

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

IN THE MATTER OF:

Ekho Events, Inc.  
t/a Echostage  
2135 Queens Chapel Road, NE  
Retailer CN - ANC-5C  
License No. 90250  
Case #13-PRO-00174

Protest  
Hearing

(Application to Renew the  
License)

September 10, 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  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

ABYIE GHENENE, ABRA Investigator

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

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WITNESS	DIRECT	CROSS	REDIRECT
Abyie Ghenene	15	43/58	
Yolanda Odunsi	82	87	143
Karla Butler	171		
Andre de Moya	210	231	
Antonis Karagounis	275/322	327	

## EXHIBITS IDENTIFIED RECEIVED

## APPLICANT:

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

(3:03 p.m.)

CHAIRPERSON MILLER: Okay. Good afternoon. Sorry to keep you all waiting. I know you are all here for Echostage. I just want to make a couple of announcements with respect to the calendar.

(Whereupon, the above-entitled matter went off the record at 3:03 p.m. and resumed at 3:04 p.m.)

CHAIRPERSON MILLER: So we have the afternoon, what is left of it, devoted to this case, Echostage.

So why don't we start with your identifying yourselves for the record?

MR. WOODSON: Chair Miller and Members of the Board, I'm Roderic Woodson, counsel to Echostage, partner at Holland & Knight. And I'm accompanied today by my partner, Kwamina Williford, our associate, Jessica Farmer and representatives from Echostage who are here: Antonis Karagounis and

1 Andre de Moya. Go ahead, please, just tell  
2 the Board.

3 CHAIRPERSON MILLER: Okay. So  
4 also the mike is on the table if you don't  
5 necessarily have to stand, you know.

6 MR. WOODSON: Well, I --

7 CHAIRPERSON MILLER: You may like  
8 to. I know some people like to.

9 MR. WOODSON: You know I always  
10 like to stand, Chairman Miller.

11 CHAIRPERSON MILLER: I missed the  
12 names of the representatives of Echostage who  
13 are here.

14 MR. WOODSON: Antonis Karagounis.

15 CHAIRPERSON MILLER: Okay.

16 MR. WOODSON: And Andre de Moya.

17 CHAIRPERSON MILLER: Okay.

18 MR. WOODSON: And also in the  
19 proceeding this afternoon will be, for  
20 protestants, Kwamina Williford.

21 CHAIRPERSON MILLER: Okay. Thank  
22 you. And over at this table? Good afternoon.

1 MS. BUTLER: Good afternoon,  
2 Board. I am Karla Butler, ANC Commissioner  
3 for 5C02. I represent the ANC-5C as well as  
4 the group of five or more. I also have here  
5 Yolanda Odunsi and she is also part of the  
6 group of five or more.

7 CHAIRPERSON MILLER: What's your  
8 name again?

9 MS. ODUNSI: Yolanda Odunsi.

10 CHAIRPERSON MILLER: Okay. And,  
11 Ms. Butler, will you be the one basically  
12 litigating the case?

13 MS. BUTLER: Yes.

14 CHAIRPERSON MILLER: Okay. Good.  
15 So we have PIFs that were submitted. Would  
16 you just remind us, I'll start with Ms.  
17 Williford, how many witnesses you are going to  
18 have or who your witnesses are going to be?

19 MS. WILLIFORD: We would have two  
20 in rebuttal and that would depend on what ever  
21 action is put forward. We will try and keep  
22 it as --

1 CHAIRPERSON MILLER: Just rebuttal  
2 witnesses?

3 MS. WILLIFORD: Right.

4 CHAIRPERSON MILLER: Okay. And,  
5 Ms. Butler?

6 MS. BUTLER: We will have Ms.  
7 Odunsi as well as recordings from the  
8 community.

9 CHAIRPERSON MILLER: As well as  
10 what?

11 MS. BUTLER: Voice recordings from  
12 the community.

13 CHAIRPERSON MILLER: Voice  
14 recordings?

15 MS. BUTLER: Correct.

16 CHAIRPERSON MILLER: Are you  
17 familiar with that?

18 MS. WILLIFORD: It's listed on the  
19 report, but we would -- when we get to that  
20 point, we will likely object.

21 CHAIRPERSON MILLER: Okay. So  
22 when we get to that point, we can wait until

1 that point and get the context then and what  
2 that is all about, because that's something --  
3 that seems new and unfamiliar --

4 MS. BUTLER: Okay.

5 CHAIRPERSON MILLER: -- to the  
6 Board or to me anyway. It sounds like to the  
7 applicant. Okay. And you all are familiar  
8 with the Board's proceedings, correct?

9 MR. WOODSON: Correct.

10 CHAIRPERSON MILLER: You each get  
11 up to an hour and a half, though we don't  
12 anticipate that you necessarily need to take  
13 that much time and five minutes for opening  
14 and closing statements, which is not included  
15 in that hour and a half. Okay. So you are  
16 familiar with all that.

17 MS. WILLIFORD: Yes.

18 CHAIRPERSON MILLER: I won't go  
19 through that then.

20 Okay. Are there any preliminary  
21 issues that either party wants to bring to our  
22 attention? Okay.

1                   In which case, then we can start  
2 with the applicant's opening statement.

3                   MS. WILLIFORD: The protestant or  
4 the applicant?

5                   CHAIRPERSON MILLER: Applicant.

6                   MS. WILLIFORD: Okay. Good  
7 afternoon. Echostage is a premier concert  
8 venue --

9                   MEMBER SILVERSTEIN: Ms.  
10 Williford, could you please --

11                   MS. WILLIFORD: -- located in the  
12 industrial -- can you hear me now? Is that  
13 better?

14                   MEMBER SILVERSTEIN: Better, yes,  
15 much better. Thank you very much.

16                   MS. WILLIFORD: Located in the  
17 industrialized Commercial Zone of Ward 5 off  
18 Queens Chapel Road. It attracts national/  
19 international talent from acclaimed bands and  
20 DJs, such as Rick Ross and Paris Hilton to  
21 Grammy Award winning artists like New Zealand,  
22 Lorde and hip hop icon, Jay Z.

1 Echostage takes pride in the fact  
2 that it attracts people from all over the  
3 region and even has concert-goers from the  
4 neighborhood, such as Ms. Karla Butler.

5 Under D.C. Code Section 25-313 and  
6 25-315, it sets forth the appropriateness  
7 standards for ABRA's establishments and  
8 governs the conditions of renewal.

9 The ANC's ability to protest a  
10 renewal and in this case it did, but it's not  
11 seeking revocation of the license. It seeks  
12 instead to renew the community agreement.

13 To be honest, the specific  
14 concerns are made unclear to us regarding why  
15 we are here and the reasons for the protest,  
16 but within the Protest Information Form, there  
17 is advancing the issues of peace, order and  
18 quiet and parking.

19 So in certain circumstances where  
20 the establishment has a history of violating  
21 terms of its license and has not maintained  
22 the appropriateness standards, an agreement or

1 additional limitations on that license may be  
2 warranted in connection with the renewal.

3 That is simply not the case here.

4 The evidence will show that Echostage is a  
5 venue whose ABRA License should be renewed as  
6 presented without any limitations. The  
7 evidence will show no ABRA violations in the  
8 past two years since it has been open for  
9 operation.

10 It will show Echostage was  
11 consistently monitored for noise and no noise  
12 violations were found. It will show Echostage  
13 has a commitment to safety, hiring extra MPD  
14 detail and also having two EMT personnel on  
15 staff.

16 The evidence will show a  
17 commitment to addressing parking concerns  
18 showing the proactive efforts that the  
19 establishment has made to contract with the  
20 area to secure over 700 parking spaces. The  
21 evidence will also show our commitment to  
22 address litter, showing the proactive measures

1 that have been taken to adopt the block,  
2 including quarterly pickups and to pickup  
3 before and after the venue if there is a  
4 concert event happening.

5 Above and beyond all of this, the  
6 evidence will also show Echostage has taken  
7 affirmative steps to get back to the community  
8 by partnering with the MPD to host a youth  
9 summit jam partnering with local organizations  
10 to put on a Christmas party for children of  
11 incarcerated parents and also donating their  
12 venue at times to honor local Marines.

13 As you listen to the testimony and  
14 evidence presented before you today, ask  
15 yourself is this establishment operating as  
16 one that warrants added restrictions on its  
17 license or is this establishment one that has  
18 consistently complied with ABRA's rules and  
19 regulations and has earned the privilege to  
20 have its license renewed without any  
21 restrictions?

22 We respectfully submit the

1 evidence will show the latter and we will be  
2 asking for the renewal of Echostage license  
3 without any further restrictions. Thank you.

4 CHAIRPERSON MILLER: Thank you.  
5 Ms. Butler?

6 MS. BUTLER: Good afternoon,  
7 Members of the Board. I am here to talk about  
8 the license renewal for Echostage as the  
9 counsel the -- I'm sorry, applicant has  
10 stated, that I have tried to resolve issues  
11 within the community with Echostage with  
12 owners, Andre -- sorry, with partners Andre  
13 and some of those issues have not been  
14 resolved.

15 As you will see with the evidence  
16 that there are multiple concerns and  
17 complaints from the activities at Echostage  
18 that has adversely affected the community.

19 We are not here to fight the  
20 applicant. We are merely here to try to enter  
21 into an agreement where Echostage will be a  
22 good steward to the community. As such, we

1 have not been able to enter into an agreement.

2 This is the reason as to why we  
3 are here today. I would ask that the Board  
4 hear the concerns of the community and make  
5 sure that we are protected in these issues  
6 where this venue has over 4,000 to 7,000  
7 people on a weekly basis entering and flooding  
8 into our community.

9 We have issued -- we have  
10 experienced issues not limited to car break-  
11 ins, intoxicated patrons patrolling our  
12 streets and trash and litter that is flooding  
13 our streets.

14 Queens Chapel Road is a mixed-use  
15 area with residential as well as industrial.  
16 Queens Chapel is a major thoroughfare where  
17 residents use Queens Chapel and pass by  
18 Echostage every day, so we are witness to the  
19 activities that are associated with Echostage.  
20 And as such, I would just like to ask the  
21 Board to hear the concerns, so that the  
22 community is protected. Thank you.

1                   CHAIRPERSON MILLER: Thank you.  
2                   And I just want to clarify something just  
3                   based on what I heard you saying and make sure  
4                   there is no misunderstanding or anything.

5                   So this Board does not have  
6                   authority to impose any agreement upon the  
7                   parties. You have a chance to come to a  
8                   voluntary agreement or settlement agreement  
9                   prior to this date.

10                  At this point, the outcome would  
11                  be, and it may just be, you know, words that  
12                  we are talking about, but this Board would  
13                  have the authority, as the applicant's counsel  
14                  stated, to impose certain conditions or  
15                  restrictions on the license as a result of  
16                  findings we might make in this hearing.

17                  Is that clear?

18                  MS. BUTLER: Yes.

19                  CHAIRPERSON MILLER: Okay. All  
20                  right. Good. All right. Then at this point,  
21                  we will hear from our Board witness, our ABRA  
22                  Investigator, Mr. Ghenene. Good afternoon.

1 INVESTIGATOR GHENENE: Good

2 afternoon.

3 Whereupon,

4 ABYIE GHENENE

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

6 having been first duly sworn, assumed the

7 witness stand and was examined and testified

8 as follows:

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 CHAIRPERSON MILLER: Okay. Thank

11 you. So whenever you are ready, if you could

12 tell us about your findings in your report?

13 DIRECT EXAMINATION

14 INVESTIGATOR GHENENE: Yes, ma'am,

15 and I'll try and be as brief as possible. And

16 if at any point you guys want me to expand my

17 comments, I'll pretty much just be reviewing

18 my report.

19 CHAIRPERSON MILLER: Okay.

20 INVESTIGATOR GHENENE: But I do

21 have other stuff to add.

22 On Monday, March 31, 2014, I was

1 assigned the protest investigation for the  
2 renewal of Echostage. Protestant was -- the  
3 protest is being protested by one protestant  
4 and that's ANC-5C represented by Karla Butler.

5 Thursday, September 4th, I emailed  
6 Karla Butler to request to speak with her and  
7 I also called her and left a message and we  
8 briefly played phone tag. I think that she  
9 had some restrictive issues as far as being  
10 able to use the phone to get back in contact  
11 with me. And as a result, I did not interview  
12 her.

13 However, I did look into and I  
14 have looked into the adverse impact on peace,  
15 order and quiet in general and the adverse  
16 impact on residential parking and vehicular/  
17 pedestrian safety as represented as the  
18 protest issues.

19 First of all, as far as the area,  
20 it's Zoned CM-2 and you can read in my report  
21 what that allows that area to have, but just  
22 from my observations, there is several large

1 businesses in the area to include waste  
2 management. They have a dumping station there  
3 and a concrete company, as well as, I think  
4 there is, like a taxi cab depot. There is two  
5 other ABC establishments and a bank and a  
6 couple other little businesses.

7 There is one, I think, daycare or  
8 a child care center around the corner from the  
9 establishment. There are no schools in the  
10 area. Parking on Queens Chapel Road. There  
11 isn't street parking, per se, on the street,  
12 on Queens Chapel Road and when Echostage is  
13 open for business, however, they do have  
14 approximately 700 spaces allotted to them  
15 through various contacts with the area parking  
16 companies. And there is always street parking  
17 across the bridge into the neighborhoods.

18 The outdoor area surrounding the  
19 establishment is very kind of simple. They  
20 have an overhang, or I don't know what you  
21 call it, but, that protects their patrons from  
22 the elements as they stand in line to get

1       inside, that's pretty much it.

2                   The interior, there is two levels.  
3       There is two bars, two large bars on the lower  
4       level. Two large bars on the top level.  
5       There is a dance floor and a large stage on  
6       the first level.

7                   The hours of service and operation  
8       are going to remain the same as far as I could  
9       tell. So as far as I monitored the  
10       establishment for the purpose of this report  
11       on, I think it is, eight different occasions,  
12       but I honestly monitored Echostage probably  
13       more than any establishment in the city over  
14       the past year, simply because of its proximity  
15       to two other ABC establishments and just the  
16       frequency of -- I guess, just the general  
17       amount of people in that area.

18                   So while my notes here from those  
19       specific dates are here, I can comment to  
20       other times that I have been there.

21                   But in general, Echostage isn't  
22       open every week. It is open probably between,

1 I don't know, five to six times a month, but  
2 sometimes those days are concurrent, so it's  
3 not scheduled, you know, every Friday they are  
4 going to be open, every Saturday they are  
5 going to be open.

6 When they are open, there is  
7 extremely heavy foot traffic in the area.  
8 There is heavy car traffic in the area, but it  
9 is also as a result of nearby establishments,  
10 too. So there is just a lot of people out  
11 there.

12 What I have noticed is that they  
13 do in general have, I don't know, between six  
14 to maybe 14 MPD officers out there depending  
15 on the crowd. And those officers actually  
16 play an integral party in directing traffic  
17 and moving people along, not allowing people  
18 to congregate or whatever it is. And  
19 sometimes they go down as far as to  
20 Bladensburg Road and as high up as, I forget  
21 the name of the road on the north part, but  
22 they stop traffic and stop the flow and make

1 it one way or they will usher in ambulances  
2 for that establishment or other  
3 establishments, whatever it is, so they are  
4 very helpful in that regard.

5 I have observed their door  
6 policies. They have been very cooperative  
7 with all the ID checks. I have probably  
8 conducted more ID checks there than any place  
9 in the city, just because of their volume and  
10 the crowd that they are attracting and I  
11 haven't found one underage patron. Their door  
12 staff seems to be pretty good with that.

13 I'm trying to think. At night, I  
14 have been there when all three establishments  
15 are open or were open. I have stood with the  
16 management as they have purposefully not let  
17 everyone out, because it would just add to  
18 kind of the chaos that is already existing, so  
19 they will stagger their closing times whether  
20 it is before or after, so that they are not  
21 adding to the chaos that is already out there.

22 I know that they have worked with

1 MPD's Vice Units as far as underage -- or I'm  
2 sorry, illicit drug selling and use in their  
3 establishment on multiple occasions and I have  
4 been involved in that process, in those  
5 investigations as well.

6 I spoke with one of the owners and  
7 they informed me that they have trash detail  
8 that comes out and cleans two hours before  
9 they open and stays two hours after they close  
10 to clean the street, but they can't as far as  
11 -- he was telling me, you know, they can't --  
12 when they are not open, they are not there,  
13 you know, and they can't hire somebody to  
14 clean something that they haven't created and  
15 that they are -- you know, there is  
16 legitimately a trash company 20 feet from  
17 their door, 30 feet from their door.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR GHENENE: Yes, I  
20 spoke to the owners and they said that they  
21 have done, you know, as much as they think  
22 that they can do in order to work with Ms.

1 Butler regarding some kind of -- regarding her  
2 issues. But I guess, like Ms. Butler said,  
3 that they were just unable to get to some kind  
4 of agreement.

5 I did notice in the file that  
6 there was some sort of document that had some  
7 of the issues or some of the issues, I'm  
8 assume, Ms. Butler has, but it would appear  
9 that that document wasn't accepted for what it  
10 was by the Board, at one point.

11 So again, just in general,  
12 Echostage, like their counsel indicated, has  
13 two trained EMTs on staff every night that  
14 they are open and I have witnessed that. They  
15 have contracted with two of the largest  
16 parking companies in the District for parking  
17 purposes and I know according to the owners  
18 that those two companies are constantly trying  
19 to acquire lots in the area as their crowds  
20 are growing. They recognize the issue and  
21 they are doing the best they can with that.

22 I think they actually told me that

1 they also have contracted with two shuttle  
2 services that shuttle to the closest to  
3 Metrolines as well to help alleviate some of  
4 the parking issues. But, you know according  
5 to Mr. Karagounis, the parking spaces are  
6 never filled. They have the 700. He has  
7 never had a situation where there was  
8 overflow.

9           Something that I just noticed  
10 while I was there is that they don't have  
11 glass containers inside their establishment.  
12 Everything is plastic. And I know at some  
13 other places that has been an issue.

14           CHAIRPERSON MILLER: Yes.

15           INVESTIGATOR GHENENE: Mr.  
16 Karagounis said they have maintained a  
17 cleaning crew for the surrounding area and  
18 that, you know, as the counsel indicated and  
19 I included in my report, they hosted several  
20 charity events and donated to several  
21 charities in the area.

22           Mr. Karagounis also stated that

1 since taking over ownership and changing the  
2 culture associated with that building and that  
3 establishment and bringing in different types  
4 of entertainment and such, he said that local  
5 businesses to include the two or three hotels  
6 that are right there have reported doubles,  
7 doubling in their profits and things of that  
8 nature.

9           The gas stations, the convenience  
10 stores, everyone is reporting economic growth  
11 as a result of their patrons. Their, you  
12 know, 3,000 or 4,000 or 5,000 people coming.  
13 They are sending them to these hotels and  
14 stuff like that.

15           And I think that's all. And then  
16 I reviewed the records from the Noise Task  
17 Force for the time frame, September 5, 2013  
18 through September 5, 2014, and no noise  
19 complaints were made.

20           And that's kind of like the  
21 highlights of the report, but, obviously, if  
22 there is anything else that you guys want me

1 to talk about, I will

2 CHAIRPERSON MILLER: Okay. Great.  
3 Let me start with others. Board questions?  
4 Mr. Brooks?

5 MEMBER BROOKS: Thank you, Madam  
6 Chair.

7 CHAIRPERSON MILLER: Yes.

8 MEMBER BROOKS: Investigator, did  
9 you say or did you not say that they had a  
10 parking lot of 700?

11 INVESTIGATOR GHENENE: No. They  
12 probably have -- it's more than five different  
13 lots.

14 MEMBER BROOKS: Oh, okay.

15 INVESTIGATOR GHENENE: And they  
16 are not directly in front. They are all over.  
17 The area is really tight, so I think that  
18 affixed to them they have one lot and then  
19 across the street there is another lot, but  
20 there is multiple lots wherever and their  
21 companies are constantly acquiring lots in the  
22 area to assist with that.

1                   MEMBER BROOKS: Okay. And the  
2 patrons then walk to these big lots then,  
3 obviously? There is no need to shuttle buses  
4 or anything like that?

5                   INVESTIGATOR GHENENE: They run  
6 shuttles to some of those lots, too.

7                   MEMBER BROOKS: They do?

8                   INVESTIGATOR GHENENE: Yes.

9                   MEMBER BROOKS: Okay. And how  
10 late do the performances go normally?

11                  INVESTIGATOR GHENENE: In general,  
12 I don't think I have ever seen them go beyond  
13 3:00, alcohol service and performances, that's  
14 pretty much the shutdown time.

15                  MEMBER BROOKS: Okay. And there  
16 are other establishments in the area, correct?

17                  INVESTIGATOR GHENENE: Yes, sir.  
18 The Scene Nightclub and Stadium Nightclub.

19                  MEMBER BROOKS: And when those  
20 clubs let out at approximately the same time  
21 as the Echostage, how is that scene out there?

22                  INVESTIGATOR GHENENE: It's

1 probably what you could imagine. It's chaotic  
2 and I think that's what -- I know in speaking  
3 with some of the MPD officers, I know that's  
4 why they -- out of the three, Echostage is  
5 clearly the largest. So if they let all their  
6 people out in hoards, it would make it very  
7 difficult for MPD to handle.

8 So just when those two are letting  
9 out, they kind of disperse and go their own  
10 way, but when all three let out or if all  
11 three let out, that would certainly be some  
12 sort of issue.

13 MEMBER BROOKS: And there is some  
14 migration, I suppose, of patrons into the  
15 neighborhood?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER BROOKS: To residential  
18 areas?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER BROOKS: All right. Thank  
21 you, Madam Chair.

22 CHAIRPERSON MILLER: Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: Thank you,  
3 Mr. Ghenene.

4 INVESTIGATOR GHENENE: Yes, sir.

5 MEMBER SILVERSTEIN: It's quite a  
6 glowing report.

7 INVESTIGATOR GHENENE: Yes, sir.

8 MEMBER SILVERSTEIN: Were there  
9 any ABRA violations in the past year or two at  
10 the --

11 INVESTIGATOR GHENENE: No, sir.

12 MEMBER SILVERSTEIN: Perfectly  
13 clean?

14 INVESTIGATOR GHENENE: There have  
15 been incidents, but as far as violations, no.

16 MEMBER SILVERSTEIN: Any noise  
17 violations?

18 INVESTIGATOR GHENENE: No, sir.

19 MEMBER SILVERSTEIN: Any problems  
20 that are evident to you that they have failed  
21 to try to address?

22 INVESTIGATOR GHENENE: No, sir.

1                   MEMBER SILVERSTEIN: There are two  
2 other major venues nearby, Scene and Stadium.  
3 How would you compare the licensee to those  
4 two in terms of operations, problems? Because  
5 there are, you know, issues in the  
6 neighborhood.

7                   INVESTIGATOR GHENENE: Yes, sir.  
8 I have had cases and investigations in all  
9 three and I think I have a pretty good  
10 understanding of all three. And two out of  
11 the three have an extensive history of  
12 incidents, violations, violent incidents and  
13 Echostage literally -- I mean, they don't have  
14 a no ABC manager violation. There is nothing.

15                   MEMBER SILVERSTEIN: No further  
16 questions.

17                   CHAIRPERSON MILLER: Others? Yes,  
18 Mr. Rodriguez?

19                   MEMBER RODRIGUEZ: Investigator,  
20 as far as the local community, do they consume  
21 the services there, too?

22                   INVESTIGATOR GHENENE: I think it

1 depends on who is at the venue. They  
2 literally have artists that spend cultures,  
3 so, you know, one weekend they might have or  
4 ask an Ethiopian concert guy to come in and  
5 the next weekend they could have a local band  
6 and the following weekend there might be a  
7 Latino artist. So it really depends on who is  
8 there.

9 MEMBER RODRIGUEZ: Okay. Thank  
10 you.

11 CHAIRPERSON MILLER: Yes, Mr.  
12 Short?

13 MEMBER SHORT: Investigator  
14 Ghenene?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER SHORT: In your -- you know  
17 the area quite well and you testified that you  
18 have been to this particular venue more than  
19 most of the others.

20 INVESTIGATOR GHENENE: Yes, sir.

21 MEMBER SHORT: And you have heard  
22 the issues that the community has.

1                   INVESTIGATOR GHENENE: I haven't,  
2 but I looked at the protest issues and based  
3 my investigation on that.

4                   MEMBER SHORT: Your opinion of the  
5 protest versus your inspections with people in  
6 the community. Give that to us.

7                   INVESTIGATOR GHENENE: Could you  
8 say that again, sir?

9                   MEMBER SHORT: I guess, based on  
10 the complaint or the issues of the complaint  
11 and the community, is there any way that that  
12 could be improved, the relationship for the  
13 business to stay in place. In your opinion as  
14 an investigator.

15                  INVESTIGATOR GHENENE: I mean,  
16 that's a tough question, because I think that  
17 there is probably always ways to improve  
18 something. But just through my experience  
19 with the establishment, my experience with the  
20 MPD officers in the area and the EMTs that  
21 come there and the fire department, they are  
22 accommodating.

1                   So there has never been a time  
2 where we felt like we were being put off,  
3 where we were being run around. We were given  
4 direct access to everything. And if there was  
5 a perceived issue, it was rectified  
6 immediately.

7                   MEMBER SHORT: Thank you. That's  
8 all the questions I have, Madam Chair.

9                   CHAIRPERSON MILLER: Okay.  
10 Others? I have a few then. Okay. I think  
11 one of the Board Members might have made  
12 reference to migration into the neighborhood.  
13 I guess, for instance to walk to  
14 transportation, their cars or whatever.

15                   Are you familiar with any issues  
16 arising from patrons of Echostage going into  
17 the neighborhood?

18                   INVESTIGATOR GHENENE: You know,  
19 I'm familiar with issues of people leaving  
20 that area and going into the neighborhood, but  
21 not -- I don't know that they came from  
22 Echostage, because I would have had to see

1       them leave directly from there.  And like I  
2       said, there are several establishments in the  
3       area.

4                   CHAIRPERSON MILLER:  Right.  Okay.  
5       And you have been monitoring this area for how  
6       many years?

7                   INVESTIGATOR GHENENE:  A while,  
8       four years.

9                   CHAIRPERSON MILLER:  Okay.  Okay.  
10      So you don't recall specific Echostage patrons  
11      causing problems in the neighborhood?

12                  INVESTIGATOR GHENENE:  No.

13                  CHAIRPERSON MILLER:  Okay.  And  
14      when was there a new ownership?

15                  INVESTIGATOR GHENENE:  I think it  
16      was, approximately, two years ago.

17                  CHAIRPERSON MILLER:  Okay.  And  
18      did things change drastically or did things  
19      change?

20                  INVESTIGATOR GHENENE:  Um,  
21      drastically.

22                  CHAIRPERSON MILLER:  Drastically.

1       Okay. With respect to what?

2                       INVESTIGATOR GHENENE: Well --

3                       CHAIRPERSON MILLER: And I'm  
4 asking in the context of impacts around the  
5 surrounding community.

6                       INVESTIGATOR GHENENE: Sure. My  
7 first two years here with ABRA it was a  
8 different nightclub. And I don't know how  
9 many shootings there were. I don't know how  
10 many stabbings there were there, but there was  
11 a lot of them.

12                      CHAIRPERSON MILLER: Wow, okay.

13                      INVESTIGATOR GHENENE: And there  
14 hasn't been since.

15                      CHAIRPERSON MILLER: Okay. And  
16 did they get different types of entertainment  
17 from the other two establishments?

18                      INVESTIGATOR GHENENE: It varies.

19                      CHAIRPERSON MILLER: It varies,  
20 okay. Do they get different crowds or does  
21 that vary, also?

22                      INVESTIGATOR GHENENE: The other

1 two establishments, their cliental does not  
2 vary as much as Echostage does.

3 CHAIRPERSON MILLER: Yes.

4 INVESTIGATOR GHENENE: So I guess  
5 the answer is yes, it's different.

6 CHAIRPERSON MILLER: Yes.

7 INVESTIGATOR GHENENE: But it's  
8 only different because of who they are  
9 bringing in.

10 CHAIRPERSON MILLER: Okay. And  
11 did you say they are only open five to six  
12 days a months?

13 INVESTIGATOR GHENENE: Yes. I  
14 mean, it would be unusual for them to be open  
15 more than let's say maximum 10.

16 CHAIRPERSON MILLER: Okay. And  
17 it's usually Friday, Saturday and then maybe  
18 some other night or no?

19 INVESTIGATOR GHENENE: No, no, I  
20 can't even really say that.

21 CHAIRPERSON MILLER: Okay.

22 INVESTIGATOR GHENENE: It's just

1 random.

2 CHAIRPERSON MILLER: Random, okay.  
3 All right. So one other question, well, two  
4 actually, but the investigative history  
5 reflects certain incidents. Does it reflect--  
6 I mean, for instance, could there have been a  
7 complaint to ABRA that just doesn't show up  
8 here?

9 INVESTIGATOR GHENENE: Absolutely.

10 CHAIRPERSON MILLER: Okay. Are  
11 you aware of complaints to ABRA based on  
12 activities at Echostage?

13 INVESTIGATOR GHENENE: No, ma'am.

14 CHAIRPERSON MILLER: Okay. All  
15 right. Any other Board questions? Yes, Mr.  
16 Alberti?

17 MEMBER ALBERTI: Hi, Investigator  
18 Ghenene. Thank you for your report. Just a  
19 couple quick questions. So are you familiar  
20 with how large the capacity for Echostage is?

21 INVESTIGATOR GHENENE: I was  
22 looking for that earlier and I'm not -- I

1 believe it is around 2,000 I think.

2 MEMBER ALBERTI: Okay.

3 INVESTIGATOR GHENENE: I think.

4 MEMBER ALBERTI: But you are not  
5 sure?

6 INVESTIGATOR GHENENE: Not sure.

7 MEMBER ALBERTI: All right. I'm  
8 sure it varies, but more often than not, how  
9 large is the crowd there, if you know? Do you  
10 have any idea?

11 INVESTIGATOR GHENENE: Large.

12 MEMBER ALBERTI: Okay.

13 INVESTIGATOR GHENENE: As large  
14 as --

15 MEMBER ALBERTI: So they are  
16 filling up?

17 INVESTIGATOR GHENENE: As large as  
18 I have seen in the city.

19 MEMBER ALBERTI: Okay. Great. So  
20 how do you know -- how did you confirm how  
21 many parking spots they had?

22 INVESTIGATOR GHENENE: It's from

1 what they have said and they were actually --  
2 I think they brought it today. They have the  
3 contracts from their parking companies.

4 MEMBER ALBERTI: Okay. So you  
5 have reviewed those?

6 INVESTIGATOR GHENENE: I believe  
7 so.

8 MEMBER ALBERTI: And the total is  
9 how many?

10 INVESTIGATOR GHENENE: 700.  
11 Approximately, 700.

12 MEMBER ALBERTI: Great. Thank  
13 you.

14 INVESTIGATOR GHENENE: Sure.

15 MEMBER ALBERTI: No further  
16 questions.

17 CHAIRPERSON MILLER: Others? I  
18 have one more. Oh, Mr. Jones, you can go  
19 ahead.

20 MEMBER JONES: Thank you, Madam  
21 Chair. Just for clarification, how does that  
22 700 compare to what you have seen or perceive

1 to be the patron load of the establishment  
2 when it is active and open?

3 INVESTIGATOR GHENENE: I mean, I  
4 think that's kind of a tough question, because  
5 a large number of people use Uber and taxi  
6 cabs and they use the shuttles. So it's  
7 difficult for me to see how many of those  
8 spaces are actually being used, because I'm  
9 out -- one of the largest parking lots is  
10 actually on New York Avenue.

11 MEMBER JONES: Okay.

12 INVESTIGATOR GHENENE: So I'm not  
13 on -- you know, I'm not there watching them  
14 shuttle over and then shuttle back. So it's  
15 kind of a tough question to answer.

16 MEMBER JONES: Okay. So there is  
17 a shuttle services versus a valet service or  
18 a combination of the two?

19 INVESTIGATOR GHENENE:  
20 Combination.

21 MEMBER JONES: Okay. So the  
22 shuttle -- I mean, the parking facilities that

1 you are talking about that you have witnessed  
2 that are approximately 700 spaces or what have  
3 you, that's separate and distinct from the  
4 valet service or does the valet service use  
5 part of that 700?

6 INVESTIGATOR GHENENE: I believe  
7 that the valet service uses part of that.

8 MEMBER JONES: Okay. And you have  
9 witnessed individuals that are patrons of that  
10 establishment using both valet service as well  
11 as using park-it-yourself and get the shuttle  
12 to this location?

13 INVESTIGATOR GHENENE: Yes, sir.

14 MEMBER JONES: Okay. Of the lots  
15 that you are able to see on a night that it is  
16 active and open, are those lots typically full  
17 to capacity?

18 INVESTIGATOR GHENENE: I'm not  
19 sure that I would be able to determine that  
20 from sight.

21 MEMBER JONES: Okay.

22 INVESTIGATOR GHENENE: Because

1 just the two that I'm thinking about, the two  
2 that are immediately in front of the club --

3 MEMBER JONES: Yes.

4 INVESTIGATOR GHENENE: -- they are  
5 not open so you can see how many cars are  
6 parked inside.

7 MEMBER JONES: Oh.

8 INVESTIGATOR GHENENE: It's like a  
9 single lane or two lane entrance, so you can't  
10 really see how wide it is.

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

13 CHAIRPERSON MILLER: Okay.  
14 Others? So my last question, I think, goes  
15 to, I think, Exhibit 20 to your report. It's  
16 the police report.

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 CHAIRPERSON MILLER: Can you just  
19 tell us about that or what that shows? I  
20 mean, it has a lot of 2135 Queens Chapel Road  
21 address coming up.

22 INVESTIGATOR GHENENE: Yes, ma'am.

1                   CHAIRPERSON MILLER: But can you  
2 understand the abbreviations that are in it?

3                   INVESTIGATOR GHENENE: No, ma'am.

4                   CHAIRPERSON MILLER: Do you have  
5 any conclusions based on it?

6                   INVESTIGATOR GHENENE: I can only  
7 represent what, in the past, I have  
8 represented. Those are calls to that address,  
9 not necessarily the establishment. So it's  
10 the address. That's all I can represent.

11                  CHAIRPERSON MILLER: And is this  
12 address close to the other establishments?

13                  INVESTIGATOR GHENENE: I believe  
14 Stadium Club and Echostage share a wall.

15                  CHAIRPERSON MILLER: Okay. Okay.  
16 Thank you. All right. Does the applicant  
17 have questions?

18                  MS. WILLIFORD: Yes. And I will  
19 be brief in light of a lot of it was already  
20 covered --

21                  CHAIRPERSON MILLER: Okay.

22                  MS. WILLIFORD: -- in the direct.

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CROSS-EXAMINATION

MS. WILLIFORD: Good afternoon,  
Mr. Ghenene.

INVESTIGATOR GHENENE: Good  
afternoon.

MS. WILLIFORD: Am I pronouncing  
your name right?

INVESTIGATOR GHENENE: Ghenene.

MS. WILLIFORD: Ghenene.

INVESTIGATOR GHENENE: Yes.

MS. WILLIFORD: Okay. Thank you  
for your report and for your testimony this  
afternoon. I'm just going to direct my  
questions to a few specific items to clarify  
from your report.

During the report you outlined the  
days of operation and there was an inquiry  
from the Board regarding an influx of patrons  
into -- patrons of the three establishments  
into the community during closing.

Does Echostage have -- is there  
something called a stagger closing that you

1 are familiar with in connection with your work  
2 as an Investigator?

3 INVESTIGATOR GHENENE: The term --  
4 I mean, I can infer what the term means.

5 MS. WILLIFORD: Okay.

6 INVESTIGATOR GHENENE: Go ahead.

7 MS. WILLIFORD: Do you know, from  
8 your investigation, is there a different time  
9 for when the sale of service and consumption  
10 ends and when the establishment actually  
11 closes?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. WILLIFORD: Okay. And in your  
14 experience in connection -- with there being  
15 a distinction in time, does that allow for  
16 people to leave at intervals from the  
17 different establishments?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. WILLIFORD: And you did  
20 testify in connection with Echostage that you  
21 personally observed Echostage staggering  
22 patrons as they were leaving during the

1 closing time. Is that correct?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 And there was one occasion that I can think of  
4 specifically where there was an incident going  
5 on outside and they intentionally held people  
6 back, so that either EMTs could come through  
7 or whatever, so not kind of make the situation  
8 worse.

9 MS. WILLIFORD: Okay.

10 INVESTIGATOR GHENENE: And it was  
11 for a different establishment.

12 MS. WILLIFORD: Okay. And so from  
13 what you have observed, Echostage's practice  
14 of having people leave at staggered times  
15 helps prevent that flux of individuals, of a  
16 large number of individuals into the  
17 neighborhood?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. WILLIFORD: Okay. During your  
20 testimony, you talked about parking at length  
21 mentioning the parking lots to exist. In  
22 general, based on your investigation, did you

1 find there to be a lack of parking in the  
2 area?

3 INVESTIGATOR GHENENE: That's a  
4 tough question.

5 MS. WILLIFORD: Okay. I'll  
6 rephrase then. I think you mentioned, at one  
7 point, that there is "always street parking  
8 available?"

