

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF:	:
	:
319 Lounge, LLC	:
t/a Sky Lounge	: Fact Finding
913 U Street NW	: Hearing
License #93041	:
Retailer CT	:
ANC 1B	:
New Application	:
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October 24, 2013

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

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MICHAEL SILVERSTEIN, Member

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

(4:22 p.m.)

CHAIRPERSON MILLER: Good afternoon. Sorry to keep you waiting. Our last hearing went longer than expected. Okay, I'm going to call the case of Sky Lounge, located at 913 U Street Northwest, License Number 93041, ANC 1B.

(Pause)

Okay, I just wanted to check. Sometimes in our fact-finding hearings we have investigators, but not in this case. All right, would you start with identifying yourselves for the record please?

MR. KLINE: Yes. I'm here, Andrew Kline, representative of the applicant.

MS. PARKER: Kyara Parker.

MR. SCHWAPP: Kevin Schwapp.

CHAIRPERSON MILLER: Okay, and you're the applicant on the application at issue, Ms. Parker, and sir, can you identify your relation to this case?

1 MR. SCHWAPP: I'm the general
2 manager for the establishment.

3 MR. KLINE: Mr. Schwapp is the one
4 that will actually be running the
5 establishment on a day-to-day basis.

6 CHAIRPERSON MILLER: Okay. So
7 this is a fact-finding, and once in a while we
8 ask the applicant to go under oath. And as is
9 related to questions in the application which
10 you attest to be true, we want to put you
11 under oath today. Just you, just the
12 applicant.

13 MS. PARKER: Okay.

14 CHAIRPERSON MILLER: Okay, do you
15 swear to tell the truth, the whole truth and
16 nothing but the truth?

17 MS. PARKER: Yes.

18 CHAIRPERSON MILLER: Okay, thank
19 you. All right, so we have a few questions
20 about your application. And we'll just start
21 with that it appears to us that you're fairly
22 young --

1 MS. PARKER: Yes.

2 CHAIRPERSON MILLER: -- and that
3 you have identified, I think, yourself as the
4 only owner of this establishment. So I just
5 want to ask you some basic questions to begin
6 with.

7 What is your educational
8 background that has prepared you to undertake
9 this ownership of the establishment?

10 MS. PARKER: I graduated from
11 Johnson C. Smith University in Charlotte,
12 North Carolina in 2012.

13 CHAIRPERSON MILLER: And what did
14 you major in?

15 MS. PARKER: Criminology.

16 CHAIRPERSON MILLER: Criminology?

17 MS. PARKER: Yes.

18 CHAIRPERSON MILLER: Okay. And
19 have you had a job since then?

20 MS. PARKER: Yes, security.

21 CHAIRPERSON MILLER: Security?
22 What do you mean?

1 MS. PARKER: Security officer.

2 CHAIRPERSON MILLER: Security
3 officer. And where were you a security
4 officer?

5 MS. PARKER: Pinkerton Government
6 Services in Columbia, Maryland.

7 CHAIRPERSON MILLER: Okay. And do
8 you live in Columbia, Maryland?

9 MS. PARKER: I live in Laurel,
10 Maryland.

11 CHAIRPERSON MILLER: You live in
12 Laurel, Maryland. What's your address in
13 Laurel, Maryland?

14 MS. PARKER: 409 Marshall Court
15 Apartment F, Laurel, Maryland 20707.

16 CHAIRPERSON MILLER: And how long
17 have you lived there?

18 MS. PARKER: Over ten years.

19 CHAIRPERSON MILLER: Okay. And do
20 you live there by yourself?

21 MS. PARKER: I live with my
22 mother.

1 CHAIRPERSON MILLER: And it
2 appears as though you're the only owner, so
3 are you solely funding this establishment?

4 MS. PARKER: My grandmother's
5 going to loan me the money.

6 CHAIRPERSON MILLER: Okay. She's
7 going to loan you the money after the
8 application is approved?

9 MS. PARKER: Yes.

10 CHAIRPERSON MILLER: Okay. And
11 Mr. Schwapp here is going to be the manager?

12 MS. PARKER: Yes.

13 CHAIRPERSON MILLER: Okay. Have
14 you identified any other employees such as
15 chefs?

16 MS. PARKER: Not yet. Not yet.

17 MR. KLINE: If I may, just to
18 short circuit so we're clear as to where we
19 are, a lease has been entered into. It's
20 completely contingent upon approval of the
21 license. So in terms of making any other
22 plans to operate, it would be premature when

1 this application's actually been pending as a
2 nonsubstantial change transfer since August
3 1st.

4 So other than that I would not,
5 and the Board could certainly inquire, but I
6 wouldn't expect that there would be any other
7 employees that would have been identified at
8 this stage.

9 CHAIRPERSON MILLER: Maybe, Mr.
10 Kline, so we're talking about the lease, maybe
11 I'll just ask you this question.

12 MR. KLINE: Yes.

13 CHAIRPERSON MILLER: It seems
14 unusual but maybe it's not, maybe you do this.
15 That it says "This lease copied out at only
16 for licensing purposes at D.C. ABRA."

17 MR. KLINE: Oh. Okay, sure. I
18 can address that.

19 CHAIRPERSON MILLER: Okay.

20 MR. KLINE: A little background on
21 the space is the Board is aware, because I
22 understand from ABRA's director that this is

1 one of the issues in terms of this is
2 originally approved, there was a 405.1, it
3 didn't go forward.

4 The current owner of the property
5 had a previous tenant that had entered into a
6 lease arrangement, applied for a license.
7 That deal did not go forward. It is my
8 understanding that the landlord then, a fellow
9 by the name of Mike Johanden and his brother
10 then took transfer of the license. They then
11 entered into this arrangement.

12 The original lease is in escrow
13 with an attorney by the name of Mark Raddatz.
14 He was Mr. Johanden's attorney. They wanted
15 it to be crystal clear that this deal was not
16 firm until such a time as the license has been
17 transferred and did not want to release
18 original copies of the lease.

19 To me it was unusual too. I mean,
20 I really hadn't experienced that but that was
21 what they wanted to do, to do the deal, and
22 they wanted to make it clear that there is no

1 final deal until such a time as the license
2 transfer has been approved.

