

Capital Reporting Company

In the Matter of: Backdoor, Inc. t/a Bachelor's Mill/Back Door Pub 10-24-2012

DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Backdoor, Inc. :
t/a Bachelor's Mill/Back Door :
Pub :
1004 8th Street, SE : Protest
Retailer CR : Hearing
License No. 11277 :
ANC 6B :
Substantial Change (Extend the :
Hours of Operation) :
-----x

October 24, 2012

The Alcoholic Beverage Control

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

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

ILEANA CORRALES, ABRA

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

2 3:45 p.m.

3 CHAIRPERSON MILLER: Well, we have a quorum
4 so we'll start because I know you've been waiting
5 patiently. Thank you. Why don't we start with
6 introductions over on our -- on our right? Yeah.
7 Wait, I'm sorry. What?

8 MR. LEWIS: David Lewis, owner.

9 CHAIRPERSON MILLER: Okay.

10 MR. BROWN: Timothy Brown. I'm the vice
11 president and the representative.

12 CHAIRPERSON MILLER: Okay.

13 MR. ROBINSON: Carlton Robinson, vice
14 president and general manager.

15 CHAIRPERSON MILLER: Okay.

16 MS. GREEN: Carol Green, ANC 6B.

17 MS. OLDENBURG: Kirsten Oldenburg, ANC 6B.

18 CHAIRPERSON MILLER: I'm sorry, what's your
19 name?

20 MS. OLDENBURG: Kirsten Oldenburg.

21 CHAIRPERSON MILLER: Kirsten. And what's
22 your last name?

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1 MS. OLDENBURG: Oldenburg, O-L-D-E-N-B-U-R-G.

2 CHAIRPERSON MILLER: Okay. Oldenburg. Okay.

3 MR. GHIOTTO: And Paul Ghiotto, resident.

4 I'll spell my last name.

5 CHAIRPERSON MILLER: You'll spell your last
6 name?

7 MR. GHIOTTO: Sure, G-H-I-O-T-T-O.

8 CHAIRPERSON MILLER: Okay.

9 BOARD MEMBER: Is that Ghiotto or Giotto?

10 MR. GHIOTTO: Ghiotto.

11 BOARD MEMBER: Ghiotto.

12 CHAIRPERSON MILLER: So we have ANC 6B, ANC 6
13 what --

14 MS. OLDENBURG: B.

15 CHAIRPERSON MILLER: B. And you're 6B also?

16 Okay. Right? Okay. So it's not more than one ANC?

17 Okay. And are you a party, Mr. -- what's your name,
18 Ghio [sic]?

19 MR. GHIOTTO: I'm here as a -- I'm here to
20 testify. I'm a resident of the 900 block of Potomac
21 Avenue, S.E.

22 CHAIRPERSON MILLER: Oh, okay.

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1 MR. GHIOTTO: Okay. This is east of the
2 establishment.

3 CHAIRPERSON MILLER: Okay. So we just have a
4 few parties, correct? All right. How many witnesses
5 do we have, starting with you all, do you know?

6 MR. BROWN: We will have one witness.

7 CHAIRPERSON MILLER: One witness. Okay. And
8 are you having more than one witness?

9 MS. GREEN: Well, Commissioner Oldenburg and
10 Mr. Ghiotto are --

11 CHAIRPERSON MILLER: Two witnesses. Okay.
12 And Ms. Green, are you going to be the main advocate?
13 Okay. I just want to ask if you want to -- anybody
14 wants to invoke the rule on witnesses, meaning that --
15 you know what I mean?

16 MR. BROWN: Yes.

17 CHAIRPERSON MILLER: You know what I mean
18 because I said -- oh, okay. What it means is sometimes
19 a party where there's -- having more than one witness
20 will -- the other side will ask that one of the
21 witnesses be out of the room while the other witness is
22 testifying so it doesn't -- yeah. So they only have

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1 one witness. So that's not going to apply. They have
2 two witnesses. Are you going to --

3 MR. BROWN: We do.

4 CHAIRPERSON MILLER: You're not going to
5 invoke it. Fine. Good, good, good. Okay. Then we
6 can -- oh, right. So I don't think this is going to be
7 a long hearing because it seems like a pretty finite
8 issue. But basically each side gets an hour and a half
9 max. And that includes when you're cross-examining
10 their witness. It goes to your time. Five minutes each
11 for opening statement and closing statement. That's
12 not included in the hour and a half.