9 INVESTIGATOR GHENENE: Yes, across  
10 -- well --

11 MS. WILLIFORD: Across the bridge?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. WILLIFORD: And you also  
14 mentioned a total of five to six parking lots  
15 where there are an estimated 700 parking  
16 spaces available?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. WILLIFORD: And that you were  
19 aware of that from what was told to you. Did  
20 you ever see the contracts?

21 INVESTIGATOR GHENENE: No, ma'am.

22 MS. WILLIFORD: Okay. Are you

1 aware of patrons, Echostage patrons' ability  
2 to potentially purchase parking spaces on-  
3 line?

4 INVESTIGATOR GHENENE: Actually,  
5 Mr. de Moya informed me that they were  
6 beginning to offer it as an add-on to their  
7 ticket prices, so that when a patron bought a  
8 ticket, they could click a box or something  
9 like that and -- I forgot the amount. I think  
10 he might have said \$10 or something like that  
11 would get you parking in addition to your  
12 ticket.

13 MS. WILLIFORD: Okay. And you  
14 mentioned shuttles to and from the various  
15 parking areas. Are you also aware of any  
16 shuttles to and from the Metro that is  
17 provided?

18 INVESTIGATOR GHENENE: Yes. And I  
19 thought I mentioned that, but --

20 MS. WILLIFORD: Okay.

21 INVESTIGATOR GHENENE: -- Mr. de  
22 Moya also told me that there were two shuttles

1 that ran. I forgot the times, but it's in my  
2 report.

3 MS. WILLIFORD: Okay.

4 INVESTIGATOR GHENENE: But they  
5 run between -- oh, it says during -- it says  
6 there is two Metrorail stations during  
7 operational hours and I think that one goes to  
8 the Green Line and one goes to the Red Line,  
9 I think.

10 MS. WILLIFORD: Okay. And have  
11 you also observed patrons coming and going in  
12 taxis as well?

13 INVESTIGATOR GHENENE: Taxis and  
14 Ubers.

15 MS. WILLIFORD: And Ubers, okay.  
16 I want to direct your attention to noise just  
17 for a minute. You mentioned, as a part of  
18 your report, you reviewed the noise study  
19 complaints done under ABRA and there have been  
20 no violations?

21 INVESTIGATOR GHENENE: No, ma'am.

22 MS. WILLIFORD: Your report also

1 mentions sometimes noise emanating from the  
2 establishment. Is that only when people are  
3 entering and exiting?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. WILLIFORD: Okay. So when the  
6 doors are closed, you are not hearing the  
7 noise?

8 INVESTIGATOR GHENENE: No, ma'am.

9 MS. WILLIFORD: Okay. And I think  
10 within the report there is also a mention from  
11 noise from patrons awaiting for rides outside.  
12 Is that just patrons voices, patrons talking?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. WILLIFORD: So no amplified  
15 noise?

16 INVESTIGATOR GHENENE: Um --

17 MS. WILLIFORD: No amplified --  
18 yes.

19 INVESTIGATOR GHENENE: Music?

20 MS. WILLIFORD: Music.

21 INVESTIGATOR GHENENE: No, ma'am.

22 MS. WILLIFORD: Okay. One of the

1 areas that addressed trash or litter, you  
2 mentioned that Echostage has a detail that  
3 provides clean-up two hours before and after  
4 an event. There is also under Section 6 you  
5 acknowledge a waste management transfer  
6 station is right across the street less than  
7 100 feet away.

8 Have you observed these trucks  
9 contribute to litter or debris on the ground?

10 INVESTIGATOR GHENENE: I haven't  
11 observed them. No, I have not observed them.

12 MS. WILLIFORD: Okay. Are there  
13 sources of debris or litter that you have  
14 observed?

15 INVESTIGATOR GHENENE: When the  
16 other two establishments are open, I know that  
17 there is an awful lot of flyers and just  
18 litter associated with being open.

19 MS. WILLIFORD: Okay.

20 INVESTIGATOR GHENENE: But in  
21 addition, I mean, there is -- I'm not even  
22 sure what is at the end of Adams Place, but I

1 do know that the waste management depot is  
2 there and there is a cement company.

3 MS. WILLIFORD: But you did say  
4 that Echostage has taken steps to address the  
5 litter concerns?

6 INVESTIGATOR GHENENE: Yes.

7 MS. WILLIFORD: By having detail  
8 two hours before and two hours after?

9 INVESTIGATOR GHENENE: Yes.

10 MS. WILLIFORD: And also by  
11 adopting a block where they clean-up?

12 INVESTIGATOR GHENENE: I didn't  
13 know about --

14 MS. WILLIFORD: Okay.

15 INVESTIGATOR GHENENE: -- if it's  
16 in my report, then it's there and I have just  
17 forgotten, but --

18 MS. WILLIFORD: Okay.

19 INVESTIGATOR GHENENE: -- if not,  
20 then I didn't know about it.

21 MS. WILLIFORD: Okay. That's  
22 fine. Chairman Miller referenced that -- the

1 calls for service and I just wanted to draw  
2 your attention to that. I believe it is  
3 Exhibit 20 of your report. That document  
4 shows, approximately, 124 calls made during a  
5 one-year period.

6 Would that document also include  
7 any break-ins into cars as referenced?

8 INVESTIGATOR GHENENE: I'm not  
9 sure.

10 MS. WILLIFORD: But you did  
11 mention out of the 124 calls only three  
12 resulted in referrals to ABRA?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. WILLIFORD: Okay. And out of  
15 those referrals there, no violations were  
16 found in connection with Echostage. Is that  
17 correct?

18 INVESTIGATOR GHENENE: No, ma'am.

19 MS. WILLIFORD: Okay. I just want  
20 to draw your attention, within your report you  
21 also make reference to some of -- events that  
22 Echostage has done within the community. You

1 were provided documents. Is that correct?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. WILLIFORD: Okay. I want to  
4 direct your attention to what you have marked  
5 in your report. In connection with your  
6 investigation, were you informed about  
7 Echostage partnering with MPD regarding the  
8 Summer Jam at Echostage.

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 MS. WILLIFORD: Okay. And were  
11 you provided with the document that showed an  
12 acknowledgement of that support?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. WILLIFORD: Okay. And is that  
15 document Exhibit 18 of your report?

16 INVESTIGATOR GHENENE: I'm  
17 assuming so. I don't have my attachments.

18 MS. WILLIFORD: Okay. I can  
19 actually -- does the Board have the report in  
20 front of them?

21 CHAIRPERSON MILLER: We do, we do.  
22 And that is part of the record.

1 MS. WILLIFORD: I'm sorry?

2 CHAIRPERSON MILLER: It is part of  
3 the record.

4 MS. WILLIFORD: Okay. And you  
5 have the attachments as well?

6 CHAIRPERSON MILLER: Yes.

7 MS. WILLIFORD: If I may approach  
8 the witness, so I can just show him the  
9 exhibits?

10 CHAIRPERSON MILLER: Okay. Is Ms.  
11 Butler aware of what you are going to show  
12 him?

13 MS. WILLIFORD: I'm referencing --  
14 it's Exhibit 16 and 18.

15 CHAIRPERSON MILLER: Okay. Do you  
16 have that, Ms. Butler?

17 MS. BUTLER: Yes.

18 CHAIRPERSON MILLER: Okay.

19 MS. WILLIFORD: Please take a  
20 moment and look at Exhibit 16 first.

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. WILLIFORD: Okay. And is that

1 a document you received from Echostage  
2 relating to the Youth Summer Jam?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. WILLIFORD: All right. And I  
5 can also direct your attention to Exhibit 18.

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. WILLIFORD: And is that a  
8 document that you also received relating to  
9 the Youth Summer Jam acknowledging -- at the  
10 Echostage?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. WILLIFORD: In addition and as  
13 a part of your investigation, were you made  
14 aware of Echostage's involvement with the  
15 Women's Way Organization?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. WILLIFORD: Okay. And that  
18 was in connection with Echostage putting on a  
19 Christmas party for children of incarcerated  
20 parents? Is that correct?

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. WILLIFORD: Okay. And were

1 you provided a document to show appreciation  
2 for Echostage's efforts in that area?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. WILLIFORD: Okay. And is that  
5 Exhibit 17 of your report?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. WILLIFORD: And finally, were  
8 you also informed of work that Echostage has  
9 done for the Montiford Point Marine  
10 Association?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. WILLIFORD: And in connection  
13 with that, it is about them putting on a  
14 concert to honor Marines?

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. WILLIFORD: And were you  
17 provided a document to show support for  
18 Echostage in connection with that?

19 INVESTIGATOR GHENENE: Well, I  
20 actually took a picture of the plaque.

21 MS. WILLIFORD: Okay.

22 INVESTIGATOR GHENENE: That they

1 had, yes, ma'am.

2 MS. WILLIFORD: And is that  
3 picture Exhibit 19 within your report?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. WILLIFORD: Okay. Thank you,  
6 sir. In your report, you mentioned that  
7 protestants identified two issues: adverse  
8 impact on peace, order and quiet and adverse  
9 impact on residential parking and vehicle and  
10 pedestrian safety.

11 Based on your impartial assessment  
12 of Echostage, does Echostage have an adverse  
13 impact on peace, order and quiet in your  
14 opinion?

15 INVESTIGATOR GHENENE: You know,  
16 that's a tough question. But what I can say  
17 is that they are doing what they can to help.

18 MS. WILLIFORD: Okay. Based on  
19 your impartial assessment, can you -- do you  
20 have an opinion of whether Echostage has an  
21 adverse impact on residential parking and  
22 vehicle and pedestrian traffic?

1                    INVESTIGATOR GHENENE:  Again, it's  
2                    kind of the same answer.

3                    MS. WILLIFORD:  Okay.  We have no  
4                    further questions.  Thank you very much.

5                    INVESTIGATOR GHENENE:  Sure.

6                    CHAIRPERSON MILLER:  Okay.  Ms.  
7                    Butler?

8                    CROSS-EXAMINATION

9                    MS. BUTLER:  Good afternoon.

10                   INVESTIGATOR GHENENE:  Good  
11                   afternoon.

12                   MS. BUTLER:  So during your  
13                   testimony you stated that you have visited  
14                   Echostage more than any other establishment in  
15                   the city.

16                   INVESTIGATOR GHENENE:  Yes, ma'am.

17                   MS. BUTLER:  Okay.  And you also  
18                   stated that there are usually between 6 to 14  
19                   officers outside of the establishment?

20                   INVESTIGATOR GHENENE:  I think  
21                   there is between 6 to 14 officers associated  
22                   with the establishment, but they may not

1 necessarily be directly in front. They may be  
2 on Bladensburg or up Queens Chapel directing  
3 traffic. Do you understand what I'm saying?

4 MS. BUTLER: Okay. So have you  
5 witnessed officers in the residential area of  
6 Queens Chapel?

7 INVESTIGATOR GHENENE: Yes. Yes,  
8 ma'am.

9 MS. BUTLER: Okay. And you also  
10 stated that there -- Echostage has contracted  
11 about 700 parking spaces for their patrons.

12 INVESTIGATOR GHENENE: According  
13 to them, yes, ma'am.

14 MS. BUTLER: And you also stated  
15 that those parking spaces are never full?

16 INVESTIGATOR GHENENE: According  
17 to them.

18 MS. BUTLER: Where do you think  
19 the patrons would park if they are not full?

20 INVESTIGATOR GHENENE: That's a  
21 tough question. I'm not really sure how to  
22 answer that.

1 MS. BUTLER: Okay. You also  
2 stated that there hasn't been any ABRA  
3 violations associated with Echostage. Is that  
4 correct?

5 INVESTIGATOR GHENENE: Within the  
6 last, I think that is within the last, two  
7 years. Yes, ma'am.

8 MS. BUTLER: Okay. Has Echostage  
9 ever been cited for operating outside of their  
10 hours?

11 INVESTIGATOR GHENENE: I'm  
12 unaware.

13 MS. BUTLER: Do you know the hours  
14 of operation for Echostage?

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. BUTLER: What are those hours?

17 INVESTIGATOR GHENENE: Operation?

18 MS. BUTLER: Yes.

19 INVESTIGATOR GHENENE: The ABC --  
20 their ABC licensed hours of operation end at  
21 3:00 a.m., Monday through Thursday -- Sunday  
22 through Thursday and on Friday and Saturday

1 4:00 a.m.

2 MS. BUTLER: Okay. I would just  
3 like to make note to the Board that there was  
4 a case, an ABRA case associated to Echostage  
5 for operating outside of their hours.

6 MS. WILLIFORD: I would like to  
7 object. I would like to object.

8 MS. BUTLER: It's within the  
9 investigation history here. It's the report.  
10 It's Case No. 12251.

11 MS. WILLIFORD: I would like to  
12 object. This is the point where she is asking  
13 questions. If she wants to testify, we can  
14 put her on the stand.

15 CHAIRPERSON MILLER: Do you want  
16 to ask Mr. Ghenene if he is aware of something  
17 in the investigative report?

18 MS. BUTLER: Are you aware of the  
19 Case 1225100331?

20 INVESTIGATOR GHENENE: Outside of  
21 it being reflected in the history, I'm not  
22 aware.

1 MS. BUTLER: Okay. Have you ever  
2 seen the doors open at Echostage?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. BUTLER: The front doors.  
5 Okay. Could you hear the noise coming from  
6 the inside of the establishment with the doors  
7 open?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 MS. BUTLER: Okay. Could you hear  
10 music?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. BUTLER: Okay. When you say  
13 that there is a large crowd for Echostage, can  
14 you give me a number?

15 INVESTIGATOR GHENENE: You would  
16 have to be more specific. Like are you saying  
17 inside or outside?

18 MS. BUTLER: You stated that --  
19 they asked for the capacity for Echostage and  
20 you stated large.

21 INVESTIGATOR GHENENE: Right.

22 MS. BUTLER: Is there a number

1 associated with large?

2 INVESTIGATOR GHENENE: There is a  
3 number, but I'm not aware of it.

4 MS. BUTLER: 200?

5 INVESTIGATOR GHENENE: I'm not  
6 aware of it.

7 MS. WILLIFORD: Objection. Asked  
8 and answered.

9 CHAIRPERSON MILLER: Okay.

10 MS. BUTLER: You also stated that  
11 there are two parking garages that patrons use  
12 that are across the street from Echostage,  
13 correct?

14 INVESTIGATOR GHENENE: I think I  
15 was referencing. I believe there is two  
16 parking garages in the vicinity that they use.

17 MS. BUTLER: Okay. You stated  
18 that it is a single lane into the garage?

19 INVESTIGATOR GHENENE: I'm pretty  
20 sure that at least one of them has a single  
21 lane. They are not open, that's for sure.  
22 It's not as though five cars can come in while

1 five cars are coming out. I'm pretty sure  
2 it's a one-by-one kind of thing.

3 MS. BUTLER: Right. But you  
4 stated it's a single lane into the garage?

5 INVESTIGATOR GHENENE: It could  
6 be, yes.

7 MS. BUTLER: Okay. And Queens  
8 Chapel Road, is that a one lane road or two  
9 lane road?

10 INVESTIGATOR GHENENE: I believe  
11 it is two lane.

12 MS. BUTLER: Okay. If it's a  
13 single lane into the garage, would there be a  
14 backup of traffic on Queens Chapel Road for  
15 those particular vehicles entering into the  
16 garage?

17 INVESTIGATOR GHENENE: I am not  
18 sure if I understand your question.

19 MS. BUTLER: You said there was a  
20 single lane into the garage.

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. BUTLER: It's a two lane road.

1 If there is a single lane into the garage,  
2 would there be a traffic backup of patrons  
3 going into the garage?

4 MS. WILLIFORD: Objection. She is  
5 asking for a hypothetical here. She can say  
6 if he has ever observed one and he can answer  
7 one way or another, but she is, basically,  
8 asking him a hypothetical.

9 CHAIRPERSON MILLER: Okay. Ms.  
10 Butler --

11 MS. BUTLER: I'll rephrase it.

12 CHAIRPERSON MILLER: Okay.

13 MS. BUTLER: With the single lane  
14 entry into the garage, is that valet or is  
15 that drive into?

16 INVESTIGATOR GHENENE: I think it  
17 might be both.

18 MS. BUTLER: You also stated that  
19 there are shuttles that you have -- that there  
20 are shuttles that will transport the patrons  
21 to Echostage from various stops, correct?

22 INVESTIGATOR GHENENE: From

1 various Metro stops and parking lots, yes,  
2 ma'am.

3 MS. BUTLER: Okay. Have you  
4 personally witnessed the shuttles?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. BUTLER: How many times have  
7 you witnessed those shuttles?

8 INVESTIGATOR GHENENE: Probably  
9 over 40, maybe 50 times.

10 MS. BUTLER: And in which  
11 direction are those shuttles heading?

12 INVESTIGATOR GHENENE: You know,  
13 I'm pretty sure only down Queens Chapel  
14 towards Bladensburg Road.

15 MS. BUTLER: Down Queens Chapel  
16 towards Bladensburg?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. BUTLER: Okay. So would that  
19 come -- if they are heading down Queens Chapel  
20 to Bladensburg, would they be coming from the  
21 residential area?

22 INVESTIGATOR GHENENE: You know,

1 I'm not sure. I don't believe. I'm not even  
2 sure that a shuttle could fit over that  
3 bridge, but I'm not 100 percent sure.

4 MS. BUTLER: Okay. If Bladensburg  
5 is down from -- down Queens Chapel, would the  
6 residential be up?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. BUTLER: Okay. And would the  
9 shuttles be coming from the upside of Queens  
10 Chapel or the downside of Queens Chapel?

11 INVESTIGATOR GHENENE: I'm not  
12 sure. I guess it's possible that they did  
13 come from there. I'm not sure. I did not see  
14 from where they came from. I wasn't paying  
15 attention to that.

16 MS. BUTLER: Okay. In your  
17 report, Exhibit 15, you have a picture of  
18 waste management northeast transfer station.

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. BUTLER: Do you see any trash  
21 or litter on this particular picture?

22 INVESTIGATOR GHENENE: Not -- I

1       wouldn't -- I can't really tell. I mean,  
2       maybe there is trash, but it wouldn't be what  
3       I would think to be excessive.

4                       MS. BUTLER: Okay. You also  
5       stated in your testimony that the trucks from  
6       the waste management contributes to some  
7       litter and trash on Queens Chapel?

8                       INVESTIGATOR GHENENE:  
9       Potentially, yes.

10                      MS. BUTLER: Can I ask you to turn  
11       to Exhibit 8?

12                      INVESTIGATOR GHENENE: Sure. Yes,  
13       ma'am.

14                      MS. BUTLER: The building to the  
15       right, do you know of that building?

16                      INVESTIGATOR GHENENE: Yes, I know  
17       what the building is. I am not sure what goes  
18       on inside of it though.

19                      MS. BUTLER: Okay.

20                      INVESTIGATOR GHENENE: It might be  
21       part of the waste management building.

22                      MS. BUTLER: Do you see any litter

1 on that particular establishment?

2 INVESTIGATOR GHENENE: No, ma'am.

3 MS. BUTLER: Okay. Turning to  
4 Exhibit 7?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. BUTLER: Can you let me know  
7 what this particular picture is of?

8 INVESTIGATOR GHENENE: Sure.  
9 That's the intersection of Adams Place and  
10 Queens Chapel.

11 MS. BUTLER: Okay. And where is  
12 the waste management?

13 INVESTIGATOR GHENENE: It would be  
14 to the left towards the middle of the picture  
15 on the left.

16 MS. BUTLER: Okay. Do you see any  
17 trash or litter on this particular picture?

18 INVESTIGATOR GHENENE: Not that I  
19 would deem excessive.

20 MS. BUTLER: Okay. You also  
21 stated that you have been at the area, in the  
22 area when patrons have exited Echostage,

1 correct?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. BUTLER: In which direction  
4 would you say that those patrons are headed,  
5 up or down?

6 INVESTIGATOR GHENENE: Both.

7 MS. BUTLER: Have you witnessed  
8 patrons going into the direction of the  
9 residential area?

10 INVESTIGATOR GHENENE: So you're  
11 saying north on Queens Chapel?

12 MS. BUTLER: Yes.

13 INVESTIGATOR GHENENE: And over  
14 the bridge?

15 MS. BUTLER: Up, yes.

16 INVESTIGATOR GHENENE: Up. I'm  
17 sorry. Up, yes, I have.

18 MS. BUTLER: Yes. You also stated  
19 that you have witnessed ambulances in the  
20 area?

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. BUTLER: Are you aware of why

1 there would be an ambulance or ambulances in  
2 the area?

3 INVESTIGATOR GHENENE: I mean,  
4 there could be a lot of different reasons.

5 MS. BUTLER: Are those EMTs or  
6 ambulances there for --

7 MS. WILLIFORD: Objection. This  
8 is speculation, at this point.

9 MS. BUTLER: He --

10 CHAIRPERSON MILLER: What is the  
11 question?

12 MS. BUTLER: He mentioned that he  
13 witnessed ambulances in the area.

14 CHAIRPERSON MILLER: And your  
15 question is what?

16 MS. BUTLER: And I'm asking if he  
17 has witnessed -- what he has witnessed with  
18 those ambulances. Are they there for the  
19 nightclubs or for other activities.

20 CHAIRPERSON MILLER: Okay. Can  
21 you answer that?

22 INVESTIGATOR GHENENE: Yes.

1                   CHAIRPERSON MILLER: Okay. Go  
2 ahead.

3                   INVESTIGATOR GHENENE: Both.

4                   MS. BUTLER: That's all I have.

5                   CHAIRPERSON MILLER: Okay. Are  
6 there any other Board questions? I just have  
7 one. With respect to the reimbursable detail,  
8 that's all voluntary? That's not as a result  
9 of any orders. Is that correct?

10                  INVESTIGATOR GHENENE: Yes, ma'am.

11                  CHAIRPERSON MILLER: Okay. Okay.  
12 Any follow-up on that? Sorry. Okay. Any  
13 other questions? Okay. Thank you very much.

14                  INVESTIGATOR GHENENE: Thank you.

15                  MS. BUTLER: Thank you.

16                  MS. WILLIFORD: Thank you.

17                  (Whereupon, witness excused.)

18                  CHAIRPERSON MILLER: So, Ms.  
19 Williford, I think that you said you were only  
20 going to have rebuttal witnesses. Is that  
21 correct still?

22                  MS. WILLIFORD: We would actually

1 like to -- thank you very much.

2 INVESTIGATOR GHENENE: Sure.

3 CHAIRPERSON MILLER: What would  
4 you like to do?

5 MS. WILLIFORD: We do think the  
6 report kind of stands on its own. We would  
7 like to hear if the protestant has items or if  
8 there are specific items you want to hear from  
9 our witnesses, but we thought having the  
10 protestants put on their case in chief in  
11 would --

12 CHAIRPERSON MILLER: You have that  
13 choice. So I just wanted to confirm that.

14 MS. WILLIFORD: Yes.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: Madam Chair?

17 CHAIRPERSON MILLER: Yes?

18 MEMBER ALBERTI: May I ask a  
19 question?

20 CHAIRPERSON MILLER: Yes.

21 MEMBER ALBERTI: And maybe this is  
22 -- I'm not sure, maybe we should get some

1 legal advice on this. But my understanding of  
2 the law, and maybe I'm wrong, so maybe we need  
3 to talk with our attorneys, is that the onus  
4 is on the applicant to show that they do not--  
5 that they meet the standards.

6 And so I'm wondering without any  
7 witnesses, if that's true, if I'm correct,  
8 then I'm wondering how they plan to -- I'm  
9 just curious how they would plan to do that.

10 So I want to make sure that we are  
11 all -- if I'm mistaken, that's fine, but if  
12 not, then I want to make sure that everyone is  
13 on the same page. And maybe we should consult  
14 with our attorney.

15 CHAIRPERSON MILLER: Yes. Right,  
16 yes, I'm happy to have legal weigh in. My  
17 understanding though is that the applicant has  
18 a right to put on witnesses and rebuttal  
19 witnesses. And if they forego putting on  
20 witnesses, at this stage, they are still  
21 obligated to make their case with or without  
22 witnesses, but they have that in the reply

1 after they --

2 MEMBER ALBERTI: Okay.

3 CHAIRPERSON MILLER: If you would  
4 like to hear from our legal, that's fine.

5 MEMBER ALBERTI: And that's fine.  
6 I just want to make sure that the licensee  
7 understands that the onus is on them to make  
8 a case that they meet the standards. Whether  
9 they do that through witnesses at the  
10 beginning or through rebuttal witnesses,  
11 that's their choice, but I just wanted to make  
12 sure that there are no surprises --

13 CHAIRPERSON MILLER: I think --

14 MEMBER ALBERTI: -- for the  
15 parties.

16 CHAIRPERSON MILLER: -- what they  
17 are also saying is that they could make their  
18 case even on the investigative report. It's  
19 evidence in the record.

20 MEMBER ALBERTI: Okay.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER SILVERSTEIN: Mr. Woodson.

1                   CHAIRPERSON MILLER:  Yes, Mr.  
2                   Woodson?

3                   MR. WOODSON:  Madam Chair, if I'm  
4                   right, this is a perennial problem in protest  
5                   proceedings the -- as to where the burden of  
6                   proof lies in the presentation of evidence.  
7                   In an application for renewal, in the absence  
8                   of a protest, there isn't any burden to make  
9                   a showing.

10                   The applicant has, as a matter-of-  
11                   right, a renewal to a license, in the absence  
12                   of a protest.  If there is a protest  
13                   presented, then the applicant must make a  
14                   showing that the protest issues are not  
15                   warranted to impose a restriction or otherwise  
16                   take adverse action on the license.

17                   It is a tricky balance.

18                   CHAIRPERSON MILLER:  Yes.

19                   MR. WOODSON:  In the absence of  
20                   knowing what the issues are and what the  
21                   testimony is going to be from a protestant who  
22                   is opposing the action, then it is difficult

1 to make a showing that what the evidence they  
2 are presenting is is not warranted for the  
3 adverse action from the Board. Now, that's  
4 one point.

5 I would also add that the Board is  
6 developing a record now on the operation and  
7 activities of the applicant during the  
8 previous license period. That is a record for  
9 which the Board can act on and use in its own  
10 deliberations as evidence one way or the  
11 other.

12 It's our view that the  
13 investigative report and the testimony you  
14 have received do not demonstrate, do not  
15 demonstrate that there has been adverse impact  
16 on peace, order and quiet nor has there been  
17 an adverse impact on vehicular and pedestrian  
18 safety.

19 Even if the applicant were to take  
20 no action at all, that is an affirmative  
21 statement and an affirmative statement of  
22 evidence from the Board's own witness. So I

1 would urge that the Board maintain -- remember  
2 that, keep that in mind.

3 And we look forward to hearing  
4 what affirmative evidence the protestants have  
5 to support their assertion of violation for --  
6 assertion of adverse impact on peace, order  
7 and quiet and adverse impact on vehicular and  
8 pedestrian safety.

9 CHAIRPERSON MILLER: Thank you.

10 MEMBER ALBERTI: We have a  
11 question down there.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: Thank you, Madam  
14 Chair. So just for clarification, from your  
15 perspective where you sit today in this  
16 process, regardless of the ancillary  
17 demonstrations and implementation about how to  
18 go about doing it, do you -- are you saying  
19 that you agree that the burden rests with you  
20 as a representative of your client in this  
21 instance to demonstrate that you are not in --  
22 not creating a negative impact to the criteria

1 noted?

2 MR. WOODSON: Well, yes, we do.  
3 The problem, Board Member, is when that is to  
4 be done.

5 MEMBER JONES: Fair enough. So  
6 I'll look at that as part of the  
7 implementation and you can choose whatever  
8 creative measures you would like to to  
9 demonstrate that, whether you do it directly  
10 or do it indirectly via the information that  
11 is being presented by the protestants, that's  
12 on you.

13 But the onus and the burden, if I  
14 understood you correctly, still rests with you  
15 regardless of how you go about doing it. Is  
16 that -- am I understanding you correctly?

17 MR. WOODSON: That's -- you are  
18 calling for me to be a lawyer in here.

19 MEMBER JONES: That's scary  
20 because I am following up on one, so --

21 MR. WOODSON: And that's a good  
22 question, Board Member. The onus in the --

1 the burden of proof issue at the ABC Board in  
2 protest proceedings has been a perennial  
3 issue, where that burden should properly lie.

4 The scheme of our regulation seems  
5 to suggest that you don't have one if there is  
6 no protest, but you do have one if there is a  
7 protest.

8 And so how does one -- how does  
9 any applicant address that problem? We -- I  
10 don't have a burden if there isn't any --

11 MEMBER JONES: Protest.

12 MR. WOODSON: -- claim against  
13 you.

14 MEMBER JONES: Right.

15 MR. WOODSON: But there is one if  
16 you do have one. So when do you do that? How  
17 do you do that? This dialogue, if you will,  
18 arose because of Board Member Alberti's  
19 question as to whether we have a case in  
20 chief.

21 MEMBER JONES: Right.

22 MR. WOODSON: And that's -- I

1 would ask the same question. And having said  
2 that though, the burden of being able to show  
3 on the record what the applicant has done and  
4 whether the applicant has complied really is  
5 going to be a reflection of what the  
6 protestants have to say.

7 So I would -- I do agree that the  
8 applicant has a burden in a protest  
9 proceeding.

10 MEMBER JONES: Yes, sir.

11 MR. WOODSON: I do not believe  
12 though that they waive or otherwise cloud  
13 their ability to make that showing absent an  
14 affirmative case in chief.

15 MEMBER JONES: Fair enough. Thank  
16 you for that. Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Okay. Good.  
18 We are ready to move on? All right. Then we  
19 are going to move on to the protestant's case.

20 MS. BUTLER: I would like to call  
21 Ms. Yolanda Odunsi.

22 CHAIRPERSON MILLER: Good

1 afternoon.

2 Whereupon,

3 YOLANDA ODUNSI

4 was called as a witness by the Protestant, and

5 having been first duly sworn, assumed the

6 witness stand and was examined and testified

7 as follows:

8 MS. ODUNSI: I do.

9 CHAIRPERSON MILLER: Okay. Thank  
10 you.

11 DIRECT EXAMINATION

12 MS. BUTLER: Good afternoon.

13 MS. ODUNSI: Good afternoon.

14 MS. BUTLER: Ms. Odunsi, could you  
15 please let me know where you live in the  
16 community?

17 MS. ODUNSI: I live at 2010  
18 Franklin Street, which is about five blocks  
19 away from the bridge that separates the  
20 neighborhood from the nightclubs.

21 MS. BUTLER: Would you be within  
22 walking distance of Echostage?

1 MS. ODUNSI: Yes.

2 MS. BUTLER: Have you ever walked  
3 to Echostage?

4 MS. ODUNSI: Yes.

5 MS. BUTLER: What has been your  
6 experience when you walked to Echostage?

7 MS. ODUNSI: When I walked there,  
8 it has been during the daytime to, you know,  
9 meet neighbors that are around that area,  
10 right at the edge of the bridge. But I have  
11 also driven there as well.

12 MS. BUTLER: Okay. What times  
13 have you driven passed Echostage?

14 MS. ODUNSI: I have driven there  
15 in the evenings on Thursday and Friday nights.  
16 And this is a little while ago, coming back  
17 from my son's sports activities, I have driven  
18 up 17th Street to Bladensburg to make that  
19 left to go on Queens Chapel towards 20th  
20 Street where I live and I stopped going that  
21 way only because you just can't get passed.

22 You know, there is too much --

1       there is too many valets trying to steer you  
2       to parking spaces somewhere when I'm just  
3       trying to go straight through and it just  
4       takes so long, so I stopped going that way to  
5       come home from his activities, so I go around  
6       another way.

7                   MS. BUTLER:   Okay.

8                   MS. ODUNSI:   And then I have  
9       driven passed there like later on in the  
10      evening at like 1:00 or 2:00 and it's crazy.  
11      It's really crazy.  I wouldn't want to drive  
12      passed there regularly around that time if I'm  
13      coming home.  It's just -- it doesn't feel  
14      safe.

15                  MS. BUTLER:   Okay.  And when you  
16      are saying crazy, can you explain that?

17                  MS. ODUNSI:   It's just a lot of  
18      vehicular traffic, a lot of police, a lot of  
19      people.  There are cars, you know, trying to  
20      go every which way.  And I -- the Investigator  
21      was saying that the traffic does become one  
22      way and you can be trapped, you know, if you

1 are trying to get through, because the traffic  
2 is just going one way. They won't let you out  
3 of Bladensburg Road area. And you have to turn  
4 around. It's very chaotic.

5 I'm just, you know, glad I don't  
6 live right there at the bridge. I wouldn't  
7 want to live there. It's just too much.

8 MS. BUTLER: Okay. You stated  
9 that there has been one-way traffic.

10 MS. ODUNSI: Yes.

11 MS. BUTLER: Is that caused by the  
12 police or by pedestrians?

13 MS. ODUNSI: You mean?

14 MS. BUTLER: When there is one-way  
15 traffic, who is stopping that? Is it  
16 pedestrians?

17 MS. ODUNSI: The police. The  
18 police are stopping it.

19 MS. BUTLER: And are they headed  
20 towards Bladensburg Road or into the  
21 residential area?

22 MS. ODUNSI: Both ways.

1 MS. BUTLER: And you have been in  
2 the area when Echostage has held events?

3 MS. ODUNSI: I have.

4 MS. BUTLER: Okay. Did you  
5 witness any of the doors open for Echostage?

6 MS. ODUNSI: I have witnessed the  
7 doors open at the beginning of the evening  
8 like around 8:00 or 9:00.

9 MS. BUTLER: Okay. Have you ever  
10 witnessed any of the patrons going into the  
11 direction of the residential area on Queens  
12 Chapel?

13 MS. ODUNSI: Yes.

14 MS. BUTLER: Have you witnessed  
15 any of the patrons parking or heading to a  
16 car?

17 MS. ODUNSI: Yes, I have seen  
18 people crossing the bridge and coming to their  
19 cars on 20th Street.

20 MS. BUTLER: Okay. Have you ever  
21 witnessed any patrons littering in the  
22 community?

1 MS. ODUNSI: I haven't seen  
2 anybody dropping any litter, but I have seen  
3 a lot of litter.

4 MS. BUTLER: Okay. That's all I  
5 have. Thank you.

6 CHAIRPERSON MILLER: Cross-exam?

7 MS. WILLIFORD: Yes.

8 CROSS-EXAMINATION

9 MS. WILLIFORD: If I may approach  
10 the witness? I just wanted to show -- this is  
11 what I want to show her. I'll see if she  
12 recognizes it and then we have copies for the  
13 Board.

14 CHAIRPERSON MILLER: All right.  
15 All right.

16 MS. WILLIFORD: Good afternoon,  
17 Ms. Odunsi.

18 MS. ODUNSI: Good afternoon.

19 MS. WILLIFORD: I'm going to hand  
20 to you a document that we marked for purposes  
21 of testimony as Applicant's Exhibit 1.

22 (Whereupon, the above-referred to

1 document was marked as Applicant  
2 Exhibit No. A for identification.)

3 MS. ODUNSI: Yes.

4 MS. WILLIFORD: Can you take a  
5 look at that document? That document is --

6 MS. BUTLER: I do have some  
7 objections to this particular map.

8 MS. WILLIFORD: I'm going to ask  
9 that --

10 CHAIRPERSON MILLER: Wait.

11 MS. BUTLER: There is incorrect  
12 information on this map. This is my first  
13 time seeing this map.

14 CHAIRPERSON MILLER: Okay. Let's  
15 first have it maybe -- see if she recognizes  
16 it.

17 MS. WILLIFORD: Yes, exactly.

18 CHAIRPERSON MILLER: And what it  
19 is. And then you can -- yes, we are not  
20 admitting it into evidence yet. Okay.

21 MS. WILLIFORD: Do you recognize  
22 what this document reflects?

1 MS. ODUNSI: I recognize what it  
2 is supposed to reflect, but I agree with  
3 Commissioner Butler that there is incorrect  
4 information on this map.

5 MS. WILLIFORD: Okay. And what is  
6 your understanding of what this is supposed to  
7 reflect?

8 MS. ODUNSI: It's seems to be  
9 showing, and it's hard for me to see because  
10 it is -- but different people and, I guess,  
11 where they live in relationship to Echostage.

12 MS. WILLIFORD: Okay. Would this  
13 appear to be an overhead map of the Echostage  
14 -- the area surrounding Echostage?

15 MS. ODUNSI: I didn't hear you.

16 MS. WILLIFORD: I'm sorry. Would  
17 this appear to be an overhead map of the  
18 vicinity surrounding Echostage?

19 MS. ODUNSI: Yes, it looks like  
20 part of the vicinity doesn't show.

21 MS. WILLIFORD: Do --

22 MS. ODUNSI: What is passed

1 Bladensburg.

2 MS. WILLIFORD: Okay. From your  
3 view on the map, do you -- are you able to  
4 recognize where Echostage is located?

5 MS. ODUNSI: Yes, I see it.

6 MS. WILLIFORD: All right. There  
7 is a reference on this map to -- it's like a  
8 red ball, but it has Echostage label that is  
9 to the bottom left hand side of the map. Is  
10 that an accurate representation of where you--  
11 where Echostage would be in relation to that?

12 MS. ODUNSI: Yes.

13 MS. WILLIFORD: There is also a  
14 red ball if you look immediately up the center  
15 where it has a red ball and it says Yolanda  
16 Odunsi there. Is that, approximately, where  
17 you live? You mentioned you were  
18 approximately five blocks, I believe, or -- up  
19 over the bridge from Echostage. Is that a  
20 reflection of --

21 MS. ODUNSI: Five blocks from the  
22 bridge that separates --

1 MS. WILLIFORD: Okay.

2 MS. ODUNSI: -- the communities.  
3 Yes, that's an approximate. That's not  
4 exactly where my house is, but, yes, it's  
5 close.