3 So he's holding the original
4 leases in escrow. Assuming the license
5 transfers, upon final approval then those will
6 be released. But you have a true copy of what
7 it is that he's holding in escrow.

8 CHAIRPERSON MILLER: Okay, thank
9 you for explaining that. So let me get back
10 to just the other that it did seem a little
11 bit unusual that a 23 year old is the only
12 owner of this establishment.

13 I mean, can you address that how
14 it is that you came into owning this or will
15 be owning this? How did you, not just that
16 your grandmother is giving you the money, but
17 that you are actually taking on this
18 responsibility?

19 MS. PARKER: Well, I mean, I
20 always wanted to do something like this ever
21 since I was young, and the opportunity came to
22 me so I didn't want to pass it up. I always

1 wanted to own my own business and I think I
2 could do it even if I am young.

3 I could start at the bottom and
4 work my way up slowly with his help. He has
5 20 years of experience in this business and he
6 can help guide me and he can help teach me the
7 way of how to do things and run things. I
8 mean, I think with his help I can make it
9 work.

10 CHAIRPERSON MILLER: How did the
11 opportunity come to you?

12 MS. PARKER: Just me going out one
13 night with friends on U Street. I saw the
14 sign in the building, I made a phone call, and
15 I was interested in it.

16 CHAIRPERSON MILLER: Okay, but you
17 --

18 MR. KLINE: And her family, I mean
19 let's be clear. Her family has been in the
20 business and she basically grew up in the
21 business, which is where I think the desire
22 comes from.

1 CHAIRPERSON MILLER: Oh, what is
2 your family's experience in the business?

3 MS. PARKER: My dad, he owned a
4 lot of clubs earlier in the years ever since
5 I was younger, and I just always liked that.

6 CHAIRPERSON MILLER: Do we know,
7 are those clubs still around?

8 MS. PARKER: Not anymore. They
9 were DC Live, H2O, VIP Club, Platinum.

10 CHAIRPERSON MILLER: Okay. Did
11 you ever work in any of those clubs?

12 MS. PARKER: No. I worked at the
13 Lux Lounge for a little bit. Like, I have a
14 bartender license so I did some of that for a
15 while, and I used to work at the front door
16 collecting the money. But that's it.

17 CHAIRPERSON MILLER: Oh, you did.
18 Okay. How old were you when you did that?

19 MS. PARKER: 21.

20 CHAIRPERSON MILLER: Okay. So do
21 you have -- oh, Mr. Kline made reference to,
22 you know, your family has been in the

1 business, but what are the names of your, is
2 it your father, your mother?

3 MS. PARKER: My dad.

4 CHAIRPERSON MILLER: Your dad.
5 What's his name?

6 MS. PARKER: Abdul Khanu.

7 CHAIRPERSON MILLER: Okay. But
8 you live in Laurel?

9 MS. PARKER: Yes, I live with my
10 mom.

11 CHAIRPERSON MILLER: You live with
12 your mom in Laurel, okay. Do you have any
13 residence in the District of Columbia?

14 MS. PARKER: My grandmother.

15 CHAIRPERSON MILLER: Your
16 grandmother. Do you live with her some of the
17 time?

18 MS. PARKER: Yes, I stay with her
19 sometimes.

20 CHAIRPERSON MILLER: What's her
21 address?

22 MS. PARKER: 4808 3rd Street

1 Northwest, Washington, D.C. 20011.

2 CHAIRPERSON MILLER: Okay.

3 MS. PARKER: Apartment 4.

4 CHAIRPERSON MILLER: Okay. And
5 what is your email address?

6 MS. PARKER: akhanu@aol.com.

7 CHAIRPERSON MILLER: Okay. I
8 think that in your application, you know, I'm
9 asking some of these questions because in your
10 application there's actually different
11 addresses. It looks like you have a D.C., a
12 drivers license with a D.C. address.

13 MS. PARKER: 4808?

14 CHAIRPERSON MILLER: Yes. So
15 which is your residency?

16 MS. PARKER: Grandmother. But,
17 you know, on weekends and sometimes during the
18 week I stay with my mom.

19 CHAIRPERSON MILLER: Okay, but
20 your legal residence is the D.C. residence?

21 MS. PARKER: 4808, yes.

22 CHAIRPERSON MILLER: Okay. And

1 your grandmother that you're speaking of, is
2 that your mother's mother or your father's
3 mother?

4 MS. PARKER: My mother's mother.

5 CHAIRPERSON MILLER: And does your
6 mother work as well?

7 MS. PARKER: Yes.

8 CHAIRPERSON MILLER: What does she
9 do?

10 MS. PARKER: She is a hairstylist.

11 CHAIRPERSON MILLER: What,
12 hairstylist?

13 MS. PARKER: Yes.

14 CHAIRPERSON MILLER: Okay. I'm
15 going to let some other Board members ask some
16 questions, if they have some, right now.

17 Do other Board members? Oh yes,
18 Mr. Jones?

19 MEMBER JONES: Thank you, Madam
20 Chair. So I just want a kind of a better
21 understanding of what your dream is. What's
22 your vision for this establishment? How do

1 you plan on, what's your theme? What audience
2 are you catering to? What's your approach?

3 MS. PARKER: We're catering to 21
4 and up. The location's U Street so it's a lot
5 of traffic. Everyone comes down there. It's
6 never empty down there so that's a good
7 location.

8 It's three floors. It's the
9 rooftop, the main floor, then the basement.
10 I want to do, we're going to have DJs on all
11 three floors, bars on all three floors. A
12 sushi bar on the main floor with a sushi chef,
13 and since there's a rooftop I was going to do
14 a hookah bar.

15 A lot of people love sushi. A lot
16 of people love hookah. TVs for people who
17 want to watch sports. It's going to be a nice
18 chilled lounge.

19 MEMBER JONES: So like a lounge-
20 type environment, 21 and up, but your target
21 market would be 21 to 35, 21 to 30?

22 MS. PARKER: Anyone, 21 and up.

1 MEMBER JONES: No, I'm sorry. So
2 you're not going to restrict anyone from
3 entry, I get that. So I'm 80 years old, I can
4 show my ID, I can get into your place if it's
5 my kind of crowd. But in terms of your target
6 market, like --

7 MS. PARKER: Oh yes.

8 MEMBER JONES: Like your
9 demographic that you'd be shooting for would
10 be in the 21 to 35 range?

11 MS. PARKER: Right.

12 MEMBER JONES: Okay. All right.
13 You mentioned DJs on all three floors. What
14 type of music, what type of entertainment
15 would you be providing or trying to facilitate
16 through this location?

