

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

| | |
|----------------------|---------|
| Justin's Cafe, LLC | Show |
| t/a Justin's Cafe | Cause |
| 1025 1st Street, SE | Hearing |
| Retailer CR - ANC-6D | |
| License No. 83690 | |
| Case #13-CMP-00481 | |

(Substantial Change in Operation
Without Board Approval, Failed
to Post License in Conspicuous
Place, Failed to Make Settlement
Agreement Accessible)

July 23, 2014

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

PRESENT:

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG
DEREK BROOKS, ABRA Investigator

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

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| | | |
|--------------|--------------|----|
| WITNESS | DIRECT CROSS | |
| Derek Brooks | 8 | |
| Alana Arslan | 27 | |
| Justin Ross | 42 | 44 |

| | | |
|----------|------------|----------|
| EXHIBITS | IDENTIFIED | RECEIVED |
|----------|------------|----------|

GOVERNMENT:

| | | |
|-------------------------------|----|----|
| 1 - Run Sheet | 11 | 23 |
| 2 - Sup. Settlement Agreement | 20 | 23 |

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

2 (2:26 p.m.)

3 CHAIRPERSON MILLER: All right.

4 Which takes us to, I believe we have, a Show
5 Cause Hearing. We are a little short on
6 staff.

7 MS. GEPHARDT: Oh, okay.

8 MEMBER SHORT: Which case is this?

9 CHAIRPERSON MILLER: I don't have
10 it in front of me. I'm trying to find it.

11 All right. This is Case No. 13-
12 CMP-00481, Justin's Cafe located at 1025 1st
13 Street, S.E., License No. 83690, in ANC-6D.
14 Hi.

15 MR. ROSS: How are you doing?

16 CHAIRPERSON MILLER: Okay. How
17 are you?

18 MR. ROSS: Good.

19 CHAIRPERSON MILLER: So let's
20 start with introductions for the record.

21 MS. GEPHARDT: Chrissy Gephardt on
22 behalf of the District of Columbia.

1 CHAIRPERSON MILLER: Okay.

2 MR. ROSS: Justin Ross on behalf
3 of Justin's Cafe.

4 CHAIRPERSON MILLER: Okay.

5 MS. ARSLAN: Alana Arslan on
6 behalf of Justin's Cafe.

7 CHAIRPERSON MILLER: Okay. And
8 what's your relation?

9 MS. ARSLAN: I'm a manager there.

10 CHAIRPERSON MILLER: Okay. Arslan
11 is your last name?

12 MS. ARSLAN: Yes.

13 CHAIRPERSON MILLER: Okay. All
14 right. This is a Show Cause Hearing. Are
15 there any preliminary issues?

16 MS. GEPHARDT: No, there are not.
17 The Government is ready to proceed with this
18 case.

19 CHAIRPERSON MILLER: Okay. And,
20 Mr. Ross, you have been here before.

21 MR. ROSS: Yes.

22 CHAIRPERSON MILLER: Okay. So you

1 are familiar with the procedures, right?

2 MR. ROSS: Yes.

3 CHAIRPERSON MILLER: Okay. All
4 right. Then I don't have to go through that.
5 And we will let the Government proceed.

6 MS. GEPHARDT: Okay. Just
7 briefly, I just want to let the Board know
8 what the charge is here today in this case.

9 There are three charges for this
10 licensee. Number one is making a substantial
11 change to the operation of the establishment
12 by extending the hours of operation without
13 prior Board approval. This was for the
14 evening of September 20th. Actually, it was
15 September 19th going into September 20, 2013.

16 Charge 2 is failing to post the
17 ABRA License on the front door or exterior
18 window.

19 And Charge 3 is failing to make a
20 copy of the settlement agreement immediately
21 accessible to an ABRA official.

22 The Government will, through the

1 testimony of Investigator Brooks, establish
2 each one of these charges. Thank you.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Ross, you can make an opening statement now or
5 before you start your case or not at all.
6 It's optional.

7 MR. ROSS: Okay.

8 CHAIRPERSON MILLER: And it's not
9 evidence. Do you understand that?

10 MR. ROSS: Okay.

11 CHAIRPERSON MILLER: Okay.

12 MR. ROSS: Yes, but one of the
13 reasons why Alana is here is I was not there
14 that evening and Alana was the manager on
15 duty. Also, we didn't try to make any
16 substantial changes to our hours. I believe
17 there was just employees that were leaving.

18 We had our voluntary agreement
19 there. I didn't know that Alana didn't know
20 where it was and I was sleeping. And we had
21 a temporary part of the window and now we have
22 the full -- you know, I didn't know how long

1 the temporary was going to be there, but now
2 we have the full stickers up there.

3 CHAIRPERSON MILLER: Okay. So
4 what I want to tell you though is this is like
5 opening evidence. I mean opening statements
6 to what the evidence will show. So you are
7 not under oath yet, so what you told us, just
8 so you know, is just kind of giving us a
9 general idea, but --

10 MR. ROSS: Okay.

11 CHAIRPERSON MILLER: -- it's not--
12 it won't be the evidence in your case, unless
13 you will repeat it or whatever when you are
14 under oath.

15 MR. ROSS: Okay.

16 CHAIRPERSON MILLER: Okay. Thank
17 you. Okay.

18 MS. GEPHARDT: All right. The
19 Government would now like to call Investigator
20 Derek Brooks to the stand.

21 CHAIRPERSON MILLER: Good
22 afternoon.

1 INVESTIGATOR BROOKS: Good

2 afternoon.

3 Whereupon,

4 INVESTIGATOR DEREK BROOKS

5 was called as a witness by Counsel for the

6 Government, and having been first duly sworn,

7 assumed the witness stand and was examined and

8 testified as follows:

9 INVESTIGATOR BROOKS: I do.

10 CHAIRPERSON MILLER: Okay. Thank

11 you.

12 INVESTIGATOR BROOKS: No problem.

13 DIRECT EXAMINATION

14 MS. GEPHARDT: Good morning,

15 Investigator or good afternoon, Investigator.

16 Excuse me.

17 Please, state your name and spell

18 it for the record.

19 INVESTIGATOR BROOKS: It's Derek

20 Brooks. D-E-R-E-K B-R-O-O-K-S.

21 MS. GEPHARDT: And where do you

22 work, Mr. Brooks?

1 INVESTIGATOR BROOKS: I work with
2 the D.C. Department of Health, Pharmaceutical
3 Control Division.

4 MS. GEPHARDT: And did you at any
5 time work for the Alcoholic Beverage
6 Regulation Administration?

7 INVESTIGATOR BROOKS: Yes, I did.

8 MS. GEPHARDT: And at what time
9 did you work -- when did you work for ABRA?

10 INVESTIGATOR BROOKS: I left
11 employment with ABRA January 15th, I believe,
12 of 2014. I worked there from April 8th until
13 -- of 2013 until January of 2014.

14 MS. GEPHARDT: April 8, 2013
15 through January of 2014?

16 INVESTIGATOR BROOKS: 2014.

17 MS. GEPHARDT: Okay. Thank you.
18 And when you worked for ABRA what was your
19 title?

20 INVESTIGATOR BROOKS: I was an
21 Investigator.

22 MS. GEPHARDT: Okay. And can you

1 explain what the responsibilities and duties
2 you had as an Investigator?

3 INVESTIGATOR BROOKS: Yes. I
4 conducted investigations and inspections of
5 ABC licensed establishments in the District of
6 Columbia.

7 MS. GEPHARDT: Okay. And are you
8 familiar with an establishment by the name of
9 Justin's Cafe?

10 INVESTIGATOR BROOKS: Yes, I am.

11 MS. GEPHARDT: And did you have
12 occasion to visit Justin's Cafe on September
13 20, 2013?

14 INVESTIGATOR BROOKS: Yes.

15 MS. GEPHARDT: At approximately
16 1:35 a.m.?

17 INVESTIGATOR BROOKS: Yes, I did.

18 MS. GEPHARDT: How do you know
19 what time you arrived at Justin's Cafe that
20 night?

21 INVESTIGATOR BROOKS: I looked at
22 my watch. Immediately looked at my watch upon

1 arriving, because that was part of my
2 monitoring duties.

3 MS. GEPHARDT: Okay. Would you
4 have documented the time that you arrived
5 anywhere else?

6 INVESTIGATOR BROOKS: Yes, I would
7 have on the run sheet.

8 MS. GEPHARDT: I would like to
9 show the witness what I have marked as Exhibit
10 No. 1.

11 (Whereupon, the above-referred to
12 document was marked as Government
13 Exhibit No. 1 for identification.)

14 CHAIRPERSON MILLER: And you are
15 also showing the licensee?

16 MS. GEPHARDT: And I'm showing the
17 licensee.

18 CHAIRPERSON MILLER: Okay. Thank
19 you.

20 INVESTIGATOR BROOKS: Yes, it
21 would have been on the run sheet and on ROI.

22 MS. GEPHARDT: All right.

1 Investigator, what is this sheet?

2 INVESTIGATOR BROOKS: Oh, that's
3 the regulatory inspection sheet.

4 MS. GEPHARDT: And does it show on
5 there what time you arrived?

6 INVESTIGATOR BROOKS: Yes, it
7 does.

8 MS. GEPHARDT: And what time was
9 that?

10 INVESTIGATOR BROOKS: 1:35 a.m.

11 MS. GEPHARDT: Okay. And is that
12 your signature at the bottom?

13 INVESTIGATOR BROOKS: Yes, it is.

14 MS. GEPHARDT: Okay. Explain when
15 you arrived at Justin's Cafe, explain what
16 happened first.

17 INVESTIGATOR BROOKS: I pulled up
18 in front of the establishment a few feet up
19 from the front door and I turned the vehicle--
20 well, actually, I didn't turn the vehicle off.
21 I left it running and I was sitting in there
22 monitoring the activity in the sidewalk cafe.

1 MS. GEPHARDT: Okay. And just
2 explain what brought you to Justin's Cafe?
3 Why did you go there in the first place?

4 INVESTIGATOR BROOKS: Every
5 weekend, Thursday through Saturday, we have a
6 monitoring list provided by the Supervisory
7 Investigator and it lists several
8 establishments in the city. And they are
9 required to have special monitoring. Some are
10 for Protest Hearings, some are for noise
11 complaints, after hour complaints, whatever
12 the issues may have been, but they are listed.

13 And Justin's Cafe happened to be
14 on my list for that night.

15 MS. GEPHARDT: Okay. And as you
16 were sitting in your vehicle, what did you
17 observe?

18 INVESTIGATOR BROOKS: I observed
19 there were, approximately, six individuals
20 sitting in the sidewalk cafe. There were a
21 couple of beer bottles there. A couple of
22 people were consuming beer sitting in that

1 sidewalk cafe. And just talking, they were
2 cordial and they just sat there talking and
3 drinking and it seemed normal to me.

4 MS. GEPHARDT: And, approximately,
5 how long did you sit in your vehicle and
6 observe this happening?

7 INVESTIGATOR BROOKS:
8 Approximately, 10 minutes.

9 MS. GEPHARDT: Okay. At any
10 point, did you get out of your vehicle?

11 INVESTIGATOR BROOKS: Yes, I did.

12 MS. GEPHARDT: Okay. And what
13 prompted you to get out of the vehicle?

14 INVESTIGATOR BROOKS: I called
15 here to ABRA Headquarters and spoke to
16 Investigator Suero to ascertain what time the
17 summer -- I mean, the sidewalk cafe is to
18 close and he told me that they have -- they
19 are to close at 1:00 a.m.

20 MS. GEPHARDT: Okay. And so you
21 exited the vehicle to go talk to somebody?

22 INVESTIGATOR BROOKS: Yes, I did.

1 MS. GEPHARDT: Okay. So after you
2 got out of your vehicle, you approached the
3 sidewalk cafe, what did you -- what happened
4 next?

5 INVESTIGATOR BROOKS: Actually, I
6 got out of the vehicle and I walked into the
7 establishment. I didn't say anything to
8 anyone on the sidewalk cafe. I just walked
9 right into the establishment.

10 And when I walked in, there were a
11 couple of people sitting over to my right and
12 then -- but then there were two guys sitting
13 at the bar drinking beer. And then there was
14 a guy standing at the cash register.

15 I approached that individual and I
16 asked if he worked there. He stated no, I'm
17 just waiting to buy a beer. So I said okay.
18 And some other individual, a young man came
19 out of the back area. He looked at me and
20 asked if there was something he could help me
21 with? I told him who I was, identified myself
22 as an ABRA Investigator and requested to speak

1 to the owner or the ABC manager.

