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

(2:12 p.m.)

CHAIRPERSON MILLER: Okay. Good afternoon, everybody. I'm calling the case of the Dollar Plus Store. It's 13-PRO-00113. Dollar Plus Store is located at 1429 Good Hope Road, S.E., License No. 92680, in ANC-8A.

Okay. The first thing I would like to do is have you all introduce yourselves for the record. I hope you signed-in on that sheet of paper as well. Okay. Okay. Let's start over here.

MR. CHURNET: Yes, Workneh Churnet for the applicant, Dollar Plus Store.

CHAIRPERSON MILLER: Okay. And you are?

MR. DESTA: My name is Danny Desta.

CHAIRPERSON MILLER: Okay. And you are the owner, correct?

MR. DESTA: Yeah.

CHAIRPERSON MILLER: All right.

1 And over here to my left, the protestants, I
2 assume?

3 MR. WILSON: I'm sorry, Charles
4 Wilson, ANC-8A05.

5 CHAIRPERSON MILLER: Okay.

6 MS. FULLER: Greta Fuller, ANC-
7 8A06.

8 MS. MOORE: Yvonne Moore, Chair of
9 8A.

10 REVEREND MOTLEY: Reverend Anthony
11 Motley, Chair of the Anacostia Coordinating
12 Council and Faith Committee.

13 CHAIRPERSON MILLER: Reverend,
14 what's your last name?

15 REVEREND MOTLEY: Motley.

16 CHAIRPERSON MILLER: Motley.
17 Okay. And I'm sorry, I missed the name of the
18 woman between Yvonne Moore and Charles Wilson.

19 MS. FULLER: Greta Fuller.

20 CHAIRPERSON MILLER: Greta Fuller.

21 MS. FULLER: G-R-E-T-A, yes, ANC-
22 8A06.

1 CHAIRPERSON MILLER: Okay. And
2 who is going to take the lead for the ANC with
3 respect to advocating in these proceedings?

4 MR. WILSON: I will.

5 CHAIRPERSON MILLER: Okay. All
6 right. Okay. I just want to say a few things
7 before we start.

8 MEMBER JONES: Madam Chair, before
9 you do start?

10 CHAIRPERSON MILLER: Oops, yes?

11 MEMBER JONES: Just for
12 clarification, there is a young lady sitting
13 next to the individual to testify.

14 INTERPRETER DESTA: I'm the
15 interpreter.

16 MEMBER JONES: That hasn't been --

17 INTERPRETER DESTA: I'm the
18 interpreter.

19 CHAIRPERSON MILLER: Oh, you're
20 the interpreter.

21 MEMBER JONES: She needs to be
22 sworn in.

1 CHAIRPERSON MILLER: Oh, okay.

2 You are interpreting for whom?

3 INTERPRETER DESTA: Mr. Danny.

4 CHAIRPERSON MILLER: Okay. Do you
5 want to pull up a chair also?

6 INTERPRETER DESTA: I have a chair
7 here. I'm sitting. I just thought --

8 CHAIRPERSON MILLER: Okay. All
9 right. Let me swear you in as an interpreter.
10 And what language is it?

11 INTERPRETER DESTA: Amharic to
12 English.

13 CHAIRPERSON MILLER: Amharic?

14 INTERPRETER DESTA: Yes.

15 CHAIRPERSON MILLER: Okay. Would
16 you raise your right hand?

17 INTERPRETER DESTA: Yes, I will.

18 CHAIRPERSON MILLER: Okay.

19 Do you solemnly affirm that you
20 will faithfully and accurately interpret the
21 proceedings in this matter from Amharic into
22 English and from English into Amharic to the

1 best of your ability?

2 INTERPRETER DESTA: Yes.

3 CHAIRPERSON MILLER: Okay. Thank
4 you. And what's your name again?

5 INTERPRETER DESTA: Sorry.

6 Elizabeth Desta.

7 CHAIRPERSON MILLER: Desta?

8 INTERPRETER DESTA: Yes.

9 CHAIRPERSON MILLER: Okay.

10 INTERPRETER DESTA: The last name
11 is D-E-S-T-A and my first name is Elizabeth.

12 CHAIRPERSON MILLER: The owner's
13 name is Daniel Desta.

14 MR. DESTA: Yes.

15 CHAIRPERSON MILLER: Are you
16 related?

17 INTERPRETER DESTA: No.

18 CHAIRPERSON MILLER: Oh, okay.

19 INTERPRETER DESTA: No.

20 CHAIRPERSON MILLER: Okay. So
21 basically, I just want to tell you a few
22 things about the proceedings. It's a protest.

1 The order of procedure is that we hear from
2 our Investigator, who did the investigative
3 report first and then all the parties and the
4 Board can ask him questions or her.

5 And I'm sorry, first you all can
6 do opening statements. Then we hear from our
7 Investigator and everybody asks questions and
8 then we hear from the applicant and you can
9 all ask questions of the applicant's witnesses
10 and then the protestants.

11 You have a maximum of an hour and
12 a half each for your case, but that's well
13 more than even has been allocated in the
14 schedule today for your case. We don't think
15 it should take that long. That includes your
16 witnesses and then your crossing of the
17 witness. And your opening and closing are not
18 included on it.

19 And Board Member Jones keeps track
20 of the time. So he will let you know at some
21 point if he thinks you need to know or you can
22 ask. But again, I don't think that any of you

1 should get close to that, hopefully, because
2 we also -- the other thing I wanted to say is
3 we -- if the testimony becomes too redundant
4 or repetitive, we will limit it or if it's
5 irrelevant.

6 So looking at one of the PIFs it
7 looks like they may be talking about the same
8 topic, more than one person, and it's not that
9 more is better for sure. Really it's almost
10 sometimes less is more because then we focus
11 exactly on, you know, what has been said.

12 So I just wanted to let you know
13 that. Basically, the focus of the hearing is
14 peace, order and quiet, the effect on the
15 school. I mean, so the more you can stay
16 focused as to, you know, what are the issues,
17 it became apparent in the investigation report
18 anyway, the better it is, because that's what
19 we are going to be focusing on.

20 Okay. So that being said, are
21 there any questions before we start? Okay.
22 So what I said was we will start with any

1 opening statements anyone wants to make. Now,
2 these are not -- this is not evidence. This
3 is an argument. If you want to set the stage
4 for what your case is going to be, you can do
5 that at this time.

6 You are not required to and it's
7 not evidence that the Board would be
8 considering or looking at later. Okay. I
9 need to know who the witnesses are going to
10 be. There is a rule called Rule on Witnesses
11 and it is if you want to invoke it if you
12 think that one side -- if one side has more
13 than one witness that may talk about the same
14 topic, you can ask that the other witnesses
15 not be in the room while one witness is
16 testifying.

17 It's not required. You know, this
18 isn't criminal law or anything, but if
19 somebody really feels that way, they can make
20 that request. So I might as well see who the
21 witnesses are going to be.

22 MR. CHURNET: We have four

1 witnesses here.

2 CHAIRPERSON MILLER: You have four
3 witnesses? Okay.

4 MR. CHURNET: Their names?

5 CHAIRPERSON MILLER: Yes.

6 MR. CHURNET: Okay. Sonia.

7 MS. PRINCE De NUE: Sonia De Nue.

8 MR. CHURNET: Yes. Okay. Your
9 name, sir?

10 MR. WILLIAMS: Barry Williams.

11 MR. CHURNET: And your name?

12 MR. HARRIS: Randolph Harris.

13 CHAIRPERSON MILLER: And who?

14 MR. BACKUS: Antonio Backus.

15 MR. CHURNET: I'm sorry, are --

16 CHAIRPERSON MILLER: What was the
17 last person?

18 MR. CHURNET: I'm sorry?

19 CHAIRPERSON MILLER: I'm sorry,
20 what was the last person's name?

21 MR. CHURNET: Antonio?

22 MR. BACKUS: Antonio Backus.

1 CHAIRPERSON MILLER: Okay. Are
2 they all talking to different issues?

3 MR. CHURNET: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MR. CHURNET: They will be
6 addressing different aspects of the issues in
7 this case.

8 CHAIRPERSON MILLER: Okay.

9 MR. CHURNET: As they give their
10 testimony, we will know if the -- their
11 testimony will be relevant.

12 CHAIRPERSON MILLER: Is there an
13 overlap? There's not necessarily an overlap
14 in their testimony that anyone would be
15 concerned that they should step out of the
16 room?

17 MR. CHURNET: No, I don't think
18 they would be overlapping.

19 CHAIRPERSON MILLER: Okay. Let me
20 turn to you, Mr. Wilson?

21 MR. WILSON: Yes, we have Reverend
22 Anthony Motley here.

1 CHAIRPERSON MILLER: Uh-huh.

2 MR. WILSON: To serve as a
3 witness. Principal Maisha Riddlesprigger from
4 Ketcham Elementary School. She wanted to be
5 here plus she has a principal's meeting.

6 CHAIRPERSON MILLER: Oh, okay.

7 MR. WILSON: But she did send in a
8 letter for the Roll Call Hearing that she
9 would like to be included as part of her
10 testimony.

11 CHAIRPERSON MILLER: Okay. I
12 would say remind me about that later as well,
13 but that would be admissible.

14 MR. WILSON: Okay.

15 CHAIRPERSON MILLER: Yes.

16 MR. WILSON: And we have one other
17 letter from Anthony Muhammad who is the Chair
18 of ANC-8D. The former chair of ANC-8A. His
19 name came up in the applicant's PIF and he
20 wrote a letter as well.

21 CHAIRPERSON MILLER: All right.
22 We will deal with that later then, too. You

1 will want to move it into evidence later.

2 MR. WILSON: Okay.

3 CHAIRPERSON MILLER: Yes, Mr.

4 Jones?

5 MEMBER JONES: Just briefly, how
6 many people do you plan on having to testify?

7 MR. WILSON: One.

8 MEMBER JONES: Just one. Okay.

9 MR. WILSON: In addition to us?

10 MEMBER JONES: Oh, yes.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER JONES: Total. How many in
13 total?

14 MR. WILSON: Oh, in total, four.

15 MEMBER JONES: Okay.

16 MR. WILSON: Four.

17 MEMBER JONES: All right.

18 CHAIRPERSON MILLER: You all may
19 testify?

20 MR. WILSON: Yes.

21 CHAIRPERSON MILLER: Okay. Okay.

22 So I assume I'm not hearing any concern about

1 any Rule on Witnesses, at this point.

2 Correct? Okay.

3 Are we ready then? Unless you
4 have any questions. Okay. So would the
5 applicant like to make an opening statement?

6 MR. CHURNET: Well, the applicant
7 of Dollar Plus Store asserts that this
8 operation's entrance will not have a
9 deleterious effect on the neighborhood if it's
10 granted another liquor license. It contends
11 that because the school background is far and
12 behind the establishment, that the
13 establishment will not have the effect of
14 littering the playground with bottles, beer
15 bottles or cans.

16 Because the neighborhood does not
17 have a residential parking needs and vehicular
18 and pedestrian issue of problem of order,
19 quiet and peace due to existing establishment,
20 the effect of the establishment on peace,
21 order and quiet and upon residential parking
22 needs and vehicular and pedestrian safety will

1 be demonstrated by itself to be minimum.

2 Its evidence will also demonstrate
3 that the grant of another liquor license for
4 establishment would have minimal effect on
5 incidents of fighting and similar other kinds
6 of productive fighting or this involvement.
7 Applicant has a specific and detailed plan
8 that would be immediately implemented
9 potentially. If they grant another liquor
10 license, it will not have deleterious effect
11 on the neighborhood. That's all.

12 CHAIRPERSON MILLER: Thank you.

13 MR. WILSON: Yes, I would just
14 like to refer back to our letter written on
15 April -- I mean, August 16th, that the ANC at
16 our regular scheduled meeting voted
17 unanimously to oppose this liquor license
18 application, because of concerns related to
19 the peace, order and quiet, littering and
20 parking.

21 Furthermore, we find it
22 unconscionable that this application should

1 even be considered to be approved, since it is
2 located within 400 feet of Ketcham Elementary
3 School. It is definitely not far and behind.
4 It's exactly right there in the backyard.

5 CHAIRPERSON MILLER: Thank you.
6 Okay. Mr. Jones? Mr. Jones, would you like
7 to come and give your report? Thank you.
8 Good afternoon.

9 INVESTIGATOR JONES: Good
10 afternoon.

11 Whereupon,

12 INVESTIGATOR EARL JONES
13 was called as a witness by the ABRA Board, and
14 having been first duly sworn, assumed the
15 witness stand and was examined and testified
16 as follows:

17 CHAIRPERSON MILLER: Thank you.
18 Okay. So if you would just identify yourself
19 and then discuss your report, the highlights.
20 Thanks.

21 DIRECT EXAMINATION

22 INVESTIGATOR JONES: My name is

1 Investigator Earl Jones with the Alcoholic
2 Beverage Regulation Administration. And I was
3 assigned a protest for Dollar Plus Store.

4 I conducted a protest
5 investigation of Good Hope Road Market, LLC
6 which is located at 1429 Good Hope Road, S.E.,
7 Washington, D.C. 20020. The establishment at
8 1429 Good Hope Road, S.E., is located within
9 a crosswalk area between Good Hope Road, S.E.,
10 and Minnesota Avenue.

11 CHAIRPERSON MILLER: Oh, okay.
12 Mr. Jones, I'm sorry. We actually have an
13 interpreter here.

14 INVESTIGATOR JONES: So I need to
15 slow down.

16 INTERPRETER DESTA: No problem.

17 CHAIRPERSON MILLER: Do you need
18 him to speak more loudly or go more slowly or
19 what?

20 INTERPRETER DESTA: Both.

21 CHAIRPERSON MILLER: Okay.

22 INVESTIGATOR JONES: Okay.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR JONES: I conducted a
3 protest investigation of Good Hope Market,
4 LLC, which is located at 1429 Good Hope Road,
5 S.E., Washington, D.C. 20020.

6 The establishment at 1429 Good
7 Hope Road, S.E., is located within the
8 crosswalk area between Good Hope Road, S.E.,
9 and Minnesota Avenue, S.E., and is bounded by
10 14th Street, S.E., to the south, 15th Street,
11 S.E., to the north, and U Street, S.E., to the
12 west.

13 The new license application for
14 1429 Good Hope Road, S.E., is protested by
15 area citizens and ANC-8A led by designated
16 representative Commissioner Charles Wilson for
17 both the area citizens and ANC-8A.

18 Ketcham Elementary School, which
19 is located within 400 feet of the
20 establishment was dismissed as a protestant
21 due to schools not having standing. However,
22 a representative for the school is allowed to

1 speak on the behalf of the school as a witness
2 for Commissioner Wilson.

3 There are four ABC establishments
4 within 1,200 feet -- within a 1,200 foot
5 radius of 1429 Good Hope Road, S.E. They
6 include Anacostia Market, Union Liquors,
7 Paramount Market and Nam's Market. There is
8 also a Methadone Clinic a block away located
9 at 1320 Good Hope Road, S.E.

10 The protest issues of the area
11 citizens and ANC-8A are adverse impact on the
12 peace, order and quiet of residents in the
13 surrounding area and a proximity to an
14 elementary school.

15 On October 7, 2013, I reviewed the
16 ABRA protest file for the establishment, which
17 revealed documentation that Commissioner
18 Wilson stated that the owner submitted a
19 fraudulent settlement agreement to ABRA in
20 which his signature was forged by the owner.

21 A further view of the file
22 indicated that the owner also used the

1 incorrect letterhead for the ANC.

2 On October 7, 2013, I visited the
3 establishment to conduct an interview of the
4 owner, Daniel Desta, and to tour the space.

5 MEMBER SILVERSTEIN: What date was
6 that, sir?

7 INVESTIGATOR JONES: October 7th.
8 I spoke with the owner's brother, who remains
9 unidentified, who stated Mr. Desta was
10 unavailable at the time. However, I did
11 observe what appeared to be a drug
12 paraphernalia transaction inside of the
13 establishment.

14 While at the establishment, I gave
15 the brother of the owner a business card and
16 requested that Mr. Desta get in touch with me
17 as soon as he could.

18 On October 11, 2013, I
19 telephonically interviewed Workneh Churnet,
20 attorney for Mr. Desta. Mr. Churnet was
21 unaware of the protest -- Mr. Churnet was
22 aware of the protest issues of adverse impact

1 on the peace, order and quiet of the residents
2 in the surrounding area, as well as the
3 proximity to an elementary school.

4 Mr. Churnet was -- also stated he
5 was aware of the claim of a fraudulent
6 settlement agreement being presented to ABRA,
7 in which Commissioner Wilson stated his name
8 was forged by the owner and was extremely
9 embarrassed due to being unaware that his
10 client had committed this infraction.

11 Mr. Churnet stated he would
12 immediately withdraw from representing Mr.
13 Desta and would formally send in a written
14 statement to ABRA Board along with an apology.
15 While speaking with Mr. Churnet, I requested
16 that he have Mr. Desta get in touch with me as
17 soon as he could.

18 On October 16, 2013, I again
19 visited the establishment to conduct an
20 interview of the owner in which the brother
21 was again on-duty and stated Mr. Desta was not
22 available. I again gave the brother another

1 business card in an effort to have Mr. Desta
2 contact me.

3 On October 17, 2013, a licensing
4 specialist approached me at work and stated
5 Mr. Desta contacted her to find out why I
6 visited his establishment on two occasions to
7 speak with him. I advised the licensing
8 specialist of the reasons for my visits and
9 that I had made several attempts at trying to
10 make contact with him in which he has not
11 responded.

12 I stated to the licensing
13 specialist that I gave the owner's brother two
14 business cards for Mr. Desta to contact me in
15 which he has not responded. However, he
16 managed to contact someone totally unrelated
17 to this case.

18 On October 21, 2013, I visited
19 Ketcham Elementary School and spoke with Eric
20 Bethel, who is the resident principal. Mr.
21 Bethel stated he and Maisha Riddlesprigger,
22 principal for the school, had issues with

1 adverse impact on the peace, order and quiet
2 of the residents in the surrounding area as
3 well as proximity to their school.

4 Mr. Bethel stated they have strong
5 issues with the establishment receiving a
6 liquor license due to an already over-
7 population of intoxicated individuals
8 congregating in front of the school -- excuse
9 me, the establishment and the park directly
10 across the street.

11 Mr. Bethel stated there is a
12 Methadone Clinic a block away in which
13 individuals are seen walking from the clinic
14 towards the school in a methadone stupor. Mr.
15 Bethel stated there is also a known crack-
16 house that is situated between the
17 establishment and the preschoolers playground
18 area.

19 Mr. Bethel stated the students are
20 already disadvantaged in having to be exposed
21 to these types of behaviors on a daily basis.
22 It is too much.

1 Mr. Bethel stated allowing the
2 establishment to have a liquor license would
3 only exasperate what is already taking place
4 within this block of Good Hope Road, S.E., and
5 would be adding another present danger to the
6 area.

7 On Monday, October 21, 2013, I
8 telephonically interviewed Commissioner
9 Charles Wilson who stated the issues of the
10 area citizens and ANC-8A are adverse impact on
11 the peace, order and quiet of the residents in
12 the surrounding area as well as proximity to
13 an elementary school.

14 Commissioner Wilson also
15 reiterated all the factors that were reported
16 by Mr. Bethel to include that the owner
17 submitted a fraudulent settlement agreement
18 into ABRA with his signature being forged.

19 Commissioner Wilson stated with
20 all of the present issues in the area long
21 with the criminal behavior of the owner, this
22 establishment should not be issued a liquor

1 license.

2 Commissioner Wilson also stated he
3 would allow Ms. Riddlesprigger, principal for
4 Ketcham Elementary, to be a witness on his
5 behalf, since the school was dismissed.

6 The establishment at 1429 Good
7 Hope Road, S.E., was monitored by ABRA
8 personnel a total of 10 times from October 7,
9 2013 to October 22, 2013 with no ABRA
10 violations found due to being a non-ABC
11 establishment at this point. However, a
12 transaction of drug paraphernalia was observed
13 on October 7, 2013.

14 I monitored Good Hope Road, S.E.,
15 on six occasions during the day and night in
16 which on every occasion I observed multiple
17 intoxicated individuals congregating in front
18 of the establishment, leaning on the school
19 chain link fence and in the park directly
20 across the street. There are also excessive
21 vehicular and foot traffic issues in the area
22 that I observed on each occasion.

1 And finally, according to the MPD
2 Crime Analysis Unit, there were 49 calls for
3 service for this location with 18 disorderly
4 calls, 13 thefts, two less than 1,000 calls,
5 two stop and frisk calls, two simple assault
6 calls, two burglary calls, two damage to
7 property calls, two destruction of property
8 calls, two found property calls, one
9 investigator for trouble call, one assist
10 call, one accident property damage call, one
11 robbery/hold-up call and with one being listed
12 as other.

13 None of these calls were ABRA-
14 related violations. Thank you.

15 CHAIRPERSON MILLER: Thank you,
16 Mr. Jones. That was an excellent report. Do
17 we have some Board questions? Mr.
18 Silverstein?

19 MEMBER SILVERSTEIN: Thank you,
20 Mr. Jones, for a very thorough report and for
21 going the extra mile on this.

22 INVESTIGATOR JONES: Thank you,

1 sir.

2 MEMBER SILVERSTEIN: I often begin
3 by saying are there any red flags, any things
4 that we should watch for. And here, I don't
5 know where to start.

6 How many times did you attempt to
7 contact the licensee?

8 INVESTIGATOR JONES: I would say
9 probably four to five times.

10 MEMBER SILVERSTEIN: Did he ever
11 make himself available to you by telephone, in
12 person, by email, by anything?

13 INVESTIGATOR JONES: No, sir.

14 MEMBER SILVERSTEIN: Did he make
15 himself available to ABRA without going around
16 you? By going around you?

17 INVESTIGATOR JONES: Yes, he did
18 on that one occasion where he spoke to a
19 licensing specialist, from what I understand.
20 I never spoke to him.

21 MEMBER SILVERSTEIN: So he never
22 got back -- he never cooperated with the

1 Investigator, whose job it is to determine
2 whether this application should -- to give us
3 the information we need to determine whether
4 this application should be approved?

5 INVESTIGATOR JONES: No, sir.

6 MEMBER SILVERSTEIN: What red
7 flags do you personally see in this? From
8 your -- based on your experience as an
9 Investigator having not only done these
10 protests, but seeing things that happen when
11 establishments are open.

12 INVESTIGATOR JONES: Well, my --
13 from my experience and from what I observed,
14 there was an initial red flag when I first got
15 the protest, when I was first assigned the
16 protest. And in the file it indicated that
17 there was a fraudulent document that was
18 submitted to ABRA about a settlement agreement
19 with a signature that was forged by the owner
20 of the Commission of the ANC. That was the
21 first thing.

22 It was also confirmed that, once I

1 spoke with the commissioner, he stated that
2 this did take place. Through speaking with
3 the applicant's attorney, his attorney also
4 confirmed the same thing and that's how he was
5 very embarrassed about that whole situation
6 and he was unaware.

7 And the fact that he stated, at
8 that point, he was going to withdraw from this
9 Protest Hearing. However, he is here today.

10 The big -- another big factor for
11 me is that when I first visited the
12 establishment, I saw how close in proximity to
13 this elementary school was to this place. And
14 its -- they share a chain link fence, that's
15 how close this place is.

16 There is also a Methadone Clinic
17 that is down the block. There is a park that
18 is across the street where there are on any
19 point -- at any point in time of the day or
20 night, there is 20 to 30 people sitting there
21 doing whoever knows what. And there are
22 people busy walking up and down the street.

1 There are people congregating in front of the
2 establishment, they congregate in front of the
3 house that is next to the establishment.

4 There were a lot of flags for me.
5 I have never encountered this many flags, to
6 be honest with you. Never.

7 MEMBER SILVERSTEIN: That was the
8 question I was going to ask you. Have you
9 ever seen --

10 INVESTIGATOR JONES: I have never
11 seen anything like this.

12 MEMBER SILVERSTEIN: -- anything
13 like this application?

14 INVESTIGATOR JONES: No.

15 MEMBER SILVERSTEIN: I have no
16 further questions.

17 CHAIRPERSON MILLER: Any other
18 questions? Yes, Mr. Brooks?

19 MEMBER BROOKS: Yes. Thank you,
20 Madam Chair. Investigator Jones, in your
21 report you sort of describe a situation that
22 you encountered on Monday, October 7, 2013.

1 INVESTIGATOR JONES: Yes, sir.

2 MEMBER BROOKS: Could you kind of
3 just go through that briefly, so I can be sure
4 I understand what you are explaining here?

5 INVESTIGATOR JONES: That was my
6 first attempt at visiting the establishment,
7 touring the space and speaking with the owner.

8 When I entered the establishment,
9 there was a gentleman who was standing in the
10 middle of the store and who he had called over
11 a patron who was already inside the store off
12 to the side. I hadn't identified myself,
13 because I had already -- to me, this already
14 looked a little strange to me.

15 I started to kind of walk around,
16 browsing around the store. I walked past the
17 guy. He pulled out what appeared, to me, to
18 be white papers that you would use to roll
19 marijuana cigarettes, nicotine cigarettes,
20 whatever you want to use it for. He kept
21 asking the guy, do you want it? Do you want
22 it? If you want it, let's get it. He kept

1 asking him. He kept pushing and he kept
2 rushing him. The guy said okay, I want it.
3 I'll get it.

4 I walked around the store. As
5 soon as the guy got these papers from this
6 gentleman, he went straight to the counter, to
7 the glass-enclosed counter and he ordered a
8 pack of, what they call, game blunts or what
9 they call cigars, but he ordered a pack of
10 these cigars. And then he paid for them and
11 he exited the store.

12 I then identified myself to the
13 person that was behind the glass-enclosed
14 counter. I asked for the owner. The
15 gentleman indicated that the owner wasn't
16 available. He stated that he was the brother
17 of the owner and I asked him -- well, I
18 advised him the reason why I was there.

19 I advised that the store is, you
20 know, under a protest period, at this point,
21 where they are attempting to get a liquor
22 license and I explained to him that I saw some

1 things or I observed some things that didn't
2 look quite right to me.

3 And I asked him who was the
4 gentleman that was in the middle of the store.
5 He said he works for me. So I asked him to
6 call the gentleman to the counter. He called
7 him over. I explained the same thing that I
8 talked to the brother about and I said would
9 you mind emptying your pockets? He took
10 everything out of his pockets. He didn't have
11 the white papers in his pocket, so either he
12 had gotten rid of all of them or he dropped
13 them off in the back of the store somewhere
14 before he came over to me.

15 I explained to him what I
16 observed. He adamantly denied everything. He
17 said it wasn't me. I didn't do anything. I
18 wasn't talking to anybody. And it upset me,
19 but I told him okay, that's fine. I said I
20 know what I saw, but you can sit here and lie
21 about it, that's fine. It would be noted in
22 the report.

1 And that was pretty much it and I
2 exited the -- I gave the brother a business
3 card. I asked him to have his brother contact
4 me. And I exited the establishment.

5 MEMBER BROOKS: Okay. Thank you,
6 Investigator. Thank you, Madam Chair.

7 INVESTIGATOR JONES: Yes, sir.

8 CHAIRPERSON MILLER: Okay. Thank
9 you. Others? Mr. Jones?

10 MEMBER JONES: Investigator Jones,
11 really quickly, do you have reason to believe
12 that alcohol is being sold from the
13 establishment currently?