6 MS. WILLIFORD: Are you able to  
7 mark on the map where your house is in  
8 location?

9 MS. ODUNSI: Yes.

10 MS. WILLIFORD: Would you be able  
11 to do that and may I approach the witness to  
12 see where she marks, so I can --

13 CHAIRPERSON MILLER: Do you have  
14 any objection, Ms. Butler?

15 MS. BUTLER: No.

16 CHAIRPERSON MILLER: Okay. Do we  
17 have that map coming up here? Oh, you gave it  
18 to our General Counsel?

19 MEMBER ALBERTI: Do you want  
20 copies of it?

21 CHAIRPERSON MILLER: Yes.

22 MEMBER ALBERTI: Okay.

1 MS. WILLIFORD: This is 27.

2 MEMBER ALBERTI: Are we admitting  
3 this?

4 CHAIRPERSON MILLER: I don't know  
5 yet.

6 MS. WILLIFORD: Does the Board  
7 need copies?

8 CHAIRPERSON MILLER: What?

9 MS. WILLIFORD: I'll wait until --

10 MEMBER ALBERTI: Well, I'm not  
11 sure. Are we admitting it?

12 CHAIRPERSON MILLER: We -- she  
13 hasn't moved it into evidence yet.

14 MS. WILLIFORD: I have not moved  
15 it in, so --

16 CHAIRPERSON MILLER: There is a  
17 concern, I think, of some Board Members  
18 whether you can even look at it, at this  
19 point. Is that right?

20 MEMBER ALBERTI: It becomes  
21 prejudicial if it hasn't been admitted, is my  
22 concern.

1 MS. WILLIFORD: So let the record  
2 reflect that the witness just pointed to where  
3 her residence is related to this map and it is  
4 in the center of Franklin. There is a street  
5 that is labeled Franklin Street and it would  
6 be on that street in between block -- the 20th  
7 and the 22nd Block. So it's approximately  
8 around the block from where the ball is  
9 currently on the map. And we can mark it for  
10 that purpose.

11 CHAIRPERSON MILLER: I mean, I  
12 anticipate I may have a question, a  
13 determination about relevance, so I want to  
14 make sure that I understand --

15 MS. WILLIFORD: Yes.

16 CHAIRPERSON MILLER: -- where you  
17 are saying her home is. It's not marked on  
18 this map, correct?

19 MS. WILLIFORD: Correct. There is  
20 a mark on this map that she mentioned is  
21 incorrect. Where Yolanda Odunsi, there is a  
22 red ball that is in the top kind of left hand

1 corner of the map.

2 CHAIRPERSON MILLER: Oh, yes,  
3 okay. I see that. Okay.

4 MS. WILLIFORD: And she indicated  
5 that that -- where that is located is not  
6 precise.

7 CHAIRPERSON MILLER: Yes.

8 MS. WILLIFORD: And that it is  
9 actually about an inch down and an inch over  
10 on Franklin Street in between 20th and 22nd.

11 CHAIRPERSON MILLER: Okay. I'm  
12 sorry, it's --

13 CHAIRPERSON MILLER: Right.

14 MS. WILLIFORD: -- an inch down  
15 and an inch to the left.

16 CHAIRPERSON MILLER: Right. Got  
17 it. Okay.

18 MS. WILLIFORD: So she was  
19 clarifying the location of her home.

20 CHAIRPERSON MILLER: Okay.

21 MS. WILLIFORD: So, Ms. Odunsi,  
22 with that clarification that your home would

1 not be located where it is preindicated on the  
2 map but instead on Franklin Street in the  
3 center between 20th and 22nd, would that be an  
4 accurate reflection of where your home is  
5 located?

6 MS. ODUNSI: Yes.

7 MS. WILLIFORD: Okay. And based  
8 on your testimony, would this map show --  
9 would this map reflect an accurate  
10 representation of where your home is in  
11 relation to Echostage?

12 MS. ODUNSI: Yes.

13 MS. WILLIFORD: Okay. I would  
14 like to move for this exhibit that is marked  
15 as Applicant's Exhibit A to be admitted for  
16 the purposes -- to be admitted to the record.

17 CHAIRPERSON MILLER: Ms. Butler,  
18 do you have any objection?

19 MS. BUTLER: I do.

20 CHAIRPERSON MILLER: Okay. Let's  
21 hear it.

22 MS. BUTLER: I have objections

1 because most of these markers do not indicate  
2 the correct addresses for the names listed.  
3 As we can see with Ms. Odunsi, we are roughly  
4 almost two blocks away from where she actually  
5 lives and that is an indication of most of the  
6 markers here.

7 CHAIRPERSON MILLER: So your  
8 objection is that the other markers which  
9 identify, I gather, others in the party of  
10 five are not accurately --

11 MS. BUTLER: Correct.

12 CHAIRPERSON MILLER: -- portrayed.  
13 And, Ms. Williford, what are you offering the  
14 exhibit to show?

15 MS. WILLIFORD: Offering the  
16 exhibit to -- for purposes of this testimony,  
17 she spoke about the distance between Echostage  
18 and her home. I was offering it as an aid to  
19 help show the Board the vicinity that we were  
20 talking about.

21 MR. WOODSON: And the others.

22 MS. WILLIFORD: And for the others

1 as well. Not for the others, but -- we  
2 weren't sure, at this point, who was actually  
3 coming to testify, because the others were  
4 actually listed as witnesses.

5 CHAIRPERSON MILLER: Okay. So  
6 this would be just for the purpose of showing  
7 where --

8 MS. WILLIFORD: Correct.

9 CHAIRPERSON MILLER: -- Ms. Odunsi  
10 lives in relation to Echostage only?

11 MS. WILLIFORD: Correct.

12 CHAIRPERSON MILLER: Okay. Do you  
13 still have an objection?

14 MS. BUTLER: Yes, I have an  
15 objection because if we are trying to look at  
16 the proximity between Ms. Odunsi's home and  
17 Echostage, I believe that a radius of, you  
18 know, a couple of blocks could be significant.

19 MS. WILLIFORD: If I may, it's not  
20 meant to pass judgment on it. It's basically  
21 an aid to help the Board --

22 CHAIRPERSON MILLER: Okay.

1 MS. WILLIFORD: -- show the  
2 proximity of what vicinity we are speaking  
3 about.

4 CHAIRPERSON MILLER: Okay.

5 MS. WILLIFORD: We don't -- we are  
6 not proffering it for anything different.

7 CHAIRPERSON MILLER: Okay. All  
8 right. Then I'm going to accept it for that  
9 limited purpose then to have an idea of where  
10 Ms. Odunsi's home is with respect to  
11 Echostage. That's, I mean, Applicant's  
12 Exhibit A.

13 (Whereupon, the above-referred to  
14 document was received into  
15 evidence as Applicant Exhibit No.  
16 A.)

17 MS. WILLIFORD: Ms. Odunsi, in  
18 connection with your testimony, you mentioned  
19 you have driven by on one or two occasions and  
20 it's "crazy." Do you recall the dates that  
21 you drove by the Echostage?

22 MS. ODUNSI: It was just a couple

1 of months ago. I can't say the exact dates.  
2 But I live so close by, so I do have an  
3 opportunity to drive passed there, you know,  
4 whenever I'm going, you know, to someone's  
5 house or if I have to go through Queens Chapel  
6 Road. I just try to avoid it, because it is  
7 a lot of people on the weekends and on  
8 Thursdays and Friday evenings.

9 MS. WILLIFORD: Are you -- how do  
10 you know Echostage is actually open then?

11 MS. ODUNSI: There is a line of  
12 people outside of Echostage.

13 MS. WILLIFORD: And you don't  
14 remember what -- you say you can't remember  
15 the specific date. Do you remember which day  
16 of the week it would have been?

17 MS. ODUNSI: This would have been  
18 either a Thursday or Friday night.

19 MS. WILLIFORD: Okay. You  
20 mentioned that you -- now, you mentioned  
21 traffic being crazy during that time. Is  
22 there also heavy traffic during the day or

1 have you witnessed heavy traffic during the  
2 day on Queens Chapel Road?

3 MS. ODUNSI: The traffic during  
4 the day is usually, I guess, so-so. Like  
5 during rush hour, there would be traffic  
6 during rush hour, but it's not as bad, because  
7 it's not a north/south bound area. It's not  
8 a huge thoroughfare for people to go through  
9 during the day, you know, except for buses,  
10 school buses that come through there.

11 And I think the Investigator was  
12 saying something about a bus going over the  
13 bridge. Buses do go over the bridge, but the  
14 traffic at night is different. You don't  
15 move. You are not moving, because you are  
16 waiting for people to park.

17 Traffic during the day is going  
18 through that light either turning right on  
19 Bladensburg or left to go to Maryland or  
20 coming into the neighborhood, but you are --  
21 there are people parking. There are people  
22 walking blocking the street. It's not

1 something that I want in my -- I don't really  
2 prefer to have that in my neighborhood.

3 MS. WILLIFORD: So there is heavy  
4 traffic during the day in the area on times  
5 when Echostage is not open, correct?

6 MS. ODUNSI: It's not heavy like  
7 when the club is open, Echostage is open. The  
8 traffic doesn't compare. It's moving traffic  
9 that will move and you will get across the  
10 light in probably one or two lights at the  
11 most if you have a hold-up. But with the club  
12 nights, you are sitting there for 5, 10  
13 minutes just sitting there in the same spot  
14 waiting for other people to park their cars,  
15 so you can go to your house. And that's why  
16 I don't go through there or I try not to go  
17 through there.

18 MS. WILLIFORD: Ms. Odunsi, you  
19 mentioned the traffic on Queens Chapel Road  
20 and the stopping before. Now, I want to refer  
21 you back to the map that has been accepted as  
22 Applicant's Exhibit A.

1 MS. ODUNSI: Yes.

2 MS. WILLIFORD: And the corrected  
3 place of where your home is.

4 MS. ODUNSI: Yes.

5 MS. WILLIFORD: Aren't there  
6 numerous avenues in which you are able to get  
7 home by not passing through Echo -- not  
8 passing in front of the Echostage area?

9 MS. ODUNSI: The quickest way for  
10 me to get home when there is no traffic, no  
11 club night, you know, is to go -- if I'm  
12 coming from 17th Street is to Bladensburg Road  
13 and then making a left onto Queens Chapel  
14 where I will be, you know, a couple of blocks  
15 from my house and make a right onto 20th where  
16 my house is.

17 MS. WILLIFORD: I understand.

18 MS. ODUNSI: That's the quickest  
19 way.

20 MS. WILLIFORD: I --

21 MS. ODUNSI: So, yes, there are  
22 other avenues and I'm taking those now.

1 MS. WILLIFORD: Okay.

2 MS. ODUNSI: Because I want to  
3 avoid not being able to get home quickly.

4 MS. WILLIFORD: Thank you. And  
5 have your concerns been expressed to anyone  
6 that you are expressing today relating to the  
7 traffic egress/ingress?

8 MS. ODUNSI: Have I expressed it  
9 to anyone?

10 MS. WILLIFORD: Yes.

11 MS. ODUNSI: Yes, at community  
12 meetings and ANC meetings.

13 MS. WILLIFORD: Okay. Have any of  
14 these -- have you expressed any concerns  
15 specifically to Echostage?

16 MS. ODUNSI: To Echostage? No.

17 MS. WILLIFORD: Okay. Are you  
18 aware, either personally or through the  
19 community meetings, of any alternatives being  
20 suggested to Echostage to address your  
21 concern?

22 MS. ODUNSI: Alternatives? I

1 don't know what you mean by that.

2 MS. WILLIFORD: Within your  
3 testimony you are referencing a problem with  
4 traffic --

5 MS. ODUNSI: Yes.

6 MS. WILLIFORD: -- being  
7 congested. I mean, you say it's during the  
8 day, but also at night --

9 MS. ODUNSI: Yes.

10 MS. WILLIFORD: -- with Echostage.  
11 Have there been any -- that you are personally  
12 aware of, have there been any alternatives for  
13 -- alternative ways to address the traffic?  
14 Has that been brought to Echostage's  
15 attention?

16 MS. ODUNSI: That I'm aware of? I  
17 think it is the community agreement that, you  
18 know, we once had and that we would like to  
19 have back in place. I know we have had  
20 officers, police officers come out and we have  
21 talked about, you know, the situations around  
22 the clubs and the traffic and all of that and

1 could they police, you know, patrons better.

2 So this is just one of the things.

3 This is why I'm here. It's just that I would

4 like things to just be a little bit better.

5 I think that it can be -- the traffic can be

6 handled better.

7 MS. WILLIFORD: Going to the issue

8 of litter. You mentioned that you hadn't seen

9 anyone drop any litter, so you are not aware

10 of who is actually causing the litter

11 surrounding Echostage. Is that correct?

12 MS. ODUNSI: I'm not -- I haven't

13 -- I didn't personally see someone drop litter

14 out of their hand, no.

15 MS. WILLIFORD: Okay.

16 MR. WOODSON: Madam Chair?

17 CHAIRPERSON MILLER: Yes?

18 MR. WOODSON: Would it be

19 permissible for me to ask a couple of

20 questions?

21 CHAIRPERSON MILLER: Do you have

22 an objection, Ms. Butler?

1 MS. BUTLER: I do.

2 CHAIRPERSON MILLER: Okay. So and  
3 your objection?

4 MS. BUTLER: Yes. Well, because  
5 we have Ms. Williford who is the  
6 representative for this particular case and  
7 everything should come through Ms. Williford.

8 CHAIRPERSON MILLER: It's the same  
9 firm. How many questions do you have?

10 MR. WOODSON: Just a few. Maybe  
11 three or four at best.

12 CHAIRPERSON MILLER: Okay. All  
13 right. I'm going to allow just a few.

14 MR. WOODSON: Yes. And I would  
15 say to the Board, I will not burden the  
16 Board's attention or record or time with  
17 questions beyond Ms. Williford.

18 This area where your home is, I  
19 note that you have made reference to a couple  
20 of things of importance about your proximity.  
21 One is with respect to being able to get to  
22 home by vehicle. And so you have used Queens

1 Chapel in some circumstances. Yet -- that's  
2 one.

3 But at that same time, there are  
4 multiple ways to access the neighborhood other  
5 than that single corridor off of Bladensburg  
6 Road. Is that fair to say?

7 MS. ODUNSI: Yes.

8 MR. WOODSON: Okay. Now, given  
9 how -- the proximity of your home to Echostage  
10 as revealed on this map, you say you heard  
11 noise. Would you describe what that noise is?

12 MS. ODUNSI: I don't remember  
13 stating that I have heard noise today. The  
14 noise that I mostly hear is vehicular traffic  
15 coming to and from the venue --

16 MR. WOODSON: Oh, vehicular  
17 traffic?

18 MS. ODUNSI: -- to Echo. Yes,  
19 vehicular traffic.

20 MR. WOODSON: Okay.

21 MS. ODUNSI: People honking their  
22 horns or people talking, yelling at each

1 other, because they are walking a distance --

2 MR. WOODSON: I see.

3 MS. ODUNSI: -- from the club when  
4 it lets out.

5 MR. WOODSON: Yes. And you have--  
6 there are, however, venues other than  
7 Echostage present?

8 MS. ODUNSI: Yes.

9 MR. WOODSON: Are you able to  
10 discern who the patrons are of the various  
11 facilities?

12 MS. ODUNSI: Pretty much, yes.  
13 The crowd that comes to Echostage is a whole  
14 lot younger usually than the crowd that is at  
15 Stadium.

16 MR. WOODSON: Is there a  
17 distinction in your mind as to what portions  
18 of the crowd come to or present themselves in  
19 the neighborhood?

20 MS. ODUNSI: I would say I'm not  
21 sure.

22 MR. WOODSON: Okay. Thank you,

1 Madam Chair.

2 CHAIRPERSON MILLER: Okay. Thank  
3 you. Does that complete the cross?

4 MS. WILLIFORD: Yes, it does.  
5 Thank you.

6 CHAIRPERSON MILLER: Okay. Good.  
7 Board questions?

8 MEMBER ALBERTI: Go ahead.

9 CHAIRPERSON MILLER: I don't have  
10 any.

11 MEMBER ALBERTI: I do.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Alberti?

14 MEMBER ALBERTI: I didn't know if  
15 anyone else did.

16 CHAIRPERSON MILLER: I don't see  
17 anybody else.

18 MEMBER ALBERTI: Okay. Ms.  
19 Odunsi, I had stepped out for a moment, so I  
20 apologize if I ask questions that you may have  
21 answered.

22 But what are the worst nights?

1 You have driven through there on all days of  
2 the week on Queens Chapel Road?

3 MS. ODUNSI: I have.

4 MEMBER ALBERTI: Okay. What would  
5 you say are the worst nights?

6 MS. ODUNSI: I would say  
7 definitely Friday.

8 MEMBER ALBERTI: Friday?

9 MS. ODUNSI: Friday nights.

10 MEMBER ALBERTI: Okay.

11 MS. ODUNSI: Yes.

12 MEMBER ALBERTI: Are any other  
13 nights particularly bad?

14 MS. ODUNSI: Yes, Saturday nights,  
15 too, but I have come through there more often  
16 on Friday nights.

17 MEMBER ALBERTI: Okay. Are you  
18 aware when Echostage is open?

19 MS. ODUNSI: I usually -- when I'm  
20 -- if I'm driving through there and I see --  
21 you know, I'll see a line. Like I said  
22 earlier, there is a line of patrons there at

1 the door and there is somebody at the door  
2 letting them in, so then I just assume that  
3 must mean the club is open.

4 MEMBER ALBERTI: Okay. Have you  
5 driven through there on Friday and Saturday  
6 when the club hasn't been open? Echostage  
7 hasn't been open.

8 MS. ODUNSI: I don't really think  
9 I have.

10 MEMBER ALBERTI: Pardon?

11 MS. ODUNSI: I don't think I have.

12 MEMBER ALBERTI: So you don't  
13 really know if there is a problem. I mean,  
14 you know, we know that there is two other  
15 establishments there.

16 MS. ODUNSI: Yes.

17 MEMBER ALBERTI: You don't really  
18 know whether there is a contrast between when  
19 Echostage is open and when those other  
20 establishments are open?

21 MS. ODUNSI: I'm just saying that  
22 all the Friday nights that I have driven

1 passed there and there have been, you know, a  
2 line of cars or people waiting to be parked  
3 there, the Echostage was open. And I wouldn't  
4 say that I always saw Stadium. I don't know  
5 about the other club, the third club.

6 MEMBER ALBERTI: But my question  
7 is --

8 MS. ODUNSI: Because I didn't --

9 MEMBER ALBERTI: -- have you ever  
10 driven through there when Echostage has been  
11 closed on a Friday and Saturday night?

12 MS. ODUNSI: I have not.

13 MEMBER ALBERTI: Okay. Have you  
14 driven through there on any other nights of  
15 the week, Sunday through Thursday, when  
16 Echostage is open?

17 MS. ODUNSI: No, because I usually  
18 am coming like on a -- I'll come on -- I had  
19 come on a Thursday and that's when my son has  
20 sports practice on Bladensburg further down,  
21 so that's the way we come to come home, but I  
22 stopped coming that way, because I didn't want

1 him to see --

2 MEMBER ALBERTI: Okay. How long  
3 ago --

4 MS. ODUNSI: -- activity there.

5 MEMBER ALBERTI: -- did you stop  
6 coming that way?

7 MS. ODUNSI: Probably a couple  
8 months.

9 MEMBER ALBERTI: Okay.

10 MS. ODUNSI: Especially in the  
11 summer months when it's warmer, starting in  
12 the spring.

13 MEMBER ALBERTI: So you would come  
14 by passed there every Thursday?

15 MS. ODUNSI: Pretty much. He has  
16 practice further down Bladensburg Road.

17 MEMBER ALBERTI: Okay. And every  
18 Thursday you came by, one, you were coming by  
19 Echostage was open?

20 MS. ODUNSI: We come -- not every  
21 Thursday, no.

22 MEMBER ALBERTI: Pardon?

1 MS. ODUNSI: Not every Thursday.  
2 Not every Thursday. I was saying on Friday,  
3 most Fridays when I'm coming through there, it  
4 was open.

5 MEMBER ALBERTI: Okay. What about  
6 Thursdays?

7 MS. ODUNSI: But not every  
8 Thursday.

9 MEMBER ALBERTI: Have you ever  
10 been through there when Echostage isn't open  
11 on a Thursday?

12 MS. ODUNSI: When it's not open, I  
13 haven't had a problem coming through the area.  
14 You know, there is no traffic. I can just  
15 come right through.

16 MEMBER ALBERTI: Okay. So have  
17 you been through there on a Sunday through  
18 Wednesday when they are open?

19 MS. ODUNSI: Sundays and --  
20 through Wednesdays I don't drive. I don't  
21 drive through there.

22 MEMBER ALBERTI: Okay. The

1 reason, I'll say it, I'm asking is I'm trying  
2 to find out -- we have two other  
3 establishments there and there is testimony on  
4 our record from previous hearings about the  
5 amount traffic and the cars that they  
6 generate.

7 MS. ODUNSI: Yes.

8 MEMBER ALBERTI: So I'm trying to  
9 sort out the impact of Echostage with respect  
10 to -- and contrast it when they are open and  
11 when they are not open and how that -- you  
12 know, with -- you know, looking at what we  
13 know about the traffic from the other clubs,  
14 what is Echostage contributing and so I'm  
15 trying to get -- I'm not doing a very good job  
16 here of articulating this.

17 But I'm trying to understand the  
18 contrast between, you know, what is  
19 contributed by Echostage and what is the norm  
20 from the other clubs. And you haven't been  
21 able to help me. So I'm explaining this to  
22 you in case you want to add something.

1 MS. ODUNSI: I don't know of when  
2 Echostage is open versus Stadium, because they  
3 -- I just go through and when I'm going  
4 through and I have a hard time coming through,  
5 it's because there is a line outside of  
6 Echostage. Patrons coming up Bladensburg,  
7 either by foot -- there are people that are  
8 lined up there and that's when I notice that  
9 I'm having problems.

10 I think for the other club, it's  
11 harder to tell, because they have their own  
12 parking lot and there entrance is somewhere --  
13 is on another side. You don't see it directly  
14 from --

15 MEMBER ALBERTI: What other --

16 MS. ODUNSI: -- Bladensburg.

17 MEMBER ALBERTI: -- club is that--

18 MS. ODUNSI: This is Stadium I'm  
19 talking about.

20 MEMBER ALBERTI: -- you don't see?

21 MS. ODUNSI: Which is right next  
22 to Echo.

1 MEMBER ALBERTI: Okay.

2 MS. ODUNSI: But you always see a  
3 crowd of people lined up outside of Echo.

4 MEMBER ALBERTI: Okay. Let's talk  
5 about -- you know, you hear of vehicular and  
6 traffic and people talking in the  
7 neighborhood. All right? How often is that?

8 MS. ODUNSI: On Friday and  
9 Saturday nights usually.

10 MEMBER ALBERTI: Almost every  
11 Friday and Saturday night?

12 MS. ODUNSI: I wouldn't say every,  
13 but it's -- when I do hear it, it's on a  
14 Friday or a Saturday night.

15 MEMBER ALBERTI: Do you notice a  
16 difference when Echostage is open and not  
17 open?

18 MS. ODUNSI: I don't notice it as  
19 much -- I don't notice that noise as much if  
20 it's not a Friday or Saturday night.

21 MEMBER ALBERTI: Okay. So you  
22 don't really -- the reason I'm asking is that

1 you can't tell me that you know Echostage is  
2 open and you know that it is problems being  
3 attributed to by Echostage?

4 MS. ODUNSI: I know the cars are  
5 coming from the direction of Echostage. I see  
6 the -- I can hear that the traffic is --

7 MEMBER ALBERTI: Sure.

8 MS. ODUNSI: -- coming from that,  
9 because my house is very close to the corner  
10 of 20th Street, so I can hear that its coming  
11 from there, from that direction.

12 MEMBER ALBERTI: Do you ever hear  
13 music coming from Echostage?

14 MS. ODUNSI: I do not hear the  
15 music from Echostage.

16 MEMBER ALBERTI: Okay. Thank you.  
17 I have no other questions. Thank you.

18 CHAIRPERSON MILLER: Who else has  
19 questions? Mr. Rodriguez?

20 MEMBER RODRIGUEZ: I just have a  
21 short question and maybe someone could answer  
22 it about zoning. Where Echostage is, is that

1 a Business Zone, is that residential?

2 MS. WILLIFORD: C-2. Can we  
3 answer?

4 CHAIRPERSON MILLER: It's in the  
5 Investigator's report.

6 MEMBER JONES: Just to be clear,  
7 the question needs to be --

8 MEMBER ALBERTI: It needs to be  
9 directed to the witness. I mean, you can't  
10 ask the representative.

11 MEMBER RODRIGUEZ: She doesn't  
12 have that answer.

13 CHAIRPERSON MILLER: She may not  
14 know.

15 MEMBER RODRIGUEZ: I'll find out.

16 MEMBER ALBERTI: It's in our  
17 record.

18 MEMBER RODRIGUEZ: Okay.

19 MEMBER ALBERTI: It's public  
20 record.

21 MEMBER RODRIGUEZ: That's all I  
22 have.

1                   CHAIRPERSON MILLER: Others? I  
2 just have a few questions. Okay?

3                   MS. ODUNSI: Yes.

4                   CHAIRPERSON MILLER: All right. I  
5 want to see if I can focus in on what your  
6 issues are. Okay. So one is it sounds like  
7 your issue is driving through this area when  
8 Echostage is open, that it's very congested  
9 and it's a problem.

10                  MS. ODUNSI: Yes.

11                  CHAIRPERSON MILLER: Okay. And  
12 that -- is that right?

13                  MS. ODUNSI: Yes.

14                  CHAIRPERSON MILLER: Okay. And  
15 then I have also heard that you can avoid it.  
16 You don't have to go that way. And I just  
17 have a question as to whether it would be  
18 useful if you were informed when they are open  
19 or if you know that -- for instance, if you  
20 knew that they were open, then you would avoid  
21 a traffic jam. Is part of the reason that you  
22 don't -- you might not know that day that they

1 are open, that you get in that situation?

2 MS. ODUNSI: If it's the closest  
3 way, if it's the closest way home and I'm not  
4 thinking about it, I might go that way. If I  
5 have my son in the car, I usually don't  
6 because I don't want him to see.

7 CHAIRPERSON MILLER: Right. You  
8 don't want him to see --

9 MS. ODUNSI: That type of  
10 commotion and be like what is, you know, all  
11 this? But if I'm on Bladensburg Road, it's  
12 going out of my way to go some other way to go  
13 home when the closest turn is Queens Chapel,  
14 which turns into 20th, which is the corner not  
15 far from my house.

16 CHAIRPERSON MILLER: Right.

17 MS. ODUNSI: So I'm going out of  
18 the way if I'm coming from Bladensburg Road  
19 and going somewhere else.

20 CHAIRPERSON MILLER: How many  
21 minutes out of your way would you have to go?

22 MS. ODUNSI: I guess I'm going

1 maybe five. Two, three, two to five minutes  
2 out of the way.

3 CHAIRPERSON MILLER: Okay. I  
4 guess my question is whether given that you  
5 have to go out of your way, that's one  
6 inconvenience.

7 But I assume it's a greater  
8 inconvenience if you get stuck or not  
9 necessarily -- when they are open and you're  
10 going down that street and you don't really  
11 want to go down that street with your son or  
12 whatever.

13 MS. ODUNSI: Um-hum.

14 CHAIRPERSON MILLER: Is that a  
15 factor whether or not you know that they are  
16 open or is it just, you know, an idea in my  
17 head? Is that an issue for you? Wouldn't  
18 that be helpful?

19 MS. ODUNSI: Because if I know  
20 that they are open, I would probably most  
21 likely, you know, try and avoid it at all  
22 costs.

1                   CHAIRPERSON MILLER: Okay. And  
2 then when I look at this map, --

3                   MS. ODUNSI: Yes.

4                   CHAIRPERSON MILLER: -- your  
5 neighborhood on your street where you are,  
6 what is the impact of then Echostage on you  
7 when you are actually on your street in your  
8 house?

9                   MS. ODUNSI: I know that there is  
10 parking across the street and it is taken up  
11 by club patrons.

12                  CHAIRPERSON MILLER: Parking.  
13 Now, when you say across the street --

14                  MS. ODUNSI: Across the street  
15 from my house. Because on my -- on the side  
16 of the street where my house is, there is no  
17 parking.

18                  CHAIRPERSON MILLER: Okay. So  
19 parking across the street. Do you know for  
20 sure that they are patrons of Echostage?

21                  MS. ODUNSI: I haven't interviewed  
22 them, but I know that once the next morning,

1 those cars are gone. They are not cars that  
2 are cars of people that live on that block.  
3 I know my neighbors' cars.

4 CHAIRPERSON MILLER: So could they  
5 be cars of patrons of Stadium or The Scene?

6 MS. ODUNSI: They could be.

7 CHAIRPERSON MILLER: Okay. And do  
8 you -- your parking isn't disrupted? You have  
9 a space on your side or --

10 MS. ODUNSI: I have a driveway.

11 CHAIRPERSON MILLER: You have a  
12 driveway.

13 MS. ODUNSI: Yes. But if I were  
14 to have people visiting me, for instance, then  
15 they have to fight with the club parking, the  
16 people that are parking in the clubs.

17 CHAIRPERSON MILLER: How about he  
18 people across the street from you? Do they  
19 have driveways?

20 MS. ODUNSI: Only two or three  
21 homes have driveways across the street.

22 CHAIRPERSON MILLER: Okay. And so

1 the party that you are a part of in this case,  
2 the party of five, how many people are in  
3 that party? I mean, you are the only one  
4 here, so I'm just -- are the people that have  
5 these red balloons marked on the map, which  
6 may be inaccurate, I understand that, are  
7 those the people in this party?

8 MS. ODUNSI: There is more than  
9 five people. I don't know if this is also  
10 part of the people that signed the initial  
11 protest.

12 CHAIRPERSON MILLER: Okay. Nobody  
13 else on your street is in this party. Is that  
14 correct?

15 MS. ODUNSI: Not on my block.

16 CHAIRPERSON MILLER: Not on your  
17 block.

18 MS. ODUNSI: But there is someone  
19 further up Franklin.

20 CHAIRPERSON MILLER: Okay. All  
21 right. There was reference to a community  
22 agreement. Did you make reference to a

1 community agreement that there used to be but  
2 is no more?

3 MS. ODUNSI: Yes, yes.

4 CHAIRPERSON MILLER: What is that?

5 MS. ODUNSI: I knew that there was  
6 something in place that I guess one of the  
7 community representatives had put in place  
8 with the former club or something that was on  
9 that spot and that that agreement was signed  
10 off and released. And since then, people have  
11 just wanted to have some kind of agreement in  
12 place that the things that were in place  
13 underneath of that old agreement are still,  
14 you know, continued.

15 CHAIRPERSON MILLER: Okay. So I  
16 don't know what that is, but before you go, I  
17 would ask you applicant's counsel had  
18 mentioned that, and I concurred, in this  
19 proceeding, you know, we are --

20 MS. ODUNSI: Yes.

21 CHAIRPERSON MILLER: -- reviewing  
22 basically, you know, what their record was and

1 whether or not conditions or restrictions on  
2 their license is warranted.

3 MS. ODUNSI: Yes.

4 CHAIRPERSON MILLER: And so I just  
5 would like to ask you is there a restriction  
6 that you think is warranted on their license?

7 MS. ODUNSI: When I drove through  
8 the club area at night and I don't know which  
9 club should be responsible for it, but they  
10 were -- I know Stadium and Echostage were  
11 open. And it was like 3:00.

12 This is one night a couple months  
13 ago at 3:00, almost 3:00 in the morning and I  
14 noticed that the police are right in the area  
15 of the club itself, but they are not  
16 continuing where the patrons are going. Like  
17 they don't go passed that bridge and they  
18 don't go passed Bladensburg Road.

19 So if you are, God forbid,  
20 walking, I don't know why you would be, in the  
21 neighborhood area that is adjacent to the  
22 bridge or if you are driving and you pull over

1 and get out of your car for some reason or  
2 whatever to use the ATM or something, I don't  
3 know why you would be, it doesn't feel as  
4 safe, you know, because there is no police.

5 They just kind of -- they seem  
6 like they are just policing the area right  
7 around the club.

8 CHAIRPERSON MILLER: Yes.

9 MS. ODUNSI: And I think it would  
10 be good for the police to extend their area of  
11 policing to not just be standing. It looked  
12 like, too, while the club was operating, that  
13 they are just standing outside kind of like  
14 looking at who is coming in. Like people  
15 watching.

16 If they are doing a little bit  
17 more, you know, just for crowd control and  
18 then to watch people as they are going to  
19 their cars, so, you know, people feel safe, I  
20 guess, going to their cars when they are  
21 coming out of the clubs, because I'm thinking  
22 about the club patrons, too, you know.

1                   CHAIRPERSON MILLER:  And have you  
2                   ever mentioned that at any community meetings  
3                   or to the police?

4                   MS. ODUNSI:  I have.  I have.  We  
5                   have had the police come to our ANC meetings.  
6                   I have mentioned that and I have mentioned it  
7                   at meetings with Commissioner Butler as well.  
8                   And it would be great, too, if they had  
9                   someone that would pick up the traffic.  Not  
10                  traffic, the trash a little bit better.

11                  And I have noticed, you know, more  
12                  broken bottles.  And I don't know if those are  
13                  people bringing their bottles out of their  
14                  cars with them, but there is a whole lot of  
15                  glass.

16                  CHAIRPERSON MILLER:  When do you  
17                  see that glass?

18                  MS. ODUNSI:  I see that glass -- I  
19                  just see more of it now that the club is  
20                  there, like in the last couple of years or so,  
21                  it just seems to have been.  I have been in  
22                  the neighborhood for 11 years and I have just

1       seen more and more glass.

2                   CHAIRPERSON MILLER:   Where do you  
3       see it?

4                   MS. ODUNSI:   In the grassy areas  
5       or on the sidewalks, because people are --

6                   CHAIRPERSON MILLER:   I mean near  
7       the club or in your neighborhood?

8                   MS. ODUNSI:   On 20th Street.   20th  
9       Street going to Queens Chapel.

10                  CHAIRPERSON MILLER:   Okay.   Okay.  
11       Anything else?

12                  MS. ODUNSI:   That's it.

13                  CHAIRPERSON MILLER:   Okay.   No,  
14       wait, don't go away.   I just meant in response  
15       to that question.

16                  Other Board questions?   Mr. Jones?

17                  MEMBER JONES:   Thank you.   So  
18       maybe I missed it, so I apologize, but you are  
19       a part of a group of five or more, correct?

20                  MS. ODUNSI:   Yes.

21                  MEMBER JONES:   What were you  
22       seeking?   What relief were you seeking by

1 being here today at a high level?

2 MS. ODUNSI: Just what I just told  
3 her. It's just to have more like  
4 thoughtfulness about the community, the  
5 community that is surrounding the club and  
6 just basically just make it a safer place, you  
7 know, for the neighbors. Cleaning, making it  
8 clean. You know, this is a residential  
9 neighborhood of all the homes that you have  
10 highlighted, these are all single-family  
11 homes. And some of us have kids.

12 You know, people just want a nice  
13 community. They don't want to see bottles.  
14 They don't want to have to fight cars to get  
15 to their homes when they are bringing their  
16 kids, you know, from practice. That's what  
17 I'm looking for is just --

18 MEMBER JONES: So specifically,  
19 how would you -- what recommendation would you  
20 have for the implementation of that desire?  
21 What would that look like? And so put  
22 yourself in their shoes.

1 MS. ODUNSI: Yes.

2 MEMBER JONES: What would you do--

3 MS. ODUNSI: If I were them?

4 MEMBER JONES: -- to meet your  
5 need?

6 MS. ODUNSI: If I were them?

7 MEMBER JONES: -- as you have been  
8 describing?

9 MS. ODUNSI: If I were them?

10 MEMBER JONES: Yes.

11 MS. ODUNSI: If I were them?

12 MEMBER JONES: Yes, if you were  
13 them.

14 MS. ODUNSI: I would probably just  
15 add more to my detail, so that I have  
16 security, like I said, extending beyond the  
17 entrances to the club and the immediate block  
18 where the club is.

19 I would make sure the next day  
20 after an event or early that morning that as  
21 much trash that I could, you know, get up is  
22 picked up.

1 I would continue with those  
2 community events that were mentioned before,  
3 but also do something more about crowd control  
4 with the cars, you know. Just the traffic,  
5 getting through there. It would be nice to be  
6 able to use that street on any night to come  
7 home.

8 MEMBER JONES: Okay. And when you  
9 say do more with the cars?

10 MS. ODUNSI: Just be more  
11 efficient with directing traffic and getting  
12 people to park or something. I mean, I know  
13 that the Investigator said that a lot of  
14 people are using Uber and shuttles and stuff,  
15 but there is still a lot of people coming in  
16 cars and there just needs to be better traffic  
17 directing so that it flows better through that  
18 street.

