

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Urban Taste, LLC :

t/a Takeateasy : Fact Finding

1990 M Street, NW : Hearing

Retailer CR :

License No. 89631 :

ANC 2B :

Request for a Change of :

Hours; Request for an :

Entertainment Endorsement :

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AUGUST 7, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne

Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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10:29 a.m.

CHAIRPERSON MILLER: All right.

We have another fact finding hearing for
Takeateasy located at 1990 M Street, N.W.,
License No. 89631 in ANC 2B.

Good morning.

MR. RODRIGUEZ: Good morning,
Madam Chairperson.

CHAIRPERSON MILLER: Yes, could
you identify yourselves for the record?

MR. RODRIGUEZ: My name is Hector
Rodriguez and I'm assisting Takeateasy. I do
the translation and assist him with
applications and matters of that kind. To my
left is Mr. Daniel Aquino, one of the co-
owners of Takeateasy.

CHAIRPERSON MILLER: Mr.
Rodriguez, I'm not sure what you said about --
you're representing him, or what?

MR. RODRIGUEZ: Yes, I translate.

CHAIRPERSON MILLER: You

1 translate? What language?

2 MR. RODRIGUEZ: And I assist him
3 in any way like that.

4 CHAIRPERSON MILLER: What
5 language? What language are you translating?

6 MR. RODRIGUEZ: Oh, Spanish. I'm
7 sorry.

8 CHAIRPERSON MILLER: Oh, Spanish?

9 MR. RODRIGUEZ: Yes.

10 CHAIRPERSON MILLER: Okay. I need
11 to swear you in as --

12 MR. RODRIGUEZ: Okay. Sure.

13 CHAIRPERSON MILLER: --
14 interpreting for him. Okay. Do you solemnly
15 swear that you will faithfully and accurately
16 interpret the proceedings in this matter from
17 Spanish into English and from English into
18 Spanish to the best of your ability?

19 MR. RODRIGUEZ: I do.

20 WHEREUPON,

21 DANIEL AQUINO

22 was called for examination by Counsel for the

1 Government and, having first been duly sworn,
2 assumed the witness stand, was examined and
3 testified as follows. NOTE: UNLESS OTHERWISE
4 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE
5 TRANSLATOR, HECTOR RODRIGUEZ, WHO WAS ALSO
6 FIRST DULY SWORN.

7 CHAIRPERSON MILLER: Okay. So
8 this what we call a fact finding hearing.
9 It's not evidentiary. Nobody's under oath.
10 Nobody's cross-examined, anything like that.

11 You recently filed an application
12 to change hours. If I'm not mistaken, I
13 believe that they -- are they now going to be
14 24 hours? Twenty-four-hour operation, or --

15 MR. RODRIGUEZ: Not quite 24
16 hours.

17 CHAIRPERSON MILLER: Not quite?

18 MR. RODRIGUEZ: But extending the
19 time so that they could, you know, serve
20 breakfast.

21 CHAIRPERSON MILLER: Go ahead.

22 MR. RODRIGUEZ: So that we're

1 looking at from Sunday right -- now it's from
2 Sunday through Thursday to 2:00 a.m.
3 Currently.

4 CHAIRPERSON MILLER: Yes.

5 MR. RODRIGUEZ: From 11:00 to 2:00
6 a.m. on Sunday. And then Monday, Thursday,
7 Wednesday and Friday 6:30 to 3:00 a.m. And
8 then Saturday 6:30 to 3:00 a.m. That's the
9 current.

10 CHAIRPERSON MILLER: Yes.

11 MR. RODRIGUEZ: What we're
12 requesting is keep the 11:00 to 2:00 a.m.
13 current.

14 CHAIRPERSON MILLER: Right.

15 MR. RODRIGUEZ: 6:30 to 2:00 a.m.
16 current. 6:30 to 2:00 a.m. current. 6:30 to
17 2:00 a.m. current. And then on Thursday from
18 6:30 to 4:00 a.m., Friday 6:30 to 5:30 a.m.,
19 and Saturday 6:30 to 5:30 a.m.