14 INVESTIGATOR JONES: I didn't see
15 any in the coolers. All of the patrons that
16 I saw come inside, they were ordering cigars.
17 They were ordering juice and sodas, chips,
18 those types of things. And maybe because I
19 was behind the counter some of these other
20 things may not have taken place, I don't know.
21 There were other individuals who were kind of
22 hanging around, kind of waiting for me to

1 leave. But I can't say that I did observe or
2 I know that alcohol was being served --

3 MEMBER JONES: Okay.

4 INVESTIGATOR JONES: -- or sold,
5 excuse me.

6 MEMBER JONES: Understood. In
7 your report on page 9 and 10 during the visit
8 that you had, there are several instances
9 where you note public drunkenness. Are there
10 other establishments nearby from which
11 individuals who would choose to engage in
12 these activities would gain their beverage or
13 acquire said beverage?

14 INVESTIGATOR JONES: There is --
15 there are two establishments that are a block
16 away going north and south. One is Union
17 Liquors. The other is Ambassador who also go
18 by Dollar Food or Dollar Food Store at this
19 point. And they both sell alcohol. So I
20 believe that these individuals are getting
21 their alcohol from these two places and they
22 kind of meet up at this one block, because it

1 is very -- obviously, that's an area where
2 everyone congregates.

3 Right there at that intersection
4 is a park that is directly across the street
5 where everybody congregates. And it is all
6 out in plain view. I mean, there is nothing
7 hid.

8 MEMBER JONES: Okay.

9 INVESTIGATOR JONES: Nothing hid
10 here.

11 MEMBER JONES: In your observation
12 of the location of the applicant's
13 establishment at 1429 Good Hope Road, if that
14 establishment sold alcohol, would it
15 contribute more or less to the observed public
16 drunkenness that you witnessed, in your
17 opinion, based on your observations?

18 INVESTIGATOR JONES: Based on my
19 observations and my opinion, I believe it
20 would.

21 MEMBER JONES: Contribute more?

22 INVESTIGATOR JONES: It would

1 contribute more.

2 MEMBER JONES: Okay. Thank you.
3 Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Okay. Thank
5 you. Any other questions? Mr. Alberti?

6 MEMBER ALBERTI: Hi, Investigator
7 Jones. Thank you for your report. You said
8 something about this establishment shares a
9 chain link fence with the school. So I'm
10 assuming that that borders what the playground
11 area of the school?

12 INVESTIGATOR JONES: The
13 playground that the preschoolers play in.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR JONES: I was -- when
16 I visited the school, Mr. Bethel, the resident
17 principal, took me on a tour of the school.
18 He took me outside to the back area to the
19 back blacktop area where the preschoolers
20 play. And there is a chain link fence that
21 wraps around where the playground is. It
22 wraps around the back of the house that is in

1 between the playground as well as the Dollar
2 Plus Store.

3 So the rear of the establishment
4 shares a chain link fence with the school.

5 MEMBER ALBERTI: Is it across the
6 alley or --

7 INVESTIGATOR JONES: No, no. It--
8 I don't have a diagram. I know I submitted
9 pictures, but they are on the same block.

10 MEMBER ALBERTI: I can see that.

11 INVESTIGATOR JONES: They are on
12 the same block. The playground is on Good
13 Hope Road. There is a fence that is between
14 the playground that wraps around the side of
15 the playground. It wraps around the back of
16 both that first house as well as the Dollar
17 Plus Store.

18 MEMBER ALBERTI: Okay. And so --

19 INVESTIGATOR JONES: The school
20 takes up the entire block.

21 MEMBER ALBERTI: Right. And so
22 that chain link fence is between the school

1 property and the backyard of this
2 establishment?

3 INVESTIGATOR JONES: Yes, yes.

4 MEMBER ALBERTI: Okay. You spoke
5 about people congregating along the chain link
6 fence. Where would that be?

7 INVESTIGATOR JONES: They were
8 hanging out in front of the playground,
9 leaning up against the fence.

10 MEMBER ALBERTI: On the street?

11 INVESTIGATOR JONES: On Good Hope
12 Road side, yes.

13 MEMBER ALBERTI: On the Good
14 Hope --

15 INVESTIGATOR JONES: Yes.

16 MEMBER ALBERTI: Okay. On Good
17 Hope Road. Okay. So that's right down the
18 street from this establishment?

19 INVESTIGATOR JONES: It's a few
20 feet away.

21 MEMBER ALBERTI: I'm trying to get
22 the picture, so I'm trying to identify it

1 somewhere.

2 INVESTIGATOR JONES: It's maybe
3 100 feet away.

4 MEMBER ALBERTI: Okay. Just one
5 moment. I'm trying to see if it is shown in
6 any of the pictures. Do you know if it is
7 shown in any of the pictures?

8 INVESTIGATOR JONES: I have
9 pictures where you can see the --

10 MEMBER ALBERTI: I'm looking at--

11 INVESTIGATOR JONES: -- proximity
12 of the establishment to the playground.

13 MEMBER ALBERTI: -- Dollar Plus
14 here in Exhibit 32.

15 INVESTIGATOR JONES: I don't have
16 the exhibits, sir, so I just -- I'll go off of
17 what you tell me.

18 CHAIRPERSON MILLER: Yes, let's --

19 MEMBER ALBERTI: I think someone
20 is handing -- can someone hand him?

21 MR. WILSON: Yeah, I'll give him.

22 MEMBER ALBERTI: Thank you.

1 Someone has just handed the Investigator his
2 report with the exhibits. So Exhibit 32?

3 INVESTIGATOR JONES: Yes, sir.

4 MEMBER ALBERTI: So I'm looking at
5 the front of Dollar Plus there. All right?

6 INVESTIGATOR JONES: Um-hum.

7 MEMBER ALBERTI: And sort of down
8 that alley to the left, that building in the
9 back, what is that? Do you know?

10 INVESTIGATOR JONES: That's the
11 rear of the building.

12 MEMBER ALBERTI: That's what?

13 INVESTIGATOR JONES: That's the
14 rear of the building.

15 MEMBER ALBERTI: That's the rear
16 of the building?

17 INVESTIGATOR JONES: Yes.

18 MEMBER ALBERTI: Okay. Then I see
19 to the left of that, I see a Check Cashing?

20 INVESTIGATOR JONES: Yes, sir.

21 MEMBER ALBERTI: And then where is
22 the school in relation to that?

1 INVESTIGATOR JONES: If you go to
2 Exhibit 30 --

3 MEMBER ALBERTI: Okay, Exhibit 30.
4 Oh, I see. Maybe it's Exhibit 29?

5 INVESTIGATOR JONES: I have
6 another picture.

7 MEMBER ALBERTI: Exhibit 29 I'm
8 looking down the street.

9 CHAIRPERSON MILLER: That's
10 Exhibit 30.

11 MEMBER ALBERTI: I see it. Okay.
12 So I see -- Exhibit 29 I see the Dollar Store.

13 INVESTIGATOR JONES: Actually, if
14 you go to Exhibit 7, sir, you can see it.
15 There is a full view of both the school as
16 well as Dollar Plus.

17 MEMBER ALBERTI: Okay.

18 INVESTIGATOR JONES: I had them
19 marked off.

20 MEMBER ALBERTI: Exhibit 7. Oh, I
21 see. Okay. So it's right down the street.
22 Okay.

1 INVESTIGATOR JONES: And as I
2 stated, the school behind all of those
3 establishments on Good Hope Road, the school
4 takes up that entire block behind them.

5 MEMBER ALBERTI: Okay. That's
6 very good. And so right across the street
7 from this establishment is a little Triangle
8 Park.

9 INVESTIGATOR JONES: Yes, sir.

10 MEMBER ALBERTI: Formed by Good
11 Hope Road and Minnesota Avenue?

12 INVESTIGATOR JONES: Yes, sir.

13 MEMBER ALBERTI: All right. On
14 two sides? Okay. I'm going to switch gears
15 for you now. You also mentioned this issue of
16 the settlement agreement. And you mentioned
17 something about the letterhead on the
18 settlement agreement being incorrect. Can you
19 elaborate on what you were trying to tell us
20 with respect to that?

21 INVESTIGATOR JONES: Well, this
22 information I was basing off of what was given

1 to me from the commissioners of the ANC.

2 MEMBER ALBERTI: Okay.

3 INVESTIGATOR JONES: But I did see
4 a letterhead from their office that did not
5 resemble what was presented.

6 MEMBER ALBERTI: Do you remember
7 how it differed from this? If not, that's
8 okay.

9 INVESTIGATOR JONES: From what I
10 understand, the settlement agreement that was
11 submitted had the ANC letterhead directly on
12 the top and the middle of the page where the
13 one example that I saw that they use is, I
14 believe, a different style of the letterhead
15 and it's off to the side to the left or
16 something to that effect.

17 MEMBER ALBERTI: Okay. Okay. I
18 have no further questions. Thank you.

19 CHAIRPERSON MILLER: Other Board
20 Members? I guess you have. Investigator
21 Jones, I just want to follow-up on the
22 pictures a little bit. Maybe if you can

1 highlight some of the ones that are most
2 significant?

3 I'm also trying to see the exact
4 proximity of the school and the Dollar Store.
5 So when I look at No. 7, Exhibit 7 to your
6 report --

7 INVESTIGATOR JONES: Yes, ma'am.

8 CHAIRPERSON MILLER: -- is it a
9 few buildings away or three buildings away or
10 is it --

11 INVESTIGATOR JONES: You have the
12 Check Cashing store in between.

13 CHAIRPERSON MILLER: Okay.

14 INVESTIGATOR JONES: And then you
15 have the house that was described to me as --
16 that was described to me by the principal as
17 well as the resident principal as well as MPD
18 who patrol that area as a crack-house. So you
19 have the Check Cashing place and the house
20 next to it in between that store and the
21 school.

22 CHAIRPERSON MILLER: Okay. And

1 where can we see that they share a chain link
2 fence? Is it in the back that they share
3 that? I'm sure it's depicted in one of your
4 pictures.

5 INVESTIGATOR JONES: I don't think
6 so.

7 CHAIRPERSON MILLER: No?

8 INVESTIGATOR JONES: If you could
9 give me a minute, ma'am?

10 CHAIRPERSON MILLER: Sure.

11 INVESTIGATOR JONES: It's Exhibit
12 18.

13 CHAIRPERSON MILLER: 18, okay.
14 Okay. So all those buildings back up to this?

15 INVESTIGATOR JONES: Yes, ma'am.

16 CHAIRPERSON MILLER: To their
17 playground?

18 INVESTIGATOR JONES: Yes, ma'am.

19 CHAIRPERSON MILLER: Okay. And
20 the same with -- oh, I see, 17, okay. All
21 right. And the I just want to know, is there
22 any other picture in particular that you want

1 to draw our attention to?

2 INVESTIGATOR JONES: Not that I
3 can think of, ma'am, no.

4 CHAIRPERSON MILLER: Okay. Great.
5 Thank you.

6 INVESTIGATOR JONES: Um-hum.

7 CHAIRPERSON MILLER: Okay. Now,
8 does the applicant have any questions based on
9 the Investigator's testimony? You okay?

10 MR. CHURNET: The first -- all we
11 have is -- we have not received --

12 MEMBER SILVERSTEIN: Questions.

13 MR. CHURNET: -- the investigation
14 report.

15 CHAIRPERSON MILLER: You don't
16 have the investigation report?

17 MR. CHURNET: We have not. And
18 that puts us in a complete disadvantage.

19 MEMBER ALBERTI: I'm going to
20 check and see if there was an electronic
21 receipt.

22 CHAIRPERSON MILLER: That should

1 have been mailed electronically to the
2 applicant, so we are checking on what happened
3 with that. In the meantime, we can try to get
4 you a copy for now. I thought you had one in
5 front of you.

6 MR. CHURNET: You want --

7 MEMBER ALBERTI: Just wait, just
8 wait.

9 MR. CHURNET: -- me to go ahead
10 with my questions to save time?

11 CHAIRPERSON MILLER: You may.
12 It's up to you. Okay.

13 CROSS-EXAMINATION

14 MR. CHURNET: I'm sorry, I don't
15 remember your name, sir. What's your name,
16 sir?

17 INVESTIGATOR JONES: Jones,
18 Investigator Jones.

19 MR. CHURNET: Jones. Okay. Mr.
20 Jones, do you know if there are commercial
21 parking laws in the neighborhood?

22 INVESTIGATOR JONES: Not on that

1 block, no.

2 MR. CHURNET: No? Do you know if
3 there are metered parking spaces on the side
4 of the street on the location of the
5 applicant's store?

6 INVESTIGATOR JONES: No, not on
7 that side. There are parking zones, parking
8 signs.

9 MR. CHURNET: There are parking
10 spaces?

11 INVESTIGATOR JONES: Yeah, yeah.

12 MR. CHURNET: And the backyard to
13 the school, do you know if it has broken
14 glasses, beers, wines and bottles?

15 INVESTIGATOR JONES: The backyard
16 of the school?

17 MR. CHURNET: Yeah.

18 INVESTIGATOR JONES: I didn't
19 observe that.

20 MR. CHURNET: Okay. And do you
21 have knowledge about the cleaning of the
22 streets and the removal of trash in the

1 neighborhood?

2 INVESTIGATOR JONES: One more
3 time?

4 MR. CHURNET: Do you have
5 knowledge about the trash -- the removal of
6 trash and the cleaning of the street in that
7 neighborhood? How it is cleaned?

8 INVESTIGATOR JONES: That wasn't a
9 condition from what I understood, so I don't
10 know about how the street is cleaned.

11 MR. CHURNET: How about trash
12 removal? Do you have any knowledge about how
13 trash is removed there?

14 INVESTIGATOR JONES: I couldn't
15 because I couldn't get to the owner.

16 MR. CHURNET: I'm sorry?

17 INVESTIGATOR JONES: I couldn't
18 because I didn't speak with the owner. Are
19 you talking about the establishment itself or
20 are you talking about just on that block?

21 MR. CHURNET: On that block. On
22 that whole area. Is there -- does the city

1 remove the trash?

2 INVESTIGATOR JONES: The sweepers.

3 MR. CHURNET: Yes.

4 INVESTIGATOR JONES: Yes, sir.

5 MR. CHURNET: On the street do you
6 see bottles, broken glasses?

7 INVESTIGATOR JONES: I did see
8 bottles on Good Hope Road, yes, sir.

9 MR. CHURNET: Now, about making
10 contact this was the owner of the
11 establishment, Mr. Danny Desta. Do you have
12 his phone number?

13 INVESTIGATOR JONES: I don't have
14 his phone number.

15 MR. CHURNET: Do you try to get
16 his phone number?

17 INVESTIGATOR JONES: Yes.

18 MR. CHURNET: From whom?

19 INVESTIGATOR JONES: I tried to
20 get it from the brother.

21 MR. CHURNET: And he wouldn't give
22 it?

1 INVESTIGATOR JONES: I didn't -- I
2 don't know if that was -- I don't know if it
3 is what I was trying to relay to him, just
4 like he has an interpreter, I don't know if --
5 to me, it sounded like he understood what I
6 was trying to say. But every avenue that I
7 tried, I -- there was no contact from Mr.
8 Desta.

9 MR. CHURNET: So that --

10 INVESTIGATOR JONES: Even when I
11 spoke with you and I asked you to have him
12 contact me, he didn't contact me.

13 MR. CHURNET: So the problem could
14 have been a language barrier between you and
15 his brother at the store?

16 INVESTIGATOR JONES: But he wasn't
17 the only one that I tried to get the
18 information from. So I'm just giving you one
19 example. Just like I said, I asked you to
20 have him contact me.

21 MR. CHURNET: Right.

22 INVESTIGATOR JONES: And I didn't

1 hear from him.

2 MR. CHURNET: And he had not
3 contacted you?

4 INVESTIGATOR JONES: No.

5 MR. CHURNET: Okay. My client
6 tells me that he has contacted him two times.

7 CHAIRPERSON MILLER: Okay. But
8 it's not his turn to -- you're an attorney.
9 It's not his time to testify.

10 MR. CHURNET: I apologize. I
11 apologize.

12 CHAIRPERSON MILLER: Okay.

13 MR. CHURNET: Now, about you --
14 our contacting the licensing specialist.

15 INVESTIGATOR JONES: Um-hum.

16 MR. CHURNET: I do remember saying
17 to you that I was embarrassed, because of when
18 the commissioner indicated that it's not his
19 signature. I was embarrassed and I didn't
20 have any knowledge about all the -- that was
21 signed by the commissioner that's true.

22 INVESTIGATOR JONES: Yes, sir.

1 MR. CHURNET: You know, but I
2 don't think I indicated to you that it was
3 forged, because --

4 CHAIRPERSON MILLER: Are you
5 coming to a question?

6 MR. CHURNET: My question is on --
7 my question is did I -- you indicated in your
8 testimony, in your report that I indicated to
9 you that I have knowledge about the problem of
10 disorder and problems with peace, problems
11 with safety. Is that --

12 INVESTIGATOR JONES: I didn't say
13 that.

14 MR. CHURNET: Oh, you didn't say
15 that?

16 INVESTIGATOR JONES: No, I didn't.

17 MR. CHURNET: Now --

18 INVESTIGATOR JONES: I said that
19 you were aware of the protest issues. I
20 didn't say that you were aware of --

21 MR. CHURNET: Oh, okay. The
22 incidents report -- the incidents in which is

1 to report in that neighborhood and give a list
2 of incidents, were they related to existing
3 establishments with liquor licenses?

4 INVESTIGATOR JONES: A lot of the
5 calls when you do the Calls for Service for --
6 you try to narrow it down to that location, to
7 that address, that's why you give a certain
8 address, but there are times where MPD may
9 arrive on a scene and it may be determined
10 that it may have happened next door or two
11 doors down, but all of the calls were related
12 to that location.

13 MR. CHURNET: No, but did -- is
14 there any indication that those incidents were
15 the result of the existing establishments
16 there with liquor licenses or who their source
17 be?

18 INVESTIGATOR JONES: No, no, no.

19 MR. CHURNET: Okay. So it may not
20 be the result of --

21 INVESTIGATOR JONES: But that's
22 without having liquor licenses. All of those

1 calls.

2 MR. CHURNET: I'm sorry?

3 INVESTIGATOR JONES: It was 49
4 calls without a liquor license.

5 MR. CHURNET: Without the liquor?
6 I'm sorry? Can you repeat that?

7 INVESTIGATOR JONES: There were 49
8 calls --

9 MR. CHURNET: Uh-huh.

10 INVESTIGATOR JONES: -- for
11 service to that location.

12 MR. CHURNET: To that location.

13 INVESTIGATOR JONES: Without a
14 liquor license.

15 MR. CHURNET: Without a liquor
16 license, okay. Okay. Now, about this claim
17 of forgery --

18 INVESTIGATOR JONES: Um-hum.

19 MR. CHURNET: -- on the settlement
20 agreement.

21 INVESTIGATOR JONES: Yes, sir.

22 MR. CHURNET: This indicates, Your

1 Honor, that the report has been mailed to me
2 on October 25. And I have not received the
3 form.

4 CHAIRPERSON MILLER: Okay. Is the
5 address your address that is on that piece of
6 paper where it was mailed?

7 MR. CHURNET: I'm sorry? The
8 address?

9 CHAIRPERSON MILLER: That was
10 mailed by ABRA, I assume. Is that your
11 correct address that is on the piece of paper?

12 MR. CHURNET: I'm sorry?

13 CHAIRPERSON MILLER: Is that your
14 correct address?

15 MR. CHURNET: This one here? I
16 don't see the address, that's one other thing.

17 CHAIRPERSON MILLER: Oh.

18 MR. CHURNET: The address is --

19 MEMBER ALBERTI: Your email
20 address. No? Oh, I'm sorry.

21 MR. CHURNET: Oh, the email
22 address is it, yeah.

1 CHAIRPERSON MILLER: The email.

2 It was emailed to you.

3 MR. CHURNET: Oh, no, it was not
4 emailed. I have the hard copy.

5 MEMBER ALBERTI: Is this your
6 correct email address on this --

7 MR. CHURNET: Yes, yes.

8 MEMBER ALBERTI: -- printed paper?
9 It is.

10 MR. CHURNET: Yes.

11 MEMBER ALBERTI: Okay.

12 MR. CHURNET: But I have never
13 received the report through my email. I know
14 that. And I can show that to you if
15 necessary.

16 MEMBER JONES: How can he show
17 that?

18 MR. CHURNET: Now, about that
19 forger -- claim of forgery. Is it your
20 opinion that the -- Mr. Wilson the
21 commissioner is saying that Daniel Desta
22 forged the signature or is he saying that he

1 had in his hand or he presented a settlement
2 agreement that was not his signature? What's
3 your understanding? Is he alleging that he
4 forged the signature? Is that what he is
5 saying? Do you understand my question?

6 INVESTIGATOR JONES: I understand
7 your question.

8 MR. CHURNET: Yes, yes. I heard
9 the commissioner say that is not his
10 signature.

11 INVESTIGATOR JONES: Right.

12 MR. CHURNET: Yeah. But I didn't
13 hear him say that he knows who forged the
14 signature. Is that what --

15 INVESTIGATOR JONES: From my
16 understanding, it was the owner who forged the
17 signature.

18 MR. CHURNET: The owner? You mean
19 the owner, right?

20 INVESTIGATOR JONES: Yes.

21 MR. CHURNET: The owner forged the
22 signature? What's the basis for you to say

1 that? What basis --

2 INVESTIGATOR JONES: You just
3 asked me. I just told you the commissioner
4 told me that.

5 MR. CHURNET: Oh, the commissioner
6 told you that the owner --

7 INVESTIGATOR JONES: Yes.

8 MR. CHURNET: Did you ask him or
9 did you investigate that? Did you find out
10 how he came to know that the owner --

11 INVESTIGATOR JONES: He said it
12 wasn't his signature.

13 MR. CHURNET: But you know, saying
14 that about his signature is not the same thing
15 as saying that --

16 INVESTIGATOR JONES: Oh, that's
17 not for me to determine. All I do is report
18 the facts. So what the commissioner told me
19 is what I reported.

20 MR. CHURNET: Yeah, but --

21 INVESTIGATOR JONES: So it's up to
22 -- this is why we are here today.

1 MR. CHURNET: Okay.

2 INVESTIGATOR JONES: Okay?

3 MR. CHURNET: Yeah. But other
4 than his mere statement that it's not his
5 signature --

6 INVESTIGATOR JONES: Yes.

7 MR. CHURNET: -- he didn't provide
8 you with any evidence that means signature --

9 INVESTIGATOR JONES: No, not after
10 that.

11 MR. CHURNET: -- was forged by --

12 INVESTIGATOR JONES: No, sir. Not
13 after that. No, sir.

14 MR. CHURNET: No?

15 INVESTIGATOR JONES: No, sir.

16 MR. CHURNET: Just his claim that
17 it's --

18 INVESTIGATOR JONES: Yes, sir.

19 MR. CHURNET: -- not his
20 signature.

21 INVESTIGATOR JONES: And that's
22 all I stated, there was a claim. That's why

1 I said that.

2 MR. CHURNET: So it's your opinion
3 then that that was sufficient to accuse the
4 owner that has forged --

5 INVESTIGATOR JONES: Again, I said
6 there was a claim. It wasn't accusation.

7 MR. CHURNET: Okay.

8 INVESTIGATOR JONES: For me, all I
9 do is report what is reported to me.

10 MR. CHURNET: Okay.

11 INVESTIGATOR JONES: So I'm
12 reporting the facts. And just like the
13 conversation that you and I had, you told me
14 that you knew this.

15 MR. CHURNET: Now, let me ask you
16 one other question. Would it not be in the
17 interest of Daniel to contact you to, you
18 know, provide you with information on this and
19 other questions? Why would he not contact
20 you?

21 INVESTIGATOR JONES: I have no
22 idea, sir. I don't know.

1 CHAIRPERSON MILLER: We don't need
2 -- okay. We don't want to get into
3 speculation.

4 MR. CHURNET: Okay. Okay. Now,
5 do you have knowledge about the presence of
6 police in that locale, in that location?

7 INVESTIGATOR JONES: One more
8 time?

9 MR. CHURNET: Presence of police?

10 INVESTIGATOR JONES: Yes, yes.

11 MR. CHURNET: Is there --

12 INVESTIGATOR JONES: They patrol
13 regularly that area, yes, sir.

14 MR. CHURNET: Now, general -- this
15 will be my last question.

16 INVESTIGATOR JONES: Um-hum.

17 MR. CHURNET: Generally, how would
18 you characterize the neighborhood? Is it
19 declining because of the problems?

20 INVESTIGATOR JONES: I can't tell
21 you from a long standpoint that I could see
22 the area is declining. I can't tell you that.

1 MR. CHURNET: But can you tell --

2 INVESTIGATOR JONES: What I can
3 tell you is what I observed during the time
4 and period that I was there. And what I
5 observed was multiple individuals walking up
6 within a two to three block radius
7 congregating in many areas, some were
8 intoxicated, some seem to be coming from that
9 Methadone Clinic in a high-state and they all
10 congregated in the park across the street.

11 So I can't tell you if the area is
12 declining. I can only tell you is what I
13 observed at the time that I was there. And it
14 was a lot of activity in that area, to me,
15 that seemed to be a dangerous state.

16 MR. CHURNET: Did you do --

17 INVESTIGATOR JONES: Without
18 alcohol being involved.

19 MR. CHURNET: Those people that
20 you saw hanging out there --

21 INVESTIGATOR JONES: Um-hum.

22 MR. CHURNET: -- where they

1 getting bottled beers, wine, beers?

2 INVESTIGATOR JONES: Well, they
3 don't have it out in the open, but there are
4 bags being carried. There are people who are
5 drinking something from either brown bags or
6 either black plastic bags.

7 MR. CHURNET: I think I'm done.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Wilson?

10 MR. WILSON: I believe the
11 Inspector has pretty much said it all. I
12 don't think we have any follow-up questions
13 for him.

14 CHAIRPERSON MILLER: Okay. Thank
15 you very much.

16 INVESTIGATOR JONES: Thank you.

17 (Whereupon, witness was excused.)

18 CHAIRPERSON MILLER: Okay. Now,
19 we are going to go to the applicant's case.
20 Do you want to call your first witness?

21 MR. CHURNET: Witness, yeah. My
22 first witness is Mr. Daniel Desta, the owner.

1 CHAIRPERSON MILLER: Okay. Would
2 you take the stand, please? And I want to
3 swear you in.

4 Whereupon,

5 DANIEL DESTA
6 was called as a witness by Counsel for the
7 licensee, and having been first duly sworn,
8 assumed the witness stand and was examined and
9 testified as follows:

10 INTERPRETER DESTA: Yes.

11 CHAIRPERSON MILLER: He needs to
12 say it.

13 MR. DESTA: Yes.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. You can sit down.

16 DIRECT EXAMINATION

17 THROUGH INTERPRETER:

18 MR. CHURNET: State your full
19 name, please.

20 MR. DESTA: Daniel Desta.

21 MR. CHURNET: You have family?

22 MR. DESTA: Yes, I have a wife.

1 MR. CHURNET: Okay. Can you tell
2 us about your history here in the United
3 States?

4 MR. DESTA: Yes.

5 MR. CHURNET: Okay. How long ago
6 did you -- when did you come to the U.S.?

7 MR. DESTA: October 10, 2004.

8 MR. CHURNET: Okay. And can you
9 tell us about your residence, please?

10 MR. DESTA: What kind of
11 residence?

12 MR. CHURNET: Where do you live?

13 MR. DESTA: 3831 Hamilton Street,
14 Hyattsville, Maryland ZIP Code 20781.

15 MR. CHURNET: Are you the owner of
16 Dollar Plus Store, the applicant?

17 MR. DESTA: Yes.

18 MR. CHURNET: Who else owns -- is
19 there any other owner of the Dollar Plus
20 Store?

21 MR. DESTA: My wife and me.

22 MR. CHURNET: Okay. So it's a

1 family store?

