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P R O C E E D I N G S

12:25 p.m.

MR. STERN: The government would next move on to Case 14-CMP-00110. In that case, the government's evidence will show that the establishment violated their Settlement Agreement, by allowing excessive noise, which could be heard from outside the establishment, which was prohibited by the Security Agreement. Investigator, were you at New York New York Diva on March 20th, 2014?

MR. SUERRO: Yes, sir, I was.

MR. STERN: And would that be approximately 12:11 a.m.?

MR. SUERRO: It was after that, yes, sir.

MR. STERN: Okay. And why were you there?

MR. SUERRO: Approximately 12:11 a.m. on March the 20th, the Alcoholic Beverage Regulation Administration received

1 a telephone call from a citizen through our  
2 hotline, regarding noise that was coming  
3 from New York New York Diva, located 2406 -  
4 2408 18th Street Northwest from a citizen who  
5 resides at 2410 18th Street Northwest.  
6 Myself and Investigator Shawn Townsend  
7 responded to that complaint.

8 MR. STERN: Okay. And what is it  
9 that you observed when you responded to that  
10 location?

11 MR. SUERRO: We met with the  
12 citizen who resides at 2410 on the third  
13 floor. She was concerned about the level of  
14 sound that she could hear from her  
15 apartment. As we were there, I could also  
16 hear from her apartment a very loud bass  
17 sound, even a drummer. It was extremely  
18 loud. I should say that her residence  
19 shares a wall obviously with 2408 and which  
20 is part of New York New York Diva.

21 MR. STERN: Were you able to  
22 identify where that sound was coming from?

1                   MR. SUERRO: From my being there,  
2 the scene, it clearly was coming from New  
3 York New York Diva. And I went there to  
4 confirm that.

5                   MR. STERN: And what was causing  
6 this sound?

7                   MR. SUERRO: It was, as I said, a  
8 drummer and very loud music and a bass sound  
9 that you could, it was shaking the floor  
10 pretty much.

11                  MR. STERN: Okay. And in the  
12 course of your investigation, did you review  
13 the Settlement Agreement that the  
14 establishment was working under?

15                  MR. SUERRO: I did.

16                  MR. STERN: And did anything in  
17 the Settlement Agreement raise concerns for  
18 you, regarding what you found at the  
19 establishment on that date?

20                  MR. SUERRO: New York New York  
21 Diva's Settlement Agreement specifically  
22 says that they cannot allow sound from their

1 establishment to be heard outside of their  
2 establishment. And as we walked from the  
3 2410 address to New York New York Diva you  
4 could clearly hear the music coming from  
5 their establishment, even though the door  
6 was closed. It was extremely loud.

7 MR. STERN: Okay. Did you speak  
8 with the owner of the establishment  
9 regarding the music?

10 MR. SUERRO: Upon entering New  
11 York New York Diva, we made contact with Mr.  
12 Khan, who was at the establishment. I  
13 advised him of the nature of why we were  
14 there and also I brought to his attention  
15 how loud the sound was. He agreed that it  
16 was very loud. He explained that he had the  
17 same Go Go Band on that night that he has  
18 regularly on those particular nights. And I  
19 can't recall the day of the week it was.  
20 And I asked him if he had his Settlement  
21 Agreement and he said he did have it. I  
22 directed his attention to the particular

1 section that explains his commitment to the  
2 issue of noise, and he agreed that obviously  
3 that it was a problem.

4 MR. STERN: Thank you.

5 MR. SUERRO: You're welcome.

6 MR. STERN: I want to show you  
7 what I have marked as Government's Exhibit  
8 G-4 and ask if you can identify what that  
9 is.

10 MR. SUERRO: This is the  
11 Investigative Report that I prepared  
12 reference to the issue that happened on  
13 March 20th, 2014 at New York New York Diva  
14 located 2406-2408 18th Street, Northwest,  
15 Washington, D.C.

16 MR. SUERRO: And is a copy of the  
17 Settlement Agreement attached to that?

18 MR. SUERRO: It would be in this  
19 history. Yes, sir, it is. That's this  
20 right here.

21 MR. STERN: Thank you. I move  
22 Government's Exhibit G-4 into evidence.

1 That's all the questions I have.

2 MS. MILLER: Okay, board  
3 questions?

4 MR. RODRIGUEZ: Investigator  
5 Suerro, thank you for providing your  
6 testimony.

7 MR. SUERRO: Thank you, sir.

8 MR. RODRIGUEZ: You were there  
9 after the fight was over, right?

10 MR. SUERRO: Yes, sir.

11 MR. RODRIGUEZ: Right. And so  
12 were you able to talk to the head P.D, the  
13 police?

14 MR. SUERRO: Reference to the  
15 fight issue, yes, sir.

16 MR. RODRIGUEZ: Right. And it  
17 sounds like, you know, this kind of fight  
18 sounds like an old cowboy movie, you know,  
19 where everybody's punching at each other.  
20 But it's interesting though, I'm still  
21 curious about the nature of the fight.  
22 That, you know, it's over 50 people engaged

1 in a fight in this place and there doesn't  
2 seem to be any corroboration whether it was  
3 gang or it was just, you know, a spontaneous  
4 kind, everybody's throwing punches at  
5 everybody. And I'm kind of curious about  
6 this. What did the police say?

7 MR. SUERRO: The sergeant who got  
8 my attention and asked me to come to the  
9 establishment, came inside with me. Advised  
10 me that there was approximately 50 people  
11 fighting, as you can see, it's a confine  
12 space.