17 MS. PARKER: All types of music.
18 Hip hop, R&B, soul, pop.

19 MEMBER JONES: No opera?

20 MS. PARKER: No opera.

21 MEMBER JONES: Okay. So any go-
22 go?

1 MS. PARKER: Maybe like go-go
2 bands, but not a DJ playing go-go regular.

3 MEMBER JONES: Okay, understood.
4 And do you have any idea what the size of your
5 establishment? How many people are you
6 planning on being able to get in this place?

7 MS. PARKER: Well, it's about
8 3,000 square feet, so I would say, I don't
9 know.

10 MEMBER JONES: Okay. All right,
11 so you mentioned sushi, you mentioned hookah.
12 So I'm assuming two of your revenue streams
13 would be the sale of food, i.e., sushi, and
14 the sale of hookah for those that indulge.

15 MS. PARKER: Right.

16 MEMBER JONES: And what other
17 revenue streams do you envision for your
18 establishment?

19 MS. PARKER: Can you elaborate?

20 MEMBER JONES: Yes. So you're in
21 this business to make money, right?

22 MS. PARKER: Right.

1 MEMBER JONES: I know it's a
2 dream. It's a wonderful thing and you think
3 you'd be good at it. But when it's all said
4 and done this is a business and a for-profit
5 business, so you're trying to make some coin,
6 make some dollars, right?

7 So one of your mechanisms for
8 making money is the sale of sushi, right. You
9 buy it a certain price, you pay somebody to
10 prepare it for a certain price and then you
11 sell it at some price, and you can make a
12 profit on it by that delta between the price
13 of what you sell it at and the cost of you
14 preparing it and buying the food. So that
15 goes into your kitty at some point, right, to
16 your bank account.

17 So that's a revenue stream. What
18 are your other possible revenue streams?
19 You're going to sell hookah. So there's a
20 cost to buy the hookah, to get the equipment,
21 have tables for people to sit at, et cetera,
22 but you're selling it at a certain price so

1 that you can make money on that aspect of it.
2 So that's another one of your revenue streams.

3 What's another possible revenue
4 stream that you're looking at for your
5 establishment? For example, would you be
6 charging a cover charge, so people have to pay
7 to get in at the door?

8 MS. PARKER: Right.

9 MEMBER JONES: Okay. Any others?

10 MS. PARKER: The bar.

11 MEMBER JONES: The bar.

12 MS. PARKER: Right.

13 MEMBER JONES: Sale of alcohol.

14 MS. PARKER: Right.

15 MEMBER JONES: All right. So
16 would you consider that to be one of your
17 primary revenue streams?

18 MS. PARKER: Yes.

19 MEMBER JONES: It would be?

20 MS. PARKER: Yes.

21 MEMBER JONES: Okay. Do you have
22 any experience with running an establishment

1 where the primary revenue stream is coming
2 from the sale of alcohol and you're providing
3 entertainment?

4 MS. PARKER: No, I don't. But
5 that's why I have him as the general manager
6 because he has that experience.

7 MEMBER JONES: All right. And how
8 did you come to be connected with this
9 gentleman to your left?

10 MS. PARKER: Well, I've known him
11 ever since I was a little girl. He's like an
12 uncle to me. So we've been close basically
13 since I was a little girl.

14 MEMBER JONES: Little girl, okay.
15 So he's like an uncle to you but he's not your
16 uncle?

17 MS. PARKER: Right.

18 MEMBER JONES: Okay. So when you
19 came up with this concept and you had this
20 idea, you saw the vacant building or whatever
21 you saw on U Street, you called and expressed
22 interest, and how did you make the connection

1 then to decide to want to hire this gentleman
2 as your general manager?

3 MS. PARKER: Well, he just --

4 MEMBER JONES: Well, let me ask
5 you this way. Is this something that you've
6 talked about with him before?

7 MS. PARKER: Right.

8 MEMBER JONES: Okay, got it. So
9 walk me through that process. So how have you
10 solidified the nature of your relationship and
11 how have you made the determination your
12 relationship was going to go going forward?

13 Is he eventually going to get some
14 type of equity interest in your establishment?
15 Like, what's his come-up? What's his way to
16 gain from this relationship? Is he just going
17 to get a salary?

18 MS. PARKER: That and others. I
19 don't know. Like, because this is my first
20 being in this type of situation so I don't
21 really know all the answers to your questions.

22 MEMBER JONES: Fair enough. I'm

1 just looking at it, it's a large sum of money
2 --

3 MS. PARKER: Right.

4 MEMBER JONES: -- right, which is
5 at risk in the beginning of this business,
6 this process. So I want to have an
7 understanding. That part of it, I can be
8 honest with you. You can go out here today
9 and toss up \$150,000, wouldn't faze me one
10 bit. That's your money.

11 My concern is the nature of the
12 establishment that you're running is going to
13 be catering to a crowd that is by your own
14 statement in terms of your business model are
15 going to be consuming alcohol, and that's
16 where it becomes our concern. And I'll say
17 specifically for me, my concern.

18 So I'm trying to get a good sense
19 from you as to how you came to this conclusion
20 and how you're going to manage this
21 establishment to ensure the safety of the
22 citizens of the District of Columbia, both

1 your patrons and both those innocent
2 bystanders on the street. So I'm trying to
3 figure out how you're planning to operate your
4 establishment and how you came to identify
5 this man that you're putting a lot of faith
6 in, is going to be running your establishment.

7 And therefore, when I ask you that
8 question, you're in turn turning me to him and
9 he's going to need to be able to tell me how
10 he's going to ensure the safety of the
11 patrons. But guess what, he's not on the
12 license, you are.

13 MS. PARKER: Right.

14 MEMBER JONES: So I need to be
15 clear that you're understanding the dynamic of
16 the relationship that you have with this
17 gentleman that you're putting your faith in.
18 That's why I'm asking these questions.

19 MS. PARKER: Well, as termed as
20 when you say the serving of alcohol and the
21 safety of the citizens, there is going to be
22 security for people who try to consume too

1 much alcohol to escort them out. I came to
2 this decision with him through my dad which
3 he's known for many, many years. He
4 recommended me, him. And like I said before,
5 he has a lot of experience and he knows more
6 than I do.