2 MR. DESTA: Yes.

3 MR. CHURNET: Okay. Is your
4 partner or wife present here?

5 MR. DESTA: Yes.

6 MR. CHURNET: Okay. When was the
7 store opened?

8 MR. DESTA: It's almost a little
9 over a year, September 2012.

10 MR. CHURNET: Okay. Describe the
11 nature of the business, please.

12 MR. DESTA: The store is coming, a
13 deli store and a Dollar Plus Store.

14 MR. CHURNET: How many people work
15 in the store?

16 MR. DESTA: Three people.

17 MR. CHURNET: Okay. Who is the
18 manager of the store?

19 MR. DESTA: I am the manager.

20 MR. CHURNET: Okay. Can you tell
21 us about the operation and the patterns of the
22 store?

1 MR. DESTA: It's about a work
2 issue.

3 MR. CHURNET: I'm sorry?

4 MR. DESTA: It's about the work.

5 MR. CHURNET: Yes, about the work.

6 MR. DESTA: Yes. What I said is
7 as I said earlier, I sell like juice, meat and
8 egg, things like that.

9 MR. CHURNET: And about your
10 patrons?

11 MR. DESTA: What?

12 MR. CHURNET: The customers, can
13 you tell us about?

14 MR. DESTA: Patron means a
15 customer.

16 MR. CHURNET: Yes, the customer.

17 MR. DESTA: My customers are very
18 happy in that store.

19 MR. CHURNET: Okay. Now, can you
20 -- has the operation and patrons of the store
21 been detrimental to the health, safety or the
22 peace of the community?

1 MR. DESTA: No, there is nothing
2 like that. There is always a police and there
3 is nothing going on.

4 MR. CHURNET: What -- when did you
5 apply for a liquor license?

6 MR. DESTA: Something before the
7 month of September.

8 MR. CHURNET: Okay. Did you
9 initially plan to apply for a Class A License?

10 MR. DESTA: No. No, it's beer and
11 wine only.

12 MR. CHURNET: Are you applying for
13 a Class B Liquor License now?

14 MR. DESTA: No. My first
15 application was for beer and wine. So the
16 Board itself told me that -- after they saw
17 that, they told me that why don't you make it
18 Class A License?

19 CHAIRPERSON MILLER: I'm sorry,
20 who told him that?

21 MR. DESTA: The people who saw me
22 first when I was telling the court.

1 MR. CHURNET: Now, when did you
2 apply for a liquor license?

3 MR. DESTA: When they told me
4 that, I just use that -- I took advantage of
5 it.

6 MR. CHURNET: Do you know the
7 existence of other establishments with liquor
8 licenses in the area?

9 MR. DESTA: Yes.

10 MR. CHURNET: How many are they?

11 MR. DESTA: I only know one store
12 who has a liquor license and there is another
13 one who has for beer and wine.

14 MR. CHURNET: The closest
15 establishment with a liquor license, how close
16 is it to you? How many blocks away?

17 MR. DESTA: I believe it is going
18 to be three or two blocks.

19 MR. CHURNET: Now, has this
20 existing establishment produced deleterious
21 effects on the neighborhood like littering,
22 loitering, trash, fighting, parking,

1 congestion, vehicular and pedestrian safety
2 issues?

3 INTERPRETER DESTA: Excuse me, can
4 you slow down?

5 MR. CHURNET: Yes. Has this --

6 INTERPRETER DESTA: I'm sorry,
7 this is the Interpreter.

8 MR. CHURNET: I'm sorry. Has
9 these existing establishments produced
10 deleterious effects on the neighborhood?

11 MR. DESTA: No, there isn't
12 anything.

13 MR. CHURNET: Like littering,
14 loitering?

15 MR. DESTA: No.

16 MR. CHURNET: Trash? Fighting?

17 MR. DESTA: No.

18 MR. CHURNET: Parking congestion?

19 MR. DESTA: No parking congestion
20 at all.

21 MR. CHURNET: Okay. Do you know
22 if there are commercial parking lots in the

1 neighborhood?

2 MR. DESTA: No, there isn't, but
3 there is the -- they can park on the street.

4 MR. CHURNET: Okay. And do you
5 know if there is a school in the neighborhood?

6 MR. DESTA: There isn't anything
7 in front of me. I didn't see anything in
8 front, but there is behind it.

9 MR. CHURNET: How close is the
10 backyard of the school to your liquor store?

11 MR. DESTA: I cannot say this, but
12 I see them coming from the backside, going out
13 and coming back from the backside.

14 MR. CHURNET: Do you know if the
15 school has a backyard for the school?

16 MR. DESTA: No, I don't.

17 MR. CHURNET: Have you seen broken
18 glasses, beer, beer bottles, wine bottles on
19 the street around?

20 MR. DESTA: No, I haven't seen
21 them.

22 MR. CHURNET: Do you have

1 knowledge about the cleaning of the streets?

2 MR. DESTA: Yes.

3 MR. CHURNET: Can you tell us?

4 MR. DESTA: They always clean up.

5 Three times a day we clean it and also they

6 clean it every morning.

7 MR. CHURNET: Do you have

8 knowledge about the presence of police in the

9 neighborhood?

10 MR. DESTA: Yes, they come and

11 they stay there and they stay and see that

12 there is nothing going on.

13 MR. CHURNET: Do you have

14 knowledge about the quality of the

15 neighborhood?

16 CHAIRPERSON MILLER: About the

17 what?

18 MR. CHURNET: Quality of the

19 neighborhood.

20 CHAIRPERSON MILLER: Oh, quality.

21 Quality?

22 MR. CHURNET: Quality. I'm sorry.

1 CHAIRPERSON MILLER: Okay.

2 MR. DESTA: There is nothing going
3 on in our area. It is always clean. We clean
4 every day.

5 MR. CHURNET: Is the neighborhood
6 in decline or there is lots of problems with
7 the cars and existing establishments with
8 liquor licenses?

9 MR. DESTA: No.

10 MR. CHURNET: Based on your
11 experience, do you have an opinion about the
12 effects of granting another liquor license in
13 the neighborhood?

14 MR. DESTA: There is no problem.

15 MR. CHURNET: Can you explain
16 that?

17 MR. DESTA: Yes. The first thing
18 is during the school hours, the children are
19 at school, but they will come to my store.
20 They don't come to my store. And the second
21 thing is we just have a discount in the store
22 and that will be for the customers.

1 MR. CHURNET: Now, can you tell us
2 about the status of your wife?

3 MR. DESTA: She is with me.

4 MR. CHURNET: I'm sorry?

5 MR. DESTA: She is with me. What
6 did you want?

7 MR. CHURNET: Well, her status.
8 What is her status in America?

9 MR. DESTA: Citizen.

10 MR. CHURNET: Is she a citizen?

11 MR. DESTA: She is a citizen.

12 MR. CHURNET: Okay. And how about
13 you? What's your status?

14 MR. DESTA: I just finished my
15 papers and I'm waiting for my green card.

16 MR. CHURNET: Okay. Now, I'll ask
17 you a few questions about the settlement
18 agreement that you gave to me to give to the
19 Board.

20 Now, how did you get that
21 settlement agreement?

22 MR. DESTA: Okay. I went on-line

1 and somebody by the name Anthony Muhammad. I
2 took that and I called him. He came to the
3 store and he saw it. So he saw that and said
4 there won't be any problem, because he saw the
5 police around there and said there won't be
6 any problem.

7 So I spoke to him and asked him to
8 help me. But he said I'm going to be working
9 in collaboration with them. So I gave him the
10 application form. He took it.

11 INTERPRETER DESTA: Sorry.

12 MR. DESTA: So he brought the
13 application form itself and then he said I'm
14 going to bring it for you after it is signed.
15 So after it was signed, he brought it and he
16 showed it to me and then he told me to sign
17 here. So I signed it and he gave it to me.
18 And he took the copy saying that is going to
19 be for him.

20 MR. CHURNET: Now, and then what
21 did you do with the settlement agreement?

22 MR. DESTA: I gave it to my

1 lawyer.

2 MR. CHURNET: Why did you give it
3 to your lawyer?

4 MR. DESTA: Because he asked me to
5 give it to the Board.

6 MR. CHURNET: Okay. Now, and
7 after the -- your counsel gave it to the
8 Board, what happened?

9 MR. DESTA: Which one? I didn't
10 understand.

11 MR. CHURNET: The settlement
12 document you give the Board or the clerks of
13 the Board. Did they act on that settlement
14 agreement?

15 MR. DESTA: They didn't say
16 anything to me. But I was told through him
17 that this signature was forged.

18 MR. CHURNET: Before that though,
19 before that I just want to refresh your
20 memory. The mediation was canceled because of
21 the settlement agreement?

22 MR. DESTA: Yes.

1 MR. CHURNET: And did the
2 commissioner, Mr. Wilson, did he have enough
3 time to respond -- to indicate to the Board
4 before it was -- the mediation was canceled
5 that it was not his signature, but it was
6 forged?

7 INTERPRETER DESTA: Sorry. I am
8 sorry. This is the Interpreter. I want
9 everything repeated again.

10 MR. CHURNET: Yes. After you --
11 counsel submitted the settlement agreement to
12 the Board, you took -- at some time the
13 mediation was canceled and counsel informed
14 you about the cancellation of the mediation
15 because of the settlement agreement. And then
16 your counsel told you that the case would be
17 brought before the Board on the assumption
18 that the mediation is canceled and the parties
19 have reached a settlement agreement.

20 And during all that time, did
21 Commissioner Wilson, did he, have enough time
22 to bring this complaint that he has about the

1 forgery of his signature?

2 MR. DESTA: Yes, he had a lot of
3 time.

4 MR. CHURNET: And he did it?

5 MR. DESTA: He did it.

6 MR. CHURNET: And then when you
7 were informed through your counsel that he has
8 pled -- the commissioner has asserted that
9 it's not his signature, what did you do?

10 MR. DESTA: I just called him
11 right away and asked him what it is.

12 MR. CHURNET: Who? Who did you
13 call?

14 MR. DESTA: Anthony Muhammad.

15 MR. CHURNET: Okay. And what did
16 he tell you?

17 MR. DESTA: It's no problem.

18 MR. CHURNET: What do -- when he
19 said there is no problem, what's that mean?

20 MR. DESTA: He told me there is --

21 MR. CHURNET: That the signature
22 was forged? Is that what was discussed?

1 INTERPRETER DESTA: Sorry.

2 MR. CHURNET: Was he saying that
3 the signature was not forged?

4 MR. DESTA: Yes.

5 MR. CHURNET: Sorry?

6 MR. DESTA: Yes.

7 MR. CHURNET: Yes what?

8 MR. DESTA: Yes, he told me that
9 is not forged.

10 MR. CHURNET: That's this
11 Commissioner Wilson's signature?

12 MR. DESTA: Yes.

13 MR. CHURNET: He told you?

14 CHAIRPERSON MILLER: Okay. I
15 don't -- you need to be leading the witness
16 somewhat and since you are an attorney, I
17 don't really want to give you too much leeway
18 on that.

19 MR. CHURNET: Now, did you forge
20 Mr. Wilson's signature on that?

21 MR. DESTA: Why would I sign it?

22 MR. CHURNET: But did you?

1 MR. DESTA: No.

2 MR. CHURNET: Okay.

3 MR. DESTA: I did not.

4 MR. CHURNET: Do you know if it is
5 forged?

6 MR. DESTA: No, I don't.

7 MR. CHURNET: Other than what you
8 heard from Commissioner Wilson, is there any
9 business that -- on which you could -- you
10 know, I just want to know if there is any
11 reason why you think it is a forged document?

12 MR. DESTA: Is that me or --

13 MR. CHURNET: Okay. That ends my
14 questions.

15 MR. DESTA: -- him that is
16 supposed to know?

17 MR. CHURNET: No, that's okay.

18 INTERPRETER DESTA: That's okay.

19 MR. CHURNET: I'll withdraw the
20 question.

21 CHAIRPERSON MILLER: Okay. That
22 completes your questioning?

1 MR. CHURNET: Yes, for him.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Wilson, do you have questions for the witness?

4 MR. WILSON: Yes.

5 CROSS-EXAMINATION

6 MR. WILSON: Mr. Desta, you said
7 that you operated the store since when?

8 MR. DESTA: From September.

9 MR. WILSON: What is your role in
10 operating the store?

11 MR. DESTA: I'm a manager.

12 MR. WILSON: Do you interact with
13 customers?

14 MR. DESTA: Yes.

15 MR. WILSON: Does Ms. Desta work
16 with you at the store?

17 MR. DESTA: No.

18 MR. WILSON: Okay. So I'm
19 confused. How do you interact with customers
20 if you don't understand English?

21 MR. DESTA: I just want to say a
22 clear statement down here. It's not that I do

1 not communicate with other customers.

2 MR. WILSON: Okay. So you do
3 speak English?

4 MR. DESTA: Of course I do.

5 MR. WILSON: Okay.

6 MR. DESTA: Yes.

7 MR. WILSON: Let's talk about were
8 you at the Roll Call Hearing?

9 INTERPRETER DESTA: The local
10 hearing?

11 MR. WILSON: Yes, the Roll Call
12 Hearing, our first hearing.

13 MR. DESTA: The first time I was
14 here. The second time I was not here.

15 MR. WILSON: Okay. Was
16 Commissioner Anthony Muhammad here?

17 MR. DESTA: Because I was not
18 here, I didn't see him.

19 MR. WILSON: You said you were
20 here at the first --

21 MEMBER ALBERTI: Mr. Wilson, could
22 you clarify that question? When you say was

1 Mr. Muhammad here --

2 MR. WILSON: Right.

3 MEMBER ALBERTI: When?

4 MR. WILSON: It means was
5 Commissioner Muhammad here during the Roll
6 Call Hearing? The first hearing that you just
7 indicated that you were present.

8 MR. DESTA: Who is Wilson? Is
9 that you?

10 MR. WILSON: I'm Commissioner
11 Charles Wilson.

12 MR. DESTA: Yes, you were.

13 MR. WILSON: My question --

14 MR. DESTA: Yes, I saw you.

15 MR. WILSON: No, no. My question
16 was was Commissioner Anthony Muhammad here?

17 MR. DESTA: I didn't see him.

18 MR. WILSON: Okay. So I guess my
19 question is why would you communicate with
20 Commissioner Anthony Muhammad as opposed to
21 myself?

22 MR. DESTA: Firstly, I don't have

1 your phone number.

2 MEMBER SILVERSTEIN: Say that
3 again, please.

4 INTERPRETER DESTA: Firstly, I
5 don't have your phone number.

6 MR. DESTA: And when I first came
7 in -- when I first went to do it on-line, the
8 name, that first name that I saw was Anthony
9 Muhammad.

10 MR. WILSON: And what website did
11 you use?

12 MR. DESTA: Zone 8A, Zone 8.

13 MR. WILSON: Okay. ANC-8A. Were
14 there any other commissioners listed on the
15 website?

16 MR. DESTA: Yes, there are, but I
17 picked Muhammad.

18 MR. WILSON: Why did you pick
19 Commissioner Muhammad as opposed to
20 Commissioner Wilson or Commissioner -- myself
21 or Moore.

22 MR. DESTA: I don't know any one

1 of them. I just saw it. I just picked it.

2 MS. FULLER: My question is how
3 long have you been at the store? Have you
4 owned it?

5 MEMBER SILVERSTEIN: Sir?

6 MR. DESTA: Almost --

7 CHAIRPERSON MILLER: Let me
8 clarify here. Okay. You are one party.

9 MR. WILSON: Okay. Okay.

10 MS. FULLER: I'm sorry.

11 CHAIRPERSON MILLER: Okay. So you
12 can give him questions.

13 MR. WILSON: Okay. Did you say --
14 your attorney asked you the question about
15 crime and loitering and such negative activity
16 in the neighborhood. And your response, I
17 believe, was that there wasn't any. However,
18 why did you call the police 49 times or more?

19 MR. DESTA: This is not concerning
20 about cleaning as -- and fighting. There are
21 people who come to the store and steal.

22 MR. WILSON: All right. But why -

1 - you mentioned that there wasn't any negative
2 activity, but there are 49 complaints around
3 your store.

4 INTERPRETER DESTA: How many
5 complaints?

6 MR. WILSON: 49.

7 MR. DESTA: It cannot be from only
8 me. The 49 calls can not only be from me.

9 MR. WILSON: All right. We have a
10 list in the Investigator's report that all the
11 calls were from 1429 Good Hope Road.

12 MR. DESTA: Anybody could call and
13 say calling from 1429. They can tell my --
14 anybody can tell the address.

15 CHAIRPERSON MILLER: Mr. Wilson,
16 excuse me, does that have an exhibit number on
17 it with respect to exhibit to the report?

18 MR. WILSON: No. 37.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Mr. Wilson, just
21 to be clear, this is calls for service?

22 MR. WILSON: Yes.

1 MEMBER ALBERTI: It's the address
2 that was given to the police. It doesn't
3 designate who made the call, to be clear.

4 MR. WILSON: You mentioned that
5 your wife is here?

6 MR. DESTA: Yes.

7 MR. WILSON: Do you guys have
8 children?

9 MR. DESTA: No.

10 MR. WILSON: If you did have
11 children and they attended Ketcham Elementary
12 School would you vote to approve this liquor
13 license application?

14 MR. DESTA: I am a human being. I
15 don't want to hurt anybody. So what I am
16 trying to say is we want to work with an
17 intention that is not going to hurt anybody.

18 MR. WILSON: Okay. But you didn't
19 answer my question.

20 MR. DESTA: That's what I --

21 MR. WILSON: Would you --

22 MR. DESTA: -- the question you

1 stated was like that, that's what I thought.

2 MR. WILSON: Well, let me restate
3 the question. If you had children and they
4 attended Ketcham Elementary School, would you
5 support an application for a liquor license at
6 this location?

7 MR. DESTA: If there is a problem,
8 I wouldn't support it.

9 MR. WILSON: Do you feel that
10 there is a problem?

11 MR. DESTA: No. For me, I don't
12 see the problem.

13 MR. WILSON: All right. No
14 further questions.

15 CHAIRPERSON MILLER: Okay. Board
16 questions?

17 MEMBER ALBERTI: Go ahead.

18 CHAIRPERSON MILLER: I don't have
19 any.

20 MEMBER ALBERTI: Okay. I do.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Alberti?

1 MEMBER ALBERTI: Okay. Mr.

2 Churnet?

3 MR. CHURNET: Yes, sir.

4 MEMBER ALBERTI: Can you hand your
5 client a copy of the report?

6 MR. CHURNET: This report?

7 MEMBER ALBERTI: Yes. Can you
8 hand that to your client, please?

9 Mr. Desta, please, turn to Exhibit
10 3. Mr. Desta, do you see the exhibit numbers
11 at the top of the pages?

12 MR. DESTA: I'm looking for No. 3.

13 MEMBER ALBERTI: Okay. I'll tell
14 you what, Mr. Desta, please, hand it back to
15 Mr. Churnet.

16 Mr. Churnet, would you, please,
17 identify Exhibit 3 for your client?

18 MR. CHURNET: Yes.

19 MEMBER ALBERTI: Mr. Churnet, can
20 you identify Exhibit 3 for him, please?

21 MR. CHURNET: Read it for him?

22 MEMBER ALBERTI: Would you

1 identify it for him?

2 MR. CHURNET: Okay.

3 MEMBER ALBERTI: Just show him
4 where it was. Thank you.

5 MR. CHURNET: Exhibit 3, right?

6 MEMBER ALBERTI: Exhibit 3. It's
7 before that. Yes, yes, that's it.

8 Mr. Desta, there are four pages in
9 this exhibit. Would you take a look at all
10 four pages, please?

11 INTERPRETER DESTA: Does it have
12 to be translated?

13 MEMBER ALBERTI: I'm just asking
14 him to take a look. I'm not asking him to
15 read it now.

16 INTERPRETER DESTA: Okay.

17 MR. DESTA: Okay.

18 MEMBER ALBERTI: Have you seen
19 this before?

20 MR. DESTA: Yes, I did.

21 MEMBER ALBERTI: Do you know what
22 it is? If you don't, you can say so.

1 MR. DESTA: I don't know.

2 MEMBER ALBERTI: You don't know.

3 Okay. Mr. Desta, do you read English?

4 MR. DESTA: Yes.

5 MEMBER ALBERTI: You do?

6 MR. DESTA: I try.

7 MEMBER ALBERTI: You try. All

8 right. Have you attempted to read this

9 document? Have you seen -- okay. Have you

10 seen this document before?

11 MR. DESTA: Yes. I didn't see

12 this one.

13 MEMBER ALBERTI: You have never?

14 Okay. You didn't see this document before.

15 Is that correct?

16 MR. DESTA: No, I haven't seen it.

17 MEMBER ALBERTI: Okay.

18 Interesting. Can we turn to page 4 of this

19 document?

20 MR. DESTA: Yes, I signed it.

21 MEMBER ALBERTI: Is that your

22 signature on page 4?

1 MR. DESTA: Yes.

2 MEMBER ALBERTI: Now, you
3 testified earlier, and I missed part of it,
4 about who you met with to sign a settlement
5 agreement. Is that correct? Answer my
6 question. You testified earlier that you met
7 with someone to sign a settlement agreement.
8 Is that correct?

9 MR. DESTA: Yes.

10 MEMBER ALBERTI: Okay. Was it
11 this agreement?

12 MR. DESTA: I think there are two
13 kinds. It looks like a little bit more in
14 here. This has a lot.

15 MEMBER ALBERTI: So you didn't
16 sign this agreement?

17 MR. DESTA: This has my signature.

18 MEMBER ALBERTI: Okay. So earlier
19 when you said you met with someone to sign the
20 settlement agreement, who was that person you
21 met with?

22 MR. DESTA: I met Anthony

1 Muhammad.

2 MEMBER ALBERTI: Okay. And when
3 you met Mr. Muhammad, was there anyone else's
4 signature on here? On page 4, was there
5 another -- was there -- your signature is
6 here. Did you -- when you met with Mr.
7 Muhammad, did you see a signature -- did you
8 see a page that had someone else's signature
9 on it?

10 MR. DESTA: No, I haven't. He
11 brought it. I haven't.

12 MEMBER ALBERTI: Okay.
13 Interesting. Okay. Did you sign a document
14 in front of Mr. Muhammad? Just to be clear,
15 let me repeat my question.

16 Did you sign a document in front
17 of Mr. Muhammad?

18 MR. DESTA: Yes, I did.

19 MEMBER ALBERTI: Did you believe
20 that document to be the settlement agreement?

21 MR. DESTA: Yes, he told me that.

22 MEMBER ALBERTI: Okay. So after

1 you signed it, who kept the copy of the
2 settlement agreement or the document? Who
3 kept a copy of that document? You or Mr.
4 Muhammad?

5 MR. DESTA: Mr. Muhammad took it.

6 MEMBER ALBERTI: He took it.

7 Okay. All right. Do you know what he did
8 with it?

9 MR. DESTA: He didn't -- I don't
10 know what he did with it.

11 MEMBER ALBERTI: Okay. Fine.

12 MR. DESTA: He made a copy and he
13 gave me this one.

14 MEMBER ALBERTI: Okay. Wait,
15 wait.

16 MR. DESTA: And then he took
17 another.

18 MEMBER ALBERTI: Did he ever
19 return a copy to you?

20 MR. DESTA: He told me this is the
21 original and he gave it to me.

22 MEMBER ALBERTI: You just said he

1 didn't. He -- you just told me he kept it.

2 INTERPRETER DESTA: I have to
3 clarify.

4 MR. DESTA: He gave me -- he made
5 a copy and he gave me the original and he took
6 one and he gave me this one.

7 MEMBER ALBERTI: Okay. So he gave
8 you the original. All right. What did you do
9 with the original?

10 MR. DESTA: Yes, he gave me the
11 original.

12 MEMBER ALBERTI: And what did you
13 do with the original?

14 Mr. Churnet, please, do not
15 attempt to coach your client, please.

16 What did you do with the original?

17 MR. DESTA: He gave me only one.
18 I'm not sure whether it is a copy or anything
19 else.

20 MEMBER ALBERTI: What did you do
21 with it? Did you give it to somebody? Did
22 you throw it away? What did you do with it?

1 MR. DESTA: I gave it to my
2 lawyer. I gave it to my attorney.

3 MEMBER ALBERTI: Okay. So you
4 gave it to your lawyer?

5 MR. DESTA: Yes.

6 MEMBER ALBERTI: Okay. And you
7 testified earlier that there was only one
8 signature, your signature on it. Is that
9 correct?

10 MR. DESTA: I'm getting confused.
11 Okay. What he did is he make him sign and he
12 ask me to sign on the first copy. He took the
13 papers and then he made it sign somewhere.
14 That's what he told me.

15 MEMBER ALBERTI: What? Explain to
16 me he made it sign.

17 MR. DESTA: He said the ANC I
18 would make it sign with the ANC and I bring it
19 for you.

20 MEMBER ALBERTI: Okay. All right.
21 So, okay, what I'm hearing from you is you met
22 with Mr. Muhammad. You signed. There was no

1 other signature when you signed.

2 MR. DESTA: No, it's not.

3 MEMBER ALBERTI: But wait, wait.

4 And then Mr. Muhammad took it to somebody to
5 get it -- to get a second signature and gave
6 it back to you. I mean, that's what you just
7 testified to. Is that correct?

8 MR. DESTA: No, it's not.

9 MEMBER ALBERTI: Okay. Let's go
10 back to the beginning. You met with Mr.
11 Muhammad, correct?

12 MR. DESTA: Yes.

13 MEMBER ALBERTI: You signed a
14 document you believed to be a settlement
15 agreement?

16 MR. DESTA: Yes, I did.

17 MEMBER ALBERTI: Was there a
18 signature on that document other than yours?

19 MR. DESTA: There was a signature.
20 He made me sign after the person signed the --
21 his signature.

22 MEMBER ALBERTI: So when you

1 signed it originally, there was a signature
2 there?

3 MR. DESTA: Yes.

4 MEMBER ALBERTI: So why did you
5 tell me that you gave it back to Mr. Muhammad
6 and he told you that he would take it and have
7 someone sign it? Why did you tell me that?

8 MR. DESTA: That's not the way I
9 said it.

10 MEMBER ALBERTI: Okay.

11 MR. DESTA: What I wanted to say
12 is --

13 MEMBER ALBERTI: Okay. Where did
14 you meet with Mr. Muhammad?

15 MR. DESTA: I met him on-line and
16 I called him.

17 MEMBER ALBERTI: When you signed
18 this, where did you meet him? When you signed
19 that document you thought was a settlement
20 agreement, where did you meet him?