20 CHAIRPERSON MILLER: Okay.

21 MR. RODRIGUEZ: That is in order
22 to be able to serve breakfast. We think that

1 the business could expand and also provide
2 services that are not existent there at this
3 time. There are many clubs. And I think
4 people come and eat breakfast at the
5 restaurant and it might settle them down a
6 little bit if they've been drinking and have
7 some coffee and breakfast. And that's the
8 role that we want to play at that time.

9 CHAIRPERSON MILLER: Okay. And
10 also I believe you have another application
11 for entertainment, is that correct?

12 MR. RODRIGUEZ: Yes, ma'am.

13 CHAIRPERSON MILLER: Can you
14 explain that one?

15 MR. RODRIGUEZ: Yes, of course the
16 current license is -- as far as the beverage
17 sales and consumption, of course that will
18 remain as per the -- that will not change. Of
19 course we will not sell any liquor beyond
20 that. We wanted to have entertainment of
21 course from 6:00 to 5:00 a.m. on Sunday and
22 6:00 to 5:00 a.m. on Monday, 6:00 to 5:00 a.m.

1 on Tuesday and all the way to Saturday.

2 But the kind of entertainment that
3 we're looking at is anything past 3:00 would
4 be just like background music or light guitar.
5 Traditionally in the Latin countries we have
6 a little bit of guitar music with coffee and
7 breakfast and stuff like that. There would be
8 no bands after 3:00 a.m. and nothing of that
9 kind. Just light listening music to calm
10 people down.

11 And one of the advantages that the
12 restaurant has is it's right in a commercial
13 area. There are no neighbors or homes nearby
14 that could be -- you know, but the restaurant
15 has never had any problems or any complaints
16 or has never had any negative events of any
17 kind. So and we want to continue it that way.

18 CHAIRPERSON MILLER: How long has
19 the restaurant been there?

20 MR. RODRIGUEZ: The restaurant has
21 been open --

22 MR. AQUINO: About six or seven

1 months.

2 CHAIRPERSON MILLER: Okay. What
3 was in the space before?

4 MEMBER SILVERSTEIN: China Caf,.

5 MR. RODRIGUEZ: I'm sorry, ma'am?

6 CHAIRPERSON MILLER: Oh, China
7 Caf,? What was in the space before? I was
8 just wondering what was in the space before.

9 MR. RODRIGUEZ: I'm sorry, I
10 can't --

11 CHAIRPERSON MILLER: What
12 restaurant or whatever occupied the space
13 before Takeateasy? Who was there before
14 Takeateasy?

15 MR. RODRIGUEZ: Oh, who was there
16 before Takeateasy?

17 CHAIRPERSON MILLER: Yes.

18 MR. AQUINO: China Caf,.

19 CHAIRPERSON MILLER: Okay. All
20 right. Are there Board questions?

21 MEMBER BROOKS: I have a question.

22 CHAIRPERSON MILLER: Yes, Mr.

1 Brooks?

2 MEMBER BROOKS: Thank you, Madam
3 Chair. What is the Certificate of Occupancy?

4 MR. AQUINO: Seated -- 49 seated.

5 MEMBER BROOKS: Forty-nine seated?

6 MR. RODRIGUEZ: Yes, sir.

7 MEMBER BROOKS: Is that one floor
8 or two floors?

9 MR. RODRIGUEZ: That's one floor,
10 sir.

11 MEMBER BROOKS: Thank you, Madam
12 Chair.

13 CHAIRPERSON MILLER: Okay.
14 Others? Mr. Silverstein?

15 MEMBER SILVERSTEIN: Madam Chair,
16 I'd like to make a couple comments here. No
17 one lives closer to this restaurant than I do.
18 I live at 20th and M. This is a small one-
19 floor storefront with a kitchen in the back
20 that is next to the McDonald's between 19th
21 and 20th Street on M. It's directly next door
22 to McDonald's. It's been there for six or

1 seven months and we haven't heard a peep from
2 them as neighbors.

3 And they are seeking to open for
4 breakfast and trying to improve their business
5 model. There's really nothing other than
6 McDonald's down there for breakfast. And if
7 they want to do that on a weekend -- you know,
8 we've had trouble in fact next door at
9 McDonald's, so I don't think that -- you know,
10 where there was in fact a homicide a year ago,
11 two years ago and a fight. So it's not that
12 they would be bringing anything into the
13 neighborhood that's not already there.