19 MEMBER JONES: So the traffic  
20 flows better through that street?

21 MS. ODUNSI: Through Queens Chapel  
22 onto 20th.

1 MEMBER JONES: Okay.

2 MS. ODUNSI: And vice versa.

3 MEMBER JONES: So where exactly  
4 from a point of reference is the major  
5 bottleneck or where is the major point of  
6 congestion as far as you are concerned? So  
7 let's use it in a frame of reference --

8 MS. ODUNSI: Yes.

9 MEMBER JONES: -- that bridge that  
10 you have been referring to --

11 MS. ODUNSI: Yes.

12 MEMBER JONES: -- that kind of  
13 bridges to the residential area. Using that  
14 as a point of reference, where would the  
15 bottleneck be? Would it be there? Would it  
16 be --

17 MS. ODUNSI: Between that point  
18 and Bladensburg and Queens Chapel.

19 MEMBER JONES: Between that point,  
20 Bladensburg and Queens Chapel.

21 MS. ODUNSI: So I would say about  
22 two or three blocks, you are just kind of

1 stopped.

2 MEMBER JONES: Okay. And so just  
3 to make sure I'm clear, so does Queens Chapel  
4 Road intersect with Bladensburg Road?

5 MS. ODUNSI: It does.

6 MEMBER JONES: It does?

7 MS. ODUNSI: It ends.

8 MEMBER JONES: Okay.

9 MS. ODUNSI: It ends.

10 MEMBER JONES: So it ends there,  
11 correct?

12 MS. ODUNSI: Yes.

13 MEMBER JONES: So when you say  
14 between --

15 MS. ODUNSI: Bladensburg and  
16 Queens Chapel that intersection and the  
17 bridge, and the end of the bridge.

18 MEMBER JONES: The bridge, got it.

19 MS. ODUNSI: Yes.

20 MEMBER JONES: Okay. So  
21 basically, that club thoroughfare right there  
22 is pretty much congested?

1 MS. ODUNSI: Yes, pretty much.

2 MEMBER JONES: Okay. And is it  
3 your feeling, sense that the Echostage and the  
4 nature of its operations is the only  
5 contributor to the congestion associated with  
6 your --

7 MS. ODUNSI: I wouldn't say it's  
8 the only contributor, but on club nights and  
9 if they are open and the other ones are open,  
10 that you can only assume that it's a major  
11 contributor because they have more patrons.  
12 And I have seen --

13 MEMBER JONES: Let me phrase it  
14 this way.

15 MS. ODUNSI: Yes.

16 MEMBER JONES: If Echostage went  
17 away --

18 MS. ODUNSI: Yes.

19 MEMBER JONES: -- in its entirety,  
20 do you still think you would experience the  
21 problem that you are --

22 MS. ODUNSI: I think it would

1 decrease immensely.

2 MEMBER JONES: It would decrease  
3 immensely.

4 MS. ODUNSI: Immensely.

5 MEMBER JONES: Okay. And your  
6 position is based on the large number of  
7 patrons that require vehicular transport to  
8 enjoy the entertainment being provided by the  
9 Echostage?

10 MS. ODUNSI: Yes.

11 MEMBER JONES: Okay. So outside  
12 of the vehicular issues, are there any other  
13 major items that you find to be at heart in  
14 terms of how the Echostage is being operated?

15 MS. ODUNSI: That personally  
16 affect me? No.

17 MEMBER JONES: No? Okay. Because  
18 you mentioned litter. You mentioned trash.

19 MS. ODUNSI: Yes.

20 MEMBER JONES: And you were  
21 requesting that, if I understood correctly,  
22 they do more to mitigate --

1 MS. ODUNSI: Yes.

2 MEMBER JONES: -- the trash  
3 associated with or the litter that you are  
4 seeing or experiencing the night after an  
5 event?

6 MS. ODUNSI: The day after, yes.

7 MEMBER JONES: The day after.  
8 Excuse me, the day after an event. Are you  
9 attributing it -- are you attributing the  
10 increase in trash just by the nature of the  
11 existence of Echostage or do you have a direct  
12 correlation of some sort, i.e., some type of  
13 flyer, some type of monogram cut or napkin or  
14 tissue that you can identify specifically as  
15 coming from the Echostage?

16 MS. ODUNSI: Well, there are  
17 flyers, but I haven't looked that closely at  
18 them to see, you know, what is on those  
19 flyers. But there is just more trash. There  
20 is just trash, more trash in the area after an  
21 event.

22 MEMBER JONES: Okay. So from your

1 -- from what I'm hearing from you, there is no  
2 way that you can directly correlate the more  
3 as being from Echostage? It could essentially  
4 be more trash there because more people from  
5 maybe The Scene are littering than they were  
6 in the past. You can't directly correlate  
7 what you are seeing in terms of increased  
8 volume of trash to the operations of  
9 Echostage.

10 MS. ODUNSI: I can't because, like  
11 I said earlier, I did not see, you know,  
12 specific people dropping the trash. I just  
13 know when there is trash on the street.

14 MEMBER JONES: Got it.

15 MS. ODUNSI: And there is more  
16 trash.

17 MEMBER JONES: Fair enough. Thank  
18 you.

19 MS. ODUNSI: Yes.

20 MEMBER JONES: Thank you, Madam  
21 Chair.

22 CHAIRPERSON MILLER: Okay.

1 Others? Yes, Mr. Short?

2 MEMBER SHORT: Again, thank you  
3 for coming to testify for your community  
4 today.

5 And along the same lines that Mr.  
6 Jones just took you down, I'm looking at a  
7 map. I guess it is Exhibit No. 2.

8 CHAIRPERSON MILLER: Exhibit 2 to  
9 the Investigator's report?

10 MEMBER SHORT: That is correct.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: And what I see in  
13 that same area that you just described, Queens  
14 Chapel to Bladensburg Road to the bridge seems  
15 to be a lot of club or businesses in that  
16 vicinity. Would that be correct in stating  
17 that?

18 MS. ODUNSI: Would you list them?

19 MEMBER SHORT: There are a lot of  
20 businesses along that route that you described  
21 between Queens Chapel Road and --

22 MS. ODUNSI: Yes.

1 MEMBER SHORT: -- 20th Street.

2 MS. ODUNSI: Yes.

3 MEMBER SHORT: And everything  
4 around that area pretty much is residential,  
5 would you say?

6 MS. ODUNSI: Yes.

7 MEMBER SHORT: So that is a --  
8 could that be considered as a Business  
9 District or business area?

10 MS. ODUNSI: You mean zoned for  
11 business?

12 MEMBER SHORT: Okay. Well, let me  
13 rephrase that. I do know in some other areas  
14 of this city, Washington, D.C., where there  
15 are a number of businesses congested like  
16 this. They have what they call Business  
17 Improvement Districts.

18 MS. ODUNSI: Um-hum.

19 MEMBER SHORT: Has your community  
20 ever thought about that?

21 MS. ODUNSI: Yes, we have talked  
22 about it or Commissioner Butler has brought up

1 the idea of us going a Business Improvement  
2 District, so that we could have dollars for  
3 the community.

4 MEMBER SHORT: So you have talked  
5 about it?

6 MS. ODUNSI: Yes, we have talked  
7 about that.

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

10 CHAIRPERSON MILLER: Okay.  
11 Others? I actually have one follow-up  
12 question.

13 MS. ODUNSI: Yes.

14 CHAIRPERSON MILLER: And that is  
15 have you had any personal exchanges,  
16 communications with this establishment and  
17 with Stadium or The Scene with respect to any  
18 of your concerns?

19 MS. ODUNSI: I haven't.

20 CHAIRPERSON MILLER: You have not?  
21 Okay. Thank you. All right. Any other  
22 questions? Okay. So are there questions on

1 Board questions? And I'll start with Ms.

2 Butler since this is your witness?

3 MS. BUTLER: Yes.

4 REDIRECT EXAMINATION

5 MS. BUTLER: In reference to the  
6 map, Exhibit A from the applicant, could you  
7 describe the route that you were taking to get  
8 home if you did not use Queens Chapel Road?

9 MS. ODUNSI: The way that I take  
10 home? It's not on this map, I don't believe.

11 MS. BUTLER: Okay.

12 MS. ODUNSI: I can't really see,  
13 because I don't have --

14 CHAIRPERSON MILLER: Ms. Butler?

15 MS. BUTLER: And this is --

16 CHAIRPERSON MILLER: Could I just  
17 ask her a clarification? I was just going to  
18 ask for a clarification, because you said get  
19 home from where?

20 MS. BUTLER: I'm sorry.

21 MS. ODUNSI: Yes.

22 MS. BUTLER: From Bladensburg

1 Road.

2 CHAIRPERSON MILLER: Oh.

3 MS. BUTLER: This is in reference  
4 to --

5 CHAIRPERSON MILLER: Do you have  
6 an objection?

7 MS. WILLIFORD: Well, to the  
8 extent that it isn't a response to one of the  
9 questions posed by the Board, I don't think it  
10 was raised in that context, so --

11 CHAIRPERSON MILLER: Oh. Could  
12 you -- Ms. Butler, is this related to a Board  
13 question?

14 MS. BUTLER: I'm sorry, it is.  
15 I'm sorry.

16 CHAIRPERSON MILLER: It is.

17 MS. BUTLER: There was a question  
18 with regards to another route that she would  
19 take.

20 CHAIRPERSON MILLER: I asked her  
21 how long it would take for her to get home if  
22 she had to, otherwise --

1 MS. BUTLER: And there was also  
2 from the applicant asked if there were other  
3 routes that she would take.

4 CHAIRPERSON MILLER: Okay. Okay.  
5 So go right ahead. Okay.

6 MS. ODUNSI: So the way I would go  
7 is Bladensburg to, I think it is, Montana and  
8 around the circle up 18th Street then make a  
9 right onto Franklin. And then it's two blocks  
10 further to 20th and then I'm just about home.

11 MS. BUTLER: So how many --

12 MS. ODUNSI: So I -- I'm sorry. I  
13 have to cross that big construction area and  
14 then the circle, which is a couple more lights  
15 across New York Avenue. And then there is  
16 another light. I have to go to 18th, which is  
17 another light and then I'm crossing -- whereas  
18 if I was go to straight the way that I go, I  
19 would only have two lights, if I could just go  
20 the -- make that left right at Echostage on  
21 Queens Chapel.

22 MS. BUTLER: Do you have a copy of

1 the map?

2 MS. ODUNSI: I do.

3 MS. BUTLER: Okay. If we were to  
4 use the point of reference of Queens Chapel  
5 and Bladensburg Road, if you were not to use,  
6 could you just point on the map here exactly  
7 how you would get home from Bladensburg Road?

8 MS. ODUNSI: It's off of this map.  
9 It's not on this map.

10 MS. BUTLER: That's all I have.

11 CHAIRPERSON MILLER: Okay. Ms.  
12 Williford?

13 MS. WILLIFORD: No.

14 CHAIRPERSON MILLER: No questions.  
15 Okay. All right. Thank you very much.

16 (Whereupon, witness excused.)

17 CHAIRPERSON MILLER: Okay. And  
18 did you have any exhibits at this point?

19 MS. BUTLER: Yes. I'm not sure if  
20 you guys received the copies. I submitted it  
21 with my PIF.

22 CHAIRPERSON MILLER: I don't know.

1 MS. BUTLER: I have some copies  
2 here.

3 CHAIRPERSON MILLER: And the  
4 applicant has copies?

5 MS. WILLIFORD: The packet--

6 MS. BUTLER: Yes.

7 MS. WILLIFORD: Are these going to  
8 be --

9 MS. BUTLER: These are -- they  
10 were submitted with the PIF.

11 CHAIRPERSON MILLER: Okay. We  
12 would still need to go through it and see  
13 whether they will be admitted. Do you have  
14 extra copies right there?

15 MS. BUTLER: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MS. WILLIFORD: I guess I have --  
18 will these be introduced through a witness?

19 CHAIRPERSON MILLER: I would think  
20 so.

21 MS. WILLIFORD: For the record, we  
22 actually will have significant objections to

1 many of these, so I would like -- if there is  
2 a witness on the stand these are going to come  
3 in through, I would like for that to be  
4 addressed, because we will have objections.

5 CHAIRPERSON MILLER: Do you have a  
6 witness who would be identifying your proposed  
7 exhibits?

8 MS. BUTLER: No. The witnesses  
9 did not show, but these were the evidence that  
10 we submitted as far as documentation that was  
11 submitted to me personally as well.

12 MS. WILLIFORD: In light of that,  
13 I would request that these not be admitted.  
14 There is no witness who can testify to what  
15 these documents are.

16 CHAIRPERSON MILLER: Okay. Well,  
17 let's hear what they are and then I can hear  
18 your objection, but let's just give Ms. Butler  
19 a chance to identify them. If they are all in  
20 the same category, you can identify, you know,  
21 them all at once or if we need to go one-by-  
22 one. However you are going to do it.

1 MS. BUTLER: All right.

2 CHAIRPERSON MILLER: We will make  
3 a decision.

4 MS. BUTLER: E-1, as Ms. Odunsi  
5 stated before, there was a previous community  
6 agreement with Echostage and it was  
7 terminated. This is -- E-1 would have an  
8 email from Woodridge to president of the  
9 Woodridge South Community Association stating  
10 that she did not understand the ramifications  
11 of terminating that old agreement and wanted  
12 to reinstate the new agreement.

13 (Whereupon, the above-referred to  
14 document was marked as Protestant  
15 Exhibit No. 1 for identification.)

16 CHAIRPERSON MILLER: Okay. Wait.  
17 I don't want to get into substance here too  
18 much. Is this an email?

19 MS. BUTLER: Well, it's a letter.

20 CHAIRPERSON MILLER: Is this an  
21 email?

22 MS. BUTLER: This is a -- correct.

1 CHAIRPERSON MILLER: From?

2 MS. BUTLER: From the president of  
3 the Woodridge South Community Association.

4 CHAIRPERSON MILLER: To you?

5 MS. BUTLER: Correct.

6 CHAIRPERSON MILLER: Okay. So you  
7 would need to validate this. Are you going  
8 to --

9 MS. BUTLER: Any of these --

10 CHAIRPERSON MILLER: I need to put  
11 you under oath.

12 MS. BUTLER: -- emails would --  
13 many of these emails would actually be under--  
14 would be addressed to me.

15 CHAIRPERSON MILLER: So I mean I  
16 understand that part of an objection would be  
17 that, you know, the person isn't here to  
18 cross-examine. But you are here.

19 MS. BUTLER: Yes.

20 CHAIRPERSON MILLER: And let me  
21 ask you, Ms. Williford, if she is put under  
22 oath and subject to cross-examination, does

1 that address --

2 MS. WILLIFORD: No, it does not.  
3 We would strongly object on a number of points  
4 with respect to just talking about this one  
5 document in particular, it's essentially  
6 someone forwarding by the name of Kronos David  
7 forwarding to --

8 CHAIRPERSON MILLER: Right.

9 MS. WILLIFORD: -- Karla Butler  
10 communications that happened in March.  
11 Francis Penning was supposed to be to protest  
12 it, but for some reason is not here, is the  
13 one who is the author of this. And it was  
14 ultimately forwarded on.

15 So the only thing that she would  
16 technically be able to testify to is the fact  
17 that she received it. I think it would be --  
18 it is highly irrelevant in this instance, the  
19 fact that she received a document from a  
20 protestant who is not here.

21 CHAIRPERSON MILLER: Yes.

22 MS. WILLIFORD: And moreover,

1 without going specifically into the substance,  
2 this document talks about an agreement that  
3 another organization, not the ANC had with the  
4 predecessor of Echostage, which actually  
5 legally and legitimately is no longer attached  
6 to the license.

7 That proceeding has happened.  
8 It's behind us and it should not be a part of  
9 these proceedings or any relevant -- any  
10 reference to what happened with respect to  
11 that. We respectfully request should not be  
12 an item for discussion in connection with this  
13 hearing.

14 CHAIRPERSON MILLER: Okay. So  
15 relevance is really the question. The rules  
16 say that we should not admit anything that is  
17 not relevant to the hearing, to this protest.  
18 So do you have a rebuttal with respect to how  
19 it's relevant? Because otherwise I would tend  
20 to --

21 MS. BUTLER: The relevance is that  
22 the protest -- the initiation for the protest

1 was because -- to enter into a community  
2 agreement with Echostage. There was a  
3 previous community agreement with Echostage  
4 and during the process of the protest, that  
5 agreement was terminated.

6 CHAIRPERSON MILLER: Okay. I  
7 don't see it. I don't know about the others,  
8 I don't see the relevance and I don't see how  
9 cross-examining you would help on that issue.  
10 So I am not going to admit the first one.

11 The second one is in our records,  
12 I believe it's addressed to me. Am I correct?

13 MS. BUTLER: I'm sorry?

14 CHAIRPERSON MILLER: I said the  
15 second page that I have of this exhibit is  
16 already in our records addressed to me. Am I  
17 looking at the right document?

18 MS. BUTLER: It's E-2?

19 MS. WILLIFORD: I have a comment  
20 on that as well.

21 CHAIRPERSON MILLER: Okay.

22 MS. BUTLER: It's marked on here.

1 I'm not sure which. Are you saying E-1 on the  
2 second page of --

3 CHAIRPERSON MILLER: No. There  
4 seem to be two E-1s.

5 MS. BUTLER: Right.

6 CHAIRPERSON MILLER: But on the  
7 second page, it's a document addressed to me  
8 in my capacity as ABC Board Chair.

9 MS. BUTLER: Correct.

10 CHAIRPERSON MILLER: So I assume  
11 it's in our public record.

12 MS. BUTLER: Correct.

13 CHAIRPERSON MILLER: You have an  
14 objection to it being in this record?

15 MS. WILLIFORD: Yes.

16 CHAIRPERSON MILLER: Or the  
17 hearing?

18 MS. WILLIFORD: I have an  
19 objection to this record specifically because,  
20 first of all, it's an unsigned letter to you  
21 dated March 4, 2014 and the connection with a  
22 separate proceeding and it's not related to

1 this. It has to do with a separate entity,  
2 Woodridge South Community Association that is  
3 not a party that is here.

4 And for the reasons previously  
5 stated, it's not relevant. While it may be a  
6 public document --

7 CHAIRPERSON MILLER: Yes.

8 MS. WILLIFORD: -- and it was sent  
9 to you, it should not be considered in  
10 connection with this proceeding.

11 MS. BUTLER: And I would like to  
12 state that the president of Woodridge South is  
13 also part of the group of 50 that opposed,  
14 that wanted to protest the license.

15 CHAIRPERSON MILLER: Okay.

16 MS. WILLIFORD: As an individual,  
17 not on the behalf of those individuals. There  
18 is a distinction.

19 CHAIRPERSON MILLER: Okay. I  
20 would -- I am not going to admit this one  
21 either, because it also -- it is not signed.  
22 I think that is a really basic point and I

1 hear her say it's related to another  
2 proceeding. Okay. Let's go on to the next  
3 one.

4 MS. BUTLER: The next one is E-2  
5 and this is an email from the president of  
6 Woodridge South stating that Commander Porter  
7 has agreed to support -- lend her support for  
8 the protest with the nightclubs.

9 (Whereupon, the above-referred to  
10 document was marked as Protestant  
11 Exhibit No. 2 for identification.)

12 MS. BUTLER: As stated during the  
13 testimony with Ms. Odunsi, there have been  
14 comments addressed to MPD in regards to the  
15 concerns with the activities at the  
16 nightclubs.

17 MS. WILLIFORD: I would strongly  
18 object on the basis of relevance here. First  
19 of all, whatever support that commander would  
20 have here, this person was not listed as a  
21 witness to testify. There is no way we can  
22 talk about the extent to what's in here to

1 verify communication about what she will do  
2 relating to the nightclubs in particular.

3 There is on reference specifically  
4 here to Echostage. So all -- what this will  
5 be taken for, it's more prejudicial and not  
6 relevant to the proceedings that we have here.  
7 So for the purposes of that, I would strongly  
8 object to this being entered into evidence.

9 MS. BUTLER: I would also like to  
10 state that Mr. Davis is also part of the group  
11 of five or more protestants.

12 CHAIRPERSON MILLER: But he was  
13 supposed to come today?

14 MS. BUTLER: Right.

15 CHAIRPERSON MILLER: And he didn't  
16 come today?

17 MS. BUTLER: Right.

18 MS. WILLIFORD: And there is no  
19 reference to Echostage.

20 CHAIRPERSON MILLER: Okay. No, I  
21 am not going to admit this one either without  
22 the opportunity to cross-examine this person.

1 Okay.

2 Okay. Ms. Butler, there is, next  
3 I see, a petition to unilaterally amend or  
4 terminate a settlement agreement.

5 MS. BUTLER: Yes. This is a copy  
6 of the petition that Echostage submitted to  
7 withdraw the community agreement with  
8 Woodridge South Community Association. And  
9 this is just a copy and I guess the other page  
10 was not submitted in there, but there were  
11 comments from Echostage which stated that they  
12 have not created an adverse effect to the  
13 community. This would be on the record, the  
14 Board's record.

15 (Whereupon, the above-referred to  
16 document was marked as Protestant  
17 Exhibit No. 3 for identification.)

18 CHAIRPERSON MILLER: Okay. So we  
19 have in the record this petition, correct?  
20 This one has comments on it by whom?

21 MS. BUTLER: I'm sorry?

22 CHAIRPERSON MILLER: It has

1        comments. This one has comments.

2                    MS. BUTLER: Right. The petition  
3        stated, Mr. Andre stated, that Echostage has  
4        not contributed to any adverse effects to the  
5        community. And we object to that. So just  
6        stating to you as far as what was submitted by  
7        Echostage.

8                    MS. WILLIFORD: I would object on  
9        the basis of relevance as well. This petition  
10       deals similar to the first exhibits we were  
11       looking at and deals with a separate  
12       proceeding relating to voluntary agreement  
13       with Woodridge Community Association. It's  
14       not pertinent to this proceeding at all and  
15       for those reasons, it should not be entered.  
16       And it's also incomplete.

17                    CHAIRPERSON MILLER: All right.

18                    MS. BUTLER: And I do want to say  
19        for the record that Woodridge South, they are  
20        residents of the Langdon and Woodridge  
21        community. So the relevance is that even  
22        though they are the association for Woodridge

1 South, they are still residents in that -- in  
2 the community.

3 CHAIRPERSON MILLER: I'm sorry,  
4 whose initials are these on the comments?

5 MS. BUTLER: On which --

6 CHAIRPERSON MILLER: I mean, on  
7 the one hand, you know, I see a petition that  
8 has been submitted. It's an official record.  
9 The Board can take judicial notice of it if it  
10 wanted to.

11 But then I see this has a comment  
12 on it with initials that I don't know who they  
13 are attributed to.

14 MS. BUTLER: This would be from  
15 the Board. This was -- this is something that  
16 the Board initialed off on.

17 CHAIRPERSON MILLER: This is the  
18 Board's comments?

19 MS. BUTLER: Correct.

20 CHAIRPERSON MILLER: Well, I don't  
21 -- you're not putting -- you are not offering  
22 this because of the Board's comments, are you?

1 MS. BUTLER: Well, I'm offering  
2 that this particular petition, it says the  
3 petitioner submitted an incomplete petition.  
4 So to me how would that be allowed for them to  
5 terminate if the petition was incomplete and  
6 signed off by the Board?

7 So and also within this petition--

8 CHAIRPERSON MILLER: And is that  
9 relevant to this renewal?

10 MS. BUTLER: Yes, because the  
11 problem is that the community would like to  
12 have some agreement with Echostage in regards  
13 to the adverse issues that we are  
14 experiencing. And that particular agreement  
15 was terminated and they did not go through the  
16 proper channels to, you know, revoke the  
17 agreement.

18 And so I'm looking at what was  
19 submitted by Echostage and that petition was  
20 incomplete.

21 CHAIRPERSON MILLER: Okay.

22 MS. BUTLER: Signed off by the

1 Board.

2 CHAIRPERSON MILLER: I'm not going  
3 to admit this either. That -- you may want to  
4 have that and be -- you know, whatever and  
5 have concerns about that settlement agreement,  
6 but what is at issue in this proceeding is  
7 only the renewal and not that termination of  
8 a settlement agreement. So for that reason,  
9 I'm not going to admit that either. Okay.

10 MS. BUTLER: And E-4, this is an  
11 email from -- to Jacqueline Manning that was  
12 also forwarded to myself. Jacqueline Manning  
13 is the Chair of ANC-5C and this is from the  
14 constituents who complained about the noise  
15 from Echostage.

16 (Whereupon, the above-referred to  
17 document was marked as Protestant  
18 Exhibit No. 4 for identification.)

19 CHAIRPERSON MILLER: Okay.

20 MS. WILLIFORD: I would object.  
21 This is irrelevant and highly prejudicial. In  
22 particular, I'm not sure what she would be

1 talking about with respect to this, but it  
2 just shows a blanket email that was to  
3 Jacqueline Manning who did not show up today  
4 and could actually testify about this to give  
5 some more context, but she is not here.

6 MR. WOODSON: And cross.

7 MS. WILLIFORD: And cross-  
8 examination. And for purposes of that, I  
9 would say this should not -- we would object  
10 to this being utilized as an exhibit or being  
11 entered into evidence.

12 CHAIRPERSON MILLER: Okay. I  
13 would disagree on this one. I think this  
14 would come in because it is relevant. It  
15 references a specific day in which someone was  
16 concerned about noise and wondered if it was  
17 Echostage.

18 Now, I would say in so doing that,  
19 you know, we will give it the weight that it  
20 deserves, because we appreciate that you are  
21 not able to cross-examine the person about any  
22 details with respect to this statement in an

1 email.

2 MS. WILLIFORD: I would ask with  
3 respect to that will Ms. Butler be presenting  
4 this? Will there be testimony associated with  
5 this?

6 CHAIRPERSON MILLER: Oh, would you  
7 like the chance -- you -- are you saying --

8 MS. WILLIFORD: I don't know if --

9 CHAIRPERSON MILLER: Ms. Butler is  
10 here to be cross-examined.

11 MS. WILLIFORD: I mean, there has  
12 to be a person. I mean, this isn't something  
13 we can really take judicial notice of, so  
14 there would have to be a person who is  
15 offering it for whatever proof it is and I  
16 would like the opportunity to at least ask,  
17 because I don't know what this document is.

18 CHAIRPERSON MILLER: Okay. All  
19 right. So let's --

20 MS. WILLIFORD: And I don't know  
21 if you wanted to go through, I will defer to  
22 the other ones if we can do it altogether, if

1       there is others.

2                   CHAIRPERSON MILLER:   Right.   Okay.  
3       So let's do that.   So we are going to -- Ms.  
4       Butler?

5                   MS. BUTLER:   Yes?

6                   CHAIRPERSON MILLER:   I am  
7       intending to admit this, possibly admit this  
8       email, but you would need to be put under oath  
9       to testify with respect to your knowledge  
10      about this email.   Okay?   That's what we are  
11      talking about.

12                  MS. BUTLER:   Okay.

13                  CHAIRPERSON MILLER:   Okay.   So  
14      there is another email.   We can see if there  
15      are others in this category.

16                  MS. BUTLER:   I'll assist you with  
17      the other ones, the others are E-5, E-6 and E-  
18      7 are issues that residents have addressed in  
19      regards to the noise from the nightclub and  
20      the adverse effects.   They do not specifically  
21      state Echostage, but as we stated, that there  
22      are comments here about Friday and Saturday

1 nights where Ms. Odunsi has stated that she  
2 has experienced issues in regards to events at  
3 Echostage on a Friday and Saturday night.

4 (Whereupon, the above-referred to  
5 documents were marked as  
6 Protestant Exhibit No. 5, 7 and 8  
7 for identification.)

8 MS. BUTLER: E-8, again, is --

9 MS. WILLIFORD: Can I --

10 MS. BUTLER: Sorry.

11 MS. WILLIFORD: -- May I --

12 MS. BUTLER: Go ahead.

13 MS. WILLIFORD: -- please address  
14 those?

15 CHAIRPERSON MILLER: Yes, sure.

16 We are talking about E-5, E-6 and E-7.

17 MS. BUTLER: E-5, 6 and 7 are  
18 various emails from residents in regards to  
19 issues that they have experienced with  
20 nightclubs on Friday -- weekends or when the  
21 establishments are open.

22 CHAIRPERSON MILLER: Okay. And

1 you were simultaneously cced --

2 MS. BUTLER: Correct.

3 CHAIRPERSON MILLER: -- on these?

4 Okay.

5 MS. WILLIFORD: I would -- I'll  
6 deal with them. I will object to E-5 on the  
7 basis of, one, Tamara Harrow who is listed  
8 here is the one potentially making the  
9 complaint. She is not here to testify  
10 regarding the substance of those. There are  
11 a lot of vague allegations within here that  
12 relate to the area in general.

13 No specific reference to Echostage  
14 whatsoever. Unsure of the context of this.  
15 I think it would be highly prejudicial to take  
16 for what it is, simply because Ms. Butler is  
17 cced. The relevance of this is unclear and so  
18 I would object to that on that basis.

19 The same with E-6 and also Tamara  
20 Harrow wasn't even one of the individuals who  
21 actually signed off on the protest or  
22 identified as a potential witness.

1                   Going to E-6, Kevin Malone, I  
2 believe he was one of the individuals who was  
3 listed on the PIF to testify. Again, he did  
4 not show up to give/provide his testimony.  
5 And this is just an email that he sent to his  
6 Councilmember outlining vague concerns none of  
7 which specifically address Echostage, in light  
8 of the fact there being two other  
9 establishments here.

10                   The relevance of this is  
11 questionable at most. And the fact that Ms.  
12 Butler is just copied on this really would  
13 provide no additional context, so I would  
14 object to E-6 on that basis.

15                   And E-7, opinion -- this is a  
16 response. It appears to be a response from  
17 Councilmember McDuffy. It's not specifically  
18 addressing -- actually you can't really tell  
19 even who it is to. It is not specifically  
20 addressing Echostage. And again, as an offer  
21 of this he is not here to testify.

22                   So for those reasons, I would

1 submit that E-6 -- E-5, 6 and 7 should be --  
2 should not be allowed.

3 CHAIRPERSON MILLER: Okay. So is  
4 it fair to say that E-4, 5, 6 and 7 we could  
5 deal with right now with respect to Ms.  
6 Butler's -- why don't you -- I'm going to put  
7 you under oath quickly. I don't want to  
8 prolong this. Okay.

9 Whereupon,

10 KARLA BUTLER  
11 was called as a witness by the Protestant, and  
12 having been first duly sworn, assumed the  
13 witness stand and was examined and testified  
14 as follows:

15 MS. BUTLER: I do.

16 CHAIRPERSON MILLER: Okay. Ms.  
17 Williford, let me just say this, that I hear  
18 what you are saying and the Board's  
19 Regulations and the APA say that, you know, if  
20 it's at all relevant, basically, we should let  
21 it in and that's where I am.

22 And I understand that we -- that

1 we will see what she says, but that I would be  
2 letting it in under -- for the reasoning that  
3 it is somewhat relevant. We understand that  
4 it's somewhat relevant on what's happening  
5 with the other clubs in the area and what  
6 people are concerned about.

7           However, as I said before, the  
8 weight we actually give these is certainly  
9 influenced by the fact that the writer, the  
10 person who wrote the email is not here to be  
11 cross-examined and also by the fact that, as  
12 you stated with respect to some of these  
13 emails, Echostage isn't even mentioned. Okay.

14           Now, is there anything you need to  
15 ask Ms. Butler with respect to these emails  
16 that she has -- she was -- well, don't you --  
17 let me just say this.

18           Ms. Butler?

19           MS. BUTLER: Yes?

20           CHAIRPERSON MILLER: Because you  
21 said this when you weren't under oath. Is it  
22 true that you were cced on all these emails

1 simultaneously to the person they were  
2 directed to?

3 MS. BUTLER: Yes, I was cced on  
4 the emails.

5 CHAIRPERSON MILLER: Okay. Do you  
6 have any questions, Ms. Williford?

7 MS. WILLIFORD: Yes.

8 DIRECT EXAMINATION

9 MS. WILLIFORD: I want to direct  
10 your attention to E-4, which appears to be  
11 January 5th, sent January 5th. Are you aware  
12 if Echostage was open on January 5th?

13 MS. BUTLER: I'm sorry?

14 MS. WILLIFORD: I direct your  
15 attention to E-4.

16 MS. BUTLER: Okay.

17 MR. WOODSON: Madam Chair, could  
18 we have just a moment?

19 CHAIRPERSON MILLER: Yes. How  
20 many?

21 MR. WOODSON: Just a short pause  
22 to discuss.

1 CHAIRPERSON MILLER: Okay.

2 MS. WILLIFORD: Is it your  
3 testimony that this is a document that you  
4 received?

5 MS. BUTLER: Yes.

6 MS. WILLIFORD: Was this -- do you  
7 know who this is from?

8 MS. BUTLER: I'm sorry?

9 MS. WILLIFORD: Who is -- this  
10 appears to be an email from it says Janet  
11 Drew. Are you aware of Ms. Janet Drew?

12 MS. BUTLER: Yes, I am.

13 MS. WILLIFORD: Did you have any  
14 communication with Ms. Janet Drew related to  
15 this email?

16 MS. BUTLER: Yes, I have.

17 MS. WILLIFORD: The email appears  
18 on January 5th. Do you have an understanding  
19 if Echostage was open, at that time?

20 MS. BUTLER: I do not know if  
21 Echostage was open, at that time.

22 MS. WILLIFORD: I draw your

1 attention -- and I draw your attention to E-5.  
2 This is an email -- is this an email that you  
3 drafted?

4 MS. BUTLER: No, it's not.

5 MS. WILLIFORD: Do you have any  
6 direct knowledge of the substance within this  
7 email?

8 MS. BUTLER: Can you rephrase  
9 that?

10 MS. WILLIFORD: Do you --

11 MEMBER ALBERTI: Just answer the  
12 question.

13 MS. WILLIFORD: Do you have  
14 personal knowledge of Tamara Harrow's words  
15 within this -- what was stated within this  
16 email?

17 MS. BUTLER: Do I have personal  
18 knowledge? I have read the email. These are  
19 her concerns.

20 MS. WILLIFORD: Is there a  
21 response to this email that you have provided?

22 MS. BUTLER: Not included into

1 this package, no.

2 MS. WILLIFORD: Let me direct your  
3 attention to E-7. Is it correct that you are  
4 not the author of this email?

5 MS. BUTLER: Correct.

6 MS. WILLIFORD: Is it correct that  
7 you did not -- you were not sent this email?

8 MS. BUTLER: That's incorrect.

9 MS. WILLIFORD: Is it your  
10 testimony you were sent -- you and only you  
11 were sent this email?

12 MS. BUTLER: It was not me. It  
13 stated "Dear residents."

14 MS. WILLIFORD: Again, I would  
15 just like to reiterate my objection to these  
16 items. I understand the Board is going to  
17 consider them and give them their weight. I  
18 would like to reiterate my objection to these  
19 5 through 7 based on Ms. Butler herself not  
20 being the author of these documents and the  
21 witness is not here.

22 CHAIRPERSON MILLER: Okay.

1 MR. WOODSON: Madam Chair, may I?

2 CHAIRPERSON MILLER: Okay.

3 MR. WOODSON: This testimony is --  
4 not only is it prejudicial, but it is not even  
5 probative to the matters at hand. The witness  
6 is presenting third-party testimony. Now,  
7 even in matters where third-party testimony is  
8 permitted, which in other settings it's called  
9 hearsay --

10 CHAIRPERSON MILLER: Yes.

11 MR. WOODSON: -- even though  
12 hearsay is permissible in administrative  
13 proceedings, they must be relevant. They must  
14 be probative. And they must be material.  
15 There is no probative value to this where it's  
16 not possible to engage in examination of the  
17 underlying facts being presented.

18 This witness is essentially a  
19 messenger and while I don't -- I think there  
20 is value in being messengers, in the context  
21 of this circumstance where there is no  
22 probative -- there is no opportunity to engage

1 a probative analysis of the facts being  
2 presented, it's our view that this kind of  
3 evidence is not only -- should not only be not  
4 permitted, but if the Board determines in its  
5 collective wisdom to take it, that it not be  
6 given any weight whatsoever, because it is not  
7 probative and we have not had any opportunity  
8 to engage in analysis of the facts being  
9 presented.

10 There is just allegations from  
11 third-parties. It is bad enough that it's  
12 hearsay, but it's even worse that the person  
13 who is engaging in the hearsay is not even  
14 here.

15 MS. BUTLER: Can I make a  
16 statement, please?

17 CHAIRPERSON MILLER: What do you  
18 mean?

19 MR. WOODSON: I'm sorry?

20 CHAIRPERSON MILLER: The person  
21 who is engaging in hearsay is not even here.  
22 Where is the person who engages in hearsay?

1                   MR. WOODSON: The person who is  
2                   engaging in hearsay -- the witness is not an  
3                   individual who has even heard the testimony.  
4                   The witness is presenting what is an email.  
5                   It is -- if I were to hand Ms. Williford a  
6                   document and say present this document as the  
7                   truth, this document that Ms. Williford does  
8                   not have any knowledge of the underlying  
9                   material, cannot testify as to the truth of  
10                  anything, it can -- she can only testify, as  
11                  this witness has, to the presence of the  
12                  document.

13                 CHAIRPERSON MILLER: Okay. To me,  
14                 it sounds like this document, whether we don't  
15                 -- it's not for the truth of the matter  
16                 asserted, but it can show that they were  
17                 communicating about these issues for whatever  
18                 it's worth. And you got that communication.