21 MR. DESTA: He gave me an
22 appointment at Dunkin' Donuts at 8th and

1 Pennsylvania at Dunkin' Donuts.

2 MEMBER SILVERSTEIN: Where?

3 MEMBER ALBERTI: You met him at
4 Dunkin' Donuts at 8th and Pennsylvania. What
5 time of day did you meet him?

6 MR. DESTA: Around 12:00.

7 MEMBER ALBERTI: Around 12:00 in
8 the afternoon?

9 MR. DESTA: Yes, around lunchtime.

10 MEMBER ALBERTI: Okay. Do you
11 remember what day of the week it was?

12 MR. DESTA: Yes, I remember it was
13 on Thursday.

14 MEMBER ALBERTI: It was on a
15 Thursday. And why are you so sure of that?
16 How can you be sure that it was a Thursday?

17 MR. DESTA: Because most of the
18 time on Wednesdays I go to Baltimore. He gave
19 me an appointment to come on Wednesday and I
20 wanted him to change it to Thursday.

21 MEMBER ALBERTI: You are in
22 Baltimore on Tuesdays? Is that what you said?

1 INTERPRETER DESTA: Wednesday.

2 MEMBER ALBERTI: Oh.

3 INTERPRETER DESTA: Sorry, I don't
4 know if you heard me. I said Wednesday.

5 MEMBER ALBERTI: Oh, okay. Can
6 you repeat what he said earlier about why he
7 was sure that it was a Thursday?

8 MR. DESTA: Well, he gave me an
9 appointment on Wednesday. I always go on
10 Wednesday to Baltimore.

11 MEMBER ALBERTI: Okay. Very good.
12 And so it was the following day that you met
13 him?

14 MR. DESTA: Yes.

15 MEMBER ALBERTI: Great. Who kept
16 the original, you or him?

17 MR. DESTA: I don't remember. I
18 don't know.

19 MEMBER ALBERTI: You don't
20 remember who kept the original? When did he
21 give you a copy?

22 MR. DESTA: The same day.

1 MEMBER ALBERTI: When that same
2 day?

3 MR. DESTA: Thursday.

4 MEMBER ALBERTI: When? What time
5 of day? When?

6 MR. DESTA: Around 12:00
7 something.

8 MEMBER ALBERTI: Okay. So where
9 did he get -- how did he end up getting a
10 copy? I mean, you are in Dunkin' Donuts.
11 They don't -- I'm familiar with that Dunkin'
12 Donuts. They don't have a Xerox machine.
13 I'll finish my question in a moment. So how -
14 - wait, wait, excuse me. How did -- you
15 testified earlier that he made a copy. So
16 where did -- how did he make a copy?

17 MR. DESTA: He told me that he was
18 going to make a copy and he made a copy and he
19 came.

20 MEMBER ALBERTI: And what?

21 INTERPRETER DESTA: He made a copy
22 and he came.

1 MEMBER ALBERTI: And he came?

2 What do you mean he came?

3 MR. DESTA: He made a copy and he
4 came where I was or where I was there, when I
5 was there.

6 MEMBER ALBERTI: Okay.

7 MR. DESTA: And then he gave me a
8 copy.

9 MEMBER ALBERTI: So and you don't
10 remember where you took the original or he
11 took the original. Is that correct?

12 MR. DESTA: I don't know what he
13 gave me. I just remember that he was going to
14 take one to have. One copy for him and that's
15 all I remember.

16 MEMBER ALBERTI: Okay. When you
17 gave the copy that you had to your attorney,
18 did you tell him it was the original or did
19 you tell him you didn't know whether it was
20 the original or the -- did you -- when you
21 gave the -- when you gave a copy to your
22 attorney, did you tell him it was the

1 original?

2 MR. DESTA: I didn't say that.

3 MEMBER ALBERTI: Pardon?

4 INTERPRETER DESTA: I didn't say
5 that.

6 MEMBER ALBERTI: You didn't say
7 that. Okay. I have no further questions.

8 CHAIRPERSON MILLER: Any other
9 Board questions? Are there any questions from
10 the parties based on the Board's questions?

11 MR. WILSON: I did have a
12 clarification question.

13 CHAIRPERSON MILLER: Okay.

14 MR. WILSON: I missed a part, but,
15 Mr. Desta, what day did you meet with
16 Commissioner Muhammad?

17 MR. DESTA: Thursday.

18 MR. WILSON: It was on a Thursday.
19 And what day did you give the signed copy to
20 the attorney?

21 MR. DESTA: I met him on Thursday,
22 but I'm not sure when I give it to the

1 attorney, whether it is Friday or I'm not sure
2 what day it was.

3 MR. WILSON: Was it --

4 MR. DESTA: I don't remember.

5 MR. WILSON: -- immediately after
6 you received the signed settlement agreement?

7 MR. DESTA: No, it wasn't.

8 MR. WILSON: Okay. When you met
9 with Commissioner Muhammad, how did he
10 represent himself?

11 MR. DESTA: That area -- that he
12 is the area commissioner. He even gave me a
13 leaflet to keep on it say October 4 to keep it
14 in my store. There was some kind of
15 presentation with the police department, which
16 is lunch and dinner. And he told me that to
17 leave that little leaflet for October 4th in
18 my store and I remember that -- taking that.

19 MR. WILSON: Okay. Have you ever
20 met Commissioner Yvonne Moore?

21 MR. DESTA: No.

22 MR. WILSON: Has anyone from your

1 store who works in your store ever met with
2 Commissioner Yvonne Moore?

3 MR. DESTA: No, there wasn't any.

4 MR. WILSON: Has Commissioner
5 Moore invited you or any of your employees to
6 our monthly ANC meeting?

7 MR. DESTA: Nobody invited me, but
8 he gave me the -- put that paper in the store
9 and that's what he gave me.

10 MR. WILSON: Okay. But
11 Commissioner Moore has never invited you or
12 any of your employees to a monthly meeting?

13 MR. DESTA: He asked me. Yeah,
14 when he gave me that paper, October 4, he
15 invited me to come on October 4.

16 MR. WILSON: So the flyer that he
17 gave you about October 4th, what was that?

18 MR. DESTA: There was some kind of
19 event starting at 7:00, like dinner.

20 MR. WILSON: Okay. Okay. The
21 date that --

22 MEMBER ALBERTI: You ask

1 questions. You can't make statements.

2 CHAIRPERSON MILLER: I thought
3 that was going --

4 MR. WILSON: All right. No
5 further questions.

6 CHAIRPERSON MILLER: Mr. Alberti
7 has a follow-up.

8 MEMBER ALBERTI: Yes. I ask the
9 Board's indulgence just a follow-up question.

10 Mr. Desta, going back to the
11 document that you signed with Mr. Muhammad,
12 did you give, the copy that you had, that copy
13 to your attorney? You stated that you gave
14 that copy to your attorney. When did you give
15 that copy to your attorney?

16 MR. DESTA: I don't exactly
17 remember what date I gave him.

18 MEMBER ALBERTI: Was it the same
19 day? The next day?

20 MR. DESTA: It's not the same day.

21 MEMBER ALBERTI: Not the same day.
22 Okay. Thank you very much.

1 CHAIRPERSON MILLER: Okay. You
2 have a follow-up to that question?

3 MR. CHURNET: A couple of
4 questions.

5 CHAIRPERSON MILLER: To the
6 Board's questions though? Okay.

7 MR. CHURNET: No, to --

8 CHAIRPERSON MILLER: To their
9 answers to the Board's questions?

10 MR. CHURNET: Yeah.

11 REDIRECT EXAMINATION

12 MR. CHURNET: Now, you indicated
13 that you called Mr. Anthony Muhammad by
14 telephone. And then you indicated that he
15 give you appointment, right?

16 MR. DESTA: Yes.

17 MR. CHURNET: And where was that
18 appointment going to take place?

19 MR. DESTA: First time he gave me
20 an appointment for lunch at 9th Street. 9
21 Street.

22 MR. CHURNET: Okay. And then what

1 happened?

2 MR. DESTA: First, he gave me that
3 appointment at 9th Street and there was a
4 confusion with the time. Then he told me that
5 he has gone to Pennsylvania and 8th Street.
6 The first appointment was at 9th Street.

7 MR. CHURNET: When was the next
8 appointment?

9 MR. DESTA: Which next
10 appointment?

11 MR. CHURNET: No. When did you
12 meet with him? The first time that you met
13 with him.

14 MR. DESTA: I have met him three
15 times, but not only once, but I have met him
16 three times.

17 MR. CHURNET: The first time you
18 met with him, where was it?

19 MR. DESTA: The first time it was
20 9 and U, the first appointment.

21 MR. CHURNET: Okay. Now, did you
22 meet him there?

1 MR. DESTA: Yes.

2 MR. CHURNET: What did he do or
3 what happened?

4 MR. DESTA: I spoke with him about
5 the thing. I spoke with him that I have
6 applied for the liquor store. I told him that
7 on the website I found you as a commissioner
8 and I asked him to help me on this way. After
9 that, he gave me another appointment.

10 MR. CHURNET: Where?

11 MR. DESTA: The second time he
12 gave me -- the appointment was at my store.

13 MR. CHURNET: Okay. What
14 happened?

15 MR. DESTA: I didn't -- he was
16 there, but I was not there on time, so he
17 left.

18 MR. CHURNET: Where was the last
19 stop, the set appointment?

20 MR. DESTA: The third appointment
21 was when he gave me -- the third appointment
22 took place when he gave me this paper.

1 MR. CHURNET: Okay. And he gave
2 you the paper. What happened after he give
3 you the paper?

4 INTERPRETER DESTA: Sorry, this is
5 the Interpreter. I need a clarification.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: You need
8 what?

9 INTERPRETER DESTA: A
10 clarification.

11 CHAIRPERSON MILLER: Oh, okay.

12 INTERPRETER DESTA: Um-hum.

13 MR. DESTA: Okay. The last time I
14 met him is when I went and signed the
15 document.

16 MR. CHURNET: Where was this last
17 time?

18 MEMBER ALBERTI: Asked and
19 answered.

20 MR. DESTA: I met him at 8 and
21 Pennsylvania.

22 MR. CHURNET: And you said that

1 you came -- he brought a paper, a document?

2 MR. DESTA: Yes.

3 MR. CHURNET: And what happened?

4 MR. DESTA: After he made -- after
5 the paper he made somebody sign.

6 CHAIRPERSON MILLER: Okay. Can I
7 interrupt for a minute, because I think we
8 heard testimony on what happened. So if you
9 have a question that you want to get to him--

10 MR. CHURNET: Well, I was trying
11 to elicit testimony in his own words without
12 being, you know --

13 MEMBER ALBERTI: I think this is
14 valuable.

15 MR. CHURNET: -- any suggestions.

16 CHAIRPERSON MILLER: Okay. Okay.

17 MR. CHURNET: It's okay.

18 MEMBER ALBERTI: He's
19 contradicting himself.

20 CHAIRPERSON MILLER: Okay. I'll
21 give you a little leeway.

22 MR. CHURNET: Okay. Yeah, and so

1 he brought the documents and then he gave it
2 to you.

3 CHAIRPERSON MILLER: But don't
4 feed him the testimony either.

5 MR. CHURNET: Yes.

6 CHAIRPERSON MILLER: Please.

7 MR. CHURNET: No, yeah, okay. And
8 what happened?

9 MR. DESTA: He signed the paper
10 and then he gave it to me. There won't be any
11 problem. You go and give it to them.

12 MR. CHURNET: Okay. And then what
13 happened?

14 MR. DESTA: Then he told me that
15 this signature was forged.

16 MR. CHURNET: Who told you?

17 MR. DESTA: My lawyer.

18 MR. CHURNET: Okay. That's it,
19 Your Honor.

20 CHAIRPERSON MILLER: I'm sorry,
21 what?

22 MR. CHURNET: I'm done with my

1 questions.

2 CHAIRPERSON MILLER: Okay. Then
3 you can be excused.

4 MR. CHURNET: Shall I call the
5 second witness?

6 CHAIRPERSON MILLER: Second, next
7 witness?

8 MR. CHURNET: Yes. Okay. Sonia,
9 Ms. Sonia.

10 MS. PRINCE De NUE: Hello.

11 CHAIRPERSON MILLER: I'll swear
12 you in.

13 Whereupon,

14 SONIA B. PRINCE De NUE
15 was called as a witness by Counsel for the
16 licensee, and having been first duly sworn,
17 assumed the witness stand and was examined and
18 testified as follows:

19 CHAIRPERSON MILLER: Okay.

20 DIRECT EXAMINATION

21 MR. CHURNET: State your full
22 name, please.

1 MS. PRINCE De NUE: Sonia B.

2 Prince De Nue.

3 MR. CHURNET: Your residence?

4 Where do you reside?

5 MS. PRINCE De NUE: 1615 17th

6 Street, S.E.

7 MR. CHURNET: Okay. And you live

8 in your residence in that locale?

9 MS. PRINCE De NUE: Yes.

10 MR. CHURNET: How long did you

11 reside there?

12 MS. PRINCE De NUE: I've been

13 there close to a year.

14 MR. CHURNET: Okay. Do you have

15 family?

16 MS. PRINCE De NUE: Yes.

17 MR. CHURNET: Okay. Do you know

18 in whose behalf you are testifying today?

19 MS. PRINCE De NUE: Yes, Danny.

20 MR. CHURNET: Do you know him?

21 MS. PRINCE De NUE: Yes.

22 MR. CHURNET: Can you describe the

1 circumstances under which you met, you came to
2 know him, about it?

3 MS. PRINCE De NUE: On my way to
4 work, I would go into his store.

5 MR. CHURNET: Okay.

6 MS. PRINCE De NUE: That's how I
7 get to met him and his brother and his wife.

8 MR. CHURNET: Okay. And what is
9 that store?

10 MS. PRINCE De NUE: It's a 24 hour
11 store.

12 MR. CHURNET: What's the name of
13 the store?

14 MS. PRINCE De NUE: Dollar Plus.

15 MR. CHURNET: Okay. Okay. And
16 how long have you known the applicant's store?

17 MS. PRINCE De NUE: About a year
18 and a half. About as long as they have been
19 open.

20 MR. CHURNET: Okay. Do you have
21 knowledge about operation of the store and its
22 patrons?

1 MS. PRINCE De NUE: I see people
2 come and go, yes.

3 MR. CHURNET: I'm sorry?

4 MS. PRINCE De NUE: Yes.

5 MR. CHURNET: Okay. Can you tell
6 us about the operations and patrons of the
7 store?

8 MS. PRINCE De NUE: They are not
9 young people. They are adults or whatever
10 that come in the store.

11 MR. CHURNET: Okay. Has the
12 operation and patrons of the store been
13 detrimental to -- do you have knowledge about
14 the -- any detrimental negative adverse
15 effects coming from the store?

16 MS. PRINCE De NUE: No, because a
17 lot of times I go in and police officers are
18 in there, so I haven't seen anything negative.

19 MR. CHURNET: Okay. And have you
20 seen any littering, loitering?

21 MS. PRINCE De NUE: No.

22 MR. CHURNET: Any trash around the

1 store?

2 MS. PRINCE De NUE: No.

3 MR. CHURNET: Any fights?

4 MS. PRINCE De NUE: No.

5 MR. CHURNET: Okay. When did you
6 -- do you have knowledge about the quality of
7 the neighborhood?

8 MS. PRINCE De NUE: Somewhat, yes.
9 I see them sometimes out, you know, on the
10 streets and stuff, but I don't see really
11 anybody around his store, you know, it's like
12 up the street or whatever.

13 MR. CHURNET: Is -- do you see
14 problems in that locale?

15 MS. PRINCE De NUE: Further up the
16 street.

17 MR. CHURNET: Okay. Based on your
18 experience, do you have an opinion about the
19 effects of granting another liquor license in
20 the neighborhood?

21 MS. PRINCE De NUE: To be honest
22 with you, I don't, you know, see a problem

1 with it.

2 MR. CHURNET: Can you explain
3 that? Why do you think it will not be a
4 problem to grant another liquor license in the
5 neighborhood?

6 MS. PRINCE De NUE: This man is
7 trying to make a business, trying to make a
8 living and, you know, I don't see a problem
9 with it. I don't -- I just don't see a
10 problem.

11 MR. CHURNET: Do you have
12 knowledge about other liquor stores in the
13 area?

14 MS. PRINCE De NUE: Yes, yes.

15 MR. CHURNET: How many are there
16 in that area?

17 MS. PRINCE De NUE: I'm not -- I
18 think it's maybe about two or three. I'm not
19 that sure.

20 MR. CHURNET: Two or three?

21 MS. PRINCE De NUE: Yeah.

22 MR. CHURNET: And have you had

1 occasion to go to those liquor stores?

2 MS. PRINCE De NUE: No, I don't,
3 no.

4 MR. CHURNET: Never? Do you see
5 any problem, you know, littering problem --

6 MS. PRINCE De NUE: I don't see.

7 MR. CHURNET: -- fights or
8 anything?

9 MS. PRINCE De NUE: Not around his
10 store, no.

11 MR. CHURNET: How about in those
12 other stores where --

13 MS. PRINCE De NUE: To be honest,
14 I don't go up that far, so I don't -- I'm not
15 sure.

16 MR. CHURNET: Is there a school?
17 Do you know if there is a school around that
18 neighborhood?

19 MS. PRINCE De NUE: Yes.

20 MR. CHURNET: Have you seen -- did
21 you have knowledge about the backyard of the
22 school?

1 MS. PRINCE De NUE: I know it's a
2 school behind. His back is facing the school,
3 but I don't see any kids coming over to the
4 store or anything.

5 MR. CHURNET: Have you seen the
6 backyard?

7 MS. PRINCE De NUE: No.

8 MR. CHURNET: Now, do you see
9 people hanging out in the --

10 MS. PRINCE De NUE: Sometimes.

11 MR. CHURNET: -- neighborhood of
12 the school?

13 MS. PRINCE De NUE: Sometimes.

14 MR. CHURNET: Sometimes. Do you--
15 are they -- can you describe how they behave,
16 their conduct?

17 MS. PRINCE De NUE: Well, I know
18 the police around there a lot, so they kind of
19 clear out, you know, if they hanging out or
20 whatever, they kind of clear out the area. So
21 its trying not to be any loitering around, you
22 know, by the store and stuff.

1 MR. CHURNET: Okay. Since you
2 live in that neighborhood, is there -- do you
3 have knowledge about cleaning activities on
4 the street?

5 MS. PRINCE De NUE: They clean the
6 street. The street sweepers come.

7 MR. CHURNET: Trash removal, they
8 remove trash, too?

9 MS. PRINCE De NUE: Yeah.

10 MR. CHURNET: Do you know
11 knowledge about the wishes and desires of the
12 residents in the neighborhood about another
13 license of liquor being granted to --

14 MS. PRINCE De NUE: No.

15 MR. CHURNET: -- another -- have
16 you discussed this with the residents?

17 MS. PRINCE De NUE: (No audible
18 answer).

19 MR. CHURNET: Have you had
20 occasion to talk about another liquor license
21 being granted to another --

22 MS. PRINCE De NUE: No.

1 MR. CHURNET: -- establishment?

2 MS. PRINCE De NUE: No.

3 MR. CHURNET: No?

4 MS. PRINCE De NUE: No.

5 MR. CHURNET: Is the neighborhood
6 in a declining state?

7 MS. PRINCE De NUE: No. As a
8 matter of fact --

9 MR. CHURNET: Is there problems?

10 MS. PRINCE De NUE: -- they are
11 building this --

12 MR. CHURNET: I'm sorry?

13 MS. PRINCE De NUE: They are
14 trying to clean it up. They are trying to
15 clean the neighborhood and stuff up.

16 MR. CHURNET: Have you noticed any
17 parking congestion in that area?

18 MS. PRINCE De NUE: No.

19 MR. CHURNET: No?

20 MS. PRINCE De NUE: No. It's on
21 the street.

22 MR. CHURNET: So tell us about the

1 parking situation there.

2 MS. PRINCE De NUE: It's on -- I'm
3 not that sure. I know they park on the
4 street. They park on the street.

5 MR. CHURNET: Now, can you tell
6 us, you know the applicant -- the owner of the
7 applicant, Mr. Daniel Desta, can you tell us
8 about his character, his personality?

9 MS. PRINCE De NUE: He is from --
10 from knowing him, he is a very nice person and
11 his wife and his brother. They are willing to
12 help anybody that they can. You know, they
13 talk to the customers and stuff. You know, he
14 doesn't talk a lot of English, but he can kind
15 of understand. He tries to help people, from
16 what I -- you know, from what I get from him.

17 You know, I'll come in and I'll
18 talk to him or whatever, but he is a very,
19 very nice person.

20 MR. CHURNET: Is his -- can you
21 describe to us the store, are there barriers
22 there preventing from attacks from customers

1 and --

2 MS. PRINCE De NUE: Yeah.

3 MR. CHURNET: -- the employees
4 there?

5 MS. PRINCE De NUE: Yes. Well, he
6 has a plastic thing.

7 MR. CHURNET: Uh-huh.

8 MS. PRINCE De NUE: Up where the
9 register and stuff is.

10 MR. CHURNET: Where the cash
11 register is?

12 MS. PRINCE De NUE: Yeah, yeah.

13 MR. CHURNET: Just only where the
14 cash register is?

15 MS. PRINCE De NUE: Yeah.

16 MR. CHURNET: But otherwise, can
17 you describe the --

18 MS. PRINCE De NUE: I go in and I
19 come right out. I don't go mingle. I go --
20 I come in and I go right out. I don't mingle
21 in the store. I just get what I want to get
22 and I go, because I'm on my way to work. So

1 I am kind of rushing.

2 MR. CHURNET: And from your
3 knowledge of the owner of this establishment,
4 do you have fear --

5 MS. PRINCE De NUE: No.

6 MR. CHURNET: -- that he could
7 harm the neighborhood by --

8 MS. PRINCE De NUE: No.

9 MR. CHURNET: -- if he was granted
10 -- is granted the license?

11 MS. PRINCE De NUE: No, no, no.

12 MR. CHURNET: That's it, Your
13 Honor.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Any cross?

16 MR. WILSON: Yes.

17 CROSS-EXAMINATION

18 MR. WILSON: I'm sorry, I didn't
19 get your name.

20 MS. PRINCE De NUE: Sonia B.
21 Prince De Nue.

22 MR. WILSON: Ms. De Nue. How long

1 have you lived in the neighborhood?

2 MS. PRINCE De NUE: A little over
3 a year. I used to live not too far from here,
4 but I have been over here a little over a
5 year.

6 MR. WILSON: Okay. Where did you
7 live before?

8 MS. PRINCE De NUE: 19th and
9 Constitution, N.E.

10 MR. WILSON: Okay. Are you
11 involved in any community organizations or--

12 MS. PRINCE De NUE: Not on this
13 end, no.

14 MR. WILSON: No.

15 MS. PRINCE De NUE: Because my
16 hours won't allow it right now.

17 MR. WILSON: Okay.

18 MS. PRINCE De NUE: But I haven't
19 been -- no.

20 MR. WILSON: Okay. You said your
21 hours. Where do you work?

22 MS. PRINCE De NUE: I work uptown.

1 MR. WILSON: Okay. How do you get
2 to work?

3 MS. PRINCE De NUE: On the bus or
4 a cab or whatever.

5 MR. WILSON: Okay. So you take --

6 MS. PRINCE De NUE: Subway.

7 MR. WILSON: Where do you catch
8 the bus at?

9 MS. PRINCE De NUE: Right off of
10 Minnesota Avenue, I catch the X2.

11 MR. WILSON: Okay.

12 MS. PRINCE De NUE: I mean, not
13 the X2, the B2 or sometimes I have a
14 girlfriend that doesn't live too far off of
15 Martin King Avenue and will ride through there
16 and she will pick me up and take me through.

17 MR. WILSON: Okay. When you take
18 the bus, do you -- from your -- well, I guess,
19 do you live in an apartment or a house?

20 MS. PRINCE De NUE: I live in an
21 apartment.

22 MR. WILSON: Okay. So do you have

1 to walk a great distance from your apartment
2 to the bus stop?

3 MS. PRINCE De NUE: No, not that
4 far, no, but a lot of times I have a friend
5 that live up the street from me, so sometimes
6 I go with -- we go to work together. So I'll
7 go up there and we will catch the bus.

8 MR. WILSON: Okay. And you visit
9 the store when?

10 MS. PRINCE De NUE: In the
11 mornings.

12 MR. WILSON: In the mornings. Do
13 you visit in the evenings?

14 MS. PRINCE De NUE: Sometimes.
15 Sometimes I come through there.

16 MR. WILSON: Okay. Do you -- you
17 mentioned in your testimony that when you go
18 you just go in and go out.

19 MS. PRINCE De NUE: Yeah.

20 MR. WILSON: You don't really
21 stick around. Is there a reason why other
22 than you getting to work, is there any reason?

1 MS. PRINCE De NUE: That's why.

2 MR. WILSON: Okay.

3 MS. PRINCE De NUE: Right, that's
4 why.

5 MR. WILSON: Do you ever feel
6 like, you know, a little leery of the
7 environment --

8 MS. PRINCE De NUE: No.

9 MR. WILSON: -- or the safety?

10 MS. PRINCE De NUE: Huh-uh.

11 MR. WILSON: What time do you
12 normally leave for work?

13 MS. PRINCE De NUE: At various
14 times. Sometimes I'll leave at 5:00,
15 sometimes I leave at 9:00, sometimes I leave
16 at 10:00.

17 MR. WILSON: Do you ever notice
18 any like traffic congestion?

19 MS. PRINCE De NUE: No.

20 MR. WILSON: Okay. Do you have
21 any young children that live with you?

22 MS. PRINCE De NUE: No, but I have

1 a lot of nieces and nephews.

2 MR. WILSON: Okay. So --

3 MS. PRINCE De NUE: I have a
4 nephew that lives with me.

5 MR. WILSON: Okay. So I guess if
6 your nephew was of the elementary age, your
7 nephew would probably attend Ketcham
8 Elementary School?

9 MS. PRINCE De NUE: Um-hum.

10 MR. WILSON: Because you live in
11 that zone. Would -- if you -- if your nephew
12 did attend Ketcham Elementary, would you be
13 comfortable with --

14 MS. PRINCE De NUE: Yeah, because
15 he knows what he is supposed to do. I would
16 be very comfortable, yes.

17 MR. WILSON: But would you be --
18 let me rephrase the question. Would you
19 support an establishment getting an alcohol--

20 MS. PRINCE De NUE: Yes.

21 MR. WILSON: -- distribution
22 license?

1 MS. PRINCE De NUE: Yes.

2 MR. WILSON: Okay. How many -- so
3 you don't feel uncomfortable with another
4 establishment?

5 MS. PRINCE De NUE: No.

6 MR. WILSON: Do you -- there is --
7 in the Investigator's report, he mentioned
8 that there is quite a bit of evidence in the
9 area of public drunkenness.

10 MS. PRINCE De NUE: Um-hum.

11 MR. WILSON: Do you see any of
12 that?

13 MS. PRINCE De NUE: Sometimes,
14 yeah.

15 MR. WILSON: Yeah. Does that --

16 MS. PRINCE De NUE: Sometimes --

17 MR. WILSON: -- bother you?

18 MS. PRINCE De NUE: -- I see it.

19 MR. WILSON: Does that bother you?

20 MS. PRINCE De NUE: Okay. I'm
21 going to be honest with you. Having somebody
22 else have another liquor license there, okay,

1 that's the man's livelihood. Okay? You have
2 other liquor stores and stuff there already.
3 That's not going to make an increase of people
4 buying more alcohol, because you already have
5 the stores there.