14 But we've had no trouble at all
15 with this place. And it's a very small place.
16 And as one who is right by it, I see no
17 problem with peace, order, quiet.

18 Have you had any problems with
19 drunks, with violence, with anything that's
20 required calls for service to the police?

21 MR. RODRIGUEZ: No, no, no. None,
22 Commissioner.

1 MEMBER SILVERSTEIN: No further
2 questions.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Silverstein, did you have some questions? I
5 mean, I'm sorry, Mr. Alberti?

6 MEMBER ALBERTI: Yes.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER ALBERTI: Good morning, Mr.
9 Aquino and Mr. Rodriguez.

10 Mr. Aquino, so I'm not familiar
11 with your establishment. What type of food do
12 you serve?

13 MR. AQUINO: Sandwiches.

14 MR. RODRIGUEZ: For example, the
15 churrrito sandwich, which is an Argentine, very
16 delicious meat sandwich with vegetables. You
17 can choose fries or --

18 MR. AQUINO: The chef for example
19 right now was the old chef from Fast Gourmet.
20 (In English) You know, the next block.
21 Sandwich.

22 MR. RODRIGUEZ: Right. But I

1 think the Commissioner wanted to know a little
2 bit more about the food, right, and --

3 MEMBER ALBERTI: Well, let me ask
4 another question. So what do you envision
5 sort of the breakfast menu being late at
6 night?

7 MR. AQUINO: The menu is being
8 planned for the breakfast right now and
9 they're looking at hot sandwiches, ham,
10 cheese, eggs, ham, and the kind of breakfast
11 that they tend to serve in like Argentina.

12 MEMBER ALBERTI: Okay. So is most
13 of the business sit-down or is it take-out, or
14 is it a combination? Can you describe that?

15 MR. RODRIGUEZ: It's sit-down,
16 Commissioner.

17 MEMBER ALBERTI: Okay. You have
18 listed here dancing on your entertainment,
19 live band and dancing. How large is this
20 establishment? Forty-nine seats. Where would
21 the dancing occur? Can you give me some
22 description of that?

1 MR. AQUINO: Commissioner, there
2 is a large space in the middle, the way the
3 restaurant is organized, so that the seating
4 is around the walls. And then there's a bar
5 and then there's a large space in the center,
6 and that's where people would be dancing and
7 congregating basically. They usually don't
8 have large -- they don't expect large crowds,
9 but that's basically where the activity will
10 take place.

11 MEMBER ALBERTI: And your
12 application I see is for entertainment until
13 the hours after 3:00, 4:00 and 5:30 a.m.
14 That's what your application is for
15 entertainment, is that correct?

16 MR. RODRIGUEZ: Right,
17 Commissioner. The entertainment part after
18 the liquor hours will be light entertainment.
19 Again, guitar and background music so people
20 can enjoy their breakfast and relax and maybe
21 be able to drive safely home after that.

22 MEMBER ALBERTI: Okay. I will

1 tell you personally I'm always a bit concerned
2 about entertainment after the --

3 MR. RODRIGUEZ: I'm sorry,
4 Commissioner?

5 MEMBER ALBERTI: I'm always a bit
6 concerned about entertainment requests after
7 the standard operating hours. It really opens
8 the door, especially in that neighborhood, and
9 I will tell my fellow Board Members if we
10 grant it for this individual, we'll be
11 granting it to many individuals to have
12 dancing and live bands until 5:30 a.m.,
13 because we can't do it for one and not for
14 others. So I'm particularly concerned about
15 that part of the request.

16 MR. RODRIGUEZ: Commissioner, may
17 I?

18 MEMBER ALBERTI: Sure.

19 MR. RODRIGUEZ: Respectfully. No,
20 we do not intend to have -- it's just that we
21 listed -- I guess the way that the application
22 was listed may be a little bit confusing. I

1 want to clear that up. This is a fact
2 finding.

