

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + +

MEETING

p-----»

IN THE MATTER OF: :

:

2461 Corporation :

t/a Madam's Organ :Protest

2461 18th Street, NW :Hearing

Retailer CT - ANC-1C :

License No. 25273 :

Case #12-PRO-00073 :

:

(Substantial Change :

Sidewalk Cafe) :

p-----¼

December 13, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Board Hearing Room, 2000 14th Street, N.W., Suite 400S, Washington, D.C. Ruthanne

Miller, Chairperson, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

MIKE SILVERSTEIN, Member

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

2 (9:11 a.m.)

3 CHAIRPERSON MILLER: Okay. Good
4 morning. Today is Thursday, December 13,
5 2012. We are here for a specially scheduled
6 meeting of the District of Columbia Alcoholic
7 Beverage Control Board. We have a few
8 hearings on the calendar today.

9 And first is Madam's Organ. But
10 let me first introduce the Members who are
11 here today.

12 I'm Ruthanne Miller. I'm the
13 Chair. To my right is Mr. Donald Brooks and
14 to my left is Mr. Michael Silverstein and we
15 have three in attendance for this hearing and
16 three is required for a quorum under our
17 rules.

18 Copies of today's hearing calendar
19 and agenda are available at the receptionist
20 desk. Please be aware that these proceedings
21 are being recorded by a court reporter.
22 Accordingly, we must ask you to refrain from

1 any disruptive noises or actions in the
2 hearing room.

3 If you have any electronic
4 devices, pagers, cell phones or such, please,
5 make certain that they are turned off to avoid
6 any interruption of the proceedings.

7 Please note that when I call your
8 case, you should come forward, have a seat at
9 the table and sign-in on the piece of paper
10 that is there for you, that's to ensure the
11 correct spelling of your name for the record.

12 The Open Meetings Act requires
13 that the public hearing on each case be open
14 to the public. The Board may, consistent with
15 ^U 405(b) of the Open Meetings Act, enter a
16 closed meeting during or after the public
17 hearing on a case to consult with an attorney,
18 to obtain legal advice, discuss settlement
19 agreements or deliberate upon a decision in an
20 adjudication proceedings.

21 Okay. I am going to call the
22 first case on today's calendar, that's Case

1 No. 12-PRO-00073, Madam's Organ, 2461 18th
2 Street, N.W., License No. 25273, in ANC-1C.

3 Yes, have a seat at that table, if
4 you are a party in the case, which I assume
5 you are. Okay. We are going to start with
6 introductions. Why don't we start with the
7 licensee.

8 MR. BIANCO: Good morning, Madam
9 Chair and Members of the Board. My name is
10 Richard Bianco. I represent the applicant.
11 With me from 2461 Corporation t/a Madam's
12 Organ, we have Bill Duggan.

13 MR. DUGGAN: Good morning. I'm
14 Bill Duggan, President of 2461 Corporation.

15 CHAIRPERSON MILLER: Okay. Good
16 morning. And over here?

17 MR. SIMPSON: Good morning. My
18 name is Billy Simpson and I'm the President of
19 the Reed-Cooke Neighborhood Association.

20 MEMBER SILVERSTEIN: What's your
21 name again, sir?

22 MR. SIMPSON: It's William

1 Simpson.

2 MS. GALLAGHER: And my name is
3 Maureen Gallagher and I'm the first Vice
4 President of the Reed-Cooke Neighborhood
5 Association.

6 CHAIRPERSON MILLER: I'm sorry,
7 could you repeat your name, please?

8 MS. GALLAGHER: Sure. Maureen
9 Gallagher.

10 CHAIRPERSON MILLER: Maureen?

11 MS. GALLAGHER: Maureen Gallagher.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SILVERSTEIN: You can move
14 it and make it closer to you.

15 MS. GALLAGHER: Okay.

16 MEMBER SILVERSTEIN: Be
17 comfortable.

18 MS. GALLAGHER: There you go. And
19 I'm the first Vice President of the Reed-Cooke
20 Neighborhood Association.

21 CHAIRPERSON MILLER: Okay. All
22 right. I understand that KCA has entered into

1 a voluntary agreement. Is that correct? No?

2 MR. DUGGAN: No, they have just
3 withdrawn their protest.

4 MR. BIANCO: They have withdrawn
5 their protest.

6 CHAIRPERSON MILLER: They have
7 just withdrawn their protest?

8 MR. DUGGAN: There is no
9 agreement.

10 CHAIRPERSON MILLER: Oh, okay.
11 I'm sorry. I thought that's why there was a
12 protest. Okay. But they have withdrawn, so
13 they are not participating in this hearing and
14 it's just Reed-Cooke Neighborhood Association.

15 CHAIRPERSON MILLER: All right.
16 Then my next understanding is that we have a
17 motion, a preliminary motion first to deal
18 with before we get to the merits of the
19 hearing, if we get to the merits of the
20 hearing, depending on the motion.

21 It's a Motion in Limine and to
22 Dismiss for Lack of Standing filed by the

1 licensee. And I understand that just last
2 night a response came in from the Reed-Cooke
3 Neighborhood Association.

4 What I would suggest is that this
5 is a pretty straightforward motion. We all
6 had a chance to read the motion. I don't know
7 if we all had a chance to read the opposition
8 yet, so we want to hear from you the
9 opposition.

10 Mr. Bianco, I would suggest that
11 you briefly give a summary of your motion,
12 highlight it. I know we have had that for a
13 while though, but so we know exactly for sure
14 the points that are just limited to Reed-Cooke
15 Neighborhood Association.

16 MR. BIANCO: Sure. Yes, and as
17 you correctly noted at the time we filed the
18 motion, KCA was still a part of it and
19 withdrew yesterday.

20 So the motion actually addresses
21 issues that deal with KCA. I'll leave those
22 aside and just focus on the RCNA portion of

1 the motion.

2 Our issues are really twofold and
3 one deals -- one issue deals with the Protest
4 Information Form. We take issue with the
5 sufficiency of the -- insufficiency of the
6 information provided by RCNA. Specifically,
7 the information provided doesn't gives us any
8 real notice as to what their issue is with our
9 application.

10 It is merely a recitation of the
11 statutory factors, which doesn't give us any
12 idea as to the case they are going to put on.

13 Likewise, with regard to the
14 identification of witnesses, RCNA provided
15 only one name and didn't provide any proffer
16 of the contemplated testimony of that witness
17 at all. So I don't have, sitting here today
18 and preparing for this hearing over the
19 weekend, any real idea of what the problem is
20 with this -- that Reed-Cooke Neighborhood
21 Association has with this particular
22 application.

1 Turning to our second issue that
2 we raised, it's one of standing. The statute
3 sets forth specific factors with regard to
4 standing for neighborhood organizations. And
5 it's our contention that those factors are not
6 met on their face.

7 Specifically, with regard to the
8 calling of a meeting, voting and the voting to
9 protest and carrying that out. I did have the
10 opportunity this morning to briefly review
11 RCNA's opposition to our motion and there is
12 a couple of points that I would like to
13 address that they raised.

14 Specifically, RCNA takes the
15 position that the executive session meeting
16 they held was sufficient to meet the statutory
17 factors of standing. We dispute that.

18 I think the statute is pretty
19 clear that an executive session is not
20 sufficient to form the basis of standing for
21 a protest.

22 The executive session meetings

1 are, as I'm sure Members of the Board know,
2 secret in nature. They are held typically
3 behind closed doors. And the purpose of the
4 statute is to ensure participation by the
5 group to ensure that the will of the group is
6 being carried out in the protest.

7 The bylaws, which are cited in the
8 opposition to our motion, weren't provided.
9 We requested their corporate documentation.
10 We have never received it. We still haven't
11 received it to this day, even though it is
12 quoted in their motion.

13 They don't -- what they don't
14 address in their opposition is a very specific
15 statutory factor and that is a 10 day notice
16 factor in the statute. RCNA takes the
17 position that they held a duly-called
18 executive meeting under their bylaws and maybe
19 they did, we have never seen any documentation
20 of that, but the statute goes a step beyond
21 that. And the statute requires 10 days prior
22 written notice.

1 They don't take that position in
2 their opposition that that notice was
3 delivered. Even if that notice was delivered,
4 we contend that an executive session meeting
5 is wholly insufficient to meet the statute.
6 And we don't think the protest should be able
7 to go forward on that basis.

8 The final issue that RCNA raises
9 in their opposition with regard to our
10 challenge to their standing is untimeliness.
11 They take the position that we should have
12 previously raised the issue of standing. And
13 to that, I will actually take a rare occasion
14 to argue some Constitutional jurisprudence on
15 this issue before the Board.

16 The issue has been addressed by
17 the Supreme Court with regard to standing.
18 Standing is necessary for jurisdiction. It is
19 always relevant. It could be considered not
20 only prior to trial. It can be considered at
21 trial. It could be considered up to a year
22 after trial.

1 Standing is necessary for
2 jurisdiction. Without standing, there is no
3 subject matter to jurisdiction. There is no
4 subject matter jurisdiction and the Board is
5 without power to rule.

6 The citations on those cases are
7 US v Hayes, 513 US 737, and Flast v Cohen, 392
8 US 83. So the issue of standing, we think, is
9 relevant. The issue of standing, we think,
10 justifies dismissal of the protest, at this
11 time, without going forward.

12 CHAIRPERSON MILLER: Thank you. I
13 just want to ask you one question before we go
14 and hear from the other side.

15 Where is it in the statute that
16 says the Executive Board of the Association as
17 opposed to the Association as a whole can't
18 submit the resolution?

19 MR. BIANCO: The statute doesn't
20 specifically differentiate between the
21 Executive Board and the Association.

22 CHAIRPERSON MILLER: It doesn't?

1 MR. BIANCO: It's not --

2 CHAIRPERSON MILLER: No, it
3 couldn't be --

4 MR. BIANCO: It's not expressed in
5 the statute.

6 CHAIRPERSON MILLER: Okay.

7 MR. BIANCO: We contend it is
8 implicit of the statute.

9 CHAIRPERSON MILLER: Okay. Any
10 other quick questions before we go to hear
11 from Reed-Cooke? Okay. I will say unlike the
12 licensee, not everyone has had a chance to
13 thoroughly digest your opposition, so feel
14 free to take the time to, you know, address
15 your points. Okay.

16 MR. SIMPSON: I will. And first
17 of all, let me apologize that we were only
18 able to get it to you late last night. That
19 timing actually highlights the reason why we
20 think that the applicant's motion should be
21 denied.

22 As you are aware, we are a

1 501(c)(3) voluntary organization. We do not
2 have the financial resources by any means to
3 hire our own attorney to represent us on ABC
4 matters.

5 So when a motion like this comes
6 in just a week before the protest hearing is
7 held, that motion has to be responded to to
8 the best of our limited capacity by voluntary
9 members of our association who have -- who
10 don't have legal experience in the matter and
11 have to find the time to write a response in
12 the middle of very busy personal and
13 professional lives.

14 And it is precisely for that
15 reason that the Board holds earlier meetings
16 to determine standing and it's precisely for
17 that reason that we would strongly argue that
18 if the applicant had issues with our standing,
19 they should have raised that back on September
20 10th when we could have had a fair chance to
21 fully address any concerns that they had.

22 Going more particularly to the

1 issues that the applicant has raised in their
2 motion, we are grateful for the question that
3 you just asked about the statute and we
4 emphasize in our response that the statute
5 does not require that the meeting is held --
6 be a meeting of the whole body, as long as it
7 is a meeting and a meeting that is duly-called
8 in accordance with the bylaws and articles of
9 the association.

10 Our meeting was duly-called.

11 There was 10 days notice of the meeting. The
12 other requirements of the statute are
13 satisfied about the nature of our body as a
14 citizens association and open to all members
15 of the community.

16 So we do believe we have satisfied
17 the requirements of the statute fully. The
18 applicant contends that they have requested
19 and were not provided with a copy of our
20 bylaws. I believe that our bylaws were
21 actually submitted at the time that we
22 submitted our protest application to the Board

1 and to the application. I'm not certain of
2 that.

3 I am not aware that the applicant
4 has ever come specifically to us and asked for
5 a copy of our bylaws. They are welcome to
6 have a copy of our bylaws. I have copies here
7 today if they would like one and if the Board
8 would like one.

9 CHAIRPERSON MILLER: Okay. I
10 think that would be good to put that into the
11 record.

12 MR. SIMPSON: Sure.

13 CHAIRPERSON MILLER: So we can see
14 that's what it says. Okay.

15 MR. BIANCO: Madam Chair, would we
16 also request a copy of the 10 day notice?

17 CHAIRPERSON MILLER: Well, let's
18 get to that. How do we know there was 10 days
19 notice?

20 MR. SIMPSON: I don't have with me
21 any sort of written documentation of that.

22 CHAIRPERSON MILLER: Okay.

1 MR. SIMPSON: We typically send
2 out our notice just by email. I would have to
3 refer to the secretary, but, you know, I can
4 testify to the fact that there was and a
5 fellow member of the board can testify to the
6 fact that there was, if that's --

7 CHAIRPERSON MILLER: Okay.

8 MR. SIMPSON: -- sufficient for
9 your purposes.

10 CHAIRPERSON MILLER: Is that
11 standard procedure that you have notice at
12 least 10 days ahead of time of your meetings?

13 MR. SIMPSON: We actually have --

14 MS. GALLAGHER: More than that.

15 MR. SIMPSON: -- more than that.

16 We set up our meeting schedule at the
17 beginning of the year. It's posted on our
18 website.

19 CHAIRPERSON MILLER: Okay.

20 MS. GALLAGHER: Right.

21 MR. SIMPSON: So --

22 MS. GALLAGHER: As well as our

1 Executive Board meetings as well.

2 CHAIRPERSON MILLER: Okay.

3 MS. GALLAGHER: We have those well
4 in advance. So we know at least a month
5 before, you know, give or take a day or two if
6 somebody can't make it or if it has to be
7 pushed.

8 CHAIRPERSON MILLER: Okay.

9 MR. SIMPSON: With respect to the
10 question of the Protest Information Form, to
11 some extent we have to plead for the Board's
12 leniency on that matter. We are relatively
13 inexperienced in ABC matters. We did file the
14 form timely. We thought we provided
15 sufficient information that was required.

16 We would emphasize that I will
17 presumably be the only one testifying today.

18 CHAIRPERSON MILLER: Okay.

19 MR. SIMPSON: And the applicant is
20 well-aware of the content of the testimony
21 that we will provide. They have participated
22 in mediation with us where the thrust of our

1 arguments were presented. They also have the
2 investigator's report that quite nicely
3 summarizes the --

4 CHAIRPERSON MILLER: You
5 identified yourself as testifying, correct, in
6 the PIF?

7 MR. SIMPSON: That's right.

8 CHAIRPERSON MILLER: Okay. No one
9 else is testifying on behalf of Reed-Cooke?

10 MR. SIMPSON: I'll be the only
11 one.

12 CHAIRPERSON MILLER: Okay.

13 MR. SIMPSON: And the applicant
14 also participated at the recent meeting of
15 Advisory Neighborhood Commission 1C where I
16 also testified on behalf of our association.
17 So they have heard our arguments and they know
18 what they are.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. Any other questions? Okay.

21 Okay. I think I have heard enough
22 to be able to rule on this with my colleagues.

1 I would like to suggest that we deny the
2 Motion in Limine and Dismiss for Lack of
3 Standing.

4 I think that Reed-Cooke has
5 presented the information that they had a
6 meeting in accordance with their bylaws within
7 the 10 days required by the statute. And they
8 meet the standing in 25-601. They were being
9 challenged on the 10 days and the fact that it
10 was an executive meeting as opposed to a
11 meeting by the whole body and the statute
12 requires just that it be in accordance with
13 the bylaws.

14 And I think if you could give a
15 copy of the bylaws to the licensee and our
16 staff for our record, that that -- according
17 to your argument, it will show that that's
18 what the bylaws provide.

19 And we don't have any evidence
20 that notice was less than 10 days. So I would
21 move also that the PIF is adequate and that it
22 identifies you, Reed-Cooke, Mr. Simpson as the

1 witness and he is the only witness here today.
2 And there is enough notice, based on the
3 protest, the ANC meetings, etcetera, as to --
4 and even the protest -- the investigator's
5 report what the protest is about.

6 So for those reasons, I would move
7 that we deny the Motion in Limine and to
8 Dismiss for Lack of Standing. Do I have a
9 second?

10 MEMBER SILVERSTEIN: I second.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Brooks has seconded the motion. Do you have
14 any other comments on this?

15 MEMBER SILVERSTEIN: Madam Chair?

16 CHAIRPERSON MILLER: Yes?

17 MEMBER SILVERSTEIN: I agree
18 entirely. The statute itself is silent as to
19 the type of meeting and, as such, it appears
20 that we would be well-advised to move ahead
21 with the hearing, rather than spend any
22 additional time on the preliminary, it could

1 take a considerable amount of time.

2 CHAIRPERSON MILLER: Okay. Good.

3 Any other comments? Okay. Then there has
4 been a motion that has been seconded.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 3-0-0.

10 Okay. So now, we will move into
11 the merits of the hearing. And I just want to
12 say that this is a pretty finite subject. I
13 don't think it should take, you know, an
14 extensive amount of time. It is limited to
15 the impact on peace, order and quiet of adding
16 the sidewalk cafe, is that what it's called,
17 okay, with four seats to the existing
18 establishment.

19 The order of procedure here is:
20 First, we will hear from our investigator, who
21 has written an investigation report and his
22 report and the exhibits attached to his report

1 are all in the record already. And so he will
2 be pretty much highlighting, summarizing his
3 report. And you all will have an opportunity
4 to cross-examine him as will the Board.

5 And then -- oh, first, we will
6 have opening statements. I'm sorry. Then we
7 will do our witness, the Board witness. Then
8 the applicant's case, then the protestant's
9 case and then closing.

10 If you have any questions along
11 the way, feel free to ask me. If you have any
12 questions right now about the procedure, feel
13 free.

14 I do want to ask preliminarily, we
15 know that Mr. Simpson is the witness for Reed-
16 Cooke. Will there be any witnesses for the
17 licensee?

18 MR. BIANCO: Potentially, two.
19 Mr. Duggan is going to testify and then we
20 also noted on our PIF that we intended to call
21 Bill Hager.

22 CHAIRPERSON MILLER: Yes.

1 MR. BIANCO: With whom I spoke
2 with yesterday to confirm. However, depending
3 on whether or not the Board is willing to take
4 judicial notice of certain facts where we can
5 work out a stipulation, I don't think it is
6 going to be necessary.

7 Our proffer as to his testimony in
8 our PIF was that there is an establishment
9 directly next door to Madam's Organ that
10 operates a sidewalk cafe that has a voluntary
11 agreement without hours restrictions. And we
12 have the exhibit here they are voluntary.
13 It's -- the name of the establishment is
14 different from the one that is operating,
15 because Bossa, which is the establishment next
16 door, purchased the license of Ghana Cafe.

17 So the voluntary agreement carried
18 over after the purchase and that's the
19 existing voluntary. And I realize there is a
20 little bit of confusion, but again, if we can
21 work out a stipulation --

22 CHAIRPERSON MILLER: Okay.

1 MR. BIANCO: -- for judicial --

2 CHAIRPERSON MILLER: We will see
3 whether Reed-Cooke objects to that. I would
4 think we would be able to do this without Mr.
5 Hager's testimony.

6 MR. BIANCO: As would I, which is
7 what I told him yesterday, but I just wanted
8 to make him aware out of an abundance of
9 caution.

10 CHAIRPERSON MILLER: Okay. Yes,
11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: Madam Chair,
13 I want to echo your remarks for us "Tis the
14 night before Christmas." Yesterday was our
15 last regularly scheduled meeting, but we have
16 a lot of work to do. Our schedule today is
17 very full. Our last hearing is a summary
18 suspension hearing, which is about as serious
19 as you can get, and that's at 4:00 p.m.

20 We worked late into the evening
21 last night. We want to be fair. We want to
22 be thorough, but on the other hand, we do want

1 to move forward, so that people aren't here
2 after midnight. And that's -- and I thank
3 you, Mr. Bianco. I thank you for your
4 kindness and understanding on that.