13 MR. BROOKS: Okay.

14 CHAIRPERSON MILLER: Okay. So we are --
15 first is opening statements, then the Board witness,
16 the investigator, and then applicant's witnesses, then
17 protest witnesses and then closing basically. Okay.
18 So now is opening statements, which are optional.
19 Would you like to make an opening statement?

20 MR. BROWN: Yes, I would.

21 CHAIRPERSON MILLER: Okay.

22 MR. BROWN: Is it the Board's position that

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1 we be seated or standing?

2 CHAIRPERSON MILLER: Oh, seated is good
3 because I think it picks up your voice better on the
4 microphone. Yeah, if that's all right with you.

5 MR. BROWN: That's fine.

6 CHAIRPERSON MILLER: Okay. Good. Whenever
7 you're ready.

8 MR. BROWN: Madam Chairman, Board members, my
9 name again is Timothy Brown. I'm a vice president for
10 the Licensee and I've been in that capacity for about
11 six years. However, I have served one or more
12 capacities for this Licensee for 19 years. To my right
13 is Carlton Robinson. He's the general manager and he's
14 also a vice president and he's our only witness. He's
15 been in that role formally for two years. But he has
16 been affiliated with the Licensee for 21 years.

17 And Mr. Lewis is to my left. He is the sole
18 owner. He's been the owner since 1976. I believe
19 that's correct. I'm sorry --

20 MR. LEWIS: 2007.

21 MR. BROWN: -- 2007. But he has been
22 affiliated with the Licensee for 24 years, since 1988.

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1 The Licensee has been in its current location for
2 almost 25 years. Prior to that, it was about eight
3 blocks away on 8th and Pennsylvania. So the Licensee
4 has been on Capitol Hill for 30 years, 25 in its
5 current location. And we moved to the current location
6 because it is predominantly a commercial quarter.

7 We have -- we've heard a lot of comments
8 about soft closing from the Nightlife Association and
9 from others. And what we have proposed is one hour for
10 soft closing. Now, we intend to close the facility
11 exactly like we do on any other occasion. But the one
12 hour for soft -- what it will allow us to do is allow
13 our customers to finish their conversations inside as
14 opposed to pushing all of them outside.

15 Now, we intend to do a 30-90 day trial
16 period. We're going to use probably one day and see
17 whether this works for us, whether it adds any value to
18 the community. Generally speaking, when -- today, it
19 takes about 30 minutes to clear the entire 400-foot
20 area surrounding the Mill. And staff -- security can't
21 leave and the police detail is there. And in about one
22 hour at max we're done.

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1 We think soft closing will allow us to push
2 25 percent of our customers every 15 minutes on the
3 street. And so what we're going to do is close -- we're
4 going to cut out the lights, remove all liquor, stop
5 food sales, stop entertainment as usual, and push about
6 25 percent every 15 minutes. We're going to close off
7 a section of the building.

8 And we think that this will allow us to be
9 completely done and out of the area in approximately
10 one hour. But we're going to study it. We're going to
11 see if it works, see if it's effective. And if it's
12 effective, we will implement it on the nights that we
13 are typically busy, which is generally Saturday,
14 occasionally Thursday, on holidays, or if it's a
15 special event.

16 We're not busy most nights during the week.
17 And so we'd like the opportunity to see if soft closing
18 has any value. We'll issue a report, which will
19 probably fall to me, and we'll make a decision on
20 whether this is an effective tool for us. We have one
21 witness. We're not going to present any exhibits. We
22 think this is a relatively simple case. Carlton is the

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1 younger of the three and most of the specific questions
2 will fall to him. Thank you.

3 CHAIRPERSON MILLER: Thank you. Yes, Ms.
4 Green.

5 MS. GREEN: Through the testimony today,
6 we're going to show the quality of life issues
7 currently disturbing the neighborhood surrounding this
8 establishment caused by patrons at the Mill. The
9 concerns are -- their concerns are the reasons -- the
10 reason we are protesting the requested extension of
11 hours for Bachelor's Mill.

12 And our position, which we have shared with
13 the applicant, is that an attempt to test the effect of
14 a soft closing should not be foisted on the surrounding
15 neighbors. We have suggested to the applicant that
16 this process should be attempted by curtailing their
17 hours and ceasing the service of alcohol at 1:00 and
18 2:00, which is one hour earlier than their current
19 operations.