2 He said she is outside,
3 referencing the ABC manager. And he briskly
4 walked to the front door and quickly hurried
5 to the front door to get her and I went right
6 behind him. So when he got outside, he walked
7 up to Ms. Arslan, who was sitting at the
8 table, and he started to tell her that I was
9 on the premises.

10 MS. GEPHARDT: And who is Ms.
11 Arslan?

12 INVESTIGATOR BROOKS: Sitting at
13 the table, she's the ABC Manager.

14 MS. GEPHARDT: Okay. The witness
15 referenced the seat next to Mr. -- to Justin
16 as the ABC Manager. Just so you know what the
17 table means.

18 And did you, at that point, speak
19 to Ms. Arslan?

20 INVESTIGATOR BROOKS: Yes, I did.

21 MS. GEPHARDT: And what was the
22 conversation about?

1 INVESTIGATOR BROOKS: I told her I
2 was an ABC -- sorry. I told her I was an ABRA
3 Investigator and I was going to conduct a
4 regulatory inspection since I determined that
5 they were out of compliance with that sidewalk
6 cafe. And she said okay and but, you know, at
7 this point, the people started to breakdown
8 the sidewalk cafe and do their best to conceal
9 those beers.

10 And then they started stacking
11 chairs and moving the tables and then Ms.
12 Arslan and I walked on the inside of the bar.
13 And that -- and then they started to eject the
14 people sitting in the bar drinking.

15 MS. GEPHARDT: And when you say
16 eject the patrons, what exactly were they
17 doing?

18 INVESTIGATOR BROOKS: They were
19 telling them we are closed. You have to go.
20 The place is closed. It's time to go. Leave.
21 And then the people just got up and left.

22 MS. GEPHARDT: Okay. Did you at

1 some point request, from Ms. Arslan, to see a
2 copy of the settlement agreement?

3 INVESTIGATOR BROOKS: Yes. I
4 started doing the regulatory inspection. The
5 license was posted. She gave me the license.
6 I read. I see that the entire establishment
7 should have been closed. So then I started
8 conducting an entire regulatory inspection.
9 And I get to a point - by looking at the
10 license, it says there was a voluntary
11 agreement or settlement agreement and I asked
12 to see it.

13 And she looked around for it,
14 couldn't find it. Her and another gentleman
15 was looking for it, couldn't find it. And she
16 says I don't know where it is, but the owner
17 would know, because it's in here somewhere.
18 I was like oh, okay. I said well, can you
19 call the owner? She said I'm not calling the
20 owner at 2:00 in the morning.

21 And I advised her that it's a
22 violation not to make it available and she

1 didn't call him, so I said okay and continued
2 on with the regulatory inspection.

3 MS. GEPHARDT: During the
4 regulatory inspection, did you find any other
5 violations that evening?

6 INVESTIGATOR BROOKS: Yes. As I
7 looked for the window lettering, I checked the
8 front door, all the windows in front. You
9 know, there is quite a bit of window area.
10 And I couldn't find it. I asked for Ms.
11 Arslan's assistance in locating this window
12 lettering. She couldn't find it either. She
13 said it was there before. Perhaps a patron
14 tore it down or something. And I acknowledged
15 that fact and explained that that's also a
16 violation.

17 MS. GEPHARDT: Okay. Did you at
18 any time have a chance to review the
19 establishment's settlement agreement that
20 evening yourself?

21 INVESTIGATOR BROOKS: Yes, I did.
22 When I came back in, you know, yes, I did.

1 MS. GEPHARDT: So after you had
2 left Justin's Cafe?

3 INVESTIGATOR BROOKS: Yes, after I
4 left there and I came back here to ABRA
5 Headquarters and I checked that.

6 MS. GEPHARDT: And from that
7 voluntary agreement, excuse me, settlement
8 agreement, were you able to determine what the
9 hours of operation of Justin's Cafe was?

10 INVESTIGATOR BROOKS: Yes, I was.

11 MS. GEPHARDT: I would like to
12 show the witness what I have marked as
13 Government's Exhibit No. 2.

14 (Whereupon, the above-referred to
15 document was marked as Government
16 Exhibit No. 2 for identification.)

17 MS. GEPHARDT: All right.
18 Investigator, do you know what this document
19 is?

20 INVESTIGATOR BROOKS: Yes, I do.
21 It's the supplement to the settlement
22 agreement, but it's part of the settlement

1 agreement that they agreed to with ANC-6D.

2 MS. GEPHARDT: Okay. Can you tell
3 us what date this settlement agreement was
4 signed by looking at the last page?

5 INVESTIGATOR BROOKS: Yes. It was
6 signed on June 14, 2010.

7 MS. GEPHARDT: Okay. And if you
8 turn to the second page, No. 3, Hours of
9 Operation and Sales, can you tell the Board
10 what the hours of operation are?

11 INVESTIGATOR BROOKS: For Sundays
12 it's 11:30 a.m. to 10:00 p.m., Monday through
13 Friday it's 11:30 a.m. to 1:00 a.m., and
14 Friday and Saturday 11:30 a.m. to 2:00 a.m.

15 MS. GEPHARDT: Correction. I
16 think did you mean to say Monday through
17 Thursday?

18 INVESTIGATOR BROOKS: Oh, I'm
19 sorry, yes.

20 MS. GEPHARDT: You said Monday--

21 INVESTIGATOR BROOKS: Monday
22 through Thursday, yes.

1 MS. GEPHARDT: Okay.

2 INVESTIGATOR BROOKS: And then
3 Friday and Saturday is 11:30 a.m. to 2:00 a.m.

4 MS. GEPHARDT: Okay. And is this
5 the same settlement agreement, the supplement
6 that you viewed that evening when you got back
7 to the office?

8 INVESTIGATOR BROOKS: Yes, it is.

9 MS. GEPHARDT: And that's how you
10 determined the hours were -- of operation were
11 until 1:00 a.m.?

12 INVESTIGATOR BROOKS: Yes.

13 MS. GEPHARDT: Okay. Thank you.
14 And just going back there for a second, what
15 was the date again that you were at Justin's
16 Cafe?

17 INVESTIGATOR BROOKS: September
18 20, 2013.

19 MS. GEPHARDT: Do you know what
20 day of the week that is?

21 INVESTIGATOR BROOKS: That was a
22 Thursday. Well, that's -- I'm sorry. That

1 was a Thursday night into a Friday morning,
2 but that would have been a -- at that specific
3 time, it was early, early Friday morning. But
4 the hours are counted from that Thursday night
5 into that Friday.

6 MS. GEPHARDT: Okay. Great.
7 Thank you very much. The Government at this
8 time would like to request that Exhibits No.
9 1 and 2 be entered into evidence.

10 CHAIRPERSON MILLER: Okay. Any
11 objection, Mr. Ross?

12 MR. ROSS: No.

13 CHAIRPERSON MILLER: Okay. Then
14 they are admitted.

15 (Whereupon, the above-referred to
16 documents were received into
17 evidence as Government Exhibit No.
18 1 and 2.)

19 MS. GEPHARDT: Just to reiterate,
20 just so it's clear, so for the purposes of
21 hours of operation, your visit would be
22 considered a Thursday night visit, even though

1 it was on Friday morning early in the morning?

2 INVESTIGATOR BROOKS: Yes.

3 MS. GEPHARDT: So it would be
4 subject to the 1:00 a.m. closing hours?

5 INVESTIGATOR BROOKS: Yes, ma'am.

6 MS. GEPHARDT: Okay. That's all I
7 have for this witness.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Ross, do you have any cross questions for Mr.
10 Brooks?

11 MR. ROSS: No.

12 CHAIRPERSON MILLER: Okay. Any
13 Board questions? Mr. Brooks?

14 MEMBER BROOKS: Yes.
15 Investigator, I just want to be clear as to
16 what time did you arrive at the licensee's
17 establishment?

18 INVESTIGATOR BROOKS: At 1:35.

19 MEMBER BROOKS: 1:35?

20 INVESTIGATOR BROOKS: Yes.

21 MEMBER BROOKS: And closing time
22 was, according to the settlement agreement is

1 1:00 a.m.?

2 INVESTIGATOR BROOKS: 1:00 a.m.

3 MEMBER BROOKS: Okay. Thank you,
4 Madam Chair.

5 CHAIRPERSON MILLER: Okay. Other
6 questions? All right. Thank you very much.
7 Do you have any other witnesses?

8 MS. GEPHARDT: No. I have no
9 other witnesses, at this time. Thank you.

10 CHAIRPERSON MILLER: Okay. All
11 right. Mr. Ross, are you going to testify or
12 present any witnesses?

13 MR. ROSS: To be completely
14 honest, I don't quite know how that works.

15 CHAIRPERSON MILLER: Okay. So if
16 you want to give testimony about your side of
17 the story or whatever.

18 MR. ROSS: Sure.

19 CHAIRPERSON MILLER: I would put
20 you under oath over here and you could just
21 tell your story.

22 MR. ROSS: Okay.

1 CHAIRPERSON MILLER: I didn't know
2 if you wanted to present Ms. Arslan as a
3 witness?

4 MR. ROSS: Please.

5 CHAIRPERSON MILLER: I put her
6 under oath and usually it works that, you
7 know, you would ask her some questions.

8 MR. ROSS: Okay.

9 CHAIRPERSON MILLER: What would
10 you like to do?

11 MR. ROSS: Yes, I think that's
12 good.

13 CHAIRPERSON MILLER: Okay. I'm
14 going to put you under oath. Could you raise
15 your right hand? I'll swear you in.
16 Whereupon,

17 ALANA ARSLAN
18 was called as a witness by Counsel for the
19 Applicant, and having been first duly sworn,
20 assumed the witness stand and was examined and
21 testified as follows:

22 MS. ARSLAN: I do.

1 CHAIRPERSON MILLER: Okay. Thank
2 you. And you probably should just start off
3 with your full name.

4 MS. ARSLAN: Okay. Alana Arslan.

5 CHAIRPERSON MILLER: Okay. Now,
6 I'm going to turn it over to Mr. Ross.

7 DIRECT EXAMINATION

8 MR. ROSS: Yes. Do you want to
9 tell us your account of what happened that
10 night?

11 MS. ARSLAN: Yes. In terms of the
12 hours, I mean, to be honest, I just lost track
13 of time a little bit. It was a little later
14 than I thought and there were a couple of
15 employees and patrons after hours that
16 shouldn't have been there.

17 In terms of the other two, I know
18 I haven't been a manager there for -- well, I
19 have now, but at the time I hadn't been a
20 manager there for a long time. I just know we
21 had some sort of hours or whatever the
22 lettering on the door is. I went to see where

1 it was and it looked like it had been ripped
2 down or something. It was just a paper taped
3 up. But I just wasn't sure about the rules
4 and what needed to be there.

5 And the same with the settlement
6 agreement, I just didn't know where that was.
7 It sounds like we had one in the restaurant.
8 I just didn't know where it was.

9 MR. ROSS: Okay. And for the
10 record, I could show you a picture of my phone
11 of the lettering now.

12 CHAIRPERSON MILLER: Well, wait,
13 wait. Okay. So I mean, you can, but --

14 MR. ROSS: Good.

15 CHAIRPERSON MILLER: -- we just
16 need to deal with this witness first.

17 MR. ROSS: Good.

18 CHAIRPERSON MILLER: Do you have
19 any other questions for her?

20 MR. ROSS: No.

21 CHAIRPERSON MILLER: Okay. So,
22 Ms. Gephardt, do you have some cross?

1 MS. GEPHARDT: No, I don't have
2 any cross.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Brooks?

5 MEMBER BROOKS: Yes. Thank you,
6 Madam Chair. Is it Ms. Arsen?

7 MS. ARSLAN: Arslan.

8 MEMBER BROOKS: Arslan, okay. How
9 long had you been a manager there?

10 MS. ARSLAN: Maybe a couple of
11 months.

12 MEMBER BROOKS: A couple months.
13 And had you had experience prior to working at
14 Justin's as a manager?

15 MS. ARSLAN: No.

16 MEMBER BROOKS: So this was your
17 first management job?

18 MS. ARSLAN: Yes.

19 MEMBER BROOKS: Had you worked at
20 a restaurant before?

21 MS. ARSLAN: Yes.

22 MEMBER BROOKS: And where was

1 that?

2 MS. ARSLAN: Well, I had worked at
3 Justin's Cafe as a bartender. And so six,
4 seven years ago, I worked at a restaurant at
5 home in California.

