 transcript and then submit in writing almost
20 like a brief identifying for the Board what it
21 thinks the findings should be that the Board
22 makes and then the legal conclusions that the

1 Board draws from those findings.

2 It is rarely invoked. It's like
3 being a lawyer and writing a brief for us.
4 Otherwise, we have heard the case and we are
5 going to consider, you know, the facts that
6 you all have presented now. The record is
7 closed and we will be issuing an order within
8 90 days.

9 So the Government is not going to
10 be filing anything for that. But if you want
11 to, you have that right.

12 MS. GREEN: I don't want to
13 exercise the right. I believe everybody has
14 said exactly what took place and it will be up
15 to the Board.

16 CHAIRPERSON MILLER: Right. Okay.
17 That's fine.

18 MS. GREEN: Yes.

19 CHAIRPERSON MILLER: Okay. So
20 then we are finished with this case. We will
21 issue an order within 90 days.

22 I am just going to read our

1 instructions for having a closed meeting in
2 which we consider the case in the executive
3 room.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405 of
7 the Open Meetings Amendment Act of 2010, I
8 move that the ABC Board hold a closed meeting
9 for the purpose of seeking legal advice from
10 our counsel on Case No. 12-CMP-00407, The
11 Islander Caribbean Restaurant & Lounge, per
12 Section 405(b)(4) of the Open Meetings
13 Amendment Act of 2010, and deliberating upon
14 this case for the reasons cited in Section
15 405(b)(13) of the Open Meetings Amendment Act
16 of 2010.

17 Is there a second?

18 MEMBER BROOKS: Second.

19 CHAIRPERSON MILLER: Mr. Brooks
20 has seconded the motion. I'll now take a roll
21 call vote on the motion now that it has been
22 seconded.

1 Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Jones?

10 MEMBER JONES: I agree.

11 CHAIRPERSON MILLER: It appears
12 that the motion has passed by a vote of 5-0-0.
13 I hereby give notice that the ABC Board will
14 hold a closed meeting in the ABC Board
15 conference room today pursuant to the Op
16 Meetings Amendment Act of 2010.

17 Okay. Thank you. So you will be
18 receiving a written order within 90 days.

19 MS. GREEN: Thank you, Madam.

20 CHAIRPERSON MILLER: Okay.

21 MS. GREEN: Thank you everybody.

22 CHAIRPERSON MILLER: Thank you.

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MEMBER ALBERTI: Thank you.

CHAIRPERSON MILLER: Okay. I believe that is our last hearing of the day and the Board will return in a little while to do the meeting agenda.

(Whereupon, the Show Cause Hearing in the above-entitled matter was concluded at 5:02 p.m.)