20 Perhaps after a trial of one year on the
21 applicant's dime, they can demonstrate that the
22 applicant can be a good neighbor, who does not wish to

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1 continue to disrupt the quality of life for the
2 neighbors. In that - - in that case, we would look
3 more favorably, I think, on the request to extend the
4 hours.

5 CHAIRPERSON MILLER: Thank you. Okay. I
6 guess we're ready for our investigator. Yes. Do you
7 swear to tell the truth, the whole truth, nothing but
8 the truth?

9 MS. CORRALES: Yes.

10 CHAIRPERSON MILLER: Thank you.

11 MS. CORRALES: Good afternoon, Madam Chair
12 and members of the Board. My name is Ileana Corrales.
13 I conduct inspections and investigations in licensed
14 ABC establishments throughout the District of Columbia.
15 I have been an investigator with the Alcoholic Beverage
16 Regulation Administration since February 4th, 2008. I
17 was assigned to investigate the protest against
18 Backdoor, Inc., trading as Bachelor's Mill/Backdoor
19 Pub, a CT Retailer, who has applied for an extension of
20 its hours of operation to its ABC license.

21 The establishment is located within Ward 6 of
22 the District of Columbia, specifically at 1104 8th

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1 Street, S.E., under ANC 6B. The application of a
2 substantial change to the ABC license of Backdoor,
3 Inc., is being protested by ANC 6B, which is
4 represented by Ms. Carol Green. I spoke with Ms. Green
5 in regards to the specific issues pertaining to the
6 establishment to requesting the extension of hours.

7 Commissioner Green stated to me that the
8 increase of hours in operation to the ABC license of
9 the establishment will increase the existing noise
10 issues within the surrounding neighborhood.

11 Commissioner Green stated that there had been previous
12 disturbances in the surrounding neighborhood caused by
13 patrons of the establishment when exiting.

14 The establishment has applied to extend their
15 hours of closing -- of closing. The -- well, the days
16 and the -- well, the hours are Sunday through Thursday
17 from 3:00 a.m. as opposed to 2:00 a.m., which are the
18 current hours and Fridays and Saturdays from 3:00 a.m.
19 to 4:00 a.m. I interviewed the owner of the
20 establishment and representative, Timothy Green -- I'm
21 sorry -- Timothy Brown.

22 Mr. Brown stated that the establishment has

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1 requested the extension of hours in -- of operation in
2 attempts, as he mentioned previously, to exercise a
3 soft closing for its patrons. Mr. Brown stated that
4 this will allow their patrons to stagger out of the
5 establishment as opposed to exiting everyone out at the
6 same time. Mr. Brown stated that by doing so, this
7 could prevent incidents from occurring at the
8 establishment.

9 I will now present a brief summary of my
10 findings resulting from my investigation beginning
11 September 20th, 2012 and concluding on October 16,
12 2012. I will go into a description of the
13 establishment. The establishment is located at 1104
14 8th Street, S.E., in the -- in the historic Capitol
15 Hill neighborhood of Washington, DC. It offers
16 entertainment in the form of DJ's and karaoke.

17 The establishment is also equipped with two
18 pool table -- pool tables for guests to use as well as
19 -- as well as three alcoholic bars and two outdoor
20 areas. The -- excuse me -- the establishment is
21 located within a row style and blue brick building.
22 You can refer to Exhibit 4 and 4B. This establishment

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1 is located in a -- in a C- 3-A zone. According to the
2 geographic information system, GIS, there are two
3 active licensed establishments operating within 1200
4 feet of Bachelor's Mill/Backdoor Pub.

5 According to the GIS, there is -- there is a
6 public charter school -- actually the Richard Wright
7 Public Charter School -- located at 770 M Street, S.E.,
8 located about approximately 75 feet from the
9 establishment. There is also an early development
10 intervention program located approximately 95 feet from
11 the establishment.

12 Bachelor's Mill has entertainment, like I
13 mentioned before. It has -- offers DJs on the first
14 floor, Thursday, Friday and Saturday. Karaoke is
15 provided in the upstairs lounge room. The current
16 hours of live entertainment are Sunday, 8:00 p.m. to
17 12:00 a.m.; Monday through Wednesday, 6:00 p.m. 'til
18 1:00 a.m.; Thursday, Friday and Saturday -- excuse me -
19 - Thursday, 10:00 p.m. to 2:00 a.m.; Friday and
20 Saturday, 10:00 p.m. to 3:00 a.m.