3 CHAIRPERSON MILLER: Yes.

4 MR. RODRIGUEZ: There will be
5 after 3:00 --

6 MR. AQUINO: Yes, of course.

7 MR. RODRIGUEZ: There is no
8 dancing after 3:00. No bands after 3:00.
9 Only listening music. I guess we called it
10 entertainment maybe for not understanding, but
11 basically that would only be background soft
12 music and maybe a guitar player once in a
13 while. But there's no big bands or no big,
14 you know, dancing situation. We don't want
15 that in the restaurant at that time. So I
16 hope that would allay any concerns you may
17 have about that, sir.

18 MEMBER ALBERTI: How important is
19 the entertainment aspect to your business
20 after 3:00 a.m.?

21 MR. RODRIGUEZ: Well,
22 traditionally in the Latin countries it's a

1 very favorite to -- after people have been
2 drinking somewhere to gather and share
3 breakfast, have some coffee, maybe ease up on
4 the liquor and enjoy breakfast. And it helps
5 -- makes for a safer driving home after a good
6 breakfast instead of jumping in the car and
7 just taking off after you've been drinking.
8 So it tends to calm people down and it creates
9 a nice neighborhood aspect and relaxes people
10 a little bit more.

11 MEMBER ALBERTI: Thank you, Mr.
12 Rodriguez.

13 MEMBER SILVERSTEIN: I would --

14 CHAIRPERSON MILLER: Yes?

15 MEMBER SILVERSTEIN: I would like
16 to ask my colleague Mr. Alberti if he would be
17 more comfortable if they were to amend or make
18 a notation on their entertainment endorsement
19 application, that there would be no dancing
20 and no bands after 3:00 a.m. and that the
21 entertainment would be background music and
22 perhaps a single guitarist.

1 MEMBER ALBERTI: Mr. Silverstein,
2 I would have to consult with our legal counsel
3 about how that would work on a license. So I
4 think we'll have to do that after we adjourn
5 from this hearing. I don't think we can get
6 our counsel up here to give us advice now. I
7 think that's not really the way things work.

8 MEMBER SILVERSTEIN: Yes.

9 (Laughter.)

10 MEMBER SILVERSTEIN: Very well.

11 CHAIRPERSON MILLER: Well, we got
12 the facts from you, the right facts, that
13 that's what your business model will be, not
14 have bands and dancing --

15 MR. RODRIGUEZ: Thank you, Madam
16 Chairman. I will translate to him.

17 CHAIRPERSON MILLER: -- after
18 3:00.

19 MR. RODRIGUEZ: Madam Chairperson?

20 CHAIRPERSON MILLER: Yes?

21 MR. RODRIGUEZ: Commissioners,
22 that is acceptable to Mr. Aquino and

1 Takeateasy. We appreciate clearing that up
2 for us and we agree no dancing and no bands
3 after 3:00 a.m.

4 CHAIRPERSON MILLER: Let me ask
5 about the DJ then, since that's on your
6 application. I just want to be clear. Is the
7 DJ in the same category as the bands, or is
8 the DJ with the light guitar and singing?

9 MR. RODRIGUEZ: I'm so sorry.

10 CHAIRPERSON MILLER: I'm sorry.
11 DJ, how do you anticipate --

12 MR. RODRIGUEZ: Oh, the DJ?

13 CHAIRPERSON MILLER: Yes, like no
14 DJ after 3:00 or --

15 MR. RODRIGUEZ: No DJ after 3:00.

16 CHAIRPERSON MILLER: Okay. So
17 after 3:00 is really light music, background?

18 MR. RODRIGUEZ: Yes, ma'am.

19 CHAIRPERSON MILLER: Good. Any
20 other questions?

21 MEMBER BROOKS: Yes, Madam Chair.

22 CHAIRPERSON MILLER: Yes, Mr.

1 Brooks?

2 MEMBER BROOKS: Just one more. Do
3 you presently have a settlement agreement?

4 MR. RODRIGUEZ: There is no
5 settlement agreement. Like with the ANC?

6 MEMBER BROOKS: Yes.

7 CHAIRPERSON MILLER: Yes.

8 MR. RODRIGUEZ: No, there is no
9 settlement agreement. None.

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

12 CHAIRPERSON MILLER: Okay. And I
13 just want to disclose that I used to work in
14 that building, 1990 M Street, so I'm very
15 familiar with that location as well. So I've
16 personally given what you've said about the
17 entertainment, the different types before and
18 after 3:00. I am not concerned about peace,
19 order and quiet.