| | | | | |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------|
| A | | | | |
| Aaron 25:8 | 20:10 21:13,19 25:6 26:12 | breached 27:17 | 19:11,15,19 20:4 | conclusions 29:10 29:22 |
| Abby 2:21 13:1 | apartment 5:10 9:6 28:7 | brief 27:8 29:20 30:3 | 20:8,18,21 21:2 | condo 23:4 |
| ABC 25:9 26:2 31:8 32:13,14 | apartments 23:21 | briefly 5:3 | 22:9,20 23:1 | condos 23:22 24:2 24:9 |
| able 5:8 | apparatus 28:2 | broadcast 14:14 | 24:20 25:4,12 | conference 32:15 |
| above-entitled 33:7 | appeal 15:5,7 | broadcasting 11:13 | 26:10,16,19 27:3 | confines 27:16 |
| ABRA 1:25 6:21 | appears 32:11 | broken 25:15 | 27:6,10 28:11 | consider 4:16 29:5 30:5 31:2 |
| absolutely 28:21 | applies 17:11 | Brooks 1:21 22:22 23:2,3,8,13,17,20 24:3,7,10,13,16 31:18,19 32:1,2 | 29:2,14,17 30:16 30:19 31:4,19 32:3,5,9,11,20,22 33:2 | Control 1:2,14,15 31:5 |
| Act 31:7,13,15 32:16 | appreciate 17:22 | brought 15:7,8 | chance 4:11,14 | conversation 20:13 |
| additional 17:13 | approximately 7:8 | build 23:19 | charge 15:16 | copy 18:9 |
| address 8:10 | area 17:14 | building 1:15 21:21 23:4,7,9,12 28:7 | choice 14:20 | corner 21:21 25:2 |
| adjustments 21:17 | areas 28:7 | burden 3:18 | citation 20:17 | counsel 6:2 13:10 18:3 31:10 |
| Administration 6:15 | argument 4:7 27:9 | | cited 31:14 | couple 24:21 |
| admirable 27:13 27:14 | arguments 4:20 | C | clearly 8:22 9:2 27:17 | CR 9:8,13 28:8 |
| advice 31:9 | asked 20:7,8,19 | cafe 7:21 9:1 10:15 11:15 17:6,13 | close 29:3 | cross-examine 4:11 |
| advise 10:9 | asking 29:15 | calendar 2:5 | closed 30:7 31:1,8 32:14 | crowd 19:21 |
| advised 10:7 | Assistant 2:18 | call 4:8 5:16 7:13 18:2 20:11 22:13 31:21 | closing 4:19 28:12 | CT 1:8 |
| afternoon 2:4,17 5:21 6:7 | assumed 6:4 13:3 | called 6:2 13:2 15:8 20:6 25:22 | closings 27:11 | Curtis 11:8 13:21 |
| agenda 33:5 | attention 7:3 | capacity 6:16 | Code 5:7 27:18 | D |
| agent 13:22 | attorney 2:18 15:18,19 | Caribbean 1:6 2:6 2:22 7:14 31:11 | codes 15:4 | date 13:16,20 |
| ago 20:15 25:7 | audible 3:4 | case 1:9 2:4,5,9 3:8 4:2,5,17 12:10,17 13:13 17:20 27:4 29:5 30:4,20 31:2 31:10,14 | Coleman 25:21 | day 33:3 |
| agree 32:2,4,8,10 | aware 17:4,7,16 18:1,5 | cases 29:18 | Columbia 1:1 2:19 31:6 | days 30:8,21 32:18 |
| agreement 25:5,6 | B | cause 1:6 3:6 28:18 33:6 | come 2:10 | DC 5:6 27:18 |
| agrees 32:6 | back 21:15 23:6,8 25:10 26:7,20 | certain 28:6 | comes 19:21 | decided 15:15 |
| Alberti 1:21 17:1,2 17:9,18 18:1,7 32:3,4 33:1 | bad 25:18 | Chair 24:18 | coming 3:17 9:1 12:20 26:9 | definitely 22:13 |
| Alcoholic 1:2,14,15 6:15 31:4 | Barbara 25:21 | Chairperson 1:17 1:20 2:3,20 3:2,5 3:10,15 5:11,15 5:20 6:6 11:19 12:1,6,9,15,19 13:6,17 14:8 16:10,22 18:8,15 18:18,21 19:2,7 | comments 14:20 | deliberating 31:13 |
| alley 23:13,14,16 23:18 | based 4:12 26:13 | | commercial/resi... 9:16 | device 28:2 |
| allow 17:4 | bedroom 8:21 | | community 15:1 16:5 22:6 | different 23:22 |
| allowed 21:3 22:12 | behalf 2:18 | | complain 20:6,11 | difficult 25:17 |
| Amendment 31:7 31:13,15 32:16 | believe 14:4,10 25:10,22 30:13 33:3 | | complainant 7:13 7:19 10:7 21:22 | District 1:1 2:19 31:5 |
| amplification 28:3 | Beverage 1:2,14,15 6:15 31:5 | | complainant's 15:13 | disturb 21:19 |
| Amy 1:25 2:17 | bit 4:7 | | complained 19:12 20:16 | disturbance 28:18 |
| ANC 25:10 | Board 1:2,15 4:2 4:12,16 12:2 16:22 26:2 29:5 29:20,21 30:1,15 31:5,8 32:13,14 33:4 | | complaint 7:14,17 | DJ 7:20 10:14 11:1 |
| ANC-1B 1:8 2:8 | Board's 26:13 | | concern 15:13 25:20 | documents 4:15 26:22 |
| annoy 21:19 | | | concluded 33:7 | doing 14:22 27:11 |
| answer 3:4 | | | | DONALD 1:21 |
| anybody 19:12 | | | | downstairs 10:14 |
| | | | | Drawing 7:2 |
| | | | | draws 30:1 |
| | | | | drive 14:16 16:6 |