7 MEMBER JONES: Okay. That makes
8 more sense. So your dad who's been in the
9 business, had been in the business for a
10 while, made a recommendation that you should
11 probably work with this gentleman over here to
12 your left, and that this gentleman should
13 probably be the general manager for your
14 establishment that you're buying and that
15 you're applying for a license for. Okay. And
16 just to be clear, your father is Abdul Khanu?

17 MS. PARKER: Yes.

18 MEMBER JONES: Okay. Are you
19 currently employed? Do you currently have a
20 job?

21 MS. PARKER: Yes, I do.

22 MEMBER JONES: All right. Where

1 do you work?

2 MS. PARKER: Pinkerton Government
3 Services as a security officer.

4 MEMBER JONES: Okay. So you still
5 work there. Do you plan on continuing to work
6 there?

7 MS. PARKER: No. I plan on, if
8 this goes well I plan on leaving that
9 establishment and focusing my time on this.

10 MEMBER JONES: Trying to learn a
11 business?

12 MS. PARKER: Right.

13 MEMBER JONES: Okay. Do you plan
14 on taking a salary from your business?

15 MS. PARKER: At some point.

16 MEMBER JONES: At some point.

17 Okay, so do you have an anticipated projection
18 as to when you think that some point would be?

19 Would it be after the first year? Okay, so
20 you'd be in a position where you're
21 sustainable because you can either live with
22 your mother or live with your grandmother

1 during that time period. So you're prepared
2 to make that sacrifice for this business.

3 MS. PARKER: Right.

4 MEMBER JONES: Okay. All right,
5 what's the nature of your relationship,
6 business relationship with this gentleman?

7 MS. PARKER: By business
8 relationship? He's the general manager of the
9 establishment.

10 MEMBER JONES: Okay, is your plan
11 to enter into an employee-employer
12 relationship or is he at some point going to
13 be a partner?

14 MS. PARKER: Partner.

15 MEMBER JONES: Okay, so at some
16 point you plan to make him some type of
17 partner in your LLC?

18 MS. PARKER: Yes.

19 MEMBER JONES: Okay. Do you have
20 any idea when that time period is? Is it once
21 this gets approved?

22 MS. PARKER: Yes, once this gets

1 approved, maybe a year from now, a couple
2 months from now. I'm not sure right now.

3 MEMBER JONES: Okay. And at that
4 time, would he at any point have controlling
5 interest?

6 MS. PARKER: Possibly.

7 MEMBER JONES: Possibly? Okay, so
8 that's something that's been discussed.
9 That's on the table, it's in play. Okay, all
10 right. Fair enough. I think that's all the
11 questions I have for now, Madam Chair.

12 CHAIRPERSON MILLER: Okay. Who
13 else? Mr. Alberti?

14 MEMBER ALBERTI: Well, I guess I
15 just want to follow up on some of the
16 questions that Mr. Jones has asked. So Mr.
17 Schwapp's going to be working there initially
18 but he won't be a partner, so what's his
19 compensation?

20 MS. PARKER: What do you mean?

21 MEMBER ALBERTI: Well, you work
22 for Pinkerton. You get paid. You get a

1 paycheck. You get an hourly rate, you get a
2 salary. That's your compensation for working
3 at Pinkerton. What's Mr. Schwapp's
4 compensation for, he's working for you, right?

5 MS. PARKER: Yes.

6 MEMBER ALBERTI: So what's his
7 compensation?

8 MS. PARKER: Hourly. He'll be
9 running the business from opening until
10 closing. He's going to be doing everything.

11 MEMBER ALBERTI: He gets an hourly
12 wage?

13 MS. PARKER: I guess, salary.

14 MEMBER ALBERTI: You don't know
15 though.

16 MS. PARKER: Salary.

17 MEMBER ALBERTI: So if he were to
18 become a partner, what would that depend on?
19 What would be the parameters that would tip
20 that scale that would make you decide to make
21 him a partner?

22 MS. PARKER: Well, I trust him. I

1 don't have no reason to doubt him. I know
2 that he has a lot of experience. He's owned
3 his own club in the past. So I'm not really
4 worried about --

5 MEMBER ALBERTI: Okay, but I'm
6 looking just, because that's knowledge you
7 have now and based on that knowledge alone you
8 could make a decision whether to make him a
9 partner or not.

10 So there must be something else,
11 some other information, some other experience,
12 monetary and how the business is going, how
13 he's performing, some other hook that's going
14 to say, yes, come on in, be a partner, or make
15 him decide that, you know, do you have any
16 idea what would make him decide whether to be
17 a partner? Because once he becomes a partner
18 there's certain monetary risks, I guess,
19 there.

20 MS. PARKER: Right.

21 MEMBER ALBERTI: Because he's no
22 longer getting paid by you, whatever it's, I'm

1 not sure whether it's hourly rate or salary,
2 because I wouldn't think, I got that you
3 weren't sure. So how do you decide if he
4 becomes a partner?

5 MR. KLINE: I think it's fair to
6 say at this point --

7 MEMBER ALBERTI: No, Mr. Kline.
8 Mr. Kline, I think this is a fair question for
9 her.

10 MR. KLINE: Well, I understand.

11 MEMBER ALBERTI: So I'd like her
12 to answer it.

13 MR. KLINE: Well, I'm not sure it
14 is, because I think it's pretty clear at this
15 point that, I mean you have the operating
16 agreement. There's no agreement in place for
17 him to become a partner at this point.

18 So the thought that maybe someday
19 he will become a partner, and then in terms of
20 well, what are the terms of that deal, it's
21 not a fair question. Because it seems pretty
22 clear to me that there isn't any deal in

1 place. So to ask what the deal is when it
2 seems clear there isn't a deal at this point -
3 -

4 MEMBER ALBERTI: Well, I'm not
5 asking what the deal is. I'm asking what
6 factors, and this is for her as well. What
7 factors would you be looking at to make that
8 decision?

9 When I make a decision there's
10 different factors that go into, when I'm going
11 to cook dinner one of the main factors is how
12 much time I have and what's in my
13 refrigerator. I can't tell you right now
14 what's in my refrigerator and I can't tell you
15 how much time I'm going to have tomorrow to
16 decide whether I'm going to have dinner, but
17 I can tell you what goes into my decision to
18 make dinner.