20 So, okay. So I think where we're
21 at is that we have all the information we need
22 from you. We have a good clarification of

1 what you intend to do and which entertainment
2 will be when. And I think that we're going to
3 have to get back to you about whether this
4 would need to be amended or not based on
5 what's been represented today. Okay?

6 Do you have any other questions
7 for us?

8 MR. RODRIGUEZ: Thank you for you
9 hearing us.

10 MR. AQUINO: Thank you.

11 CHAIRPERSON MILLER: Well, thank
12 you for coming down.

13 MR. RODRIGUEZ: Thank you.

14 CHAIRPERSON MILLER: And we'll be
15 in touch.

16 MR. AQUINO: Okay. Thank you.

17 (Whereupon, the hearing was
18 concluded at 10:48 a.m.)

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A	15:20 16:20 18:3 20:18	Certificate 9:3	confusing 14:22	eggs 12:10
ability 3:18		Chair 9:3,12,15 18:21 19:11	congregating 13:7	endorsement 1:11 16:18
able 5:22 13:21	B	Chairman 17:16	consult 17:2	English 3:17,17 11:20
acceptable 17:22	back 9:19 20:3	Chairperson 1:16	consumption 6:17	enjoy 13:20 16:4
accurately 3:15	background 7:4 13:19 15:11 16:21 18:17	1:19 2:3,9,10,18	continue 7:17	entertainment 1:11 6:11,20 7:2 12:18 13:12,15,17,18 14:2,6 15:10,19 16:18,21 19:17 20:1
activity 13:9	band 12:19	2:22 3:4,8,10,13	Control 1:2,14,14	
adjourn 17:4	bands 7:8 14:12 15:8,13 16:20 17:14 18:2,7	4:7,17,21 5:4,10	correct 6:11 13:15	
advantages 7:11	bar 13:4	5:14,20 6:9,13	counsel 3:22 17:2,6	
advice 17:6	based 20:4	7:18 8:2,6,11,17	countries 7:5 15:22	
ago 10:10,11	basically 13:7,9 15:11	8:19,22 9:13 11:3 11:7 15:3 16:14 17:11,17,19,20	course 6:15,17,19 6:21 15:6	
agree 18:2	believe 4:13 6:10	18:4,10,13,16,19	CR 1:8	envision 12:4
agreement 19:3,5,9	best 3:18	18:22 19:7,12	creates 16:8	especially 14:8
ahead 4:21	beverage 1:2,14,14 6:16	20:11,14	cross-examined 4:10	establishment 11:11 12:20
Alberti 1:20 11:5,6 11:8 12:3,12,17 13:11,22 14:5,18 15:18 16:11,16 17:1	beyond 6:19	change 1:10 4:12 6:18	crowds 13:8	events 7:16