driveway 23:10,19
duly 6:3 13:3
duty 7:4
D.C 1:16

E

earlier 20:6
early 16:7
easy 22:16
Eismeier 7:19
election 14:17,21
 14:21 16:6
elicit 4:10
emanating 5:9
embrace 19:20
employed 6:13,17
enclosure 28:20
encourage 14:15
 19:22
endorsement 14:2
 17:10,13
enters 23:11
entertainment 14:2
 14:3 17:5,10,12
 17:14 21:7
entire 10:2
establishment 5:5
 5:9,10 7:20 8:8
 10:9 28:1
event 20:22 27:14
eventually 26:6
everybody 25:22
 30:13 32:21
evidence 4:1,6,15
 4:18 27:1 29:4
exactly 9:14 30:14
examined 6:4 13:4
exception 28:6
excused 12:7,8
executive 31:2
exercise 30:13
exhaust 25:15
explain 29:7
express 16:2

F

fact 29:9
facts 30:5

familiar 3:11
far 15:4
feel 4:22 11:15
fifth 8:16
figure 22:16
file 29:9
filing 30:10
findings 29:9,21
 30:1
fine 5:15 15:5,7,12
 30:17
finished 4:17 30:20
first 3:19,22 4:9
 5:16 6:3 13:3
 16:13
five 25:16
fixed 26:8
floor 8:14,14,16
follows 6:5 13:5
forms 15:7
forward 2:10
four 6:22 25:16
free 4:22
further 11:17
 16:20 26:15 29:7
future 17:3,19

G

general 2:18 14:21
 18:3
gentleman 15:6
 20:14
give 3:16 32:13
go 3:19,22 8:1 15:4
 16:1 21:15 26:19
going 11:10 22:3,4
 29:3,5,6 30:5,9,22
good 2:3,17 5:20
 6:7 15:1 16:5
 22:6
Government 2:16
 3:18 4:8 5:4 6:3
 12:4 16:12 29:12
 30:9
Green 2:21,21 3:4
 3:11,13 5:12,14
 11:8,20,22 12:13

12:18 13:1,14,19
 13:21 14:10 16:14
 16:16,19 17:2,7
 17:17,22 18:6,11
 18:13,14,17,20
 19:1,3,10,14,17
 19:20 20:7,10,19
 21:1,5 22:19 23:3
 23:6,10,15,18
 24:1,5,8,12,14,19
 25:2,7,14 26:21
 27:2,5 28:12,14
 29:16 30:12,18
 32:19,21
ground 8:14
guys 15:8

H

half 7:1
hand 24:5
hangs 21:22
hangs 21:22
happen 9:5
happened 8:18
 18:19
happens 13:22
 25:18
happy 19:18,21
 22:18
hear 5:8 8:22 9:2
 10:1 22:3
heard 7:21 10:7
 27:21 29:1 30:4
hearing 1:7,15 3:6
 3:12 15:9 16:1
 33:3,6
help 22:18
helpful 17:3
HERMAN 1:22
Hi 2:20
hip-hop 8:22
hire 15:17,18
hold 31:8 32:14
hoping 21:15
hot 7:13
hour 19:18,21
hours 21:7
human 28:3