5 And, Mr. Molloy, I know that you
6 are sort of the rookie of the year here, but
7 when it comes to the investigative report, if
8 you can simply give us a quick summary of it,
9 you know, normally these things can last 15 to
10 20 minutes.

11 Fortunately, this is a very narrow
12 focused hearing. And I think we can get to
13 the issues and move them and I'm going to
14 begin by ending my remarks now. Thank you
15 all.

16 CHAIRPERSON MILLER: Okay. We
17 certainly want to get all your evidence in and
18 everything, but do recognize this does seem
19 like a very simple issue. And, you know --

20 MR. SIMPSON: We'll be brief.

21 CHAIRPERSON MILLER: Okay.
22 Sometimes less is more, but, you know,

1 anything you need to get into the record, you
2 know, feel free to put it forward.

3 Okay. So we start then with
4 applicant's opening statement. You are not
5 required to do opening statements. I mean,
6 not the applicant, the licensee. If you would
7 like to do an opening statement, now is the
8 time.

9 MR. BIANCO: I would and I will
10 try to be as brief as possible.

11 CHAIRPERSON MILLER: These are
12 usually limited to five minutes.

13 MR. BIANCO: It will be shorter
14 than that.

15 CHAIRPERSON MILLER: Yes, okay.
16 Sir?

17 MR. BIANCO: We are dealing with a
18 very limited issue here. We are dealing with
19 a four seat sidewalk cafe on 18th Street in
20 Adams Morgan, that's four seats. Not 40 or
21 400, four.

22 The immediate vicinity of my

1 client's establishment features 56 other
2 licensed establishments, that's within 1,200
3 feet, 56 establishments. 27 of which have
4 outdoor seating.

5 I think what is especially
6 important to keep in mind, as you consider the
7 evidence here, is that the ANC has not
8 protested this. The KCA, which, look at the
9 history, has protested every single of my
10 client's requests since I have been their
11 counsel for 11 years and they have withdrawn
12 their protest here.

13 All we have remaining is RCNA.

14 Looking at the protest report, the
15 only violation my client has ever had is a
16 late filed quarterly report back in 2007. He
17 does not operate a problem establishment in
18 this neighborhood.

19 Another extremely important
20 factor, we think, is the establishment right
21 next door, an establishment called Bossa.
22 They have a 20-seat sidewalk cafe and no hours

1 restrictions.

2 Finally, we think it is important
3 for the Board to consider that my client's
4 establishment has always had outdoor seating.
5 They maintain a summer garden. There is not
6 any issues in operating their summer garden.
7 And their summer garden is not restricted as
8 to the hours of operation.

9 So we think it is a bit
10 disingenuous for RCNA to be coming in and
11 asking us to restrict hours on our sidewalk
12 cafe of 4-seats where the summer garden can
13 remain open for the maximum time allowable by
14 law. Thank you.

15 CHAIRPERSON MILLER: Thank you.
16 Do you have an opening statement?

17 MR. SIMPSON: We will be very
18 brief as well.

19 CHAIRPERSON MILLER: Okay.

20 MR. SIMPSON: In fact, our entire
21 testimony will be about seven minutes long.
22 We will get you out of here fast.

1 But in quick response to the
2 points just noted, there are, indeed, at least
3 56 other licensed establishments in the area,
4 if not more, of which 27 have sidewalk cafes.
5 And from the community's perspective, that's
6 precisely the problem.

7 They -- the ANC has not protested
8 this case, that's largely due to the fact that
9 the ANC had no regularly scheduled meeting in
10 August, typically does not, and did not have
11 an opportunity to protest in the time frame in
12 which their application was filed.

13 As you are aware though, the ANC
14 has filed a letter with the ABC Board
15 specifically asking for earlier hours for the
16 sidewalk cafe.

17 We fundamentally agree with the
18 statement that Madam's Organ is not a problem
19 establishment. We are trying to get to an
20 issue that affects us in the community. We
21 will elaborate on that in our comments.

22 CHAIRPERSON MILLER: Okay. Great.

1 MR. BIANCO: Madam Chair, we are
2 not aware of any letter from the ANC. Is that
3 in the Board's file? We haven't been provided
4 a copy of it, if it exists.

5 CHAIRPERSON MILLER: We did just
6 receive a letter from the ANC this morning.
7 Do you want to make a copy for them? I
8 haven't even read it yet.

9 MR. DUGGAN: I can paraphrase it.
10 It says that they passed it last Wednesday,
11 asked me to have a further meeting with them,
12 which I had, on Monday. After the meeting on
13 Monday evening, I can pull up the email on my
14 phone from Kathy Boettrich, one of the ANC
15 Commissioners, saying that after the meeting
16 they decided not -- that they would not even
17 attend the hearing.

18 CHAIRPERSON MILLER: Okay.

19 MR. DUGGAN: That they did not
20 have an issue.

21 CHAIRPERSON MILLER: I would just
22 like to make a general comment for you all.

1 Right now is you are presenting argument.
2 Nobody is sworn in. So that everything you
3 said is argument, but none of it is evidence.
4 So if there is something that you
5 have said that you want to get into the record
6 as evidence, you will need to do it through a
7 witness, just so you are not under the wrong
8 assumption.

9 MR. DUGGAN: Thank you. We have
10 no problem with this.

11 CHAIRPERSON MILLER: Okay. Why
12 don't we, at this point then, call Mr. Molloy
13 to the stand. And I'm going to swear you in,
14 Mr. Molloy.

15 Whereupon,

16 INVESTIGATOR BRIAN MOLLOY
17 was called as a witness by the ABRA Board and
18 having been first duly sworn, assumed the
19 witness stand and was examined and testified
20 as follows:

21 CHAIRPERSON MILLER: Okay. And
22 you have filed a report in this case. Is that

1 correct?

2 INVESTIGATOR MOLLOY: That is
3 correct.

4 CHAIRPERSON MILLER: Okay. So if
5 you might summarize the highlights of your
6 report, particularly the Board is most
7 interested in the impact of the sidewalk cafe
8 on peace, order and quiet.

9 INVESTIGATOR MOLLOY: Yes, ma'am.
10 I was assigned to complete the protest
11 investigation of Madam's Organ sidewalk cafe.
12 To speed up my testimony, like you just
13 requested, I will --

14 CHAIRPERSON MILLER: Don't leave
15 out anything you want to say, but it's all in
16 the record and all the parties have it, yes.

17 INVESTIGATOR MOLLOY: Okay.

18 CHAIRPERSON MILLER: So highlight.

19 INVESTIGATOR MOLLOY: Well, as
20 part of my investigation, ABRA Investigators
21 monitored Madam's Organ located on the 2400
22 Block of 18th Street on 20 separate occasions.

1 This monitoring was directed to determine the
2 establishment -- the effect the establishment
3 and its sidewalk cafe would have on peace,
4 order and quiet.

5 During the course of the
6 monitoring, no loud noises, no trash and no
7 patron loitering was observed on any
8 particular occasion.

9 The only issue that did come up as
10 far as ABRA Regulations are concerned is that
11 the establishment actually had patrons
12 occupying the sidewalk cafe on certain
13 occasions, but that is being addressed in
14 another case matter, Case No. 12-CMP-00704,
15 which is still pending.

16 In the further course of my
17 monitoring of the establishment, any gathering
18 I noticed outside of Adams Morgan that could
19 be attributed specifically to Madam's organ
20 was that of patrons who were waiting in line
21 to have their IDs checked to get into the
22 establishment.

1 At no time during any of these
2 gatherings did the patrons waiting to get in
3 line cause any undue congestion on the street
4 that would force other patrons to walk into
5 the street or avoid that area of the sidewalk.

6 I did notice over my monitoring
7 that the entire Adams Morgan neighborhood,
8 particularly on Thursday, Friday and Saturday
9 nights, has heavy pedestrian traffic. But
10 once again, this pedestrian traffic is spread
11 out throughout the Adams Morgan neighborhood
12 and cannot be attributed just to Madam's
13 Organ.

14 In regards to noise in the area,
15 Madam's Organ does have a speaker placed on
16 its summer garden that is located directly
17 adjacent to the sidewalk -- the proposed
18 sidewalk cafe and music can be heard from that
19 speaker. That speaker has been addressed in
20 Madam's Organ's voluntary agreement and has
21 been approved.

22 The addition of the sidewalk cafe

1 in any of my monitoring visits did not seem to
2 produce any additional noise beyond what was
3 already produced by that speaker, which was
4 already there before the sidewalk cafe.

5 Additionally, while monitoring the
6 2400 Block, a larger amount of general
7 pedestrian and traffic noise could be heard
8 that contributed to the noise in the area. It
9 didn't seem like the noise emanating from
10 Madam's Organ dominated in the area or stood
11 out from any of the other noise or music
12 emanating from other establishments, cars or
13 pedestrians.

14 In regards to any other congestion
15 on the street, I did observe that MPD
16 regularly employs officers to break up any
17 congestion and they are especially active
18 between 2:00 and 3:00 a.m. in the morning, so
19 that any congestion on the 2400 Block doesn't
20 last very long at all.

21 CHAIRPERSON MILLER: Great. Does
22 that complete your testimony?

1 INVESTIGATOR MOLLOY: Yes.

2 CHAIRPERSON MILLER: Okay. First,
3 we will start with Board questions. Do Board
4 Members have questions?

5 MEMBER SILVERSTEIN: Very briefly,
6 Mr. Molloy, based on your experience and your
7 observations, how would the acceptance of the
8 application affect the peace, order and quiet
9 of the neighborhood?

10 INVESTIGATOR MOLLOY: The
11 acceptance of the application would have no
12 discernible effect on the peace, order and
13 quiet of the neighborhood as it currently is.

14 MEMBER SILVERSTEIN: Because the
15 reason that you would give for this is that
16 there is already a considerable amount of
17 activity?

18 INVESTIGATOR MOLLOY: Yes, that is
19 correct. And an addition of four other people
20 outside to the aggregate number of people who
21 are normally outside on any given night,
22 especially Thursday, Friday and Saturday,

1 would be not discernible.

2 MEMBER SILVERSTEIN: Any red
3 flags? Anything that would concern you?
4 Anything that we should look at?

5 INVESTIGATOR MOLLOY: I have no
6 concerns.

7 MEMBER SILVERSTEIN: No further
8 questions, Madam Chair.

9 CHAIRPERSON MILLER: Okay. Yes,
10 Mr. Brooks?

11 MEMBER BROOKS: Yes. Thank you,
12 Madam Chair. Investigator, I just want to be
13 clear on the number of sidewalk cafe seats.

14 INVESTIGATOR MOLLOY: Yes.

15 MEMBER BROOKS: Do they presently
16 have seats there now?

17 INVESTIGATOR MOLLOY: At the
18 moment, I am no longer certain what they have
19 there now. At the start of my investigation,
20 they did have two tables and four seats out.
21 Once we notified the establishment that they
22 could not have any patrons using the sidewalk

1 cafe, I recommended that they also remove the
2 tables and chairs, so that patrons wouldn't be
3 tempted to walk out onto the sidewalk cafe.

4 MEMBER BROOKS: Okay. And the
5 summer garden, do you recall seeing the summer
6 garden?

7 INVESTIGATOR MOLLOY: Yes.

8 MEMBER BROOKS: And where is that
9 located?

10 INVESTIGATOR MOLLOY: It is
11 located on 18th Street directly in front of
12 the establishment. It occupies a space
13 directly adjacent to where the sidewalk cafe
14 will be. It consists mostly of a bench,
15 approximately, 15 -- the space is,
16 approximately, 15 feet wide. The bench can
17 seat in the area of the summer garden, it can
18 fit probably six to eight people comfortably,
19 at most.

20 MEMBER BROOKS: Okay. Thank you
21 very much.

22 INVESTIGATOR MOLLOY: You're

1 welcome.

2 CHAIRPERSON MILLER: Mr. Molloy, I
3 just want to make sure I understand your
4 testimony correctly.

5 It sounds to me that there is a
6 situation near their establishment where it is
7 very noisy in general, because of all the
8 other establishments that are there, the
9 people, the cars, the music, so that when you
10 add four seats, whatever noise is generated
11 there, isn't discernible. It just blends in
12 with the rest of the noise?

13 INVESTIGATOR MOLLOY: Yes.

14 CHAIRPERSON MILLER: Okay. Okay.
15 That's all my questions. Does the licensee
16 have questions?

17 MR. BIANCO: Just a couple.

18 CHAIRPERSON MILLER: Okay.

19 CROSS-EXAMINATION

20 MR. BIANCO: You stated that you
21 visited the establishment 20 times. Is that
22 a lot in a case like this?

1 INVESTIGATOR MOLLOY: It's based--
2 it's my first Protest Hearing, but based on
3 recommendations I got from other investigators
4 in other protests, it's an approximate average
5 amount of monitoring.

6 MR. BIANCO: Okay. And you stated
7 that you saw patrons occupying the sidewalk,
8 the area designated as the sidewalk cafe. Did
9 you notice if they were consuming alcoholic
10 beverages?

11 INVESTIGATOR MOLLOY: At no time
12 did I ever notice an alcoholic beverage being
13 consumed on the sidewalk cafe.

14 MR. BIANCO: And you talked a
15 little bit about the adjacent summer garden.
16 Were you able to discern from your
17 investigation whether that lies inside of the
18 walls of this?

19 INVESTIGATOR MOLLOY: While it is
20 outside, it does appear to be setback from the
21 sidewalk, so it is covered by the second floor
22 of the establishment. It appears to be within

1 the establishment's property line.

2 MR. BIANCO: Okay. I don't have
3 any further questions.

4 CHAIRPERSON MILLER: Okay. Mr.
5 Simpson?

6 MR. SIMPSON: We have no questions
7 for the Investigator.

8 CHAIRPERSON MILLER: Okay. Thank
9 you very much.

10 INVESTIGATOR MOLLOY: Thank you.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Bianco, whenever you are ready to present your
13 case, you are next.

14 MR. BIANCO: Okay. The licensee
15 calls Bill Duggan, President of 2461
16 Corporation.

17 CHAIRPERSON MILLER: Good morning.
18 I'm going to swear you in.

19 Whereupon,

20 BILL DUGGAN

21 was called as a witness by Counsel for the
22 Applicant, and having been first duly sworn,

1 assumed the witness stand and was examined and
2 testified as follows:

3 CHAIRPERSON MILLER: Thank you.
4 Okay.

5 DIRECT EXAMINATION

6 MR. BIANCO: Mr. Duggan, could you
7 spell your name for the record, please?

8 MR. DUGGAN: It's Bill Duggan, D-
9 U-G-G-A-N.

10 MR. BIANCO: And what's your
11 relationship to Madam's Organ Restaurant and
12 Bar?

13 MR. DUGGAN: I'm President of 2461
14 Corp, owner.

15 MR. BIANCO: And, Mr. Duggan, you
16 were involved in the application for a
17 sidewalk cafe?

18 MR. DUGGAN: Correct.

19 MR. BIANCO: And how many seats
20 originally did you ask for for the sidewalk
21 cafe?

22 MR. DUGGAN: I think 10.

1 MR. BIANCO: Okay.

2 MR. DUGGAN: Actually, I can't
3 remember, but I think it was 10 and then after
4 the -- we met with the Public Space, they
5 determined that you need X amount for passage
6 of people. You know, the architects
7 originally had it for 10 and I think we came
8 down to four.

9 MR. BIANCO: So right now, you are
10 asking for four?

11 MR. DUGGAN: Correct.

12 MR. BIANCO: And is that sidewalk
13 cafe already constructed?

14 MR. DUGGAN: Yes, it was.

15 MR. BIANCO: Why?

16 MR. DUGGAN: Well, number one, it
17 was constructed because we got the permission
18 for doing it and also as part of the
19 permission that's issued by Public Space, you
20 have to act on it within six months or you
21 lose the right to -- you have to go through
22 the process again or reapply. I can't

1 remember the exact wording on there.

2 But very honestly, my
3 understanding was that -- and I would just say
4 that my understanding was that we -- as soon
5 as we got there and we went to Public Space,
6 actually Mr. Simpson and RCNA and KCA were at
7 that hearing. We were essentially told that
8 we could operate the sidewalk cafe, but only
9 for the service of food and drink, not
10 alcohol.

11 It was only when Mr. Molloy came
12 and actually told us that we should not be
13 having -- actually, I think his wording was
14 that even though before the sidewalk was
15 enclosed, people could walk around there to
16 see down there, I think you have pictures of
17 the front porch, to sit on the front porch.

18 So just to be safe, we wouldn't
19 let anybody set foot inside the area, which,
20 you know, made it pretty awkward, because
21 literally it's -- there is no way to get to
22 the porch from there, unless you climb over

1 the top of people.

2 MR. BIANCO: Now, Mr. Duggan,
3 there has been some testimony about a summer
4 garden. You operate a summer garden at the
5 establishment?

6 MR. DUGGAN: Correct.

7 MR. BIANCO: And can you, please,
8 describe that summer garden?

9 MR. DUGGAN: Well, originally when
10 we -- back in '96 when we took the building,
11 the building came out that the front windows
12 were where the front wall is presently. And
13 design-wise, we wanted the place to look like
14 an old barn or an old saloon, so we -- the new
15 wall, we put windows and had a bench put, you
16 know, on the front inside the front of the
17 building.

18 MR. BIANCO: I'm going to show you
19 documents that are part of the Investigator's
20 report and perhaps to illustrate, at this
21 point, they are marked as Exhibits 27 and 28,
22 which are pictures of the front of the

1 establishment.

2 MR. DUGGAN: Yes.

3 MR. BIANCO: Perhaps using that
4 picture, can you describe how the summer
5 garden is situated within your premises?

6 MR. DUGGAN: Yes. It is in black
7 and white. I mean, so it's a little bit hard
8 to see. But if you see, there is sort of a
9 little sign. There is a bench there right
10 behind. We don't always have pumpkins out
11 front, it was just for Halloween.

12 Behind those pumpkins is the brick
13 wall, the original wall of the building. And
14 again, we just opened that up to make it look
15 like a porch many years ago. And right behind
16 there is a bench and another little alcove
17 area right there.

18 MR. BIANCO: And so the summer
19 garden actually lies within the boundary lines
20 of your building?

21 MR. DUGGAN: Correct.

22 MR. BIANCO: Do you have a

1 voluntary agreement that addresses the summer
2 garden issue?

3 MR. DUGGAN: Well, we have about
4 the summer garden as well as the Board many
5 years ago ruled on that one speaker that is
6 there is within the confines of the building
7 and was approved many years ago by the Board
8 as well as we addressed it in the voluntary
9 that the only issue, I think that is actually
10 the only issue, in the voluntary agreement
11 that that speaker could not be made into a
12 bigger one.

13 We are supposed to maintain, you
14 know, the same size and whatever capacity.

15 MR. BIANCO: I'm going to show you
16 a document that we're marking as Applicant's
17 1.

18 (Whereupon, the document was
19 marked as Applicant Exhibit No. 1
20 for identification.)

21 MR. BIANCO: Do you recognize that
22 document?

1 MR. DUGGAN: I do.

2 MR. BIANCO: Is that the voluntary
3 agreement that you were referencing in your
4 testimony?

5 MR. DUGGAN: Yes.

6 MR. BIANCO: And does that
7 voluntary agreement contain any restrictions
8 as to the hours you can operate your summer
9 garden on this property?

10 MR. DUGGAN: Well, it doesn't.
11 No, it doesn't have any restrictions on the
12 summer garden. I would like to not digress,
13 but it has turned into just -- I'm sure the
14 Board has already heard this, but I find it
15 really unfortunate because when we negotiated
16 this voluntary, it was very specific that the
17 ANC would not limit the hours whatsoever of
18 the operation of either the summer garden or
19 the restaurant.

20 And boy now with the new -- with
21 the Mayor's new hours to 4:00 a.m. for all
22 those dates, now just because we stated

1 statutory hours in there, which are the
2 statutory hours, somehow those would become a
3 restriction and therefore we have been
4 restricted from any of these new hours with
5 the new law.