19                 MS. BUTLER: I would also like to  
20                 state for the record that as an ANC  
21                 Commissioner, I do represent the voices of --

22                 CHAIRPERSON MILLER: Okay.

1 MS. BUTLER: -- the community.  
2 And ANCs are given great weight with regards  
3 to licenses and zoning matters within the  
4 Commission as well as my Single Member  
5 District.

6 CHAIRPERSON MILLER: Okay. All  
7 right. I'm going to admit E-4 through E-7 for  
8 the reasons I have stated and give it the  
9 weight that it deserves recognizing that the  
10 authors are not here to be cross-examined.

11 (Whereupon, the above-referred to  
12 documents were received in  
13 evidence as Protestant Exhibit No.  
14 4 through 7.)

15 CHAIRPERSON MILLER: Okay. Let's  
16 move on to the photos, E-8 and E-9.

17 MS. BUTLER: E-8 is a photo  
18 illustrating an employee vehicle parked in  
19 front of Echostage illustrating the lack of  
20 parking and also the lack of parking for the  
21 staff at Echostage and also that it is causing  
22 pedestrian safety issues as pedestrians walk

1 as the vehicle is illegally parked on the  
2 sidewalk.

3 (Whereupon, the above-referred to  
4 document was marked as Protestant  
5 Exhibit No. 8 for identification.)

6 CHAIRPERSON MILLER: Okay. Ms.  
7 Williford?

8 MS. WILLIFORD: I would object to  
9 this. I guess my first question is was she  
10 the one who took this photo?

11 MS. BUTLER: I was actually, yes.  
12 I took this photo.

13 MS. WILLIFORD: Okay. I would be  
14 happy to cross-examine her about that if she  
15 took this photo.

16 CHAIRPERSON MILLER: Okay. Yes,  
17 go ahead, because I can't --

18 MS. BUTLER: I also took 8, 9.

19 CHAIRPERSON MILLER: There are a  
20 lot of things about this photo that the photo  
21 doesn't really speak for itself. So are you  
22 testifying now to --

1 MS. BUTLER: Yes.

2 CHAIRPERSON MILLER: -- parking  
3 and --

4 MS. BUTLER: Yes.

5 CHAIRPERSON MILLER: But you  
6 rested your case, so I think we are getting a  
7 little off here. Yes.

8 MS. WILLIFORD: I would object  
9 that this -- her case was rested in chief and  
10 a lot of the allegations she mentioned go  
11 above and beyond. I just don't know where to  
12 start.

13 CHAIRPERSON MILLER: Okay.

14 MS. WILLIFORD: And if this  
15 picture itself is not --

16 CHAIRPERSON MILLER: I would  
17 agree. You did not, Ms. Butler, take the  
18 opportunity when you had to testify about  
19 parking, etcetera, at that point.

20 MS. BUTLER: Well, we didn't get--  
21 in all fairness, we didn't get to that. You--  
22 we just -- I just went under oath and we just

1 went about and we just spoke about the emails.

2 CHAIRPERSON MILLER: No. My point  
3 is when you have a witness. You have an  
4 opportunity to put on witnesses and testify  
5 about certain issues. And that would have  
6 been the time to talk about parking and stuff.  
7 We can't get -- now open that up, because of  
8 this picture.

9 MS. BUTLER: But as I have gone  
10 under oath, I was considered a witness,  
11 correct?

12 CHAIRPERSON MILLER: Not to put on  
13 your case, just to verify some of these  
14 exhibits. So I'm going -- I'm not going to  
15 allow this one in, because that goes way into  
16 testifying about parking and stuff in order to  
17 understand this picture. And you didn't do  
18 that when you had the opportunity to present  
19 testimony.

20 So let's go on to E-9.

21 MS. BUTLER: This will be the same  
22 issue. It was illustrating a delivery truck

1 to Echostage that is blocking traffic.

2 (Whereupon, the above-referred to  
3 document was marked as Protestant  
4 Exhibit No. 9 for identification.)

5 CHAIRPERSON MILLER: Okay.

6 MS. BUTLER: That I took.

7 CHAIRPERSON MILLER: Okay.

8 MS. WILLIFORD: I would object for  
9 the same reasons in terms of this being  
10 testimony. Also, it is her taking this  
11 picture. I mean, Stadium Club is right  
12 adjacent to it. Her taking a picture of a  
13 truck does not show more.

14 If she wanted to testify about  
15 what she affirmatively has seen in connection  
16 with the delivery truck, she could have done  
17 that before. Submitting this picture at this  
18 point, isn't relevant and shouldn't --  
19 wouldn't have any additional value to add.

20 CHAIRPERSON MILLER: Okay. I  
21 think this one speaks by itself and for  
22 whatever the Board wants to draw based on that

1 limited explanation, which is different from  
2 the other picture, which was just a picture of  
3 a car, basically.

4 MS. WILLIFORD: So I guess this is  
5 the testimony she is providing that that was  
6 a delivery truck to Echostage?

7 MS. BUTLER: Correct.

8 MS. WILLIFORD: So --

9 CHAIRPERSON MILLER: You can ask  
10 her how she knows it's a delivery truck.

11 MS. WILLIFORD: Yes.

12 MS. BUTLER: Yes.

13 MS. WILLIFORD: And how did you  
14 come to the conclusion that that's a delivery  
15 truck to Echostage?

16 MS. BUTLER: I am actually in the  
17 red vehicle and driving by after traffic was--  
18 the oncoming traffic was cleared. I witnessed  
19 the delivery truck going into Echostage. The  
20 delivery guy with the car going into  
21 Echostage.

22 CHAIRPERSON MILLER: Okay.

1 MS. WILLIFORD: It's hard to tell  
2 from this picture, but is this truck actually  
3 in front of Stadium Club?

4 MS. BUTLER: It is on the  
5 sidewalk.

6 MS. WILLIFORD: But is it in front  
7 of Stadium Club?

8 MS. BUTLER: It's in the street on  
9 the sidewalk and I guess on the side of  
10 Echostage. As you know, there is an apron on  
11 there that is public space before you get to  
12 Stadium Club.

13 MS. WILLIFORD: And when was this  
14 picture taken?

15 MS. BUTLER: This was taken  
16 several months ago.

17 MS. WILLIFORD: Do you have the  
18 date?

19 MS. BUTLER: I don't have the date  
20 on hand right now.

21 MS. WILLIFORD: Do you know the  
22 time?

1 MS. BUTLER: This was roughly 4:00  
2 p.m.

3 MS. WILLIFORD: Do you know the  
4 day? You say you don't know the date. Do you  
5 know the day?

6 MS. BUTLER: This was during the  
7 week.

8 MS. WILLIFORD: Do you know what  
9 day during the week?

10 MS. BUTLER: I don't have the  
11 specific day.

12 MS. WILLIFORD: And it's your  
13 testimony that you specifically saw someone  
14 get out of this truck and walk into Echostage?

15 MS. BUTLER: Yes.

16 MS. WILLIFORD: Carrying what?

17 MS. BUTLER: Liquor or bottles,  
18 cases of liquor or soda.

19 MS. WILLIFORD: I would object to  
20 this being considered.

21 CHAIRPERSON MILLER: I agree based  
22 -- hearing that testimony. It's not just a

1 picture. It's what she is saying about it,  
2 how she knew it, that it was -- she saw the  
3 delivery. And then the question of whether it  
4 is in front of Stadium Club or in front of  
5 Echostage. So I don't think that it's  
6 reliable enough. So I'm not going to allow  
7 that in.

8 MS. BUTLER: Okay.

9 CHAIRPERSON MILLER: E-10? Are  
10 you offering any other exhibits?

11 MS. BUTLER: I'm sorry. E-10 is  
12 an article of an issue with a college student  
13 that died at the hospital, but while partying  
14 at Echostage. This is an email with the story  
15 that was covered.

16 (Whereupon, the above-referred to  
17 document was marked as Protestant  
18 Exhibit No. 10 for  
19 identification.)

20 MS. WILLIFORD: I would strongly  
21 object to this on --

22 CHAIRPERSON MILLER: First of all,

1 it's prejudicial.

2 MS. WILLIFORD: Yes.

3 MS. BUTLER: Well, we are just  
4 giving the events that have happened at  
5 Echostage. This is what was submitted/  
6 published by the media as far as what --

7 CHAIRPERSON MILLER: What's the  
8 media that we --

9 MS. BUTLER: I'm sorry?

10 CHAIRPERSON MILLER: What's the  
11 media?

12 MS. BUTLER: What's the media?

13 CHAIRPERSON MILLER: Who is the  
14 media? What --

15 MS. BUTLER: This is a news  
16 article that was submitted in regards to an  
17 issue that happened at Echostage. And this  
18 would be Channel 4. It states here Channel 4  
19 report.

20 CHAIRPERSON MILLER: Oh, okay.  
21 Okay. So this isn't just an email. You are  
22 saying this is a news report.

1 MS. BUTLER: Right.

2 CHAIRPERSON MILLER: Ms.  
3 Williford?

4 MS. WILLIFORD: I object. Yes,  
5 strongly object on a number of bases. First  
6 of all, well, the subject of this talks about  
7 a tragic incident where a student died after  
8 reportedly being in Echostage. This is --  
9 this was not raised in connection with the  
10 hearing at all.

11 And this item was actually  
12 investigated by the Board. It was concluded.  
13 On the investigative history, there was no  
14 further action found in connection with it and  
15 there was no discussion surrounding, you know,  
16 anything that happened to this and nothing  
17 attributed to Echostage.

18 I think to bring it up in this  
19 context is extremely prejudicial and should  
20 not be made a part of the record. And it's  
21 also incomplete whatever it appears to be.

22 MS. BUTLER: As I stated that this

1 is an article that was reported in regards to  
2 Echostage.

3 CHAIRPERSON MILLER: Okay. I hear  
4 you. I don't think that I'm going to let this  
5 in. We don't even have the Channel 4 report  
6 that you can show me. And that the Board can  
7 take judicial notice of its investigation of  
8 this incident. So I'm not going to let E-10  
9 in. Okay.

10 MS. BUTLER: Okay. E-11 is an  
11 email from another resident that was actually  
12 addressed to Andre in regards to the music  
13 that they could hear from Echostage.

14 (Whereupon, the above-referred to  
15 document was marked as Protestant  
16 Exhibit No. 11 for  
17 identification.)

18 CHAIRPERSON MILLER: Who is Andre?

19 MS. BUTLER: Andre de Moya is a  
20 partner with --

21 CHAIRPERSON MILLER: Oh, I'm  
22 sorry.

1 MS. BUTLER: -- Echo.

2 CHAIRPERSON MILLER: Okay. Right.  
3 Okay.

4 MS. WILLIFORD: I object to this  
5 in terms of I'm not sure what the probative  
6 value or the purpose of this will be. If it's  
7 just being introduced for the fact that an  
8 email was sent to someone at our  
9 establishment, without anything else, it  
10 doesn't seem to add any relevance to here and  
11 I'm not sure what the purpose of this is.

12 So I would object on the basis of  
13 relevance. On the basis that Leslie Bordez  
14 who is -- who appears to be the author of this  
15 is not here to proffer the reason or purpose  
16 regarding to this or to give any clarification  
17 regarding any of the substance contained.

18 MS. BUTLER: I would like to state  
19 that this email was addressed on a Saturday at  
20 2:46 a.m. and addressed to Mr. Andre de Moya  
21 in regards to noise that the residents were  
22 experiencing at 2:46 a.m.

1 CHAIRPERSON MILLER: Okay. And  
2 you were cced on this?

3 MS. BUTLER: Yes, I was.

4 CHAIRPERSON MILLER: All right. I  
5 think this is in the same category as the  
6 others that we let in. And it's just  
7 reflective that somebody has a concern about  
8 noise or music. So that one is admitted.

9 (Whereupon, the above-referred to  
10 document was received in evidence  
11 as Protestant Exhibit No. 11.)

12 CHAIRPERSON MILLER: All right.  
13 12?

14 MS. BUTLER: 12 is an email  
15 response, just a continuation of the  
16 conversation from Ms. Leslie -- oh, sorry,  
17 yes, Leslie Bordez in regards to trying to  
18 have a conversation with Echostage in regards  
19 to the music.

20 (Whereupon, the above-referred to  
21 document was marked as Protestant  
22 Exhibit No. 12 for

1 identification.)

2 CHAIRPERSON MILLER: Okay. Any  
3 objection?

4 MS. WILLIFORD: Yes. Is this  
5 being offered for the proof of the information  
6 stated within? I guess what is the scope of  
7 what is this being offered for?

8 MS. BUTLER: This is a  
9 continuation, as I stated to show that there  
10 was communication with Echostage in regards to  
11 a complaint from a resident regarding noise  
12 from their establishment. And again,  
13 Jacqueline Manning is the Chair of ANC-5C.

14 CHAIRPERSON MILLER: So as I  
15 understand it, as submitted, it would not be  
16 for the truth of the matter asserted. It  
17 would be that somebody wrote an email --

18 MS. BUTLER: Correct.

19 CHAIRPERSON MILLER: -- with a  
20 concern.

21 MS. BUTLER: Correct.

22 CHAIRPERSON MILLER: Whether or

1 not that noise was their fault or not is not  
2 verified.

3 MS. WILLIFORD: If it's -- that's  
4 fine.

5 CHAIRPERSON MILLER: Okay. That's  
6 the same category. E-12 is admitted.

7 (Whereupon, the above-referred to  
8 document was received in evidence  
9 as Protestant Exhibit No. 12.)

10 CHAIRPERSON MILLER: All right.  
11 E-13?

12 MS. BUTLER: E-13 is also  
13 another --

14 COURT REPORTER: Ms. Miller, can  
15 you turn your mike back on?

16 CHAIRPERSON MILLER: Sorry. Okay.

17 MS. BUTLER: E-13 is another email  
18 that was addressed to myself in regards to one  
19 of the patrons driving by and seeing a line at  
20 Echostage and their concerns that would happen  
21 with Echostage.

22 CHAIRPERSON MILLER: Okay. Okay.

1 I'm going to admit that for the same reason  
2 and give it the weight that it deserves.

3 (Whereupon, the above-referred to  
4 document was marked as Protestant  
5 Exhibit No. 13 for identification  
6 and was received in evidence.)

7 CHAIRPERSON MILLER: Go ahead.  
8 One more. Is there an objection on that just  
9 for the record?

10 MS. WILLIFORD: For the record,  
11 relevance.

12 CHAIRPERSON MILLER: Yes.

13 MS. WILLIFORD: And that the  
14 author is not there to authenticate.

15 CHAIRPERSON MILLER: Okay. All  
16 right. E-14?

17 MS. BUTLER: E-14 is an email from  
18 previous commander, 5D Commander Solberg, in  
19 regards to some of the issues that we have  
20 experienced with the nightclubs, which he has  
21 included Echostage and having -- putting an  
22 end to it, some of the concerns that we have.

1 (Whereupon, the above-referred to  
2 document was marked as Protestant  
3 Exhibit No. 14 for  
4 identification.)

5 CHAIRPERSON MILLER: Okay. And  
6 Mr. Solberg is not here to be cross-examined.

7 MS. WILLIFORD: He is not, but for  
8 the record, we would be okay with this coming  
9 in, because it does say "Echostage and others  
10 have been compliant with our request for the  
11 details and they have shown a willingness to  
12 make efforts to be a responsive business." So  
13 we would like this to be entered.

14 CHAIRPERSON MILLER: Okay.

15 MS. BUTLER: He also states that--

16 CHAIRPERSON MILLER: All right.  
17 We can read it. We can read it.

18 MS. BUTLER: All right. He also  
19 states put an end to it, so, obviously, there  
20 are issues that are being addressed by those  
21 particular patrons. We have never stated  
22 that, you know, Echostage, you know, has

1       whatever.  They are trying to present as far  
2       as being, you know, good stewards to the  
3       community.

4                   MS. WILLIFORD:  And just for the  
5       record, it appears that this could potentially  
6       be an altered document.  We don't know who has  
7       underlined that part or circled there.

8                   MS. BUTLER:  That's just a copy  
9       ink issue.

10                  MS. WILLIFORD:  Well, it is not --

11                  MS. BUTLER:  And also, I would  
12       like to state that that was also submitted in  
13       a previous, if we want to, hearing as well.

14                  CHAIRPERSON MILLER:  Okay.  So to  
15       reiterate, it's, and anyone can correct me if  
16       I'm wrong, I have admitted E-4, 5, 6, 7, 11,  
17       12, 13, 14, according to my notes.  Yes.  
18       Okay.

19                  (Whereupon, the above-referred to  
20       document was received in evidence  
21       as Protestant Exhibit No. 14.)

22                  CHAIRPERSON MILLER:  All right.

1 So does that rest your case, Ms. Butler?

2 MS. BUTLER: We did have  
3 recordings. I'm not sure if that will be  
4 allowed for the Board to hear from -- comments  
5 from residents in regards to their concerns  
6 and issues with Echostage and the nightclubs.

7 CHAIRPERSON MILLER: Before I ask  
8 the applicant to respond, do you want to  
9 elaborate any further as to these reportings?

10 MS. BUTLER: The recordings are  
11 concerns that the group of -- members from the  
12 group of 50 and five or more, they have  
13 recordings as to some of their statements as  
14 to their issues with Echostage on Queens  
15 Chapel and some of the issues that they have  
16 had, they have experienced.

17 CHAIRPERSON MILLER: And when did  
18 they make these recordings?

19 MS. BUTLER: These were within the  
20 last couple of weeks.

21 CHAIRPERSON MILLER: And did they  
22 make them under oath?

1 MS. BUTLER: They did not.

2 CHAIRPERSON MILLER: Okay. All  
3 right. Comments?

4 MS. WILLIFORD: Yes, we would  
5 strongly object to the entry -- to the proffer  
6 of any evidence via videorecording that we  
7 don't know was under oath. We would have no  
8 opportunity to cross-examine and we don't know  
9 the circumstances in which they provided the  
10 testimony. The voice recordings.

11 CHAIRPERSON MILLER: Exactly,  
12 okay. No, these are members of the party of  
13 five or more, Ms. Butler?

14 MS. BUTLER: Yes.

15 CHAIRPERSON MILLER: Okay. And  
16 all right. I think that if they wanted to  
17 express testimony, they should have to come  
18 here and do so under oath. So that wouldn't  
19 be admissible.

20 MS. BUTLER: Okay.

21 CHAIRPERSON MILLER: And have a  
22 chance to be cross-examined. Okay. Anything

1 else?

2 MS. BUTLER: One second. Let's  
3 see.

4 CHAIRPERSON MILLER: Okay.  
5 Anything else?

6 MS. BUTLER: Yes. There were some  
7 reviews on Yelp that patrons of Echostage have  
8 stated in regards to some of the issues that  
9 they have experienced while they visited the  
10 establishment, which are in direct correlation  
11 to the issues that we have presented, that the  
12 community has presented as far as trash,  
13 parking.

14 CHAIRPERSON MILLER: Did you  
15 identify that on your exhibit list?

16 MS. BUTLER: I did.

17 CHAIRPERSON MILLER: You did?

18 MS. BUTLER: Yes.

19 CHAIRPERSON MILLER: Okay.

20 MS. WILLIFORD: I strongly --

21 CHAIRPERSON MILLER: Okay. Go  
22 ahead.

1 MS. WILLIFORD: -- object.

2 CHAIRPERSON MILLER: Do we have  
3 that? Do I have that at least to look at?

4 MS. BUTLER: I have copies here.  
5 I don't know if it was estimated, so I don't  
6 know. Same way I submitted it with -- it  
7 was --

8 CHAIRPERSON MILLER: I just think  
9 that -- I mean, I should look at it, because  
10 I'm going to have to make a ruling on it.

11 MS. BUTLER: Okay. Did you need  
12 it? Do you want a copy of it?

13 CHAIRPERSON MILLER: Yes, yes.  
14 This is just the Yelp reviews?

15 MS. BUTLER: These -- right.  
16 These are reviews from customers as to their  
17 experiences at the establishment. And many of  
18 those issues address issues with parking,  
19 issue with the noise, the trash and just the  
20 total environment while a patron is at  
21 Echostage. And it is given as recommendations  
22 to other people to come or not come to this

1 establishment.

2 MS. WILLIFORD: I would object.

3 And actually, based on that proffer, recommend  
4 that you not even see this, because she is  
5 basically trying to --

6 CHAIRPERSON MILLER: I have to see  
7 it.

8 MS. WILLIFORD: -- offer it --

9 CHAIRPERSON MILLER: I mean, the  
10 other Board Members don't, but to rule on it--  
11 I didn't listen to the recording, because  
12 that, to me, was so pretty obvious that -- you  
13 know, but, yes, go ahead.

14 MS. WILLIFORD: Well, she is  
15 offering it for -- I mean, based on what she  
16 just said, she is offering it the truth of the  
17 matter what's stated within here. If anyone  
18 is familiar with Yelp, you know that any  
19 person can go onto a computer, sign-in under  
20 anonymous name and type up whatever they want  
21 to do.

22 CHAIRPERSON MILLER: Yes.

1 MS. WILLIFORD: There is no way of  
2 telling whether or not they were actually in  
3 Echostage. I mean, there are so many layers  
4 here that just prevent this from being --  
5 having any reliability in connection with this  
6 hearing. And so I would strongly object to it  
7 being entered into as a part of the record.

8 CHAIRPERSON MILLER: Yes.

9 MS. BUTLER: I believe that their  
10 comments should be reviewed. I mean, they  
11 have visited the establishment. We have also  
12 looked at other exhibits where community  
13 involvement letters have been presented. They  
14 are not here to testify that they have written  
15 those letters.

16 CHAIRPERSON MILLER: Well, let me  
17 ask you this. Let's just talk about relevance  
18 quickly. Your protest is based on peace,  
19 order and quiet in the neighborhood. Is that  
20 correct?

21 MS. BUTLER: Correct.

22 CHAIRPERSON MILLER: So are these

1 people addressing that issue or are they just  
2 addressing what their experience is?

3 MS. BUTLER: They are addressing  
4 the large crowd that is in the area. They are  
5 addressing the car break-ins that they have  
6 experienced in the neighborhood. They are  
7 addressing the traffic on Queens Chapel. They  
8 are addressing the lack of parking. They are  
9 addressing the lack of cabs and shuttles in  
10 the area.

11 CHAIRPERSON MILLER: I'll take a  
12 very quick look at it just to make sure, just  
13 me, because I understand that the other Board  
14 Members shouldn't be influenced by something  
15 that may not get into the record.

16 Okay. I am not going to let this  
17 one in. This is a little extended from what  
18 we just -- from what I did let in before. And  
19 it is less reliable because at least on the  
20 other emails you were on that email and you  
21 could testify to the people who are on that  
22 email and got it.

1                   This is all strangers and people  
2                   can fabricate things for competitive reasons,  
3                   etcetera. So I'm not going to let it in.

4                   MS. BUTLER: And I would, just for  
5                   the record, like to state that many of the  
6                   comments that maybe have been favorable, they  
7                   would use to their benefit as well, so I  
8                   mean --

9                   CHAIRPERSON MILLER: Well, if they  
10                  agree to it, we could let it in, but --

11                  MS. BUTLER: Okay. So I'm just  
12                  saying that in all cases that, you know, these  
13                  things could also benefit you as well.

14                  CHAIRPERSON MILLER: Right. And I  
15                  understand why you would offer it. And you  
16                  know, it's a fine line, but at some point, I  
17                  think this becomes too unreliable and less  
18                  relevant to the issue before this Board.

19                  All right. Is that it?

20                  MS. BUTLER: I think that's all  
21                  that I have.

22                  CHAIRPERSON MILLER: Okay. So we

1 are at the point where the applicant can put  
2 on rebuttal witnesses.

3 I think I would like and I think  
4 we ought to have at least a five minute break  
5 maybe. Do you all need 5 or 10 minutes?

6 MS. BUTLER: I do, yes.

7 CHAIRPERSON MILLER: 10?

8 MS. WILLIFORD: Yes.

9 CHAIRPERSON MILLER: Okay. So why  
10 don't we take a 10 minute break? It's 6:00,  
11 so we will see you in 10 minutes.

12 MEMBER ALBERTI: Could I just --

13 CHAIRPERSON MILLER: Yes?

14 MEMBER ALBERTI: -- for my selfish  
15 information, what's the next step? Are we  
16 going to have more testimony? I'm just  
17 curious.

18 MS. WILLIFORD: You know, the  
19 previous question that you had, so you are  
20 foregoing your case in chief, kind of begged  
21 the point -- I respectfully submit that based  
22 on the Investigator's report, which we think

1 walks through a lot of what we would plan on  
2 walking through with our witnesses, that the  
3 information proffered within there directly  
4 and on cross-examination was sufficient to  
5 address the concerns for our case in chief.

6 We do not feel like there was any  
7 additional information that was provided that  
8 would change our initial proffer that -- our  
9 request for the renewal to be had without any  
10 restrictions on the license.

11 To the extent that the Board would  
12 like to hear more testimony on specific items,  
13 we would be open to that with the caveat of  
14 the concern that we want to make sure that  
15 there is no issue with what we perceive to be  
16 our case in chief.

17 But in the interest of time, our  
18 goal would be to target it to specific issues  
19 that perhaps this Board has. We could walk  
20 through things, but we would actually, in the  
21 interest of time, prefer to truncate it based  
22 on the Board's concerns.

1                   CHAIRPERSON MILLER: Okay. I  
2 mean, I would say certainly that I wouldn't  
3 want you to put on witnesses that are going to  
4 testify redundantly, you know. So you know --

5                   MEMBER ALBERTI: I don't think we  
6 can -- I don't feel comfortable advising them  
7 as to how --

8                   CHAIRPERSON MILLER: Well --

9                   MEMBER ALBERTI: -- they --

10                  CHAIRPERSON MILLER: -- no. I'm  
11 just saying --

12                  MS. WILLIFORD: Yes, of course.

13                  CHAIRPERSON MILLER: -- for the  
14 sake of a witness. I mean, it's up to you.

15                  MEMBER ALBERTI: It's up to the  
16 applicant.

17                  CHAIRPERSON MILLER: We do say  
18 that you can adopt somebody else's witness or  
19 you can say -- you know, you don't have to  
20 reiterate the whole thing. We have said that  
21 before with respect to protestants anyway.

22                  MS. WILLIFORD: I guess I can --

1 oh, sorry.

2 MEMBER JONES: So I just want to  
3 be clear. So Board Member Alberti, you had a  
4 question about what the next step was. Did  
5 you get that question answered?

6 CHAIRPERSON MILLER: No.

7 MEMBER ALBERTI: I didn't. And  
8 that's okay, because I don't -- I think the  
9 parties want to think about it.

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: And I'll take  
12 that as uncertainty and we'll just take a 10  
13 minute break.

14 MEMBER JONES: All right. Thank  
15 you.

16 MEMBER ALBERTI: So let's leave it  
17 at that. I think that that's best.

18 MEMBER JONES: So we're going to  
19 take a 10 minute break, at this point?

20 MEMBER ALBERTI: Yes. Thank you.  
21 I'm sorry to interrupt.

22 CHAIRPERSON MILLER: Okay. Do you

1 have any questions before we break? I think  
2 we all need a break. All right. If you have  
3 questions when we come back on how we're going  
4 to proceed, that's fine. Okay.

5 MS. BUTLER: How long is the  
6 break? I'm sorry.

7 MEMBER ALBERTI: 10 minutes.

8 CHAIRPERSON MILLER: 10 minutes.

9 MS. BUTLER: Very well.

10 MEMBER JONES: Approximately, 15.

11 CHAIRPERSON MILLER: Yes.

12 (Whereupon, the above-entitled  
13 matter went off the record at 6:02 p.m. and  
14 resumed at 6:16 p.m.)

15 CHAIRPERSON MILLER: Okay. He  
16 will be right out. We are back on the record  
17 with applicant's rebuttal.

18 MR. WOODSON: Chairman Miller?

19 CHAIRPERSON MILLER: Okay.

20 MR. WOODSON: And Members of the  
21 Board, remembering our opening dialogue about  
22 burdens of proof and presentation of evidence

1 and in an effort to leave no stone unturned,  
2 the applicant will present a single witness  
3 and Ms. Williford will conduct the  
4 examination.

5 CHAIRPERSON MILLER: Okay. You  
6 may call your witness.

7 MS. WILLIFORD: Yes. We would  
8 like to call to the stand Andre de Moya.

9 CHAIRPERSON MILLER: Good evening.  
10 I need to swear you in.

11 Whereupon,

12 ANDRE de MOYA  
13 was called as a witness by counsel for the  
14 Applicant, and having been first duly sworn,  
15 assumed the witness stand and was examined and  
16 testified as follows:

17 MR. de MOYA: I do.

18 CHAIRPERSON MILLER: Okay.

19 DIRECT EXAMINATION

20 MS. WILLIFORD: Good evening.

21 MR. de MOYA: Good evening.

22 MS. WILLIFORD: Could you, please,

1 state your name for the record and spell it?

2 MR. de MOYA: Andre de Moya. A-N-  
3 D-R-E D-E M-O-Y-A.

4 MS. WILLIFORD: And are you  
5 affiliated with Echostage?

6 MR. de MOYA: Yes.

7 MS. WILLIFORD: Okay. And how are  
8 you affiliated with Echostage?

9 MR. de MOYA: I'm the general  
10 manager of Echostage.

11 MS. WILLIFORD: Okay. How long  
12 have you been the general manager of  
13 Echostage?

14 MR. de MOYA: Since the say we  
15 opened.

16 MS. WILLIFORD: And that is for  
17 two years?

18 MR. de MOYA: Yes, September 2012.

19 MS. WILLIFORD: And what are your  
20 responsibilities as general manager?

21 MR. de MOYA: I have many  
22 responsibilities. You know, liquor ordering,

1 dealing with any and all issues that are  
2 related to the business, staffing, anything  
3 you can think of including community  
4 relations.

5 MS. WILLIFORD: Okay. Mr. de  
6 Moya, I'm going to hand to you a document.  
7 This is the protest report of Echostage that  
8 was prepared by Mr. Ghenene and was talked  
9 about earlier. Can you take a look at that  
10 document and let me know if you have seen it  
11 before?

12 MR. de MOYA: Yes.

13 MS. WILLIFORD: And have you read  
14 it before?

15 MR. de MOYA: Yes, I have.

16 MS. WILLIFORD: And do you  
17 generally agree with the content that that was  
18 prepared in connection -- the content of that  
19 report?

20 MR. de MOYA: Yes, I do.

21 MS. WILLIFORD: Thank you. Okay.  
22 I'm going to draw your attention to Exhibits

1 16 through 19.

2 MR. de MOYA: Yes.

3 MS. WILLIFORD: These were events  
4 that were testified -- that -- these events --  
5 these documents represent information that you  
6 provided to the Investigator, correct?

7 MR. de MOYA: Correct.

8 MS. WILLIFORD: And do you have  
9 firsthand knowledge? Were you present during  
10 the events that are reflected in these  
11 exhibits?

12 MR. de MOYA: I was present for  
13 two of them, yes.

14 MS. WILLIFORD: Okay. Which two  
15 were those?

16 MR. de MOYA: The Women's Way  
17 Organization and the Marine -- Montiford  
18 Marine Association event, Montiford Point  
19 Marine.

20 MS. WILLIFORD: And were you the  
21 point of contact for the community in terms of  
22 arranging the events that are referenced in

1 Exhibit 16 through 19?

2 MR. de MOYA: Yes.

3 MS. WILLIFORD: I'm going to --  
4 Mr. de Moya, there was also testimony relating  
5 to the amount of time that -- the days in  
6 which Echostage was open. About how often per  
7 month is Echostage open to the public?

8 MR. de MOYA: Echostage is open --  
9 it really varies on the international talent  
10 that we book. It could be as many as 8 to 9.  
11 I think the most we have ever been open in one  
12 month might be 10 times in a month. And it  
13 could go as low as, I think the lowest we have  
14 ever had in one month might be, 3 to 4 events.  
15 It really depends on the time of the year,  
16 when these artists are available. So it's all  
17 a variable. Every month is different.

18 MS. WILLIFORD: I'm going to hand  
19 to you what I have marked for identification  
20 purposes as Applicant's Exhibit B. And we  
21 have copies for the Board. This was also  
22 provided to Ms. Karla Butler.

1 (Whereupon, the above-referred to  
2 document was marked as Applicant  
3 Exhibit No. B for identification.)

4 MS. BUTLER: I'm just seeing this  
5 for the first time.

6 MS. WILLIFORD: I'll give you a  
7 moment to look at it.

8 CHAIRPERSON MILLER: Do you have a  
9 copy for me?

10 MS. WILLIFORD: Yes.

11 CHAIRPERSON MILLER: Okay. Thank  
12 you.

13 MS. WILLIFORD: You may take a  
14 look at that document.

15 MR. de MOYA: Okay.

16 MS. WILLIFORD: Mr. de Moya, have  
17 you seen this document before?

18 MR. de MOYA: Yes.

19 MS. WILLIFORD: Can you let the  
20 Board know what this document is?

21 MR. de MOYA: Yes. This is our  
22 calendar of events for Echostage. This is the

1 nights that when a particular name is on a  
2 specific date. For example, March 2014 is  
3 part of this exhibit. On March 7th you see a  
4 name called Lorde. She is a Grammy Award  
5 winning artist from Australia that performed  
6 at Echostage. And these other names are just  
7 different artists, DJs from all different  
8 genres. So, yes, I do recognize that.

9 MS. WILLIFORD: So to be clear, if  
10 there is a name listed in connection with a  
11 date, those are the dates in which Echostage  
12 was open for a concert?

13 MR. de MOYA: Correct.

14 MS. WILLIFORD: If there is not a  
15 name associated with a date, then Echostage  
16 would have been closed?

17 MR. de MOYA: Correct.

18 MS. WILLIFORD: And did you  
19 prepare this document?

20 MR. de MOYA: Yes, I did.

21 MS. WILLIFORD: Just for the  
22 record, can you -- in March 2014, how many

1 days was Echostage open?

2 MR. de MOYA: Nine.

3 MS. WILLIFORD: And the names  
4 associated with the days reflect the days that  
5 Echostage was open, correct?

6 MR. de MOYA: Correct.

7 MS. WILLIFORD: Okay. The same  
8 question with respect to April 2014. How many  
9 days was Echostage open?

10 MR. de MOYA: Eight days.

11 MS. WILLIFORD: And the names  
12 associated with the dates on there indicate  
13 the precise days that Echostage was open?

14 MR. de MOYA: Correct.

15 MS. WILLIFORD: The next page was  
16 May 2014, can you -- how many days was  
17 Echostage open?

18 MR. de MOYA: Eight.

19 MS. WILLIFORD: And the days where  
20 there are individual names reflected on there  
21 indicate the days of which Echostage was open?

22 MR. de MOYA: Correct.

1 MS. WILLIFORD: In 2014, how many  
2 days was Echostage open?

3 MR. de MOYA: 2014?

4 MS. WILLIFORD: I'm sorry. June  
5 2014.

6 MR. de MOYA: I don't have a  
7 calculator. June 2014 would be eight.

8 MS. WILLIFORD: And the names --  
9 the dates where there is names on there  
10 indicate the days in which Echostage was open?

11 MR. de MOYA: Correct.

12 MS. WILLIFORD: Okay. July 2014,  
13 how many days was Echostage open?

14 MR. de MOYA: Six.

15 MS. WILLIFORD: And do the names  
16 on -- reflected on the dates indicate the says  
17 in which Echostage was open?

18 MR. de MOYA: Correct.

19 MS. WILLIFORD: Okay. Lastly,  
20 August 2014, how many days was Echostage open?

21 MR. de MOYA: Seven.

22 MS. WILLIFORD: And the names on--

1 associated with those dates indicate the dates  
2 in which Echostage was open in August 2014?

3 MR. de MOYA: Correct.

4 MS. WILLIFORD: I am going to show  
5 you one additional exhibit. Okay. I'm going  
6 to show you an exhibit marked as Applicant's  
7 Exhibit C.

8 (Whereupon, the above-referred to  
9 document was marked as Applicant  
10 Exhibit No. C for identification.)

11 MR. de MOYA: Okay.

12 MS. WILLIFORD: Oh, I'm sorry.

13 MS. BUTLER: I don't have a copy  
14 of that.

15 MS. WILLIFORD: I'm sorry.

16 MEMBER ALBERTI: You will have it  
17 in a second.

18 CHAIRPERSON MILLER: Your new job.  
19 Thanks.

20 MS. WILLIFORD: I just handed you  
21 a two page -- two pages that are marked as  
22 Applicant's Exhibit C. The first page is

1       dated July 1, 2014.  Have you seen this  
2       document before?

3                       MR. de MOYA:  Yes.

4                       MS. WILLIFORD:  And can you  
5       explain to the Board what this document is?

6                       MR. de MOYA:  These are contracts  
7       related to parking in regards to one of our  
8       parking vendors, U Street Parking.

9                       MS. WILLIFORD:  And there was  
10      testimony relating to Echostage contracting  
11      with vendors to provide parking.  Is this --  
12      do these documents reflect the contracts  
13      entered into with U Street Parking with  
14      Echostage?

15                      MR. de MOYA:  Yes.

16                      MS. WILLIFORD:  And can you,  
17      please -- and you have firsthand knowledge  
18      regarding these contracts.  Is that correct?