husband 18:13

I

idea 3:14
identifying 29:20
inside 7:22
instructions 31:1
instrument 28:2
intensity 27:21
intention 21:18
interior 17:11
Internet 14:18
interview 14:19
interviewing 19:9
introduce 2:14,15
investigative 18:10
investigator 1:25
 5:7,18 6:1,8,10,14
 6:18,19,22 7:5,9
 7:12,18 8:3,6,11
 8:15,20 9:7,11,15
 9:21 10:3,6,13,19
 11:2,7,12 20:12
invoked 30:2
involved 20:1
Islander 1:6 2:6,22
 7:14 10:9,12 14:1
 21:20 31:11
issue 30:21
issues 25:13
issuing 30:7

J

Jabriel 1:25 5:19
 6:1,10
Jenkins 22:14
Jones 1:22 32:9,10
July 5:4 7:3 28:10

K

Kanye 9:3
kind 3:12 9:5,15
know 3:17 4:22 9:5
 16:17 17:19 20:5
 22:2,10,11,16
 24:17 30:5
known 21:9
knows 21:20

L

lady 15:11
law 21:17 27:16,17
 28:9 29:10
laws 15:2 22:11
lawyer 30:3
LCRL 1:6
left 15:6
legal 29:22 31:9
level 28:22
license 1:9 2:7 17:4
 27:20
licensed 27:22
licensee 13:2 27:19
 28:9
licensee's 5:5
liking 21:14
Lincoln 24:2,9
lists 28:6
little 3:16 4:7 13:18
 23:14 33:4
live 7:20 10:14
 11:13 14:14
living 21:22
located 2:6 8:5,7
location 7:11
loft 23:11
long 6:20 9:19
 24:22
look 21:16
looking 22:11
loud 11:16 16:18
louder 13:18
Lounge 1:7 2:6 3:1
 31:11
lyrics 9:2

M

machine 28:2
Madam 24:18
 32:19
malfunctioning
 25:15
man 25:8
manager 13:22
managers 11:8
March 1:13

| | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 21:6 Schmidt 1:25 2:17 2:18 3:9,21 5:1,3 5:18 6:7,12,16,20 7:2,6,10,15 8:1,4 8:9,13,17 9:4,9,13 9:18 10:1,4,11,16 10:21 11:5,9,17 12:4 16:14,17,20 18:12 26:12,14,18 27:8,12 29:12 seat 2:10,13 13:7,8 second 31:17,18 seconded 31:20,22 section 28:6 31:6 31:12,14 see 10:11 18:3 seeking 31:9 seen 14:7 18:9 separate 17:19 separates 23:11 service 15:1 16:5 22:6 settlement 25:5 Shakoor 1:25 5:7 5:19 6:1,10,11,14 6:18,22 7:5,9,12 7:18 8:3,6,11,15 8:20 9:7,11,15,21 10:3,6,13,19 11:2 11:7,12,21 19:13 show 1:6 3:6 5:4 33:6 shut 20:2 side 24:6,15 sidewalk 7:21 9:1 10:15 11:15 17:5 17:12 signed 15:7 sign-in 2:12 Silverstein 1:22 32:7,8 similar 20:14 sit 2:14 sneeze 22:3 son 13:22 18:14,15 20:9 | sorry 14:9 sort 20:1 sound 18:22 22:2 27:20 28:3 speak 11:6 13:18 specifically 21:8 Spencer 25:8 spoke 7:18 10:22 20:12 stand 6:4 12:14,16 13:4 standard 29:6 start 3:20 5:2 started 19:4,16 starting 2:16 state 6:8 stated 7:20 11:12 statement 3:20 5:2 5:13 13:12 states 27:18 station 11:3,3,13 14:18 statute 22:17 stay 16:11 24:2 street 1:8,16 2:7 3:1 7:7 8:12 23:4 23:21 24:2,4,15 stuff 26:5 submit 29:19 Suite 1:16 supposed 14:13 19:17 supposedly 21:22 sure 18:4 22:10,12 swear 12:21 sworn 6:3 13:3 system 25:15 | 13:4 testify 4:9 5:8 12:17 testimony 4:10 thank 5:11 12:2,7 16:10 18:7 22:19 24:17 26:16 28:11 29:3 32:17,19,21 32:22 33:1 theory 4:2 thing 20:1 21:6 28:18 think 3:14 15:3,21 16:3 25:11 26:7 28:14,15 thinking 24:3 thinks 29:21 thought 14:22 16:8 17:8 21:5,8 thoughts 16:3 time 5:13 10:2,18 11:18 12:5,10 16:9 19:4,5,15 25:17,17 times 26:4 today 5:4 16:2 32:15 Todd 7:19 told 20:13,15 21:3 transcript 29:19 travels 22:2 truth 28:15 try 19:22 22:4 trying 16:4 17:3 22:6 26:3 turn 4:5 18:22 20:19 type 28:18 t/a 1:6 | <hr/> V <hr/> vicinity 7:7 violate 15:2 28:9 violated 5:6 violation 1:10 9:12 10:8,10 14:5,11 15:3 16:4,9 21:10 voice 28:3 voluntary 25:6 vote 14:15 19:22 31:21 32:12 voter 14:16 27:13 | <hr/> Y <hr/> year 14:3 years 7:1 21:11 25:1,3,4,7,17 young 25:8 |
| | | | <hr/> W <hr/> wait 4:4 13:17 14:8 waive 29:10 waives 29:13 walked 8:21 want 2:15 3:13,22 4:16 5:1,12 15:19 15:20 16:1 17:12 17:15 26:22 28:13 29:9 30:10,12 wanted 18:4 wants 3:21 Washington 1:16 wasn't 13:15,19 water 25:19 way 4:22 12:11 28:21 weather 25:18 welcome 24:19 26:18 went 8:18,20 10:12 10:13 weren't 20:5 21:3 West 9:3 willing 28:16 wish 12:17 witness 5:17 6:2,4 12:8 13:2,4 witnesses 4:9 12:12 writing 29:19 30:3 written 32:18 wrong 15:21 wrote 20:17 | <hr/> Z <hr/> zone 9:17 Zoned 9:8 zoning 9:5 28:6 |
| | | | <hr/> P <hr/> p 1:4,11 | |
| | | | <hr/> \$ <hr/> \$1,275 14:2 \$250 15:6,20 \$850 15:16,20 | |
| | | | <hr/> # <hr/> #12-CMP-00407 1:9 | |
| | | | <hr/> 1 <hr/> 10 9:21 26:8 10:00 14:13 20:3 11 26:8 11:00 14:6 16:8 22:5 12th 8:12 24:4 12-CMP-00407 2:5 31:10 12:00 22:5 1201 1:8 2:7 3:1 7:7 13 1:13 14th 1:15 15 9:22 18 25:2,4 19 5:5 7:3 28:10 | |
| | | | <hr/> 2 <hr/> 2 9:12 2000 1:15 20009 1:17 2010 31:7,13,16 32:16 2011 26:8 2012 5:5 7:3 28:10 | |
| | <hr/> T <hr/> table 2:11 26:20 take 31:20 talk 22:14 talking 28:22 talks 19:8 tell 11:9 18:19 tells 4:1 testified 4:12 6:5 | <hr/> U <hr/> U 1:8 2:7 3:1 7:7 27:18 understand 29:15 upcoming 14:17,21 16:6 use 23:18 28:1 | | |

2013 1:13
2020 8:11 23:11
24599 1:9 2:7
25-725 27:18
25-725(a) 5:7

4

4:38 2:2
40 21:11 25:1
400S 1:16
405 31:6
405(b)(13) 31:15
405(b)(4) 31:12

5

5-0-0 32:12
5:02 33:8
5:30 19:17

7

7-Eleven 24:6

9

9:30 7:8 14:5,12
15:3 20:2
90 30:8,21 32:18