6 MEMBER BROOKS: Okay. But at
7 Justin's how long had you been an employee
8 before you became a manager?

9 MS. ARSLAN: A year and a half,
10 two years.

11 MEMBER BROOKS: As a bartender
12 there?

13 MS. ARSLAN: A server and then a
14 bartender.

15 MEMBER BROOKS: Bartender.

16 MS. ARSLAN: I probably was a
17 server there for a year and a half, maybe a
18 bartender for another half a year and then
19 manager.

20 MEMBER BROOKS: Okay. And as a
21 bartender, then did you make last call
22 announcements?

1 MS. ARSLAN: Yes.

2 MEMBER BROOKS: And what time was
3 that usually?

4 MS. ARSLAN: I guess 12:30 or 1:30
5 on Saturday and Friday.

6 MEMBER BROOKS: Okay. But 12:30
7 Monday through Thursday?

8 MS. ARSLAN: Yes.

9 MEMBER BROOKS: Okay. All right.
10 Thank you, Madam Chair.

11 CHAIRPERSON MILLER: Okay.
12 Others? Mr. Short?

13 MEMBER SHORT: Yes. Good
14 afternoon. You said that there was a notice
15 or something that was torn off the wall. What
16 was that again?

17 MS. ARSLAN: The lettering on the
18 window for -- I don't really -- I don't know
19 what it has on it or had on it, but whatever
20 the documentation of our hours or license on
21 the window.

22 MEMBER SHORT: So that would be

1 your responsibility as the ABC Manager, your
2 responsibility was just to run the bar? Is
3 that your --

4 MS. ARSLAN: I'm sorry, what was
5 the question?

6 MEMBER SHORT: What was your
7 responsibility as far as that lettering goes?

8 MS. ARSLAN: I don't -- in terms
9 of the lettering? Just to keep it up there.

10 MEMBER SHORT: Okay. But I mean,
11 did you -- do you normally check that as the
12 ABC Manager before you take duty?

13 MS. ARSLAN: I mean, now I know
14 it's up there. I see it when I come in, but
15 at the time, I didn't.

16 MEMBER SHORT: All the years you
17 worked there you never noticed it before?

18 MS. ARSLAN: No, I mean, I knew
19 where it was, that's why I went over to the
20 spot it was supposed to be on the window, but
21 it just looked like it had been torn down.

22 MEMBER SHORT: Okay. And as far

1 as the after hour allegations, what is your
2 testimony to that?

3 MS. ARSLAN: I mean, we were -- we
4 did have some employees and customers there
5 later than we should have.

6 MEMBER SHORT: And whose
7 responsibility was that?

8 MS. ARSLAN: Mine.

9 MEMBER SHORT: Okay. Thank you.
10 That's all I have, Madam Chair.

11 CHAIRPERSON MILLER: Okay.
12 Others? Mr. Jones?

13 MEMBER JONES: Yes, Madam Chair.
14 Just in terms of the settlement agreement or
15 the voluntary agreement, your feedback based
16 on what I understood or from what I understood
17 to be the testimony provided by the
18 Investigator was that he asked you about the--
19 about providing the voluntary agreement.

20 MS. ARSLAN: Correct.

21 MEMBER JONES: And you responded--
22 what was your response to that request again?

1 MS. ARSLAN: I looked for it. I
2 just couldn't find it. I didn't know where it
3 was. And I didn't want to wake Justin up.

4 MEMBER JONES: So you looked for
5 it. You didn't know where it was.

6 MS. ARSLAN: Yes.

7 MEMBER JONES: Had you been told
8 prior to that and you just couldn't locate it
9 in the location?

10 MS. ARSLAN: Yes, I just couldn't
11 locate. I mean, I know where we keep most of
12 our documents and it wasn't there, so --

13 MEMBER JONES: Okay. So were you
14 trained, were you told as the manager, hey,
15 this is the document. This document is the
16 voluntary agreement and it is located here.
17 Did you have a knowledge prior to the
18 Investigator coming in and asking you for the
19 document as to where it should have been?

20 MS. ARSLAN: Yes, I mean --

21 MEMBER JONES: Okay.

22 MS. ARSLAN: -- I knew were to

1 look. It just wasn't there.

2 MEMBER JONES: It just wasn't
3 there.

4 MS. ARSLAN: And I didn't know if
5 it had been moved or was somewhere else.

6 MEMBER JONES: Got it. Okay. So
7 you looked for it. You couldn't find it in
8 the spot that you knew it to be or where it
9 should have been and you were reluctant to
10 contact the owner at that time.

11 MS. ARSLAN: Yes.

12 MEMBER JONES: Is that fair?

13 MS. ARSLAN: Yes.

14 MEMBER JONES: Okay. And were you
15 reluctant to contact them based on guidance
16 that he, the owner, told you don't call me
17 after a certain hour or was it just it's late
18 and I don't feel comfortable calling my boss
19 at 2:00 in the morning?

20 MS. ARSLAN: Yes, I think it was
21 just more of a courtesy. I didn't feel
22 comfortable waking him up.

1 MEMBER JONES: You didn't feel
2 comfortable. Okay. And did you understand
3 that the ramifications of not being able to
4 locate the voluntary agreement in terms of it
5 being a violation, at that time, or did you --

6 MS. ARSLAN: Not really.

7 MEMBER JONES: Not really? Okay.
8 Understood. Thank you. Thank you, Madam
9 Chair.

10 CHAIRPERSON MILLER: Okay. Mr.
11 Rodriguez?

12 MEMBER RODRIGUEZ: Yes, ma'am.
13 When the Investigator was told that you were
14 outside, he was looking for you, right?

15 MS. ARSLAN: Yes.

16 MEMBER RODRIGUEZ: And you were
17 out in the sidewalk cafe?

18 MS. ARSLAN: Yes.

19 MEMBER RODRIGUEZ: Yes. And what
20 time was that?

21 MS. ARSLAN: 1:35, 1:40.

22 MEMBER RODRIGUEZ: 1:35. All

1 right. And were you aware that you were over
2 the time?

3 MS. ARSLAN: No. I had lost track
4 of time.

5 MEMBER RODRIGUEZ: Okay. You had
6 -- and the settlement agreement, you were
7 aware of the settlement agreement, right?

8 MS. ARSLAN: Of the document, yes.

9 MEMBER RODRIGUEZ: Yes. Had you
10 ever seen it?

11 MS. ARSLAN: Had -- yes.

12 MEMBER RODRIGUEZ: You saw it. So
13 you were aware of what the agreement entailed?

14 MS. ARSLAN: Yes. I mean, I know
15 what the document was. I just didn't know
16 where it was.

17 MEMBER RODRIGUEZ: But you were
18 aware then that you were past the time --

19 MS. ARSLAN: Yes.

20 MEMBER RODRIGUEZ: -- when you
21 were out there on the sidewalk cafe?

22 MS. ARSLAN: When the Investigator

1 came in, yes, I realized it was over time.

2 MEMBER RODRIGUEZ: I'm sorry?

3 MS. ARSLAN: When the Investigator
4 came in, yes, I realized it was past time.

5 MEMBER RODRIGUEZ: So you were out
6 there at 1:30, right? You were one half hour
7 past the time that was indicated on the
8 agreement, to my understanding, right?

9 MS. ARSLAN: Yes.

10 MEMBER RODRIGUEZ: Okay. I just
11 wanted to be sure that I understood that.
12 Thank you so much.

13 MS. ARSLAN: Yes.

14 CHAIRPERSON MILLER: Others?
15 Okay. I just want to ask you a few questions.
16 Did you say you were in the ABC Manager
17 position for two months?

18 MS. ARSLAN: I can't remember. A
19 couple months maybe.

20 CHAIRPERSON MILLER: Okay. So in
21 that position, is it your responsibility or
22 the bartender's responsibility to call for

1 last call?

2 MS. ARSLAN: Both.

3 CHAIRPERSON MILLER: Both?

4 MS. ARSLAN: We usually just have
5 one manager and one bartender on shift, so
6 it's kind of a team effort.

7 CHAIRPERSON MILLER: Okay. So
8 that night, did the bartender announce last
9 call?

10 MS. ARSLAN: Yes.

11 CHAIRPERSON MILLER: So what time
12 did the manager announce the last call?

13 MS. ARSLAN: Probably about 12:45,
14 12:50 maybe.

15 CHAIRPERSON MILLER: Okay. And
16 what time did --

17 MS. ARSLAN: I don't remember
18 exactly.

19 CHAIRPERSON MILLER: So did the
20 manager -- when did the manager stop selling?

21 MS. ARSLAN: Around 1:00 then.

22 CHAIRPERSON MILLER: Okay. So is

1 it your testimony that at 1:30 or 1:35 there
2 were just people still consuming or still
3 having their drinks, but not buying them any
4 more?

5 MS. ARSLAN: Yes.

6 CHAIRPERSON MILLER: So okay. Did
7 you have -- what kind of training do you have
8 to be an ABC Manager?

9 MS. ARSLAN: I mean, I have been
10 to the like Kitchen Safety training, the TIPS
11 training and received my manager's license.
12 And I mean, I have worked there, so I have
13 been trained by previous managers as to the
14 management duties.

15 CHAIRPERSON MILLER: Okay. Did
16 you get any training in D.C. Liquor's Laws?

17 MS. ARSLAN: Through the TIPS --

18 CHAIRPERSON MILLER: Through TIPS.

19 MS. ARSLAN: -- course, yes.

20 CHAIRPERSON MILLER: Okay. Okay.

21 So it's your explanation then that the
22 violations were just because you lost track of

1 time and at least for the timed ones?

2 MS. ARSLAN: Yes, I mean, it was
3 just my fault people were there later than
4 they should have been.

5 CHAIRPERSON MILLER: Okay. I
6 think someone was trying to ask you whether it
7 was your responsibility or someone else's to
8 make sure that lettering is on the door?

9 MS. ARSLAN: I mean, I'm -- to
10 make sure that it is on the door or that I
11 know that it's on the door?

12 CHAIRPERSON MILLER: Wherever that
13 lettering is.

14 MS. ARSLAN: I mean, I wasn't
15 aware that that was my responsibility to keep
16 it up there or to put it up there in the first
17 place.

18 CHAIRPERSON MILLER: Okay. And
19 did you know the hours that you were supposed
20 to close based on the settlement agreement,
21 having read the settlement agreement?

22 MS. ARSLAN: Yes.

1 CHAIRPERSON MILLER: Okay. Okay.
2 I don't have any other questions. Any other
3 Board questions? Okay. So any questions
4 based on the Board's questions either party?
5 No? Okay. Then thank you very much. You can
6 step down.

7 Mr. Ross, did you want to testify?

8 MR. ROSS: Yes, sure.

9 CHAIRPERSON MILLER: Okay.

10 Whereupon,

11 JUSTIN ROSS
12 was called as a witness by Counsel for the
13 Applicant, and having been first duly sworn,
14 assumed the witness stand and was examined and
15 testified as follows:

16 MR. ROSS: I do.

17 CHAIRPERSON MILLER: Okay. I
18 guess you can say your name again and then
19 start.

20 MR. ROSS: Yes, Justin Ross.

21 CHAIRPERSON MILLER: Okay.

22 DIRECT EXAMINATION

1 MR. ROSS: And Alana was a new
2 manager and so, you know, certain things just
3 come -- you know, there is just so much going
4 on. We did have the ABC license with a paper
5 that Alana saw was the paper given to us by
6 the Investigator when he came to check and so
7 we had that up. I believe it was ripped down
8 and either I didn't notice it or Alana didn't
9 notice it.

10 We now have the lettering stickers
11 on the outside, so it can't get ripped down.

12 In terms of the settlement
13 agreement that was there, it was behind the
14 safe. She couldn't find it. She didn't call
15 me. We had it there. We always have it
16 there. I -- you know, should have notified
17 her where it was.

18 Yes, as far as what happened that
19 night, I wasn't in there. You know, I try to
20 avoid having any violations. Any kind of
21 violations that we have had in the past, we
22 have made corrections on in terms of whether

1 it is having security guy there or getting the
2 right endorsements for live music or, you
3 know, having different fencing around our
4 sidewalk cafe or anything that -- we have been
5 here, we have corrected.

6 So this is just another thing we
7 will correct. But I don't know about that
8 night, but in terms of the other two charges,
9 that's my side.

10 CHAIRPERSON MILLER: Okay. Cross?

11 CROSS-EXAMINATION

12 MS. GEPHARDT: So you are the
13 owner of Justin's Cafe. Is that correct?

14 MR. ROSS: Yes.

15 MS. GEPHARDT: So do you believe
16 it's your responsibility ultimately for
17 stickers on the window, for accessing the
18 settlement agreement and for making sure that
19 patrons aren't being served after hours?