13 MR. RODRIGUEZ: Yes, sir.

14 MR. SUERRO: Which makes it quite  
15 dangerous for everyone. There was no  
16 indication from my conversation with the  
17 officers that this was gang related. It  
18 just was a lot of people involved in an  
19 altercation. There was even no indication  
20 as to what initiated the altercation. We  
21 just don't know.

22 MR. RODRIGUEZ: My second is with

1 the marijuana, there always seemed to be a  
2 problem with marijuana in this place.

3 MR. SUERRO: Consistently.

4 MR. RODRIGUEZ: So has the MPD  
5 investigate whether it was being sold out of  
6 the place? Because it seemed to be always  
7 marijuana connected with this place.

8 MR. SUERRO: I wouldn't have any  
9 knowledge about their investigation  
10 reference to any drug activity at that  
11 location.

12 MR. RODRIGUEZ: Okay, I was just  
13 curious. Thank you.

14 MR. SUERRO: You're welcome.

15 MS. MILLER: Okay, any other  
16 questions? Any follow up questions? Thank  
17 you, very much.

18 MR. SUERRO: You're welcome.

19 MR. STERN: Thank you.

20 (Whereupon the above case was  
21 concluded at 12:32 p.m.)

22

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:15,21  able 3:21 7:12  <b>ABRA</b> 1:22  activity 9:10  address 5:3  <b>Administration</b>  2:22  <b>advised</b> 5:13 8:9  <b>agreed</b> 5:15 6:2  <b>Agreement</b> 2:7,10  4:13,17,21 5:21  6:17  <b>ALBERTI</b> 1:16  <b>Alcoholic</b> 1:2,12,12  2:21  <b>allow</b> 4:22  <b>allowing</b> 2:7  <b>altercation</b> 8:19,20  <b>apartment</b> 3:15,16  <b>approximately</b>  2:15,20 8:10  <b>asked</b> 5:20 8:8  <b>attached</b> 6:17  <b>attention</b> 5:14,22  8:8</p>	<p>closed 5:6  <b>COLUMBIA</b> 1:1  <b>come</b> 8:8  <b>coming</b> 3:2,22 4:2  5:4  <b>commitment</b> 6:1  <b>complaint</b> 3:7  <b>concerned</b> 3:13  <b>concerns</b> 4:17  <b>concluded</b> 9:21  <b>confine</b> 8:11  <b>confirm</b> 4:4  <b>connected</b> 9:7  <b>Consistently</b> 9:3  <b>contact</b> 5:11  <b>Control</b> 1:2,12,12  <b>conversation</b> 8:16  <b>copy</b> 6:16  <b>corroboration</b> 8:2  <b>course</b> 4:12  <b>cowboy</b> 7:18  <b>CR</b> 1:8  <b>curious</b> 7:21 8:5  9:13</p>	<p>4:14,19 5:1,2,5,8  5:12 8:9  <b>everybody</b> 8:5  <b>everybody's</b> 7:19  8:4  <b>evidence</b> 2:5 6:22  <b>excessive</b> 2:7  <b>Exhibit</b> 6:7,22  <b>explained</b> 5:16  <b>explains</b> 6:1  <b>extremely</b> 3:17 5:6</p>	<p>9:9  <b>Investigative</b> 6:11  <b>Investigator</b> 1:22  2:10 3:6 7:4  <b>involved</b> 8:18  <b>issue</b> 6:2,12 7:15</p>	<p style="text-align: center;"><b>N</b></p> <p><b>N</b> 2:1  <b>N.W</b> 1:13  <b>nature</b> 5:13 7:21  <b>New</b> 2:11,11 3:3,3  3:20,20 4:2,3,20  4:20 5:3,3,10,11  6:13,13  <b>NICK</b> 1:16  <b>night</b> 5:17  <b>nights</b> 5:18  <b>noise</b> 2:8 3:2 6:2  <b>Northwest</b> 3:4,5  6:14  <b>NW</b> 1:7  <b>NY</b> 1:7,7</p>
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<p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:1  <b>call</b> 3:1  <b>case</b> 1:9 2:4,5 9:20  <b>Cause</b> 1:7  <b>causing</b> 4:5  <b>Chairperson</b> 1:13  1:15  <b>citizen</b> 3:1,4,12  <b>clearly</b> 4:2 5:4</p>	<p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1  <b>engaged</b> 7:22  <b>entering</b> 5:10  <b>establishment</b> 2:6,9</p>	<p style="text-align: center;"><b>G</b></p> <p><b>G</b> 2:1  <b>G-4</b> 6:8,22  <b>gang</b> 8:3,17  <b>Go</b> 5:17,17  <b>government</b> 2:3  <b>government's</b> 2:5  6:7,22</p>	<p style="text-align: center;"><b>K</b></p> <p><b>Khan</b> 5:12  <b>kind</b> 7:17 8:4,5  <b>know</b> 7:17,18,22  8:3,21  <b>knowledge</b> 9:9</p>	<p style="text-align: center;"><b>L</b></p> <p><b>level</b> 3:13  <b>License</b> 1:8  <b>LLC</b> 1:6  <b>located</b> 3:3 6:14  <b>location</b> 3:10 9:11  <b>lot</b> 8:18  <b>loud</b> 3:16,18 4:8  5:6,15,16</p>
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