6 Which somehow, I think, doesn't
7 pass mustard or it shouldn't pass mustard.
8 But no, there are no restrictions.

9 MR. BIANCO: Okay.

10 CHAIRPERSON MILLER: On the side,
11 yes.

12 MR. DUGGAN: Just had to get that
13 in.

14 MR. BIANCO: Mr. Duggan, there is
15 an establishment directly adjacent to Madam's
16 Organ, correct?

17 MR. DUGGAN: Correct.

18 MR. BIANCO: And to the north side
19 of the street and that -- what's the name of
20 that establishment?

21 MR. DUGGAN: Bossa.

22 MR. BIANCO: And does that

1 establishment operate a sidewalk cafe?

2 MR. DUGGAN: Yes.

3 MR. BIANCO: How big is that?

4 MR. DUGGAN: It's 20-seats.

5 MR. BIANCO: Okay. And do your
6 knowledge, are they restricted as to the hours
7 of -- their hours of operation?

8 MR. DUGGAN: No. I have seen
9 their voluntary, they are not.

10 MR. BIANCO: And just one last
11 thing I wanted to address is the -- this ANC
12 letter that I just received this morning. Did
13 you participate in the ANC meetings that
14 resulted in this letter?

15 MR. DUGGAN: Yes, I went. Well,
16 the letter was drafted at the -- just last
17 Wednesday at the ANC meeting. And then I --
18 subsequent to that, I was contacted by
19 Commissioner Lanning and I met with the Chair
20 Wilson Reynolds, Lanning and Stacey Moye, all
21 Commissioners, on Monday night sitting outside
22 in the summer garden, so they got a feel for

1 it.

2 MR. BIANCO: And were there any
3 issues raised as to the contemplated sidewalk
4 cafe?

5 MR. DUGGAN: Well, see, what was--
6 what did come up was, again, and I believe Mr.
7 Simpson will say the same thing, they don't
8 have any issue with our establishment. They
9 said that they want to change the hours on the
10 street and of sidewalk cafes throughout the
11 city, that they will close earlier than the
12 establishments.

13 And basically, it came down to
14 that they said yes, it seems like that should
15 be adjusted legislatively, not in a piecemeal
16 voluntary. And, in fact --

17 MR. BIANCO: And would that have--

18 MR. DUGGAN: -- one Commissioner
19 started to get up and walk away, she said that
20 was the first she realized that what a
21 ridiculous issue it was.

22 MR. BIANCO: And would having to

1 close your sidewalk cafe earlier adversely
2 impact your business?

3 MR. DUGGAN: I think it would very
4 greatly adversely impact the business.

5 MR. BIANCO: Why?

6 MR. DUGGAN: Not in direct
7 numbers, obviously, 4-seats is not going to
8 make or break the establishment. I think,
9 basically, what I -- my feeling on it and I'll
10 just do it in a nutshell, I think the sidewalk
11 cafe both adds ambiance to the front, but it
12 also adds a level of public safety.

13 Because if there is any kind of
14 criminal activity, you know, I don't say
15 criminals don't act in front of people, but,
16 you know, if you have people on the street,
17 obviously, it creates more security when there
18 are more eyes on any potential problem.

19 And over the years, I mean, I have
20 been there for a lot of years and my summer
21 garden, essentially, acts as a similar type of
22 thing, you know, sitting out there.

1 But again, I think that people
2 walking down the sidewalk, if there are people
3 seated right next to them, I'm sorry, you
4 don't come and throw your trash or spit or
5 urinate, you know, where somebody is seated
6 dining at a table.

7 If that area is vacant and
8 everybody, as Wilson Reynolds told me, he's
9 like everybody is inside the establishment
10 within two hours of closing, I think that that
11 does. It takes all the eyes off the street.

12 MR. BIANCO: Let me just ask you a
13 more specific question. Would it put you at
14 a competitive disadvantage as to your
15 immediate neighbors without your sidewalk
16 cafe?

17 MR. DUGGAN: Well, I think,
18 obviously, it would. If you have a situation
19 in Adams Morgan or in Washington, you know, or
20 a climate change, I would say we have a lot
21 more outdoor hours than we used to have.

22 You know, if it's a nice evening

1 on the street and you want to sit outside and
2 my outside closes and they can go next door
3 where they have got 20-seats, then, obviously,
4 I think they vote with their feet, you know.

5 MR. BIANCO: Thank you, Mr.
6 Duggan. At this time, I would move admission
7 of Applicant's No. 1, which is the voluntary
8 agreement. And to the extent it is not
9 already moved into evidence, the two
10 photographs identified as 27 and 28 in the
11 investigative report.

12 CHAIRPERSON MILLER: Okay. The
13 investigative report is in. Do you, Mr.
14 Simpson, have an objection to the voluntary
15 agreement? And I believe it is the one
16 concerning the substantial change of the
17 license, correct?

18 MR. BIANCO: Correct. It's the
19 active -- the one dated February 2008, which
20 is the active voluntary for Madam's Organ
21 right now.

22 MR. SIMPSON: We have no

1 objection.

2 CHAIRPERSON MILLER: You have no
3 objection? Okay.

4 There was another voluntary
5 agreement, that's all -- right, effecting the
6 whole establishment?

7 MR. SIMPSON: No, that one was
8 thrown out.

9 MR. BIANCO: No.

10 CHAIRPERSON MILLER: Oh, okay.
11 This is the only voluntary agreement in
12 effect?

13 MR. BIANCO: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. DUGGAN: We thought they all
16 were thrown out.

17 CHAIRPERSON MILLER: Okay. Okay.
18 Got it. Okay. All right. Then this is --
19 this voluntary agreement is admitted into the
20 record as Applicant's Exhibit No. 1.

21 (Whereupon, the document marked as
22 Applicant Exhibit No. 1 was

1 received in evidence.)

2 CHAIRPERSON MILLER: Mr. Simpson,
3 do you have cross?

4 MR. SIMPSON: We have no cross.

5 CHAIRPERSON MILLER: No cross.
6 Okay. Board Members?

7 MEMBER BROOKS: Yes, I have a
8 question.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Brooks?

11 MEMBER BROOKS: Yes, just quickly.
12 Mr. Duggan, do you have Exhibit 27 in front of
13 you?

14 MR. DUGGAN: Yes.

15 MEMBER BROOKS: Okay. And I think
16 I know the answer, but just share with me
17 where will those 4-seats be located?

18 MR. DUGGAN: One table is
19 essentially where those bales of hay are
20 towards the end there, at that end, the south
21 end. And the other table is, approximately,
22 where the post is in the middle between the

1 two pumpkins.

2 MEMBER BROOKS: Okay. And that's
3 within the corral area there?

4 MR. DUGGAN: Oh, correct, yes.

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

7 CHAIRPERSON MILLER: Mr. Duggan,
8 where is the summer garden, behind the bar or
9 what?

10 MR. DUGGAN: Right -- well, there
11 is two.

12 CHAIRPERSON MILLER: Oh.

13 MR. DUGGAN: Actually, there is
14 one which is a roof deck.

15 CHAIRPERSON MILLER: Okay.

16 MR. DUGGAN: And this, the one
17 that we are, you know, speaking about there is
18 the one -- it's a little -- the space is sort
19 of dark. If you look in the picture, it's the
20 space between the pumpkins and the window.
21 There is a bench there. If you look at the
22 second picture, No. 28, it shows the bench

1 more clearly. No. 27, it sort of just blends
2 in.

3 CHAIRPERSON MILLER: That's the
4 sidewalk cafe?

5 MR. DUGGAN: No, that's the summer
6 garden --

7 CHAIRPERSON MILLER: Oh, that's
8 the summer garden behind it?

9 MR. DUGGAN: -- behind. Behind
10 it. Between --

11 CHAIRPERSON MILLER: Oh.

12 MR. DUGGAN: -- the hay and the
13 building, you know, the window line there is
14 a bench.

15 CHAIRPERSON MILLER: Oh, okay. So
16 you are just extending out further, is that
17 all?

18 MR. DUGGAN: No. We are not
19 extending that further, but, yes, we -- the
20 corral area is the new area.

21 CHAIRPERSON MILLER: All right.

22 MR. DUGGAN: It is, I believe. 4.9

1 feet.

2 CHAIRPERSON MILLER: Okay. And
3 you haven't had any -- or have you had any
4 complaints with respect to the rooftop?

5 MR. DUGGAN: No, none whatsoever.

6 CHAIRPERSON MILLER: None
7 whatsoever?

8 MR. DUGGAN: And, you know, again,
9 we have been in this location since '97 and I
10 will say that over all these years, we have
11 had a great relationship with the neighbors.
12 And obviously the ones that live directly
13 behind are all in the Reed-Cooke neighborhood
14 territory, the boundaries, I think. I don't
15 know exactly what their boundaries are.

16 CHAIRPERSON MILLER: And you have
17 neighbors that -- there are residences
18 directly behind --

19 MR. DUGGAN: Behind.

20 CHAIRPERSON MILLER: -- the
21 establishment?

22 MR. DUGGAN: Yes. They built

1 condos in the alley.

2 CHAIRPERSON MILLER: Okay. And
3 they haven't complained about the rooftop
4 terrace?

5 MR. DUGGAN: No.

6 CHAIRPERSON MILLER: Okay. All
7 right. I don't have any other questions.
8 Thank you very much.

9 MEMBER BROOKS: I --

10 CHAIRPERSON MILLER: Oh, I'm
11 sorry, Mr. Brooks?

12 MEMBER BROOKS: Yes, I'm sorry.
13 I'm sorry --

14 CHAIRPERSON MILLER: Go ahead.

15 MEMBER BROOKS: -- Madam Chair.
16 Just one question, Mr. Duggan. Again, you
17 mentioned something about the Department of
18 Transportation had a policy of you have to put
19 the -- after you make the application, you
20 have to use the sidewalk cafe within six
21 months?

22 MR. DUGGAN: You have -- yes,

1 there is something about -- and I don't have
2 it here, but, essentially, it says when you
3 get the permission, you know, after the
4 hearing, it comes out and it has just got the
5 things that you have to do.

6 You have to obtain the insurance.
7 You know, you have to maintain the insurance.
8 You have to do this and you have to this. And
9 you have to move forward with the
10 implementation of it or the application
11 expires.

12 Which wouldn't be a problem except
13 for we were told, and I think probably
14 erroneously so, that we couldn't even start
15 the application process with ABC until the
16 sidewalk cafe was permitted, which I know in
17 years past, everything would run sort of
18 currently.

19 But in this situation, it was a
20 little bit awkward in that we got the approval
21 for the sidewalk cafe back in -- I can't
22 remember July perhaps. June or July. And

1 then couldn't start the -- that's when Rich
2 was able to start the application process with
3 the ABC.

4 And again, I just think
5 procedurally, I just think, it didn't make a
6 tremendous amount of sense, because the same
7 issues that Mr. Simpson I think intends to
8 bring up here, would come up both with the
9 sidewalk cafe with Public Space and with ABC
10 with regards to the same thing.

11 So instead of essentially going
12 through this process, which is an expensive
13 process I might say, twice.

14 CHAIRPERSON MILLER: Yes, yes.

15 MEMBER BROOKS: Yes, so has your
16 time expired?

17 MR. DUGGAN: No. Well, you know,
18 I don't know. No, because -- well, actually,
19 let me explain. And I -- Board, you might --
20 maybe shouldn't be asking for -- to clarify
21 it, but again, my understanding prior to Mr.
22 Molloy coming out was that once, you know,

1 that area was permitted by the city, the
2 sidewalk cafe, it was permitted for the
3 service of food and drink, not alcoholic
4 beverages.

5 And that is what it has been
6 operating as doing.

7 MEMBER BROOKS: Okay.

8 MR. DUGGAN: Which would seem to
9 be within the parameters of the permissible
10 use. And, you know, we are extremely vigilant
11 to make sure that no alcoholic beverages were
12 ever served or consumed in that area, at those
13 tables.

14 MEMBER BROOKS: Okay. All right.
15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: No, that's a
17 good question. I just wanted to follow-up,
18 because we don't have in the record a copy of
19 what the regulations said. But with respect
20 to -- I understand that concept that if you
21 don't act within six months, it expires.

22 I was just wondering what kind of

1 action was required? Does it relate to
2 construction or does it relate to putting
3 tables out there or use?

4 MR. DUGGAN: You are asking the
5 wrong person.

6 CHAIRPERSON MILLER: Okay.

7 MR. DUGGAN: I have no idea. I
8 mean, again, I have a feeling that it's
9 probably not that well-defined.

10 CHAIRPERSON MILLER: Okay.

11 MR. DUGGAN: Well, you know,
12 because I had so many questions for Mr.
13 Marcoup during the process that, you know, we
14 -- and I think Mr. Simpson was there as well,
15 and it was different information that was
16 coming out at that hearing. They were flying
17 by the seat of their pants at the hearing from
18 the Public Space.

19 CHAIRPERSON MILLER: Okay. Well,
20 what I would say is anyway, the focus of this
21 case is really peace, order, quiet, impact of
22 using the 4-seats and selling alcohol. So

1 that's kind of an aside, unless -- and we are
2 going to hear something more from the other
3 party.

4 MR. DUGGAN: All right.

5 CHAIRPERSON MILLER: So I was
6 just, you know, exploring with you what you
7 actually meant, but, okay.

8 Any other questions? All right.
9 Thank you very much.

10 We are just going to pause for a
11 second. Mr. Silverstein had to step out.

12 Does that complete your case then?

13 MR. BIANCO: The only remaining
14 issue we had was the issue of the stipulation
15 or judicial notice, however, we want to
16 resolve it. And what our proffer would be is
17 that Mr. Hager would testify to his voluntary
18 agreement for the adjacent establishment,
19 Bossa, does not contain any restrictions as to
20 hours for their sidewalk cafe.

21 And I have a document here that
22 I'm going to mark as A No. 2.

1 (Whereupon, the document was
2 marked as Applicant Exhibit No. 2
3 for identification.)

4 MR. BIANCO: Which is the active
5 voluntary agreement for the establishment,
6 Bossa. And if we can get either agreement or
7 judicial notice on that fact, I don't think we
8 need to have him testify.

9 MR. SIMPSON: So I'm not
10 personally familiar with this voluntary
11 agreement, so I couldn't say one way or
12 another what the hours are, but if the Board
13 knows that or is able to get that information
14 from the Investigator, we have no problem with
15 that.

16 CHAIRPERSON MILLER: And where did
17 you get this voluntary agreement?

18 MR. BIANCO: From Mr. Hager.

19 CHAIRPERSON MILLER: Okay. Okay.
20 This appears to be an official voluntary
21 agreement that is from our records, from the
22 Board's own record, its public record, so I

1 mean, we can take judicial notice of it and/or
2 I think we should take it into the record as
3 Applicant's Exhibit No. 2.

4 (Whereupon, the document marked as
5 Applicant Exhibit No. 2 was
6 received in evidence.)

7 CHAIRPERSON MILLER: Okay. There
8 was no objection. You just couldn't verify
9 that you knew that it was --

10 MR. SIMPSON: Yes.

11 CHAIRPERSON MILLER: -- the
12 official voluntary agreement. Okay.

13 MR. BIANCO: And that concludes
14 the applicant's case.

15 CHAIRPERSON MILLER: Okay.
16 Whenever you are ready, Mr. Simpson.

17 MR. SIMPSON: Do I need to --

18 CHAIRPERSON MILLER: Yes.

19 MR. SIMPSON: Okay.

20 CHAIRPERSON MILLER: Well, you
21 need to be sworn in. If you are more
22 comfortable there, you can testify there, but

1 otherwise you should go to the --

2 MR. SIMPSON: What do you prefer?

3 CHAIRPERSON MILLER: I guess over
4 there.

5 MR. SIMPSON: Okay.

6 CHAIRPERSON MILLER: But it's not
7 -- you know, I don't know. That's fine.

8 Whereupon,

9 BILLY SIMPSON

10 was called as a witness for the RCNA, and
11 having been first duly sworn, assumed the
12 witness stand and was examined and testified
13 as follows:

14 CHAIRPERSON MILLER: Okay.

15 MR. SIMPSON: Good morning again.

16 CHAIRPERSON MILLER: Good morning.

17 MR. SIMPSON: Again, my name is
18 Billy Simpson. And I am the President of the
19 Reed-Cooke Neighborhood Association. Thank
20 you for the opportunity to testify to you
21 today.

22 In an environment where peace,

1 order and quiet prevail, alcohol service to --
2 for six outdoor seats at a sidewalk cafe would
3 clearly not destroy that peace, order and
4 quiet. But late night Adams Morgan is not an
5 environment where peace, order and quiet
6 prevail.

7 Indeed, this Board has described
8 the late night environment in Adams Morgan as
9 one in which "significant problems with peace,
10 order and quiet particularly with respect to
11 criminal activity, noise, litter, disorderly
12 conduct, crowd control and vehicular and
13 pedestrian safety, as well as parking
14 problems, continue to exist in Adams Morgan
15 during late evening hours."

16 I would note that Investigator
17 Molloy seemed to have referenced that these
18 same conditions continue to exist in Adams
19 Morgan late at night.

20 The Reed-Cooke Neighborhood
21 Association's protest of Madam's Organ's
22 application must be understood in this

1 context. Where peace, order and quiet are
2 already under siege late at night in Adams
3 Morgan, every single additional outdoor seat
4 does additional damage to peace, order and
5 quiet.

6 Even so, RCNA has sought to find a
7 balance with respect to this application. We
8 have not sought to prohibit the applicant from
9 having a sidewalk cafe or even from being able
10 to serve alcohol there. All we are asking is
11 that the Board require more reasonable hours
12 and that patrons be seated at tables.

13 We are trying to ensure that the
14 use of the sidewalk cafe does not overlap and
15 worsen the late night environment in Adams
16 Morgan that has been identified by the Board.

17 The applicant has argued that, in
18 another context, to limit -- and here as well,
19 that to limit the hours of his sidewalk cafe
20 would be punitive relative to other
21 establishments. To the contrary, to allow any
22 alcohol service at his sidewalk cafe is

1 generous.

2 This Board in the recent matter of
3 Colin Unlimited, LLC t/a Saki ruled that "It
4 is our view that providing additional tavern
5 space in Adams Morgan is inappropriate at this
6 time and contrary to the intent of the Adams
7 Morgan Moratorium Zone."

8 It should be highlighted that the
9 applicant is operating under a tavern license
10 and, therefore, that each additional seat in
11 his sidewalk cafe will be additional tavern
12 occupancy in the Moratorium Zone.

13 RCNA has nevertheless repeatedly
14 expressed our willingness to work with the
15 applicant to find a compromise. We like
16 sidewalk cafes. And we recognize Madam's
17 Organs long and iconic history in the
18 neighborhood.

19 Given the relatively few seats
20 being requested, we are willing to overlook
21 the marginal increase in tavern occupancy
22 prior to late night hours. But the community

1 needs to be able to avoid additional outdoor
2 occupancy during those late night hours when
3 the environment in Adams Morgan on the
4 sidewalks and on the streets deteriorate
5 significantly.

6 As the Board is likely aware,
7 earlier this summer the 18th Street
8 Streetscape Project was completed. The
9 principal feature of the project is
10 significantly widened sidewalks on both sides
11 of 18th Street. As a consequence of these
12 wider sidewalks, several ABC establishments
13 have already come forward seeking new sidewalk
14 cafes. And we are certain that the trend will
15 continue and increase in 2013.

16 The inevitable consequence of this
17 is that Adams Morgan will eventually have
18 several hundred additional seats for alcohol
19 consumption --

20 MR. BIANCO: I'm going to object
21 to the --

22 MR. SIMPSON: -- notwithstanding--

1 CHAIRPERSON MILLER: Wait a
2 second. He has an objection. What is the
3 objection?

4 MR. BIANCO: The testimony being
5 given is argument and isn't directly related
6 to my establishment. It sounds as if he is
7 making a case before a legislative body as
8 opposed to an adversarial legal proceeding.
9 And perhaps that case will be made, but it
10 shouldn't be made here.

11 CHAIRPERSON MILLER: I would
12 overrule your objection. I think that he is
13 making the case that it is cumulative and
14 giving background on that. So okay, go ahead.

15 MR. SIMPSON: To that point, we
16 would emphasize that as the Investigator
17 reported, this application is an application
18 for a substantial change. By definition,
19 there is no past history to evaluate, other
20 than the context in which this is coming into
21 existence.

22 So again, the inevitable

1 consequence of the widened sidewalks on -- in
2 Adams Morgan will be that we will eventually
3 have several hundred additional seats for
4 alcohol consumption, notwithstanding the Adams
5 Morgan Moratorium Zone. And all of these
6 seats will be outdoor seats.