19                      MR. de MOYA:  Yes.

20                      MS. WILLIFORD:  Can you, please --  
21      are the numbers provided within these  
22      documents that discuss the number of parking

1 spaces, does that accurately reflect the  
2 number of parking spaces that U Street -- that  
3 Echostage and U Street have contracted to  
4 provide to your --

5 MR. de MOYA: Yes.

6 MS. WILLIFORD: For the record,  
7 could you let the Board know the number of  
8 parking spaces that Echostage has contracted  
9 with various parking vendors in connection  
10 with providing parking to its patrons?

11 MR. de MOYA: Sure. As of today,  
12 we have, approximately, 700 spots that are  
13 dedicated towards Echostage related to U  
14 Street Parking and Tag B Parking, which is a  
15 separate vendor.

16 Our parking situation is a very  
17 fluid situation. We are constantly trying to  
18 acquire more parking as much as possible for  
19 the area. So it could be a week or the  
20 ownership could have a discussion with a  
21 parking attendant tomorrow and we might get  
22 more spots or some spots might drop off. We

1 are constantly in the process of acquiring as  
2 much parking as we possibly can.

3 For example, we had a relationship  
4 with a parking company called Parking Panda.  
5 To give you a little background on them, it's  
6 an application that people can, on their  
7 phones, you know, basically reserve parking in  
8 a specific location.

9 Over time, we noticed that -- we  
10 felt like they didn't really do a great job,  
11 so we actually had U Street Parking, who we  
12 know does a pretty good job, contract with the  
13 actual lot Parking Panda was using, so that we  
14 would have better control and actually create  
15 a shuttle service from that lot to the  
16 building, because we noticed it wasn't being  
17 used as well.

18 So we are constantly trying to  
19 make it as efficient as possible for parking  
20 in the area.

21 MS. WILLIFORD: And can you  
22 explain to the Board which lot that was that

1       you were referring to?

2                   MR. de MOYA:   That lot is on New  
3       York Avenue, 1818 New York Avenue.

4                   MS. WILLIFORD:   And that lot is  
5       reflected within the --

6                   MR. de MOYA:   Correct.

7                   MS. WILLIFORD:   -- contract?

8                   MR. de MOYA:   I mean, that's --  
9       like I said, it's a constant fluid situation.  
10      So I know essentially one of the owners,  
11      Antonis, you know, and I was privy to the  
12      conversation just attempting to get as many  
13      parking spots as available.   And we are,  
14      obviously, adding some designated shuttles  
15      just for them, just for that lot because it's  
16      a little bit further distance.   We noticed  
17      some people weren't using it as much, so we  
18      wanted to get people to use it.

19                   So one of the ideas we came up  
20      with as a solution with our valet company was  
21      to create a shuttle service directly from the  
22      lot to the building to increase more people

1 parking in that area.

2 MS. WILLIFORD: And you mentioned  
3 a shuttle service. I want to direct your  
4 attention to page 2 of the document I just  
5 showed you, which appears to be a contract  
6 dated September 2014, which references the two  
7 shuttle buses. It talks about two shuttle  
8 buses. Is that the updated agreement which  
9 was discussed?

10 MR. de MOYA: Yes, exactly.

11 MS. BUTLER: I have some  
12 objections to this.

13 CHAIRPERSON MILLER: She hasn't  
14 offered it yet to be admitted into evidence,  
15 so now wouldn't be the time. But you will  
16 also have an opportunity to cross examine him  
17 on it. And then when she moves it into  
18 evidence, if she wants to move it into  
19 evidence, then you can make the objection.

20 MS. BUTLER: Okay. Thank you.

21 MS. WILLIFORD: So when exactly --  
22 going back to the shuttle buses when you said

1 the change was made, when did the shuttle bus  
2 to the parking lot start?

3 MR. de MOYA: Well, we have a  
4 different relationship with a different  
5 shuttle company. The company is called -- the  
6 name is not in my mind for a second.

7 MR. KARAGOUNIS: Starfleet.

8 MR. de MOYA: Starfleet  
9 Transportation Services. We have contracted  
10 them from pretty much the beginning of the  
11 time we have opened. They really handle our  
12 shuttle and Metro service. So they will --  
13 approximately one hour before an event, we are  
14 to open. We start shuttle services from each  
15 Red Line and the Green Line, Rhode Island  
16 Avenue and the New York Avenue Metro, which is  
17 the Red Line, to shuttle people from Metro to  
18 the venue.

19 And then, you know, after the  
20 event, the shuttles are constantly going to  
21 the Metro and coming back to drop patrons off.  
22 And then at the end of the night, they take



1 brief reference to litter in the form of glass  
2 containers. To be clear, does Echostage use  
3 glass containers? Do you use glass containers  
4 within the establishment for liquor?

5 MR. de MOYA: We have glass  
6 containers of liquor behind the bars, yes, but  
7 we do not serve any glassware to any customers  
8 as a customer, no.

9 MS. WILLIFORD: So customers can't  
10 -- if --

11 MR. de MOYA: You cannot -- we  
12 don't have bottled beer. We have canned beer.  
13 We have any mixed drink or soda or juice or  
14 anything is served in a plastic cup.

15 MS. WILLIFORD: Okay. Lastly, you  
16 mentioned a little bit about the parking  
17 situation. Can you -- with respect to traffic  
18 control in connection with your  
19 responsibilities as general manager, can you  
20 explain some of the efforts that you have  
21 taken in connection with working with MPD and  
22 traffic control?

1                   MR. de MOYA: Sure. One of the  
2 things that we -- as we have overtime police  
3 officers, and they are the ones that pretty  
4 much can help us handle any sort of traffic  
5 situations. Once again, they are the police,  
6 so I can only make suggestions.

7                   So what we do is keep constant  
8 communication either previous of the actual  
9 event the day before or the day of and it  
10 really depends on the traffic flow of the  
11 night. You know, some nights everyone takes  
12 the Metro. Some nights, you know, more cars  
13 park in the area than other nights. Every  
14 night is a different night. No night is ever  
15 the same. We have different artists. People  
16 travel from different areas.

17                   For example, if someone -- if we  
18 have Lorde, for example, a lot of people came.  
19 It was the first time in the United States, so  
20 we had people come from New York and as far  
21 north as New York and Maine to North Carolina  
22 and west as Ohio to see one artist that was

1 coming to our venue.

2 So a lot of the hotels were very,  
3 very busy that night that are close to us, not  
4 as much car traffic. You know, but the people  
5 who are here, they might have taken the Metro.  
6 So once again, that's one example of one night  
7 on a specific event.

8 Every night is a different night.  
9 Every night is a different fluid event. So I  
10 hope that answers your question.

11 MS. WILLIFORD: Yes, it does.

12 Just one last --

13 MR. de MOYA: Sure.

14 MS. WILLIFORD: -- point I wanted  
15 to mention. Is it correct Echostage does  
16 Adopt a Block in connection with -- in trying  
17 to control litter in the area?

18 MR. de MOYA: Yes, we do.

19 MS. WILLIFORD: Any connection  
20 with that responsibility? Do you clean the  
21 block quarterly in addition to the before and  
22 after an event?

1                   MR. de MOYA: Typically, we always  
2 clean right in front of the venue and across  
3 the street before every event and after every  
4 event. But we have a quarterly staff meeting  
5 which we bring all of our staff, bartenders,  
6 waitresses and stuff and we do an adopt --  
7 when we have chosen to Adopt the Block, we  
8 will do a clean-up from Adams Place, which is  
9 I don't know, east, west, north or south, I  
10 don't know exactly, but to the right of our  
11 building down Queens Chapel Road to the bottom  
12 of Bladensburg. And we have done a couple  
13 events.

14                   I mean, we do those quarterly, so  
15 as an Adopt the Block process.

16                   MS. WILLIFORD: Last but not  
17 least, just in response to a question that was  
18 raised by Board Member Short, with respect to  
19 the Business Improvement District piece, have  
20 you been approached by the ANC about a  
21 potential BID in the area?

22                   MR. de MOYA: Yes.

1 MS. WILLIFORD: And is that  
2 something Echostage would be supportive of?

3 MR. de MOYA: Yes.

4 MS. WILLIFORD: No further  
5 questions.

6 CHAIRPERSON MILLER: Thank you.

7 CROSS-EXAMINATION

8 MS. BUTLER: Good evening.

9 MR. de MOYA: Good evening, Ms.  
10 Butler.

11 MS. BUTLER: How are you?

12 MR. de MOYA: Good.

13 MS. BUTLER: So if we can go back  
14 to the calendar events?

15 MR. de MOYA: Sure.

16 MS. BUTLER: Ms. Odunsi stated  
17 that she experienced Echostage being open or  
18 the times she has seen them on Fridays or  
19 Saturdays. Can you -- there were nine events.  
20 You testified that there were nine events in  
21 March?

22 MR. de MOYA: Correct.

1 MS. BUTLER: Would the majority of  
2 those events be on a Friday or a Saturday?

3 MR. de MOYA: As I'm looking at  
4 the calendar, there are five events out of 10,  
5 Fridays and Saturdays in March. Yes. So I  
6 would say five out of our nine events were on  
7 the weekend nights, that's fair to say.

8 MS. BUTLER: So five out of nine--

9 MR. de MOYA: Correct.

10 MS. BUTLER: -- events were on a  
11 Friday or Saturday.

12 MR. de MOYA: Correct.

13 MS. BUTLER: Okay. Could you go  
14 to April?

15 MR. de MOYA: Sure.

16 MS. BUTLER: How many events were  
17 on a Friday or a Saturday out of your eight  
18 events?

19 MR. de MOYA: Seven.

20 MS. BUTLER: On May, there were  
21 eight events. You testified that there were  
22 eight events. Can you explain -- can you

1 testify how many events were on a Friday or a  
2 Saturday out of the eight events?

3 MR. de MOYA: Seven.

4 MS. BUTLER: In June you stated  
5 that there were eight events. Can you testify  
6 as to how many events were held on a Friday or  
7 a Saturday out of those eight events?

8 MR. de MOYA: Six.

9 MS. BUTLER: Okay. In July you  
10 stated that there were six events. How many  
11 of those events were held on a Friday or a  
12 Saturday in July?

13 MR. de MOYA: Three.

14 MS. BUTLER: Okay. And in August  
15 you stated that there were seven events. Can  
16 you testify as to how many events were held on  
17 a Friday or a Saturday?

18 MR. de MOYA: Four.

19 MS. BUTLER: You also stated that,  
20 for example, the artist Lorde brought patrons  
21 from New York, out of country, various states,  
22 correct?

1 MR. de MOYA: Yes.

2 MS. BUTLER: Would many of those  
3 patrons utilize your shuttle service or Metro?

4 MR. de MOYA: I don't have the  
5 facts or statistics in front of me to compare  
6 what that night did.

7 MS. BUTLER: Yes.

8 MR. de MOYA: So I'm not sure.

9 MS. BUTLER: So normally if a  
10 patron is from New York per se or --

11 MR. de MOYA: Yes.

12 MS. BUTLER: -- Delaware, how  
13 would they normally get to D.C.?

14 MR. de MOYA: I don't know. You  
15 might want to ask them.

16 MS. WILLIFORD: I object --

17 MR. de MOYA: I'm not sure.

18 MS. WILLIFORD: -- to that  
19 question. In terms of where it is going, I'm  
20 not sure.

21 CHAIRPERSON MILLER: Okay. Say  
22 your answer again.

1 MR. de MOYA: I'm not sure.

2 MS. BUTLER: Okay. All right.

3 Okay.

4 COURT REPORTER: Ms. Miller, could  
5 you turn your mike on?

6 CHAIRPERSON MILLER: Sorry.

7 MS. BUTLER: You also stated that  
8 you have Adopt the Block for Queens Chapel.  
9 Could you give me the radius as to where you  
10 have adopted the block?

11 MR. de MOYA: I don't have a map  
12 in front of me, but I mean what I have --  
13 where we have adopted the block is from the  
14 bottom of Queens Chapel in Bladensburg up the  
15 hill to Adams Place, which is basically  
16 anything -- the first block to the left of our  
17 building and the first block to the right.  
18 Oh, not the first block, but the block  
19 inclusive of our building it's all the way to  
20 the left and all the way to the right.

21 MS. BUTLER: Okay. If it's okay  
22 with the Board, can we review the map that was

1 submitted as Exhibit A by the applicant?

2 CHAIRPERSON MILLER: Sure.

3 MS. BUTLER: Do you have a copy of  
4 that map?

5 MR. de MOYA: I don't have it.

6 MS. BUTLER: Is it okay to  
7 approach the witness to show the map or would  
8 counsel?

9 MS. WILLIFORD: I can take him the  
10 map.

11 CHAIRPERSON MILLER: Okay.

12 MS. BUTLER: So you stated that  
13 you have adopted the block from which streets  
14 or intersections here on the map?

15 MR. de MOYA: I would say if you  
16 can identify the pin spot of where Echostage  
17 is --

18 MS. BUTLER: Yes.

19 MR. de MOYA: -- a little bit to  
20 the left of it says Adams Place, N.E. So from  
21 there down to Bladensburg Road on Queens  
22 Chapel.

1 MS. BUTLER: Okay.

2 MR. de MOYA: Going east.

3 MS. BUTLER: Okay. Have you  
4 adopted any areas from Adams Place to the  
5 north, I guess, if we are going to look at the  
6 key. There is no key on this map here.

7 MR. de MOYA: In regards to --

8 MS. BUTLER: Or up as we stated  
9 earlier, up Queens Chapel Road to the  
10 residential area.

11 MR. de MOYA: In regards to?

12 MS. BUTLER: Adopting the block on  
13 Queens Chapel.

14 MR. de MOYA: No, that's the block  
15 we have adopted.

16 MS. BUTLER: Okay. You haven't  
17 adopted that?

18 MR. de MOYA: No, we have adopted  
19 the block from Adams Place south or down, as  
20 you would like to say, Adams Place down to  
21 Bladensburg Road, but we have not adopted  
22 anything up from Adams Place.

1 MS. BUTLER: Did you --

2 MR. de MOYA: But we have adopted  
3 the community as a whole --

4 MS. BUTLER: -- in terms of --

5 MR. de MOYA: -- because we think  
6 that's what we are part of.

7 MS. BUTLER: Okay. But for the  
8 record, you stated that you have not adopted  
9 anything from Adams up?

10 MR. de MOYA: In regards to Adopt  
11 a Block?

12 MS. BUTLER: Yes.

13 MR. de MOYA: No.

14 MS. BUTLER: Okay. Would you also  
15 testify that the area up from Adams Place  
16 would that be industrial or residential?

17 MR. de MOYA: I would say from  
18 Adams Place up to the bridge, which I don't  
19 know if it can really be defined, but I assume  
20 it is that like dark line that you can't  
21 really tell if it's a bridge or not, but there  
22 is a bridge.

1 MS. BUTLER: Okay.

2 MR. de MOYA: That is  
3 approximately, you know, 500 feet from our  
4 building maybe as you go up the street, there  
5 is a hill that goes up and then down into the  
6 beginning of residential area. There is some,  
7 I think, four level -- I'm sorry, two story,  
8 you know, apartments right at the beginning of  
9 that stretch and then it develops into more  
10 single family homes.

11 I haven't walked the whole  
12 neighborhood, but I have walked some of it.

13 MS. BUTLER: Okay. Have you  
14 attended any of the ANC meetings that have  
15 been conducted?

16 MR. de MOYA: Yes.

17 MS. BUTLER: Which ones? Do you  
18 know?

19 MR. de MOYA: Off the top of my  
20 head, I don't recall the exact dates, but I  
21 have attended ANC meetings.

22 MS. BUTLER: Okay. That's all I

1 have.

2 CHAIRPERSON MILLER: Okay. Are  
3 there Board questions?

4 MS. BUTLER: I'm sorry, I had a  
5 question in regards -- are we waiting for her  
6 to submit before I had questions in regards to  
7 this? Because --

8 CHAIRPERSON MILLER: Yes. If they  
9 are not related to the witness, we are.

10 MS. WILLIFORD: I would move to --

11 CHAIRPERSON MILLER: Oh, you're  
12 moving?

13 MS. WILLIFORD: -- admit  
14 Applicant's Exhibit B, which is the calendar  
15 of events and also, I don't know if she has  
16 any objection to that, I'll start there.

17 MS. BUTLER: I do have some  
18 objections to that.

19 CHAIRPERSON MILLER: You have  
20 objections to the calendar of events?

21 MS. BUTLER: No, I'm sorry. No,  
22 I'm sorry.

1 CHAIRPERSON MILLER: Okay. Then--

2 MS. WILLIFORD: I would move for  
3 that into evidence. And then I would also --

4 CHAIRPERSON MILLER: I'm going to  
5 admit that, Exhibit B, calendar of events.

6 (Whereupon, the above-referred to  
7 document was received into  
8 evidence as Applicant Exhibit No.  
9 B.)

10 CHAIRPERSON MILLER: Okay.

11 MS. WILLIFORD: And I also move to  
12 admit Applicant's Exhibit C, which are the  
13 contracts with U Street Parking dated July  
14 2014 as well as September 2014.

15 CHAIRPERSON MILLER: Okay. I'm  
16 not sure that I have everything on that. I  
17 have one page. I don't think that is all  
18 there is, correct?

19 MS. WILLIFORD: There is two pages  
20 and they were both given up at the same time,  
21 back-to-back.

22 MEMBER ALBERTI: Hang on. Here

1 they are.

2 CHAIRPERSON MILLER: How many  
3 pages should there be?

4 MS. FARMER: There should be two.

5 MS. BUTLER: Two pages.

6 MEMBER ALBERTI: Two.

7 MS. FARMER: Yes, yes. Our  
8 apologies for that.

9 CHAIRPERSON MILLER: Could you  
10 explain the relationship between one and two  
11 pages? Are they one contract letter? What is  
12 this?

13 MS. WILLIFORD: The first document  
14 is a communication from U Street Parking  
15 acknowledging the amount of parking that  
16 Echostage has contracted with them that Mr. de  
17 Moya testified about.

18 The subsequent page is with the  
19 same entity that was executed kind of formally  
20 with the terms that were discussed previously  
21 that Andre de Moya testified to.

22 MS. BUTLER: These have totally

1 different dates and this -- the letter dated  
2 July 1st is not addressed to anyone. It's  
3 just To Whom It May Concern. I mean, we don't  
4 know who this could be for.

5 And then this one, Echostage is  
6 dated September 8th, that was just two days  
7 ago, we were talking about that they have had  
8 parking spaces. There is no evidence of them  
9 having the agreement previous to September  
10 8th.

11 CHAIRPERSON MILLER: Can your  
12 witness address it or you? I don't -- you  
13 know, I have some questions, too. It's just  
14 not that clear about each of these documents.

15 MR. de MOYA: Sure.

16 MS. WILLIFORD: Thank you.

17 CHAIRPERSON MILLER: So I guess  
18 one of the questions was this document, the  
19 second, I'll call it I guess the second, page,  
20 Echostage, D.C.'s largest concert venue.

21 MR. de MOYA: Correct.

22 CHAIRPERSON MILLER: It's dated

1 September 8, 2014.

2 MR. de MOYA: Yes.

3 CHAIRPERSON MILLER: And I guess  
4 the question goes to didn't you have parking  
5 arrangements before the? Why is this dated  
6 September 8, 2014? And I'm not sure if I'm  
7 actually characterizing her question exactly,  
8 but that is a question. Did you have parking  
9 agreements before September 8th?

10 MR. de MOYA: Well, in my previous  
11 testimony, like in regards to this, we had a  
12 relationship with Parking Panda, different  
13 than U Street Parking.

14 CHAIRPERSON MILLER: Okay.

15 MR. de MOYA: One of the things  
16 that we saw of concern was the parking lot not  
17 being used as much. So U Street, as -- who  
18 has the ability to contract with shuttles, we  
19 have been talking to them to try to move into  
20 this Parking Panda area to help enhance the  
21 parking situation at Echostage. So that's why  
22 it's a new agreement.

1                   Like I mentioned in my previous  
2 testimony --

3                   CHAIRPERSON MILLER: Okay.

4                   MR. de MOYA: -- parking is a  
5 constantly fluid thing that is always changing  
6 and we're trying to get as much done as  
7 possible.

8                   CHAIRPERSON MILLER: Okay. And  
9 Mr. Ghenene, our Investigator, said in his  
10 report, I believe, that you had parking  
11 contracts that provided up to 700 parking  
12 spots in different lots?

13                   MR. de MOYA: Yes.

14                   CHAIRPERSON MILLER: Is that  
15 reflected in this July 1, 2014 letter or is it  
16 reflected anywhere?

17                   MR. de MOYA: It's not reflected  
18 on anything that is here, ma'am.

19                   CHAIRPERSON MILLER: Okay.

20                   MR. de MOYA: What I do know is  
21 that, once again, this agreement was made with  
22 ownership. And like I said, it's a constant

1 fluid situation. So you know, if I spoke to  
2 the ownership and he said hey, Andre,  
3 hopefully we've got 20 new spots here or 50  
4 new spots here or hey, we've got a new shuttle  
5 service, I mean, it's constantly changing.  
6 Agreements are being added to, because we do,  
7 as a concern for our business and because it's  
8 a concern for the community, want to enhance  
9 the parking situation as best we can.

10 CHAIRPERSON MILLER: Okay. So you  
11 have this To Whom It May Concern document  
12 dated July 1, 2014.

13 MR. de MOYA: Yes.

14 CHAIRPERSON MILLER: Was that done  
15 for the purposes of your having something for  
16 this hearing in writing?

17 MR. de MOYA: I would have to  
18 double check with -- I don't know the context  
19 exactly, but I would have to double check with  
20 the ownership, yes.

21 CHAIRPERSON MILLER: So are there  
22 individual contracts for your parking spaces

1 with the different lots?

2 MR. de MOYA: Not that I'm aware  
3 of. It's made as a company, that we make, you  
4 know, a deal with the parking lot as a group.  
5 We don't say this is designated your spot,  
6 your spot. So, no, it's directly with the  
7 company.

8 MEMBER JONES: I'm sorry, Madam  
9 Chair, I don't mean to interrupt.

10 CHAIRPERSON MILLER: You don't  
11 have this?

12 MEMBER JONES: I'm trying to  
13 figure out where we are.

14 CHAIRPERSON MILLER: Well --

15 MEMBER JONES: Are you just trying  
16 to assess whether or not to accept? Because  
17 you are asking a lot of questions?

18 CHAIRPERSON MILLER: Right.

19 MEMBER JONES: That I want to  
20 start digging into.

21 CHAIRPERSON MILLER: That's right.

22 MEMBER JONES: So I'm just trying

1 to figure out what you are doing, so I can  
2 better prepare myself for when I'm ready to  
3 go.

4 CHAIRPERSON MILLER: Well, right.  
5 And I don't know. We don't have our staff  
6 here right now, but I think that you should  
7 see, you know, these two documents.

8 MEMBER JONES: Well, I don't want  
9 to see them unless you are going to accept  
10 them.

11 CHAIRPERSON MILLER: Accept it,  
12 okay.

13 MEMBER JONES: So what you are  
14 trying to do right now, if you're not going to  
15 accept it, so I'm just trying to --

16 CHAIRPERSON MILLER: That's right.

17 MEMBER JONES: -- get at that.

18 CHAIRPERSON MILLER: Okay.

19 MS. WILLIFORD: If I may?

20 CHAIRPERSON MILLER: Yes.

21 MS. WILLIFORD: In the interest of  
22 the time, we are trying to truncate our

1 witnesses.

2 CHAIRPERSON MILLER: Yes.

3 MS. WILLIFORD: The recipient, one  
4 of the signatories on the September 2014  
5 document is here and was going to testify.

6 CHAIRPERSON MILLER: Okay.

7 MS. WILLIFORD: So maybe it would  
8 provide more background information relating  
9 to this, but because Mr. de Moya is the  
10 general manager, he is familiar with this and  
11 were trying to truncate items. So if you have  
12 specific concerns, we can put on additional  
13 witness to go through some of those that Andre  
14 --

15 CHAIRPERSON MILLER: Okay.

16 MS. WILLIFORD: -- de Moya may not  
17 know specifics about.

18 CHAIRPERSON MILLER: That's right.  
19 Okay. All right. Okay. So you're right, so  
20 let's just focus just for the purpose of  
21 these, whether we are going to admit them into  
22 evidence and then we can probe them further.'

1                   Ms. Butler, have you -- do you  
2                   have any other objections? Do you still have  
3                   objections?

4                   MS. BUTLER: Yes, I just would not  
5                   -- I do not agree that they should be allowed  
6                   as evidence.

7                   CHAIRPERSON MILLER: Okay. So I'm  
8                   going to admit them as Applicant's Exhibit C.

9                   (Whereupon, the above-referred to  
10                  document was received into  
11                  evidence as Applicant Exhibit No.  
12                  C.)

13                  CHAIRPERSON MILLER: They are all  
14                  signed and they are relevant to the question  
15                  of parking. And then you and Board Members  
16                  will have an opportunity to probe further with  
17                  respect to them. Okay. Do you have extra  
18                  copies? Otherwise I'm just going to share  
19                  them.

20                  MS. WILLIFORD: We do.

21                  MEMBER ALBERTI: Do you have  
22                  copies in the file here?

1                   CHAIRPERSON MILLER: Okay. So  
2 they have been admitted and everyone can take  
3 a look. Okay. Now, at this point, I forget  
4 where we are now. Did you finish crossing and  
5 it was up to --

6                   MS. BUTLER: Yes.

7                   CHAIRPERSON MILLER: And you just  
8 moved the documents. You don't have any other  
9 documents to move at this point?

10                  MS. WILLIFORD: Right.

11                  CHAIRPERSON MILLER: It's Board  
12 questions then. Do we have some Board  
13 questions, yes, for this witness? Mr. Short?

14                  MEMBER SHORT: Good morning. How  
15 are you?

16                  MR. de MOYA: Good evening, sir.  
17 How are you?

18                  MEMBER SHORT: Just fine.

19                  MR. de MOYA: Great.

20                  MEMBER SHORT: I'm very glad to  
21 hear that, as a Board Member I can only speak  
22 for myself, you, as a responsible business

1 person, are entertaining getting MPD.

2 MR. de MOYA: Great.

3 MEMBER SHORT: And I really think  
4 that would help with the trash issues, some of  
5 the parking issues. It would help a lot of  
6 things when it comes to all business concerns.

7 My next question would be to you--  
8 well, my first question would be to you, we  
9 have three other venues that are very close to  
10 you. Now, on any given Friday or Saturday  
11 night, if all three or four of you are open  
12 for business, will you still have 700 spots in  
13 the community?

14 MR. de MOYA: In terms of what  
15 kind of spots are you talking about?

16 MEMBER SHORT: Parking.

17 CHAIRPERSON MILLER: Parking.

18 MR. de MOYA: Parking? Dedicated  
19 parking spots for 700 people?

20 MEMBER SHORT: Yes.

21 MR. de MOYA: 700 cars? Yes, sir.

22 MEMBER SHORT: That would still be

1 available if the other businesses were open at  
2 the same time as you are open?

3 MR. de MOYA: Well, once again,  
4 for example, Mr. Short, since there are --  
5 venues are very close, is it -- can I honestly  
6 say if a car drove up the street and a valet  
7 company said -- I don't think the valet  
8 company will say, hey are you going to  
9 Echostage? Do you live in the neighborhood?  
10 Do you live -- you know, are you going to this  
11 specific venue?

12 MEMBER SHORT: I understand.

13 MR. de MOYA: I don't think they  
14 do that to be honest.

15 MEMBER SHORT: So your answer is?

16 MR. de MOYA: I can't be 100  
17 percent sure. No.

18 MEMBER SHORT: That you would have  
19 700 spots if all --

20 MR. de MOYA: Dedicated to us?

21 MEMBER SHORT: Yes.

22 MR. de MOYA: With my contracts

1 with the valet companies, that's what they  
2 tell me, yes.

3 MEMBER SHORT: So your answer is?  
4 I'm asking again.

5 MR. de MOYA: Yes, yes.

6 MEMBER SHORT: You would have 700  
7 spots even if everybody else was open at the  
8 same time?

9 MR. de MOYA: Yes.

10 MEMBER SHORT: Okay. That's all I  
11 have, Madam Chair.

12 CHAIRPERSON MILLER: Okay.  
13 Others?

14 MEMBER JONES: Yeah. Yes.

15 CHAIRPERSON MILLER: I just want  
16 to say, Mr. Jones, first of all, did you get  
17 a copy of the --

18 MEMBER JONES: I did. Thank you  
19 very much.

20 CHAIRPERSON MILLER: And second of  
21 all, the applicant has stated that they have  
22 someone else who might answer parking

1 questions better here if we -- right?

2 MS. WILLIFORD: Yes.

3 CHAIRPERSON MILLER: So if you  
4 might want to keep that in mind --

5 MEMBER JONES: Well, that's fine.

6 CHAIRPERSON MILLER: -- for this  
7 witness.

8 MEMBER JONES: If there is someone  
9 better positioned to answer questions  
10 regarding parking --

11 CHAIRPERSON MILLER: Yes.

12 MEMBER JONES: -- I will wait.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER JONES: Because I have a  
15 lot.

16 CHAIRPERSON MILLER: Okay. So are  
17 there questions not related to parking from  
18 Board Members? All right. I just have --

19 MEMBER ALBERTI: I have --

20 CHAIRPERSON MILLER: Oh, go ahead.

21 MEMBER ALBERTI: Go ahead.

22 CHAIRPERSON MILLER: All right.

1                   MEMBER ALBERTI: Go ahead and then  
2 I'll go. Go ahead.

3                   CHAIRPERSON MILLER: I really just  
4 have a few. So there isn't any coordination,  
5 is there, of the reimbursable detail between  
6 the different establishments that are located  
7 nearby? For instance, if you are having an  
8 event on a Friday night and the other two  
9 establishments are also open, do your  
10 reimbursable details coordinate, do you know?

11                  MR. de MOYA: From what I do know  
12 in speaking to the sergeants that work on  
13 those beats, pretty much we submit our detail  
14 request for however many based upon, you know,  
15 our expectations.

16                  CHAIRPERSON MILLER: Yes.

17                  MR. de MOYA: And from what I  
18 understand, you know, I'm not here to testify  
19 on what Stadium's thing is or The Scene's are,  
20 but I do notice that they do have certain  
21 officers on certain nights, a certain amount.  
22 It varies on each night. I can't really

1 testify to say how many they have per night.

2 But I do know those two  
3 establishments have had officers as well as us  
4 having officers. So on a night where we  
5 contract eight, they could have four and the  
6 other one could have six or one night they  
7 have four and the other one has two and we  
8 have 10. You know, it really -- but they all  
9 do come to the block.

10 CHAIRPERSON MILLER: Okay. So  
11 it's possible they may coordinate, but you're  
12 not really involved in coordinating who is  
13 doing what. Is that right?

14 MR. de MOYA: Correct. I mean, we  
15 can only offer as much information as we can  
16 give and the police are the police and they  
17 have told us that a few times to --

18 CHAIRPERSON MILLER: Right.

19 MR. de MOYA: -- you know, they  
20 will do as best they can to help, you know,  
21 traffic control or whatever. It might be  
22 pedestrian traffic, anything.

1                   CHAIRPERSON MILLER:  So I just  
2                   want to follow-up on a concern that was  
3                   expressed by the witness earlier.

4                   MR. de MOYA:  Sure.

5                   CHAIRPERSON MILLER:  And the party  
6                   of five about they would love it if the police  
7                   would -- some police officer would go further  
8                   into the neighborhoods.

9                   MR. de MOYA:  Yes.

10                  CHAIRPERSON MILLER:  Do you have  
11                  any input on that with the police?

12                  MR. de MOYA:  Yes.

13                  CHAIRPERSON MILLER:  I mean, you  
14                  can communicate that to them?

15                  MR. de MOYA:  Yes, I would love to  
16                  communicate to the Board.  I have had numerous  
17                  discussions as well as ownership as well as  
18                  with the police to say hey, listen we feel as  
19                  a business not only to -- in the interest of  
20                  the community as well as the interest of our  
21                  patrons who potentially could park in the  
22                  neighborhood.

1                   They don't know any better or  
2                   parking on the gap. You know, wherever it  
3                   might be, we have asked numerous times the  
4                   Metropolitan Police Department, please, spread  
5                   out your officers, especially on nights when  
6                   Stadium is open and they have some detail  
7                   officers, because at the end of the day, when  
8                   you -- if, for example if Scene had six  
9                   officers and Stadium had six and we had 12,  
10                  you are talking about, I mean doing the fast  
11                  math, 24 officers in a one block radius.

12                  CHAIRPERSON MILLER: Right.

13                  MR. de MOYA: And I don't know how  
14                  many hearings you guys have listened to. I  
15                  don't know how many details are that  
16                  extensive. So my whole thing is spread them  
17                  out. Move them around and that's where we  
18                  have asked plenty of times for coordination.

19                  We want them to go into the  
20                  community. Now, once again, we pretty much --  
21                  I know I stay at the venue the majority of the  
22                  night. But you know, I have seen cars leave

1 and sometimes they don't have enough cars.  
2 Sometimes they have extra cars. You know,  
3 every night is a different situation.

4 So we have asked them numerous  
5 times. We have asked PSA that is not on the  
6 detail hey, can you guys -- we expect some  
7 more people. Do you mind heading into the  
8 neighborhoods to help?

9 CHAIRPERSON MILLER: What do they  
10 say? Do they do that?

11 MR. de MOYA: Oh, Andre, yes, of  
12 course we will do it, you know. I mean, of  
13 course they tell me they are doing it.

14 CHAIRPERSON MILLER: Okay.

15 MR. de MOYA: I mean, but I'm not  
16 in the position to say are you? You know, I  
17 mean, I'm not following the police and making  
18 sure they are stopping in the neighborhoods,  
19 but you know, I mean, they do leave in front  
20 of the building, so they are on their way  
21 somewhere. I don't know where, but maybe in  
22 the neighborhoods, maybe somewhere else, maybe

1 Dunkin Donuts, maybe I don't know, you know.

2 CHAIRPERSON MILLER: Okay. Okay.

3 Well, let me ask you --

4 MR. de MOYA: I mean, we all need  
5 to go take a break every once in a while.

6 CHAIRPERSON MILLER: I just want  
7 to follow-up on some of the questions I had  
8 asked --

9 MR. de MOYA: Sure.

10 CHAIRPERSON MILLER: -- her and  
11 what her concerns were. And so one was, you  
12 know, congestion. And so it's like well, if  
13 you knew that there were events on certain  
14 days, those days you might avoid that area  
15 because you would know.

16 MR. de MOYA: Right.

17 CHAIRPERSON MILLER: So do you  
18 advertise on your website or something?

19 MR. de MOYA: Our website has our  
20 calendar.

21 CHAIRPERSON MILLER: The calendar.  
22 Okay.

1                   MR. de MOYA: And it has it for  
2 the next six months. Anything that we have  
3 booked until the rest of the year, I think, we  
4 have events booked until the end of the year.  
5 So they are already posted on our website.  
6 And as soon as we have the event, we post it.

7                   CHAIRPERSON MILLER: Okay. So  
8 that's what I figured. But how about  
9 congestion, do you -- I think I heard you say  
10 that you have a shuttle bus to the Metro.

11                   MR. de MOYA: Correct.

12                   CHAIRPERSON MILLER: Right?

13                   MR. de MOYA: Correct.

14                   CHAIRPERSON MILLER: Okay. So do  
15 you do anything else to encourage people not  
16 to drive? Is the Metro fairly close?

17                   MR. de MOYA: The Metro is not. I  
18 mean, I would say the New York Avenue stop is  
19 a mile and change away. Rhode Island is about  
20 a mile as well roughly.

21                   CHAIRPERSON MILLER: Okay.

22                   MR. de MOYA: So is it very close?

1 No.

2 CHAIRPERSON MILLER: But you have  
3 a shuttle bus?

4 MR. de MOYA: That's why we have a  
5 shuttle.

6 CHAIRPERSON MILLER: Okay. And  
7 that runs fairly frequently?

8 MR. de MOYA: It runs on -- you  
9 know, we have two separate ones to each  
10 station, so I mean depending upon traffic,  
11 depending upon what New York Avenue is like at  
12 8:00 at night, 9:00 at night, I mean, it all  
13 varies.

14 CHAIRPERSON MILLER: Okay.

15 MR. de MOYA: The ones that are  
16 coming there. So, you know, I would say they  
17 come on a frequency of every 15 to 20 minutes  
18 from Metro to the venue and then probably  
19 venue back to Metro. And then we would see  
20 them the next time in about 15 or 20 minutes  
21 maybe. It depends.

22 And then, for example, if there is

1 congestion and there seems to be more traffic  
2 with maybe Stadium has another event or Scene  
3 or whatever, one of the coordinations that we  
4 have with the Metropolitan Police Department  
5 is to say hey, Andre, you know, there seems to  
6 be a lot more foot traffic or car traffic, so  
7 we are going to decide to block Queens Chapel  
8 from Bladensburg to, you know, wherever, so  
9 people don't come up into that one Commercial  
10 Zoned area.

11 So then we immediately notify the  
12 shuttles and say instead of coming up to the  
13 front of the building, just drop off at  
14 Bladensburg and Queens Chapel.

15 CHAIRPERSON MILLER: Yes.

16 MR. de MOYA: So people can walk  
17 up the block, for example. That's one example  
18 of a fluid situation that happens.

19 CHAIRPERSON MILLER: Okay. And do  
20 you think that there is a need to encourage  
21 patrons to not drive, to take other  
22 transportation?