6 You know, this man is trying to
7 make a business. You know, he is trying to
8 make money for him and his wife and whatever.
9 And no, I don't. Maybe I'm naive, you know.
10 No, I don't think so.

11 MR. WILSON: Do you -- would you
12 feel if any of the residents in and around
13 that area would have a problem with another --
14 with him having --

15 MS. PRINCE De NUE: Some might and
16 some might now.

17 MR. WILSON: Well, why do you feel
18 that they -- some would?

19 MS. PRINCE De NUE: Because some
20 people they feel like it is a liquor store on
21 every corner just like a barber shop on every
22 corner. But it's like this, it's a business.

1 He is trying to make a business. He is trying
2 to make money for him and his wife. He is
3 trying to make a business, you know. He is
4 trying to make an income. In order to get
5 that income to have more money or whatever is
6 why, you know.

7 MR. WILSON: I guess what do you--
8 why do you feel that he needs a liquor
9 license? I mean, obviously, he is in
10 business. He has been in there for a little
11 over a year.

12 MS. PRINCE De NUE: It's an
13 increase of money.

14 MR. WILSON: Um-hum. Speculation.

15 CHAIRPERSON MILLER: Okay. I
16 don't think we need to get into why.

17 MS. PRINCE De NUE: Yeah.

18 CHAIRPERSON MILLER: He feels --

19 MS. PRINCE De NUE: I'm just --
20 that's just the way I feel, you know.

21 CHAIRPERSON MILLER: It's 4:17 and
22 we are already well beyond, so --

1 MR. WILSON: All right.

2 MEMBER SILVERSTEIN: Madam Chair?

3 CHAIRPERSON MILLER: Um-hum?

4 MEMBER SILVERSTEIN: I would like
5 to inquire of Board Member Jones how much time
6 each side has and caution each side that the
7 questions you ask here count against your
8 time.

9 MR. WILSON: Okay.

10 MEMBER JONES: Protestants have 66
11 minutes remaining. The licensee or applicant
12 has 43 minutes remaining.

13 MR. WILSON: Okay. We are ready
14 to move on. No further questions.

15 CHAIRPERSON MILLER: Okay.

16 MS. PRINCE De NUE: Thank you.

17 CHAIRPERSON MILLER: Wait a
18 second. No rebuttal questions? Okay. Then
19 we are finished.

20 (Whereupon, witness was excused.)

21 CHAIRPERSON MILLER: Do you have
22 another?

1 MR. CHURNET: Yeah, second --

2 CHAIRPERSON MILLER: Let's not try
3 to -- let's keep redundant questions down if
4 we can. Good afternoon, sir.

5 MR. WILLIAMS: Yes, hello.

6 Whereupon,

7 BARRY WILLIAMS

8 was called as a witness by Counsel for the
9 licensee, and having been first duly sworn,
10 assumed the witness stand and was examined and
11 testified as follows:

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 DIRECT EXAMINATION

15 MR. CHURNET: State your full
16 name, please.

17 MR. WILLIAMS: Barry Williams.

18 MR. CHURNET: Where do you reside,
19 Mr. Williams?

20 MR. WILLIAMS: 2304 Good Hope
21 Road, S.E., Marbury Plaza.

22 MR. CHURNET: How long have you

1 lived there?

2 MR. WILLIAMS: Three and a half
3 years.

4 MR. CHURNET: Okay. Do you have
5 family?

6 MR. WILLIAMS: Yes.

7 MR. CHURNET: Children?

8 MR. WILLIAMS: Yes.

9 MR. CHURNET: Do you know on whose
10 behalf you are testifying today?

11 MR. WILLIAMS: Yes.

12 MR. CHURNET: On whose behalf are
13 you testifying?

14 MR. WILLIAMS: The owner.

15 MR. CHURNET: What's his name?

16 MR. WILLIAMS: Is it Desta.

17 MR. CHURNET: Okay. How long have
18 you known the owner?

19 MR. WILLIAMS: Since the store
20 been open.

21 MR. CHURNET: Okay. And how did
22 you come to know about it?

1 MR. WILLIAMS: I was there when
2 the store first opened.

3 MR. CHURNET: Can you tell us
4 about Mr. Desta in terms of his approaches
5 towards people in terms of --

6 MR. WILLIAMS: He's kind of laid
7 back. He kind of cool, quiet guy. You know,
8 I met his wife.

9 MR. CHURNET: And is there any
10 problem associated with the store that --

11 MR. WILLIAMS: About negativity?

12 MR. CHURNET: -- he has problems
13 of fighting, litter, I'm sorry, littering,
14 that sort of thing?

15 MR. WILLIAMS: Not really.

16 MR. CHURNET: Have you seen any
17 person buying liquor, getting liquor from his
18 store?

19 MR. WILLIAMS: No, no.

20 MR. CHURNET: And can you -- based
21 on -- do you have knowledge about the
22 establishments there with a liquor license in

1 that locale?

2 MR. WILLIAMS: Sure. I know
3 Western Liquor Store on 16th and Good Hope
4 Road.

5 MR. CHURNET: How many of them do
6 you know?

7 MR. WILLIAMS: That I know of on
8 Good Hope Road, it's just one.

9 MR. CHURNET: Okay. How many,
10 four?

11 MR. WILLIAMS: One.

12 MR. CHURNET: One. In that total
13 area there is only one?

14 MR. WILLIAMS: From Good Hope Road
15 all the way down to Martin Luther King going
16 up to Alabama, it's just one.

17 MR. CHURNET: Okay. And have you
18 seen any problem associated with that
19 establishment in terms of littering,
20 loitering, fighting, you know, trash?

21 MR. WILLIAMS: No, they keep it
22 pretty clean. They got a street sweeping crew

1 that does the street every day.

2 MR. CHURNET: I see. Now, based
3 on your experience of how he runs his business
4 and also the condition of the locale, can you
5 tell us if there would be a problem if another
6 establishment is granted a liquor license?

7 MR. WILLIAMS: Well, from just
8 going in his establishment, because I go in
9 there every day, you know, every morning and
10 every evening when I am going home, you know,
11 and there is not a lot of traffic, you know,
12 in front of the store people hanging in front
13 of the store that I know of.

14 You know, I'm not a night person.
15 I don't know what is happening like late in
16 the evening and things of that nature. But,
17 you know, I just never witnessed, you know,
18 people just hanging out in front of the store
19 because there's police in the store and a lot
20 of times a patrol car is parked right outside
21 of the store.

22 MR. CHURNET: Okay. And any

1 parking problems there in that area, that you
2 know of?

3 MR. WILLIAMS: No, unless people
4 go and get a haircut.

5 MR. CHURNET: All right. Do you
6 know if there is a school around there?

7 MR. WILLIAMS: Sure. There's a
8 school right on the corner.

9 MR. CHURNET: Yes, do you know the
10 backyard of that school?

11 MR. WILLIAMS: I've been back
12 there, you know, probably a couple of times,
13 not a lot.

14 MR. CHURNET: Okay. And are there
15 people who hang out on the fence, the backyard
16 of the school?

17 MR. WILLIAMS: No. Not that I
18 really seen on the backyard of the school.
19 You talking about that back side?

20 MR. CHURNET: Yes, the back side.

21 MR. WILLIAMS: No.

22 MR. CHURNET: Okay. And then if

1 the Dollar Plus Store is granted another
2 liquor license, what do you think would be its
3 effect on the neighborhood?

4 MR. WILLIAMS: I don't think it
5 will be much, because the police is right
6 there. I mean, I see that police presence
7 there, right, more than I see the police
8 presence at the other store where they sell
9 beer and wine.

10 MR. CHURNET: That's it, Your
11 Honor.

12 CHAIRPERSON MILLER: Okay. Thank
13 you. Any cross?

14 MR. WILSON: Yeah, just one
15 question.

16 CROSS-EXAMINATION

17 MR. WILSON: You mentioned that
18 you see police presence in and around the
19 store.

20 MR. WILLIAMS: Yeah.

21 MR. WILSON: Why do you feel that
22 there is police presence needed in and around

1 the store?

2 MR. WILLIAMS: I really couldn't
3 give you a straight answer. You know, it's
4 just in the middle of the block, right, and
5 it's parking for on the street, you know what
6 I mean?

7 MR. WILSON: I do. But why do you
8 feel that the police are there?

9 MR. WILLIAMS: What in the store?

10 MR. WILSON: In the store, around
11 the store, why?

12 MR. WILLIAMS: Sometimes basically
13 it's like for a base, you know what I mean?
14 Where they kind of set out and do surveillance
15 for up and down the block.

16 MR. WILSON: Well, why do you feel
17 like they need to have surveillance up and
18 down the block?

19 MR. WILLIAMS: I guess to keep
20 things under control.

21 MR. WILSON: Do you feel like
22 there is a need to keep things under control?

1 MR. WILLIAMS: Sometimes.

2 CHAIRPERSON MILLER: Okay. Any
3 Board questions?

4 MR. CHURNET: Yes.

5 CHAIRPERSON MILLER: Wait. It's
6 Board question time. I'll get back to you.
7 I'll get back to you for rebuttal. Are there
8 any Board questions? Okay. Go ahead.

9 MR. CHURNET: Just one question.

10 REDIRECT EXAMINATION

11 MR. CHURNET: You testified that
12 the things could get out of control sometimes.
13 Are you just -- can you elaborate on that?
14 How do -- has there been an instance when
15 things went out of control from your
16 experience in that area?

17 MR. WILLIAMS: I mean, you know,
18 little fights, you know, probably a fight
19 every now and then, you know. You know, I
20 lived all over the city, so, you know, a
21 little scuffle every now and then, you know.
22 It's rare.

1 MR. CHURNET: But not out of
2 getting out of control?

3 MR. WILLIAMS: No, no.

4 MR. CHURNET: Okay. Thank you.

5 MEMBER ALBERTI: That was easy.

6 CHAIRPERSON MILLER: Yeah, I know.
7 Okay. Thank you. Okay.

8 (Whereupon, witness was excused.)

9 CHAIRPERSON MILLER: Is this your
10 last witness or no?

11 MR. CHURNET: There is another
12 one.

13 CHAIRPERSON MILLER: There are
14 two?

15 MR. CHURNET: I'll keep it short
16 here.

17 CHAIRPERSON MILLER: Okay.

18 MR. CHURNET: Yes.

19 Whereupon,

20 ANTONIO BACKUS
21 was called as a witness by Counsel for the
22 licensee, and having been first duly sworn,

1 assumed the witness stand and was examined and
2 testified as follows:

3 CHAIRPERSON MILLER: Okay. Have a
4 seat.

5 DIRECT EXAMINATION

6 MR. CHURNET: State your full
7 name, please.

8 MR. BACKUS: My name is Antonio
9 Backus.

10 MR. CHURNET: Your residence?

11 MR. BACKUS: I live at 1429 Cedar
12 Street, S.E.

13 MR. CHURNET: How long have you
14 resided there?

15 MR. BACKUS: I have been resided
16 there, I am going to say, 12 years.

17 MR. CHURNET: 12 years. Do you
18 have family?

19 MR. BACKUS: Yes.

20 MR. CHURNET: Okay. Do you have
21 children?

22 MR. BACKUS: Yes. I also have a

1 child that attends Ketcham Elementary.

2 MR. CHURNET: Okay. Thank you.

3 Now, do you know on whose behalf you are
4 testifying today?

5 MR. BACKUS: Yes. Mr. Desta. I
6 call him Dano, that's the name I call him,
7 yeah, Dano, for short.

8 MR. CHURNET: How did you come to
9 know about Daniel?

10 MR. BACKUS: I run the barber shop
11 directly next door --

12 MR. CHURNET: Oh, you have --

13 MR. BACKUS: -- to the store.

14 MR. CHURNET: So you have a barber
15 shop next door?

16 MR. BACKUS: Yes. Well, we have a
17 Check Cashing place. Then there is a barber
18 shop. Then there is a house. And then there
19 is the school.

20 MR. CHURNET: Okay. And tell us
21 about the parking problem in the area, if
22 there is one.

1 MR. BACKUS: Pretty much as far as
2 parking, we have the whole entire Good Hope
3 Road as far as parking and you can also park
4 on 15th Street, S.E., where the school lies
5 at. There is always a lot of parking there
6 before 3:00. So most of the time it's a lot
7 of parking. You have Minnesota Avenue, you
8 can park on that as well.

9 MR. CHURNET: So there is --

10 MR. BACKUS: There is never a
11 parking problem.

12 CHAIRPERSON MILLER: Okay. Can I
13 just say something? We haven't heard anything
14 about a parking problem, so I would recommend
15 you focus on the areas like Ketcham Elementary
16 School, which sounds, you know --

17 MR. CHURNET: Tell us about the
18 effects of his store, the performance of his
19 store, the patterns, the behavior of the
20 customers. If there has been any problem,
21 especially to do with it.

22 MR. BACKUS: Well, basically, with

1 his store, for me looking in, it's more
2 convenient because we have a liquor store
3 exactly three blocks up. We have another beer
4 and wine store exactly three blocks down.
5 It's very convenient for a lot of our older
6 people, because they can just come. A lot of
7 times at the liquor store you have a lot of
8 kids hanging out front and at the other store
9 they don't know how to treat the customers.
10 So they really don't get a lot of support.

11 So having his store at the end --
12 the 24 hour store that sits across from us,
13 they close at 10:00. So having him there is
14 like really a big -- it helps a lot having his
15 store there. Very convenient.

16 MR. CHURNET: And can you tell us
17 something about Daniel Desta?

18 MR. BACKUS: Well, I met Dano from
19 -- first of all, I have a nonprofit
20 organization. What I do in the community,
21 basically, is I try to stop beefs, stopping
22 the neighborhood. And where his store lies

1 at, a lot of the neighborhoods got beef,
2 that's like the meeting place in that area,
3 Minnesota Avenue, so it's always a lot of
4 things going on. So I like to try to stand
5 out front and get the kids to go to school on
6 time and things of that nature.

7 And I met Mr. Dano from trying to
8 get him to sponsor my program. And ever since
9 then, we just kicked it and we just always
10 been cool ever since.

11 MR. CHURNET: Do you recommend him
12 to the Board with respect to having this
13 opportunity to be granted another license,
14 another liquor license?

15 MR. BACKUS: Yeah, I don't see why
16 not. I mean, like I said, his establishment
17 the police pretty much like -- they like to be
18 in his establishment more than they do where
19 people fumigate at in front of liquor stores.
20 They don't -- you know what I mean? So it
21 seems like his store is like kind of like
22 helping the community a little bit.

1 As far as him having alcoholic
2 beverages, we all have kids. We all teach our
3 kids. We all raise our kids up. I mean,
4 things happen out there, you know what I mean?
5 So alcoholism is not the problem that we
6 having in this -- on our community. It's
7 definitely not the case.

8 MR. CHURNET: That's it, Your
9 Honor.

10 CHAIRPERSON MILLER: Mr. Wilson?

11 MR. WILSON: No further -- no
12 questions for this witness.

13 MR. CHURNET: The last witness --

14 CHAIRPERSON MILLER: Who -- Board
15 questions? I have a couple of just quick
16 questions.

17 MR. BACKUS: Yes, ma'am.

18 CHAIRPERSON MILLER: You said
19 alcoholism is not the problem that you have in
20 your community. What would you say is the
21 problem you have there?

22 MR. BACKUS: There is -- I don't--

1 I mean, I'm being honest with you. There is
2 this new thing "synthetic marijuana." It's
3 everywhere. It is tearing our community up.
4 I can't tell you what stores sell it, where
5 they are selling it at.

6 And I heard Mr. Jones, he was
7 speaking on the white paper thing. Nowadays
8 kids are buying blunts and roll-ups to smoke
9 synthetic marijuana. They are not even
10 smoking the real drug. They are just buying
11 synthetic marijuana and they are rolling up in
12 front of the police. They are standing on the
13 block smoking it and nobody is stopping them.

14 So when you see that, you are
15 going -- when you see a kid on the street
16 smoking a blunt and you ride past, you might
17 say this kid is smoking marijuana. But nine
18 times out of ten, he is smoking a synthetic
19 blend of fake marijuana. And it's legal. So
20 they don't care. They are going to smoke it
21 in front of police. They are going to smoke
22 it in front of an 80 year-old woman. It's not

1 -- it's -- having alcohol is not going to
2 affect the community at all.

3 CHAIRPERSON MILLER: What was the
4 other comment you made about kids hanging out
5 on the steps of the liquor stores?

6 MR. BACKUS: No. Well, where the
7 liquor store is located, it's not just kids.
8 It's adults. We have a laundromat that sits
9 across from that. It's a lot of activity goes
10 on in that laundromat. Then having that
11 liquor store there, people like to stand in
12 front of that liquor store. Sometimes they
13 might stand in front of the school selling
14 cigarettes, anything. It's so many things
15 that goes on on Good Hope Road, like having
16 alcoholic beverages wouldn't even put a dent
17 in the problem in the community.

18 CHAIRPERSON MILLER: Well, would
19 it draw more people to hang out in front of
20 the Dollar Store if they had alcohol?

21 MR. BACKUS: Ma'am?

22 CHAIRPERSON MILLER: Do you think

1 that more people would hang out in front of
2 the Dollar Store if they had alcohol?

3 MR. BACKUS: No. For the simple
4 fact that they wouldn't hang in front of the
5 Dollar Store, one reason is because we have
6 the barber shop there. The barber shop has
7 been there 16 years. Like I said, I pride
8 myself on making sure that the kids -- I also
9 coach football in Anacostia, so it's like you
10 can't get past the barber shop. We pretty
11 much want to promote going to school. So it's
12 never no -- like I said, the police is always
13 there. That's -- they hang there more than
14 they hang where they are supposed to be in his
15 store.

16 CHAIRPERSON MILLER: Okay. Thank
17 you. Any other Board questions? Okay.
18 Follow-up on the Board questions?

19 MR. CHURNET: Can I ask just one
20 question?

21 CHAIRPERSON MILLER: Yeah.

22 MR. CHURNET: I must wait.

1 CHAIRPERSON MILLER: Yeah, you can
2 get rebuttal. Um-hum. Go ahead.

3 MR. CHURNET: Oh, yeah. Can you
4 share with us your feelings about your concern
5 of the neighborhood association, Advisory
6 Neighborhood Association?

7 MR. BACKUS: As far as --

8 CHAIRPERSON MILLER: This is --

9 MR. BACKUS: -- the ANC --

10 CHAIRPERSON MILLER: -- rebuttal
11 now.

12 MR. BACKUS: -- Commission --

13 CHAIRPERSON MILLER: Is this to
14 something that --

15 MR. CHURNET: No.

16 CHAIRPERSON MILLER: A question
17 that was asked? No?

18 MR. CHURNET: No.

19 CHAIRPERSON MILLER: No. Okay.
20 So I can't give you leeway then given the
21 time. Okay. Thank you very much.

22 MR. BACKUS: Okay.

1 (Whereupon, witness was excused.)

2 MR. CHURNET: My last witness.

3 CHAIRPERSON MILLER: Good

4 afternoon.

5 Whereupon,

6 RANDOLPH JOSEPH HARRIS

7 was called as a witness by Counsel for the

8 licensee, and having been first duly sworn,

9 assumed the witness stand and was examined and

10 testified as follows:

11 CHAIRPERSON MILLER: Okay. Thank

12 you.

13 DIRECT EXAMINATION

14 MR. CHURNET: State your full

15 name, sir.

16 MR. HARRIS: My name is Randolph

17 Joseph Harris.

18 MR. WILSON: Your residence,

19 please?

20 MR. HARRIS: 1617 17th Street, S.E.

21 MR. CHURNET: Uh-huh. The length

22 of residence, how long have you been there?

1 MR. HARRIS: I lived there for
2 like less than a year.

3 MR. CHURNET: Okay. Okay. Do you
4 have family, sir?

5 MR. HARRIS: Yes, sir.

6 MR. CHURNET: Children?

7 MR. HARRIS: Yes, sir.

8 MR. CHURNET: Children go to the
9 school there?

10 MR. HARRIS: No, sir. No.

11 MR. CHURNET: Now, do you know on
12 whose behalf you are testifying today?

13 MR. HARRIS: Repeat that.

14 MR. CHURNET: Do you know on whose
15 behalf you are testifying today here?

16 MR. HARRIS: Yes, sir, Mr. Daniel.

17 MR. CHURNET: Okay. How did you
18 come to know about Daniel?

19 MR. HARRIS: When I moved to the
20 neighborhood I didn't know very much stores
21 that were in the neighborhood, you know, that
22 sell food items and things that you need

1 around your house or whatever you have, you
2 know, to really survive with, you know.

3 MR. CHURNET: Okay.

4 MR. HARRIS: Food, you know, milk,
5 cereal for the kids and --

6 MR. CHURNET: Now, can you tell us
7 about your knowledge of Daniel Desta about his
8 character?

9 MR. HARRIS: Sometime when my kids
10 are -- do come to my house, when I need things
11 for my kids, he help me when I'm short money
12 and, you know, to pay for items that I need
13 for my household. And I've been there in the
14 neighborhood to the point where I have seen,
15 you know, they have deliveries when they come
16 in the store. I have helped out and, you
17 know, bring items in the store. Not worked
18 there, but, you know, help out in the store
19 and everything. That's how I got to know him
20 like that.

21 MR. CHURNET: Okay.

22 MR. HARRIS: Not an employee.

1 MR. CHURNET: Now, can you share
2 with us your thoughts about granting another
3 liquor license in --

4 CHAIRPERSON MILLER: Can I
5 interrupt for a second? Okay. This is your
6 fifth witness and I want to know is he going
7 to be testifying to something that isn't
8 redundant to what the other neighbors have
9 testified to?

10 MR. CHURNET: I think this is it.
11 This is my last witness.

12 CHAIRPERSON MILLER: He can even
13 say I agree with what the previous witness
14 said about, you know.

15 MR. CHURNET: This will do.

16 CHAIRPERSON MILLER: Okay.

17 MR. CHURNET: Thank you.

18 CHAIRPERSON MILLER: Okay.

19 MR. HARRIS: Okay.

20 MR. WILSON: No questions from us.

21 CHAIRPERSON MILLER: Okay. Okay.

22 Thank you.

1 (Whereupon, witness was excused.)

2 CHAIRPERSON MILLER: All right.

3 Are the protestants ready to put on their
4 case?

5 MR. WILSON: Yes, we are.

6 CHAIRPERSON MILLER: Okay. Do you
7 need a break or anything? Okay. All right.

8 MR. WILSON: First, I don't know
9 if you guys have a copy, but I gave you a
10 signature document with an example of my
11 signature on my driver's license and I did
12 some quick sketches of what my signature looks
13 like just so you can understand that it
14 clearly does not match the document.

15 CHAIRPERSON MILLER: Okay. You
16 know what, I don't think -- why don't we swear
17 you in.

18 MR. WILSON: Okay.

19 CHAIRPERSON MILLER: So that what
20 you are saying is under oath.

21 MR. WILSON: Okay.

22 CHAIRPERSON MILLER: Because you

1 are going to testify anyway or no?

2 MR. WILSON: Well, that was my --

3 CHAIRPERSON MILLER: You are
4 testifying to this?

5 MR. WILSON: Yes.

6 CHAIRPERSON MILLER: All right.
7 Let's swear you in.

8 MR. WILSON: Okay.

9 Whereupon,

10 COMMISSIONER CHARLES WILSON
11 was called as a witness by the protestants,
12 and having been first duly sworn, assumed the
13 witness stand and was examined and testified
14 as follows:

15 CHAIRPERSON MILLER: Okay.

16 MR. WILSON: Yes, so again, I just
17 wanted to give you examples of my signature to
18 clearly show that it does not match the
19 signature on the settlement agreement that the
20 applicant produced.

21 CHAIRPERSON MILLER: Did you want
22 to put this into evidence?

1 MR. WILSON: Yes.

2 CHAIRPERSON MILLER: Okay. So
3 this would be Protestant's Exhibit No. 1.

4 (Whereupon, the document was
5 marked as Protestant Exhibit 1 for
6 identification.)

7 CHAIRPERSON MILLER: You are
8 testifying that these are all your signatures,
9 Example 1, Example 2 and this is your driver's
10 license?

11 MR. WILSON: That's correct.

12 CHAIRPERSON MILLER: Okay. And
13 does the applicant have an objection to this
14 exhibit? Does he have a copy of it?

15 MR. WILSON: No.

16 CHAIRPERSON MILLER: Oh, well, he
17 needs to see it.

18 MR. CHURNET: Yes, the thing is we
19 have accepted, you know, because he said it's
20 not his signature and has not signed the
21 settlement agreement. And you have dismissed
22 the -- the Board has dismissed the settlement

1 agreement. It should not be an issue.

2 CHAIRPERSON MILLER: Okay. You
3 know, we heard a lot of testimony about the
4 issue though, so it seems to be an issue, you
5 know, to some extent.

6 MR. CHURNET: I'm not object to
7 this, but --

8 CHAIRPERSON MILLER: Okay.

9 MR. CHURNET: -- you know, my --

10 CHAIRPERSON MILLER: Okay. All
11 right. We will just for whatever purpose, I'm
12 going to admit it into evidence as
13 Protestant's Exhibit No. 1.

14 (Whereupon, the document marked as
15 Protestant Exhibit 1 was received
16 in evidence.)

17 MR. WILSON: Okay.

18 CHAIRPERSON MILLER: Okay.

19 MR. WILSON: And the reason why I
20 bring it to your attention is because of a
21 letter extracted from our ANC Commission Chair
22 on October 24th, Yvonne Moore, asking that

1 this case -- the application be dismissed
2 because of a -- DC Code 25-301(a)(1), the
3 applicant lacks the requisite good character.

4 The applicant presented this
5 settlement agreement stating that I signed it.
6 Clearly, I did not. The applicant should have
7 done his due diligence and followed-up with me
8 not Commissioner Anthony Muhammad.

9 I did a quick Google search and I
10 put Anthony Muhammad's name in. The applicant
11 said that he did a search on the Internet of
12 Anthony Muhammad and I clicked on the ANC-8A
13 website, Government website and Anthony
14 Muhammad's name is not on that website.

15 The Chair of that that is listed
16 is Commissioner Yvonne Moore. And there are
17 six other commissioners who are listed and
18 Anthony Muhammad is not on there. So I do not
19 understand why he chose to deal with
20 Commissioner Muhammad at all.

21 So based upon that, I -- we
22 clearly think that this case -- the

1 application should -- just does not contain
2 the merit to even move forward.