21 Bachelor's Mill, in addition, has a security
22 plan on file with ABRA that they adhere to. The

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1 establishment employs approximately four security
2 guards Sunday through Wednesday and seven security
3 guards on Thursday through Saturday, which are their
4 busiest nights. ABRA investigators monitored the
5 establishment on ten separate occasions from September
6 20th, 2012 until October 16, 2012.

7 At no point in time did ABRA investigators
8 note any patrons loitering, causing excessive noise or
9 observe any other ABRA violations. On most visits,
10 off-street parking was available. On Monday, October
11 15th, 2012 the Metropolitan Police Department Crime
12 Analysis Unit provided a listing of all radio runs made
13 to 1104 8th Street, S.E., not necessarily to Bachelor's
14 Mill/Backdoor Pub, from June 6th, 2011 to October 8th,
15 2012.

16 There were 24 calls for service made to the
17 address -- to that address, 1104 8th Street, S.E.
18 Three of these calls resulted in referrals to ABRA. I
19 also want to add that on Page -- where the history is
20 located for the establishment -- Page 6, there are some
21 incidents on there that have not yet gone to the Board
22 over the past year. So I just wanted that to be made

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1 known, which I don't know the status of them, but
2 according to my superiors, they have not gone in front
3 of the Board. So I cannot speak on them -- on the
4 dispositions of the cases. And that is the conclusion
5 to my -- to my testimony.

6 CHAIRPERSON MILLER: Thank you. Well, do you
7 have any knowledge about the incidences, not including
8 the ones that haven't come to the Board, but the others
9 listed in the investigative history, with respect to
10 whether or not this establishment has been a good
11 neighbor or not a good neighbor or -- or do you have
12 any knowledge at all anyway with respect to the
13 investigative history that's on Page 6?

14 MS. CORRALES: None of these cases have ever
15 been mine, so I don't have any direct knowledge of the
16 actual cases. So, no.

17 CHAIRPERSON MILLER: Not really?

18 MS. CORRALES: Not really.

19 CHAIRPERSON MILLER: Do you have any
20 knowledge about -- separate from the visits that you
21 did in connection with this report, do you have any
22 knowledge about more longer term -- whether this

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1 establishment has been a good neighbor or not?

2 MS. CORRALES: I can only go off by what
3 Commissioner Green told me. And in the -- from our
4 interview, she stated that lately they haven't been a
5 good neighbor. And the investigative history will
6 speak for itself. But as far as which way these cases
7 went, no, I wasn't able to actually get the cases.

8 CHAIRPERSON MILLER: Okay. And I'm sure that
9 the -- Ms. Green will put on evidence to the question
10 about being a good neighbor. But do you have any
11 information with respect to how the business is
12 operated in this community since they've been there for
13 25 years, whether there have been problems or not?

14 MS. CORRALES: The only data I -- that I have
15 is with the monitoring the investigators did.

16 MR. SILVERSTEIN: Say again, please.

17 MS. CORRALES: The only data that I would
18 have pertaining to that would be the data from the
19 investigators doing the monitoring at night.

20 CHAIRPERSON MILLER: Okay.

21 MS. CORRALES: And nothing in there according
22 to them and our -- according to the observations,

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1 nothing -- there was no excess -- no issues --

2 CHAIRPERSON MILLER: Okay.

3 MS. CORRALES: -- when they monitored the
4 establishment.

5 CHAIRPERSON MILLER: You didn't hear
6 excessive noise at closing hours or --

7 MS. CORRALES: Correct.

8 CHAIRPERSON MILLER: Okay. Others have
9 questions?

10 MR. SILVERSTEIN: How serious is the --
11 there's always a problem of the push out at the time
12 when all the bars close. How serious a problem is that
13 in this neighborhood?

14 MS. CORRALES: The investigators noted that
15 there -- during the monitoring periods, there were no
16 issue with this -- with patrons exiting the
17 establishment. They also did note that security does
18 assist on exiting the -- on patrons exiting the
19 establishment --

20 MR. SILVERSTEIN: Is --

21 MS. CORRALES: -- to prevent issues. But
22 that's --

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1 MR. SILVERSTEIN: We have -- as a Board,
2 we've experimented with and had a certain amount of
3 success with soft closings in a situation where a lot
4 of people have to go out at the same time. And as
5 such, there's a -- there's a strain. There's a lot of
6 noise. And if you are able to allow them to exit at a
7 -- at different times, whether it's earlier or later,
8 you don't have that 2:00 or 3:00 crowd, which creates a
9 lot of noise.