7 Again, the Reed-Cooke Neighborhood
8 Association welcomes these new sidewalk cafes
9 and believes that they can add a great deal to
10 the daytime and evening life of the community.
11 But if the community is to have any hope of
12 ensuring that the late night scene in Adams
13 Morgan does not get worse, then a reasonable
14 limit on the hours for sale, service and
15 consumption of alcohol needs to be required
16 for these sidewalk cafes.

17 Advisory Neighborhood Commission
18 1C agrees with RCNA's position.
19 Unfortunately, they had no regularly scheduled
20 meeting in August and, therefore, had no
21 opportunity to protest this application. But
22 at their most recent meeting on December 6th,

1 ANC-1C specifically acknowledged the problems
2 with peace, order and --

3 MR. BIANCO: I'm going to --

4 MR. SIMPSON: -- quiet.

5 MR. BIANCO: -- object as to this
6 witness testifying about what the ANC may or
7 may not have said. The ANC is not here. They
8 had the opportunity to be here. They decided
9 not to be. I think characterization of what--

10 CHAIRPERSON MILLER: Okay.

11 MR. BIANCO: -- they said at the
12 meeting is inappropriate.

13 CHAIRPERSON MILLER: Okay. We
14 have the ANC letter and resolution, which
15 speaks best to the ANC's position.

16 MR. SIMPSON: Can I quote from
17 that letter? Is that permitted?

18 CHAIRPERSON MILLER: Well --

19 MR. SIMPSON: Just the last --

20 CHAIRPERSON MILLER: -- you can
21 point out --

22 MR. SIMPSON: -- one line.

1 CHAIRPERSON MILLER: -- to what
2 you want us to notice in the letter, if you
3 like. We don't want to be too redundant, but
4 if you want to point to something you think is
5 significant, yes.

6 MR. SIMPSON: Will do.

7 CHAIRPERSON MILLER: Okay.

8 MR. SIMPSON: I would just
9 emphasize the ultimate conclusion of their
10 resolution in which they ask the applicant to
11 work with them and with the community to
12 establish "appropriate" earlier hours for
13 seizing the sale, service and consumption of
14 alcohol at the Madam's Organ sidewalk cafe.

15 As the applicant has testified,
16 they did subsequently reach out to him. He
17 regrettably refused to meet with the
18 neighborhood association representatives,
19 although they asked him to do so, and he has,
20 obviously, refused to make any adjustments to
21 his requested hours of service.

22 Fortunately, the ABC Board has a

1 long history of showing concern about the
2 hours for sale, service and consumption of
3 alcohol in outdoor spaces. In the fairly
4 recent Matter of Kadi, LLC t/a Eighteen & Red
5 here in Adams Morgan, the Board imposed a
6 cutoff of 11:00 p.m. Monday through Thursday
7 and 1:00 p.m -- sorry, 1:00 a.m. Friday and
8 Saturday for use of the establishment's
9 unenclosed rooftop.

10 We would argue that the public
11 sidewalk is an even more compelling space for
12 Board regulation. It is also our
13 understanding that the ABC Board has worked
14 with the residents of Dupont Circle to
15 establish uniform and reasonable hours for
16 closing all sidewalk cafes in that
17 neighborhood.

18 For the foregoing reasons, we
19 respectfully request that the ABC Board grant
20 to the applicant the right to sell, serve and
21 allow consumption of alcohol at his sidewalk
22 cafe, but simply require that such sales,

1 service and consumption end at a more
2 reasonable hour and that patrons be seated at
3 tables. Thank you.

4 CHAIRPERSON MILLER: I'm sorry, I
5 missed the very last few words. End at
6 reasonable hours and what?

7 MR. SIMPSON: And that --

8 CHAIRPERSON MILLER: More
9 reasonable hours.

10 MR. SIMPSON: -- patrons be seated
11 at tables.

12 CHAIRPERSON MILLER: Patrons be
13 seated at tables. Okay. Does that complete
14 your testimony?

15 MR. SIMPSON: That completes it.

16 CHAIRPERSON MILLER: All right.
17 You can start with cross.

18 CROSS-EXAMINATION

19 MR. BIANCO: How long have you
20 been the President of the RCNA?

21 MR. SIMPSON: I was elected in
22 January of this year, of 2012.

1 MR. BIANCO: How long have you
2 lived in the neighborhood?

3 MR. SIMPSON: I have been in the
4 neighborhood for eight years, coming up on
5 eight years.

6 MR. BIANCO: Why did you move
7 there?

8 MR. SIMPSON: I had good friends
9 in D.C. I was coming down from Boston. I was
10 told great things about Adams Morgan. And I
11 found a nice home there, so I moved.

12 MEMBER SILVERSTEIN: Can you speak
13 up?

14 MR. SIMPSON: Sorry. So I found a
15 nice home in Adams Morgan and bought it.

16 MR. BIANCO: Was part of your
17 decision based on the accessibility to the
18 nightlife there in Adams Morgan?

19 MR. SIMPSON: No. Part of my
20 decision was accessibility to the good
21 restaurants in Adams Morgan.

22 MR. BIANCO: How many members are

1 there in your organization?

2 MR. SIMPSON: Last time that I
3 calculated, we had, approximately, 85 dues
4 paid members. People pay their dues on a
5 rolling basis throughout the year, so those
6 numbers adjust on an ongoing basis.

7 MR. BIANCO: So it may be slightly
8 more than that or slightly less is what you
9 are saying?

10 MR. SIMPSON: Slightly more or
11 slightly less.

12 MR. BIANCO: Okay. So of the
13 between 85 and say 100 members of your
14 organization, how many participated in the
15 decision to protest this license?

16 MR. SIMPSON: Again, it was our
17 executive board that took the action to
18 protest, because we also did not have a
19 regularly scheduled meeting in August. Our
20 next scheduled meeting would have been
21 September 13th --

22 MR. BIANCO: How many?

1 MR. SIMPSON: -- if I recollect.
2 So there -- I believe there are seven members
3 who participated, if memory serves. That's
4 the number of members of our executive board.

5 MR. BIANCO: So seven of 85 to
6 100?

7 MR. SIMPSON: Yes. We did, for
8 clarity, notify the membership at the
9 subsequent meeting that the protest action had
10 been taken.

11 MR. BIANCO: And you mentioned in
12 your opening statement, although as the Chair
13 correctly noted that wasn't evidence, so I
14 want to get -- make sure that this is on the
15 record.

16 Madam's Organ, you don't see as a
17 problem establishment in the neighborhood,
18 correct?

19 MR. SIMPSON: I have not
20 personally experienced Madam's Organ as a
21 problem establishment and I don't believe that
22 our neighborhood association has taken any

1 positions to that effect.

2 MR. BIANCO: And as you testified
3 to, your real problem with the application is
4 the addition of any single outdoor seat as
5 adding to the issue?

6 MR. SIMPSON: No. We are actually
7 okay with the addition of outdoor seats. We
8 just want to make sure that the closing hours
9 for those additional outdoor seats does not
10 overlap with the problematic late night
11 environment and worsen it.

12 MR. BIANCO: And have you
13 protested every sidewalk cafe application in
14 your tenure as RCNA Chair?

15 MR. SIMPSON: This is the first
16 sidewalk cafe application that I have been
17 made aware of in my tenure as president. And,
18 yes, we have protested it.

19 MR. BIANCO: Each subsequent one?

20 MR. SIMPSON: We --

21 MR. BIANCO: Or this is the only
22 protest?

1 MR. SIMPSON: This is the only one
2 that we have been made aware of. Sorry, let
3 me clarify that statement. This is the only
4 one before the ABC Board. There have been a
5 couple of others that have come before Public
6 Space and we have.

7 The big issue with respect to
8 Public Space was the size of the sidewalk
9 cafes.

10 MR. BIANCO: So I just want to
11 make sure I understand the testimony. This is
12 the first and only protest of a sidewalk cafe
13 that RCNA has ever made?

14 MR. SIMPSON: I couldn't speak to
15 prior/past history. In my tenure this year as
16 president, this is the only one that has come
17 before us.

18 MR. BIANCO: Okay.

19 MR. SIMPSON: We are expecting
20 that more will come next year. I will not be
21 the president next year. I have been actually
22 elected to the ANC, but I would assume that

1 the executive board will continue this
2 process.

3 MR. BIANCO: Thank you. Thank
4 you.

5 CHAIRPERSON MILLER: Mr. Brooks?

6 MEMBER BROOKS: Yes. Thank you,
7 Madam Chair. Mr. Simpson, you mentioned
8 reasonable hours. What reasonable hours would
9 you suggest?

10 MR. SIMPSON: We sought in our
11 discussions with the application -- with the
12 applicant 11:00 p.m. for Sunday through
13 Thursday and midnight on Fridays and
14 Saturdays. We put that out as our initial
15 position. We wanted to have a discussion with
16 the applicant and try to reach a reasonable
17 compromise. He has not indicated any
18 willingness to adjust his request, so that
19 discussion has not moved forward to anything
20 further.

21 MEMBER BROOKS: And what is your
22 reaction to Mr. Duggan's position that if he

1 did close earlier, those hours that you are
2 suggesting, that it would affect his
3 competitive position with other sidewalk
4 cafes?

5 MR. SIMPSON: I'm actually highly
6 skeptical of that argument. Indeed, at the
7 ANC meeting on December 6th, Mr. Duggan
8 specifically stated that the sales of alcohol
9 at 4-seats for, you know, one or two hours are
10 not going to have any impact on his business
11 model.

12 MEMBER BROOKS: Okay. What about
13 having the seats, the 4-seats not sell alcohol
14 after 12:00, but open for food?

15 MR. SIMPSON: So one of the things
16 -- this is probably getting ahead of
17 ourselves, but we -- one of the things that I
18 intend to seek and I expect that -- my
19 understanding is the neighborhood intends to
20 seek is to come up with a more general policy
21 for when all sidewalk cafes will have to close
22 in Adams Morgan at a reasonable hour.

1 Again, in my role as ANC
2 Commissioner next year, that is something that
3 I will be pursuing.

4 With respect to service of food, I
5 find that certainly less problematic. One of
6 the things that I would highlight from the
7 Investigator's report is of the 20 occasions
8 when they -- that are reported in the report,
9 on only one occasion did he specify that
10 people were actually seated at the sidewalk
11 cafe.

12 And I suspect that the reason for
13 that is precisely because they could not get
14 alcohol yet at those seats. So I really do
15 think it is the consumption of alcohol that is
16 likely to drive the business at this tavern.

17 MEMBER BROOKS: Thank you, Madam
18 Chair.

19 CHAIRPERSON MILLER: You're
20 welcome. Mr. Silverstein?

21 MEMBER SILVERSTEIN: As far as the
22 -- first of all, thank you very much for

1 coming, Mr. Simpson. Thank you for your
2 concern for the neighborhood.

3 As far as establishments within
4 say a half block of this area, of the
5 licensee, do any of them have sidewalk cafes?

6 MR. SIMPSON: A number of
7 establishments have sidewalk cafes.

8 MEMBER SILVERSTEIN: Is there a
9 specific hour after which none of them
10 operate?

11 MR. SIMPSON: Well, I think they
12 are all ultimately required to close by 3:00,
13 but -- because that's the law. But there are
14 -- I'm not aware of whether there are any
15 other taverns that are operating within that
16 range. There are definitely other
17 establishments that are restaurants that are
18 operating in that range.

19 And to my knowledge, there is a
20 range of hours at which they close. We have
21 some that, I believe, stay open until 3:00 or
22 2:30. We have some that definitely close by

1 midnight or 1:00 p.m.

2 MEMBER SILVERSTEIN: So if the
3 licensee were to be granted the application
4 here, they would not be getting anything that
5 anyone else doesn't -- that is beyond what
6 everyone else must have?

7 MR. SIMPSON: I think they would
8 for a couple of reasons. Again, they are
9 licensed as a tavern, not as a restaurant, so
10 it's a different product that they are
11 fundamentally selling.

12 In addition, there are numerous
13 other establishments that don't have the later
14 closing hours. So they would be getting
15 something more than those numerous other
16 establishments.

17 MEMBER SILVERSTEIN: The latest
18 hour that anybody has within a half a block of
19 that would be the maximum? Is that your --

20 MR. SIMPSON: I think there are
21 establishments that have the later hours that
22 are restaurants.

1 The -- but then the fundamental
2 further point again is that if we take the
3 approach of saying with respect to each new
4 establishment that comes before you while we
5 can't stop you from having the latest hour
6 that anybody else has, then by the end of next
7 year, you will have dozens, perhaps up to 100
8 or more, additional outdoor seats of alcohol
9 consumption on 18th Street during those late
10 night hours.

11 And that's simply not an
12 acceptable result for the community.

13 MEMBER SILVERSTEIN: So then are
14 you saying that beyond this particular
15 application, which I think we all agree is
16 rather small, a rather modest 4-seats, that
17 your main concern is the precedent here that,
18 God forbid, slippery slope, I hate that term,
19 it's over used, or the camel's nose under the
20 tent, Merry Christmas, that that's your
21 concern? Not so much what we are doing here,
22 but what this would open up to?

1 MR. SIMPSON: There is -- the
2 concern for precedent is significant. But
3 there is also the specific instance here
4 where, again, even though 4-seats sounds
5 small, in an environment in which peace, order
6 and quiet is already fundamentally shattered,
7 every additional seat makes the situation a
8 little worse here.

9 MEMBER SILVERSTEIN: Yes, I guess
10 if we were to, you know, finish the phrase I
11 don't want my neighborhood to become another,
12 we know what the next two words are.

13 But regardless of that, if you
14 were to pick a number, say, okay, we're going
15 to grant this, but you say a reasonable hour.
16 What's the latest reasonable hour that you
17 would grant them? I'm not going to ask you to
18 argue against yourself, but I am.

19 MR. SIMPSON: I'll give you a --
20 well, both a personal view and a view with
21 respect to the deliberations that are ongoing
22 at the association.

1 We have raised as a topic of
2 discussion what we would like to see as a
3 policy perspective going forward for hours for
4 sidewalk cafes and there were two views that
5 were fairly evenly split.

6 One was the 11:00 p.m. weekday
7 hours that we referenced in this case. And
8 the midnight hours for weekends.

9 And there were about half of the
10 members present who said they were comfortable
11 with that approach.

12 There was about another half of
13 the group that said that they were okay with
14 service up to midnight on weekdays and up to
15 1:00 a.m on weekends in the outdoor space.

16 So there -- I expect there will be
17 further discussion at the association in
18 trying to come up with a final decision about
19 what people would want to see.

20 I personally would be fine with
21 midnight on weekdays and 1:00 a.m. on
22 weekends. To me, that feels like a reasonable

1 balance. It allows people, particularly
2 diners, to come for a later dinner, sit out
3 and enjoy a nice summer evening, linger on a
4 little later, but still be done before that
5 true craziness comes out in full force at, you
6 know, 2:00 and 3:00 hour.

7 MEMBER SILVERSTEIN: Thank you
8 very much, Mr. Simpson. We are having this
9 argument all over the city and it is something
10 that we have to balance. People want to live
11 in the city. They want the entertainment.
12 They love the entertainment. You know, the
13 old saying everybody wants to go to heaven,
14 but nobody wants to die.

15 We want the tax revenues. We want
16 the business. We want all that. And somehow
17 we also want it to be liveable. And how do we
18 strike the balance and how do we work with the
19 people who are paying the revenue, providing
20 the jobs, providing the excitement that draws
21 us into the city?

22 There aren't any bad guys here.

1 There aren't any good guys here. This is
2 simply a matter where we have to come up with
3 a fair balance to make our city both lively
4 and liveable. And I thank both parties for
5 your efforts in this, because, again, as I
6 say, there aren't any bad guys here.

7 MR. SIMPSON: Thank you.

8 CHAIRPERSON MILLER: Thank you.

9 Mr. Simpson, it sounds like what you are
10 saying is that your citizens association or
11 whatever it is, neighborhood association is
12 concerned about what is happening in Adams
13 Morgan in general.

14 And in general, you want, you
15 think, the establishments to close earlier in
16 general.

17 MR. SIMPSON: In the outdoor
18 space, just to be clear.

19 CHAIRPERSON MILLER: In the
20 outdoor space. Thank you for the record.
21 Okay. Are you seeking any type of legislative
22 "fix" to that problem?

1 MR. SIMPSON: We don't know that a
2 legislative approach is the correct approach.
3 We, for example, referenced the Dupont Circle
4 hours. They, my understanding is that, have
5 a policy as an ANC and one that they have
6 worked on with the Public Space Committee and
7 with the ABC Board to close sidewalk cafes at
8 11:00 p.m. on weekdays and midnight on
9 weekends.

10 I personally would be the first to
11 say that Adams Morgan has a different
12 character than Dupont Circle. And there are
13 some positive elements about that. And it is
14 a destination for people to come out and dine
15 and sit out and have a drink.

16 That, in my mind, doesn't justify
17 it going all the way until 3:00 a.m.

18 CHAIRPERSON MILLER: But my
19 question is --

20 MR. SIMPSON: I think the outdoor
21 space --

22 CHAIRPERSON MILLER: -- I think --

1 MR. SIMPSON: -- right now --

2 CHAIRPERSON MILLER: I just want
3 to keep this focused a little, because this
4 hearing is about the impact of these 4-seats.

5 MR. SIMPSON: Yes.

6 CHAIRPERSON MILLER: Okay. On
7 peace, order and quiet. And on the one hand
8 I hear, you know, well, it's cumulative. If
9 we keep granting these permissions, then it's
10 going to get worse and worse, it's what I
11 understand you are saying.

12 So that's why I just was asking
13 with respect to the general problem, if you
14 were taking a different approach than just
15 taking each establishment's application, you
16 know, piece-by-piece.

17 MR. SIMPSON: Right. So the issue
18 I would have with a legislative approach is
19 that it probably would not be able to take
20 into account the distinct character of the
21 different neighborhoods. So I think it
22 probably does have to be done sort of on a

1 neighborhood-by-neighborhood basis.

2 CHAIRPERSON MILLER: Well, that's
3 what I mean.

4 MR. SIMPSON: Oh, okay.

5 CHAIRPERSON MILLER: Your
6 neighborhood.

7 MR. SIMPSON: So like a policy
8 level approach?

9 CHAIRPERSON MILLER: I just don't
10 want to go too far on this, but I just was
11 curious that there is a general problem and
12 then there is a specific -- I'm not saying
13 there is a problem. But if you are saying
14 there is a problem, generally, then what we
15 are looking at is a specific case here.

16 And so with respect to this
17 specific case, is it your position that this
18 specific case by having 4-seats at an outdoor
19 sidewalk cafe with no hour limitation, other
20 than what is allowed by law, would have an
21 adverse impact on peace, order and quiet?

22 MR. SIMPSON: It is.

1 CHAIRPERSON MILLER: Okay. And
2 let me ask you this. Oh, go ahead, because?

3 MR. SIMPSON: And I should
4 clarify.

5 CHAIRPERSON MILLER: This
6 particular one, because --

7 MR. SIMPSON: This particular
8 case --

9 CHAIRPERSON MILLER: -- we're --

10 MR. SIMPSON: -- and particularly
11 just in those later evening hours. It is a --
12 it would constitute further, you know,
13 additional outdoor activity in a space where
14 there is already far too much outdoor activity
15 at that time of night.

16 CHAIRPERSON MILLER: Okay. So at
17 this time, I think I may have read this in Mr.
18 Molloy's report, but I'm not positive. But I
19 have the impression that, at this particular
20 time, this outdoor seating would be available,
21 there are a lot of people on the street, on
22 the sidewalk.

1 So instead of being on the
2 sidewalk, some of these people would be seated
3 at these tables.

4 MR. SIMPSON: I think it
5 actually --

6 CHAIRPERSON MILLER: Conceivably.

7 MR. SIMPSON: I would actually
8 make the argument that it would draw a net
9 additional people to the neighborhood if --

10 CHAIRPERSON MILLER: Okay.

11 MR. SIMPSON: -- it were -- if
12 this sidewalk cafe and additional sidewalk
13 cafes are allowed to operate until that late
14 at night.