3 MR. CHURNET: Can I add to that?

4 CHAIRPERSON MILLER: What?

5 MR. CHURNET: I don't recognize
6 the --

7 MEMBER ALBERTI: There is no
8 motion.

9 CHAIRPERSON MILLER: Is this your
10 testimony?

11 MS. MOORE: Um-hum.

12 CHAIRPERSON MILLER: Mr. Wilson?

13 MR. WILSON: Yes.

14 CHAIRPERSON MILLER: It's not a
15 motion. He's not making a motion here, at
16 this point. If he were, I would say yeah, but
17 I think he is testifying to what has happened
18 and what his opinion is. Yes, are you --

19 MR. WILSON: Testifying.

20 CHAIRPERSON MILLER: Is that
21 correct?

22 MR. WILSON: That's correct.

1 CHAIRPERSON MILLER: You're not
2 making a motion, at this time. Okay.

3 MR. WILSON: I mean, am I allowed
4 to make a motion?

5 CHAIRPERSON MILLER: Um --

6 MR. WILSON: I would like to make
7 a motion that the application be dismissed
8 because of this clearly stated fact.

9 CHAIRPERSON MILLER: Okay. Then
10 in which case you can respond to the motion.

11 MR. CHURNET: Yes. Well, we have
12 submitted --

13 CHAIRPERSON MILLER: But just
14 quickly. What?

15 MR. CHURNET: Our position on this
16 whole issue of the settlement agreement and
17 the claim of forgery. I have -- on the PIF we
18 have, you know, indicated the argument based
19 on that. And then it's clear our position.

20 First, you know, the most
21 important objection we have to this claim that
22 Mr. Daniel has forged the commissioner's

1 signature is that -- the only thing that the
2 commissioner or Mr. Wilson has produced is his
3 assertion that it's not his signature.

4 It's not -- and but that does not
5 mean that Mr. Daniel was responsible for the
6 forgery on the signature. In other words, he
7 has not -- he has made a general allegation of
8 forgery. He has not alleged that Mr. Daniel
9 himself forged the signature. He didn't say
10 that.

11 If he is asserting that, then we
12 can respond to that. He is simply saying that
13 because it's not his signature, that this is
14 forged. And anyone out --

15 MEMBER ALBERTI: Are we asking
16 questions?

17 CHAIRPERSON MILLER: I think so,
18 too. Right. Okay.

19 MEMBER ALBERTI: May I ask the
20 question?

21 CHAIRPERSON MILLER: You have a
22 question? Okay. What I was going to say is

1 though that I think that we should consider
2 this just as one of the issues in determining
3 whether or not to approve the license, because
4 we have heard a lot of -- we have heard
5 evidence about this. And I understand what
6 you are saying and I don't think I would be
7 prepared to vote on this right now.

8 We have already had half a
9 hearing, you know, and I think we should hear
10 the rest of the hearing with respect to, you
11 know, peace, order and quiet.

12 MEMBER ALBERTI: Yes, I agree,
13 Madam Chair.

14 CHAIRPERSON MILLER: Yes.

15 MEMBER ALBERTI: I think we should
16 take this under consideration and decide on it
17 as part of our decision on the -- in our
18 deliberation --

19 CHAIRPERSON MILLER: Yes.

20 MEMBER ALBERTI: -- on the matter
21 after we hear all the evidence.

22 But I do have a question for Mr.

1 Wilson.

2 MR. WILSON: Yes, sir.

3 MEMBER ALBERTI: Do you have any
4 other -- you heard the testimony earlier. Do
5 you have any other evidence that would refute
6 the testimony and indicate that possibly --
7 and support that the signature on the
8 settlement agreement is not your's?

9 MR. WILSON: Well, we do --
10 Commissioner Anthony Muhammad's name has been
11 mentioned quite a few times. Commissioner
12 Fuller does have a letter from him that I
13 believe was submitted to you as well, that we
14 would like to include as evidence.

15 MEMBER ALBERTI: Can we consider
16 that now?

17 MR. WILSON: And I would like for
18 her to -- if it's okay, I would like for her
19 to speak on the letter.

20 CHAIRPERSON MILLER: Okay. So I
21 just want to get back in control of where what
22 we are doing here.

1 MEMBER ALBERTI: Can I just --

2 CHAIRPERSON MILLER: Yes.

3 MEMBER ALBERTI: -- just a
4 suggestion. So we will --

5 CHAIRPERSON MILLER: We will get
6 to that.

7 MEMBER ALBERTI: Who has that
8 letter?

9 MR. WILSON: Commissioner Fuller.

10 MEMBER ALBERTI: Commissioner
11 Fuller. And will Mr. -- yes, sorry. It's
12 late, excuse me. Will Ms. Fuller be
13 testifying later?

14 MR. WILSON: Yes.

15 MS. FULLER: Yes.

16 MEMBER ALBERTI: So during her
17 testimony --

18 MR. WILSON: Okay. Yes.

19 MEMBER ALBERTI: -- she can
20 present that and we can ask her --

21 MR. WILSON: Yes.

22 MEMBER ALBERTI: -- questions

1 about that.

2 MR. WILSON: Yes.

3 MEMBER ALBERTI: Thank you. Why
4 don't we do it that way?

5 MR. WILSON: Thank you.

6 CHAIRPERSON MILLER: I know.

7 Well, so --

8 MS. FULLER: Okay.

9 CHAIRPERSON MILLER: Mr. Wilson,
10 wait a second. Because it's getting a little
11 bit late, I'm trying to figure out did you do
12 argument here or did you testify to something
13 that I need to let you be cross-examined?

14 MR. WILSON: I mean, no. I mean,
15 we very much agree with the Investigator's
16 report. You have our letter from the ANC.

17 CHAIRPERSON MILLER: So you are
18 not testifying as to -- that would be in
19 closing then.

20 MR. WILSON: No, no.

21 CHAIRPERSON MILLER: I'm just
22 trying to --

1 MR. WILSON: No.

2 CHAIRPERSON MILLER: -- see --

3 MR. WILSON: I am not testifying.

4 CHAIRPERSON MILLER: Testifying to
5 any facts you want to put in evidence.

6 MR. WILSON: No.

7 CHAIRPERSON MILLER: Okay. Unless
8 you see it differently with respect to what he
9 said before, that being --

10 MR. CHURNET: It's not testimony.

11 CHAIRPERSON MILLER: No, that's
12 what he said. I mean, it was basically
13 argument about the forgery. It was not --
14 unless you felt that he put forward some facts
15 that you want to cross him on.

16 MR. CHURNET: Yeah.

17 CHAIRPERSON MILLER: I don't
18 recall.

19 MR. CHURNET: Yeah, we want him to
20 take the stand.

21 CHAIRPERSON MILLER: All right.
22 It may be clearer if you go over there and we

1 will separate the advocacy from the testimony.

2 MEMBER SILVERSTEIN: The motion
3 was denied.

4 CHAIRPERSON MILLER: The motion
5 was -- no, we just did --

6 MEMBER ALBERTI: No. We are
7 taking under consideration.

8 CHAIRPERSON MILLER: Taking it
9 under the --

10 MS. FULLER: May I ask a question?
11 Right now, you are asking us this is testimony
12 or something that we are giving facts for the
13 Board to consider.

14 CHAIRPERSON MILLER: Right.

15 MS. FULLER: For what?

16 MEMBER ALBERTI: So why don't we
17 hear all of Mr. -- if Mr. Wilson is testifying
18 now --

19 CHAIRPERSON MILLER: That's right.

20 MEMBER ALBERTI: -- why don't we
21 just hear whatever testimony you have and then
22 the other side can cross-examine?

1 MR. WILSON: Okay. Sure.

2 CHAIRPERSON MILLER: Is there more
3 that you --

4 MEMBER ALBERTI: And have him
5 identify his name.

6 CHAIRPERSON MILLER: Let's just
7 swear you in. Okay.

8 (Commissioner Wilson Re-Sworn)

9 CHAIRPERSON MILLER: Do you have a
10 question before we proceed, Mr. Jones?

11 MEMBER JONES: Yes, I do.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER JONES: Mr. Wilson?

14 MR. WILSON: Yes, sir.

15 MEMBER JONES: You were originally
16 sworn in when you were seated at that table
17 and you proceeded to speak.

18 CHAIRPERSON MILLER: Oh, right, he
19 was already sworn in. Okay.

20 MEMBER JONES: When you spoke
21 after being sworn in, was it your intent, at
22 that time, for those words that you spoke to

1 be considered as testimony or as argument in
2 support of your motion that you didn't realize
3 you could make at the time that you were
4 speaking?

5 MR. WILSON: It was the latter.

6 MEMBER JONES: The latter?

7 MR. WILSON: Right.

8 MEMBER JONES: Okay. So nothing
9 of what you spoke to earlier is to be
10 considered by us as testimony in support of
11 evidence that your protestant group is putting
12 on in support of their case?

13 MR. WILSON: Correct.

14 MEMBER JONES: Okay. Thank you.

15 CHAIRPERSON MILLER: So you are
16 here now. Is there some testimony you want to
17 give or no?

18 MR. WILSON: Okay. Since I'm
19 here, I'll give the testimony.

20 CHAIRPERSON MILLER: Okay, okay.

21 DIRECT EXAMINATION

22 MR. WILSON: My name is Charles

1 Wilson. I am the ANC Commissioner for 8A05.
2 In July/August of this year, I received a
3 letter from ABRA stating that this
4 establishment wanted -- was applying for a
5 liquor license.

6 On being notified, I notified my
7 fellow commissioners of 8A. We had -- we
8 scheduled a community meeting that was held at
9 our ANC office. So the community members came
10 out and so very much against the applicant
11 receiving this license.

12 We voted unanimously, I believe it
13 was, 5 to none, 5-0, to protest this license.

14 In addition to our protest, we
15 notified other community members who weren't
16 able to attend that meeting what was going on.
17 Once they found out, they all sent in their
18 own individual letters to protest this
19 applicant's license. I believe there are
20 about 32 protest letters sent in, including a
21 protest letter by the principal of Ketcham
22 Elementary School, of course which was --

1 because schools can't be protesters.

2 But I mean, I -- you know, as an
3 ANC we have monthly meetings every first
4 Tuesday of the month at the UPO Center, 1649
5 Good Hope Road, which is about two blocks down
6 from his establishment. My fellow
7 commissioner, Commissioner Moore indicated to
8 me that she has visited the store on several
9 occasions, invited --

10 CHAIRPERSON MILLER: No coaching,
11 no coaching. Sorry. Go ahead.

12 MR. WILSON: -- two times --
13 invited Mr. Desta's employees to come to our
14 monthly meeting. They have not come. So we
15 are proceeding with the license.

16 About a month in, I think it was like
17 early October, I received -- or I mean, sorry,
18 late September I received an email from Ms.
19 LaVerne Fletcher. On that email, I believe
20 the applicant's attorney was cced on the email
21 congratulating us on coming to a settlement.

22 I emailed her back and I said I am

1 not aware of a settlement can you send me the
2 document? She sent it to me. I opened it.
3 I looked down and I saw that somebody signed
4 my name. Of course, I recognize my signature
5 and that was not my signature.

6 I immediately notified her what
7 has taken place and as a result the mediation
8 hearing that was supposed to take place, I
9 believe, the day after or a day later was
10 canceled. That's pretty much my testimony.

11 CHAIRPERSON MILLER: Okay. Is
12 there cross-examination?

13 MR. CHURNET: Yes.

14 CHAIRPERSON MILLER: Okay.

15 CROSS-EXAMINATION

16 MR. CHURNET: Now, other than your
17 assertion that it's not your signature
18 appearing on the settlement agreement, you
19 have any other evidence that would in any way
20 implicate Daniel Desta that he had forged your
21 signature?

22 MR. WILSON: That he himself?

1 MR. CHURNET: Yes.

2 MR. WILSON: No, I don't.

3 MR. CHURNET: No, you don't.

4 Yeah. All that you know is that this is not
5 your signature and that you have not had any
6 occasion to look at settlement agreement with
7 the store, that's all alleged.

8 MR. WILSON: All I know is that
9 you sent LaVerne Fletcher a copy of the
10 settlement agreement that your client said
11 that I signed. And I informed her that I did
12 not.

13 MR. CHURNET: And the signature
14 could have been forged not by -- it could have
15 been forged by anybody.

16 MR. WILSON: It could have been
17 forged by one of his employees or by you.

18 MR. CHURNET: Or by Mr. Anthony
19 Muhammad or any other person. We don't know.

20 MR. WILSON: Yes.

21 MR. CHURNET: And so how could you
22 -- how could the ANC then allege that Mr.

1 Daniel Desta had committed a crime of forgery?
2 That's what the letter says.

3 MR. WILSON: I believe that if you
4 are an applicant of a liquor license --

5 MR. CHURNET: I'm sorry?

6 MR. WILSON: -- you have a great
7 responsibility to not only your establishment,
8 to not only to your customers, but also to the
9 surrounding neighborhood. And the fact that
10 Mr. Desta did not ever approach me and talk to
11 me about a settlement, worries me what he will
12 do in the future.

13 MR. CHURNET: Is that your
14 business for claiming that he has committed
15 forgery?

16 MR. WILSON: It is my business as
17 a commissioner of SMD 8A05 and a community
18 activist to follow-up and to make sure that
19 people of good character and responsibility
20 are only able to receive a license of this
21 nature.

22 MR. CHURNET: But -- okay. Anyway

1 now, my second question for you is about his
2 claim that he contacted Mr. Anthony. It was
3 Mr. Anthony who brought this settlement
4 agreement who is claiming that's your
5 signature. Yes, do you have -- can you share
6 with us your reaction to that?

7 MR. WILSON: I'm disappointed. I
8 noted that in the email to Ms. Fletcher.

9 MR. CHURNET: Well, and why didn't
10 you indicate to the Board immediately after
11 you were notified about the settlement
12 agreement before the cancellation of the
13 mediation that was not your signature and
14 that, therefore, the Board should not honor it
15 or cancel the mediation based on a forged
16 signature?

17 MR. WILSON: I did.

18 MR. CHURNET: The mediation --

19 MR. WILSON: I emailed Ms.
20 Fletcher and I informed her that it was not my
21 signature.

22 MR. CHURNET: And still she went

1 ahead and canceled the mediation? Is that
2 what you are saying?

3 MR. WILSON: Based upon the email,
4 that's what -- that you were cced on, yes.

5 MR. CHURNET: Okay. Now, the -- I
6 guess I'm done with my questions. I have
7 asked him the right questions and I'm
8 satisfied. This is it.

9 CHAIRPERSON MILLER: Okay. Thank
10 you. No, wait, wait, Mr. Wilson.

11 MR. WILSON: Okay.

12 CHAIRPERSON MILLER: Board
13 questions?

14 MEMBER ALBERTI: Now the tough
15 questions. Good evening, good afternoon,
16 Commissioner Wilson.

17 First of all, let's just go to
18 your exhibits. I guess this is Protestant's
19 Exhibit 1.

20 MR. WILSON: That's correct.

21 MEMBER ALBERTI: Which is a copy
22 of a driver's license. Is that your driver's

1 license?

2 MR. WILSON: Yes, it is.

3 MEMBER ALBERTI: Okay. And above
4 that are two signatures: Signature Example 1
5 and Signature Example 2. Can you tell me what
6 those are?

7 MR. WILSON: Those are just
8 examples that I wanted to provide along with
9 what is on my driver's license.

10 MEMBER ALBERTI: And when did you
11 sign those?

12 MR. WILSON: I signed it
13 yesterday.

14 MEMBER ALBERTI: Yesterday. Okay.
15 Thank you. Do you know Anthony Muhammad?

16 MR. WILSON: I do.

17 MEMBER ALBERTI: You do?

18 MR. WILSON: I do.

19 MEMBER ALBERTI: Have you
20 discussed this matter with him at all?

21 MR. WILSON: I did not.

22 MEMBER ALBERTI: You have not?

1 MR. WILSON: No.

2 MEMBER ALBERTI: Ever?

3 MR. WILSON: Ever.

4 MEMBER ALBERTI: Okay. We heard
5 testimony that Mr. Desta said, testified, that
6 he believed that Mr. Muhammad had acquired
7 your signature. Have you ever met with Mr.
8 Muhammad with respect to a settlement
9 agreement for this licensee?

10 MR. WILSON: I have not.

11 MEMBER ALBERTI: Okay. Okay. You
12 are the Single Member District representative
13 for the SMD?

14 MR. WILSON: 8A05.

15 MEMBER ALBERTI: 8A05. Does that
16 include this establishment?

17 MR. WILSON: It does.

18 MEMBER ALBERTI: Okay. Great. So
19 we heard testimony about activity in the
20 neighborhood earlier. Okay. Can you describe
21 what the activity in the Triangle Park across
22 the street is like? That Triangle Park is it

1 directly across the street from the store?

2 MR. WILSON: Yes, for the most
3 part. It's on the corner. Yes, the corner of
4 Minnesota Avenue and Good Hope Road.

5 MEMBER ALBERTI: If I'm standing
6 at the door of this and looking across the
7 street, is it --

8 MR. WILSON: It's directly across
9 the street.

10 MEMBER ALBERTI: Okay. Can you
11 describe what you see as the activity in that
12 park across the street?

13 MR. WILSON: Sure. Any day pretty
14 much where I drive by or I'll walk down the
15 street, I see what appears to be drunk
16 individuals, intoxicated individuals sitting
17 on the bench just there. I never see kids.
18 I never see families. I just see intoxicated
19 individuals there.

20 I am involved with the Anacostia
21 Garden Club and every year we meet about plant
22 -- doing plantings in the park. And there is

1 always complaints that as soon as you put the
2 flowers down, the next day they are gone just
3 because of the nature of the activity in the
4 park.

5 MEMBER ALBERTI: Do you see
6 loitering anywhere else in that immediate
7 vicinity?

8 MR. WILSON: Yes. I see loitering
9 up and down Good Hope Road pretty much all
10 day, all evening.

11 MEMBER ALBERTI: What about in
12 front of Mr. Desta's store?

13 MR. WILSON: Yes, I do. I mean,
14 not particularly in front of his
15 establishment, but in and around that area,
16 yes, I do.

17 MEMBER ALBERTI: Okay. What's the
18 behavior of the people, I'm calling loitering,
19 who are hanging out, let's say?

20 MR. WILSON: It's --

21 MEMBER ALBERTI: What's the
22 behavior of those people?

1 MR. WILSON: -- just people that
2 are like in groups of four, five, you know, on
3 the corner, in front of the store, in the
4 park. Every once in a while you will see some
5 illegal drug exchanges in that area.

6 MEMBER ALBERTI: There was some
7 reference to people -- there was some
8 reference to things getting out of hand, I
9 think, or something like that. Do you see
10 people fighting at all?

11 MR. WILSON: I have never
12 personally witnessed a fight.

13 MEMBER ALBERTI: Okay.

14 MR. WILSON: But, you know, if --
15 as a neighbor who mentioned it, it's sometimes
16 very uncomfortable for someone with their
17 children, uncomfortable to walk down the
18 street just because of the environment.

19 MEMBER ALBERTI: Do you get any
20 complaints from your constituents about the
21 nature of the activity in that area?

22 MR. WILSON: All the time. All

1 the time.

2 MEMBER ALBERTI: What's all the
3 time mean?

4 MR. WILSON: And we talk with
5 Commander Hoey, who is the Commander of 7D,
6 about the area between the laundromat down to
7 the Methadone Clinic that stretches on Good
8 Hope Road about the activity there. And it's
9 literally a constant complaint about Good Hope
10 Road and the nature of the activity.

11 MEMBER ALBERTI: So refresh my
12 memory, does Ward 8 have a singles restriction
13 or ban? Like I know like Ward 4 does, Ward 6
14 does, Ward 7 does. Does Ward 8 have a --

15 MR. WILSON: Yes, it does.

16 MEMBER ALBERTI: Okay. And what
17 is the ban, do you know?

18 MR. WILSON: It's you -- single
19 sale liquor you can't buy it in the store.

20 MEMBER ALBERTI: Single sale
21 spirits or --

22 MR. WILSON: I'm not sure.

1 MS. MOORE: Beer.

2 MS. FULLER: Beet.

3 MR. WILSON: But I just know -- I
4 think it is single sale beer.

5 MS. MOORE: Beer.

6 MR. WILSON: Yeah.

7 MS. FULLER: Yeah.

8 MR. WILSON: But you know, the way
9 vendors get around that is they sell it in a
10 two-pack.

11 MEMBER ALBERTI: Um-hum.

12 MR. WILSON: Instead of a single.

13 MEMBER ALBERTI: Okay. So okay
14 let's set aside any assessment you have of how
15 Mr. Desta might run the store. All right?
16 Just the fact that someone had an alcohol
17 beverage license there, do you think that that
18 would affect the peace, order and quiet of the
19 neighborhood?

20 MR. WILSON: Yes.

21 MEMBER ALBERTI: How so?

22 MR. WILSON: Because of what I

1 currently see. I mean, I currently see, you
2 know, some -- I'm going to be honest. Some of
3 my neighbors intoxicated the first thing in
4 the morning when I'm going to work at 9:00 in
5 the morning, clearly intoxicated.

6 There are times where I will go to
7 the laundromat, that was mentioned in
8 testimony, and talk to the -- you know, I'm a
9 community guy.

10 MEMBER ALBERTI: Um-hum.

11 MR. WILSON: So I'm out talking to
12 people all the time. And I see the social
13 ills of our community that is a direct cause
14 of alcohol and drug abuse.

15 MEMBER ALBERTI: Okay. I'm going
16 to be quite honest with you. I'm one of those
17 people who behind closed doors I'm not sure it
18 really bothers me. I'm an ANC Commissioner.
19 So my question is do you think this is going
20 to have an effect on the atmosphere on the
21 street where parents and children might have
22 to be walking down the street?

1 MR. WILSON: I do. I do.

2 MEMBER ALBERTI: Okay.

3 MR. WILSON: I mean, considering
4 that -- especially considering that it's right
5 next to an elementary school. If I was a
6 parent with a child, I would be greatly
7 concerned that there is a, one, liquor store
8 next door to my school that my child and I
9 have to talk to every day and see people on
10 the corner who are intoxicated in the middle--
11 in the first thing in the morning.

12 MEMBER ALBERTI: Well, I don't
13 want to lead you here, so I'm not going to.
14 Okay. I mean, if for instance in theory
15 everybody who is buying alcohol from this
16 establishment, all right, was taking it and
17 going home, would that be a problem to you?

18 MR. WILSON: No.

19 MEMBER ALBERTI: Okay.

20 MR. WILSON: If they were taking
21 it and going -- one, I think this -- I don't
22 think the store necessarily is the problem.

1 I think everything that is associated with
2 another liquor store is part of the problem.
3 It leads to loitering. It leads to littering.
4 I see it every single day.

5 You know, I work with Commissioner
6 Fuller and we have monthly clean ups and the
7 very next day -- in front of these stores and
8 the very next day the trash that we picked up
9 is right back there.

10 MEMBER ALBERTI: So you think it
11 would contribute to -- what I'm hearing you
12 say is you believe that it would contribute to
13 loitering?

14 MR. WILSON: Yes. And I'm basing
15 my assessment based upon the other
16 establishments that I see around Good Hope
17 Road and MLK Avenue. Where there is a liquor
18 store, there is normally loitering.

19 MEMBER ALBERTI: And you believe
20 it would contribute to trash?

21 MR. WILSON: Absolutely.

22 MEMBER ALBERTI: Okay. Does the

1 fact that the trash might include alcohol so
2 close to the school, is that part of your
3 concern? It's leading and I'm sorry, but --

4 MR. WILSON: Well, it's not
5 necessarily just the school. It's just the
6 fact that there are two liquor stores that are
7 right next to each other, a block from each
8 other. You know, I mean, in any other
9 community that wouldn't be able to happen.

10 MEMBER ALBERTI: Thank you,
11 Commissioner Wilson. I have no further
12 questions.

13 CHAIRPERSON MILLER: Others?

14 MEMBER BROOKS: Yes.

15 CHAIRPERSON MILLER: Yes, Mr.
16 Brooks?

17 MEMBER BROOKS: Yes.

18 Commissioner, is Mr. Muhammad an ANC
19 Commissioner?

20 MR. WILSON: He is. He used to be
21 the Chair of ANC-8A.

22 MEMBER BROOKS: Okay.

1 MR. WILSON: The last election
2 cycle.

3 MEMBER BROOKS: Right. So would
4 he have knowledge of this applicant's
5 application for a license?

6 MR. WILSON: Commissioner Muhammad
7 is a very thorough ANC Commissioner.

8 MEMBER BROOKS: Okay.

9 MR. WILSON: He is very aware of a
10 lot of things that happen in and around Ward
11 8.

12 MEMBER BROOKS: Okay. And where
13 is he commissioner?

14 MR. WILSON: He is currently the
15 chair of the Commission 8E. He lives on
16 Alabama Avenue.

17 MEMBER BROOKS: Okay. So would
18 his jurisdiction be involved with this
19 particular applicant?

20 MR. WILSON: Not at all.

21 MEMBER BROOKS: Okay. But this
22 applicant has testified that he has had

1 meetings with Mr. Muhammad.

2 MR. WILSON: That's what the
3 applicant said. I don't understand why that
4 would even take place.

5 MEMBER BROOKS: Okay. Thank you,
6 Madam Chair.

7 CHAIRPERSON MILLER: Okay.
8 Others? Mr. Silverstein?

9 MEMBER SILVERSTEIN: Thank you for
10 your service, sir. A number of us up here are
11 or have been ANC Commissioners and understand
12 the work that you do. It's often long and
13 difficult.

14 You say you did not speak with
15 Anthony Muhammad. Why not? I mean, if --
16 something like this, is there -- did you want
17 to stay as far away from this or why would you
18 not have called Anthony or Mr. Muhammad?

19 MR. WILSON: Well, today was the
20 first day that I found out that he actually
21 met with Anthony. I didn't know Commissioner
22 Muhammad was even involved in this or

1 allegedly to be involved in this. It was --
2 based upon his testimony is what I heard it.

3 MEMBER SILVERSTEIN: Okay. Now,
4 help me with the geography here. There are
5 two hard liquor stores three blocks away in
6 each direction. Is that --

7 MR. WILSON: So --

8 MEMBER SILVERSTEIN: -- and a beer
9 and wine location closer?

10 MR. WILSON: -- there is a liquor
11 store on the corner of 15th and Good Hope.
12 16th and Good Hope. If you walk to the next
13 block, you've got Ketcham Elementary School.
14 Literally the next corner is Ketcham
15 Elementary School and four, I guess, row-style
16 buildings within this gentleman's
17 establishment.

18 And then if you walk, I believe,
19 two blocks down the street, there is another
20 establishment on Good Hope Road.

21 MEMBER SILVERSTEIN: So the
22 closest beer and wine store is how far away

1 from the Triangle Park that is -- and the
2 school which was where there is so much
3 problem?

4 MR. WILSON: I would say that the
5 one on 16th Street and the one further down on
6 the corner of 13th Street, they are probably
7 equal distance away from the park.

8 MEMBER SILVERSTEIN: And how far
9 is that?

10 MR. WILSON: Two or three blocks.

11 MEMBER SILVERSTEIN: So the
12 closest place one can legally buy alcohol is
13 two or three blocks from the school and the
14 park presently?

15 MR. WILSON: Correct.

16 MEMBER SILVERSTEIN: And this
17 would place the liquor store almost directly
18 across the street from the park?

19 MR. WILSON: Correct.

20 MEMBER SILVERSTEIN: How much of a
21 problem do you see in the park with people who
22 are stupefied?

1 MR. WILSON: That's the biggest
2 problem.

3 MEMBER SILVERSTEIN: Why?

4 MR. WILSON: Because we have
5 alcohol abuse in our community.

6 MEMBER SILVERSTEIN: Is it that or
7 is it also the methadone or --

8 MR. WILSON: I mean, it's that,
9 it's the Methadone Clinic, it's -- we -- our
10 community is plagued with social service
11 agencies.