19 What would go into your decision
20 as to whether he would become a partner?

21 MS. PARKER: His performance on
22 how well he runs the management aspect.

1 MEMBER ALBERTI: Okay, thank you.

2 CHAIRPERSON MILLER: Yes, Mr.

3 Jones?

4 MEMBER JONES: So just to follow
5 up. How long have you had this relationship
6 with this gentleman here to your left in terms
7 of this specific business opportunity, this
8 specific business venture?

9 MS. PARKER: Six months.

10 MEMBER JONES: Six months, okay.
11 How involved were you in the application
12 process? Did you complete the whole
13 application or did you turn that over to him?

14 MR. KLINE: My office completed
15 the application.

16 MEMBER JONES: Your office
17 completed the application. All right.

18 MR. KLINE: Based on the
19 information that we were given, correct.

20 MEMBER JONES: Based on
21 information you were given by?

22 MR. KLINE: Ms. Parker.

1 MEMBER JONES: Ms. Parker, okay.

2 So the address information that you used in
3 there, that was given to you by Ms. Parker?

4 MR. KLINE: Yes.

5 MEMBER JONES: Okay. The
6 occupancy, seats, that information was given
7 you by Ms. Parker?

8 MR. KLINE: Yes.

9 MEMBER JONES: Okay.

10 MR. KLINE: Let me correct that.
11 It was either given to us by Ms. Parker or it
12 was taken from the previous application.
13 Because it was intended that this be a
14 nonsubstantial change transfer.

15 MEMBER JONES: Okay.

16 MR. KLINE: So we certainly did
17 not want to bury what the Board had previously
18 approved with respect to this application.

19 MEMBER JONES: Okay. Did your
20 client sign the application?

21 MR. KLINE: To the best of my
22 knowledge, yes.

1 MEMBER JONES: Okay. So Ms.
2 Parker, when you signed this application did
3 you review it and were you comfortable that
4 the information presented and contained in
5 this application was accurate?

6 MS. PARKER: Yes.

7 MEMBER JONES: Okay. Besides the
8 actual form for application, the supporting
9 documentation submitted with this, was this
10 your office, Mr. Kline, that submitted the
11 supporting documentation with the application?

12 MR. KLINE: I'm not sure
13 specifically what you're referring to, but we
14 compiled the application and submitted it.

15 MEMBER JONES: Okay. I guess I'm
16 just confused a little bit. There's an IRS
17 tax form that was submitted.

18 MR. KLINE: Yes.

19 MEMBER JONES: Was that submitted
20 by your office with the application or as part
21 of the application process?

22 MR. KLINE: Yes. We obtained it

1 from the client and submitted. We obtained it
2 from Ms. Parker and submitted it with the
3 application.

4 MEMBER JONES: Okay. And Ms.
5 Parker, are you familiar with the address
6 that's on the application?

7 MR. KLINE: On the --

8 MEMBER JONES: I'm sorry, on the
9 IRS form that was submitted in conjunction
10 with the application.

11 MS. PARKER: Yes.

12 MEMBER JONES: It's confusing
13 because it doesn't seem to match to any of the
14 addresses that you previously noted as your
15 place of residence. So it doesn't match the
16 Laurel address or the D.C. address.

17 I was just curious as to, is this
18 a business address that you set up
19 specifically for the operation of this LLC?

20 MS. PARKER: It's my grandmother's
21 address.

22 MEMBER JONES: That's your

1 grandmother's address?

2 MS. PARKER: My dad's mother.

3 MEMBER JONES: Your dad's mother's
4 address? Okay. How did that come to be tied
5 in with this application? I'm just kind of
6 confused.

7 MS. PARKER: Because she's the one
8 who's going to loan me the money to start
9 this.

10 MEMBER JONES: Oh, so it's a
11 different grandmother than the one that's in
12 Laurel?

13 MS. PARKER: That's in D.C.

14 MEMBER JONES: That's in D.C. So
15 your mother's in Laurel.

16 MS. PARKER: Yes.

17 MEMBER JONES: Your grandmother, I
18 guess on your mother's side, is in --

19 MS. PARKER: D.C.

20 MEMBER JONES: -- D.C.

21 MS. PARKER: Right.

22 MEMBER JONES: And your

1 grandmother on your father's side is this
2 address?

3 MS. PARKER: Yes.

4 MEMBER JONES: That's a lot of
5 address, okay. Got it. All right, and that's
6 the one that's loaning you, the mother?

7 MS. PARKER: Yes.

8 MEMBER JONES: So the mother of
9 Abdul Khanu is loaning you the money to start
10 this establishment.

11 MS. PARKER: Yes.

12 MEMBER JONES: Okay, got it. All
13 right. So would that also be the reason for
14 why that address is the address in the lease?

15 MS. PARKER: Yes.

16 MEMBER JONES: Okay. And so why
17 is your grandmother's address the address that
18 you use for the business as opposed to one of
19 the two addresses that you said you lived at?

20 MS. PARKER: Because she's the one
21 who's giving me the money.

22 MEMBER JONES: Oh, okay. So does

1 she have an interest in it? Like, what's the
2 nature of your relationship with her from a
3 business standpoint? Are you signing a loan
4 agreement with her?

5 MS. PARKER: I'm not signing
6 anything with her. I just told her what I
7 wanted to do and she was on board and supports
8 me, so --

9 MEMBER JONES: Are you familiar
10 with the lease?

11 MS. PARKER: Yes.

12 MEMBER JONES: Yes? Okay. How
13 comfortable are you with the lease terms?

14 MS. PARKER: Comfortable.

15 MEMBER JONES: You are, all right.
16 Are you familiar with the rent requirements?

17 MS. PARKER: Yes.

18 MEMBER JONES: Okay. What does it
19 call for in terms of, how did you come to the
20 arrangement in terms of the escalation in your
21 rent? Is that industry standard? Like, was
22 that reviewed by the gentleman to your left?

1 MR. KLINE: No, I negotiated the
2 lease.

3 MEMBER JONES: You negotiated the
4 lease. Okay. So why are you comfortable with
5 the lease?

6 MR. KLINE: Why am I comfortable
7 with it?

8 MEMBER JONES: Yes, based on your
9 conversations with your client and how she
10 projected or planned to operate her business,
11 how did you come to be comfortable that this
12 is was a good lease term for her to operate
13 this business at?