20 MR. ROSS: Yes.

21 MS. GEPHARDT: That it's your sole
22 responsibility?

1 MR. ROSS: Yes.

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

3 CHAIRPERSON MILLER: Is it? Okay.

4 Others? I mean, Board Members?

5 MEMBER SHORT: Thank you.

6 CHAIRPERSON MILLER: Oh, yes, Mr.

7 Short.

8 MEMBER SHORT: Good afternoon, Mr.

9 Ross.

10 MR. ROSS: Good afternoon.

11 MEMBER SHORT: How long have you
12 been in business there?

13 MR. ROSS: We opened in April
14 2010. So now it has been about four and a
15 half years.

16 MEMBER SHORT: In that four and a
17 half years, how many times have you been cited
18 by ABRA?

19 MR. ROSS: I don't know. I know
20 it has been more than I like. There has been
21 things that I have learned and again, we have
22 tried to correct and this is my first opening

1 restaurant in D.C. And there is just things
2 that, you know, unfortunately, we learn the
3 hard way and we try to do our best to correct
4 them. But I know that I have been here, you
5 know, it doesn't seem great, but I have been
6 here more than I like to have been here.

7 MEMBER SHORT: Okay. Well, I
8 would just like to ask you this. Let's
9 exchange places for a moment and you had the
10 responsibility of making sure that the
11 Alcoholic Beverage Control Laws for the
12 District of Columbia were preserved and
13 citizens were treated justly and fairly in
14 your business.

15 And I'm looking at your
16 investigative history and it's more than 14
17 times you have been here. That doesn't say
18 that you are a great business person or it
19 says something is wrong, something is lacking.
20 Can you explain to us what is going on there?

21 MR. ROSS: You know, the only
22 thing I can say is that, you know, I hate to

1 make excuses, but this was we opened up the
2 first bar or restaurant or any real business
3 in the neighborhood and, you know, when we
4 first opened up, it was just such -- kind of
5 a mob scene at first and it was just a little
6 bit overwhelming and certain things got
7 overlooked. And a lot of -- that's when a lot
8 of violations occurred.

9 And I have done my best to correct
10 anything that we have had. And when I opened
11 this business, I was a younger person, didn't
12 have a ton of experience. And I have learned
13 and I have, unfortunately, learned the hard
14 way. And I have tried my best to correct
15 everything in terms of even if it's just, you
16 know, getting the quarterly reports on time.

17 It's sort of selfish, there was a
18 lot of things that I didn't quite know at
19 first and I have learned.

20 MEMBER SHORT: Okay.

21 MR. ROSS: So and I understand
22 well, exactly what you are saying.

1 MEMBER SHORT: Okay. That's all I
2 have, Madam Chair.

3 CHAIRPERSON MILLER: Mr. Jones?

4 MEMBER JONES: Thank you, Madam
5 Chair. Just to be clear and so I appreciate
6 your response, but in terms of why we are here
7 today, I just want to specifically understand.

8 So you are not denying the fact
9 that you are in violation of the charges that
10 are being brought before us today?

11 MR. ROSS: Yes.

12 MEMBER JONES: Okay.

13 MR. ROSS: I mean, I --

14 MEMBER JONES: You are just here
15 providing back-story and rational and
16 explanations for why those things were done in
17 the manner in which they were done, in terms
18 of an oversight in terms of the time, not
19 knowing -- having an employee that wasn't
20 completely aware of where the document was?
21 So are you here with the intent of trying to
22 provide feedback to us that the actions that

1 were performed that ended up in these
2 violations weren't done with any malicious
3 intent or what is your objective?

4 MR. ROSS: I mean, they absolutely
5 were not done with any malicious intent or in
6 any attempt to, you know, make more money
7 because it was just, I think, from what Alana
8 was saying mostly employees that had closed
9 out a while ago that were just lingering.

10 MEMBER JONES: All right.

11 MR. ROSS: That weren't kicked
12 out. My objective is just to let you guys
13 know that we did have the voluntary agreement
14 up in sight. I thought we -- you know, we do
15 currently have our lettering. I thought we
16 had it that night. I guess it was torn down.
17 And then let alone explain it to you what
18 happened that night.

19 MEMBER JONES: Got it. Thank you.

20 CHAIRPERSON MILLER: Mr.
21 Rodriguez?

22 MEMBER RODRIGUEZ: Yes, sir. I

1 think we all agree that liquor is a dangerous
2 substance.

3 MR. ROSS: Sure.

4 MEMBER RODRIGUEZ: And that's why
5 we are up here and also that's why you -- they
6 have voluntary agreements, organizations
7 working with the businesses. And I don't mean
8 to preach or anything, but sometimes just it's
9 not a matter of not intentionally violating
10 the law, but slipping on what our
11 responsibilities are could cause real serious
12 problems.

13 And I'm glad that, you know, more
14 serious problems didn't happen in your
15 establishment and that hopefully, you know,
16 there will be more closer attention to the
17 regulations. They are there to protect the
18 public, first of all, and that's what we are
19 all here for.

20 MR. ROSS: Absolutely.

21 MEMBER RODRIGUEZ: Thanks.

22 CHAIRPERSON MILLER: Others? Do

1 you have a clue as to who would tear lettering
2 down?

3 MR. ROSS: No. I mean, you know,
4 I think that was probably a gang night and new
5 people that are coming in just who actually
6 did mess up the bathroom and do stuff and,
7 unfortunately, you don't really know that
8 stuff happens until after it happens.

9 CHAIRPERSON MILLER: So the
10 lettering was on the inside and it was --

11 MR. ROSS: Yes, it was on the
12 inside on the right window at the bottom
13 corner. And there is a table right there.

14 CHAIRPERSON MILLER: Okay. Was it
15 just taped or something?

16 MR. ROSS: It was taped on.

17 CHAIRPERSON MILLER: Okay.

18 MR. ROSS: It's on the outside, so
19 people can't get to it inside.

20 CHAIRPERSON MILLER: And you have
21 corrected that how?

22 MR. ROSS: We had to put --

1 CHAIRPERSON MILLER: I know you
2 said you had it on your cell phone, but can
3 you describe it maybe what you did?

4 MR. ROSS: Yes. We got the
5 correct sticky letters that you get at Home
6 Depot that you see.

7 CHAIRPERSON MILLER: Okay.

8 MR. ROSS: And put those on the
9 outside.

10 CHAIRPERSON MILLER: Okay.

11 MR. ROSS: At the bottom corner of
12 the door.

13 CHAIRPERSON MILLER: So that can't
14 be ripped off?

15 MR. ROSS: Right, right.

16 CHAIRPERSON MILLER: So that's how
17 you have corrected that?

18 MR. ROSS: Yes. And generally, we
19 have -- always on game days if there is an
20 event, we have security right there and
21 security stands by the door, so if somebody
22 was going to do something like that, that

1 would be seen as opposed to in that corner
2 where you can't really see.

3 CHAIRPERSON MILLER: Okay. You
4 changed your location of the security, too?

5 MR. ROSS: No, the security are by
6 the front door. We have been saying we have
7 changed, we have moved the location of where
8 the lettering is on the door.

9 CHAIRPERSON MILLER: Oh.

10 MR. ROSS: As opposed to in the
11 window, which is a little bit off to the side.

12 CHAIRPERSON MILLER: I see.

13 MR. ROSS: Yes.

14 CHAIRPERSON MILLER: Okay. Well,
15 let me ask you, where do you keep your
16 settlement agreement?

17 MR. ROSS: In a rack below the
18 invoices.

19 CHAIRPERSON MILLER: Okay. Was it
20 there that night?

21 MR. ROSS: I don't know. Alana
22 couldn't find it, I guess, but it is there.

1 I know it's there. And there is a lot of
2 paperwork there. We are a small place, so we
3 get invoices in almost every day, so there is
4 a lot of paper.

5 CHAIRPERSON MILLER: Okay.

6 MR. ROSS: But it is in a rack
7 underneath all the invoices.

8 CHAIRPERSON MILLER: And so how
9 have you corrected that issue for your ABC
10 Manager to be able to locate the settlement
11 agreement?

12 MR. ROSS: Just made sure
13 everybody knows exactly where it is.

14 CHAIRPERSON MILLER: Okay. And
15 before you hadn't?

16 MR. ROSS: I guess I hadn't. My
17 oversight. I thought everybody knew where it
18 was. I thought Alana knew where it was, but
19 she couldn't find it.

20 CHAIRPERSON MILLER: How are you
21 going to correct the problem of after hours,
22 so that doesn't happen again?

1 MR. ROSS: Just make sure that
2 everybody gets out, do last call at 12:45 or
3 12:30 and everybody out by 12:50. And as I
4 have said, we were the first place and we're
5 kind of a neighborhood place, so you get, you
6 know, employees, people, the owner just hang
7 out and just you meter those people and make
8 sure they get out.

9 CHAIRPERSON MILLER: I mean, have
10 you given different instructions to your ABC
11 Manager or bartender about --

12 MR. ROSS: I'm sorry?

13 CHAIRPERSON MILLER: -- that?
14 Have you given different instructions to your
15 ABC --

16 MR. ROSS: Yes.

17 CHAIRPERSON MILLER: -- Manager or
18 your --

19 MR. ROSS: Yes.

20 CHAIRPERSON MILLER: Yes. Okay.

21 MR. ROSS: Yes. We are going to
22 strictly enforce it all, you know. And

1 everybody gets out. I mean, I don't care who
2 it is and how often they have come in. I
3 don't care how much money they spend. If they
4 are friends, they just have to leave at that
5 time, because it's costing us too much money
6 and stress.

7 CHAIRPERSON MILLER: Okay. And
8 then my other question is I understand you
9 said, you know, it was hard, you are young and
10 your place was mobbed from the start or
11 whatever. I'm just wondering did you ever
12 take any training here on the responsibilities
13 of --

14 MR. ROSS: I took TIPS training.

15 CHAIRPERSON MILLER: -- the owner?
16 You took TIPS training?

17 MR. ROSS: Yes.

18 CHAIRPERSON MILLER: You didn't
19 take ABRA training?

20 MR. ROSS: I did not. I was told
21 that if you are an owner, you don't need to
22 have.

1 CHAIRPERSON MILLER: Oh, I'm not
2 saying you are required to.

3 MR. ROSS: Okay. Okay.

4 CHAIRPERSON MILLER: I'm just
5 saying that I know that there is training for
6 new licensees. You are not that new any more.

7 MR. ROSS: Right.

8 CHAIRPERSON MILLER: And that it
9 goes over a lot of aspects of compliance with
10 the law.

11 MR. ROSS: Yes. I would have
12 liked to have taken that.

13 CHAIRPERSON MILLER: It might be
14 helpful.

15 MR. ROSS: Yes.

16 CHAIRPERSON MILLER: I think we
17 have one coming up in August.

18 MR. ROSS: Okay.

19 CHAIRPERSON MILLER: I'm just
20 curious, do you get the Last Call Newsletter
21 from ABRA? Are you signed up?

22 MR. ROSS: I don't.

1 CHAIRPERSON MILLER: Okay. Well,
2 if you go to ABRA's website, you might --

3 MR. ROSS: Right.

4 CHAIRPERSON MILLER: -- be able to
5 sign up to get notifications of things.

6 MR. ROSS: Okay.

7 CHAIRPERSON MILLER: Because I
8 mean, personally, you know, I don't like to
9 see these violations build up. I'm sure you
10 don't. And there just may be ways in which
11 you can operate better.

12 MR. ROSS: Absolutely.

13 CHAIRPERSON MILLER: And not run
14 into violations. Okay. Any other Board
15 questions? All right. Any questions based on
16 Board questions?

17 MS. GEPHARDT: No, no more
18 questions.

19 CHAIRPERSON MILLER: Thank you.
20 Okay. And now, do you have anything else? I
21 don't believe you have any other witnesses?

22 MR. ROSS: No.

1 CHAIRPERSON MILLER: And do you
2 have any documents or anything you want to put
3 into evidence? No? Okay. All right. So
4 that completes your case, correct?

5 MR. ROSS: Yes.

6 CHAIRPERSON MILLER: Okay. So
7 closing?

8 MS. GEPHARDT: Sure. This
9 afternoon the Government has shown through the
10 testimony of the Detective Derek Brooks or
11 excuse me, Investigator Derek Brooks that on
12 September 20, 2013, at approximately 1:35
13 a.m., he observed several patrons outside on
14 the sidewalk cafe at Justin's Cafe consuming
15 alcoholic beverages.

16 He asked to speak to the ABC
17 Manager and he observed staff quickly picking
18 up cups and beverages and he entered the
19 establishment and saw patrons sitting at the
20 bar drinking alcoholic beverages as well.