12 MEMBER SILVERSTEIN: You would say
13 it's a dumping ground?

14 MR. WILSON: It's in the alleged
15 crack-house, which is literally next to the
16 school, too. I mean, all that stuff that is
17 like just coming together is like this melting
18 pot for disaster.

19 MEMBER SILVERSTEIN: Or a perfect
20 storm.

21 MR. WILSON: Yeah.

22 MEMBER SILVERSTEIN: Why would

1 this location in this particular area make
2 things worse in the park and in the school?

3 MR. WILSON: It would make things
4 worse in the park and school, one, because
5 it's directly across the street from the park
6 and literally in the backyard of the school.

7 So you have kids who are on their
8 recess break playing in the playground and
9 directly on the opposite side of the fence,
10 you have individuals who are intoxicated
11 because of alcohol abuse.

12 MEMBER SILVERSTEIN: Don't read
13 anything into this question, because I ask it
14 at almost all hearings. Assume in this case
15 that they were to get the license, again, I
16 ask this at every hearing, what are the
17 conditions or restrictions that we would have
18 to put on that that would make it palatable or
19 are there any?

20 MR. WILSON: I just can't think of
21 any. I'm sorry. I can't.

22 MEMBER SILVERSTEIN: Why not?

1 MR. WILSON: I just do not feel
2 there is a need. It's just you've got --

3 MEMBER SILVERSTEIN: The need
4 doesn't matter.

5 MR. WILSON: Well, you just have--
6 just because of the environment and the nature
7 of our community, this does not add value to
8 our neighborhood. It detracts from the
9 positive that we are trying to deliver.

10 MEMBER SILVERSTEIN: Okay.

11 MR. WILSON: Yeah.

12 MEMBER SILVERSTEIN: Thank you,
13 Madam Chair.

14 CHAIRPERSON MILLER: Okay.
15 Others?

16 MEMBER ALBERTI: Can I just ask a
17 clarifying question?

18 CHAIRPERSON MILLER: Okay.

19 MEMBER ALBERTI: I'm a little
20 confused about statements that were made. So
21 in the back there is a fence that separates
22 this property from -- this establishment from

1 the school. Are there individuals back there
2 occasionally outside of the school grounds?

3 MR. WILSON: I have -- I
4 personally haven't seen them, because I don't
5 necessarily go onto the school grounds and the
6 big field, the playground field, because it's
7 all fenced off.

8 MEMBER ALBERTI: Well, my question
9 is is there any public -- is there access for
10 the public to get behind this property where
11 it borders the school?

12 MR. WILSON: Yes, there is access.

13 MEMBER ALBERTI: How? Through?

14 MR. WILSON: I believe it is like
15 through alley access.

16 MEMBER ALBERTI: Oh, there is.

17 MR. WILSON: Maybe it's -- well,
18 there is an area back there where people can
19 congregate. Now, how do they get back there?
20 I'm not sure.

21 MEMBER ALBERTI: Okay. Do you
22 have knowledge that people congregate back

1 there?

2 MR. WILSON: I do not.

3 MEMBER ALBERTI: Okay. Has anyone
4 reported that to you --

5 MR. WILSON: No.

6 MEMBER ALBERTI: -- or complained
7 about it? Okay. Thank you. No further
8 questions. Thank you, Commissioner.

9 CHAIRPERSON MILLER: Okay. I have
10 a few for you.

11 MR. WILSON: Okay.

12 CHAIRPERSON MILLER: So since
13 you're a commissioner and you're involved with
14 the police and we heard today how the police
15 are always there at this store. How is it
16 that people are allowed to be drunk and loiter
17 in the park next to the school or across the
18 street from the school?

19 MR. WILSON: Well, yeah. Well,
20 one, there isn't a law against loitering in
21 the District. There just isn't, so people are
22 allowed to loiter. What was the second part

1 to your question?

2 INTERPRETER DESTA: I didn't hear
3 the first part.

4 CHAIRPERSON MILLER: I think that
5 was my question.

6 MR. WILSON: Okay.

7 CHAIRPERSON MILLER: But I think
8 that's probably a very good answer that maybe
9 the police say they are allowed to sit in
10 public places.

11 MR. WILSON: Yes.

12 CHAIRPERSON MILLER: And that's
13 why they are allowed to be there even though
14 we have this police presence. It just does
15 sound terrible to have that situation next to
16 a school or across the street from a school.
17 So it's just that they are allowed -- they are
18 allowed to be in public areas, yeah.

19 But that there are so many there
20 that you are saying, why is it do you think
21 that you have this loitering of drunks or
22 whatever in that park or, you know, in your

1 neighborhood?

2 MR. WILSON: Now, I think we are
3 like moving into a larger issue which is
4 poverty. And all the ills that are associated
5 with poverty and people just not having jobs.
6 We have a very high unemployment rate in Ward
7 8. I can come home for lunch in the middle of
8 the day and see young men just hanging out.
9 You know, nothing to do, nowhere to go.
10 That's just the issue that comes with poverty.

11 CHAIRPERSON MILLER: And but you
12 think that having liquor stores makes it more
13 accessible and easier for them to be there
14 where the liquor store is?

15 MR. WILSON: I believe -- yes, I
16 believe that's a possibility.

17 CHAIRPERSON MILLER: Okay. Just
18 out of curiosity, just to get a little bit
19 more about your community, are there a lot of
20 social service agencies or groups working on
21 this problem, on the alcoholism problem?

22 MR. WILSON: I'm sure there are.

1 Yes, I'm pretty sure there are, yeah.

2 CHAIRPERSON MILLER: Okay. But is
3 it correct that your testimony is that there
4 is a high incidence of alcoholism in your
5 community?

6 MR. WILSON: Yes.

7 CHAIRPERSON MILLER: Around near
8 the store?

9 MR. WILSON: Yes.

10 CHAIRPERSON MILLER: Okay. Did
11 the ANC protest the neighboring alcohol
12 licenses?

13 MR. WILSON: To my knowledge, no.

14 CHAIRPERSON MILLER: Okay. So
15 this one in particular --

16 MR. WILSON: But we have protested
17 the license applications for two restaurants
18 on Martin Luther King Avenue. And we had --
19 now, with the new regime of ANC, we have a
20 policy that we will go through the protest
21 period with pretty much any applicant. And if
22 it is, you know, the community feels that a

1 license is needed, we will then go into the
2 settlement agreement with the applicant.

3 But the community made it clear
4 that they did not want another liquor store in
5 this location.

6 CHAIRPERSON MILLER: Okay. That
7 kind of goes to my next question. Did you
8 talk to a lot of residents about this
9 application?

10 MR. WILSON: Yes.

11 CHAIRPERSON MILLER: And were
12 there some that supported the application,
13 other than the witnesses we heard today that
14 you came across?

15 MR. WILSON: I didn't speak to any
16 that did.

17 CHAIRPERSON MILLER: Okay. Okay.
18 I'm going to separate. I'm going to stop here
19 with you as a witness. I'm going to have a
20 question for you afterwards --

21 MR. WILSON: Okay.

22 CHAIRPERSON MILLER: -- as a

1 representative.

2 MR. CHURNET: One last
3 clarification?

4 CHAIRPERSON MILLER: Yes. Mr.
5 Jones?

6 MEMBER JONES: Thank you, Madam
7 Chair. Sir?

8 MR. WILSON: Yes.

9 MEMBER JONES: I'm going to ask a
10 question and I apologize if it was asked
11 previously, but I had to step out of the room
12 briefly. A question for you. I just don't --
13 I'm not -- I think I understand and appreciate
14 your perspective, but I don't understand or
15 appreciate what it is specifically about the
16 operation of this establishment with a liquor
17 license how that is contributing to the issues
18 that you raise as points of concern as part of
19 your protest.

20 So I'm asking that you help
21 quantify that for me more concisely as opposed
22 to just saying there is a general problem in

1 my neighborhood and this is contributing to
2 the general problem in a general way.

3 Why this licensee? Why shouldn't
4 this applicant get a license to sell alcohol,
5 specifically why this applicant shouldn't get
6 a license?

7 MR. WILSON: I believe this
8 applicant should not receive a license. One,
9 because of the number of service calls to this
10 location. Two, the evidence that one of their
11 employees may have, based upon the
12 Investigator's observation, been involved in
13 some illegal drug activity.

14 MEMBER JONES: Okay.

15 MR. WILSON: And to me all of that
16 centers back on peace -- what do we call it,
17 peace, quiet, loitering of our community.

18 MEMBER JONES: Okay. So the fact
19 that the establishment potentially allowed for
20 or contributed to criminal activities in the
21 area, in your neighborhood is a negative
22 contributor as far as you are concerned to

1 peace, order and quiet, loitering, etcetera--

2 MR. WILSON: Um-hum.

3 MEMBER JONES: -- of your
4 neighborhood and that's why this specific
5 applicant shouldn't be allowed to have a
6 liquor license because of the nature of how
7 they are conducting their current business
8 operations?

9 MR. WILSON: Absolutely.

10 MEMBER JONES: Okay.

11 MR. WILSON: Yes.

12 MEMBER JONES: Thank you. Thank
13 you, Madam Chair.

14 CHAIRPERSON MILLER: Okay. I
15 think Mr. Alberti has one more question.

16 MEMBER ALBERTI: Just real quick.
17 Real quick. How long have you been a
18 commissioner?

19 MR. WILSON: I've been a
20 commissioner for four years.

21 MEMBER ALBERTI: Four years.

22 MR. WILSON: Going on four years,

1 yeah.

2 MEMBER ALBERTI: Have you ever
3 served with Commissioner Muhammad?

4 MR. WILSON: I have.

5 MEMBER ALBERTI: Okay. Is it
6 possible that there are examples of your
7 signature in the public domain?

8 MR. WILSON: I mean, yeah. I
9 mean, yeah, possibly, yeah.

10 MEMBER ALBERTI: Where would they
11 -- how would they have been out there?

12 MR. WILSON: So if you like Google
13 Charles Wilson, ANC Commissioner. The work at
14 Anacostia my signature might be on some
15 document.

16 MEMBER ALBERTI: Okay.

17 MR. WILSON: Yeah, oh, I used to
18 be the treasurer of the ANC, so I would always
19 have to sign the report and that is a public
20 document.

21 MEMBER ALBERTI: Okay. Thank you
22 very much. Appreciate that.

1 CHAIRPERSON MILLER: Okay. Any
2 other Board questions? All right. Follow-up
3 on Board questions?

4 MR. CHURNET: Clarification, yes.
5 About the fence on the backyard of the school,
6 is it your testimony that there are openings
7 there that there is access to the backyard
8 from the -- behind the store?

9 MR. WILSON: That is not my
10 testimony.

11 MR. CHURNET: Okay. So it's
12 locked up? That's your --

13 MR. WILSON: I testified that I
14 had not been --

15 MR. CHURNET: Okay.

16 MR. WILSON: -- in the back of the
17 school because it's fenced off.

18 MR. CHURNET: It is fenced off
19 now.

20 CHAIRPERSON MILLER: Okay. We are
21 not taking testimony from you.

22 MR. CHURNET: That's not

1 testimony.

2 CHAIRPERSON MILLER: Okay. Wait.
3 Are you finished?

4 MR. CHURNET: Has the members of
5 the commission reached a resolution and passed
6 a resolution on this matter?

7 MR. WILSON: Yes. Our letter
8 dated August 24th, I believe, we passed a
9 resolution that we were not in support of this
10 applicant.

11 MR. CHURNET: And that has been
12 submitted to the Board?

13 MR. WILSON: Yes, yes.

14 CHAIRPERSON MILLER: I believe it
15 is -- is it part of the Investigator's report
16 that you have there? It may be an attachment.
17 Okay. I think I'm going to ask you this now,
18 because I really don't know just whether you
19 are going to testify to it or not.

20 But you mentioned earlier the
21 letter from the principal who was unable to be
22 here today.

1 MR. WILSON: Yes. She is not able
2 to be here today. I haven't checked my email,
3 I don't know if she sent in a letter.

4 CHAIRPERSON MILLER: Oh.

5 MR. WILSON: But she -- I know she
6 sent in a letter for the initial protest.

7 CHAIRPERSON MILLER: Okay.

8 MR. WILSON: So you guys have a
9 letter on file from her as the principal of
10 Ketcham Elementary School that she was not in
11 favor of this.

12 CHAIRPERSON MILLER: Okay. So
13 we'll take administrative notice of the letter
14 she sent to Ms. Fletcher at Roll Call. Okay.
15 When was that about?

16 MR. WILSON: This would of had to
17 been prior to August 26th.

18 CHAIRPERSON MILLER: Okay. Okay.
19 Thank you very much.

20 MR. CHURNET: Let me ask, let me
21 bring you this to your attention. Just now my
22 client showed me an email contacting to

1 Anthony Muhammad and him. Would that interest
2 the commissioner if he could, you know, see
3 the email that he got from Anthony Muhammad?

4 CHAIRPERSON MILLER: I don't --

5 MEMBER ALBERTI: No, it's past.

6 CHAIRPERSON MILLER: -- think in
7 this --

8 MEMBER SILVERSTEIN: He's already
9 testified.

10 CHAIRPERSON MILLER: -- hearing, I
11 don't think so at this point. Okay. Thank
12 you. No.

13 Okay. Do you have another
14 witness?

15 MR. WILSON: Yes. Ms. Moore.

16 CHAIRPERSON MILLER: Okay. Good
17 afternoon.

18 Whereupon,

19 COMMISSIONER YVONNE MOORE
20 was called as a witness by the protestants,
21 and having been first duly sworn, assumed the
22 witness stand and was examined and testified

1 as follows:

2 CHAIRPERSON MILLER: Okay. Thank
3 you. Would you give your full name and title
4 and then I'll let Mr. Wilson take over?

5 MS. MOORE: Yvonne Moore and I'm
6 the Chair of Advisory Neighborhood Commission
7 8A.

8 CHAIRPERSON MILLER: Okay. Are
9 you just going to testify or --

10 MS. MOORE: Yes.

11 CHAIRPERSON MILLER: Okay. Go
12 ahead.

13 DIRECT EXAMINATION

14 MS. MOORE: Just for the record, I
15 would like to say that ANC-8A rescheduled
16 their August meeting because our regular
17 meeting is the first Tuesday, which was
18 National Night Out, and we have co-sponsored
19 the 7th Police District National Night Out
20 activities.

21 We rescheduled to the third
22 Saturday. I personally went in the Dollar

1 Plus, the owner was not there. I left a
2 flyer. I have been in that establishment
3 twice.

4 Our secretary said that our
5 notice, our meeting notices were not published
6 in a timely manner and they were not published
7 in four locations as required by Robert's
8 Rules. I then -- we did reschedule. I went
9 back, dropped off a flyer for the meeting and
10 the flyer for the 7th District Police Citizen
11 Advisory Banquet that was held October 4th.

12 The owner was not there. I told
13 the lady -- it was a lady working there and I
14 told her I hope that they would participate,
15 because I don't know if they are hiring -- if
16 they have hired the police officer that stands
17 out there 24/7, but every time I see him, I
18 email my commander to ask why are we providing
19 security when we have a neighborhood that has
20 issues?

21 And it seems like this
22 establishment is getting preferential

1 treatment. Commander Hoey said that Officer
2 Smith had a beat, but he was not supposed to
3 stand in front of that store constant.

4 I feel that the disrespect that
5 this owner has for our community as well as
6 his legal representative trying to put our
7 community down and make us look so negative
8 and the moral conduct that he has displayed
9 with trying to get a license at any cost and
10 disrespect to the community, that this license
11 should be denied. Thank you.

12 CHAIRPERSON MILLER: Thank you.
13 Cross-exam?

14 MR. CHURNET: I just not cross-
15 examination, but I want to apologize if I have
16 given you the impression that I want to put
17 down the ANC. No. I appreciate your
18 services. And I have nothing against the ANC.

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

21 MEMBER ALBERTI: Thank you, Ms.
22 Miller.

1 CHAIRPERSON MILLER: Okay. Thank
2 you very much.

3 MEMBER ALBERTI: No, no, I do.

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: Commissioner
6 Moore?

7 MS. MOORE: Yes.

8 MEMBER ALBERTI: There has been
9 some talk about the rear of the establishment.
10 Do you have any knowledge of if there is
11 access to the rear?

12 MS. MOORE: I'm glad you asked
13 because that same establishment used to be a
14 barber shop/beauty shop. My best friend, she
15 is going to kill me because we didn't know we
16 were going to be here that long, she worked
17 there for 10 years. It is a back door to that
18 establishment where you can go out, because
19 Cuttin-Up Barber Shop is like two doors and
20 they used to have dogs that would run out
21 there.

22 MEMBER ALBERTI: All right. No,

1 but --

2 MS. MOORE: So, yes.

3 MEMBER ALBERTI: -- can the
4 public? Is there any way for the public to
5 get out behind that establishment --

6 MS. MOORE: If you --

7 MEMBER ALBERTI: -- without going
8 through the establishment?

9 MS. MOORE: Yeah. The crack --
10 the house -- the big house that is like two
11 doors -

12 MEMBER ALBERTI: Um-hum.

13 MS. MOORE: -- it was a community-
14 based residential facility and I think they
15 lost their permit, but you can go around the
16 side of it in their backyard and then go
17 through Cuttin-Up. Once the Check Cashing
18 place came, they kind of fenced off their
19 area, so you can't really --

20 MEMBER ALBERTI: So you really
21 can't get back there behind this
22 establishment?

1 MS. MOORE: Well, at one time you
2 could.

3 MEMBER ALBERTI: Okay. Thank you
4 very much.

5 MS. MOORE: Um-hum.

6 MEMBER ALBERTI: That clears that
7 up for me. Thank you very much, Commissioner.

8 MS. MOORE: Okay.

9 MR. CHURNET: Can I --

10 CHAIRPERSON MILLER: You have a
11 question based on the Board question?

12 MR. CHURNET: Yes, just one. One
13 last one.

14 CROSS-EXAMINATION

15 MR. CHURNET: Yes, you indicated
16 that the Dollar Plus Store has maintained a
17 good relationship and is given preferential
18 treatment by the police there. Did you
19 indicate?

20 MS. MOORE: Say what now?

21 MR. CHURNET: Is that your
22 testimony?

1 MS. MOORE: Excuse me?

2 MR. CHURNET: The police were
3 treating this store -- were giving it special
4 treatment. Did I hear you say that?

5 MS. MOORE: That was my
6 perception, yes.

7 MR. CHURNET: Well, that is his
8 whereabouts --

9 MS. MOORE: No, it doesn't.

10 CHAIRPERSON MILLER: Okay.

11 MS. MOORE: It says that I'm
12 paying for private security for a store.

13 MR. CHURNET: Thank you.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Yes, yes. As long as you are finished,
16 yes. Oh, okay.

17 (Whereupon, witness was excused.)

18 CHAIRPERSON MILLER: I guess it's
19 still afternoon. Good afternoon.

20 Whereupon,

21 GRETA FULLER

22 was called as a witness by the protestants,

1 and having been first duly sworn, assumed the
2 witness stand and was examined and testified
3 as follows:

4 CHAIRPERSON MILLER: Okay. Thank
5 you. So if you also gave your full name and
6 title.

7 MS. FULLER: Okay.

8 CHAIRPERSON MILLER: And testify.

9 DIRECT EXAMINATION

10 MS. FULLER: My name is Greta
11 Fuller. I am the ANC Commissioner for 8A05.
12 From the testimony I heard from the witnesses,
13 from Mr. Desta, most of them have only been in
14 the community from one to one and a half
15 years. I have been Commissioner going on now
16 my seventh year, so most of the testimony that
17 they have said that they haven't seen problems
18 or found concerns in the community, I 100
19 percent disagree.

20 I currently and consistently have
21 complaints about Good Hope Road from 13th
22 Street, which is my commission, to 16th

1 Street, which is Charles Wilson's commission.
2 And because we border commissions, sometimes
3 my constituents feel the wrath of what happens
4 on Good Hope Road in and around Dollar Plus
5 Store, the park, the Methadone Clinic and the
6 laundromat located at 16th Street and Good
7 Hope Road that is across the street from the
8 hard liquor store on 16th and Good Hope Road.

9 I would like to read my testimony
10 to you to try and move this process along. My
11 testimony today will say that as a resident of
12 the community and Commission of 8A06, I am
13 testifying against the approval of the liquor
14 license for the applicant, Daniel Desta,
15 owner/operator of Dollar Plus Store located at
16 1429 Good Hope Road, S.E.

17 There are several reasons why
18 Dollar Plus should not be granted a liquor
19 license. Mr. Desta and/or Dollar Plus Store
20 has been inconsistent and shown several times
21 that he does not understand or has the
22 character to run such an establishment in our

1 community.

2 This has been displayed by Mr.
3 Desta in his representation. The documents
4 and statements that have been provided to the
5 Board and ANC-8A are questionable and lack
6 truth and merit as shown by the letter that I
7 will read by Commissioner Anthony Muhammad and
8 sign later after my testimony. And also by
9 the testimony of Mr. Charles Wilson.

10 No. 2, Mr. Desta and/or Dollar
11 Plus Store becoming a liquor store will not
12 offer any benefits to the surrounding
13 community, but will instead offer disturbance
14 to peace, order, quiet, litter and parking in
15 our community, as well as offer enticement to
16 the people who are trying to better themselves
17 and move back into society.

18 Persons seeking help and
19 rehabilitation such as the persons who go to
20 Good Hope Road Institute, known as the
21 Methadone Clinic, and also the CSOSA Building
22 for the at-risk participants, which is located

1 directly across the street from the Dollar
2 Plus Store.

3 All of those participants at CSOSA
4 are trying to find their way back in the
5 community and with liquor being offered
6 directly across the street, I don't see this
7 as being a good and positive role model for
8 those participants.

9 The children will suffer,
10 residents will have to deal with the noise and
11 the behavior that follow such establishments
12 and neighbors will have to deal with the
13 unbearable noise, trash and unruly client
14 behavior that you have already heard here
15 today.

16 A liquor store or any more spirits
17 at that location will only stagger the growth
18 and the economic development in the area,
19 because no retail or no merchant will want to
20 open its doors in an area that they believe is
21 over-saturated with liquor stores and unlawful
22 behavior is high where we need police presence

1 constantly.

2 The police presence that you see
3 in front of Mr. Desta's store is not because
4 the police love to be at that location, it's
5 because we constantly call the police to come
6 to that location. The police presence is
7 there because I have spoken to Commander Hoey,
8 Chief Lanier and Assistant Chief Groomes on
9 numerous occasions about the unlawful activity
10 in that area.

11 So when you see a new liquor store
12 at that location will take away from our
13 police resources as they do today. As a
14 Commissioner and a taxpayer in the District of
15 Columbia, I know how important it is to have
16 police resources equally distributed
17 throughout the community.

18 If Dollar Store Plus -- if Dollar
19 Plus Store is granted a liquor license, we
20 will lose more valuable resources from the
21 police department that we need throughout our
22 community. And it is also unfair to put

1 police officers and residents in more harms
2 way.

3 And if not for the reasons I have
4 listed in my testimony should you also
5 consider the proximity that there is already
6 two existing stores that provide liquor for
7 people within the vicinity. We don't need
8 more liquor in our neighborhood. We need
9 restaurants, grocery stores, retail and
10 services that will lift the community and not
11 promote for detrimental behavior. Thank you.

12 And now, if you would let me just
13 read, and I'm going to be quick reading this.

14 MR. CHURNET: Objection.

15 CHAIRPERSON MILLER: Okay. You
16 have an objection to --

17 MR. CHURNET: Yes.

18 CHAIRPERSON MILLER: -- the
19 letter?

20 MR. CHURNET: Hearsay, hearsay.
21 Mr. Anthony Muhammad is not here.

22 CHAIRPERSON MILLER: Do you have a

1 copy of the letter?

2 MS. FULLER: Yes, I do have a copy
3 of the letter. Would you like it?

4 CHAIRPERSON MILLER: Do you have a
5 few? Yes.

6 MS. FULLER: And to the Board.
7 And this is a signed letter from Mr. Anthony
8 Muhammad. Whether Mr. Anthony Muhammad is
9 here or not, he sent this letter for me to
10 give to the Commission and I spoke with him
11 personally. I can testify to that.

12 CHAIRPERSON MILLER: Right.

13 MS. FULLER: I can testify that I
14 spoke and it is not hearsay. I also have it
15 here on my mobile phone where he sent me a
16 signed copy that he never spoke or gave Mr.
17 Desta any information saying that he agrees to
18 a settlement agreement. He has no idea that
19 there was any paperwork that had Mr. Charles
20 Wilson's signature.

21 He -- I have worked with Mr.
22 Anthony Muhammad, which is not hearsay because

1 I have been a Commissioner on 8A when Mr.
2 Muhammad was the ANC Chair. I worked with him
3 with ABRA. And the one thing that I know
4 about Mr. Muhammad is he is against liquor
5 stores period.

6 Mr. Muhammad is a devote Muslim
7 who does not believe in liquor. And he has
8 fought in our community when I have actually
9 fought against him to have a liquor license at
10 Uniontown. He does not agree to this.

11 So for Mr. Desta to say Mr.
12 Muhammad personally brought him a voluntary
13 agreement when he is not even a commissioner
14 of 8A, it is quite unbelievable to me.

15 CHAIRPERSON MILLER: Let me ask
16 you, how did he come to write that letter for
17 you to bring today?

18 MS. FULLER: Because I contacted
19 Mr. Muhammad after I read the Protest
20 Information Form that was submitted by Mr.
21 Daniel Desta. I sent him a copy and I showed
22 him on page 2 of Mr. Desta's PIF, that's what

1 I'm calling it, where he -- where something
2 was -- where it was written out and this is in
3 Mr. Desta's PIF, it is written in the summary
4 description.

5 Section 2 states: "He is a new
6 immigrant and employed the services of a
7 certain Anthony Muhammad to seek the support
8 of ANC-8A for application of a store for a
9 liquor license. Mr. Anthony Muhammad is a
10 neighborhood activist who advertises his
11 services in this and related matters
12 officially on his website. Mr. Anthony to
13 this day" this -- "the assertion of Mr.
14 Williams that is not his signature."

15 This is something that Mr. Desta
16 gave to the Board.

17 CHAIRPERSON MILLER: Right.

18 MS. FULLER: And I sent this to
19 Mr. Muhammad and asked him had he heard
20 anything about it. Mr. Muhammad told me it
21 was totally untrue. I got this letter from
22 him. And on the letter -- with his signature

1 and he says that he has no knowledge of that.

2 CHAIRPERSON MILLER: Okay.

3 MS. FULLER: And that is blatant
4 untruth and misrepresentation of his name.
5 And I would like to offer this as an exhibit,
6 since it is his signature and he has Mr.
7 Desta's PIF of where he talked about --

8 CHAIRPERSON MILLER: Okay.

9 MS. FULLER: -- he spoke to Mr.
10 Muhammad.

11 CHAIRPERSON MILLER: Okay. My
12 understanding is it is being copied, so we
13 can --

14 MS. FULLER: I have copies here if
15 you want.

16 CHAIRPERSON MILLER: You have
17 copies?

18 MS. FULLER: Yes.

19 CHAIRPERSON MILLER: Oh, okay.

20 MEMBER ALBERTI: Thank you.

21 CHAIRPERSON MILLER: The
22 applicant's attorney -- wait.

1 MEMBER ALBERTI: Yes.

2 CHAIRPERSON MILLER: Was Mr.
3 Muhammad asked to come to the hearing?

4 MR. CHURNET: Yeah, yeah.

5 MS. FULLER: I did ask Mr.
6 Muhammad after I found out today --

7 CHAIRPERSON MILLER: Um-hum.

8 MS. FULLER: -- that his name was
9 in documents submitted to the Board. Mr.
10 Muhammad said that he was really busy and he
11 had other appointments. He could not make it,
12 but if I would help and draft a letter for
13 him, he would read it over, look at it and if
14 he approved it, he would sign it and send it
15 back and I could submit it as an official
16 report from him to the Board on this case.