14 MR. KLINE: Well, you've asked me
15 two questions, one of which gets to the nature
16 of the attorney-client relationship which I'm
17 not going to answer. But in terms of the
18 lease, the lease is consistent with my
19 experience of over 30 years of doing this
20 stuff. There isn't anything unusual about the
21 lease.

22 MEMBER JONES: So I'll ask your

1 client. In your business planning, how have
2 you accounted for the terms associated with
3 your rent in your business plan? How do you
4 think you're going to make money? How do you
5 think you're going to turn a profit? Are you
6 going to operate at a loss for the first three
7 years and then start to break even and then
8 start to make money?

9 MS. PARKER: What do you mean a
10 loss?

11 MEMBER JONES: So your expenses
12 would be more than your revenue.

13 MS. PARKER: Yes.

14 MEMBER JONES: Yes? So your plan
15 is to operate at a loss for the first three
16 years then break even and then start making
17 profit, yes?

18 MS. PARKER: That sounds about
19 right.

20 CHAIRPERSON MILLER: Ms. Parker,
21 if you don't know the answer to any of these
22 questions you can say that.

1 MS. PARKER: Okay.

2 CHAIRPERSON MILLER: You can say,
3 I really haven't thought all of that through
4 yet.

5 MS. PARKER: Okay.

6 CHAIRPERSON MILLER: Just in case
7 that might be your answer. Okay.

8 MEMBER JONES: So the basis for
9 this is, there's some concern there from my
10 standpoint in that often we have applicants
11 that may come in that have lofty goals, lofty
12 dreams, but they get in a little over their
13 head. And then when they start getting in
14 over their head they start cutting corners.
15 They start compromising themselves and thus
16 start breaking ABRA law. Whether it's
17 intentional or not there's some compromises
18 that are made there.

19 So I just want to understand what
20 your plan is. If your plan calls for you to
21 operate at a loss given the terms associated
22 with your lease as well as the other

1 activities that you have going on, then that
2 shows me that you thought that through, you're
3 comfortable with it and you're prepared, i.e.,
4 you have some reserves of cash that you can
5 call upon that will allow you to get through
6 those first three years, or you recognize the
7 fact that you need to have those reserves to
8 call upon to get you through those first three
9 years so that you don't start compromising
10 yourself or your licensed establishment in a
11 manner that jeopardizes the safety of the
12 citizens of the District of Columbia.

13 So that's the reason why I'm
14 asking these questions, to see where you are
15 and see how prepared you are for these
16 eventualities. Does that make sense? Are you
17 comfortable with that? Do you understand
18 where I'm coming from?

19 MS. PARKER: Yes.

20 MEMBER JONES: Okay, cool. Thank
21 you. Madam Chair, I'm fine for now.

22 CHAIRPERSON MILLER: Okay. Others?

1 Mr. Brooks?

2 MEMBER BROOKS: Yes, just one
3 quick question. Ms. Parker, if we were to
4 grant you a license how soon would you be able
5 to be open after you receive that license?

6 MS. PARKER: Maybe a couple
7 months. I mean, it's not going to take that
8 long because everything's already in place.
9 We just have to, like, put the floors in and
10 maybe paint a little bit and put, like, the
11 bar's already set up.

12 So it would need like a back bar,
13 a sink, stuff like that. The bathroom's
14 already set. All you need is the toilets and
15 the sink. It's not that much to do.

16 MEMBER BROOKS: So do you have a
17 kitchen?

18 MS. PARKER: There's no kitchen.

19 MEMBER BROOKS: There's no kitchen
20 at all?

21 MS. PARKER: It's not enough space
22 for a kitchen.

1 MEMBER BROOKS: Okay. And the
2 employees, do you have an idea how you're
3 going to bring them on board or is that the
4 responsibility of your general manager?

5 MS. PARKER: I'm not sure about
6 that yet.

7 MEMBER BROOKS: All right. Thank
8 you, Madam Chair.

9 CHAIRPERSON MILLER: Okay, Mr.
10 Alberti?

11 MEMBER ALBERTI: So have you
12 identified a contractor for whatever work
13 needs to be done? I mean you've applied for
14 a license. You're going to be, you know, it
15 could be granted any day, so I would assume
16 that you might have some idea of who would be
17 doing that work for you. Have you identified
18 a contractor? When do you think you would be
19 able to identify someone?

20 MS. PARKER: Maybe in the next
21 month or so.

22 MEMBER ALBERTI: The next month or

1 so. Any idea how long it would take them to
2 do that work?

3 MS. PARKER: Well, it wouldn't
4 take that long. I'm going to say a month at
5 least.

6 MEMBER ALBERTI: It wouldn't take
7 that long, a month at least.

8 MS. PARKER: I don't think that's
9 long.

10 MEMBER ALBERTI: Well, I know.
11 I'm not judging whether it's long or not. So
12 a month and a half to identify a contractor,
13 and at least a month to do the build-out. Is
14 that correct?

15 MS. PARKER: Yes. Well, I didn't
16 say it was going to open in two months. I
17 said, you asked me when will it be ready. I
18 said a couple of months. That could mean two,
19 three.

20 MEMBER ALBERTI: Okay.

21 MS. PARKER: Maybe. I'm trying to
22 get it before the summer, get everything going

1 before the summer. At least if not before the
2 summer then by the summer.

3 MEMBER ALBERTI: By next summer.

4 MS. PARKER: Yes, so '14.

5 MEMBER ALBERTI: And just out of
6 curiosity in following up with your
7 relationship with Mr. Schwapp, now I think
8 your final answer was a salary for Mr.
9 Schwapp.