21 While inside, the Investigator
22 observed the ABC license which states the

1 hours of operation and sales for Thursday to
2 begin at 11:30 a.m. until 1:00 a.m.

3 The Investigator requested to see
4 a copy of the settlement agreement and Ms.
5 Alana could not produce the document.

6 The Investigator also noticed that
7 the window lettering was missing from the
8 window. Ms. Alana stated that the temporary
9 window lettering was torn off the window some
10 time prior to the Investigator's visit.

11 Finally, the Investigator reviewed
12 the settlement agreement when he got back to
13 his office and verified that the hours of
14 operation from Monday through Thursday is
15 11:30 a.m. until 1:00 a.m. Therefore, the
16 time that he arrived which was at 1:35 a.m.
17 took him well past the 1:00 a.m. mark.

18 Based on this evidence, the
19 Government has proven that the licensee has
20 violated Charges 1, 2 and 3.

21 With regard to sanction, the
22 Government proposes a \$4,000 fine for Charge

1 1; a \$4,000 fine for Charge 2; a \$4,000 fine
2 for Charge 3 for a total fine of \$12,000.

3 Charge 1 is a third primary tier
4 violation. Charges 2 and 3 are a sixth
5 secondary tier violations. Thank you.

6 CHAIRPERSON MILLER: You're
7 welcome. And I assume that the amounts of the
8 penalty selected are specifically tied to the
9 third primary tier violation and the sixth --

10 MS. GEPHARDT: Right.

11 CHAIRPERSON MILLER: -- secondary
12 tier violations.

13 MS. GEPHARDT: Right.

14 CHAIRPERSON MILLER: Okay. Do you
15 have a closing?

16 MR. ROSS: I don't have anything
17 to say that we haven't said, so no.

18 CHAIRPERSON MILLER: That's fine.
19 That's fine. Okay. So the last thing, I
20 doubt very much you two want to do this, but
21 I'm going to ask if you want to file proposed
22 findings of fact and conclusions of law or

1 waive your right to do so?

2 That's like filing a brief based
3 on the evidence that was set forth in this
4 case. Most people don't do that unless it's
5 a complicated case usually.

6 MS. GEPHARDT: No.

7 CHAIRPERSON MILLER: No. No?

8 MR. ROSS: No.

9 CHAIRPERSON MILLER: Not
10 necessary, I didn't think. We have heard the
11 evidence. Okay. Okay.

12 So I'm going to close the record
13 and I'm just going to have the Board vote on
14 deliberating this case in closed session.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia and in accordance with Section 405 of
18 the Open Meetings Amendment Act of 2010, I
19 move that the ABC Board hold a closed meeting
20 for the purpose of seeking legal advice from
21 our counsel on Case No. 13-CMP-00481, Justin's
22 Cafe, and deliberating upon this case for the

1 reasons cited in Section 405(b)(13) of the
2 Open Meetings Amendment Act of 2010.

3 Is there a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion. I'll now take a roll
7 call vote on the motion now that it has been
8 seconded.

9 Mr. Brooks?

10 MEMBER BROOKS: I agree.

11 CHAIRPERSON MILLER: Mr.
12 Rodriguez?

13 MEMBER RODRIGUEZ: I agree.

14 CHAIRPERSON MILLER: Ms. Miller
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Mr. Short?

19 MEMBER SHORT: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MEMBER JONES: I agree.

22 CHAIRPERSON MILLER: It appears

1 that the motion has passed by a 6-0-0 vote.

2 And I hereby give notice that the
3 ABC Board will deliberate on this case in
4 closed meeting and issue an order within 90
5 days. And we will most likely deliberate
6 today.

7 Okay. That concludes this
8 hearing, so you will hear from us with a
9 written order within 90 days.

10 Mr. Ross, actually, while you are
11 here, the Board had -- well, it has before it
12 an application from you for an event on
13 September 4th.

14 MR. ROSS: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay. So I
16 believe one or more Board Members wanted to
17 have the opportunity to ask you questions on
18 it since you are here. I know we didn't --
19 you may not be prepared for it.

20 MR. ROSS: That's okay.

21 CHAIRPERSON MILLER: Okay. And we
22 don't always, we don't usually hold a hearing

1 on these applications.

2 MR. ROSS: Oh, okay, yes. Okay.

3 CHAIRPERSON MILLER: But as it

4 turns out --

5 MS. GEPHARDT: Do you need me to
6 stay here?

7 CHAIRPERSON MILLER: You don't
8 need to stay here.

9 MS. GEPHARDT: Oh, okay.

10 CHAIRPERSON MILLER: It came in
11 today. You are here, so --

12 MR. ROSS: Yes, yes, I saw that.

13 CHAIRPERSON MILLER: Okay. So I'm
14 going to let Board Members who have questions
15 ask. It is in relation to, as I said, an
16 event on September 4, 2014 at the Yards.

17 Okay. I'm going to let others who have
18 specific questions ask about it and go into as
19 much detail. Oh, we have the written
20 application in front of us.

21 Mr. Silverstein, did you have
22 questions?

1 MEMBER SILVERSTEIN: Yes. Mr.
2 Ross, this event were it to occur is something
3 you propose to hold on September 4, 2014?

4 MR. ROSS: Yes, sir.

5 MEMBER SILVERSTEIN: You describe
6 it as a flash mob-style dinner on the
7 boardwalk.

8 MR. ROSS: Yes.

9 MEMBER SILVERSTEIN: Tell us about
10 it very briefly.

11 MR. ROSS: So it's an event that
12 has been held kind of all over the world. It
13 has been held in Philadelphia, New York,
14 Chicago, several cities and Paris. It started
15 in Paris. And I have a family friend that
16 brought me to one of these events in
17 Philadelphia and I thought it was really cool
18 and I thought it would be great for D.C.

19 And the way it kind of works is
20 the location is a secret, so nobody kind of
21 knows where the location is going to be. And
22 they meet different group leaders, kind of

1 around town and the group leader then brings
2 them up to the Metro or some sort of
3 transportation that we have arranged to this
4 area. They get there and then we have kind of
5 like a nice dinner and a band and a DJ.

6 So in terms of like the flash-mob
7 piece, that just means that nothing is really
8 planned. They get there and then kind of
9 dinner starts. So it's everything is kind of
10 a surprise.

11 MEMBER SILVERSTEIN: And this is
12 going to be over Labor Day weekend?

13 MR. ROSS: It's going to be the
14 Thursday after Labor Day, which I believe is
15 the 4th.

16 MEMBER SILVERSTEIN: It can't be.
17 Not if it's on the 4th.

18 MR. ROSS: Um --

19 CHAIRPERSON MILLER: Do you have a
20 calendar?

21 MEMBER SILVERSTEIN: Labor Day
22 can't be the 1st. Wouldn't Labor Day be the

1 8th? Is Labor Day the 1st? Is Labor Day the
2 first Monday or --

3 MEMBER SHORT: The first Monday in
4 September.

5 MEMBER SILVERSTEIN: -- the second
6 Monday or the first Tuesday?

7 MR. ROSS: It's a Thursday, a
8 Thursday.

9 MEMBER SILVERSTEIN: Okay. Okay.
10 So it's -- well, the fact that it's a weekday,
11 you won't have the surprise of Metro not
12 operating or operating on signal track in 20
13 minute --

14 MR. ROSS: Yes, sir.

15 MEMBER SILVERSTEIN: How many
16 people are you expecting?

17 MR. ROSS: 1,200.

18 MEMBER SILVERSTEIN: Tell me why
19 you need a special one day permit? In what
20 ways does this go beyond the scope of your
21 licensure?

22 MR. ROSS: Yes, sure. So in the

1 past, the last two years, we have had a block
2 party for the opening day at National Stadium.
3 We couldn't afford it this year. Honestly,
4 because I'm opening up a new place and but the
5 reason why we need the one day substantial
6 change is the Mayor's Special Event Task Group
7 has approved this location as -- I think that
8 was part of the agreement is that -- with the
9 city is that it can be used for special
10 events.

11 And so I talked to the Capitol
12 Riverfront BID and the Director of the BID
13 told me that all we need is either -- from the
14 city is a one day substantial change to a
15 liquor license or a catering license.

16 I don't have a catering license.
17 I do have a liquor license and I had the one
18 day substantial change before, so that's why.

19 MEMBER SILVERSTEIN: In what ways
20 does this go beyond what you, you know, have
21 in your liquor license?

22 MS. ARSLAN: Well, it would cover

1 the area that we are --

2 MEMBER SILVERSTEIN: What are we
3 seeking here?

4 MR. ROSS: Yes, it's about two
5 blocks away from --

6 MEMBER SILVERSTEIN: So it is not
7 on premise?

8 MS. ARSLAN: Right.

9 MR. ROSS: No. It's -- yes, it's
10 two blocks. See, Justin's Cafe is on 1st and
11 L and this is right by the water. Right close
12 to the Navy Yard.

13 MEMBER SILVERSTEIN: Anything
14 else? How many people are we expecting here?

15 MR. ROSS: 1,200.

16 MEMBER SILVERSTEIN: And the event
17 is kept secret. Yes, it says here -- does it
18 say 1,500 on the application? I guess it is--

19 MEMBER SHORT: Yes, it does.

20 MR. ROSS: I think we have --
21 sorry, 1,200. We have 300 media that will be
22 there, that we are giving tickets to. So

1 you're looking at a media station there. So
2 there will be 1,500 total; 1,200 guests and
3 then 300 media.

4 MEMBER SILVERSTEIN: Is that also
5 -- how about the people working it, working
6 the event?

7 MR. ROSS: That includes -- the
8 1,200 is included in the people working the
9 event, because technically, they are
10 volunteers, so they would be guests. We have
11 a security that we will have there. We will
12 have the off-duty police officers. If
13 necessary, we will deal with MPD.

14 It's only wine and people can't
15 buy more wine. They buy their wine in
16 advance, so we are not selling wine on-
17 premises. They are ordering it before the
18 event and it will be there for them. That's
19 kind of the theme of the event, it's only
20 white wine. So if they finish their wine,
21 they are done, unless somebody else wants to
22 give them some more.

1 MS. ARSLAN: I mean, they
2 basically are bringing their own.

3 MR. ROSS: Right.

4 MS. ARSLAN: Staff would just
5 bring it.

6 MEMBER SILVERSTEIN: I've covered
7 NFL Playoff games and there weren't 300 media.

8 MR. ROSS: We --

9 MEMBER SILVERSTEIN: I know
10 because I have gotten the passes.

11 MR. ROSS: Yes. You know, it has
12 become a very big event and it is kind of a
13 franchise and that's what they told us.

14 MEMBER SILVERSTEIN: Okay.

15 MR. ROSS: So I agree.

16 MEMBER SILVERSTEIN: I defer to my
17 colleagues. No further questions here.

18 CHAIRPERSON MILLER: Mr. Short?

19 MEMBER SHORT: Mr. Ross, we talked
20 about, previously, your history and the
21 conduct, which is what is before this Board.
22 And this is kind of like a reward for you to

1 have this big event.

2 Yet, your story just doesn't --
3 your history just doesn't impress me as a
4 Board Member, I can't speak for other Board
5 Members.

6 And I'm going to be very truthful
7 with you, unless you say some things here,
8 today, that sound a little more like you're
9 going to be in charge and you won't have a lot
10 of mistakes made and a lot of people get
11 injured or -- because you don't seem to be a
12 person who looks at details very closely.

13 How can we be assured with you
14 with 1500 people, that you are going to be a
15 good actor and we are not going to have you
16 before us and review this again? Why would
17 this Board even give him permission to do
18 anything with this record?

19 Can you give me some reasons why
20 we should trust you for this?

21 MR. ROSS: Absolutely. So, as I
22 have mentioned before, the last two years we

1 have had a block party where we've gone
2 through the Mayor's Special Event Task Group,
3 set up everything from fencing to security,
4 shut down the entire block, had an all day --
5 this would be a much shorter party. This
6 would be from, I believe, 6:30 to 10:00.

7 Set up, you know, all day, for
8 people from, you know, around noon to 10:00.
9 Way more people than this to get to some
10 people that are coming from the stadium, come
11 through out the day.

12 We have never had any issue. You
13 know, we got approved the second year because
14 we cleaned up and did a great job and we've
15 never had an issue. So in terms of private
16 events or -- yes, private events we know how
17 to do it. Alana has helped with me. We have
18 the same staff, that's all we need is help
19 running two of --

20 MEMBER SHORT: Speaking of staff,
21 how much security do you have for this?

22 MR. ROSS: We'll have probably

1 about 10 security and then the necessary off-
2 duty police officers.