10 Now, you know, in some cases it may lessen it
11 and then it may make it worse earlier or later. How
12 bad is the situation? Is there a noticeable push out
13 in this neighborhood when the bars close?

14 MS. CORRALES: No.

15 MR. SILVERSTEIN: Okay. No further
16 questions.

17 CHAIRPERSON MILLER: Well, how many bars are
18 in the area that would be letting out at the same time?

19 MS. CORRALES: Well, within the 1200 feet of
20 the establishment, there's only two -- well, two -- I'm
21 sorry, no bars. There's one restaurant and there's 7th
22 -- a market.

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1 CHAIRPERSON MILLER: Market?

2 MS. CORRALES: The market's already closed.

3 CHAIRPERSON MILLER: Okay. So it's a
4 restaurant and then this establishment and that's it?

5 MS. CORRALES: Correct. Well, this
6 establishment is way further out than all the other
7 ones.

8 CHAIRPERSON MILLER: Okay. And is this --
9 how far away is this establishment from the Metro?

10 MS. CORRALES: From the Metro?

11 CHAIRPERSON MILLER: It says --

12 MS. CORRALES: Well, the --

13 CHAIRPERSON MILLER: -- on Page 4 that it's
14 located near two public transportation stations.

15 MS. CORRALES: Correct. The Eastern Market
16 Station and --

17 CHAIRPERSON MILLER: Yeah.

18 MS. CORRALES: -- the Navy Yard Station,
19 green line. So I think the closest one would be the
20 Navy Yard Station, which is, like, two blocks -- two
21 blocks --

22 CHAIRPERSON MILLER: Two -- okay.

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1 MS. CORRALES: -- two blocks down.

2 CHAIRPERSON MILLER: So in those two blocks,
3 do they -- do the patrons have to go by residences?

4 MS. CORRALES: Was -- when they exit the
5 establishment do they go by residences?

6 CHAIRPERSON MILLER: They have to go to the
7 Metro -- when they walk to the Metro those two blocks,
8 are they going by residences, do you know?

9 MS. CORRALES: I know that most of the
10 patrons drive to the establishment.

11 CHAIRPERSON MILLER: Oh, okay.

12 MS. CORRALES: And I was -- okay. I was told
13 that there are two residences in the area of the
14 establishment, one on L Street and then one on Potomac
15 Avenue. And they have heard -- yes. Like, they hear
16 them leaving the establishment.

17 CHAIRPERSON MILLER: People walking to their
18 cars?

19 MS. CORRALES: Correct. Leaving to their
20 cars, exiting when -- yeah, going to their cars.

21 CHAIRPERSON MILLER: And is there a parking
22 problem at all? I mean, does the establishment have

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1 parking or people park on the -- on neighboring streets
2 or --

3 MS. CORRALES: The establishment does not
4 have parking according to my interview with Mr. Brown.
5 However, the -- a lot of the patrons were seen using
6 the off-street parking. There is spaces directly in
7 front of the establishment and there's spaces on M
8 Street and L Street non-zoned.

9 CHAIRPERSON MILLER: Right.

10 MS. CORRALES: And further down they're
11 zoned. But people just park surrounding the
12 establishment.

13 CHAIRPERSON MILLER: Okay. So a lot of
14 parking is around the establishment?

15 MS. CORRALES: Correct. And on M Street,
16 there's a lot of public parking.

17 CHAIRPERSON MILLER: Okay. Okay. And one
18 other question, are you familiar with other
19 establishments that have done soft closings?

20 MS. CORRALES: No.

21 CHAIRPERSON MILLER: Okay. All right. Yes,
22 Mr. Alberti.

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1 MR. ALBERTI: Ms. Corrales may not be able to
2 tell me, but do you know how -- approximately how large
3 the establishment is in terms of its capacity?

4 MS. CORRALES: I do not --

5 MR. ALBERTI: I don't know if it's in your
6 report at all.

7 MS. CORRALES: I didn't put the capacity
8 inside the establishment. I can't tell you off the top
9 of my head.

10 MR. ALBERTI: Okay. Thank you.

11 CHAIRPERSON MILLER: Yes, Mr. Brooks.

12 MR. BROOKS: Thank you, Madam Chair.

13 Investigator, I'm trying to get my bearing to
14 understand just where this place is located. How far
15 from M Street are we talking about?