10 MS. PARKER: I didn't say that was
11 my final answer.

12 MEMBER ALBERTI: Oh, okay. So
13 what is it? So is he hourly, is he salary?
14 How's he going to be compensated?

15 MS. PARKER: I said a salary.

16 MEMBER ALBERTI: Okay, salary.

17 MS. PARKER: You did say hourly.

18 MEMBER ALBERTI: Oh, I said. I'm
19 sorry, excuse me. I apologize. So do you
20 have a contract with him?

21 MS. PARKER: Yes.

22 MEMBER ALBERTI: No contract.

1 MS. PARKER: I said yes.

2 MEMBER ALBERTI: Yes?

3 MS. PARKER: Yes.

4 MEMBER ALBERTI: Okay, so you do
5 have a contract with him. Okay. Would you be
6 willing to share that with appropriately
7 redacted information? Like, I really don't
8 need to know how much he's getting paid, but
9 I think it would be interesting to see the
10 terms of that contract. Any problem with that
11 Mr. Kline?

12 MR. KLINE: I don't think so. But
13 what I would like to do is explore this a
14 little bit. Because I think we can get a more
15 complete picture with some questions from me,
16 when I'm sitting here like as one of my
17 colleagues in the profession said "a potted
18 plant."

19 And I would like to ask some
20 questions of both Ms. Parker and Mr. Schwapp
21 which I think will make this a little clearer
22 in terms of where we are. I mean the Board's

1 certainly free to ask questions and I have not
2 interrupted.

3 But I would like to have an
4 opportunity to flesh this out at this point.
5 Because I think we've gone far down a road and
6 haven't really had an opportunity to ask any
7 questions which might elucidate more clearly
8 as to where we are.

9 CHAIRPERSON MILLER: Okay. I just
10 want to ask a question before you get into
11 that though.

12 MR. KLINE: Sure.

13 CHAIRPERSON MILLER: No, I just
14 want to have the address thing clear. So
15 Bowie is where your father's mom is, Laurel is
16 where your mother lives, and the D.C. address
17 is your own place or what? I forget.

18 MS. PARKER: My grandmother --

19 CHAIRPERSON MILLER: Your other
20 grandmother.

21 MS. PARKER: -- on my mother's
22 side.

1 CHAIRPERSON MILLER: Grandmother
2 on your --

3 MS. PARKER: My mother's mother.

4 CHAIRPERSON MILLER: On your
5 mother's side. Okay.

6 Well, you can --

7 MR. KLINE: May I proceed?

8 CHAIRPERSON MILLER: Yes. That
9 might clear up all these addresses.

10 MR. KLINE: All right. Ms.
11 Parker, in entering into this business
12 arrangement, have you relied pretty heavily on
13 Mr. Schwapp?

14 MS. PARKER: Yes.

15 MR. KLINE: All right. In terms
16 of your living arrangement, you move around
17 between your grandmother and your mother?

18 MS. PARKER: Yes.

19 MR. KLINE: And isn't it true that
20 your father's mother in terms of an address is
21 most stable for you?

22 MS. PARKER: Yes.

1 MR. KLINE: Is that why you gave
2 that address in terms of the notices and the
3 lease?

4 MS. PARKER: Yes.

5 MR. KLINE: Okay. Now you've
6 thought about doing this for quite some time?

7 MS. PARKER: Yes.

8 MR. KLINE: And you've indicated
9 that you had spoken to Mr. Schwapp about doing
10 this over a period of time, correct?

11 MS. PARKER: Yes.

12 MR. KLINE: And he's like an uncle
13 to you, is that what you said?

14 MS. PARKER: Yes.

15 MR. KLINE: All right. May I
16 question Mr. Schwapp at this point?

17 CHAIRPERSON MILLER: Sure. Yes.

18 MR. KLINE: All right, will you
19 state your name please?

20 MR. SCHWAPP: Kevin Schwapp.

21 MR. KLINE: All right. And would
22 you describe your relationship with Ms. Parker

1 to the Board?

2 MR. SCHWAPP: I've known her
3 father for many years and thus because of the
4 industry. I'm also in the
5 nightclub/restaurant business. I've owned my
6 own business for years and I know how it
7 functions.

8 MR. KLINE: Okay, and of the two
9 of you, has she shared with you her desire to
10 open this establishment or to open a
11 establishment?

12 MR. SCHWAPP: Yes, she has.

13 MR. KLINE: And what's been your
14 involvement in terms of the development of the
15 establishment?

16 MR. SCHWAPP: Firstly, to calm
17 her. I'm trying to get her to understand the
18 seriousness of having a business. Oh, Uncle
19 Kevin, I want to open a nightclub. I want to
20 open a nightclub, is generally what she said,
21 thus, you know, the approach she has right
22 now.

1 The funds that she's getting from
2 her grandmother is actually stipulated with my
3 involvement. That's the stipulation that her
4 grandmother gave. I got a call. I agreed to
5 do this. A lot of the nuances have not been
6 ironed out. We have to get the license in her
7 name.

8 I am going to be the one to sort
9 of structure the whole scheme of employment,
10 employees, programming. Right now she's
11 really still in the stage of "I want to own a
12 nightclub."

13 So a lot of the questions that you
14 asked for the details, and she's trying to do
15 her best because she wants to qualify, is of
16 terms that she learned from me. You know,
17 profit and loss. What is the difference in
18 margin? What are your expected sales? How
19 long will you operate, you know, without
20 profit? You know, profit sharing, we have not
21 discussed me being a partner, really. She
22 doesn't know exactly what that means to her.

1 Now if she's breaching or
2 perjuring herself, she doesn't quite
3 understand that. The economics of business to
4 her is going to be, she's a criminal major,
5 criminologist or --

6 MS. PARKER: Criminologist.

7 MR. SCHWAPP: Criminologist,
8 that's her major. Coming to business now it's
9 a whole different terminology. And I'm pretty
10 sure if we were to ask her questions in the
11 field that she's most versed in she would
12 excel, okay.

13 I am the prongs of this entity.
14 I've owned my own place for 20 years and I
15 recently gave it up this year. It gives me an
16 opportunity where, actually, she wanted me to,
17 I'm available.

18 And this is not what I want to do
19 because I probably have other businesses that
20 I'm going to do, but right now she's my focus.

21 MR. KLINE: And Mr. Schwapp,
22 you've indicated that you've owned a business

1 for 20 years. Will you tell the Board about
2 that business and what your experiences were
3 in that business and the type of business, and
4 give them some of your background please.

5 MR. SCHWAPP: Well, for 26 years I
6 was, for six of the 26 years I was a college
7 promoter. Twenty of the last years of my life
8 have been invested in my own business. I
9 owned the Legend Restaurant and Nightclub in
10 Temple Hills, Maryland. This year, April the
11 2nd, I gave it up. It's for sale now. The
12 property's for sale and everything.