3 MEMBER SHORT: Ten security for
4 100 -- or 1,500 people?

5 MR. ROSS: Yes. But then we will
6 have the necessary off-duty police officers
7 which for every block party we've had, we've
8 had a least about 12.

9 MEMBER SHORT: So you're going to
10 pay for reimbursable MPD?

11 MR. ROSS: Yes, yes. We would, we
12 have to do that. I believe they told us that
13 was one of the things that we had to do.

14 MEMBER SHORT: Do you have those
15 applications that we could see?

16 MR. ROSS: I don't have them on
17 me, no.

18 MEMBER SHORT: Could you provide
19 those if you were afforded this?

20 MR. ROSS: Absolutely.
21 Absolutely. Absolutely.

22 MEMBER SHORT: So, how many police

1 officers and how many --

2 MR. ROSS: We would have our -- 10
3 of our own security, which are the security
4 guys that are all pretty much ex-military guys
5 that work for -- at Justin's Cafe on game
6 days.

7 And then we would have the -- we
8 talk to the police chief and figure out
9 exactly how many police reimbursable detail we
10 need. The last two years that we have had it
11 for the block party, they had given us the
12 number. We hadn't asked. They told us what
13 we needed to have.

14 MEMBER SHORT: How many people do
15 you have at a block party?

16 MR. ROSS: It sort of goes by the
17 course of the day. So it's been -- I would
18 say throughout the course of the day probably
19 about 4,000 or 5,000 people kind of just
20 coming in, coming in, because it's going to be
21 Inaugural weekend at National's baseball. So,
22 it's kind of an all day festival. It's good

1 for the neighborhood and fun for baseball fans
2 and --

3 MEMBER SHORT: Okay. I guess I'll
4 ask this question again and forgive me for
5 being redundant.

6 MR. ROSS: Sure.

7 MEMBER SHORT: How can you make us
8 trust that you -- the lettering you got off
9 your door, the after hour operations --

10 MR. ROSS: Sure.

11 MEMBER SHORT: -- and the other 13
12 histories that you have with this Board, how
13 can you assure us that this is not going to --
14 you are not going to backslide and this is
15 going to happen to us again?

16 MR. ROSS: Well, first, and again
17 no offense, but I don't want to be in
18 violation at all. I don't want to be here at
19 -- you know, I will do everything that is
20 necessary to make sure that we are not in
21 violation again and that the only times we are
22 here are for good things or for, you know, if

1 we need to have -- if you say we need 20
2 security, I'll get 20 security.

3 The last thing we want is to have
4 any hiccups at the event. There is so many
5 moving parts and we have -- you know, we have
6 gotten good at learning exactly for these
7 events, for the big group of people exactly
8 what we need to do and how we need to do it to
9 make sure every thing goes well.

10 Because, as we know, you mess up
11 one time, you don't get a second chance. And
12 we, you know, in the past messed up and then
13 we would like to be able to do this again.
14 And this is, you know, the kind of block party
15 that would be under the stars party that we
16 would like to throw.

17 We would like to throw it every
18 year. I would like it to be something that we
19 kept doing and I know that if we mess up once,
20 it won't be something that we get to do every
21 year. And that is a, you know, great
22 motivator for all of us. We would like to

1 make this a yearly event. We would like to be
2 able to continue to do this.

3 So, you know, we will do whatever
4 we need to do to make sure it happens.

5 MEMBER SHORT: Let's get back to
6 your business. Justin's Cafe.

7 MR. ROSS: Sure.

8 MEMBER SHORT: Fourteen times you
9 have been before this board.

10 MR. ROSS: Yes.

11 MEMBER SHORT: Do you take that
12 lightly?

13 MR. ROSS: No, Sir.

14 MEMBER SHORT: So you are sitting
15 there now saying, trust me, I'm going to do
16 this right. You just left us, five minutes
17 ago for a hearing --

18 MR. ROSS: Sure.

19 MEMBER SHORT: -- is that -- I
20 mean, I just don't see that you are trying to
21 be serious with us. Ten security people for
22 1,500 people. Is that really going to work?

1 Do you think that's really going to work? Ten
2 security for 1,500 people.

3 MR. ROSS: We can get more. But
4 the one thing I will say about every violation
5 is that we made the corrective responses and
6 they haven't happened again. And I know
7 that's what should happen and -- but that is
8 what happened in certain things and things I
9 didn't know about. I should have gotten the,
10 you know, ABRA training.

11 But everything that we've gotten
12 in trouble for, we have corrected. It hasn't
13 happened again. In terms of, you know, the
14 events, we haven't had any issues with them.

15 And again, if we need more
16 security, that's something that we can easily
17 do. We just kind of threw out that number.
18 We are still waiting to see how many people
19 register so -- but this is how many people we
20 would like.

21 MEMBER SHORT: I believe in
22 redemption and I'm a trusting person, but

1 again, you really haven't convinced me. But
2 that's just my one opinion as a Board Member.
3 Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Okay. Mr.
5 Rodriguez?

6 MEMBER RODRIGUEZ: Mr. Ross, how
7 long have you been the owner of Justin's?

8 MR. ROSS: Since April 2010.

9 MEMBER RODRIGUEZ: 2010?

10 MR. ROSS: Yes, Sir.

11 MEMBER RODRIGUEZ: Okay. I was
12 just looking at some of the violations in the
13 past. I think Board Member Short was
14 reviewing as well. And I'm new on the Board
15 so I was -- you know, I took note of some of
16 these violations under your ownership.

17 And so I join Mr. Short in, you
18 know, admonishing you to, you know, keep an
19 eye on this business because it is -- you
20 know, you have got thousands of people that
21 are trusting you that you are going to manage
22 the sale of, you know, a dangerous substance.

1 And so, you know, we have to
2 review your application and -- objectively and
3 so, we are hoping that, you know, we see some
4 progress here in the -- and we want you to
5 succeed. We have no problem with you
6 succeeding. We are all in this together, but
7 we certainly have to do what we have to do to
8 protect the public.

9 MR. ROSS: Absolutely. Thank you.

10 CHAIRPERSON MILLER: Others? I
11 want to follow-up a little bit on the
12 security. I'm just curious if you can
13 enlightening me in any way, because I know
14 that this Agency determines security and then
15 MPD determines police officers.

16 So I'm not exactly sure if MPD is
17 going to be looking at our numbers first or
18 whatever. I don't know if you know this, but
19 is there a differ -- yes, you might, a
20 difference in cost between whether you use
21 your security or reimbursable detail?

22 MR. ROSS: The reimbursable detail

1 are much more expensive.

2 CHAIRPERSON MILLER: Much more
3 expensive.

4 MR. ROSS: Yes.

5 CHAIRPERSON MILLER: Okay. Okay.
6 So if you have more security, and I gather,
7 than police, MPD looks at the security that we
8 order if we authorize the permit.

9 MR. ROSS: Right.

10 CHAIRPERSON MILLER: And then they
11 supplement. Is that right?

12 MR. ROSS: Correct. Right.

13 CHAIRPERSON MILLER: Okay. And if
14 I heard you correctly, despite your history of
15 violations with respect to your establishment,
16 that you haven't had violations, with respect
17 to the two previous large events that you have
18 had.

19 Okay. And those large events were
20 block parties?

21 MR. ROSS: Yes.

22 CHAIRPERSON MILLER: This one, I

1 want to ask you, are the patrons, if that's
2 the right word, but whoever you are trying to
3 reach for this event, is it citywide or is it
4 your neighborhood or what?

5 MR. ROSS: Citywide.

6 CHAIRPERSON MILLER: Citywide?

7 MR. ROSS: Yes.

8 CHAIRPERSON MILLER: Okay. Could
9 you just explain, even how it works? How
10 people find out about it? Are you going to
11 put it on the Internet?

12 MR. ROSS: Yes. We actually got
13 an article written on the Washington Post. I
14 didn't even know that it was going to happen.
15 About a week ago, because it just -- and I
16 didn't know about this event before hand. And
17 I didn't realize how big of a deal it was and
18 how people from kind of all over -- and we're
19 getting emails from people from all over the
20 country.

21 So the way it works is, people
22 register on-line and they pay a registration

1 fee. Then they can go be the catering
2 company, so they can build like a picnic
3 basket --

4 CHAIRPERSON MILLER: Okay.

5 MR. ROSS: -- so they can pay for
6 that. And in addition to that, they can pay
7 for, I believe, a bottle of wine per person.
8 And then once they get to the event, we have
9 the stadium and we're all giving out the
10 alcohol.

11 But they don't know where the
12 event is going to be and so, like the day
13 before, they get an email telling them where
14 to go and they will go meet with one of our
15 group leaders and then the group leaders will
16 lead a small group to the event.

17 It's going to be a bunch of small
18 groups kind of coming from all over the city
19 to this one location. And then we set up the
20 tables and chairs once they get there and have
21 dinner and dancing.

22 CHAIRPERSON MILLER: You don't set

1 up the tables and chairs until they get there?

2 MR. ROSS: Everybody brings their
3 own table and chairs.

4 CHAIRPERSON MILLER: They bring
5 their own table and chairs?

6 MR. ROSS: Yes. I think it works.
7 I've seen it work.

8 CHAIRPERSON MILLER: Okay.

9 MR. ROSS: I thought it was weird,
10 too, but it works.

11 CHAIRPERSON MILLER: Okay. They
12 bring their own tables and chairs? They pick
13 up this picnic basket, though, they don't
14 bring their own?

15 MR. ROSS: Yes.

16 CHAIRPERSON MILLER: They pay for
17 that?

18 MR. ROSS: So when they get there,
19 all that is usually there is the stage and
20 then, when their group leader kind of tells
21 them where to set up in terms of the --

22 CHAIRPERSON MILLER: How do they

1 get there? Do they have to go like on Metro
2 with a table and chairs? Huh?

3 MR. ROSS: It's a process.

4 CHAIRPERSON MILLER: They do.

5 They go as a group, right?

6 MR. ROSS: Yes, they could. I
7 mean, I didn't really think that it would work
8 and I was working in Philadelphia and it was
9 really cool. And I was like, this needs to
10 happen in D.C.

11 CHAIRPERSON MILLER: Oh, Okay.

12 MR. ROSS: I think from D.C. -- to
13 bring it to D.C. would be, you know,
14 personally really cool for me.

15 CHAIRPERSON MILLER: And what's
16 the cost for them? I mean, I know it depends
17 upon how they build their picnic basket?

18 MR. ROSS: Yes. I believe it's
19 \$35 a person.

20 CHAIRPERSON MILLER: Oh, \$35 you
21 can then build it any way you want for \$35?

22 MR. ROSS: No. It's \$35 for the

1 cost for the event.

2 CHAIRPERSON MILLER: Okay.

3 MR. ROSS: And our -- their -- our
4 franchise, our corporate entity, they take, I
5 believe, 6% of the total of that. So -- and
6 they keep the processing fee.

7 Then they can build their basket,
8 kind of however they would like and it gets
9 more expensive. We haven't exactly set the
10 price for the menu yet of the food.

11 CHAIRPERSON MILLER: Okay. But I
12 mean --

13 MR. ROSS: For the catering maybe.

14 CHAIRPERSON MILLER: -- is it
15 different prices depending on what you order
16 in your basket?

17 MR. ROSS: Yes.

18 CHAIRPERSON MILLER: Okay. So \$35
19 is the minimum?

20 MR. ROSS: Yes.

21 CHAIRPERSON MILLER: Okay. Okay.
22 Anything else? Okay.

1 So, we are going to consider this
2 application, I think, in Executive Session,
3 like we normally do. We get a lot of these
4 applications and we read them and it just so
5 happens you were here today, so --

6 MR. ROSS: Sure.

7 CHAIRPERSON MILLER: -- we could
8 ask you questions on it. So, we will get back
9 to you on that. Any other questions?

10 MEMBER BROOKS: I just did want
11 to --

12 CHAIRPERSON MILLER: Okay.

13 MEMBER BROOKS: -- confirm the
14 time as 5:30 p.m. to 10:00 p.m. Is that
15 correct?

16 MR. ROSS: Yes.

17 MEMBER BROOKS: Okay. All right.
18 Thank you, Madam Chair.

19 MEMBER SHORT: Madam Chair?

20 CHAIRPERSON MILLER: Yes, Mr.
21 Short?

22 MEMBER SHORT: Okay. And, Mr.

1 Ross, you said you would commit to having 20
2 security rather than --

3 MR. ROSS: We'll have all the
4 security that you would like us to have.

5 MEMBER SHORT: You have 1,500
6 people and if you have reimbursable MPD
7 detail, they do the outside perimeter. They
8 won't be doing anything -- what happens -- how
9 are you going to protect against underage
10 drinking in there?