1                   MR. de MOYA: I think we do that  
2 by -- on our website.

3                   CHAIRPERSON MILLER: Okay.

4                   MR. de MOYA: We show dedicated  
5 parking spots that are available for Echostage  
6 patrons. We encourage people to get there as  
7 -- any way that they can, but give them the  
8 opportunity to know that there is a Metro  
9 shuttle. Give them the opportunity to know  
10 where the parking is. We do our best.

11                  CHAIRPERSON MILLER: Okay.

12                  MR. de MOYA: If you have any  
13 suggestions on what else we can do, let me  
14 know.

15                  CHAIRPERSON MILLER: Okay. And  
16 your Adopt a Block, is that Queens Chapel Road  
17 or is it also Adams Place? I wasn't sure.  
18 You said it came from -- went from Adams Place  
19 to Bladensburg Road.

20                  MR. de MOYA: We are on Queens  
21 Chapel Road.

22                  CHAIRPERSON MILLER: Right.

1                   MR. de MOYA: So what I have taken  
2 upon myself to say from Adams Place, which is  
3 to the right of us as the next block.

4                   CHAIRPERSON MILLER: You have  
5 adopted that block?

6                   MR. de MOYA: We have adopted the  
7 street in front of our venue basically.

8                   CHAIRPERSON MILLER: Okay.

9                   MR. de MOYA: We have adopted.

10                  CHAIRPERSON MILLER: What does  
11 that mean?

12                  MR. de MOYA: There is no real  
13 block around there.

14                  CHAIRPERSON MILLER: So it's Adams  
15 Place and then it's Chapel Road, Queens Chapel  
16 Road?

17                  MR. de MOYA: Well, from Adams  
18 Place, on Queens Chapel down to Bladensburg,  
19 yes.

20                  CHAIRPERSON MILLER: What does it  
21 mean Adopt a Block?

22                  MR. de MOYA: What does it mean

1 that I Adopt a Block?

2 CHAIRPERSON MILLER: Yes.

3 MR. de MOYA: That means that I  
4 will do anything and everything to make it as  
5 clean as possible, as safe as possible and as,  
6 you know, pleasant as possible for everyone  
7 involved.

8 CHAIRPERSON MILLER: I just have  
9 one or two more, I guess. But that's great.  
10 Hotels, how many hotels are near you?

11 MR. de MOYA: There is, within a  
12 block, two pretty decent -- three decent sized  
13 hotels. A little bit further up New York  
14 Avenue, there is a couple of smaller motels  
15 and other hotels, but the three major ones  
16 that -- there is the Days Inn which is, you  
17 know, spitting distance from the place -- the  
18 bottom of Bladensburg Road. It's the corner  
19 of Bladensburg and New York.

20 Across the street is the Holiday  
21 In and the Marriott and there is -- I don't  
22 know how many rooms it is, 500 rooms maybe.

1 Don't quote me exactly, but it's a decent  
2 amount of rooms.

3 CHAIRPERSON MILLER: Okay. That's  
4 all for me.

5 MR. de MOYA: Sure.

6 CHAIRPERSON MILLER: Thank you.  
7 Mr. Jones?

8 MEMBER ALBERTI: I have a quick  
9 question.

10 CHAIRPERSON MILLER: Oh, Mr.  
11 Alberti?

12 MEMBER ALBERTI: Just to get an  
13 idea because I asked that you quote and you  
14 didn't know. What was the largest event that  
15 you had this year in terms of the number of  
16 patrons?

17 MR. de MOYA: The largest number  
18 of patrons?

19 MEMBER ALBERTI: Yes.

20 MR. de MOYA: I mean I have to  
21 review my records, but, you know, I think the  
22 Lorde show was a great show. It was -- she

1 was the -- I think she was the most high  
2 profile. I think -- let me just look at the--  
3 David Guetta is a Grammy Award winning artist  
4 and those nights were -- those nights were  
5 back-to-back, so that was a pretty busy  
6 weekend.

7 Rick Ross on April 11th was a  
8 pretty big show. Paris Hilton was a great  
9 show.

10 MEMBER ALBERTI: I want a number.

11 MR. de MOYA: Huh?

12 MEMBER ALBERTI: I'm really  
13 interested in the number.

14 MR. de MOYA: Around 2,000 people.

15 CHAIRPERSON MILLER: Wow.

16 MEMBER ALBERTI: Around 2,000  
17 people?

18 MR. de MOYA: Yes.

19 MEMBER ALBERTI: What's the range  
20 that you usually see?

21 MR. de MOYA: I mean, that's where  
22 -- the range depends. It depends on the --

1 for example, we had an event this past -- it's  
2 not on this calendar because we only did it up  
3 until August, but we had a national recording  
4 artist whose name was School Boy Q. I think  
5 we had, the total number was roughly, around  
6 1,100 people, for example.

7 MEMBER ALBERTI: So is it fair to  
8 say it's typically between 1,000 and 2,000?

9 MR. de MOYA: I think that's fair  
10 to say. If I had to do broad generalization,  
11 yes.

12 MEMBER ALBERTI: Typical. Thank  
13 you. That was all I have.

14 CHAIRPERSON MILLER: Okay.

15 MR. de MOYA: No problem.

16 CHAIRPERSON MILLER: Mr. Jones?

17 MEMBER JONES: Well, that was  
18 primarily my question. But I just wanted to  
19 make sure. Okay. So what's your capacity?

20 MR. de MOYA: Our maximum capacity  
21 is 2,000 people.

22 MEMBER JONES: It is 2,000 people?

1 MR. de MOYA: Yes.

2 MEMBER JONES: Okay. All right.

3 Thank you.

4 CHAIRPERSON MILLER: Others?

5 Okay. Are there questions on Board questions?

6 No? Ms. Butler?

7 MEMBER JONES: Well, I --

8 CHAIRPERSON MILLER: Oh, Mr.

9 Jones?

10 MEMBER JONES: -- just to make  
11 sure I'm clear. Thank you. Before I get  
12 bamboozled in this process, so I stepped out  
13 of the room, but it was my understanding that  
14 when I came back, you were telling me that the  
15 attorneys for the licensee may have someone  
16 here that could speak more, have more  
17 information to share about parking, but there  
18 was no -- I don't know that they said they  
19 were going to put that person on.

20 They could choose not to do so.

21 CHAIRPERSON MILLER: Okay. Ms.

22 Williford?

1                   MEMBER JONES:  So if they choose  
2                   not to do so, then I would like to ask my  
3                   questions of the witness that is before us if  
4                   they --

5                   CHAIRPERSON MILLER:  Yes.

6                   MS. WILLIFORD:  We will be happy  
7                   to put them on.  I guess perhaps if he can ask  
8                   the questions, if it's something that Mr. de  
9                   Moya is not in a position to answer, then we  
10                  will be happy to put on the subsequent  
11                  witness.  That may be the cleanest way to go  
12                  about that.

13                  CHAIRPERSON MILLER:  Oh, that's  
14                  how you want to proceed?  I'm sorry.

15                  MEMBER JONES:  That's fine.

16                  CHAIRPERSON MILLER:  I think I  
17                  withheld asking any questions on parking,  
18                  because I thought that you --

19                  MS. WILLIFORD:  Okay.  Well, we  
20                  can do it either way.

21                  CHAIRPERSON MILLER:  Well --

22                  MS. WILLIFORD:  We will call

1 another witness specifically about parking.

2 CHAIRPERSON MILLER: I know that  
3 Mr. Jones said that he has a lot of questions.

4 MS. WILLIFORD: Okay. So we will  
5 call.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER SHORT: Before Mr. de Moya  
8 leaves --

9 CHAIRPERSON MILLER: Yes, yes.

10 MEMBER SHORT: Mr. de Moya, just  
11 one last question. You are the operations  
12 president for the event?

13 MR. de MOYA: Correct.

14 MEMBER SHORT: And for the venue  
15 itself?

16 MR. de MOYA: Yes. I'm there when  
17 we are open.

18 MEMBER SHORT: I'm kind of shocked  
19 that you don't know the occupancy load that's  
20 on your C of O, the Certificate of Occupancy.  
21 There should be a number that DCRA, the  
22 Department of Consumer and Regulatory Affairs,

1 gives you that has to be posted in your  
2 building.

3 MR. de MOYA: It's 2,000, sir.

4 MEMBER SHORT: Okay. Okay. Thank  
5 you.

6 MR. de MOYA: Okay.

7 MEMBER SHORT: Yes.

8 CHAIRPERSON MILLER: Okay. Ms.  
9 Butler, did you have any questions based on  
10 Board questions?

11 MS. BUTLER: No.

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

14 MR. de MOYA: Okay. Thank you.

15 MS. WILLIFORD: Okay. We would  
16 like to call to the stand Antonis Karagounis.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER SHORT: The last name  
19 again?

20 MS. WILLIFORD: Karagounis.

21 MR. KARAGOUNIS: Karagounis.

22 MS. WILLIFORD: Karagounis.

1                   CHAIRPERSON MILLER: Karagounis,  
2                   yes.  
3                   Whereupon,

4                                   ANTONIS KARAGOUNIS  
5                   was called as a witness by counsel for the  
6                   Applicant, and having been first duly sworn,  
7                   assumed the witness stand and was examined and  
8                   testified as follows:

9                                   MR. KARAGOUNIS: I do.

10                                  CHAIRPERSON MILLER: Okay. Thank  
11                   you. Okay. Now, do you want to present  
12                   testimony or do you just want questions?

13                                  MS. WILLIFORD: I was just going  
14                   to walk --

15                                  CHAIRPERSON MILLER: I'm just  
16                   clarifying how you --

17                                  MS. WILLIFORD: Just let you ask  
18                   questions, that's fine. I was just going to  
19                   say who he was for the record.

20                                  CHAIRPERSON MILLER: Go ahead.

21   DIRECT EXAMINATION

22                                  MS. WILLIFORD: State your name

1 and spell your name for the record.

2 MR. KARAGOUNIS: Antonis  
3 Karagounis. A-N-T-O-N-I-S K-A-R-A-G, as in  
4 George, O-U-N-I-S.

5 MS. WILLIFORD: And are you an  
6 owner of Echostage?

7 MR. KARAGOUNIS: I'm the owner and  
8 managing partner of Echostage, correct.

9 MS. WILLIFORD: Thank you. We  
10 will make the witness available to answer any  
11 questions related to parking.

12 CHAIRPERSON MILLER: Okay. Mr.  
13 Jones, do you want to start?

14 MEMBER JONES: I have no problem  
15 starting.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER JONES: All right. So  
18 there is a document that was presented,  
19 Applicant's Exhibit C, I believe, which is  
20 this document here.

21 MR. KARAGOUNIS: Yes.

22 MEMBER JONES: Is this a contract?

1                   MR. KARAGOUNIS: This is -- I can  
2 explain what this is. This is a letter  
3 stating the intention to take over the parking  
4 lot in specific on 1818 New York Avenue, if  
5 you are seeing that?

6                   MEMBER JONES: Yes, I'm reading  
7 it.

8                   MR. KARAGOUNIS: I can actually  
9 explain what exactly this is. Back at the end  
10 of May of 2014, Parking Panda, the company  
11 that was operating the parking lot on 1818 New  
12 York Avenue decided to not operate any more,  
13 because they didn't have enough business.

14                   The issue is it's a little bit  
15 over 500 feet away from the venue. People  
16 don't want to walk when it is cold.

17                   MEMBER JONES: Yes.

18                   MR. KARAGOUNIS: So at the time, I  
19 contacted U Street Parking and I said listen  
20 they do have an agreement with the current  
21 landlord and they want to get out of it, but  
22 if you want to take it over, you can take over

1 the parking lot and we will pay for the  
2 shuttle service, so people can go back and  
3 forth, because that's what I perceived the  
4 issue was. So this was the first document.

5 The second document that you see--

6 MEMBER JONES: When you say this  
7 was the first document, to what document are  
8 you referring?

9 MR. KARAGOUNIS: The exhibit.

10 MEMBER JONES: Okay. So Exhibit  
11 C?

12 MR. KARAGOUNIS: Exhibit C. I'm  
13 sorry. I don't --

14 MEMBER JONES: Okay.

15 MR. KARAGOUNIS: -- have --

16 MEMBER JONES: All right. Thank  
17 you.

18 MR. KARAGOUNIS: -- the exhibit  
19 down here. I'm sorry.

20 MEMBER JONES: All right.

21 CHAIRPERSON MILLER: But they both  
22 are Exhibit C, so --

1 MR. KARAGOUNIS: Oh, they are?

2 Okay.

3 MEMBER JONES: Oh, I'm sorry.

4 CHAIRPERSON MILLER: Not a  
5 problem.

6 MR. KARAGOUNIS: Exhibit C dated  
7 July 1st.

8 MEMBER JONES: July 1, 2014?

9 MR. KARAGOUNIS: Yes.

10 CHAIRPERSON MILLER: Yes.

11 MEMBER JONES: Okay. The one with  
12 one signature on it?

13 MR. KARAGOUNIS: Yes.

14 MEMBER JONES: Okay.

15 MR. KARAGOUNIS: The second one is  
16 the one with my signature on it that was  
17 executed a couple of days ago. This is  
18 actually a document that he can take to the  
19 owner of the specific lot, so he can actually  
20 sign his lease for the use of the lot.

21 MEMBER JONES: Okay.

22 MR. KARAGOUNIS: Because this lot

1 will start -- he will start this lot back  
2 again this month, basically. And I will pay  
3 for one to two shuttle buses and he will be  
4 paying for one.

5 MEMBER JONES: Okay.

6 MR. KARAGOUNIS: In addition to  
7 the shuttle service that we already paying to  
8 and from the Metro.

9 MEMBER JONES: Okay. So I'm  
10 trying to understand. Right now, the one that  
11 you actually have a contract for is only a  
12 contract that we have that has been admitted  
13 as evidence for 250 spaces, that's it? I  
14 don't have a contract in my hand for anything  
15 more than 250 spaces. Is that correct?

16 MR. KARAGOUNIS: Yes, because --

17 MEMBER JONES: Okay.

18 MR. KARAGOUNIS: -- that's  
19 correct.

20 MEMBER JONES: Okay. Where are  
21 the contracts that represent the other -- the  
22 balance to get to the 475?

1 MR. KARAGOUNIS: There were not  
2 contracts signed in that 4 --

3 MEMBER JONES: So you don't have  
4 contracts for 475 spaces?

5 MR. KARAGOUNIS: No. I have --

6 MEMBER JONES: Do you have  
7 contracts for 700 spaces?

8 MR. KARAGOUNIS: I do not.

9 MEMBER JONES: You do not. Okay.  
10 So how many -- what do you have contracts for  
11 explicitly? A ratified executed --

12 MR. KARAGOUNIS: The only contract  
13 that we have --

14 MEMBER JONES: -- contract.

15 MR. KARAGOUNIS: -- will be this  
16 contract, the 250 that is not even open yet.

17 MEMBER JONES: So you only have a  
18 contract for 250 spaces that was just ratified  
19 roughly September 8, 2014?

20 MR. KARAGOUNIS: For -- to come  
21 together the list, yes.

22 MEMBER JONES: Yes. So it was

1 ratified, signed September 8, 2014?

2 MR. KARAGOUNIS: Yes, that is  
3 correct.

4 MEMBER JONES: What's today's  
5 date, sir?

6 MR. KARAGOUNIS: The 10th. The  
7 10th?

8 MEMBER JONES: The 10th? Okay. So  
9 on March of 2014, March 7, 2014, that's when  
10 you had your Lorde concert, you were at  
11 capacity, 2,000 patrons?

12 MR. KARAGOUNIS: Yes.

13 MEMBER JONES: What contracts did  
14 you have for parking on that date?

15 MR. KARAGOUNIS: The only  
16 agreement that is traceable is the one with  
17 Parking Panda for the 250 spots on 1818 New  
18 York Avenue, because we are advertising for  
19 the -- it's a phone application that you can  
20 purchase the parking. So that was the only  
21 one.

22 However, we have been operating

1 these parking lots and it has been on our  
2 website since day one. It's just that these  
3 lots were there before the venue and they were  
4 just not open, because there was no business  
5 before.

6 MEMBER JONES: Okay.

7 MR. KARAGOUNIS: So --

8 MEMBER JONES: I'm asking --

9 MR. KARAGOUNIS: -- the parking  
10 companies took it back -- reopened them for  
11 us, basically.

12 MEMBER JONES: So if I'm  
13 understanding correctly, you had a contract in  
14 place on March 7, 2014 that we do not have in  
15 our hands, but that you are saying you had in  
16 place on March 7 --

17 MR. KARAGOUNIS: Yes.

18 MEMBER JONES: -- 2014 --

19 MR. KARAGOUNIS: Yes.

20 MEMBER JONES: -- for 250 spaces?

21 MR. KARAGOUNIS: Yes.

22 MEMBER JONES: And that was it?

1 MR. KARAGOUNIS: Yes.

2 MEMBER JONES: Okay. Do you have  
3 that contract? I'm not saying that you have  
4 it to give it to us today. Do you have it?  
5 It exists?

6 MR. KARAGOUNIS: It is an email.  
7 I mean, I can pull it out of my phone, but --

8 MEMBER JONES: Okay. So but is it  
9 a real -- so this is a contract as I see it.

10 MR. KARAGOUNIS: Yes.

11 MEMBER JONES: As it -- well, I'm  
12 ignorant when it comes to the law, but this  
13 seems like a contract because it has two  
14 signatures on it.

15 MR. KARAGOUNIS: Okay.

16 MEMBER JONES: Both parties have  
17 agreed to these terms.

18 MR. KARAGOUNIS: Right.

19 MEMBER JONES: Right? The email  
20 that you are referring to doesn't sound like  
21 a contract, unless there is an attachment in  
22 it attached to ratify it.

1 MR. KARAGOUNIS: That is correct.

2 MEMBER JONES: Okay. So did you  
3 have a contract in place on March 7, 2014 for  
4 the Lorde concert for parking?

5 MR. KARAGOUNIS: No, I did not.

6 MEMBER JONES: No. You did not?

7 MR. KARAGOUNIS: I did not.

8 MEMBER JONES: Okay. So the only  
9 thing that we have in place today on September  
10 8th or as of September 8th is this contract for  
11 250 spaces. I'm trying to understand when you  
12 are making the statement that you have 700  
13 spaces that were dedicated to Echostage, how  
14 are you getting to that number? And then what  
15 recourse do you have to enforce that  
16 arrangement?

17 MR. KARAGOUNIS: Recourse? Can  
18 you explain recourse?

19 MEMBER JONES: Yes, from the  
20 standpoint of if you are not getting the  
21 service that you are paying for --

22 MR. KARAGOUNIS: Yes.

1                   MEMBER JONES:  -- then you can go  
2                   to the vendor and say I'm not getting what you  
3                   promised me and I have this legally binding  
4                   document that says you better do that or else.

5                   MR. KARAGOUNIS:  Yes.  They are  
6                   not my employees.  They are independent  
7                   contractors.

8                   MEMBER JONES:  Independent  
9                   contractors, right.

10                  MR. KARAGOUNIS:  Yes.

11                  MEMBER JONES:  With whom you do  
12                  not have a contract outside of this 250  
13                  parking spots, correct?

14                  MR. KARAGOUNIS:  This contract is  
15                  specific to 1818 New York Avenue.  It was  
16                  ready for him to take over the list, because  
17                  it was a brand new lot because before this  
18                  date, it was operated by a different company.

19                  MS. WILLIFORD:  I would like to  
20                  just object for a point of clarification here,  
21                  just because there may be some confusion.  In  
22                  terms of physical document that you are

1 holding on to, I think he was asking, but I  
2 think the terms are being meshed in terms of  
3 a contract versus not a contract. It could be  
4 something that is not a document and still be  
5 legally enforceable. It happens often.

6 And I don't want there to be a --  
7 in terms of clarifying the record, you know,  
8 clear that a written signed document versus  
9 there is not an agreement in place is not  
10 enforceable. You can still have an agreement  
11 in place that's enforceable without it being  
12 a signed document.

13 And I think the testimony talked  
14 about a signed -- talked about a basis being  
15 served.

16 CHAIRPERSON MILLER: Okay. So --

17 MS. WILLIFORD: It's a point of  
18 clarification for the record just because I  
19 see where this --

20 CHAIRPERSON MILLER: Okay.

21 MS. WILLIFORD: -- is going and  
22 I'm not sure --

1 CHAIRPERSON MILLER: And you will  
2 have a chance to --

3 MS. WILLIFORD: Okay.

4 CHAIRPERSON MILLER: -- redirect,  
5 right, to get more evidence on that point.

6 MS. WILLIFORD: Okay.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER JONES: So part of the  
9 reason that you have these spaces that you are  
10 saying -- so you are claiming you have roughly  
11 700 spaces?

12 MR. KARAGOUNIS: Yes.

13 MEMBER JONES: Dedicated for --

14 MR. KARAGOUNIS: That is correct.

15 MEMBER JONES: -- Echostage?

16 MR. KARAGOUNIS: That is correct.

17 MEMBER JONES: Okay. So I'm  
18 looking at this letter which is 475 spaces  
19 total.

20 MR. KARAGOUNIS: Yes.

21 MEMBER JONES: Where are the other  
22 spaces located?

1 MR. KARAGOUNIS: Different --  
2 well, different companies.

3 MEMBER JONES: Specifically where  
4 and whom? What companies and where?

5 MR. KARAGOUNIS: First is Tag B.  
6 Tag B is another company.

7 MEMBER JONES: Tag B. And you  
8 have a relationship with them?

9 MR. KARAGOUNIS: Yes.

10 MEMBER JONES: What's the nature  
11 of your relationship with Tag B?

12 MR. KARAGOUNIS: They open two,  
13 three lots for us.

14 MEMBER JONES: And how many spaces  
15 are in those lots?

16 MR. KARAGOUNIS: I want to say a  
17 little bit over 200.

18 MEMBER JONES: And those spaces  
19 are 100 percent dedicated to Echostage?

20 MR. KARAGOUNIS: Well, they have a  
21 sign that say Echostage Valet Parking every  
22 night they are open. And there is a price on

1       there.

2                       In terms of the enforceability of  
3       these lots, the only thing that I can do as  
4       the owner of the business is put them on my  
5       website that I do already with the map.

6                       MEMBER JONES:   Right.

7                       MR. KARAGOUNIS:   The only way that  
8       I'm enforcing it if something is wrong is when  
9       the customers complain that the price/cost on  
10      the website is not the price posted --

11                      MEMBER JONES:   Right.

12                      MR. KARAGOUNIS:   -- at the  
13      entrance.

14                      MEMBER JONES:   Okay.   So there is  
15      no guarantee that you have 700 spaces  
16      available for the patrons of Echostage,  
17      because you are in no position to enforce the  
18      availability of spaces.   So if a patron of  
19      Echostage goes to a lot and its full of  
20      Stadium patrons, there is really no recourse  
21      that you have.

22                      So can you tell me for sure that

1 you have 700 spaces available dedicated to  
2 Echostage?

3 MR. KARAGOUNIS: I can tell you  
4 for sure I cannot tell you.

5 MEMBER JONES: Okay.

6 MR. KARAGOUNIS: No.

7 MEMBER JONES: All right. So  
8 given that you can't tell me for sure that  
9 your patrons aren't parking in the  
10 neighborhood surrounding Echostage, correct?

11 MR. KARAGOUNIS: The patrons do  
12 park in the neighborhood.

13 MEMBER JONES: They do?

14 MR. KARAGOUNIS: They do.

15 MEMBER JONES: All right. Do you  
16 have any idea of the volume of patrons?

17 MR. KARAGOUNIS: I do not.

18 MEMBER JONES: No clue. Okay.

19 MR. KARAGOUNIS: I'm assuming it's  
20 not that many, because you cannot access  
21 Echostage by car from the north, because the  
22 streets are closed.

1                   MEMBER JONES:  You can't what?  
2                   You can't access it by foot?

3                   MR. KARAGOUNIS:  You cannot come--

4                   MEMBER JONES:  You can't access it  
5                   by foot?

6                   MR. KARAGOUNIS:  -- pretty close  
7                   to Echostage after the bridge, the street is  
8                   usually closed because of MPD.

9                   MEMBER JONES:  Is it closed to all  
10                  traffic?

11                  MR. KARAGOUNIS:  To all traffic.

12                  MEMBER JONES:  So foot traffic as  
13                  well?

14                  MR. KARAGOUNIS:  Not foot traffic,  
15                  but it's really dark and it's really  
16                  dangerous.

17                  MEMBER JONES:  So if I park in the  
18                  neighborhood and I'm very familiar with the  
19                  neighborhood --

20                  MR. KARAGOUNIS:  Okay.

21                  MEMBER JONES:  -- if I park in the  
22                  neighborhood, you are telling me I can't walk

1 from the neighborhood on the other side, on  
2 the north side of the bridge and get to  
3 Echostage?

4 MR. KARAGOUNIS: Can you?

5 MEMBER JONES: Yes, I'm asking.

6 MR. KARAGOUNIS: Can you?

7 MEMBER JONES: Yes.

8 MR. KARAGOUNIS: Yes.

9 MEMBER JONES: Okay.

10 MR. KARAGOUNIS: Would you like  
11 to? Absolutely not. Especially if there is  
12 no police there.

13 MEMBER SHORT: Well, you said the  
14 police are there because they block off the  
15 streets. The police are there.

16 MR. KARAGOUNIS: They block off  
17 the street. And by the way, they do block off  
18 the street not because of Echostage, because  
19 of the ANC and what it was asked of them, that  
20 has been their answer.

21 MEMBER SHORT: Well, I'll wait  
22 until you are finished.

1                   MEMBER JONES:   So from a -- I'm  
2                   having a hard time comprehending how it is  
3                   that you are ensuring that you are not having  
4                   an adverse impact on parking in the community  
5                   based on what things you have presented in  
6                   response to my questions.

7                   So maybe it's not fair, but I'll  
8                   ask an open question and let you respond as  
9                   you deem fit. I'm trying to understand and  
10                  help me get there, how it is that you feel as  
11                  though the operations of your establishment as  
12                  it relates specifically to parking are not  
13                  having an adverse impact on the community.

14                 MR. KARAGOUNIS: I don't think I  
15                 understand the question. The parking, the  
16                 amount of spaces that we have? If it's  
17                 sufficient, that's what you are asking me?

18                 MEMBER JONES: No. So I feel like  
19                 I'm fairly clear on the fact that you do not  
20                 have a guaranteed 700 spaces. I'm fairly  
21                 clear that you have no guarantee of anything  
22                 more than 250 spaces, which was just brought

1 into effect on September 8th.

2 MR. KARAGOUNIS: Okay.

3 MEMBER JONES: So prior to  
4 September 8, I don't have a clear  
5 understanding of how the operations of your  
6 establishment were not negatively impacting  
7 the community from the standpoint of parking.  
8 And perhaps I am missing something. And I'm  
9 giving you an opportunity to fill in the  
10 blanks of what it is I may be missing.

11 MR. KARAGOUNIS: According to both  
12 of the companies that operate the valet, the  
13 parking lots, they never sell out of spaces.  
14 Because when you have 2,000 people coming for  
15 a specific venue, each car will come with two  
16 to four people. So to operate a venue of  
17 2,000 people, you do not need 700 spots. I  
18 don't think anybody in the city has 700 spots.  
19 I have never heard of a nightclub. And I  
20 don't -- in establishments there is no  
21 requirement to have any parking in any of  
22 these establishments.

1 MEMBER SHORT: Excuse me?

2 CHAIRPERSON MILLER: Wait, wait  
3 your turn.

4 MR. KARAGOUNIS: There is a  
5 requirement to provide valet, but there is no  
6 guarantee on how many spots.

7 CHAIRPERSON MILLER: Okay.

8 MR. KARAGOUNIS: Unless I'm  
9 missing something. I'm not sure.

10 MEMBER JONES: Oh, that's fine.

11 So --

12 MR. KARAGOUNIS: I don't know.

13 MEMBER JONES: -- it's -- you are  
14 providing me feedback that is very  
15 enlightening in terms of how you are thinking  
16 through the process.

17 MR. KARAGOUNIS: Okay.

18 MEMBER JONES: So from the  
19 standpoint of -- so from your standpoint, you  
20 really don't feel like you need 700 spaces?

21 MR. KARAGOUNIS: For every single  
22 event? No.

1                   MEMBER JONES: I mean, for -- when  
2 you have an event such as the one that you had  
3 on March 7th with Lorde.

4                   MR. KARAGOUNIS: Okay.

5                   MEMBER JONES: Which was capacity.

6                   MR. KARAGOUNIS: Okay.

7                   MEMBER JONES: Do you feel like  
8 you would need 700 spaces?

9                   MR. KARAGOUNIS: I -- yes, I do.

10                  MEMBER JONES: Okay. So in that  
11 instance, you would. So you do appreciate the  
12 need for the spaces.

13                  MR. KARAGOUNIS: 100 percent.

14                  MEMBER JONES: Okay. So maybe I  
15 misunderstood what you said earlier.

16                  MR. KARAGOUNIS: 100 percent.

17                  MEMBER JONES: Okay.

18                  MR. KARAGOUNIS: And I have, for  
19 the record, gone and I have met with the waste  
20 management facility people, with development  
21 companies, with the cement company, with other  
22 companies, with -- across the street the old

1 Walmart development parking lot --

2 MEMBER JONES: Yes.

3 MR. KARAGOUNIS: -- that is now  
4 being managed by Douglas Development.

5 MEMBER JONES: Yes.

6 MR. KARAGOUNIS: And I have  
7 inquired for parking and I can tell you what  
8 the answers were. The waste management  
9 facility doesn't want it in there for  
10 liability purposes. Cement management company  
11 doesn't want it there for liability purposes.  
12 Douglas Development has told me that they are  
13 subleasing the land for the development and,  
14 therefore, part of their agreement is that  
15 they cannot allow it to become a parking lot,  
16 even temporarily.

17 MEMBER JONES: Okay. So one of  
18 the challenges I'm having with what it is you  
19 are saying now is you are saying you are  
20 actively going out to try and get more  
21 parking, but I thought maybe I misheard you,  
22 but I thought earlier you just said that in

1 your survey of the vendors that you are  
2 currently getting parking services from, that  
3 they are telling you that the parking lots  
4 never fill up?

5 MR. KARAGOUNIS: That's correct.

6 MEMBER JONES: So if the parking  
7 lots never fill up, why is there a need to get  
8 additional parking?

9 MR. KARAGOUNIS: There is a need  
10 to get additional cheaper parking.

11 MEMBER JONES: Additional what?

12 CHAIRPERSON MILLER: Cheaper.

13 MR. KARAGOUNIS: Cheaper parking.

14 MEMBER JONES: Cheaper parking?

15 MR. KARAGOUNIS: Yes. Because  
16 sometimes --

17 MEMBER JONES: Okay.

18 MR. KARAGOUNIS: -- these vendors  
19 will charge them \$15 to \$30, that's a lot of  
20 money for somebody to pay.

21 MEMBER JONES: Okay. So it's not  
22 that you need more space. It's you're just

1 trying to find --

2 MEMBER SHORT: Cheaper space.

3 MR. KARAGOUNIS: A little bit  
4 cheaper price, so I can sell it on the website  
5 for \$10 for instance, therefore, I can entice  
6 people not to even drive to the community.  
7 The 1818 New York Avenue, so you know, it's  
8 closer to Dream Nightclub than it is to the  
9 community that we are talking about, the area  
10 that we are talking about.

11 MEMBER JONES: Yes, sir.

12 MR. KARAGOUNIS: So what I'm  
13 trying to do is if I could offer a \$10 -- and  
14 this is what this document is about. If I can  
15 offer a \$10 parking spot and a free shuttle  
16 service, then we don't have any more issues  
17 any more anyway. And all this protest and  
18 everything that is happening in the area, the  
19 traffic goes away.

20 MEMBER JONES: Okay. But until  
21 said time, right now, you are saying that your  
22 current parking facilities aren't 100 percent

1 utilized when you have an event?

2 MR. KARAGOUNIS: That is correct.

3 MEMBER JONES: So even when you  
4 are at capacity at 2,000 people with the Lorde  
5 concert, you are still not utilizing all the  
6 spaces you have available?

7 MR. KARAGOUNIS: Yes. Please note  
8 here that Stadium Nightclub has their own  
9 parking lot that is private.

10 MEMBER JONES: I completely  
11 understand that.

12 MR. KARAGOUNIS: Yes. So this is  
13 -- for us and The Scene really, these are the  
14 only people that would need this parking.

15 MEMBER JONES: Understood. But  
16 you are saying that you are not completely  
17 utilizing all of the parking, even when you  
18 are at capacity?

19 MR. KARAGOUNIS: People do not  
20 park at the parking lots.

21 MEMBER JONES: Okay. So if they  
22 don't park in the parking lots, is it

1 conceivable that they are parking in the  
2 neighborhood?

3 MR. KARAGOUNIS: Unless they haven  
4 taken Uber Lift or taxi service or the Metro.

5 MEMBER JONES: Right.

6 MR. KARAGOUNIS: But if they have  
7 driven in the area, it is conceivable.

8 MEMBER JONES: So if a patron  
9 drives to your venue, then it's conceivable --

10 MR. KARAGOUNIS: I cannot force  
11 them --

12 MEMBER JONES: -- they are parking  
13 in the neighborhood?

14 MR. KARAGOUNIS: I cannot force  
15 them to drive in the parking lot.

16 MEMBER JONES: Okay. So what is  
17 the incentive for someone to park in the  
18 parking lot versus parking on the street for  
19 free?

20 MR. KARAGOUNIS: Safety, I'm  
21 assuming.

22 MEMBER JONES: So how are you

1 promoting it? Like from your standpoint, what  
2 are you doing to promote people parking in  
3 your parking lot to pay \$10 to park in the  
4 parking lot versus parking in her street for  
5 free?

6 MR. KARAGOUNIS: I don't  
7 understand the -- I mean, what can I do? I  
8 don't understand. That's a very open  
9 question. What am I doing? What can I do?

10 MEMBER JONES: For example, is  
11 there -- do you have a cover charge?

12 MR. KARAGOUNIS: I do.

13 MEMBER JONES: Do you offer, let's  
14 say, \$1 off or a discount on a cover charge if  
15 you use the provided parking spaces?

16 MR. KARAGOUNIS: No, I do not.

17 MEMBER JONES: That would be an  
18 example of how you promote.

19 MR. KARAGOUNIS: Okay. Okay.

20 MEMBER JONES: I'm not saying that  
21 you have to do that. I'm just -- you're  
22 saying you didn't understand my question. I

1 just wanted you to --

2 MR. KARAGOUNIS: Yes, okay. No.

3 MEMBER JONES: So from that  
4 standpoint --

5 MR. KARAGOUNIS: I don't have any  
6 incentive, no.

7 MEMBER JONES: Okay. So you don't  
8 provide any incentive for them. So there is  
9 really -- you are saying, is it safer? Do you  
10 believe it is safer to have the utilization of  
11 your parking services?

12 Let me help you out. From this  
13 standpoint, you offer shuttle services --

14 MR. KARAGOUNIS: Yes.

15 MEMBER JONES: -- to get the  
16 patrons from the parking lot to your venue, so  
17 that they don't have to walk in the street.  
18 Would that be an example of how you are making  
19 it safer?

20 MR. KARAGOUNIS: They -- it would  
21 be. However, they still have to walk to the  
22 venue, because the shuttle service after a

1 certain amount of time, after 11:00 p.m. for  
2 instance --

3 MEMBER JONES: Yes.

4 MR. KARAGOUNIS: -- cannot get to  
5 our venue, because the street is closed by the  
6 MPD.

7 MEMBER JONES: Okay. So you have  
8 pedestrian traffic even when you have  
9 shuttles, because the streets are cutoff by  
10 forces beyond your control?

11 MR. KARAGOUNIS: Yes.

12 MEMBER JONES: Okay. Thank you.  
13 Thank you, Madam Chair.

14 MEMBER SHORT: Madam Chair?

15 CHAIRPERSON MILLER: Yes, Mr.  
16 Short?

17 MEMBER SHORT: Mr. Karagounis?

18 MR. KARAGOUNIS: Karagounis.

19 MEMBER SHORT: Okay. Forgive me.  
20 I have a problem with names sometimes. You  
21 made the statement that parking wasn't a  
22 requirement? Did you make that statement?

1 MR. KARAGOUNIS: I didn't make a  
2 statement that it's not a requirement. I said  
3 I have never heard of a venue required to have  
4 parking, because I --

5 MEMBER SHORT: Okay.

6 MR. KARAGOUNIS: -- own different  
7 venues in D.C. and I never -- I wasn't aware  
8 that there is a requirement.

9 MEMBER SHORT: Well, what I would  
10 like to do, if you don't mind, I'm going to  
11 read from our ABRA Rules and Regulations --

12 MR. KARAGOUNIS: Okay.

13 MEMBER SHORT: -- under 25-313  
14 Appropriate Standards.

15 MR. KARAGOUNIS: Okay.

16 MEMBER SHORT: Under 25-313.3 it  
17 states "The effect" -- this is the  
18 appropriateness standard. So it's appropriate  
19 that "The effects of the establishment upon  
20 residential parking needs and vehicular and  
21 pedestrian safety."

22 And another thing I would like to

1 say is that's the law. Another thing I would  
2 like to say to you, I have seen some other  
3 contractors like this from, and I won't  
4 mention any names, other businesses in your  
5 vicinity where they bring them to us and say  
6 we have 700 spots, but they don't have  
7 something that -- nothing proves it.