13 So with that dislodgement, over a
14 20-year period, in 19 years I've never had but
15 one violation. So I am familiar with all the
16 laws. That they're not really duplicated from
17 Maryland to D.C., but it's within realm of
18 civilized.

19 I've been open six days in a week,
20 average. Even in the midst of my own place
21 doing six days a week, I was doing promotional
22 things in D.C. at other clubs that were not

1 able to thrive. Many of the clubs that were
2 just mentioned.

3 I think I've done a party at her
4 father's club once, but I've done parties at
5 Copa Loca's, Insomnia, Lotus, Josephine, a
6 lot of these events. When clubs have not been
7 able to kick-start, I would say, a particular
8 night, I'm usually the man.

9 So I've been involved behind the
10 scenes in this industry for many, many years.
11 And I think I bring a world of experience and
12 I can lead her down the right path. I can
13 ensure that the safety of the people of the
14 District of Columbia as it relates to kind of
15 the liquor license will be done responsibly.
16 It's not, oh, I want a nightclub to me. It's
17 a business. It's a business that has to be
18 responsibly run.

19 MR. KLINE: And what's your
20 commitment to this? Because several Board
21 members or at least one Board member raised,
22 well, okay, she's the licensee, you're the

1 general manager. What's your commitment at
2 this point in terms of this establishment so
3 that the Board could be comfortable that it
4 will be run in a manner that will not
5 adversely affect the public interest? What
6 kind of commitment have you given?

7 MR. SCHWAPP: I'm a one-man show.
8 I micromanage, especially since the recession.
9 But before, my first three years in business
10 I did everything, called chief cook and
11 bottlewasher. So I have that hands-on
12 experience.

13 There's nothing in this business
14 that if you really want to survive that you
15 should be adverse to. You should be able to
16 do everything. So I've had my TAMs training,
17 security training for what details, what is
18 required for how many men for every 75 people
19 within crowd control. I've done all that
20 training.

21 So as it is relative to this
22 business I'll be doing this 24/7 until -- my

1 guidelines are what is really my next personal
2 business? Right now this is my next personal
3 business that I'll be working with her, not
4 for her, really. I'm just helping her.

5 (Off microphone comments)

6 MR. KLINE: That's all I have.

7 CHAIRPERSON MILLER: Thank you.

8 That was great. Okay, so you're going to be
9 mentoring her. It sounds terrific, okay.

10 (Off microphone comments)

11 CHAIRPERSON MILLER: Okay. Yes,
12 Mr. Alberti?

13 MEMBER ALBERTI: Just real quick,
14 fascinating. So Ms. Parker's lucky to have
15 you obviously. I mean this is just my
16 curiosity, so how do you know her grandmother?
17 I mean, her grandmother recommended you, is
18 that correct?

19 MR. SCHWAPP: Because of her
20 father. Her father and I -- she wants to be
21 independent. Is that the term?

22 MS. PARKER: Yes.

1 MR. SCHWAPP: She has a passion.
2 There are two things that are controlling in
3 she has a passion to do this -- oh, I want a
4 nightclub like my dad. But she wants to prove
5 this can be done on her own. But she can't do
6 it on her own.

7 MEMBER ALBERTI: Okay, and you
8 know her father from?

9 MR. SCHWAPP: The industry.

10 MEMBER ALBERTI: From the
11 industry. From the clubs he owned or --

12 MR. SCHWAPP: From six years
13 before he entered --

14 (Off microphone comments)

15 MR. SCHWAPP: -- godfather of this
16 industry.

17 MEMBER ALBERTI: Thanks.

18 CHAIRPERSON MILLER: Okay, any
19 other questions? All right. Well, thank you
20 very much for coming down and sharing all that
21 information with us. We appreciate it. Best
22 of luck. Okay.

1 MR. KLINE: If I may inquire, I
2 mean, I want the Board to know. We typically
3 tell our clients on the attempt for
4 application six to eight weeks which has been
5 our experience. And indeed, the lease was
6 structured where we thought we would have a
7 decision on this application long before now.
8 It's been pending since August 1st.

9 Could the Board give us any
10 indication as to when we might have decisions
11 to where this is going? Because it has been
12 pending a long time. We're almost at three
13 months at this point.

14 CHAIRPERSON MILLER: First of all,
15 I mean they asked me that before on the last
16 case. And so I mean, my answer is somewhat
17 similar that okay, we had some concerns here.
18 First of all, August is, you know, we weren't
19 even here in August so that's unfortunate that
20 people who apply in August lose like a month.

21 MR. KLINE: The staff was here
22 though.

1 CHAIRPERSON MILLER: Yes, okay.

2 So anyway, I don't know. But we had some
3 concerns and you've given us all the answers,
4 you know, for the questions that we have so
5 we'll move this forward.

6 So I can't, you know, it could be
7 next week. It could be a few weeks. I can't
8 give you an answer for sure but we're not
9 sitting on it is what I'm saying. We're not
10 going to let it, you know.

11 MR. KLINE: Okay. I just want the
12 Board to know and appreciate that we have a
13 contingency which we've already extended once.

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: And it's been extended
16 now until October 31st.

17 CHAIRPERSON MILLER: Okay.

18 MR. KLINE: And we want to go back
19 to the landlord and see if we can extend it
20 again at this point, from what I'm hearing
21 based on your comments. But it would be
22 helpful to know what we might expect because

1 I don't want to tie up this man's property
2 indefinitely if the Board were to take a long
3 time to make a decision. That's all I'm
4 saying. I just want the Board to be mindful
5 the business realities of this application.
6 That's all.

7 CHAIRPERSON MILLER: Okay I'll run
8 it, you know, with our general --

9 MR. KLINE: And if the Board feels
10 like it needs, through the Board's general
11 counsel in terms of what we might expect that
12 would be great.

13 CHAIRPERSON MILLER: Okay, we'll
14 do that.

15 MR. KLINE: Thank you.

16 CHAIRPERSON MILLER: We'll do that
17 but, you know, we're not going to sit on it.
18 All right.

19 MR. KLINE: Thank you.

20 CHAIRPERSON MILLER: Thank you.

21 (Whereupon, the foregoing matter
22 went off the record at 5:11 p.m.)

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