11 MR. ROSS: Well, for everybody to
12 register for the event they have to have their
13 age. I believe when they register you have to
14 put that you are over 21. And then, I
15 believe, we will be carding each group that
16 comes in. The group leaders will be carding
17 them and they get -- that's when they get
18 their wristbands.

19 MEMBER SHORT: Okay. So there
20 will be identifications?

21 MR. ROSS: Yes, sir. Yes, sir.

22 MEMBER SHORT: So if they are

1 underage, what kind of band would they get?

2 MR. ROSS: Nobody underage can
3 come. They have to be 21 or over.

4 CHAIRPERSON MILLER: They just
5 won't be let in. Correct? Is that it?

6 MR. ROSS: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER SHORT: So you'll commit to
9 at least 20 security?

10 MR. ROSS: Yes, sir. Yes, sir.

11 CHAIRPERSON MILLER: And who will
12 do the -- I'm sorry, but you raised a good
13 point. Who will do the carding?

14 MR. ROSS: Each group leader will
15 do the carding.

16 CHAIRPERSON MILLER: Oh, when they
17 congregate at their different stations?

18 MR. ROSS: Yes. Yes, and all the
19 group leaders are people that are -- work for
20 me or for the catering company or my partners
21 at the catering company. So, we will make
22 sure that everyone is trained.

1 CHAIRPERSON MILLER: So how many--
2 I'm sorry but, how many people -- I don't know
3 if you have thought this through yet or not,
4 will one group leader be responsible for?

5 MR. ROSS: Well, yes, we are kind
6 of in the process of doing a lot of that stuff
7 right now.

8 CHAIRPERSON MILLER: Okay. Okay.

9 MS. ARSLAN: And I think the
10 registration isn't closed yet.

11 MR. ROSS: No.

12 MS. ARSLAN: So the numbers still
13 -- the final number is still to be determined.

14 CHAIRPERSON MILLER: So you may
15 need two people for a group --

16 MR. ROSS: Sure.

17 CHAIRPERSON MILLER: -- for
18 instance.

19 MR. ROSS: Sure. And luckily
20 we've had people ask to -- you know, we have
21 no shortage of, you know, people trying to
22 help. So --

1 CHAIRPERSON MILLER: And will
2 these group leaders have some kind of a
3 training in checking IDs?

4 MR. ROSS: Yes. This isn't
5 something that I -- we would probably go to
6 ask corporate and see what other cities have
7 done. You are bringing up a good point that
8 I hadn't quite thought enough about.

9 CHAIRPERSON MILLER: Okay.

10 MR. ROSS: Considering that they
11 have to -- on-line they would have to put in
12 their age and the date, but you know how can
13 they verify that?

14 CHAIRPERSON MILLER: That's not
15 enough.

16 MR. ROSS: Yes.

17 CHAIRPERSON MILLER: Yes.

18 MR. ROSS: So that's something
19 that we would take into account. And we would
20 probably ask other cities exactly what they
21 did and figure out if it's going on in New
22 York and Chicago and Las Vegas and

1 Philadelphia, and figure out exactly how they
2 did that, because that is a good point and I
3 hadn't thought of that.

4 CHAIRPERSON MILLER: Yes. Mr.
5 Short?

6 MEMBER SHORT: You're going to --

7 CHAIRPERSON MILLER: You raised
8 it. Go ahead.

9 MEMBER SHORT: Forgive me.

10 CHAIRPERSON MILLER: No. I'm just
11 saying you raised that point. I don't want to
12 take credit for it.

13 MEMBER SHORT: No problem. I'm
14 just -- basically, I guess you stated there
15 was something about two permits you're going
16 to be getting from -- or you are going to show
17 us the papers that you're going to get for the
18 reimbursable --

19 MR. ROSS: Yes, sir.

20 MEMBER SHORT: -- police detail?
21 How many of those are you going to have?

22 MR. ROSS: We will contact them

1 and I guess they would let us know. We can
2 tell them how many security we're going to
3 have and then they would probably let us know
4 how many reimbursable police detail.

5 MEMBER SHORT: I was looking at
6 your diagram that you have. How many exit and
7 entry points do you have for 1,500 people?

8 MR. ROSS: So the barrier is the
9 water. It's kind of a secluded, not secluded,
10 but a little bit on the water and the
11 boardwalk and so the whole -- it's pretty
12 open.

13 MEMBER SHORT: How far are you
14 from the stadium?

15 MR. ROSS: You can see the
16 stadium. I would say a quarter of a mile at
17 most. I mean, it's right -- so the center is
18 here, it's right to the left. It's right
19 where a lot of the new apartments and
20 developments and where there is the new needed
21 Vida Fitness and Whole Foods building.

22 It's towards the water, so it's

1 going to be in between the stadium and the
2 Navy Yard. There is a little area, like a
3 little hill going down and then there is a
4 wooden boardwalk. So half of it is bordered
5 by the water or the boardwalk.

6 MEMBER SHORT: If you were
7 permitted to do this, don't let us down.

8 MR. ROSS: I will not.

9 MEMBER SHORT: Trust me when I say
10 this to you. Your record is not going to
11 allow me to be too kind.

12 MR. ROSS: I will not. I would
13 love to do this every year and --

14 MEMBER SHORT: Okay.

15 MR. ROSS: -- I mean, I don't want
16 to be in trouble.

17 MEMBER SHORT: We'll be watching
18 that. I'll be looking for those
19 reimbursable --

20 MR. ROSS: Absolutely.

21 MEMBER SHORT: -- applications of
22 the --

1 MR. ROSS: Absolutely.

2 MEMBER SHORT: -- 20 security.

3 Now, you're going to get papers on that, too,
4 correct?

5 MR. ROSS: Yes, sir.

6 MEMBER SHORT: All right.

7 MR. ROSS: We'll have that all for
8 you.

9 MEMBER SHORT: We will be waiting
10 on that before you get through the city.

11 MR. ROSS: Okay, yes.

12 CHAIRPERSON MILLER: Okay. I just
13 wanted to address the security issue now,
14 since you are here.

15 MR. ROSS: Sure.

16 CHAIRPERSON MILLER: And just ask
17 my fellow Board Members, because I have
18 certainly heard at least one say 10 wasn't
19 sufficient for 1,500. Mr. Jones, do you want
20 to address that?

21 MEMBER JONES: I'll try.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER JONES: So I always try and
2 operate under some type of construct, some
3 kind of basis and standard. So we typically
4 require or request a 50:1 ratio, especially
5 for outdoor events. So at 1,500 that will put
6 you at security of 30.

7 Now, you can get to that 30 by a
8 combination of reimbursable detail and private
9 hires, whatever the case may be. But in order
10 for me to approve your event, I'm a stickler
11 for that. I mean, that's pretty much the
12 hardest thing I'm a stickler for.

13 So I can tell you quite candidly,
14 if you don't show me that you have 30 security
15 plus, I will not approve your event.

16 MR. ROSS: Okay. Okay.

17 CHAIRPERSON MILLER: I have
18 another question related to security, because
19 this has come up with some other applications
20 dealing with waterfront area.

21 MR. ROSS: Yes.

22 CHAIRPERSON MILLER: Is this area

1 somewhat -- is this event going to be somewhat
2 enclosed by fencing --

3 MR. ROSS: Yes.

4 CHAIRPERSON MILLER: -- or is it
5 going to be kind of like an open area?

6 MR. ROSS: No, it will be enclosed
7 by fencing.

8 CHAIRPERSON MILLER: Okay. Even
9 along the water?

10 MR. ROSS: Well, yes, along the
11 water there is fencing already in place.

12 CHAIRPERSON MILLER: Okay. So if
13 you enter into this area, it's going to be in
14 an enclosed area, right?

15 MR. ROSS: Yes.

16 CHAIRPERSON MILLER: Okay. All
17 right. Do others have comments on the
18 security? Because I think we should give him
19 some guidance, so that if we can come up with
20 an idea of what we would be requiring, then he
21 can go to MPD or then he can, you know, put
22 that in place or agree to it on the

1 application, you know. Yes, Mr. Jones?

2 MEMBER JONES: So you mean outside
3 of the 30 that I requested?

4 CHAIRPERSON MILLER: No.

5 MR. ROSS: He said 50:1 was the
6 ratio.

7 MEMBER JONES: Right.

8 MR. ROSS: Okay. So based on that
9 number, okay, whatever you guys --

10 CHAIRPERSON MILLER: I just want
11 to know is that the consensus that --

12 MEMBER SHORT: That's okay with
13 me. That's what we normally do.

14 CHAIRPERSON MILLER: That 30
15 includes reimbursable detail, Mr. Jones,
16 right?

17 MEMBER JONES: 30 security staff,
18 any combination of how you get there.

19 MR. ROSS: Okay.

20 MEMBER JONES: If you have an RDO
21 of four, then you need 26 security.

22 MR. ROSS: Right.

1 CHAIRPERSON MILLER: 26.

2 MR. ROSS: I'm sorry.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER JONES: All right?

5 MR. ROSS: Yes.

6 CHAIRPERSON MILLER: Is that a
7 consensus? Mr. Brooks, do you have a comment?

8 MEMBER BROOKS: Well, no. I'm
9 just thinking of the number. I understand,
10 you know, what the ratio has been in the past.

11 CHAIRPERSON MILLER: Right.

12 MEMBER BROOKS: But I'm just
13 looking at the time frame from a 5:30 to 10:00
14 p.m., it's not like it's 2:00, you know --

15 CHAIRPERSON MILLER: In the
16 evening.

17 MEMBER BROOKS: -- in the morning.
18 So I mean, I'm not sure I would hold out for
19 that amount, but that's all I'm saying.

20 CHAIRPERSON MILLER: Yes, Mr.
21 Silverstein?

22 MEMBER SILVERSTEIN: The other

1 point is you can always lower your estimate.

2 I would be stunned if you had 300 media

3 people.

4 MR. ROSS: Yes.

5 MEMBER SILVERSTEIN: For a 1,200

6 person dinner, unless, of course, you were

7 giving them food.

8 MR. ROSS: Right.

9 CHAIRPERSON MILLER: Yes.

10 MEMBER SILVERSTEIN: I was in

11 broadcasting for 15 years probably before I

12 realized that freeloading media was two words.

13 MR. ROSS: Yes.

14 CHAIRPERSON MILLER: Okay. It

15 wasn't -- oh, I'm sorry. Go ahead, Mr. Jones.

16 MEMBER JONES: So there have been

17 several -- I'll say this and you take it for

18 whatever it is worth.

19 So there have been several

20 expressions of concern about your history and

21 your track record. I would believe it would

22 be quite advantageous for you to have more

1 security than not enough security.

2 MR. ROSS: Sure.

3 MEMBER JONES: So given that, I
4 still feel very comfortable recommending to
5 you a 50:1 ratio that we typically go with and
6 have typically requested of licensees in the
7 past and that is the metric by which I will be
8 assessing whether or not I vote in favor of
9 your application.

10 MR. ROSS: Okay.

11 MEMBER SHORT: One last thing I
12 have, Madam Chair.

13 CHAIRPERSON MILLER: Yes, go
14 ahead, yes.

15 MEMBER SHORT: 10:00 at night,
16 it's going to be dark down there by the water.
17 How are you going to light it up for the
18 safety of the people that are coming and
19 going?

20 MR. ROSS: The area is actually
21 very well-lit. It's all new development right
22 around there. It's all pretty new. The Metro

1 is right there.

2 MS. ARSLAN: There is a lot of
3 outdoor lighting. Sorry, I just wanted to
4 state that.

5 MR. ROSS: There are a lot of
6 restaurants and apartment buildings.

7 MEMBER SHORT: So you won't have
8 any generators or anything like that there?

9 MR. ROSS: I don't believe. We
10 might have a generator probably for the stage,
11 for the sound.

12 MEMBER SHORT: You know you have
13 got to check with the Fire Department about
14 that generator?

15 MR. ROSS: Yes, sir. Yes, sir.

16 MEMBER SHORT: And we look at that
17 paper, too.

18 MR. ROSS: Yes, sir.

19 MEMBER SHORT: Okay.

20 CHAIRPERSON MILLER: Yes, Mr.
21 Silverstein?

22 MEMBER SILVERSTEIN: Mr. Ross,

1 I've been thinking about what my colleague,
2 Mr. Jones, has said and I just want to
3 underscore it and underline it and he is
4 absolutely right that you want to -- if you
5 get this you want to do this better than you
6 have to.