8 They say to us, just trust me,  
9 believe me. So again, you have 2,000 at your  
10 venue. The other ones have full capacity and  
11 everybody is using the same parking venues  
12 with no contract, then somebody is being  
13 bamboozled. And I think it's just the Code.  
14 I think that's inappropriate.

15 I, as a Board Member, think that's  
16 inappropriate and this Code says it's  
17 inappropriate.

18 How are you going to address that?

19 MR. KARAGOUNIS: Well, besides the  
20 point of having a dedicated lot that I'm  
21 selling on my website?

22 MEMBER JONES: No, sir. An

1       appropriateness when it comes to parking.  And  
2       the -- and the Code says and I'll read it  
3       again, when it has the -- a negative effect.  
4       "When the effect of the establishment upon  
5       residential parking needs and vehicular and  
6       pedestrian safety."

7                       When they are compromised, then  
8       you are breaking the law.

9                       MS. WILLIFORD:  With all due  
10       respect, I would respectfully just object to  
11       the extent that it's asking for a legal  
12       conclusion from this witness.

13                      MEMBER SHORT:  Okay.  I just read  
14       the law, because he made a statement.

15                      MS. WILLIFORD:  Obviously, he --

16                      CHAIRPERSON MILLER:  Okay.

17                      MEMBER SHORT:  And said it wasn't  
18       -- he wasn't required by law.  He made that  
19       statement under oath.  And I am just  
20       clarifying that with the Code book.  So he  
21       wouldn't say that again.

22                      And also, I said -- I hope he

1 doesn't say it again. And when I'm saying  
2 also is three other businesses in that same  
3 general vicinity come here with these blank no  
4 signed contracts and they all claim they have  
5 700 parking spots.

6 So if all the other two businesses  
7 are doing the same thing, somebody is not  
8 telling the truth and it's inappropriate.  
9 That's all I have.

10 CHAIRPERSON MILLER: Okay. All  
11 right. Well, first, I also want to just back  
12 up a little bit here, because this is a  
13 renewal and it's not a new application. And  
14 sometimes we do have applicants come in here  
15 and make promises about parking they are going  
16 to have and there is really no proof for it.

17 So in this case though, I think we  
18 are starting with there is a record and I'm  
19 not convinced yet that there has been a  
20 history of Echostage having all these parking  
21 problems in the neighborhood. Okay.

22 But I think the concern is that we

1 heard testimony starting from our  
2 Investigator, based on conversations with you,  
3 that you had 700 parking spaces secured. And  
4 then we just don't really see that in the  
5 contracts, so the documentation that has been  
6 provided.

7 So I just want to back up,  
8 because, you know, I hear that our  
9 Investigator began by saying, you know, he  
10 didn't see a problem. And so I'm not saying  
11 there is necessarily a problem. But you have  
12 events with a lot of people and some go by  
13 Metro and some go other ways, but there is a  
14 reference to 700 parking spaces.

15 So can you maybe, you know, calmly  
16 kind of like clarify the parking arrangements  
17 you have? I don't know that it is all really  
18 before us in these documents.

19 MR. KARAGOUNIS: No, it wouldn't  
20 be there. Since we -- part of the process of  
21 taking over the liquor license was to consult  
22 with Tab B and U Street Parking. And the main

1 question was can the cliental we are trying to  
2 attract in the area for these shows be  
3 accommodated with parking? That was the issue  
4 number one.

5 CHAIRPERSON MILLER: Okay.

6 MR. KARAGOUNIS: Because  
7 obviously, we can sit down here and say, you  
8 know, there is enough parking, there is not  
9 enough parking. At the end of the day, we  
10 have a business to run. If there is no  
11 parking, people will not come. I mean, it  
12 hurts us more than anybody else.

13 CHAIRPERSON MILLER: Okay.

14 MR. KARAGOUNIS: We have millions  
15 of dollars invested. So it's to our benefit  
16 to have enough means of transportation and  
17 parking available for the cliental.

18 CHAIRPERSON MILLER: Okay.

19 MR. KARAGOUNIS: According to the  
20 companies, they give us a map that we upload  
21 on the website, so we can go and see, but we  
22 upload on the website. These are the lots.

1 This is how many spots you have in each  
2 parking lot. And this is what it will cost to  
3 park there.

4 We have -- on Thursdays --

5 CHAIRPERSON MILLER: Let me stop  
6 you.

7 MR. KARAGOUNIS: Yes.

8 CHAIRPERSON MILLER: So they tell  
9 you that here are the lots, you know, A, B, C,  
10 whatever.

11 MR. KARAGOUNIS: Yes.

12 CHAIRPERSON MILLER: And you have,  
13 you know, 200 spots in each lot. Okay. Just  
14 say.

15 MR. KARAGOUNIS: Yes, yes.

16 CHAIRPERSON MILLER: Okay. Do you  
17 have a contract or you just have a verbal  
18 agreement or what do you have?

19 MR. KARAGOUNIS: It's, okay, a  
20 verbal agreement, but also there is email  
21 trail that I can pull right now that -- of  
22 these maps that they provide to us and how

1 many spots.

2 CHAIRPERSON MILLER: So they say  
3 to you that they will give you those spots,  
4 basically?

5 MR. KARAGOUNIS: Yes.

6 CHAIRPERSON MILLER: Dedicate them  
7 to you?

8 MR. KARAGOUNIS: They will operate  
9 them.

10 CHAIRPERSON MILLER: And you --  
11 are they mainly for the valet parkers?

12 MR. KARAGOUNIS: No, no. Some of  
13 them are you walk -- you drive in, you pay and  
14 you just self-park depending on the lot.

15 CHAIRPERSON MILLER: Okay. So  
16 again, they don't know for sure that you are  
17 an Echostage patron?

18 MR. KARAGOUNIS: No, they do not.

19 CHAIRPERSON MILLER: But you  
20 direct your patrons to those lots?

21 MR. KARAGOUNIS: Through the maps  
22 on the website, correct.

1 CHAIRPERSON MILLER: Okay. And  
2 where does the 700 number come from?

3 MR. KARAGOUNIS: I don't have  
4 the --

5 CHAIRPERSON MILLER: Is that an  
6 accurate number?

7 MR. KARAGOUNIS: -- breakdown in  
8 front of me. I know U Street Parking is the  
9 largest company that does it, but Tag B has --  
10 for instance, they operate the parking lot at  
11 the Days Inn. They operate a parking lot at  
12 Holiday Inn. That is at the bottom of the  
13 hill, basically, of New York and Bladensburg.  
14 They also operate the Stadium parking lot that  
15 is semi-private, obviously, for their events.

16 And they do open it actually on  
17 occasion for our events if Stadium is closed.  
18 So --

19 CHAIRPERSON MILLER: So and I  
20 believe you testified that your valet parkers  
21 have not said they couldn't get in, couldn't  
22 get spaces?

1 MR. KARAGOUNIS: We cannot get  
2 additional. It's becoming harder and harder  
3 to get additional parking lots to operate.

4 CHAIRPERSON MILLER: But I think  
5 that you had said that there were plenty of  
6 spaces, because they always got a spot?

7 MR. KARAGOUNIS: Yes. They say  
8 that they have never seen it sold out.

9 CHAIRPERSON MILLER: And valet  
10 parkers, they don't park on the street, do  
11 they?

12 MR. KARAGOUNIS: No, no, no.

13 CHAIRPERSON MILLER: No, okay.

14 MR. KARAGOUNIS: The valet --  
15 okay, the valet parking is only the two  
16 garages that are across the street from us and  
17 right next door. There is two garages. I  
18 think they have about 130 spots, both of them  
19 combined, maybe a little bit more. I don't  
20 know how they park, because sometimes they are  
21 double parked, triple park in there, so --

22 CHAIRPERSON MILLER: Okay.

1                   MR. KARAGOUNIS: -- I mean, it's  
2 private property, so I can't -- I don't see  
3 the cars. Then you have Stadium that is a  
4 parking private lot that can fit about 65  
5 cars, I believe. That they operate on  
6 occasion. That we do not have on our map,  
7 because we don't have an agreement for the  
8 lot. It's just open whenever they want.

9                   There was another parking lot that  
10 was after the bridge towards the residences  
11 that U Street Parking -- no, that Tag B used  
12 to operate and they lost the contract. Now,  
13 the owner of the property is operating the lot  
14 himself, for instance, that is 45 cars, I  
15 think.

16                   So it's always a changing  
17 situation. I mean, you know, you can enforce  
18 as much as you can. The only thing that  
19 notifies us of a price increase or a lot not  
20 being available is the customers' complaints.  
21 I mean, I drive by all the time. They are  
22 open. They have the signs. But they don't

1 work for me, so --

2 CHAIRPERSON MILLER: Okay. And  
3 have you had complaints from neighbors about  
4 cars being parked on their streets?

5 MR. KARAGOUNIS: I'm sorry, from  
6 the neighborhood?

7 CHAIRPERSON MILLER: Yes.

8 MR. KARAGOUNIS: Personally, me,  
9 no. But -- no, I have not received any email  
10 or I haven't heard anything. I mean, I saw it  
11 in the protest, yes.

12 CHAIRPERSON MILLER: Okay. All  
13 right. Others?

14 MR. KARAGOUNIS: The break-ins in  
15 the cars, I do know for a fact, because I have  
16 seen emails and it's coming to our accounts,  
17 customers getting their cars broken into  
18 parking in various locations.

19 I don't necessarily know if it was  
20 in the neighborhood or Bladensburg Road.

21 CHAIRPERSON MILLER: Do you do  
22 anything to discourage parking in the

1 neighborhoods?

2 MR. KARAGOUNIS: Besides --

3 CHAIRPERSON MILLER: Did -- like  
4 advise --

5 MR. KARAGOUNIS: -- the Metro? I  
6 mean, you cannot tell a customer to park in a  
7 neighborhood. I personally think that most of  
8 the people that park in the neighborhoods park  
9 towards Bladensburg Road.

10 CHAIRPERSON MILLER: Yes.

11 MR. KARAGOUNIS: I would say 70  
12 percent of the traffic comes from New York  
13 Avenue and coming up on Bladensburg Road. So  
14 I don't -- there is no way you can access  
15 north of the venue, north of the nightclubs in  
16 the area after 11:00.

17 CHAIRPERSON MILLER: Okay. Mr.  
18 Alberti?

19 MEMBER ALBERTI: Hi. I don't feel  
20 the need to repeat any more here than we need  
21 to here, but just so I'm clear, you have these  
22 -- you have identified parking lots, right?

1 MR. KARAGOUNIS: Yes.

2 MEMBER ALBERTI: But The Scene,  
3 for instance, could actually direct their  
4 customers to that same lot. Is that correct?

5 MR. KARAGOUNIS: Correct, but by  
6 what means?

7 MEMBER ALBERTI: Well --

8 MR. KARAGOUNIS: By their website?

9 MEMBER ALBERTI: -- okay, it is an  
10 example. I was just -- I think it's the  
11 Holiday Inn that has a lot, all right? We  
12 heard testimony from a perspective licensee in  
13 another case where they said, oh, we have a  
14 contract to use the Holiday Inn lot. But you  
15 are telling me that you have a contract to use  
16 the Holiday Inn lot.

17 So my point is that you don't have  
18 exclusive use. They are saying, you know,  
19 we've got 200 spots for you, but you don't  
20 really know if they are for you or not. Is  
21 that true?

22 MR. KARAGOUNIS: That is true.

1 MEMBER ALBERTI: Okay.

2 MR. KARAGOUNIS: Yes.

3 MEMBER ALBERTI: I just want to  
4 make sure I understood correctly.

5 MR. KARAGOUNIS: That is true.

6 MEMBER ALBERTI: All right. Thank  
7 you.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER RODRIGUEZ: Mr. Karagounis,  
10 have you looked at the possibilities of  
11 increasing your shuttle service, your bus  
12 service? I mean, there is only so many spots  
13 for cars. Do you have in your planning, you  
14 know, contemplating using more buses?

15 MR. KARAGOUNIS: Yes, the problem  
16 with that is that the Metro closes at 3:00 in  
17 the morning. And by the time you get out of  
18 the venue to get the Metro, there is a chance  
19 that you might miss the Metro. So people tend  
20 to not use the shuttles as much as possible.

21 MEMBER RODRIGUEZ: I see.

22 MR. KARAGOUNIS: One thing that we

1 found very good for us was a couple of time we  
2 did a promotion with Uber.

3 MEMBER RODRIGUEZ: Yes.

4 MR. KARAGOUNIS: Presenting your  
5 ticket, you get \$10 off.

6 MEMBER RODRIGUEZ: Okay.

7 MR. KARAGOUNIS: New customers get  
8 \$5 off.

9 MEMBER RODRIGUEZ: Okay.

10 MR. KARAGOUNIS: That works a lot  
11 better, I think, than the establishment has.  
12 Especially, since Uber -- you have the app and  
13 you can actually tell them where to pick you  
14 up.

15 MEMBER RODRIGUEZ: Right.

16 MR. KARAGOUNIS: Because it's  
17 impossible at the end of the night to be  
18 picked up outside of the venue. You cannot  
19 come up on Bladensburg Road, so people what  
20 they do is they walk at the end of the street  
21 and they go towards the Exxon Gas Station on  
22 New York Avenue and that's where they get the

1 shuttle service or the bus or Uber or  
2 whatever.

3 Also, that's our staging area for  
4 the shuttle service for the Metro. They  
5 cannot go up and down the hill.

6 MEMBER RODRIGUEZ: All right.

7 MR. KARAGOUNIS: I know somebody  
8 said earlier, I don't remember who mentioned  
9 that they have seen buses going up and down,  
10 after 11:00, 11:30 after the street is closed,  
11 buses cannot go up and down the hill.

12 CHAIRPERSON MILLER: Okay.  
13 Anybody else? Okay. Ms. Williford, do you  
14 have questions based on Board questions?

15 MS. WILLIFORD: Yes. I'm going to  
16 be extremely pointed and precise in this.

17 There was repeat questions from  
18 the Board relating to Echostage's efforts to  
19 provide incentives or actions to encourage  
20 patrons not to park in the neighborhood. From  
21 what I understand, you are doing -- to that  
22 end, you are doing things. You are directing

1 your patrons to -- where to park by having it  
2 available on your website. Is that correct?

3 MR. KARAGOUNIS: Yes.

4 MS. WILLIFORD: Okay.

5 MR. KARAGOUNIS: That is correct.

6 MS. WILLIFORD: And you are also  
7 providing shuttle service back and forth to  
8 two different Metros as well as two parking  
9 lots. Is that correct?

10 MR. KARAGOUNIS: Correct.

11 MS. WILLIFORD: And you are also,  
12 in terms of providing a discounted amount for  
13 parking at only \$10, to encourage your patrons  
14 to park in the spot as opposed to somewhere  
15 else. Is that correct?

16 MR. KARAGOUNIS: Correct, to the  
17 furthest parking lot, 1818.

18 MS. WILLIFORD: Okay.

19 MR. KARAGOUNIS: Yes, give them an  
20 incentive to park there.

21 MS. WILLIFORD: And in addition, I  
22 just heard that you are also -- you are trying

1 creative ways to encourage people to get to  
2 and from, that would alleviate the parking,  
3 including this promotion would with Uber? Is  
4 that correct?

5 MR. KARAGOUNIS: That's correct.

6 MS. WILLIFORD: Okay. Are there  
7 any other actions that I just missed that  
8 Echostage is taking to encourage patrons to  
9 take -- have some other form of parking, not  
10 within the neighborhood?

11 MR. KARAGOUNIS: We are not doing  
12 anything else. I mean, I have visited various  
13 businesses. I'm getting no as an answer all  
14 the time.

15 Just for the record, that would --  
16 I would appreciate a little help from the  
17 neighborhood as well. I cannot force waste  
18 management service to allow people to park  
19 there. If the neighborhood were to help us  
20 persuade them to do it, it would be a lot  
21 easier for us.

22 There is a bank at the bottom of

1 the hill and they keep on saying no. That's  
2 80 spots. I mean, that solves the problem,  
3 too. They will not listen to me. I'm just  
4 another business owner. They operate within  
5 the community. Some help would go a lot -- a  
6 long way.

7 MS. WILLIFORD: Okay. And one  
8 last point. There appear to be some confusion  
9 relating to you were initially saying that  
10 your parking attendants said that there wasn't  
11 -- that there were always spots available, but  
12 then you subsequently were looking for  
13 parking, additional parking there. Is that in  
14 connection with your effort just to try to  
15 address any concerns that there could be  
16 related to parking?

17 CHAIRPERSON MILLER: I'm sorry,  
18 what's the end? Your voice dropped.

19 MS. WILLIFORD: My question is his  
20 attempts to seek additional parking venues,  
21 even though there was testimony that he  
22 provided and was provided by the Investigator

1 that there were -- that these spots that were  
2 currently -- he had agreements with were not  
3 full. Were those efforts to seek additional  
4 parking in response to a concern that there  
5 could be -- that there were parking issues  
6 that the community had?

7 MR. KARAGOUNIS: I'm responding to  
8 the needs of the community and the needs of  
9 the business. More parking is always better.  
10 And more parking, supply and demand, will  
11 force the parking lots next to me not to  
12 charge \$40 and charge \$20, for instance.

13 Nobody will park for \$40 to park  
14 right next to the venue as a VIP parking, but  
15 if they are not selling, then they have to  
16 drop their price. If I can do that by moving  
17 the people further away, not only I'm solving  
18 a huge problem for the community, but I'm  
19 solving a huge problem for me, which is  
20 parking.

21 MS. WILLIFORD: And last, there  
22 was a significant emphasis on Echostage having

1 a contract that was written and signed by the  
2 various parking entities regarding certain  
3 dates. The evidence that was presented, I  
4 believe, was -- referenced parking July 2014  
5 and before. Have you had, since Echostage has  
6 been open, agreements with parking attendants  
7 in place to secure spots?

8 MR. KARAGOUNIS: Yes. And I mean,  
9 I could pull up the agreements that date to  
10 2012. I just didn't know that this would be  
11 an issue. I do have agreements with these  
12 lots, verbal agreements. Okay. What are the  
13 spots you are providing? This is the map.  
14 They send me the map, pinpointing amount of  
15 spots and how much they would be charging for  
16 the spots, so we can put them on the website.  
17 The reference is for website use.

18 MS. WILLIFORD: Thank you. No  
19 further questions.

20 CHAIRPERSON MILLER: Ms. Butler?

21 CROSS-EXAMINATION

22 MS. BUTLER: Good evening. You

1 stated in your testimony that you have engaged  
2 waste management and other nearby  
3 establishments regarding parking on their  
4 property and they did not agree to that  
5 because of liability issues?

6 MR. KARAGOUNIS: That is correct.

7 MS. BUTLER: Do you know what  
8 those liabilities could be?

9 MR. KARAGOUNIS: Yes, the waste  
10 management because it, I think it is, has some  
11 kind of an agreement, it's a DC-based operated  
12 facility. The Government wouldn't give  
13 permission, that's what they told me. I mean,  
14 I'm dealing with managers.

15 The cement company, the manager on  
16 duty wouldn't even shake my hand to talk to  
17 me. I mean, he said listen, no, we don't want  
18 to deal with this liability.

19 We did mention that these  
20 companies have \$10 to \$15 million liability  
21 insurances, but they don't care. The cement  
22 company thinks it's some big company they are

1 operated nationwide. They don't care about  
2 \$2,000 or \$3,000 rental a month.

3 The bank is a smaller business.  
4 They had a liability issue. And they did  
5 mention that if the parking lot is full, then  
6 their customers, none of them, cannot park to  
7 go to the ATM machine. So if the lot is  
8 empty, I'm sure you have seen it, too. It's  
9 always empty.

10 Budweiser Anheiser Busch that is  
11 on Bladensburg Road, liability issue. There  
12 is liquor inventory. There is trucks. They  
13 don't want to hit anything. They don't want  
14 any incidents. Who else?

15 MS. BUTLER: That's okay.

16 MR. KARAGOUNIS: I told you about  
17 Douglas Development. They have some kind of  
18 agreement with the current landlord of the  
19 establishing the land, so they cannot use it  
20 as a parking lot while it is being developed.

21 By the way, that Walmart facility,  
22 Douglas Development has over 1,000 parking

1 spots designated for the businesses, because  
2 it will be commercial/residential. They told  
3 me they have over 1,000, but that won't happen  
4 for an extra four years.

5 That part of the build-out would  
6 be commercial/residential, movie theater,  
7 restaurants in the bottom of the hill, which  
8 is amazing. And we could potentially use  
9 that, because U Street will be operating  
10 there. U Street and Tag B will be operating  
11 the facilities for that. But I have to wait  
12 until they are done building.

13 MS. BUTLER: So would it be safe  
14 to say that the majority of the businesses in  
15 the area do not want to engage in parking for  
16 the patrons?

17 MR. KARAGOUNIS: That is correct.

18 MS. WILLIFORD: I would object  
19 just because him opining upon what is a  
20 majority of the businesses --

21 MR. KARAGOUNIS: They won't just  
22 go and --

1 MS. BUTLER: He stated -- did you  
2 state that --

3 CHAIRPERSON MILLER: There is an  
4 objection that is being made. Go ahead.

5 MS. WILLIFORD: The witness talked  
6 about specific conversations that he had.

7 CHAIRPERSON MILLER: Right.

8 MS. WILLIFORD: I think that  
9 that's appropriate testimony for him for the  
10 additional questions --

11 CHAIRPERSON MILLER: You think  
12 it's speculative?

13 MS. WILLIFORD: Yes.

14 CHAIRPERSON MILLER: Okay. Yes, I  
15 don't think we should get into this. I'm not  
16 going to allow speculative questions. Okay.

17 MS. BUTLER: When you engaged with  
18 these establishments, they did not want to  
19 enter into an agreement, correct?

20 MR. KARAGOUNIS: That is correct.

21 MS. BUTLER: Okay.

22 MR. KARAGOUNIS: Not with me, with

1 the valet companies.

2 MS. BUTLER: For parking?

3 MR. KARAGOUNIS: The agreement  
4 would be with the valet companies for parking.

5 MS. BUTLER: For parking for --

6 MR. KARAGOUNIS: Yes.

7 MS. BUTLER: -- your patrons?

8 MR. KARAGOUNIS: That is correct.

9 MS. BUTLER: Okay. Have you  
10 spoken with the ANC in the area?

11 MR. KARAGOUNIS: Have I  
12 personally? No.

13 MS. BUTLER: Yes. Have you --

14 MS. WILLIFORD: I would object.  
15 This is going beyond the scope.

16 CHAIRPERSON MILLER: Okay. What's  
17 the relevance?

18 MS. BUTLER: Well, I'm saying --

19 CHAIRPERSON MILLER: Where are you  
20 going? This is based on Board questions, at  
21 this point.

22 MS. BUTLER: Okay.

1 CHAIRPERSON MILLER: So and it's  
2 7:47.

3 MS. BUTLER: Right.

4 CHAIRPERSON MILLER: So --

5 MS. BUTLER: I'm going on his  
6 testimony. I'm just -- he stated that he  
7 engaged the businesses in -- surrounding the  
8 area regarding parking because of safety. If  
9 he is going to engage the businesses, I'm  
10 asking if he is engaging the community.

11 CHAIRPERSON MILLER: No.

12 MS. WILLIFORD: I object.

13 CHAIRPERSON MILLER: I know.

14 Right. You are going off on a track. This is  
15 limited cross right now based on the Board's  
16 questions.

17 MS. BUTLER: You also stated that  
18 the Metro closes at 3:00 a.m. and customers do  
19 not use the shuttle, correct?

20 MR. KARAGOUNIS: As much as I  
21 would like them to, yes, that is correct.

22 MS. BUTLER: So can we assume or

1 do you believe that the shuttles are being  
2 fully utilized?

3 MS. WILLIFORD: Objection. It's  
4 speculative.

5 CHAIRPERSON MILLER: What's the  
6 question? Don't ask him to assume anything.  
7 Do you have a question --

8 MS. BUTLER: Well --

9 CHAIRPERSON MILLER: -- about his  
10 knowledge about the shuttle?

11 MS. BUTLER: -- I will strike that  
12 from -- all right. You stated that the  
13 customers do not use the shuttle because the  
14 Metro closes at 3:00 a.m.

15 MS. WILLIFORD: Asked and  
16 answered.

17 MR. KARAGOUNIS: No, I was  
18 responding to a specific question. The  
19 question was do you think that you could  
20 increase the amount of shuttle buses that --

21 MS. BUTLER: He stated --

22 CHAIRPERSON MILLER: Wait. Let

1 him answer the question. Go ahead.

2 MR. KARAGOUNIS: So the question  
3 was by you, Mr. Board Member --

4 CHAIRPERSON MILLER: Rodriguez.

5 MR. KARAGOUNIS: -- was do you  
6 think that you could have more shuttle buses  
7 to service your location? And I said I don't  
8 think so because even the ones that we have,  
9 they are never fully occupied when they go  
10 back and forth.

11 How many people do they transport  
12 a night? I don't have an exact number, but I  
13 have asked the companies and the told me  
14 anywhere from 100 to 300 people.

15 CHAIRPERSON MILLER: Okay.

16 MR. KARAGOUNIS: I don't know how  
17 they keep track of that, but that's what they  
18 told me.

19 MS. BUTLER: No further questions.

20 CHAIRPERSON MILLER: Okay. Do you  
21 have redirect? No. Good. Okay. So I think  
22 that that concludes your testimony. Thank you

1 very much.

2 MR. KARAGOUNIS: Thank you.

3 CHAIRPERSON MILLER: Okay.

4 MS. WILLIFORD: Okay. Thank you.

5 MEMBER RODRIGUEZ: Can't use  
6 bikes, right?

7 CHAIRPERSON MILLER: So I think we  
8 are ready for any closing, starting with the  
9 applicant.

10 MS. WILLIFORD: I wanted to thank  
11 the Board for your time and attention to this.  
12 This has been five hours of testimony that  
13 hopefully has supported our initial request  
14 that there has been nothing here to indicate  
15 requests to renew Echostage's license without  
16 any further restrictions.

17 You know, we have gone through  
18 five hours and we are still unclear, frankly,  
19 regarding what the protestants seek in  
20 connection with their protest here.

21 We do know that there have been  
22 generally issued raised relating to noise,

1 litter and parking generally and I just want  
2 to address each one of those.

3           With respect to noise, the  
4 evidence that has been shown so far: There  
5 was a noise study conducted where they showed  
6 no violations. There was no discussion of  
7 amplified noise being heard when doors are  
8 closed, which is the type of noise that is  
9 regulated by ABRA, and noise from patrons who  
10 may or may not be from Echostage, which was  
11 testified here.

12           The sound of a voice is not  
13 something that Echostage can -- would be able  
14 to control nor that ABRA governs.

15           In addition, there was discussion  
16 regarding litter. The evidence show shown  
17 both from the Investigator and those that have  
18 testified that Echostage has been committed to  
19 helping with litter.

20           In particular, there was a lot of  
21 discussion regarding Adopting a Block and  
22 efforts taken to clean up there, as well as

1 Echostage maintaining a cleaning crew for the  
2 block to clean up before and after the venue  
3 is due.

4 In addition, there was references  
5 to safety that was addressed. The evidence  
6 showed that Echostage hired MPD police  
7 officers to help with vehicle traffic and they  
8 also show that they had two EMTs on staff.

9 Perhaps the most significant focus  
10 on this has to do with parking. And the  
11 information, the testimony that we have heard  
12 from protestants was from one individual, Ms.  
13 Odunsi, who testified that she lived across  
14 the road from -- and testified that when she  
15 was at her home, occasionally she would not  
16 have parking available. She particularly  
17 referenced Friday nights.

18 She could not tell whether the  
19 parking was on nights that Echostage was open  
20 or was not open. The only thing that she knew  
21 was that she thought that it came from the  
22 area where Echostage was, which is also the

1 area where The Scene and the Stadium Club was.

2 She could not say specifically  
3 what dates there were that it happened, but we  
4 do know from the calendar that there are  
5 several Fridays where Echostage is not open  
6 and she cannot notice a distinction between  
7 days in which Fridays were open -- when  
8 Echostage was open and Echostage wasn't, but  
9 it had effect on traffic. That was the test--  
10 the line of inquiry from Board Member Alberti.  
11 And she just was not able to provide insight  
12 on that.

13 So from that testimony there, we  
14 also have testimony on the other side from the  
15 Investigator, which I think is extremely  
16 important where he testified this is the area  
17 that he monitored more so than anything else.  
18 And he, himself, said that he did not see a  
19 parking issue or concern with this area.

20 And this testimony was supported  
21 by both -- extensively by the owner, Mr.  
22 Karagounis, who walked through the steps that

1 were taken in connection with parking,  
2 recognizing that when there are three  
3 establishments there, there could be a large  
4 crowd that comes to Echostage.

5 But Echostage takes practice steps  
6 in terms of advertising in advance on its  
7 website what the parking options are,  
8 providing discounted parking options where  
9 people can actually purchase parking in  
10 advance of coming there. There are shuttles  
11 to and from the furthest parking lot. There  
12 is also shuttles to and from the Metro.

13 In addition, there was testimony  
14 about patrons using Uber and taxis to get to  
15 and from the establishment. And the testimony  
16 has been that Echostage has gone -- is  
17 constantly looking at ways in which to address  
18 this parking situation.

19 It was acknowledging that it is  
20 fluid in terms of, you know, on certain nights  
21 there are certain types of crowds and that  
22 people travel to and from the venue. Because

1 of that, it calls for a fluid situation in  
2 terms of responses.

3 And Echostage has shown that they  
4 are working with the MPD to address those in  
5 a fluid manner. And there is no indication  
6 from their past two years of action that they  
7 will do anything different. This is not a  
8 brand new establishment that has something yet  
9 to be proved.

10 This is an establishment that has  
11 been around for two years where they have  
12 constantly been working with the MPD to come  
13 up with solutions that would accommodate both  
14 its patrons as well as the neighborhood in  
15 terms of parking.

16 The same with vehicle safety,  
17 which was raised as a concern. The evidence,  
18 as shown through the testimony of Mr. de Moya,  
19 that Echostage has been working with the  
20 Metropolitan Police Department to help figure  
21 out ways to help the flow of traffic and to  
22 come up with solutions that would address the

1 concerns that were slightly raised during this  
2 hearing.

3 And so again, reasserted the idea  
4 of a fluid situation is necessary. And it's  
5 important to say that, because the Board is  
6 thinking about solutions for what to do and  
7 address here. The idea of having some sort of  
8 agreement that attaches to the license which  
9 sets out conditions to a fluid situation that  
10 addresses parking or traffic would arguably be  
11 difficult here, because what would that --  
12 what would those conditions actually say?

13 I respectfully submit that the  
14 more -- that an approach here would be look at  
15 Echostage's track record in terms of what they  
16 have done so far. Who they have been working  
17 with. The efforts that have, basically, been  
18 -- have gone there, have been uncontested here  
19 about the efforts that Echostage has made to  
20 try to find mechanisms for parking and to try  
21 to address the vehicle safety.

22 And hopefully this Board can trust

1 Echostage to continue to do that as they have  
2 done in the past years.

3 In addition to that, I would be  
4 remiss if I didn't bring up the testimony  
5 regarding Echostage taking affirmative steps  
6 to give back to the community. There was  
7 testimony about it partnering with MPD to host  
8 a Youth Summer Jam, while partnering with the  
9 Women's Way Organization to host a Christmas  
10 party for the community -- for children of  
11 incarcerated parents.

12 There was also testimony about  
13 them donating the venue for the Montiford  
14 Point Marines to honor the local Marines in  
15 the area.

16 Again, all great efforts that  
17 Echostage has taken in order to really show  
18 its commitment to the community and it is  
19 committed to doing that going forward.

20 We respectfully submit that there  
21 has not been any evidence to support  
22 Echostage's license being renewed without any

1 further restrictions. We do think that the  
2 evidence both by the Investigator and also  
3 provided by our witnesses, Mr. Karagounis and  
4 Mr. de Moya, show a history of compliance,  
5 show a history of good acts and attempts to  
6 work through this very fluid process in a way  
7 that benefits all.

8 And we respectfully request that  
9 you look at the abundance of testimony on  
10 file, dismiss the protest and order the  
11 renewal of Echostage's license without any  
12 limitations or conditions. Thank you.

13 CHAIRPERSON MILLER: Okay. Thank  
14 you.Okay.

15 MR. KARAGOUNIS: Thank you.

16 CHAIRPERSON MILLER: Ms. Butler?

17 MS. BUTLER: Good evening. Thank  
18 you. I would like to say thank you to the  
19 Board for taking your time out today to hear  
20 the testimonies from both parties here.

21 I am here to represent residents  
22 in the Woodridge community, who have had valid

1 issues and concerns about the activities that  
2 have occurred as a result of the events at  
3 Echostage.

4 We have heard from the applicant  
5 that there are some parking issues. They have  
6 engaged owners of abutting businesses who have  
7 not -- who are not willing to take on the  
8 liability of the events that may occur with  
9 their patrons parking on their property.

10 We have also heard from the  
11 applicants that patrons are also parking in  
12 the residential area. We have also heard from  
13 the applicant that some of his patrons have  
14 written to him in regards to car break-ins in  
15 the area, surrounding area.

16 We have also heard from the  
17 Investigator that there has been noise that he  
18 has experienced or overhead noise from the  
19 establishment.

20 We are here to say that we would  
21 like to be able to enter into an agreement.  
22 We would like to be able to say that Echostage

1 has been a good steward to the community and  
2 that they have heard our concerns.

3 And we would just like the Board  
4 to know that to grant this licensee -- I'm  
5 sorry, this applicant a license without any  
6 restrictions, would not do justice to the  
7 community, as there are valid concerns from  
8 the residents in the surrounding area. Thank  
9 you.

10 CHAIRPERSON MILLER: Okay. Thank  
11 you. All right. At this point, I'm going to  
12 close the record, unless there is any last  
13 minute -- okay.

14 Do parties wish to file proposed  
15 findings of fact and conclusions of law or  
16 waive your right to do so?

17 MS. WILLIFORD: We would waive  
18 that.

19 CHAIRPERSON MILLER: Okay.

20 MS. BUTLER: That's fine.

21 CHAIRPERSON MILLER: You would  
22 waive also?

1 MS. BUTLER: Yes.

2 CHAIRPERSON MILLER: Okay. All  
3 right. Then the Board will consider this in  
4 closed deliberation and I'll take a vote on  
5 that. And then we will issue an order within  
6 90 days in writing.

7 As Chairperson of the Alcoholic  
8 Beverage Control Board for the District of  
9 Columbia and in accordance with Section 405 of  
10 the Open Meetings Amendment Act of 2010, I  
11 move that the ABC Board hold a closed meeting  
12 on Case No. 13-PRO-00174, Echostage, for the  
13 purpose of seeking legal advice from our  
14 counsel per Section 405(b)(4) of the Open  
15 Meetings Amendment Act of 2010, and  
16 deliberating upon this case for the reasons  
17 cited in Section 405(b)(13) of the Open  
18 Meetings Amendment Act of 2010.

19 Is there a second?

20 MEMBER RODRIGUEZ: Second.

21 CHAIRPERSON MILLER: Mr. Rodriguez  
22 has seconded the motion. I'll now take a roll

1 call vote on the motion before us now that it  
2 has been seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Mr.

8 Rodriguez?

9 MEMBER RODRIGUEZ: I agree.

10 CHAIRPERSON MILLER: Ms. Miller  
11 agrees.

12 Mr. Short?

13 MEMBER SHORT: I agree.

14 CHAIRPERSON MILLER: Mr. Jones?

15 MEMBER JONES: I agree.

16 CHAIRPERSON MILLER: Okay. It  
17 appears that the motion has passed by a 6-0-0  
18 vote.

19 I hereby give notice that the ABC  
20 Board will hold this closed meeting in the ABC  
21 Board conference room pursuant to the Open  
22 Meetings Amendment Act of 2010 and issue an

1 order within 90 days.

2 Okay. Thank you.

3 MS. WILLIFORD: Thank you.

4 MS. BUTLER: Thank you.

5 CHAIRPERSON MILLER: Have a good  
6 night. You all --

7 MEMBER RODRIGUEZ: You do this all  
8 the time.

9 CHAIRPERSON MILLER: You all will  
10 get to hear the President.

11 MS. WILLIFORD: Oh, yes, I forgot  
12 about it. At 9:00, right?

13 CHAIRPERSON MILLER: 9:00, yes.

14 MS. WILLIFORD: Yes.

15 CHAIRPERSON MILLER: I don't know  
16 if we will. I don't think so.

17 MS. WILLIFORD: Yes, yes.

18 CHAIRPERSON MILLER: Okay. All  
19 right. So this hearing is concluded. And the  
20 Board is going to recess and come back, I  
21 believe, to do its agenda in a little while.

22 MS. WILLIFORD: Thank you.

1 MEMBER RODRIGUEZ: Thank you.

2 CHAIRPERSON MILLER: Thank you.

3 MEMBER ALBERTI: Good night and  
4 thank you.

5 CHAIRPERSON MILLER: I thought we  
6 were going to make four hours at one point.  
7 Okay.

8 MEMBER RODRIGUEZ: Do we keep any  
9 of this stuff?

10 CHAIRPERSON MILLER: Yes. This is  
11 a really good map.

12 MEMBER RODRIGUEZ: That's a good  
13 map.

14 CHAIRPERSON MILLER: Yes.  
15 Actually, it is an exhibit though when we are  
16 discussing the case.

17 (Whereupon, the Protest Hearing in  
18 the above-entitled matter was concluded at  
19 8:02 p.m.)

20  
21  
22

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