Alcoholic 1:2,14,14	big 15:13,13	cheese 12:10	current 5:9,13,16 5:16,17 6:16	evidentiary 4:9
allay 15:16	bit 6:6 7:6 12:2 14:1,5,22 16:10	chef 11:18,19	Currently 5:3	away 7:1
amend 16:17	block 11:20	China 8:4,6,18		examination 3:22
amended 20:4	Board 1:2,14 8:20 14:9	choose 11:17	D	examined 4:2
ANC 1:9 2:6 19:5	breakfast 4:20 5:22 6:4,7 7:7 10:4,6 12:5,8,10 13:20 16:3,4,6	churrrito 11:15	dancing 12:18,19 12:21 13:6 14:12 15:8,14 16:19 17:14 18:2	example 11:14,18
ANSWERS 4:4	bringing 10:12	clarification 19:22	Daniel 2:16 3:21	existent 6:2
anticipate 18:11	Brooks 1:21 8:21 9:1,2,5,7,11 18:21 19:1,2,6,10	clear 15:1 18:6	delicious 11:16	expand 6:1
application 4:11 6:10 13:12,14 14:21 16:19 18:6	building 1:15 19:14	clearing 18:1	describe 12:14	expect 13:8
applications 2:15	business 6:1 10:4 12:13 15:19 17:13	closer 9:17	description 12:22	explain 6:14
appreciate 18:1		clubs 6:3	different 19:17	extending 4:18
Aquino 2:16 3:21 7:22 8:18 9:4 11:9,10,13,18 12:7 13:1 15:6 17:22 20:10,16	C	coffee 6:7 7:6 16:3	directly 9:21	
area 7:13	Caf 8:4,7,18	colleague 16:16	disclose 19:13	
Argentina 12:11	call 4:8	COLUMBIA 1:1	DISTRICT 1:1	
Argentine 11:15	called 3:22 15:9	combination 12:14	DJ 18:5,7,8,11,12 18:14,15	
aspect 15:19 16:9	calls 10:20	come 6:4	door 9:21 10:8 14:8	
assist 2:14 3:2	calm 7:9 16:8	comfortable 16:17	drinking 6:6 16:2,7	
assisting 2:13	car 16:6	coming 20:12	drive 13:21	
assumed 4:2	category 18:7	comments 9:16	driving 16:5	
AUGUST 1:13	center 13:5	commercial 7:12	drunks 10:19	
a.m. 2:2 5:2,6,7,8,12 5:15,16,17,18,18 5:19 6:21,22,22 7:8 13:13 14:12		Commissioner 10:22 12:1,16 13:1,17 14:4,16	duly 4:1,6	
		Commissioners 17:21	D.C. 1:15	
		complaints 7:15		
		concerned 14:1,6 14:14 19:18		
		concerns 15:16		
		concluded 20:18		
			E	
			ease 16:3	
			eat 6:4	
				fact 1:7 2:4 4:8 10:8,10 15:1
				facts 17:12,12
				faithfully 3:15
				familiar 11:10 19:15
				far 6:16
				Fast 11:19
				favorite 16:1
				fellow 14:9
				fight 10:11
				filed 4:11
				finding 1:7 2:4 4:8 15:2
				first 4:1,6
				floor 9:7,9,19
				floors 9:8
				follows 4:3