15 CHAIRPERSON MILLER: No, this one.

16 MR. SIMPSON: Yes.

17 CHAIRPERSON MILLER: This one in
18 particular will draw more people than are
19 already coming to Adams Morgan?

20 MR. SIMPSON: Net additional
21 people. And as referenced by the
22 Investigator, people are queuing up outside

1 the corral, as they are referencing it, the
2 fence of the sidewalk cafe. And then you
3 have, you know, further interaction between
4 the people in the sidewalk cafe and the people
5 lining up outside of it, people hitting on
6 each other, people --

7 CHAIRPERSON MILLER: What's the
8 basis for your conclusion that these 4-seats
9 would draw more people to Adams Morgan as
10 opposed to the people there already taking a
11 seat?

12 MR. SIMPSON: When -- as people
13 become aware that another sidewalk cafe is
14 open and available for use, that's a draw to
15 come out in Adams Morgan.

16 CHAIRPERSON MILLER: Okay. Did
17 you say something about patrons having to be
18 seated at tables?

19 MR. SIMPSON: Yes.

20 CHAIRPERSON MILLER: What did you
21 mean by that?

22 MR. SIMPSON: And here we will

1 have to defer to the Board's judgment
2 somewhat. It does appear -- when the sidewalk
3 cafe was first launched and we first launched
4 our protest, the only experience that we had
5 with Madam's Organ outdoor activity was the
6 summer garden experience where patrons are
7 just seated at a bench and not at tables.

8 And we were afraid that that model
9 might be expanded in the sidewalk cafe and
10 that as a consequence of that, you would have
11 sort of just a standing and sitting corral for
12 drinking that was greatly increased in size.

13 It does appear that the applicant
14 will be putting tables out. He has done that
15 so far in the space and we would appreciate
16 that being reiterated.

17 CHAIRPERSON MILLER: Okay. We do
18 allow further questions based on Board
19 questions.

20 Do you have any further questions?

21 MR. BIANCO: No further questions.

22 CHAIRPERSON MILLER: Okay. All

1 right. Thank you very much.

2 MR. SIMPSON: Thank you.

3 CHAIRPERSON MILLER: Do you have
4 anything else, Mr. Simpson, you want to put in
5 the record, any documents or anything that
6 aren't already in?

7 MR. SIMPSON: Do you want a copy
8 of the testimony that we gave? We brought
9 copies. We didn't know if we needed to submit
10 that or --

11 CHAIRPERSON MILLER: Testimony to
12 whom?

13 MR. SIMPSON: The testimony that I
14 just gave, I brought --

15 CHAIRPERSON MILLER: Oh.

16 MR. SIMPSON: -- copies if you
17 want. I don't know what your procedure is.

18 CHAIRPERSON MILLER: We don't want
19 it in the record. We don't need it. This is
20 our record.

21 MR. SIMPSON: Thanks.

22 CHAIRPERSON MILLER: But I did

1 want your bylaws. Did you put those in?

2 MR. SIMPSON: We did --

3 CHAIRPERSON MILLER: Okay.

4 MR. SIMPSON: -- provide the
5 bylaws.

6 CHAIRPERSON MILLER: Okay.

7 Anything else? All right. Then we are ready
8 for closing. And we will start with the
9 applicant.

10 MR. BIANCO: I'll end where I
11 began. This is 4-seats. It's 4-seats on 18th
12 Street in Adams Morgan. I think what is
13 especially important to consider here is the
14 ANC's inaction. As the Board knows, the ANC
15 is entitled to great weight, just as they are
16 afforded great weight when they come in.

17 I think the Board should take it
18 very seriously that they are not here. They
19 don't have an issue with this. The ANC is the
20 actual governmental body that represents the
21 people of that neighborhood.

22 As valuable as citizens

1 associations are, ANCs are afforded a special
2 credibility. The testimony you heard today
3 indicated that RCNA is asking for reasonable
4 restrictions on hours.

5 But when the Board questioned
6 RCNA's representative about what reasonable
7 is, we learned that there is a disagreement
8 within their own organization. Half of them
9 think it should be one thing. Half of them
10 think it should be later.

11 It would be unfair to substitute
12 the judgment of the one person who showed up
13 to testify on behalf of RCNA about a decision
14 that 10 percent of their membership had the
15 opportunity to weigh in on and restrict my
16 client's business on the basis of that.

17 The establishment directly next
18 door to my client's establishment has a 20-
19 seat sidewalk cafe there, which is allowed to
20 operate to the maximum extent permissible by
21 law. And that is in the record.

22 To restrict my client's hours of

1 operation in the context of that is unfair
2 going piecemeal down the street with regard to
3 sidewalk cafes where some will be restricted
4 and others will not be restricted.

5 From a business standpoint, unfair
6 and inappropriate. To determine the
7 reasonableness of hours of operation, there is
8 one place we can look and that's the law. The
9 law sets forth operating hours. And all we
10 are asking is for what is permissible under
11 the law.

12 My client has outdoor seating.
13 They have outdoor seating that can operate to
14 the maximum extent of the hours provided for
15 by law in the form of a summer garden, both on
16 the rooftop and in the front of the
17 establishment. That's not going to change by
18 anything the Board does here today or any
19 protest RCNA may have for the sidewalk cafe.

20 The addition of four people
21 sitting down is not going to substantially add
22 to any issues that the Adams Morgan

1 neighborhood is experiencing as set forth by
2 the Board's own Investigator.

3 Another issue that I would like to
4 address is the RCNA's theory that somehow by
5 virtue of my client's status as a tavern, it
6 should be treated differently than a
7 restaurant. It shouldn't be. And there is a
8 very clear reason why it shouldn't be in this
9 case.

10 The fundamental difference, as the
11 Board knows, between taverns and restaurants
12 is a food sale requirement. Okay. When my
13 client did the conversion from a CR to a CT,
14 they entered into a voluntary agreement with
15 the ANC and that voluntary agreement, which is
16 active today, contains a food sale
17 requirement.

18 Thus, making the distinction
19 between a CR and a CT significantly less. And
20 we think that is an important consideration as
21 well.

22 The concerns we are hearing from

1 the protestants today are concerns that should
2 be addressed legislatively, because they go
3 far beyond just my client's establishment.
4 They go throughout -- they run throughout the
5 neighborhood and perhaps citywide.

6 And when you have a citywide
7 issue, the appropriate thing to do would be
8 for the Council to address the citywide issue,
9 not individual neighborhood associations who
10 admittedly have not protested any other
11 licenses, other than my client, to pick and
12 choose which ones they want to attack and put
13 at a competitive disadvantage in the
14 neighborhood.

15 CHAIRPERSON MILLER: Thank you.
16 Mr. Simpson, okay, when you are ready.

17 MR. SIMPSON: The applicant notes
18 that they are requesting just 4-seats, but
19 they also note that they are requesting 4-
20 seats in Adams Morgan. Those are two very
21 different things.

22 The applicant also asserts that

1 the ANC does not have an issue. To the
2 contrary, their letter, the ANC's letter,
3 specifically asks the application -- the
4 applicant to find earlier hours for closing
5 alcohol service of their sidewalk cafe.

6 While there is an ongoing
7 discussion at the Reed-Cooke Neighborhood
8 Association about what specific reasonable
9 hours should be for the community, there is a
10 definite agreement that the hours requested by
11 the applicant are too late.

12 The law does provide the maximum
13 possible hours, but the law also provides
14 numerous reasons for why a community might
15 seek to have those hours reduced or minimized
16 to avoid disturbances of the peace, order and
17 quiet in that community.

18 The legislative solution that
19 people are looking for exists. And an
20 important part of it is this protest process.
21 And unfortunately, there really is no other
22 way but to approach each application that

1 comes and try to address it with a consistency
2 that we certainly hope and intend to use going
3 forward.

4 I should clarify that there was
5 one other case that came up in Adams Morgan in
6 the past six months, which was the Mellow
7 Mushroom case, which RCNA did not protest
8 precisely because the applicant, in that case,
9 was willing to negotiate with the community
10 and agreed to reasonable hours of outdoor
11 service. They agreed to an 11:00 p.m.
12 standard for weekdays and 1:00 a.m. for
13 weekends.

14 And so again, we would encourage
15 and ask the Board to recognize the impact on
16 Adams Morgan of any additional outdoor seats
17 late at night and to ask the applicant to --
18 to instruct the applicant that they must end
19 their outdoor service at an earlier hour than
20 what they have requested.

21 We necessarily leave it in the
22 Board's discretion as to what that would be.

1 And we hope that as we move into the new year
2 as well, there will be opportunities to
3 continue to work constructively with you on
4 the situation in Adams Morgan. Thank you.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. At this point, I'm going to close the
7 record. Everyone indicating that everything
8 is in that they wanted to put into evidence.

9 And the parties have an
10 opportunity to file proposed findings of fact
11 and conclusions of law. It is rarely used,
12 but you have -- I want to tell you you have
13 it. This is a pretty straightforward case.
14 But if anybody would like to take advantage of
15 that, you would have 30 days to do that from
16 the time the transcript is available and
17 that's usually available, I believe, in two
18 weeks from the hearing.

19 Again, I would say it is usually
20 used where there is more complex information
21 to help guide the Board through all the
22 complex facts, but I'll leave it to you.

1 MR. BIANCO: If the Board is not
2 requesting it, we will --

3 CHAIRPERSON MILLER: We are not
4 requesting it.

5 MR. BIANCO: -- not file it.

6 CHAIRPERSON MILLER: Okay. Okay.
7 All right. So the parties waive their rights
8 to do that. And in a moment, I'm just going
9 to read our instructions for closed meeting to
10 seek any guidance from counsel and deliberate.
11 And there will be a decision issued within 90
12 days of today.

13 Okay. Are there any questions
14 before I read my closed meeting? No, okay.

15 As Chairperson of the Alcoholic
16 Beverage Control Board for the District of
17 Columbia and in accordance with ^U 405 of the
18 Open Meetings Amendment Act of 2010, I move
19 that the ABC Board hold a closed meeting for
20 the purpose of seeking legal advice from our
21 counsel on Case No. 12-PRO-00073, Madam's
22 Organ, per ^U 405(b)(4) of the Open Meetings

1 Amendment Act of 2010 and deliberating upon
2 this case for the reasons cited in ^U
3 405(b)(13) of the Open Meetings Amendment Act
4 of 2010.

5 Is there a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks is
8 seconding the motion. I'll take a roll call
9 vote on the motion.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Ms. Miller
13 agrees. Mr. Silverstein?

14 MEMBER SILVERSTEIN: I agree,
15 Madam Chair.

16 CHAIRPERSON MILLER: As it appears
17 that the motion is passed by a vote of 3-0-0,
18 the ABC Board will hold a closed meeting in
19 the ABC Board Conference Room today pursuant
20 to the Open Meetings Amendment Act of 2010 and
21 issue an order within 90 days.

22 Okay. Thank you very much.

1 MR. BIANCO: Thank you.

2 CHAIRPERSON MILLER: Have a good
3 holiday.

4 MR. BIANCO: Madam Chair, I would
5 also like to thank you for holding the
6 additional hearing day. I know from our side
7 of the aisle, the applicants really
8 appreciated that.

9 CHAIRPERSON MILLER: Well, thank
10 you. Okay.

11 MS. GALLAGHER: Happy holidays.

12 MEMBER SILVERSTEIN: Thank you all
13 and happy holidays.

14 CHAIRPERSON MILLER: Okay. So our
15 next hearing is at 11:00, so the Board will
16 take a short recess.

17 (Whereupon, the Protest Hearing in
18 the above-entitled matter was concluded at
19 10:48 a.m.)

20

21

22

A				
ABC 14:3 18:13 30:14 62:15 63:3 63:9 73:12 77:22 78:13,19 84:4 95:7 111:19 112:18,19	add 40:10 75:9 105:21 adding 22:15 83:5 addition 35:22 37:19 83:4,7 89:12 105:20 additional 21:22 36:2 71:3,4 72:4 72:10,11 73:1,18 75:3 83:9 90:8 91:7 98:13 99:9 99:12,20 109:16 113:6	aggregate 37:20 ago 47:15 48:5,7 agree 21:17 30:17 90:15 112:11,14 agreed 109:10,11 agreement 6:1,9 24:11,17 35:20 48:1,10 49:3,7 55:8,15 56:5,11 56:19 66:18 67:5 67:6,11,17,21 68:12 106:14,15 108:10	76:14 84:22 86:7 87:1 95:5 103:14 103:19 106:15 108:1 ANCs 104:1 ANC's 76:15 103:14 108:2 ANC-1C 1:8 4:2 76:1 and/or 68:1 answer 57:16 anybody 45:19 89:18 90:6 110:14 anyway 65:20 apologize 13:17 appear 41:20 101:2 101:13 appears 21:19 41:22 67:20 112:16 applicant 4:10 14:18 15:1,18 16:3 18:19 19:13 27:6 42:22 48:19 56:22 67:2 68:5 71:8,17 72:9,15 77:10,15 78:20 85:12,16 101:13 103:9 107:17,22 108:4,11 109:8,17 109:18 applicants 113:7 applicant's 13:20 23:8 27:4 48:16 55:7 56:20 68:3 68:14 application 8:9,22 15:22 16:1 30:12 37:8,11 43:16 61:19 62:10,15 63:2 70:22 71:7 74:17,17 75:21 83:3,13,16 85:11 89:3 90:15 96:15 108:3,22 appreciate 101:15 appreciated 113:8	approach 90:3 92:11 95:2,2 96:14,18 97:8 108:22 appropriate 77:12 107:7 approval 62:20 approved 35:21 48:7 approximate 41:4 approximately 39:15,16 57:21 81:3 architects 44:6 area 30:3 35:5,14 36:8,10 39:17 41:8 45:19 47:17 54:7 58:3 59:20 59:20 64:1,12 88:4 argue 11:14 14:17 78:10 91:18 argued 71:17 argument 20:17 32:1,3 74:5 86:6 93:9 99:8 arguments 19:1,17 articles 15:8 aside 7:22 66:1 asked 15:3 16:4 31:11 77:19 asking 29:11 30:15 44:10 63:20 65:4 71:10 96:12 104:3 105:10 asks 108:3 asserts 107:22 assigned 33:10 association 4:19 5:5,20 6:14 7:3,15 8:21 12:16,17,21 14:9 15:9,14 19:16 69:19 75:8 77:18 82:22 91:22 92:17 94:10,11 108:8 associations 104:1
ABRA 32:17 33:20 34:10 abstaining 22:8 abundance 25:8 acceptable 90:12 acceptance 37:7,11 accessibility 80:17 80:20 account 96:20 acknowledged 76:1 act 3:12,15 44:20 53:15 64:21 111:18 112:1,3,20 action 65:1 81:17 82:9 actions 3:1 active 36:17 55:19 55:20 67:4 106:16 activity 37:17 53:14 70:11 98:13 98:14 101:5 acts 53:21 actual 103:20 Adams 27:20 34:18 35:7,11 54:19 70:4,8,14,18 71:2 71:15 72:5,6 73:3 73:17 75:2,4,12 78:5 80:10,15,18 80:21 86:22 94:12 95:11 99:19 100:9 100:15 103:12 105:22 107:20 109:5,16 110:4	Address 9:13 10:14 13:14 14:21 51:11 106:4 107:8 109:1 addressed 11:16 34:13 35:19 48:8 107:2 addresses 7:20 48:1 adds 53:11,12 adequate 20:21 adjacent 35:17 39:13 41:15 50:15 66:18 adjudication 3:20 adjust 81:6 85:18 adjusted 52:15 adjustments 77:20 admission 55:6 admitted 56:19 admittedly 107:10 advance 18:4 advantage 110:14 adversarial 74:8 adverse 97:21 adversely 53:1,4 advice 3:18 111:20 Advisory 19:15 75:17 affect 37:8 86:2 afforded 103:16 104:1 afraid 101:8 agenda 2:19	agreements 3:19 agrees 75:18 112:13 ahead 17:12 21:20 61:14 74:14 86:16 98:2 aisle 113:7 alcohol 45:10 65:22 70:1 71:10,22 73:18 75:4,15 77:14 78:3,21 86:8,13 87:14,15 90:8 108:5 alcoholic 1:2,14,14 2:6 41:9,12 64:3 64:11 111:15 alcove 47:16 alley 61:1 allow 71:21 78:21 101:18 allowable 29:13 allowed 97:20 99:13 104:19 allows 93:1 ambiance 53:11 Amendment 111:18 112:1,3,20 amount 22:1,14 36:6 37:16 41:5 44:5 63:6 ANC 21:3 28:7 30:7,9,13 31:2,6 31:14 49:17 51:11 51:13,17 76:6,7		

107:9 Association's 70:21 assume 4:4 84:22 assumed 32:18 43:1 69:11 assumption 32:8 attached 22:22 attack 107:12 attend 31:17 attendance 2:15 attorney 3:17 14:3 attributed 34:19 35:12 August 30:10 75:20 81:19 available 2:19 98:20 100:14 110:16,17 average 41:4 avoid 3:5 35:5 73:1 108:16 aware 2:20 13:22 16:3 25:8 30:13 31:2 73:6 83:17 84:2 88:14 100:13 awkward 45:20 62:20 aye 22:5,6 a.m 2:2 36:18 49:21 78:7 92:15 92:21 95:17 109:12 113:19	53:9 basis 9:20 11:7 81:5,6 97:1 100:8 104:16 began 103:11 beginning 17:17 behalf 19:9,16 104:13 believe 15:16,20 52:6 55:15 59:22 82:2,21 88:21 110:17 believes 75:9 bench 39:14,16 46:15 47:9,16 58:21,22 59:14 101:7 best 14:8 76:15 beverage 1:2,14,14 2:7 41:12 111:16 beverages 41:10 64:4,11 beyond 10:20 36:2 89:5 90:14 107:3 Bianco 4:8,10 6:4 7:10,16 12:19 13:1,4,7 16:15 23:18 24:1 25:1,6 26:3 27:9,13,17 31:1 40:17,20 41:6,14 42:2,12 42:14 43:6,10,15 43:19 44:1,9,12 44:15 46:2,7,18 47:3,18,22 48:15 48:21 49:2,6 50:9 50:14,18,22 51:3 51:5,10 52:2,17 52:22 53:5 54:12 55:5,18 56:9,13 66:13 67:4,18 68:13 73:20 74:4 76:3,5,11 79:19 80:1,6,16,22 81:7 81:12,22 82:5,11 83:2,12,19,21 84:10,18 85:3	101:21 103:10 111:1,5 113:1,4 big 51:3 84:7 bigger 48:12 Bill 4:12,14 23:21 42:15,20 43:8 Billy 4:18 69:9,18 bit 24:20 29:9 41:15 47:7 62:20 black 47:6 blends 40:11 59:1 block 33:22 36:6,19 88:4 89:18 board 1:2,14,15 2:7 3:14 4:9 10:1 11:15 12:4,16,21 14:15 15:22 16:7 17:5 18:1 23:4,7 24:3 29:3 30:14 32:17 33:6 37:3,3 48:4,7 49:14 57:6 63:19 67:12 70:7 71:11,16 72:2 73:6 77:22 78:5 78:12,13,19 81:17 82:4 84:4 85:1 95:7 101:18 103:14,17 104:5 105:18 106:11 109:15 110:21 111:1,16,19 112:18,19 113:15 Board's 18:11 31:3 67:22 101:1 106:2 109:22 body 15:6,13 20:11 74:7 103:20 Boettrich 31:14 Bossa 24:15 28:21 50:21 66:19 67:6 Boston 80:9 bought 80:15 boundaries 60:14 60:15 boundary 47:19 boy 49:20 break 36:16 53:8	BRIAN 32:16 brick 47:12 brief 26:20 27:10 29:18 briefly 7:11 9:10 37:5 bring 63:8 Brooks 1:21 2:13 21:11,13 38:10,11 38:15 39:4,8,20 57:7,10,11,15 58:2,5 61:9,11,12 61:15 63:15 64:7 64:14 85:5,6,21 86:12 87:17 112:6 112:7,10,11 brought 102:8,14 building 46:10,11 46:17 47:13,20 48:6 59:13 built 60:22 business 53:2,4 86:10 87:16 93:16 104:16 105:5 busy 14:12 bylaws 10:7,18 15:8,20,20 16:5,6 20:6,13,15,18 103:1,5	100:2,4,13 101:3 101:9 104:19 105:19 108:5 cafes 30:4 52:10 72:16 73:14 75:8 75:16 78:16 84:9 86:4,21 88:5,7 92:4 95:7 99:13 105:3 calculated 81:3 calendar 2:8,18 3:22 call 3:7,21 23:20 32:12 112:8 called 22:16 28:21 32:17 42:21 69:10 calling 9:8 calls 42:15 camel's 90:19 capacity 14:8 48:14 carried 10:6 24:17 carrying 9:9 cars 36:12 40:9 case 1:9 3:8,13,17 3:22,22 4:4 8:12 23:8,9 30:8 32:22 34:14,14 40:22 42:13 65:21 66:12 68:14 74:7,9,13 92:7 97:15,17,18 98:8 106:9 109:5 109:7,8 110:13 111:21 112:2 cases 12:6 cause 35:3 caution 25:9 cell 3:4 certain 3:5 16:1 24:4 34:12 38:18 73:14 certainly 26:17 87:5 109:2 Chair 2:13 4:9 16:15 21:15 25:12 31:1 38:8,12 51:19 58:6 61:15 64:15 82:12 83:14
B			C	
back 14:19 28:16 46:10 62:21 background 74:14 bad 93:22 94:6 balance 71:7 93:1 93:10,18 94:3 bales 57:19 bar 43:12 58:8 barn 46:14 based 21:2 37:6 41:1,2 80:17 101:18 basically 52:13			cafe 1:11 22:16 24:10,16 27:19 28:22 29:12 30:16 33:7,11 34:3,12 35:18,22 36:4 38:13 39:1,3,13 41:8,13 43:17,21 44:13 45:8 51:1 52:4 53:1,11 54:16 59:4 61:20 62:16,21 63:9 64:2 66:20 70:2 71:9,14,19,22 72:11 77:14 78:22 83:13,16 84:12 87:11 97:19 99:12	