17 CHAIRPERSON MILLER: So --

18 MS. FULLER: And that he is not in
19 support.

20 CHAIRPERSON MILLER: -- you
21 drafted the letter?

22 MS. FULLER: Yes, I did.

1 CHAIRPERSON MILLER: And he read
2 it and said that it was true and then he
3 signed it, basically?

4 MS. FULLER: Yes, he did. And I
5 have emails to prove that and his signature.
6 I also sent that to Ms. Martha Jenkins, the
7 exact email that Mr. Muhammad sent me with his
8 signature.

9 CHAIRPERSON MILLER: When did you
10 send that?

11 MS. FULLER: I sent it this
12 evening when we -- about 1:30 or 2:00 p.m.
13 today.

14 CHAIRPERSON MILLER: Oh. Well, I
15 suggest that, you know, we take a look at the
16 letter and then if you have an objection after
17 reading the letter --

18 MR. CHURNET: This is --

19 CHAIRPERSON MILLER: Do you have a
20 copy of the letter?

21 MR. CHURNET: Yes, I have a copy
22 of the letter here, but it's again hearsay.

1 You know, we cannot -- there is no way to
2 authenticate whether this is his actual
3 signature or not and true.

4 MS. FULLER: As a sworn-in
5 representative of the District of Columbia and
6 a Commissioner, it is my duty to stand before
7 the community and any Government Agency and do
8 my due diligence and tell the truth. And if
9 Mr. -- if the counsel believes that I would
10 perjure myself or put myself in a position to
11 tell untruths before a legal Board of the
12 District of Columbia, he is sadly mistaken.

13 MR. CHURNET: Well, it's just the
14 rules --

15 CHAIRPERSON MILLER: No.
16 Actually, it's not really the rules. At
17 Administrative Hearings, we can admit hearsay.

18 MR. CHURNET: But --

19 CHAIRPERSON MILLER: We understand
20 that it's hearsay and we give it the --

21 MR. CHURNET: Let me --

22 CHAIRPERSON MILLER: -- a

1 different amount of weight, because we realize
2 you can't cross-examine the writer.

3 MR. CHURNET: May I look at this
4 first, please?

5 CHAIRPERSON MILLER: Yes, yes. I
6 just wanted to let you know that it wasn't
7 quite the rule here.

8 MR. CHURNET: I read this and, you
9 know, he hadn't -- the thing is, you know, if
10 he was here, if he is here, that would have
11 been proof of it. Then we could have
12 presented all these things to him, but now, I
13 don't know if this is his signature. I don't
14 know if it is his letter. And I cannot take
15 the words of the Commissioner or the
16 Chairperson. I'm sorry, I don't know how to
17 approach it, but I cannot.

18 My client cannot rely on this
19 letter as a representation of Mr. Anthony
20 Muhammad. He has admitted here that he has
21 been contacted at least by Daniel. And we
22 have the beginning of admission here. But

1 otherwise, you know, we are going to contest
2 the submission of this document as evidence,
3 because it's hearsay and although it's
4 Administrative Hearing, this relates to a
5 critical issue.

6 And we will object to it.

7 CHAIRPERSON MILLER: Okay. Do you
8 have any questions you want to ask Ms.
9 Fuller --

10 MR. CHURNET: Yes.

11 CHAIRPERSON MILLER: -- about the
12 letter?

13 MR. CHURNET: Yes.

14 CROSS-EXAMINATION

15 MR. CHURNET: The previous
16 witness, the Chairperson, testified that
17 police in that neighborhood shows special
18 preference to Dollar Plus Store. And that the
19 Chairperson had been complaining about this.
20 Are you saying that this is not true, what the
21 Chairperson testified that police show
22 preference, show liking to this store?

1 MS. FULLER: I cannot speak on
2 behalf of Commissioner Yvonne Moore, but I can
3 speak on behalf of Commissioner Greta Fuller,
4 of who I am. I work constantly with Commander
5 Hoey to talk about police presence in front of
6 that store, at the park, Good Hope Road and
7 16th Street, Good Hope Road and 13th Street,
8 Good Hope Road and Minnesota Avenue.

9 I cannot speak for Ms. Moore. But
10 we know that we have a problem in front of his
11 establishment. Maybe not on the sidewalk, but
12 across the street at the park and the people
13 who come from the Methadone Clinic, who linger
14 and move up and down and actually frequent his
15 store.

16 So I can speak for what I know.

17 MR. CHURNET: Yeah. You have
18 knowledge of the store. You have --

19 MS. FULLER: I have knowledge of a
20 police problem.

21 MR. CHURNET: Have you --

22 MS. FULLER: And a community

1 problem.

2 MR. CHURNET: -- seen cameras on
3 all sides of the store?

4 MS. FULLER: I have not seen
5 cameras on all sides of the store.

6 MR. CHURNET: On any side?

7 MS. FULLER: I have not looked
8 that close at the Dollar Plus Store. I'm
9 looking at all the illegal activities and the
10 negativity that I see in front of the
11 establishment.

12 MR. CHURNET: Even with the
13 presence of the police?

14 MS. FULLER: Even with the
15 presence of the police, because I know that
16 there is a no loitering law in the District of
17 Columbia. And until the police has the
18 capability, until they see something that is
19 truly illegal happening, they cannot actually
20 make the people move if they haven't seen an
21 illegal activity.

22 MR. CHURNET: Do you have a

1 picture, a photograph of people --

2 MS. FULLER: I have several
3 pictures. I don't have them with me. But the
4 pictures that the Inspector provided were more
5 than enough to prove all of the loitering that
6 takes place. And if you want, I can refer you
7 to any given picture in his presentation to
8 show you the people in the park, show you the
9 people on the sidewalk and anything else.

10 If you would like me to send you
11 pictures, I can send you many. I can send you
12 videos.

13 MR. CHURNET: No. If you have --
14 that's it, Your Honor.

15 CHAIRPERSON MILLER: Okay. Board
16 questions? Okay. I'm just going to deal then
17 with this letter. I think that Mr. Wilson,
18 are you seeking to admit the letter as
19 Protestant's Exhibit No. 2?

20 MR. WILSON: Yes.

21 CHAIRPERSON MILLER: Okay. I am
22 going to admit it as evidence.

1 (Whereupon, the document was
2 marked for identification as
3 Protestant Exhibit 2 and was
4 received in evidence.)

5 CHAIRPERSON MILLER: I recognize
6 there is an objection and that is noted for
7 the record on the basis that it's hearsay.
8 And Mr. Muhammad is not here to be cross-
9 examined. And I just want to say that the
10 administrative agencies are allowed to admit
11 hearsay.

12 However, we recognize, too, that
13 the individual is not here to be cross-
14 examined and so, therefore, it may not get as
15 much weight as if the testimony was subject to
16 cross-examination.

17 Also, I do think there is
18 reliability with respect to at least that this
19 letter was written by Mr. Muhammad and that
20 the ANC Commissioner, under oath, has
21 testified that she personally was with him
22 working on this letter and saw him sign it,

1 correct?

2 MS. FULLER: (No audible answer).

3 CHAIRPERSON MILLER: Okay.

4 MS. FULLER: May I also submit my
5 letter?

6 CHAIRPERSON MILLER: Okay. This
7 is submitted as Exhibit No. 2 for protestants.
8 Do you have something else? Mr. Wilson, is
9 there something else?

10 MR. WILSON: Well, I think the
11 Commissioner, she wrote her own testimony that
12 she wants --

13 CHAIRPERSON MILLER: Oh, your
14 testimony?

15 MS. FULLER: Um-hum.

16 MR. WILSON: Her testimony. She
17 already read this.

18 CHAIRPERSON MILLER: You read it.

19 MS. FULLER: I did read it.

20 CHAIRPERSON MILLER: It's in the
21 transcript.

22 MS. FULLER: Yes, but if that's

1 enough, fine, but I actually wrote it and
2 signed it.

3 CHAIRPERSON MILLER: Okay. We can
4 take it and put it in as Exhibit No. 3. I
5 don't think you would have an objection,
6 right? It's in the transcript. It's
7 redundant, but we can do that.

8 MS. FULLER: Okay.

9 CHAIRPERSON MILLER: Okay. It
10 might be easier to access. Okay.

11 (Whereupon, the document was
12 marked for identification as
13 Protestant Exhibit 3 and was
14 received in evidence.)

15 CHAIRPERSON MILLER: Okay.
16 Anything else for this witness? All right.
17 Then you are excused.

18 MS. FULLER: Thank you.

19 (Whereupon, witness was excused.)

20 CHAIRPERSON MILLER: If you want
21 to give -- so does that complete the
22 protestant's case?

1 MR. WILSON: Yes.

2 CHAIRPERSON MILLER: Okay.

3 Documents, everything? Okay. Then we are now
4 at closing arguments. And if you want to make
5 any, it's optional.

6 MR. CHURNET: I just have a few --

7 CHAIRPERSON MILLER: Okay.

8 MR. CHURNET: -- points to make.

9 CHAIRPERSON MILLER: Okay.

10 MR. CHURNET: The first important
11 point that I want to bring to the attention of
12 the Board is the fact that we were not given
13 the Investigation report on which this Board
14 is going to rely on. And my client is
15 completely prejudiced as a result of that.

16 MEMBER ALBERTI: I think Herman
17 has a comment.

18 CHAIRPERSON MILLER: Oh, Mr.
19 Jones?

20 MEMBER JONES: As relates to that
21 comment, sir, with all due respect can you,
22 please, detail specifically, concisely how

1 that prejudiced you today in terms of your
2 case here? And also, keep in mind that we
3 have a correspondence that we have internally
4 confirmed that it was emailed to you.

5 So I want to understand and make
6 sure you appreciate what our position is on
7 that, given the evidence that we have before
8 us, based on our own internal records, and
9 where it points to negligence on someone
10 else's part, besides ours, as to why that
11 report wasn't received, before you go into
12 explicit detail regarding your specific
13 response to my question. Okay?

14 MR. CHURNET: Yes, yes, yes. Yes,
15 sir. I appreciate the question. With respect
16 to the email, I cannot swear now on whether it
17 was emailed to me, because now with this
18 information, I'll go back and look to see if
19 it has been emailed to me.

20 But I have been checking all the
21 emails and honestly, at this point, all that
22 I know is that there was no indication of any

1 investigation report in the emails, nothing.

2 In fact, I even talked with one of
3 the clerks, Ms. Tesha, and -- yeah, Tesha,
4 yeah. We even talked to her on the phone and
5 nothing of this report was mentioned to me, so
6 I was totally in the dark.

7 But if it -- that's not impossible
8 that it was emailed to me, because I'm hearing
9 about it now. So I have to check to see if I
10 have it in my email. I have my computer with
11 me and I'll do that immediately.

12 But there was no indication,
13 nothing in the emails which alerted me to this
14 investigation report. And we need it, that's
15 for preparing to -- for the hearing on this.
16 I am completely at a disadvantage, because all
17 that, the contents of the investigation
18 report, the statements of the Investigator,
19 that's very important, because I could have
20 prepared to rebut that. I could have sought
21 evidence and rebut that. And I didn't do
22 that. I couldn't do that without the

1 investigation report.

2 And there were other materials,
3 documents included in the investigation report
4 from the ANC and from the Investigator,
5 himself, and I had no access to those
6 informations, to those documents. That
7 completely prejudiced my client's case.

8 MEMBER JONES: So based on your --
9 you have the Investigator's report now. You
10 say it during the course of the case and the
11 questioning. I can't say that you thoroughly
12 reviewed it, so I acknowledge and recognize
13 that.

14 But of the things that you are
15 pointing to as issues that were raised and
16 provided as testimony during the case in
17 conjunction with your review of those items,
18 in conjunction with your understanding of your
19 client, what things specifically were brought
20 up that you feel prejudiced your case?

21 MR. CHURNET: Well, as you know, I
22 didn't have time to look at it. And you

1 emphasized that, which I appreciate.

2 MEMBER JONES: No.

3 MR. CHURNET: The thing is --

4 MEMBER JONES: I --

5 MR. CHURNET: -- his report --

6 MEMBER JONES: A clarification.

7 I'm not saying you didn't have time to look at
8 it, because we have evidence of the fact that
9 we emailed it to you. So you have not looked
10 at it, that's the only thing that I am
11 conceding to based on your own statement.

12 MR. CHURNET: Yes.

13 MEMBER JONES: I just want to make
14 sure that's clear.

15 MR. CHURNET: Based on my belief
16 and information, I have not received this.

17 MEMBER JONES: Understood. So how
18 have you --

19 MR. CHURNET: And I --

20 MEMBER JONES: -- specifically
21 been prejudiced based on the testimony that
22 was raised and/or presented by the

1 Investigator?

2 MR. CHURNET: Yes. I --

3 MEMBER JONES: Specifically how?
4 What specific things were raised?

5 MR. CHURNET: I was completely
6 surprised by his report. And the things that
7 he mentioned about the negative effects,
8 adverse effects, the calls, for instance, made
9 from his store and then from that
10 neighborhood, of calls to the police. I could
11 have examined those and I could have gotten
12 input from my client on those calls.

13 MEMBER JONES: So calls for
14 service you had a concern regarding that and
15 you would have --

16 MR. CHURNET: Not only the calls,
17 but everything that the -- especially about
18 the deleterious effects on the adverse effects
19 in the neighborhood that the Investigator
20 reported. I didn't have any knowledge of
21 that.

22 MEMBER JONES: So based on what

1 you are saying, I'm not hearing how you were
2 specifically prejudiced in your case today.
3 You are making general statements in
4 generalities, but you are not speaking to
5 specifically how you were prejudiced --

6 MR. CHURNET: Well, the --

7 MEMBER JONES: -- in this
8 instance.

9 MR. CHURNET: Well, I can --

10 MEMBER JONES: So I'll ask one
11 more time and give you an opportunity to help
12 clarify that.

13 MR. CHURNET: First, the -- those
14 calls made to the police, 49 calls from his
15 store. And the other calls to the police.
16 The second, the report that there are people
17 who hangout in that neighborhood and drunk
18 people, intoxicated people.

19 That there was problem in the
20 backyard of the school. All his negative
21 reports about the locality.

22 MEMBER JONES: Okay.

1 MR. CHURNET: That was a complete
2 surprise to me. And I could have prepared
3 well if I had knowledge about these issues.
4 I could have prepared. And the other
5 documents submitted by ANC.

6 MEMBER JONES: Well, you said the
7 report. You are making a claim that you
8 didn't receive the report.

9 MR. CHURNET: And the reporting --

10 MEMBER JONES: You are making a
11 claim you didn't receive the report, right?
12 So everything in that report --

13 MR. CHURNET: Not only the report,
14 everything that went -- that was filed with
15 you. I didn't get any of that. The only
16 thing I got is the letter from the
17 Commissioner from the ANC, the letter, that
18 single letter about the signature, the
19 forgery. His request for the dismissal of his
20 application. That's the only thing that I
21 got.

22 MEMBER JONES: Okay.

1 MR. CHURNET: I never got
2 anything.

3 MEMBER JONES: Thank you, Madam
4 Chair.

5 CHAIRPERSON MILLER: All right.
6 Let me say this. I hear what you are saying.
7 Certainly the Investigator's report is
8 important, you know, but I do want you to know
9 that you will have a chance to submit proposed
10 findings of fact and conclusions of law after
11 this hearing. You can submit something in
12 writing.

13 MR. CHURNET: Okay.

14 CHAIRPERSON MILLER: I usually say
15 this at the end, but I'm going to say it now
16 to you, because maybe it will address some of
17 this issue.

18 MR. CHURNET: That letter?

19 CHAIRPERSON MILLER: After this
20 hearing, we are going to close the record.

21 MR. CHURNET: In time after the
22 hearing, okay.

1 CHAIRPERSON MILLER: I'm going to
2 say it now. Okay. After the hearing, I'm
3 going to close the record and you, as a party,
4 have a right to file what is called the
5 proposed findings of facts and conclusions of
6 law, based on the record in the case.

7 The transcript, I think, comes out
8 in two or three weeks.

9 MR. CHURNET: Okay.

10 CHAIRPERSON MILLER: And it will
11 be mailed to the parties. And a lot of times,
12 the parties don't take advantage of this
13 opportunity, but it sounds like this may be
14 something you may want to do, at this point.
15 In which case, you know, you will have an
16 opportunity to not put in new evidence, but to
17 address all the evidence that is in the case
18 and, you know --

19 MR. CHURNET: And submit --

20 CHAIRPERSON MILLER: -- submit to
21 the Board in consideration -- for us to
22 consider in our deliberations. And both sides

1 have that opportunity. It's not new evidence,
2 but it's argument based on the evidence in the
3 record, you know.

4 MR. CHURNET: So this is not --
5 this is before your decision, right?

6 CHAIRPERSON MILLER: Yes.

7 MR. CHURNET: Okay.

8 CHAIRPERSON MILLER: Yes.

9 MR. CHURNET: Now --

10 CHAIRPERSON MILLER: So, I mean, I
11 usually say this at the end. I close the
12 record and I tell the parties, but it is a
13 right that you have and it sounds like this
14 might be a good tool for you in this case, if
15 you so choose to do it. You have 30 days to
16 do it after you get the transcript.

17 MR. CHURNET: Thank you.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER SILVERSTEIN: Madam Chair?

20 CHAIRPERSON MILLER: Yes?

21 MEMBER SILVERSTEIN: Mr. Churnet,
22 I would like to point out, at this point,

1 something that occurred earlier in the record.
2 Investigator Jones attempted to contact the
3 applicant on numerous occasions, got no
4 response. And yet, the applicant or the
5 applicant's agent called this Agency and
6 wanted to know why he was being called.

7 The idea that some how we have not
8 attempted to be in contact with the applicant
9 is simply a canard. You cannot put on
10 blinders and earmuffs and claim that you have
11 been disadvantaged and prejudice, because you
12 cannot hear or see.

13 MR. CHURNET: Well, I -- about the
14 calls from the Investigator, he had contacts
15 with him. My client has told me that he has
16 spoke with him two times. He spoke with him
17 two times and that's about it. Yes.

18 CHAIRPERSON MILLER: Okay. Let's
19 go back to --

20 MR. CHURNET: Okay. Yes.

21 CHAIRPERSON MILLER: -- we got
22 sidetracked --

1 MR. CHURNET: Okay.

2 CHAIRPERSON MILLER: -- about
3 issues.

4 MR. CHURNET: So now, that's in
5 our argument. We mentioned a problem, because
6 we didn't get in advance the report as well as
7 all the other documents submitted to the
8 Board. We were in the dark.

9 And one other thing that I want to
10 mention in closing is that the -- my client,
11 Mr. Daniel, as the Board has observed had --
12 has a problem of giving -- for paying
13 attention to the neighborhood association. He
14 has, I can see that.

15 And he has to work on that,
16 because of the neighborhood association is
17 very important. It's part of the community.
18 And he has to make contacts with them and he
19 has to relate to them. So I concede that
20 point.

21 However, it is just that should
22 not be -- that however explains their

1 prejudice against him and why they start with
2 him that he should not be granted license.
3 But that does not address the statutory
4 requirements for licensing.

5 And on those statutory
6 requirements, I think he fairs well, because
7 he has provided testimony through his
8 witnesses that another liquor store will not
9 aggravate anything there, because this is not
10 a declining neighborhood. It's a great
11 neighborhood. Police presence is optimal.

12 You know, drinking and loitering
13 and littering, trash, all that seems to be not
14 significant problem in the area. And so on
15 those certain statutory requirements, my
16 client has, through his evidence, established
17 that the granting of another license will not
18 lead to adverse effects.

19 And his evidence also has shown
20 that three blocks to the north and three
21 blocks to the south, there are some liquor
22 stores, but within his area, there is no

1 liquor store. And the community would be
2 served well if this license is granted to the
3 store.

4 And about the backyard of the
5 school, you know, it has been testified both
6 by the commissioner and then the -- and my
7 witness -- his witnesses that it is locked.
8 It is fenced. And so there is no threat of
9 people coming out of liquor stores and
10 littering, loitering in the backyard of the
11 school. It's locked and it's fenced. There is
12 no access.

13 And, therefore, it -- granting a
14 liquor license to the store will not, in any
15 way, endanger the backyard or the school or
16 the students there.

17 And I ask the Board to give due
18 weight to the evidence that he has furnished
19 and grant him, you know, his -- the license
20 that he is asking for. Thank you.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Mr. Wilson?

1 MR. WILSON: Yes. First, we thank
2 the Board for your time. This has been a
3 learning experience, an interesting process.
4 You have heard testimony from -- well, you
5 have heard and you have written testimony from
6 the ANC Commissioners, community residents and
7 Ketcham Elementary School that granting a
8 license for this particular vendor would not
9 be in the best interest of our neighborhood
10 and certainly not in the best interest for the
11 city at-large.

12 So based upon that testimony that
13 we delivered, we hope that you will definitely
14 seek to not grant this applicant the license.
15 Thank you.

16 CHAIRPERSON MILLER: Okay. Thank
17 you. All right. So at this point, I am going
18 to close the record in this case. We won't be
19 taking any more testimony or evidence.

20 And I previously brought up the
21 question of parties wanting to file findings
22 of fact and conclusions of law. And I

1 understand that the applicant will be probably
2 doing that, correct?

3 MR. CHURNET: Yes.

4 CHAIRPERSON MILLER: Okay. So,
5 Mr. Wilson, you are not required to do so.
6 I'm not sure if you are familiar with what I'm
7 talking about, are you?

8 MR. WILSON: No, I'm not.

9 CHAIRPERSON MILLER: Okay. So let
10 me explain it to you, because it's only
11 invoked once in a while and I think, you know,
12 the applicant's attorney has a good reason to
13 do that, but it's a lot of work.

14 I mean, you have the evidence in
15 this record is captured by a transcript. The
16 transcript is going to be ready in two to
17 three weeks. You can look at that transcript,
18 which will contain, you know, all the
19 testimony, all the exhibits, including the
20 Investigator's report and exhibits.

21 If you so chose, this is in
22 argument form, you would be submitting like a

1 legal brief saying these are the findings of
2 facts that we think the Board should reach or
3 make, based on the evidence in the record.
4 And you would point to the certain evidence
5 and where it is, a transcript page such and
6 such.

7 And then looking at the legal
8 standards that we decide these cases by, you
9 would ask us to draw legal conclusions.

10 So you don't have to really decide
11 at this point.

12 MR. WILSON: Okay.

13 CHAIRPERSON MILLER: But if you
14 have an idea as to whether you might want to
15 or not, you could let us know.

16 MR. WILSON: When will the Board
17 make its final decision?

18 CHAIRPERSON MILLER: Well, we will
19 make a decision very soon after we receive the
20 proposed findings of facts and conclusions of
21 law.

22 I think that the requirement would

1 be, this is a new application, 60 days from
2 that point.

3 MR. WILSON: Okay.

4 CHAIRPERSON MILLER: So you know,
5 I usually ask if you want to waive your right
6 to do this or not. Since one party is already
7 doing it, we are just going to, I think, leave
8 the, you know, opportunity for you to do so as
9 well, in case you want to do it.

10 MR. WILSON: Okay.

11 CHAIRPERSON MILLER: Do you have
12 any idea whether you do though?

13 MR. WILSON: Yeah, we are going to
14 meet after this and --

15 CHAIRPERSON MILLER: Okay.

16 MR. WILSON: -- think about it.

17 CHAIRPERSON MILLER: Talk about
18 it. What I would say is though because
19 normally if we didn't get -- if we weren't
20 waiting for proposed findings of fact and
21 conclusions of law, we would deliberate very
22 soon, we might go back and deliberate tonight

1 or next week.

2 But if we are waiting for these,
3 we won't be. You know, we are postponing our
4 decision. So if you decide that you are not
5 going to file it for some reason, let us know
6 and then if both parties aren't, then we will
7 deliberate sooner, rather than later.

8 MR. WILSON: Yes, we most likely
9 will not.

10 CHAIRPERSON MILLER: Right. Okay.

11 MR. WILSON: We might.

12 CHAIRPERSON MILLER: Okay. And
13 actually, if you go on our web and you see our
14 decisions are kind of written that way where
15 we make findings of facts and then we do
16 conclusions of law, if you wanted to kind of
17 see what it was about.

18 So most likely, we won't. We
19 won't wait for you then unless you tell us.
20 And we will expect yours unless you indicate
21 that you are not going to do it, because if
22 you are not going to do it, you will get an

1 answer earlier, that's all.

2 MR. CHURNET: Okay.

3 CHAIRPERSON MILLER: Okay. If you
4 don't hear something within three weeks or so
5 though, you should contact Ms. Jenkins to make
6 sure that there isn't something wrong with the
7 email correspondence, because that's the way
8 it would be coming. Okay.

9 MEMBER ALBERTI: Please remind
10 them to serve it on both parties.

11 CHAIRPERSON MILLER: And then
12 also, you need to serve it on the other party
13 as well as the Board. Okay.

14 MEMBER ALBERTI: Okay.

15 MR. CHURNET: Thank you.

16 CHAIRPERSON MILLER: All right.
17 So that's that. And I'm going to just read
18 our instructions and we will be voting on
19 deliberating on this case in closed session.
20 You don't have to wait around for this, but
21 you can if you want.

22 Okay. Thank you all very much.

1 Have a good evening.

2 As Chairperson of the Alcoholic
3 Beverage Control Board for the District of
4 Columbia and in accordance with DC Official
5 Code Section 2-574(b) of the Open Meetings
6 Act, I move that the ABC Board hold a closed
7 meeting for the purpose of seeking legal
8 advice from our counsel on Case No. 13-PRO-
9 00113, Dollar Plus Store, pursuant to Section
10 2-574(b)(4) of the Open Meetings Act and
11 deliberating upon this case for the reasons
12 cited in Section 2-574(b)(13) of the Open
13 Meetings Act.

14 Is there a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks
17 has seconded the motion. I'll now take a roll
18 call vote on the motion now that it has been
19 seconded.

20 Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Ms. Miller
3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: Mr. Jones?

7 MEMBER JONES: I agree.

8 CHAIRPERSON MILLER: Okay. It
9 appears that this motion has passed by a 5-0-0
10 vote.

11 I hereby give notice that the ABC
12 Board will hold a closed meeting on this case
13 following receipt of the proposed findings of
14 fact and conclusions of law in the ABC Board
15 conference room pursuant to Section 2-574(b)
16 of the Open Meetings Act.

17 And that completes this case and
18 our hearings for the afternoon of October 30,
19 2013. And we will be returning in a little
20 while for the agenda. Okay. Thank you.

21 (Whereupon, the Protest Hearing
22 was concluded at 6:07 p.m.)

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