food 11:11 12:2	interpret 3:16	Madam 2:9 9:2,11	need 3:10 19:21	13:6,19 16:1,8,9
Forty-nine 9:5	interpreting 3:14	9:15 17:15,19	20:4	personally 14:1
12:20	<hr/> J <hr/>	18:21 19:11	negative 7:16	19:16
Friday 5:7,18	jumping 16:6	matter 1:5 3:16	neighborhood	place 10:15,15
fries 11:17	<hr/> K <hr/>	matters 2:15	10:13 14:8 16:9	13:10
further 11:1	keep 5:12	ma'am 6:12 8:5	neighbors 7:13	planned 12:8
<hr/> G <hr/>	kind 2:15 7:2,9,17	18:18	10:2	play 6:8
gather 16:2	12:10	McDonald's 9:20	never 7:15,16	player 15:12
give 12:21 17:6	kitchen 9:19	9:22 10:6,9	nice 16:9	police 10:20
given 4:4 19:16	know 4:19 7:14	mean 11:5	NICK 1:20	PRESENT 1:18
Go 4:21	10:7,9 11:20 12:1	meat 11:16	night 12:6	presently 19:3
going 4:13 20:2	15:14	MEETING 1:3	Nobody's 4:9,10	presiding 1:16
good 2:7,8 11:8	<hr/> L <hr/>	Member 1:20,21	notation 16:18	problem 10:17
16:5 18:19 19:22	language 3:1,5,5	1:22 8:4,21 9:2,5	NOTE 4:3	problems 7:15
Gourmet 11:19	large 12:19 13:2,5	9:7,11,15 11:1,6,8	NOTED 4:4	10:18
Government 4:1	13:8,8	12:3,12,17 13:11	NW 1:8	proceedings 3:16
grant 14:10	late 12:5	13:22 14:5,18	N.W 1:15 2:5	provide 6:1
granting 14:11	Latin 7:5 15:22	15:18 16:11,13,15	<hr/> O <hr/>	P-R-O-C-E-E-D-...
guess 14:21 15:9	Laughter 17:9	17:1,8,10 18:21	oath 4:9	2:1
guitar 7:4,6 13:19	left 2:16	19:2,6,10	Occupancy 9:3	<hr/> Q <hr/>
15:12 18:8	legal 17:2	Members 14:9	occupied 8:12	question 8:21 12:4
guitarist 16:22	license 1:9 2:6 6:16	menu 12:5,7	occur 12:21	questions 8:20 11:2
<hr/> H <hr/>	17:3	met 1:14	Oh 3:6,8 8:6,15	11:4 18:20 20:6
ham 12:9,10	light 7:4,9 13:18	middle 13:2	18:12	quiet 10:17 19:19
heard 10:1	18:8,17	MIKE 1:22	okay 3:10,12,14 4:7	quite 4:15,17
hearing 1:8,15 2:4	liquor 6:19 13:18	Miller 1:16,19 2:3	5:20 6:9 8:2,19	<hr/> R <hr/>
4:8 17:5 20:9,17	16:4	2:10,18,22 3:4,8	9:13 11:3 12:12	really 10:5 14:7
Hector 2:12 4:5	listed 12:18 14:21	3:10,13 4:7,17,21	12:17 13:22 18:16	17:7 18:17
helps 16:4	14:22	5:4,10,14,20 6:9	19:10,12,20 20:5	record 2:11
home 13:21 16:5	listening 7:9 15:9	6:13 7:18 8:2,6,11	20:16	Reeves 1:15
homes 7:13	little 6:6 7:6 12:1	8:17,19,22 9:13	old 11:19	relax 13:20
homicide 10:10	14:22 16:10	11:3,7 15:3 16:14	once 15:12	relaxes 16:9
hope 15:16	live 9:18 12:19	17:11,17,20 18:4	open 7:21 10:3	remain 6:18
hot 12:9	14:12	18:10,13,16,19,22	opens 14:7	represented 20:5
hours 1:10 4:12,14	lives 9:17	19:7,12 20:11,14	operating 14:7	representing 2:20
4:16 13:13,18	LLC 1:6	mistaken 4:12	operation 4:14	request 1:10,10
14:7	located 2:5	Monday 5:6 6:22	order 5:21 10:17	14:15
<hr/> I <hr/>	location 19:15	months 8:1 10:1	19:19	requesting 5:12
identify 2:11	long 7:18	morning 2:7,8 11:8	organized 13:3	requests 14:6
important 15:18	looking 5:1 7:3	music 7:4,6,9 13:19	owners 2:17	required 10:20
improve 10:4	12:9	15:9,12 16:21	<hr/> P <hr/>	Respectfully 14:19
individual 14:10	<hr/> M <hr/>	18:17	part 13:17 14:15	restaurant 6:5 7:12
individuals 14:11	M 1:8 2:5 9:18,21	<hr/> N <hr/>	particularly 14:14	7:14,19,20 8:12
information 19:21	19:14	name 2:12	peace 10:17 19:18	9:17 13:3 15:15
intend 14:20 20:1		nearby 7:13	peep 10:1	Retailer 1:8
			people 6:4 7:10	right 2:3 5:1,14