85:7 87:18 112:15 113:4 Chairperson 1:16 1:20 2:3 4:15 5:6 5:10,12,21 6:6,10 6:15 12:12,22 13:2,6,9 16:9,13 16:17,22 17:7,10 17:19 18:2,8,18 19:4,8,12,19 21:12,16 22:2,7 23:22 24:22 25:2 25:10 26:16,21 27:11,15 29:15,19 30:22 31:5,18,21 32:11,21 33:4,14 33:18 36:21 37:2 38:9 40:2,14,18 42:4,8,11,17 43:3 50:10 55:12 56:2 56:10,14,17 57:2 57:5,9 58:7,12,15 59:3,7,11,15,21 60:2,6,16,20 61:2 61:6,10,14 63:14 64:16 65:6,10,19 66:5 67:16,19 68:7,11,15,18,20 69:3,6,14,16 74:1 74:11 76:10,13,18 76:20 77:1,7 79:4 79:8,12,16 85:5 87:19 94:8,19 95:18,22 96:2,6 97:2,5,9 98:1,5,9 98:16 99:6,10,15 99:17 100:7,16,20 101:17,22 102:3 102:11,15,18,22 103:3,6 107:15 110:5 111:3,6,15 112:7,12,16 113:2 113:9,14 chairs 39:2 challenge 11:10 challenged 20:9 chance 7:6,7 13:12	14:20 change 1:10 52:9 54:20 55:16 74:18 105:17 character 95:12 96:20 characterization 76:9 checked 34:21 choose 107:12 Christmas 25:14 90:20 Circle 78:14 95:3 95:12 citations 12:6 cited 10:7 112:2 citizens 15:14 94:10 103:22 city 52:11 64:1 93:9 93:11,21 94:3 citywide 107:5,6,8 clarify 63:20 84:3 98:4 109:4 clarity 82:8 clear 9:19 38:13 94:18 106:8 clearly 59:1 70:3 client 28:15 105:12 106:13 107:11 client's 28:1,10 29:3 104:16,18,22 106:5 107:3 climate 54:20 climb 45:22 close 52:11 53:1 86:1,21 88:12,20 88:22 94:15 95:7 110:6 closed 3:16 10:3 111:9,14,19 112:18 closer 5:14 closes 55:2 closing 23:9 54:10 78:16 83:8 89:14 103:8 108:4 Cohen 12:7	Colin 72:3 colleagues 19:22 Columbia 1:1 2:6 111:17 come 3:8 16:4 34:9 52:6 54:4 63:8 73:13 84:5,16,20 86:20 92:18 93:2 94:2 95:14 100:15 103:16 comes 14:5 26:7 62:4 90:4 93:5 109:1 comfortable 5:17 68:22 92:10 comfortably 39:18 coming 29:10 63:22 65:16 74:20 80:4,9 88:1 99:19 comment 31:22 comments 21:14 22:3 30:21 Commission 19:15 75:17 Commissioner 51:19 52:18 87:2 Commissioners 31:15 51:21 Committee 95:6 community 15:15 30:20 72:22 75:10 75:11 77:11 90:12 108:9,14,17 109:9 community's 30:5 compelling 78:11 competitive 54:14 86:3 107:13 complained 61:3 complaints 60:4 complete 33:10 36:22 66:12 79:13 completed 73:8 completes 79:15 complex 110:20,22 compromise 72:15 85:17 Conceivably 99:6	concept 64:20 concern 38:3 78:1 88:2 90:17,21 91:2 concerned 34:10 94:12 concerning 55:16 concerns 14:21 38:6 106:22 107:1 concluded 113:18 concludes 68:13 conclusion 77:9 100:8 conclusions 110:11 conditions 70:18 condos 61:1 conduct 70:12 Conference 112:19 confines 48:6 confirm 24:2 confusion 24:20 congestion 35:3 36:14,17,19 consequence 73:11 73:16 75:1 101:10 consider 28:6 29:3 103:13 considerable 22:1 37:16 consideration 106:20 considered 11:19 11:20,21 consistency 109:1 consistent 3:14 consists 39:14 constitute 98:12 Constitutional 11:14 constructed 44:13 44:17 construction 65:2 constructively 110:3 consult 3:17 consumed 41:13 64:12	consuming 41:9 consumption 73:19 75:4,15 77:13 78:2,21 79:1 87:15 90:9 contacted 51:18 contain 49:7 66:19 contains 106:16 contemplated 8:16 52:3 contend 11:4 13:7 contends 15:18 content 18:20 contention 9:5 context 71:1,18 74:20 105:1 continue 70:14,18 73:15 85:1 110:3 contrary 71:21 72:6 108:2 contributed 36:8 control 1:2,14,14 2:7 70:12 111:16 conversion 106:13 Cooke 23:16 copies 2:18 16:6 102:9,16 copy 15:19 16:5,6 16:16 20:15 31:4 31:7 64:18 102:7 Corp 43:14 corporate 10:9 Corporation 1:6 4:11,14 42:16 corral 58:3 59:20 100:1 101:11 correct 3:11 6:1 19:5 33:1,3 37:19 43:18 44:11 46:6 47:21 50:16,17 55:17,18 58:4 82:18 95:2 correctly 7:17 40:4 82:13 Council 107:8 counsel 28:11 42:21 111:10,21
---	--	---	---	---

couple 9:12 40:17
84:5 89:8
course 34:5,16
court 2:21 11:17
covered 41:21
CR 106:13,19
craziness 93:5
creates 53:17
credibility 104:2
criminal 53:14
70:11
criminals 53:15
cross 57:3,4,5
79:17
CROSS-EXAMI...
40:19 79:18
cross-examine 23:4
crowd 70:12
CT 1:8 106:13,19
cumulative 74:13
96:8
curious 97:11
currently 37:13
62:18
cutoff 78:6

D

D 43:8
damage 71:4
dark 58:19
dated 55:19
dates 49:22
day 10:11,15 16:16
18:5 113:6
days 10:21 15:11
16:18 17:12 20:7
20:9,20 110:15
111:12 112:21
daytime 75:10
deal 6:17 7:21 75:9
dealing 27:17,18
deals 8:3,3
December 1:13 2:4
75:22 86:7
decided 31:16 76:8
decision 3:19 80:17
80:20 81:15 92:18

104:13 111:11
deck 58:14
defer 101:1
definite 108:10
definitely 88:16,22
definition 74:18
deliberate 3:19
111:10
deliberating 112:1
deliberations 91:21
delivered 11:3,3
denied 13:21
deny 20:1 21:7
Department 61:17
depending 6:20
24:2
describe 46:8 47:4
described 70:7
designated 41:8
design-wise 46:13
desk 2:20
destination 95:14
destroy 70:3
deteriorate 73:4
determine 14:16
34:1 105:6
determined 44:5
devices 3:4
die 93:14
difference 106:10
different 24:14
65:15 89:10 95:11
96:14,21 107:21
differentiate 12:20
differently 106:6
digest 13:13
digress 49:12
dine 95:14
diners 93:2
dining 54:6
dinner 93:2
direct 43:5 53:6
directed 34:1
directly 24:9 35:16
39:11,13 50:15
60:12,18 74:5
104:17

disadvantage 54:14
107:13
disagreement
104:7
discern 41:16
discernible 37:12
38:1 40:11
discretion 109:22
discuss 3:18
discussion 85:15,19
92:2,17 108:7
discussions 85:11
disingenuous 29:10
Dismiss 6:22 20:2
21:8
dismissal 12:10
disorderly 70:11
dispute 9:17
disruptive 3:1
distinct 96:20
distinction 106:18
District 1:1 2:6
111:16
disturbances
108:16
document 48:16,18
48:22 56:21 66:21
67:1 68:4
documentation
10:9,19 16:21
documents 46:19
102:5
doing 44:18 64:6
90:21
dominated 36:10
Donald 1:21 2:13
door 24:9,16 28:21
55:2 104:18
doors 10:3
dozens 90:7
drafted 51:16
draw 99:8,18 100:9
100:14
draws 93:20
drink 45:9 64:3
95:15
drinking 101:12

drive 87:16
due 30:8
dues 81:3,4
Duggan 4:12,13,14
6:2,8 23:19 31:9
31:19 32:9 42:15
42:20 43:6,8,8,13
43:15,18,22 44:2
44:11,14,16 46:2
46:6,9 47:2,6,21
48:3 49:1,5,10
50:12,14,17,21
51:2,4,8,15 52:5
52:18 53:3,6
54:17 55:6 56:15
57:12,14,18 58:4
58:7,10,13,16
59:5,9,12,18,22
60:5,8,19,22 61:5
61:16,22 63:17
64:8 65:4,7,11
66:4 86:7
Duggan's 85:22
duly 32:18 42:22
69:11
duly-called 10:17
15:7,10
Dupont 78:14 95:3
95:12
D.C 1:15 80:9

E

earlier 14:15 30:15
52:11 53:1 73:7
77:12 86:1 94:15
108:4 109:19
echo 25:13
effect 34:2 37:12
56:12 83:1
effecting 56:5
efforts 94:5
eight 39:18 80:4,5
Eighteen 78:4
either 49:18 67:6
elaborate 30:21
elected 79:21 84:22
electronic 3:3

elements 95:13
email 17:2 31:13
emanating 36:9,12
emphasize 15:4
18:16 74:16 77:9
employs 36:16
enclosed 45:15
encourage 109:14
enjoy 93:3
ensure 3:10 10:4,5
71:13
ensuring 75:12
enter 3:15
entered 5:22
106:14
entertainment
93:11,12
entire 29:20 35:7
entirely 21:18
entitled 103:15
environment 69:22
70:5,8 71:15 73:3
83:11 91:5
erroneously 62:14
especially 28:5
36:17 37:22
103:13
essentially 45:7
53:21 57:19 62:2
63:11
establish 77:12
78:15
establishment
22:18 24:8,13,15
28:1,17,20,21
29:4 30:19 34:2,2
34:11,17,22 38:21
39:12 40:6,21
41:22 46:5 47:1
50:15,20 51:1
52:8 53:8 54:9
56:6 60:21 66:18
67:5 74:6 82:17
82:21 90:4 104:17
104:18 105:17
107:3
establishments

28:2,3 30:3 36:12
40:8 52:12 71:21
73:12 88:3,7,17
89:13,16,21 94:15
establishment's
42:1 78:8 96:15
etcetera 21:3
evaluate 74:19
evening 25:20
31:13 54:22 70:15
75:10 93:3 98:11
evenly 92:5
eventually 73:17
75:2
everybody 54:8,9
93:13
evidence 20:19
26:17 28:7 32:3,6
55:9 57:1 68:6
82:13 110:8
exact 45:1
exactly 7:13 60:15
EXAMINATION
43:5
examined 32:19
43:1 69:12
example 95:3
excitement 93:20
executive 9:15,19
9:22 10:18 11:4
12:16,21 18:1
20:10 81:17 82:4
85:1
exhibit 24:12 48:19
56:20,22 57:12
67:2 68:3,5
exhibits 22:22
46:21
exist 70:14,18
existence 74:21
existing 22:17
24:19
exists 31:4 108:19
expanded 101:9
expect 86:18 92:16
expecting 84:19
expensive 63:12

experience 14:10
37:6 101:4,6
experienced 82:20
experiencing 106:1
expired 63:16
expires 62:11 64:21
explain 63:19
exploring 66:6
expressed 13:4
72:14
extending 59:16,19
extensive 22:14
extent 18:11 55:8
104:20 105:14
extremely 28:19
64:10
eyes 53:18 54:11

F

face 9:6
fact 17:4,6 20:9
29:20 30:8 52:16
67:7 110:10
factor 10:15,16
28:20
factors 8:11 9:3,5
9:17
facts 24:4 110:22
fair 14:20 25:21
94:3
fairly 78:3 92:5
familiar 67:10
far 34:10 87:21
88:3 97:10 98:14
101:15 107:3
fast 29:22
favor 22:5
feature 73:9
features 28:1
February 55:19
feel 13:13 23:11,12
27:2 51:22
feeling 53:9 65:8
feels 92:22
feet 28:3 39:16 55:4
60:1
fellow 17:5

fence 100:2
file 18:13 31:3
110:10 111:5
filed 6:22 7:17
28:16 30:12,14
32:22
final 11:8 92:18
Finally 29:2
financial 14:2
find 14:11 49:14
71:6 72:15 87:5
108:4
findings 110:10
fine 69:7 92:20
finish 91:10
finite 22:12
first 2:9,10 3:22 5:3
5:19 6:17 13:16
22:20 23:5 32:18
37:2 41:2 42:22
52:20 69:11 83:15
84:12 87:22 95:10
101:3,3
fit 39:18
five 27:12
fix 94:22
flags 38:3
Flast 12:7
floor 41:21
flying 65:16
focus 7:22 65:20
focused 26:12 96:3
follows 32:20 43:2
69:13
follow-up 64:17
food 45:9 64:3
86:14 87:4 106:12
106:16
foot 45:19
forbid 90:18
force 35:4 93:5
foregoing 78:18
form 8:4 9:20
18:10,14 105:15
forth 9:3 105:9
106:1
Fortunately 26:11

77:22
forward 3:8 11:7
12:11 26:1 27:2
62:9 73:13 85:19
92:3 109:3
found 80:11,14
four 22:17 27:19,20
27:21 37:19 38:20
40:10 44:8,10
105:20
frame 30:11
free 13:14 23:11,13
27:2
Friday 35:8 37:22
78:7
Fridays 85:13
friends 80:8
front 39:11 45:17
45:17 46:11,12,16
46:16,22 47:11
53:11,15 57:12
105:16
full 25:17 93:5
fully 14:21 15:17
fundamental 90:1
106:10
fundamentally
30:17 89:11 91:6
further 31:11
34:16 38:7 42:3
59:16,19 85:20
90:2 92:17 98:12
100:3 101:18,20
101:21

G

Gallagher 5:2,3,8,9
5:11,11,15,18
17:14,20,22 18:3
113:11
garden 29:5,6,7,12
35:16 39:5,6,17
41:15 46:4,4,8
47:5,19 48:2,4
49:9,12,18 51:22
53:21 58:8 59:6,8
101:6 105:15

gathering 34:17
gatherings 35:2
ge 104:9
general 31:22 36:6
40:7 86:20 94:13
94:14,16 96:13
97:11
generally 97:14
generated 40:10
generous 72:1
getting 86:16 89:4
89:14
Ghana 24:16
give 7:11 8:11 18:5
20:14 26:8 37:15
91:19
given 37:21 72:19
74:5
gives 8:7
giving 74:14
go 5:18 11:7 12:13
13:10 44:21 55:2
61:14 69:1 74:14
93:13 97:10 98:2
107:2,4
God 90:18
goes 10:20
going 3:21 4:5 8:12
12:11 14:22 23:19
24:6 26:13 32:13
42:18 46:18 48:15
53:7 63:11 66:2
66:10,22 73:20
76:3 86:10 91:14
91:17 92:3 95:17
96:10 105:2,17,21
109:2 110:6 111:8
good 2:3 4:8,13,15
4:17 16:10 22:2
42:17 64:17 69:15
69:16 80:8,20
94:1 113:2
governmental
103:20
grant 78:19 91:15
91:17
granted 89:3

grateful 15:2
great 30:22 36:21
 60:11 75:9 80:10
 103:15,16
greatly 53:4 101:12
group 10:5,5 92:13
guess 69:3 91:9
guidance 111:10
guide 110:21
guys 93:22 94:1,6

H

Hager 23:21 66:17
 67:18
Hager's 25:5
half 88:4 89:18
 92:9,12 104:8,9
Halloween 47:11
hand 25:22 96:7
happening 94:12
happy 113:11,13
hard 47:7
hate 90:18
hay 57:19 59:12
Hayes 12:7
hear 7:8 12:14
 13:10 22:20 66:2
 96:8
heard 19:17,21
 35:18 36:7 49:14
 104:2
hearing 1:8,15 2:15
 2:18 3:2,13,17
 6:13,19,20 8:18
 14:6 21:21 22:11
 25:17,18 26:12
 31:17 41:2 45:7
 62:4 65:16,17
 96:4 106:22
 110:18 113:6,15
 113:17
hearings 2:8
heaven 93:13
heavy 35:9
held 9:16 10:2,17
 14:7 15:5
help 110:21

highlight 7:12
 33:18 87:6
highlighted 72:8
highlighting 23:2
highlights 13:19
 33:5
highly 86:5
hire 14:3
history 28:9 72:17
 74:19 78:1 84:15
hitting 100:5
hold 111:19 112:18
holding 113:5
holds 14:15
holiday 113:3
holidays 113:11,13
home 80:11,15
honestly 45:2
hope 75:11 109:2
 110:1
hour 79:2 86:22
 88:9 89:18 90:5
 91:15,16 93:6
 97:19 109:19
hours 24:11 28:22
 29:8,11 30:15
 49:8,17,21 50:1,2
 50:4 51:6,7 52:9
 54:10,21 66:20
 67:12 70:15 71:11
 71:19 72:22 73:2
 75:14 77:12,21
 78:2,15 79:6,9
 83:8 85:8,8 86:1,9
 88:20 89:14,21
 90:10 92:3,7,8
 95:4 98:11 104:4
 104:22 105:7,9,14
 108:4,9,10,13,15
 109:10
hundred 73:18
 75:3

I

iconic 72:17
idea 8:12,19 65:7
identification 8:14

48:20 67:3
identified 19:5
 55:10 71:16
identifies 20:22
IDs 34:21
illustrate 46:20
immediate 27:22
 54:15
impact 22:15 33:7
 53:2,4 65:21
 86:10 96:4 97:21
 109:15
implementation
 62:10
implicit 13:8
important 28:6,19
 29:2 103:13
 106:20 108:20
imposed 78:5
impression 98:19
inaction 103:14
inappropriate 72:5
 76:12 105:6
increase 72:21
 73:15
increased 101:12
indicated 85:17
 104:3
indicating 110:7
individual 107:9
inevitable 73:16
 74:22
inexperienced
 18:13
information 8:4,6,7
 18:10,15 20:5
 65:15 67:13
 110:20
initial 85:14
inside 41:17 45:19
 46:16 54:9
instance 91:3
instruct 109:18
instructions 111:9
insufficiency 8:5
insufficient 11:5
insurance 62:6,7

intend 86:18 109:2
intended 23:20
intends 63:7 86:19
intent 72:6
interaction 100:3
interested 33:7
interruption 3:6
introduce 2:10
introductions 4:6
investigation 22:21
 33:11,20 38:19
 41:17
investigative 26:7
 55:11,13
investigator 22:20
 32:16 33:2,9,17
 33:19 37:1,10,18
 38:5,12,14,17
 39:7,10,22 40:13
 41:1,11,19 42:7
 42:10 67:14 70:16
 74:16 99:22 106:2
investigators 33:20
 41:3
investigator's 19:2
 21:4 46:19 87:7
involved 43:16
issue 8:3,4,8 9:1
 11:8,12,15,16
 12:8,9 26:19
 27:18 30:20 31:20
 34:9 48:2,9,10
 52:8,21 66:14,14
 83:5 84:7 96:17
 103:19 106:3
 107:7,8 108:1
 112:21
issued 44:19
 111:11
issues 7:21 8:2
 14:18 15:1 26:13
 29:6 52:3 63:7
 105:22