7 You want to prove to us that you
8 have grown up as an entrepreneur, that you
9 have learned your lesson and that you are on
10 your way to becoming an established and
11 trusted licensee.

12 MR. ROSS: Yes, sir.

13 MEMBER SILVERSTEIN: This might be
14 an opportunity for you to do that, if you get
15 it.

16 MR. ROSS: Absolutely.

17 MEMBER SILVERSTEIN: But God help
18 you if you don't.

19 MR. ROSS: Absolutely.

20 CHAIRPERSON MILLER: Others? All
21 right. Okay. I guess I'm with Mr. Brooks a
22 little bit. You know, it's hard to estimate

1 the exact number of security. I think Mr.
2 Jones has, you know, a system and we most
3 often use that, but sometimes we may vary from
4 it depending on the circumstances.

5 But if you -- I know that there is
6 certainly a concern about the 10 that is being
7 low. So if you -- I guess the consensus is to
8 go 30, and you don't have a problem with that,
9 then I would suggest amending your
10 application. You know, things change later.
11 You know, if you say 30 here and your numbers
12 change or MPD says something or whatever, you
13 can, you know, bring that back to us.

14 But as far as considering this
15 application now, I think that the consensus
16 is, and you are saying you are willing to go
17 with, the 50:1, which would be 30 on this --

18 MR. ROSS: 30.

19 CHAIRPERSON MILLER: --
20 application. So --

21 MR. ROSS: So should I just refill
22 out the application?

1 CHAIRPERSON MILLER: No. You can
2 -- we actually have it here.

3 MR. ROSS: Okay.

4 CHAIRPERSON MILLER: This is --
5 where is the original?

6 MEMBER SHORT: Madam Chair, but he
7 hasn't been literal in bringing to us,
8 correct? He has to be -- the MPD reimbursable
9 --

10 CHAIRPERSON MILLER: Okay. That
11 was the other thing I was going to ask.

12 MEMBER SHORT: Yes.

13 CHAIRPERSON MILLER: Is there
14 something else that he needs to do? At least
15 this isn't until September 4th.

16 MR. ROSS: Right.

17 CHAIRPERSON MILLER: It's not like
18 next week.

19 MEMBER SHORT: Right, so he has
20 got some time.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER SHORT: The Fire Department

1 generator permit.

2 CHAIRPERSON MILLER: Fire

3 Department?

4 MEMBER SHORT: Generator permit.

5 CHAIRPERSON MILLER: Generator

6 permit. Okay.

7 MEMBER SHORT: The reimbursable

8 MPD detail applications and approvals.

9 CHAIRPERSON MILLER: Approval?

10 MEMBER SHORT: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: He's got to

13 September, so he had got plenty of time. And

14 also the security company he is hiring outside

15 of the reimbursable. He is going to bring us

16 the application and the contract. Those three

17 things he agreed to.

18 CHAIRPERSON MILLER: Okay. I'm

19 going to say, we don't have a lot of time,

20 because we go into recess like August 15th or

21 something like that.

22 MEMBER SHORT: Okay.

1 CHAIRPERSON MILLER: And this is
2 for September 4th, so we want this -- we need
3 to do that before then. Yes, okay.

4 MEMBER SHORT: Yes.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MEMBER JONES: So I just want to
7 say to you I think what you are looking for is
8 guidance, constructive, definitive guidance --

9 MR. ROSS: Yes.

10 MEMBER JONES: -- that you can
11 operate a business against. My guidance to
12 you is assume the 30 and work from there.
13 This is not an iterative process where you can
14 go back and forth and make decisions at the
15 last minute or oh, I've got this and this came
16 in. We are only going to have 1,000 people
17 show up. I want to change the number. We are
18 not going to be that responsive.

19 Like I just want to be quite
20 candid with you. So I would operate under the
21 construct that 30 is your number and work from
22 there. As an individual Board Member giving

1 you guidance as to what to do.

2 MR. ROSS: Great. Thank you.

3 MEMBER JONES: You're welcome.

4 CHAIRPERSON MILLER: Okay. And I
5 have got a little bit more guidance, too.
6 Since you are going to be, it sounds like you
7 are going to do another application, I guess,
8 just with these details? I mean, you could
9 mark this up, but, you know, you are going to
10 be changing the security number. You're going
11 to be adding those three things that Mr. Short
12 mentioned.

13 But I also would say to make this
14 a better application, based on, and more
15 likely to succeed, our discussions, I would
16 like you to address the carding. Like how
17 many people are actually going to be in the --
18 at that -- where the group meets and how they
19 are going to card, so that there are no sale
20 to minor violations.

21 MR. ROSS: Yes.

22 CHAIRPERSON MILLER: And you said

1 you wanted to talk to people in other
2 locations to see how they did it?

3 MR. ROSS: Yes.

4 CHAIRPERSON MILLER: Okay. But I
5 would say, you know, we were just saying about
6 how our pub crawls, for instance, have had no
7 problems and Virginia has. You know, and I do
8 think some of it is because we are doing
9 things right here. You know, just because
10 they do something in another place may not be
11 good enough, but it is certainly worth asking
12 them.

13 MR. ROSS: Yes, absolutely.

14 CHAIRPERSON MILLER: But it seems
15 to me I would feel more comfortable that you
16 have two people at each group, because if you
17 are going to start turning somebody away, you
18 might have an issue.

19 MR. ROSS: Right, understood.

20 CHAIRPERSON MILLER: You know. So
21 and the other thing I would say with respect
22 to security, I think Mr. Jones is right. We

1 are not going to be flipping back and forth on
2 numbers, but since you have time, I would be
3 interested if, you know, you are going to
4 coordinate with reimbursable detail, give them
5 the numbers, say this is the suggested number
6 here and will this work, you know, with your
7 numbers and I think that would be great.

8 Okay. Anything else?

9 MEMBER JONES: Just to be clear,
10 that's not something you need to come back and
11 forth to us with. As I interpret what the
12 Chairman is saying, is we use that internally
13 to go back and forth. We are committed to the
14 police and revocation.

15 I, as an individual Board Member,
16 am not expecting you to come back and forth to
17 me with every outcome of every meeting related
18 to how many security people recommend.

19 MR. ROSS: Sure.

20 MEMBER JONES: It's not a -- I'm
21 not trying to do a trade study or an analysis
22 or a thesis --

1 MR. ROSS: Right.

2 MEMBER JONES: -- on this. I'm
3 just trying to give you clear guidance. I
4 don't think you want to have to come back.
5 You've got a million things to work out.

6 MR. ROSS: Yes.

7 MEMBER JONES: Right? I mean,
8 this is just one of a million.

9 MR. ROSS: Right.

10 MEMBER JONES: So I'm just trying
11 to help you streamline this.

12 MR. ROSS: Absolutely. Thank you.

13 CHAIRPERSON MILLER: I just mean
14 you're going to get your number from MPD. And
15 so I think, you know, in your application you
16 can say the number is based on so and so
17 reimbursable detail that they determined was
18 appropriate in connection with the 30
19 security.

20 I mean I think that's good that
21 there is time for you to have that
22 conversation with MPD. That's all.

1 MEMBER JONES: Okay. Well, I will
2 reiterate this. It's not a requirement in
3 terms of having to put that on your
4 application, as far as I'm concerned.

5 CHAIRPERSON MILLER: Not the 30.

6 MEMBER JONES: If that is
7 something that is going to keep you from -- I
8 don't want you to have to come back and forth
9 up here providing us with a document just for
10 our whimsical desire to be informed, be
11 engaged in exactly how you are doing what you
12 are doing.

13 I think we are providing you
14 guidance, from my standpoint, of, as an
15 individual Board Member, if you account for 30
16 and you note that you are going to account for
17 30 in your application, then that's
18 sufficient.

19 MR. ROSS: Okay.

20 CHAIRPERSON MILLER: Okay. And as
21 an individual Board Member, I mean, if you
22 have the time, I would like to know how it is

1 going to be divided if you say 30 and that
2 includes 12 reimbursable detail and that
3 includes 16 something. It's just more
4 knowledge --

5 MR. ROSS: Yes.

6 CHAIRPERSON MILLER: -- for
7 comfort level. I know Mr. Jones is saying he
8 doesn't need that.

9 MR. ROSS: Right.

10 CHAIRPERSON MILLER: But I mean,
11 if you have that information, I would need
12 that. It would help me. Okay. Anything
13 else?

14 MEMBER RODRIGUEZ: I just have a
15 question --

16 CHAIRPERSON MILLER: Yes.

17 MEMBER RODRIGUEZ: -- of my
18 colleagues.

19 MEMBER JONES: Take that off-line?
20 We can probably take that off-line.

21 CHAIRPERSON MILLER: All right.

22 All right. So the only -- so as I understand

1 it, you are to resubmit your application --

2 MR. ROSS: Yes.

3 CHAIRPERSON MILLER: -- after you
4 get the other permits and information. Okay.
5 I think this has been a helpful conversation
6 and I will see if I can locate your
7 application and see if we should be giving it
8 to you procedurally to take and then you can
9 come back with a new one.

10 MR. ROSS: Okay.

11 MEMBER JONES: So just to be
12 clear, does that mean we are not approving the
13 application, at this time? Which means you do
14 not, they, the licensee does not have approval
15 to proceed with this event as it stands right
16 now, correct?

17 CHAIRPERSON MILLER: Correct.

18 MEMBER JONES: Okay. And if you
19 do not provide us the completed application as
20 per our request --

21 MR. ROSS: We --

22 MEMBER JONES: If you do not

1 provide the completed application as per our
2 request by the -- in time enough for us to
3 approve it, then your event will not be
4 approved and you will not be allowed, from our
5 standpoint, to proceed.

6 So I would suggest that you
7 communicate with our counsel to confirm when
8 the Board is going to be in a position to
9 approve your application. And it's not going
10 to -- we are not going to be in here the
11 entire time. We are going to be out for
12 recess for three weeks, give or take, so keep
13 that in mind as you are working through this
14 process.

15 MR. ROSS: Okay.

16 MEMBER SHORT: All right.

17 CHAIRPERSON MILLER: You might
18 want to aim for two weeks.

19 MR. ROSS: Two weeks and I have to
20 resubmit? I can do it faster than that.

21 CHAIRPERSON MILLER: Okay. Good.
22 Because we don't want to aim for the last week

1 we are in recession.

2 MR. ROSS: Yes. Understood.

3 CHAIRPERSON MILLER: Something
4 might happen. And if you can't get one of
5 these documents, because -- or something is
6 not available yet, you know, then talk to our
7 General Counsel. I mean, if you don't have
8 the Fire Department Generator Permit because
9 they don't issue it until the week of or
10 something, I don't really know, you may have
11 the application or you may have whatever --

12 MR. ROSS: Okay.

13 CHAIRPERSON MILLER: -- but any
14 issues that you have on the way, anything is
15 a problem, contact our Legal Counsel, Martha
16 Jenkins, and if she is not here another
17 attorney will help you.

18 MR. ROSS: I'm sorry, what was her
19 name?

20 CHAIRPERSON MILLER: Martha
21 Jenkins.

22 MR. ROSS: Martha Jenkins, okay.

1 CHAIRPERSON MILLER: If she is not
2 here, you might ask for Jonathan Berman, who
3 is right here listening, so because Ms.
4 Jenkins won't be here next week.

5 MR. ROSS: Okay.

6 CHAIRPERSON MILLER: All right.
7 Any questions then?

8 MR. ROSS: That's it.

9 CHAIRPERSON MILLER: All right. I
10 just wanted to see if we have your
11 application.

12 MR. ROSS: Okay.

13 CHAIRPERSON MILLER: Do we have it
14 right here, the original?

15 MEMBER SHORT: Yes.

16 CHAIRPERSON MILLER: Okay.
17 Jonathan? We keep it? Okay. Okay. We are
18 going to hold on to this.

19 MR. ROSS: Okay.

20 CHAIRPERSON MILLER: And you
21 probably have the exact copy.

22 MR. ROSS: Yes.

1 CHAIRPERSON MILLER: And but you
2 should submit another one and just add to it
3 or redo the application with the other
4 information. Okay?

5 MR. ROSS: Yes.

6 CHAIRPERSON MILLER: Great.

7 MR. ROSS: All right. Thank you.

8 CHAIRPERSON MILLER: Thank you.

9 MR. ROSS: Appreciate it.

10 CHAIRPERSON MILLER: Okay. I
11 think that concludes our hearings for this
12 afternoon.

13 (Whereupon, the Show Cause Hearing
14 in the above-entitled matter was concluded at
15 3:55 p.m.)

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