7:12 8:20 10:16 11:19,22 12:2,8 13:16 17:12 19:10 Rodriguez 2:8,12 2:13,19,21 3:2,6,9 3:12,19 4:5,15,18 4:22 5:5,11,15,21 6:12,15 7:20 8:5,9 8:15 9:6,9 10:21 11:9,14,22 12:15 13:16 14:3,16,19 15:4,7,21 16:12 17:15,19,21 18:9 18:12,15,18 19:4 19:8 20:8,13 role 6:8 Room 1:15 Ruthanne 1:15,19	singing 18:8 single 16:22 sir 9:6,10 15:17 situation 15:14 sit-down 12:13,15 six 7:22 9:22 small 9:18 10:15 soft 15:11 solemnly 3:14 sorry 3:7 8:5,9 11:5 14:3 18:9,10 sort 12:5 space 8:3,7,8,12 13:2,5 Spanish 3:6,8,17 3:18 stand 4:2 standard 14:7 storefront 9:19 Street 1:8,15 2:5 9:21 19:14 stuff 7:7 Sunday 5:1,2,6 6:21 sure 2:19 3:12 14:18 swear 3:11,15 sworn 4:1,6	Thursday 5:2,6,17 time 4:19 6:3,8 15:15 today 20:5 touch 20:15 traditionally 7:5 15:22 translate 2:21 3:1 17:16 translating 3:5 translation 2:14 TRANSLATOR 4:5 trouble 10:8,14 trying 10:4 Tuesday 7:1 Twenty-four-hour 4:14 two 9:8 10:11 type 11:11 types 19:17 t/a 1:7	we've 10:8,14 witness 4:2 wondering 8:8 work 17:3,7 19:13	<hr/> 7 <hr/> 7 1:13 <hr/> 8 <hr/> 89631 1:9 2:6
<hr/> S <hr/> safely 13:21 safer 16:5 sales 6:17 sandwich 11:15,16 11:21 sandwiches 11:13 12:9 Saturday 5:8,19 7:1 seated 9:4,4,5 seating 13:3 seats 12:20 see 10:16 13:12 seeking 10:3 sell 6:19 serve 4:19 5:22 11:12 12:11 service 10:20 services 6:2 settle 6:5 settlement 19:3,5,9 seven 7:22 10:1 share 16:2 Silverstein 1:22 8:4 9:14,15 11:1,4 16:13,15 17:1,8 17:10	<hr/> T <hr/> take 13:10 Takeateasy 1:7 2:5 2:13,17 8:13,14 8:16 18:1 take-out 12:13 Taste 1:6 tell 14:1,9 tend 12:11 tends 16:8 testified 4:3 thank 9:2,11 16:11 17:15 19:11 20:8 20:10,11,13,16 things 17:7 think 5:22 6:3 10:9 12:1 17:4,5,7 19:20 20:2	<hr/> U <hr/> understanding 15:10 Urban 1:6 usually 13:7	<hr/> V <hr/> vegetables 11:16 violence 10:19	<hr/> 1 <hr/> 10:29 2:2 10:48 20:18 11:00 5:5,12 14th 1:15 19th 9:20 1990 1:8 2:5 19:14
		<hr/> W <hr/> walls 13:4 want 6:8 7:17 10:7 15:1,14 18:6 19:13 wanted 6:20 12:1 Washington 1:15 way 3:3 7:17 13:2 14:21 17:7 Wednesday 5:7 weekend 10:7 we'll 14:10 17:4 20:14 we're 4:22 5:11 7:3 19:20 20:2	<hr/> Y <hr/> year 10:10 years 10:11	<hr/> 2 <hr/> 2B 1:9 2:6 2:00 5:2,5,12,15,16 5:17 20th 9:18,21 2000 1:15 2013 1:13 24 4:14,15
		<hr/> W <hr/> walls 13:4 want 6:8 7:17 10:7 15:1,14 18:6 19:13 wanted 6:20 12:1 Washington 1:15 way 3:3 7:17 13:2 14:21 17:7 Wednesday 5:7 weekend 10:7 we'll 14:10 17:4 20:14 we're 4:22 5:11 7:3 19:20 20:2	<hr/> P <hr/> p 1:5,12	<hr/> 3 <hr/> 3:00 5:7,8 7:3,8 13:13 15:5,8,8,20 16:20 17:18 18:3 18:14,15,17 19:18
		<hr/> U <hr/> understanding 15:10 Urban 1:6 usually 13:7	<hr/> Y <hr/> year 10:10 years 10:11	<hr/> 4 <hr/> 4:00 5:18 13:13 49 9:4
		<hr/> W <hr/> walls 13:4 want 6:8 7:17 10:7 15:1,14 18:6 19:13 wanted 6:20 12:1 Washington 1:15 way 3:3 7:17 13:2 14:21 17:7 Wednesday 5:7 weekend 10:7 we'll 14:10 17:4 20:14 we're 4:22 5:11 7:3 19:20 20:2	<hr/> P <hr/> p 1:5,12	<hr/> 5 <hr/> 5:00 6:21,22,22 5:30 5:18,19 13:13 14:12
		<hr/> U <hr/> understanding 15:10 Urban 1:6 usually 13:7	<hr/> Y <hr/> year 10:10 years 10:11	<hr/> 6 <hr/> 6:00 6:21,22,22 6:30 5:7,8,15,16,16 5:18,18,19