J

January 79:22
jobs 93:20

judgment 101:1
 104:12
judicial 24:4 25:1
 66:15 67:7 68:1
July 62:22,22
June 62:22
jurisdiction 11:18
 12:2,3,4
jurisprudence
 11:14
justifies 12:10
justify 95:16

K

Kadi 78:4
Kathy 31:14
KCA 5:22 7:18,21
 28:8 45:6
keep 28:6 96:3,9
kind 53:13 64:22
 66:1
kindness 26:4
knew 68:9
know 7:6,12,13
 10:1 13:14 16:18
 17:3 18:4,5 19:17
 22:13 23:15 26:5
 26:9,19,22 27:2
 44:6 45:20 46:16
 48:14 53:14,16
 54:5,19,22 55:4
 57:16 58:17 59:13
 60:8,15 62:3,7,16
 63:17,18,22 64:10
 65:11,13 66:6
 69:7,7 86:9 91:10
 91:12 93:6,12
 95:1 96:8,16
 98:12 100:3 102:9
 102:17 113:6
knowledge 51:6
 88:19
knows 67:13
 103:14 106:11

L

Lack 6:22 20:2
 21:8

Lanning 51:19,20	Likewise 8:13	38:8,12 58:6	15:11 17:16 19:14	85:13 89:1 92:8
largely 30:8	Limine 6:21 20:2	61:15 64:15 85:7	20:6,10,11 21:19	92:14,21 95:8
larger 36:6	21:7	87:17 112:15	25:15 30:9 31:11	MIKE 1:22
late 13:18 25:20	limit 49:17 71:18	113:4	31:12,15 51:17	Miller 1:16,20 2:3
28:16 70:4,8,15	71:19 75:14	Madam's 1:7 2:9	75:20,22 76:12	2:12 4:15 5:6,10
70:19 71:2,15	limitation 97:19	4:1,11 24:9 30:18	81:19,20 82:9	5:12,21 6:6,10,15
72:22 73:2 75:12	limited 7:14 14:8	33:11,21 34:19	86:7 111:9,14,19	12:12,22 13:2,6,9
83:10 90:9 99:13	22:14 27:12,18	35:12,15,20 36:10	112:18	16:9,13,17,22
108:11 109:17	line 34:20 35:3 42:1	43:11 50:15 55:20	meetings 3:12,15	17:7,10,19 18:2,8
latest 89:17 90:5	59:13 76:22	70:21 72:16 77:14	9:22 14:15 17:12	18:18 19:4,8,12
91:16	lines 47:19	82:16,20 101:5	18:1 21:3 51:13	19:19 21:12,16
launched 101:3,3	linger 93:3	111:21	111:18,22 112:3	22:2,7 23:22
law 29:14 50:5	lining 100:5	main 90:17	112:20	24:22 25:2,10
88:13 97:20	literally 45:21	maintain 29:5	Mellow 109:6	26:16,21 27:11,15
104:21 105:8,9,11	litter 70:11	48:13 62:7	member 1:21,22	29:15,19 30:22
105:15 108:12,13	little 24:20 41:15	making 74:7,13	4:20 5:13,16 17:5	31:5,18,21 32:11
110:11	47:7,9,16 58:18	106:18	21:10,11,15,17	32:21 33:4,14,18
learned 104:7	62:20 91:8 93:4	Marcoup 65:13	25:12 37:5,14	36:21 37:2 38:9
leave 7:21 33:14	96:3	marginal 72:21	38:2,7,11,15 39:4	40:2,14,18 42:4,8
109:21 110:22	live 60:12 93:10	mark 66:22	39:8,20 57:7,11	42:11,17 43:3
left 2:14	liveable 93:17 94:4	marked 46:21	57:15 58:2,5 61:9	50:10 55:12 56:2
legal 3:18 14:10	lived 80:2	48:19 56:21 67:2	61:12,15 63:15	56:10,14,17 57:2
74:8 111:20	lively 94:3	68:4	64:7,14 80:12	57:5,9 58:7,12,15
legislative 74:7	lives 14:13	marking 48:16	85:6,21 86:12	59:3,7,11,15,21
94:21 95:2 96:18	LLC 72:3 78:4	matter 1:5 12:3,4	87:17,21 88:8	60:2,6,16,20 61:2
108:18	located 33:21 35:16	14:10 18:12 34:14	89:2,17 90:13	61:6,10,14 63:14
legislatively 52:15	39:9,11 57:17	72:2 78:4 94:2	91:9 93:7 112:6	64:16 65:6,10,19
107:2	location 60:9	113:18	112:11,14 113:12	66:5 67:16,19
leniency 18:12	loitering 34:7	matters 14:4 18:13	members 2:10 4:9	68:7,11,15,18,20
letter 30:14 31:2,6	long 15:6 29:21	Maureen 5:3,8,10	10:1 14:9 15:14	69:3,6,14,16 74:1
51:12,14,16 76:14	36:20 72:17 78:1	5:11	37:4 57:6 80:22	74:11 76:10,13,18
76:17 77:2 108:2	79:19 80:1	maximum 29:13	81:4,13 82:2,4	76:20 77:1,7 79:4
108:2	longer 38:18	89:19 104:20	92:10	79:8,12,16 85:5
let's 16:17	look 28:8 38:4	105:14 108:12	membership 82:8	87:19 94:8,19
level 53:12 97:8	46:13 47:14 58:19	Mayor's 49:21	104:14	95:18,22 96:2,6
license 1:9 4:2	58:21 105:8	ma'am 33:9	memory 82:3	97:2,5,9 98:1,5,9
24:16 55:17 72:9	looking 28:14	mean 27:5 47:7	mentioned 61:17	98:16 99:6,10,15
81:15	97:15 108:19	53:19 65:8 68:1	82:11 85:7	99:17 100:7,16,20
licensed 28:2 30:3	lose 44:21	97:3 100:21	merely 8:10	101:17,22 102:3
89:9	lot 25:16 40:22	means 14:2	merits 6:18,19	102:11,15,18,22
licensee 4:7 7:1	53:20 54:20 98:21	meant 66:7	22:11	103:3,6 107:15
13:12 20:15 23:17	loud 34:6	mediation 18:22	Merry 90:20	110:5 111:3,6
27:6 40:15 42:14	love 93:12	meet 9:16 11:5 20:8	met 1:14 9:6 44:4	112:7,12,12,16
88:5 89:3		77:17	51:19	113:2,9,14
licenses 107:11	M	meeting 1:3 2:6	Michael 2:14	mind 28:6 95:16
lies 41:17 47:19	Madam 4:8 16:15	3:16 9:8,15 10:18	middle 14:12 57:22	minimized 108:15
life 75:10	21:15 25:12 31:1	11:4 15:5,6,7,7,10	midnight 26:2	minutes 26:10

27:12 29:21 missed 79:5 model 86:11 101:8 modest 90:16 Molloy 26:5 32:12 32:14,16 33:2,9 33:17,19 37:1,6 37:10,18 38:5,14 38:17 39:7,10,22 40:2,13 41:1,11 41:19 42:10 45:11 63:22 70:17 Molloy's 98:18 moment 38:18 111:8 Monday 31:12,13 51:21 78:6 monitored 33:21 monitoring 34:1,6 34:17 35:6 36:1,5 41:5 month 18:4 months 44:20 61:21 64:21 109:6 Moratorium 72:7 72:12 75:5 Morgan 27:20 34:18 35:7,11 54:19 70:4,8,14 70:19 71:3,16 72:5,7 73:3,17 75:2,5,13 78:5 80:10,15,18,21 86:22 94:13 95:11 99:19 100:9,15 103:12 105:22 107:20 109:5,16 110:4 morning 2:4 4:8,13 4:16,17 9:10 31:6 36:18 42:17 51:12 69:15,16 motion 6:17,17,20 6:21 7:5,6,11,18 7:20 8:1 9:11 10:8,12 13:20 14:5,7 15:2 20:2	21:7,13 22:4,8 112:8,9,17 move 5:13 20:21 21:6,20 22:10 26:1,13 55:6 62:9 80:6 110:1 111:18 moved 55:9 80:11 85:19 Moye 51:20 MPD 36:15 Mushroom 109:7 music 35:18 36:11 40:9 mustard 50:7,7	96:21 neighborhood-by... 97:1 neighbors 54:15 60:11,17 net 99:8,20 never 10:10,19 nevertheless 72:13 new 46:14 49:20,21 50:4,5 59:20 73:13 75:8 90:3 110:1 nice 54:22 80:11,15 93:3 nicely 19:2 night 7:2 13:18 25:14,21 37:21 51:21 70:4,8,19 71:2,15 72:22 73:2 75:12 83:10 90:10 98:15 99:14 109:17 nightlife 80:18 nights 35:9 noise 35:14 36:2,7 36:8,9,11 40:10 40:12 70:11 noises 3:1 34:6 noisy 40:7 normally 26:9 37:21 north 50:18 nose 90:19 note 3:7 70:16 107:19 noted 7:17 23:20 30:2 82:13 notes 107:17 notice 8:8 10:15,22 11:2,3 15:11 16:16,19 17:2,11 20:20 21:2 24:4 35:6 41:9,12 66:15 67:7 68:1 77:2 noticed 34:18 notified 38:21	notify 82:8 notwithstanding 73:22 75:4 number 37:20 38:13 44:16 82:4 88:6 91:14 numbers 53:7 81:6 numerous 89:12,15 108:14 nutshell 53:10 NW 1:8 N.W 1:15 4:2	21:12 22:2,3,10 22:17 24:22 25:10 26:16,21 27:3,15 29:19 30:22 31:18 32:11,21 33:4,17 37:2 38:9 39:4,20 40:14,14,18 41:6 42:2,4,8,11,14 43:4 44:1 50:9 51:5 55:12 56:3 56:10,14,17,17,18 57:6,9,15 58:2,6 58:15 59:15 60:2 61:2,6 64:7,14 65:6,10,19 66:7 67:19,19 68:7,12 68:15,19 69:5,14 74:14 76:10,13 77:7 79:13 81:12 83:7 84:18 86:12 91:14 92:13 94:21 96:6 97:4 98:1,16 99:10 100:16 101:17,22 103:3,6 106:12 107:16 110:5 111:6,6,13 111:14 112:22 113:10,14 old 46:14,14 93:13 once 35:10 38:21 63:22 ones 60:12 107:12 ongoing 81:6 91:21 108:6 open 3:12,13,15 15:14 29:13 86:14 88:21 90:22 100:14 111:18,22 112:3,20 opened 47:14 opening 23:6 27:4 27:5,7 29:16 82:12 operate 28:17 45:8 46:4 49:8 51:1 88:10 99:13 104:20 105:13
	N		O	

operates 24:10	98:14,20 101:5	79:10,12 100:17	58:22	21:22
operating 24:14	105:12,13 109:10	101:6	pictures 45:16	premises 47:5
29:6 64:6 72:9	109:16,19	pause 66:10	46:22	preparing 8:18
88:15,18 105:9	outside 34:18 37:20	pay 81:4	piece 3:9	present 1:18 42:12
operation 29:8	37:21 41:20 51:21	paying 93:19	piecemeal 52:15	92:10
49:18 51:7 105:1	55:1,2 99:22	peace 22:15 33:8	105:2	presented 19:1
105:7	100:5	34:3 37:8,12	piece-by-piece	20:5
opportunities	overlap 71:14	65:21 69:22 70:3	96:16	presenting 32:1
110:2	83:10	70:5,9 71:1,4 76:2	PIF 19:6 20:21	presently 38:15
opportunity 9:10	overlook 72:20	91:5 96:7 97:21	23:20 24:8	46:12
23:3 30:11 69:20	overrule 74:12	108:16	place 46:13 105:8	president 4:14,18
75:21 76:8 104:15	owner 43:14	pedestrian 35:9,10	placed 35:15	5:4,19 42:15
110:10		36:7 70:13	plead 18:11	43:13 69:18 79:20
opposed 12:17	P	pedestrians 36:13	please 2:20 3:4,7	83:17 84:16,21
20:10 22:8 74:8	pagers 3:4	pending 34:15	5:7 43:7 46:7	presiding 1:16
100:10	paid 81:4	people 26:1 37:19	point 32:12 46:21	presumably 18:17
opposition 7:7,9	pants 65:17	37:20 39:18 40:9	74:15 76:21 77:4	pretty 7:5 9:18
9:11 10:8,14 11:2	paper 3:9	44:6 45:15 46:1	90:2 110:6	22:12 23:2 45:20
11:9 13:13	parameters 64:9	53:15,16 54:1,2	points 7:14 9:12	110:13
order 22:15,19	paraphrase 31:9	81:4 87:10 92:19	13:15 30:2	prevail 70:1,6
33:8 34:4 37:8,12	parking 70:13	93:1,10,19 95:14	policy 61:18 86:20	previously 11:12
65:21 70:1,3,5,10	part 7:18 33:20	98:21 99:2,9,18	92:3 95:5 97:7	principal 73:9
71:1,4 76:2 91:5	44:18 46:19 80:16	99:21,22 100:4,4	porch 45:17,17,22	prior 10:21 11:20
96:7 97:21 108:16	80:19 108:20	100:5,6,9,10,12	47:15	63:21 72:22
112:21	participate 51:13	103:21 105:20	portion 7:22	prior/past 84:15
organ 1:7 2:9 4:1	participated 18:21	108:19	position 9:15 10:17	probably 39:18
4:12 24:9 30:18	19:14 81:14 82:3	percent 104:14	11:1,11 75:18	62:13 65:9 86:16
33:11,21 34:19	participating 6:13	permissible 64:9	76:15 85:15,22	96:19,22
35:13,15 36:10	participation 10:4	104:20 105:10	86:3 97:17	problem 8:19
43:11 50:16 55:20	particular 8:21	permission 44:17	positions 83:1	28:17 30:6,18
77:14 82:16,20	34:8 90:14 98:6,7	44:19 62:3	positive 95:13	32:10 53:18 62:12
101:5 111:22	98:19 99:18	permissions 96:9	98:18	67:14 82:17,21
organization 14:1	particularly 14:22	permitted 62:16	possible 27:10	83:3 94:22 96:13
81:1,14 104:8	33:6 35:8 70:10	64:1,2 76:17	108:13	97:11,13,14
organizations 9:4	93:1 98:10	person 65:5 104:12	post 57:22	problematic 83:10
Organs 72:17	parties 33:16 94:4	personal 14:12	posted 17:17	87:5
Organ's 35:20	110:9 111:7	91:20	potential 53:18	problems 70:9,14
70:21	party 4:4 66:3	personally 67:10	Potentially 23:18	76:1
original 47:13	pass 50:7,7	82:20 92:20 95:10	power 12:5	procedurally 63:5
originally 43:20	passage 44:5	perspective 30:5	precedent 90:17	procedure 17:11
44:7 46:9	passed 31:10	92:3	91:2	22:19 23:12
outdoor 28:4 29:4	112:17	phone 31:14	precisely 14:14,16	102:17
54:21 70:2 71:3	passes 22:9	phones 3:4	30:6 87:13 109:8	proceeding 74:8
73:1 75:6 78:3	patron 34:7	photographs 55:10	prefer 69:2	proceedings 2:20
83:4,7,9 90:8	patrons 34:11,20	phrase 91:10	preliminarily	3:6,20
92:15 94:17,20	35:2,4 38:22 39:2	pick 91:14 107:11	23:14	process 44:22
95:20 97:18 98:13	41:7 71:12 79:2	picture 47:4 58:19	preliminary 6:17	62:15 63:2,12,13

65:13 85:2 108:20	purchase 24:18	quoted 10:12	received 10:10,11 51:12 57:1 68:6	regulation 78:12
produce 36:2	purchased 24:16		receptionist 2:19	regulations 34:10 64:19
produced 36:3	purpose 10:3 111:20	R	recess 113:16	reiterated 101:16
product 89:10	purposes 17:9	raised 9:2,13 11:12 14:19 15:1 52:3 92:1	recitation 8:10	relate 65:1,2
professional 14:13	pursuant 112:19	raises 11:8	recognize 26:18 48:21 72:16 109:15	related 74:5
proffer 8:15 24:7 66:16	pursuing 87:3	range 88:16,18,20	recollect 82:1	relationship 43:11 60:11
prohibit 71:8	pushed 18:7	rare 11:13	recommendations 41:3	relative 71:20
project 73:8,9	put 8:12 16:10 27:2 46:15,15 54:13 61:18 85:14 102:4 103:1 107:12 110:8	rarely 110:11	recommended 39:1	relatively 18:12 72:19
property 42:1 49:9	putting 65:2 101:14	RCNA 7:22 8:6,14 9:14 10:16 11:8 28:13 29:10 45:6 69:10 71:6 72:13 79:20 83:14 84:13 104:3,13 105:19 109:7	record 3:11 16:11 20:16 23:1 27:1 32:5 33:16 43:7 56:20 64:18 67:22 67:22 68:2 82:15 94:20 102:5,19,20 104:21 110:7	relevant 11:19 12:9
proposed 35:17 110:10	P-R-O-C-E-E-D-... 2:1	RCNA's 9:11 75:18 104:6 106:4	recorded 2:21	remain 29:13
protest 1:7 6:3,5,7 6:12 8:3 9:9,21 10:6 11:6 12:10 14:6 15:22 18:10 21:3,4,5 28:12,14 30:11 33:10 41:2 70:21 75:21 81:15 81:18 82:9 83:22 84:12 101:4 105:19 108:20 109:7 113:17	p.m 25:19 78:6,7 85:12 89:1 92:6 95:8 109:11	reach 77:16 85:16	records 67:21	remaining 28:13 66:13
protestants 107:1	Q	reaction 85:22	red 38:2 78:4	remarks 25:13 26:14
protestant's 23:8	quarterly 28:16	read 7:6,7 31:8 98:17 111:9,14	reduced 108:15	remember 44:3 45:1 62:22
protested 28:8,9 30:7 83:13,18 107:10	question 12:13 15:2 18:10 54:13 57:8 61:16 64:17 95:19	ready 42:12 68:16 103:7 107:16	redundant 77:3	remove 39:1
protests 41:4	questioned 104:5	real 8:8,19 83:3	Reed 23:15	repeat 5:7
provide 8:15 18:21 20:18 103:4 108:12	questions 13:10 19:20 23:10,12 37:3,4 38:8 40:15 40:16 42:3,6 61:7 65:12 66:8 101:18 101:19,20,21 111:13	realize 24:19	Reed-Cooke 4:19 5:4,19 6:14 7:2,14 8:20 13:11 19:9 20:4,22 25:3 60:13 69:19 70:20 75:7 108:7	repeatedly 72:13
provided 8:6,7,14 10:8 15:19 18:14 31:3 105:14	questioning 99:22	really 8:2 49:15 65:21 87:14 108:21 113:7	referred 70:17 92:7 95:3 99:21	report 19:2 21:5 22:21,22,22 23:3 26:7 28:14,16 32:22 33:6 46:20 55:11,13 87:7,8 98:18
provides 108:13	quick 13:10 26:8 30:1	reapply 44:22	referencing 49:3 100:1	reported 74:17 87:8
providing 72:4 93:19,20	quickly 57:11	reason 13:19 14:15 14:17 37:15 87:12 106:8	refer 17:3	reporter 2:21
public 3:13,14,16 44:4,19 45:5 53:12 63:9 65:18 67:22 78:10 84:5 84:8 95:6	quiet 22:15 33:8 34:4 37:8,13 65:21 70:1,4,5,10 71:1,5 76:4 91:6 96:7 97:21 108:17	reasonable 71:11 75:13 78:15 79:2 79:6,9 85:8,8,16 86:22 91:15,16 92:22 104:3,6 108:8 109:10	referenced 70:17 92:7 95:3 99:21	represent 4:10 14:3
pull 31:13	quorum 2:16	reasonableness 105:7	reference 49:3 100:1	representative 104:6
pumpkins 47:10,12 58:1,20	quote 76:16	reasons 21:6 78:18 89:8 108:14 112:2	refrain 2:22	representatives 77:18
punitive 71:20		recall 39:5	refused 77:17,20	represents 103:20
		receive 31:6	regard 8:13 9:3,7 11:9,17 105:2	request 16:16 78:19 85:18
			regardless 91:13	requested 10:9 15:18 33:13 72:20 77:21 108:10 109:20
			regards 35:14 36:14 63:10	requesting 107:18 107:19 111:2,4
			regrettably 77:17	requests 28:10
			regularly 25:15 30:9 36:16 75:19 81:19	require 15:5 71:11

78:22 required 2:16 18:15 20:7 27:5 65:1 75:15 88:12 requirement 106:12,17 requirements 15:12,17 requires 3:12 10:21 20:12 residences 60:17 residents 78:14 resolution 12:18 76:14 77:10 resolve 66:16 resources 14:2 respect 18:9 60:4 64:19 70:10 71:7 84:7 87:4 90:3 91:21 96:13 97:16 respectfully 78:19 responded 14:7 response 7:2 14:11 15:4 30:1 rest 40:12 restaurant 43:11 49:19 89:9 106:7 restaurants 80:21 88:17 89:22 106:11 restrict 29:11 104:15,22 restricted 29:7 50:4 51:6 105:3,4 restriction 50:3 restrictions 24:11 29:1 49:7,11 50:8 66:19 104:4 result 90:12 resulted 51:14 Retailer 1:8 revenue 93:19 revenues 93:15 review 9:10 Reynolds 51:20 54:8 Rich 63:1	Richard 4:10 ridiculous 52:21 right 2:13 5:22 6:15 17:20 19:7 23:12 28:20 32:1 44:9,21 47:9,15 47:17 54:3 55:21 56:5,18 58:5,5,10 59:21 61:7 64:14 66:4,8 78:20 79:16 96:1,17 102:1 103:7 111:7 rights 111:7 role 87:1 roll 112:8 rolling 81:5 roof 58:14 rooftop 60:4 61:3 78:9 105:16 rookie 26:6 room 1:15 3:2 112:19 rule 12:5 19:22 ruled 48:5 72:3 rules 2:17 run 62:17 107:4 Ruthanne 1:15,20 2:12 <hr/> S <hr/> safe 45:18 safety 53:12 70:13 Saki 72:3 sale 75:14 77:13 78:2 106:12,16 sales 78:22 86:8 saloon 46:14 satisfied 15:13,16 Saturday 35:8 37:22 78:8 Saturdays 85:14 saw 41:7 saying 31:15 81:9 90:3,14 93:13 94:10 96:11 97:12 97:13 says 12:16 16:14	31:10 62:2 scene 75:12 schedule 17:16 25:16 scheduled 2:5 25:15 30:9 75:19 81:19,20 seat 3:8 4:3 27:19 39:17 65:17 71:3 72:10 83:4 91:7 100:11 104:19 seated 54:3,5 71:12 79:2,10,13 87:10 99:2 100:18 101:7 seating 28:4 29:4 98:20 105:12,13 seats 22:17 27:20 38:13,16,20 40:10 43:19 70:2 72:19 73:18 75:3,6,6 83:7,9 86:13 87:14 90:8 107:20 109:16 second 9:1 21:9,10 21:11 41:21 58:22 66:11 74:2 112:5 112:6 seconded 21:13 22:4 seconding 112:8 secret 10:2 secretary 17:3 security 53:17 see 16:13 25:2 45:16 47:8,8 52:5 82:16 92:2,19 seeing 39:5 seek 86:18,20 108:15 111:10 seeking 73:13 94:21 111:20 seen 10:19 51:8 seizing 77:13 sell 78:20 86:13 selling 65:22 89:11 send 17:1 sense 63:6	separate 33:22 September 14:19 81:21 serious 25:18 seriously 103:18 serve 71:10 78:20 served 64:12 serves 82:3 service 45:9 64:3 70:1 71:22 75:14 77:13,21 78:2 79:1 87:4 92:14 108:5 109:11,19 session 9:15,19,22 11:4 set 17:16 45:19 106:1 setback 41:20 sets 9:3 105:9 settlement 3:18 seven 29:21 82:2,5 share 57:16 shattered 91:6 short 113:16 shorter 27:13 show 20:17 46:18 48:15 showed 104:12 showing 78:1 shows 58:22 side 12:14 50:10,18 113:6 sides 73:10 sidewalk 1:11 22:16 24:10 27:19 28:22 29:11 30:4 30:16 33:7,11 34:3,12 35:5,17 35:18,22 36:4 38:13,22 39:3,13 41:7,8,13,21 43:17,20 44:12 45:8,14 51:1 52:3 52:10 53:1,10 54:2,15 59:4 61:20 62:16,21 63:9 64:2 66:20	70:2 71:9,14,19 71:22 72:11,16 73:13 75:8,16 77:14 78:11,16,21 83:13,16 84:8,12 86:3,21 87:10 88:5,7 92:4 95:7 97:19 98:22 99:2 99:12,12 100:2,4 100:13 101:2,9 104:19 105:3,19 108:5 sidewalks 73:4,10 73:12 75:1 siege 71:2 sign 47:9 significant 70:9 77:5 91:2 significantly 73:5 73:10 106:19 sign-in 3:9 silent 21:18 Silverstein 1:22 2:14 4:20 5:13,16 21:10,15,17 25:11 25:12 37:5,14 38:2,7 66:11 80:12 87:20,21 88:8 89:2,17 90:13 91:9 93:7 112:13,14 113:12 similar 53:21 simple 26:19 simply 26:8 78:22 90:11 94:2 Simpson 4:17,18 4:22 5:1 13:16 16:12,20 17:1,8 17:13,15,21 18:9 18:19 19:7,10,13 20:22 23:15 26:20 29:17,20 42:5,6 45:6 52:7 55:14 55:22 56:7 57:2,4 63:7 65:14 67:9 68:10,16,17,19 69:2,5,9,15,17,18
---	--	---	--	--

73:22 74:15 76:4 76:16,19,22 77:6 77:8 79:7,10,15 79:21 80:3,8,14 80:19 81:2,10,16 82:1,7,19 83:6,15 83:20 84:1,14,19 85:7,10 86:5,15 88:1,6,11 89:7,20 91:1,19 93:8 94:7 94:9,17 95:1,20 96:1,5,17 97:4,7 97:22 98:3,7,10 99:4,7,11,16,20 100:12,19,22 102:2,4,7,13,16 102:21 103:2,4 107:16,17 single 28:9 71:3 83:4 sir 4:21 27:16 sit 45:17 55:1 93:2 95:15 sitting 8:17 51:21 53:22 101:11 105:21 situated 47:5 situation 40:6 54:18 62:19 91:7 110:4 six 39:18 44:20 61:20 64:21 70:2 109:6 size 48:14 84:8 101:12 skeptical 86:6 slightly 81:7,8,10 81:11 slippery 90:18 slope 90:18 small 90:16 91:5 solution 108:18 somebody 18:6 54:5 somewhat 101:2 soon 45:4 sorry 5:6 6:11 23:6	54:3 61:11,12,13 78:7 79:4 80:14 84:2 sort 16:21 26:6 47:8 58:18 59:1 62:17 96:22 101:11 sought 71:6,8 85:10 sounds 40:5 74:6 91:4 94:9 south 57:20 space 39:12,15 44:4 44:19 45:5 58:18 58:20 63:9 65:18 72:5 78:11 84:6,8 92:15 94:18,20 95:6,21 98:13 101:15 spaces 78:3 speak 80:12 84:14 speaker 35:15,19 35:19 36:3 48:5 48:11 speaking 58:17 speaks 76:15 special 104:1 specially 2:5 specific 9:3 10:14 49:16 54:13 88:9 91:3 97:12,15,17 97:18 108:8 specifically 8:6 9:7 9:14 12:20 16:4 30:15 34:19 76:1 86:8 108:3 specify 87:9 speed 33:12 spell 43:7 spelling 3:11 spend 21:21 spit 54:4 split 92:5 spoke 24:1 spread 35:10 Stacey 51:20 staff 20:16 stand 32:13,19 43:1	69:12 standard 17:11 109:12 standing 6:22 9:2,4 9:17,20 11:10,12 11:17,18 12:1,2,8 12:9 14:16,18 20:3,8 21:8 101:11 standpoint 105:5 start 4:5,6 27:3 37:3 38:19 62:14 63:1,2 79:17 103:8 started 52:19 stated 40:20 41:6 49:22 86:8 statement 27:4,7 29:16 30:18 82:12 84:3 statements 23:6 27:5 status 106:5 statute 9:2,18 10:4 10:16,20,21 11:5 12:15,19 13:5,8 15:3,4,12,17 20:7 20:11 21:18 statutory 8:11 9:16 10:15 50:1,2 stay 88:21 step 10:20 66:11 stipulation 24:5,21 66:14 stood 36:10 stop 90:5 straightforward 7:5 110:13 street 1:8,15 4:2 27:19 33:22 35:3 35:5 36:15 39:11 50:19 52:10 53:16 54:11 55:1 73:7 73:11 90:9 98:21 103:12 105:2 streets 73:4 Streetscape 73:8	strike 93:18 strongly 14:17 subject 12:3,4 22:12 submit 12:18 102:9 submitted 15:21,22 subsequent 51:18 82:9 83:19 subsequently 77:16 substantial 1:10 55:16 74:18 substantially 105:21 substitute 104:11 sufficiency 8:5 sufficient 9:16,20 17:8 18:15 suggest 7:4,10 20:1 85:9 suggesting 86:2 Suite 1:15 summarize 33:5 summarizes 19:3 summarizing 23:2 summary 7:11 25:17 26:8 summer 29:5,6,7 29:12 35:16 39:5 39:5,17 41:15 46:3,4,8 47:4,18 48:1,4 49:8,12,18 51:22 53:20 58:8 59:5,8 73:7 93:3 101:6 105:15 Sunday 85:12 supposed 48:13 Supreme 11:17 sure 5:8 7:13,16 10:1 16:12 40:3 49:13 64:11 82:14 83:8 84:11 suspect 87:12 suspension 25:18 swear 32:13 42:18 sworn 32:2,18 42:22 68:21 69:11	T table 3:9 4:3 54:6 57:18,21 tables 38:20 39:2 64:13 65:3 71:12 79:3,11,13 99:3 100:18 101:7,14 take 8:4 11:1,11,13 13:14 18:5 22:1 22:13 24:3 68:1,2 90:2 96:19 103:17 110:14 112:8 113:16 taken 82:10,22 takes 9:14 10:16 54:11 talked 41:14 tavern 72:4,9,11,21 87:16 89:9 106:5 taverns 88:15 106:11 tax 93:15 tell 110:12 tempted 39:3 tent 90:20 tenure 83:14,17 84:15 term 90:18 terrace 61:4 territory 60:14 testified 19:16 32:19 43:2 69:12 77:15 83:2 testify 17:4,5 23:19 66:17 67:8 68:22 69:20 104:13 testifying 18:17 19:5,9 76:6 testimony 8:16 18:20 24:7 25:5 29:21 33:12 36:22 40:4 46:3 49:4 74:4 79:14 84:11 102:8,11,13 104:2 thank 12:12 19:19 26:2,3,14 29:14 29:15 32:9 38:11
--	--	---	--	---

39:20 42:8,10 43:3 55:5 58:6 61:8 64:15 66:9 69:19 79:3 85:3,3 85:6 87:17,22 88:1 93:7 94:4,7,8 94:20 102:1,2 107:15 110:4,5 112:22 113:1,5,9 113:12 Thanks 102:21 theory 106:4 thing 51:11 52:7 53:22 63:10 104:9 107:7 things 26:9 62:5 80:10 86:15,17 87:6 107:21 think 9:18 11:6 12:8,9 13:20 16:10 19:21 20:4 20:14 22:13 24:5 25:4 26:12 28:5 28:20 29:2,9 43:22 44:3,7 45:13,16 48:9 50:6 53:3,8,10 54:1,10,17 55:4 57:15 60:14 62:13 63:4,5,7 65:14 67:7 68:2 74:12 76:9 77:4 87:15 88:11 89:7,20 90:15 94:15 95:20 95:22 96:21 98:17 99:4 103:12,17 104:9,10 106:20 thorough 25:22 thoroughly 13:13 thought 6:11 18:14 56:15 three 2:15,16 throw 54:4 thrown 56:8,16 thrust 18:22 Thursday 2:4 35:8 37:22 78:6 85:13	time 7:17 12:11 13:14 14:11 15:21 17:12 21:22 22:1 22:14 27:8 29:13 30:11 35:1 41:11 55:6 63:16 72:6 81:2 98:15,17,20 110:16 timely 18:14 times 40:21 timing 13:19 Tis 25:13 today 2:4,8,11 8:17 16:7 18:17 21:1 25:16 69:21 104:2 105:18 106:16 107:1 111:12 112:19 today's 2:18 3:22 told 25:7 45:7,12 54:8 62:13 80:10 top 46:1 topic 92:1 traffic 35:9,10 36:7 transcript 110:16 Transportation 61:18 trash 34:6 54:4 treated 106:6 tremendous 63:6 trend 73:14 trial 11:20,21,22 true 93:5 try 27:10 85:16 109:1 trying 30:19 71:13 92:18 turned 3:5 49:13 Turning 9:1 twice 63:13 two 18:5 23:18 38:20 54:10 55:9 58:1,11 86:9 91:12 92:4 107:20 110:17 twofold 8:2 type 21:19 53:21	94:21 typically 10:2 17:1 30:10 t/a 1:7 4:11 72:3 78:4 <hr/> U U 3:15 111:17,22 112:2 ultimate 77:9 ultimately 88:12 understand 5:22 7:1 40:3 64:20 84:11 96:11 understanding 6:16 26:4 45:3,4 63:21 78:13 86:19 95:4 understood 70:22 undue 35:3 unenclosed 78:9 unfair 104:11 105:1,5 unfortunate 49:15 unfortunately 75:19 108:21 uniform 78:15 Unlimited 72:3 untimeliness 11:10 urate 54:5 use 61:20 64:10 65:3 71:14 78:8 100:14 109:2 usually 27:12 110:17,19 U-G-G-A-N 43:9 <hr/> V v 12:7,7 vacant 54:7 valuable 103:22 vehicular 70:12 verify 68:8 Vice 5:3,19 vicinity 27:22 view 72:4 91:20,20 views 92:4 vigilant 64:10	violation 28:15 virtue 106:5 visited 40:21 visits 36:1 voluntary 6:1 14:1 14:8 24:10,12,17 24:19 35:20 48:1 48:8,10 49:2,7,16 51:9 52:16 55:7 55:14,20 56:4,11 56:19 66:17 67:5 67:10,17,20 68:12 106:14,15 vote 55:4 112:9,17 voting 9:8,8 <hr/> W Wait 74:1 waiting 34:20 35:2 waive 111:7 walk 35:4 39:3 45:15 52:19 walking 54:2 wall 46:12,15 47:13 47:13 walls 41:18 want 7:8 12:13 22:11 23:14 25:13 25:21,21,22 26:17 31:7 32:5 33:15 38:12 40:3 52:9 55:1 66:15 77:2,3 77:4 82:14 83:8 84:10 91:11 92:19 93:10,11,15,15,16 93:17 94:14 96:2 97:10 102:4,7,17 102:18 103:1 107:12 110:12 wanted 25:7 46:13 51:11 64:17 85:15 110:8 wants 93:13,14 Washington 1:15 54:19 wasn't 82:13 way 23:11 45:21	67:11 95:17 108:22 website 17:18 Wednesday 31:10 51:17 week 14:6 weekday 92:6 weekdays 92:14,21 95:8 109:12 weekend 8:19 weekends 92:8,15 92:22 95:9 109:13 weeks 110:18 weigh 104:15 weight 103:15,16 welcome 16:5 40:1 87:20 welcomes 75:8 well-advised 21:20 well-aware 18:20 well-defined 65:9 went 45:5 51:15 weren't 10:8 We'll 26:20 we're 48:16 91:14 98:9 whatsoever 49:17 60:5,7 white 47:7 wholly 11:5 wide 39:16 widened 73:10 75:1 wider 73:12 William 4:22 willing 24:3 72:20 109:9 willingness 72:14 85:18 Wilson 51:20 54:8 window 58:20 59:13 windows 46:11,15 withdrawn 6:3,4,7 6:12 28:11 withdrew 7:19 witness 8:16 21:1,1 23:7,7,15 32:7,17
--	---	---	--	--

32:19 42:21 43:1 69:10,12 76:6 witnesses 8:14 23:16 wondering 64:22 wording 45:1,13 words 79:5 91:12 work 24:5,21 25:16 72:14 77:11 93:18 110:3 worked 25:20 78:13 95:6 worse 75:13 91:8 96:10,10 worsen 71:15 83:11 wouldn't 39:2 45:18 62:12 write 14:11 written 10:22 16:21 22:21 wrong 32:7 65:5	1 48:17,19 55:7 56:20,22 1C 19:15 75:18 1,200 28:2 1:00 78:7,7 89:1 92:15,21 109:12 10 10:15,21 15:11 16:16,18 17:12 20:7,9,20 43:22 44:3,7 104:14 10th 14:20 10:48 113:19 100 81:13 82:6 90:7 11 28:11 11:00 78:6 85:12 92:6 95:8 109:11 113:15 12-CMP-00704 34:14 12-PRO-00073 4:1 111:21 12:00 86:14 13 1:13 2:4 13th 81:21 14th 1:15 15 26:9 39:15,16 18th 1:8 4:1 27:19 33:22 39:11 73:7 73:11 90:9 103:11	4:14 42:15 43:13 25-601 20:8 25273 1:9 4:2 27 28:3 30:4 46:21 55:10 57:12 59:1 28 46:21 55:10 58:22	9:11 2:2 90 111:11 112:21 96 46:10 97 60:9
<hr/> X <hr/>		<hr/> 3 <hr/>	
X 44:5		3-0-0 22:9 112:17 3:00 36:18 88:12,21 93:6 95:17 30 110:15 392 12:7	
<hr/> Y <hr/>		<hr/> 4 <hr/>	
year 11:21 17:17 26:6 79:22 81:5 84:15,20,21 87:2 90:7 110:1 years 28:11 47:15 48:5,7 53:19,20 60:10 62:17 80:4 80:5 yesterday 7:19 24:2 25:7,14	2 66:22 67:2 68:3,5 2:00 36:18 93:6 2:30 88:22 20 26:10 33:22 40:21 87:7 104:18 20-seat 28:22 20-seats 51:4 55:3 2000 1:15 2007 28:16 2008 55:19 2010 111:18 112:1 112:4,20 2012 1:13 2:5 79:22 2013 73:15 2400 33:21 36:6,19 2461 1:6,8 4:1,11	4 107:19 4-seats 29:12 53:7 57:17 65:22 86:9 86:13 90:16 91:4 96:4 97:18 100:8 103:11,11 107:18 4.9 59:22 4:00 25:19 49:21 40 27:20 400 27:21 400S 1:15 405 111:17 405(b) 3:15 405(b)(13) 112:3 405(b)(4) 111:22	
<hr/> Z <hr/>		<hr/> 5 <hr/>	
Zone 72:7,12 75:5		501(c)(3) 14:1 513 12:7 56 28:1,3 30:3	
<hr/> P <hr/>		<hr/> 6 <hr/>	
p 1:5,12		6th 75:22 86:7	
<hr/> # <hr/>		<hr/> 7 <hr/>	
#12-PRO-00073 1:9		737 12:7	
<hr/> 1 <hr/>		<hr/> 8 <hr/>	
		83 12:8 85 81:3,13 82:5	
		<hr/> 9 <hr/>	