16 MS. CORRALES: Right there. It's --

17 MR. BROOKS: We got there M --

18 MS. CORRALES: -- in-between M Street and L
19 Street.

20 MR. BROOKS: Okay. So it's south of the
21 Marine barracks?

22 MS. CORRALES: Correct. North, south? Oh,

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1 south, yeah.

2 MR. BROOKS: Yeah, I think that's south.

3 Yeah, okay. And which Metro is the nearest Metro? Is
4 that Metro on -- stop on M Street? Is that the one you
5 was referring to?

6 MS. CORRALES: The Navy Yard Metro.

7 MR. BROOKS: Is that the Navy Yard Metro?

8 MS. CORRALES: Correct. There's a Navy Yard
9 station --

10 MR. BROOKS: Okay. On M Street there.

11 MS. CORRALES: -- close to -- couple weeks
12 ago -- couple of block (inaudible).

13 MR. BROOKS: Yeah, right, right. Okay.

14 Thank you.

15 CHAIRPERSON MILLER: Any other Board
16 questions? Okay. Mr. Brown, do you have questions?
17 Okay. Ms. Green, do you have a question?

18 MS. GREEN: Yes, ma'am. Hi, Ms. Corrales.
19 Do you remember our phone conversation?

20 MS. CORRALES: Yes.

21 MS. GREEN: And do you remember the
22 allegations that I told you the neighbors had given us

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1 -- had told us what the problems were in the area? Do
2 you remember that conversation?

3 CHAIRPERSON MILLER: I couldn't hear you.
4 Could you speak up?

5 MS. GREEN: Yes. I'm asking her --

6 CHAIRPERSON MILLER: Okay.

7 MS. GREEN: -- if she remembers our
8 conversation and the allegations that I told her we had
9 heard?

10 CHAIRPERSON MILLER: Okay.

11 MS. CORRALES: Correct. You told me that
12 there have been noise disturbances and people fighting
13 and prostitution and drug -- I believe you said drugs
14 as well.

15 MS. GREEN: Yeah, the allegations. But I
16 don't see that in your report.

17 MS. CORRALES: Right.

18 MS. GREEN: Do you -- was that oversight or
19 you didn't -- I -- can you tell me why it's not in your
20 report? Okay.

21 MS. CORRALES: No.

22 MS. GREEN: Do you recall the addresses I

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1 gave you where the complaints originate?

2 MS. CORRALES: Correct. You told me the 900
3 block of Potomac Avenue and the 1000 block of L Street.

4 MS. GREEN: 7th Street.

5 MS. CORRALES: 7th -- it's 7th Street.

6 MS. GREEN: Did your visits to the -- to the
7 area include those locations?

8 MS. CORRALES: When I visited the area?

9 Well, actually the -- my visits -- the only time that I
10 went to the establishment was when I did -- when I
11 interviewed the owner. And they're not open. That was
12 during the day. And they're not open during the day.
13 So -- no.

14 MS. GREEN: Nobody went to see if there were
15 the disturbances that we've heard there are in those
16 areas?

17 MS. CORRALES: Correct. When the -- when the
18 investigators went out, they monitored the surrounding
19 areas. And I did give them the addresses to monitor in
20 regards to the complaints that were coming from you
21 all.

22 MS. GREEN: So do you know whether they went

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1 to those areas?

2 MS. CORRALES: Yeah, they did -- they did
3 monitor the surrounding areas.

4 MS. GREEN: Okay. And then I was going to
5 ask about the public transportation but if you agree
6 that nobody uses public transportation to get there, we
7 don't need to address it. Did you see anybody walking
8 to or from the Metro?

9 MS. CORRALES: The majority of the people --
10 the majority of the patrons that come to the
11 establishment usually drive.

12 MS. GREEN: All right. Can you confirm that
13 the hours requested for Friday and Saturday are
14 correctly stated in your report? It says, "(Inaudible)
15 a.m." Because we were told that the applicant had
16 revised the application.

17 MS. CORRALES: Correct. I got the --

18 MR. SILVERSTEIN: Excuse me, sir. You're
19 banging the microphone. Okay. Apologies.

20 MS. CORRALES: The applicant amended the
21 hours.

22 MS. GREEN: Right.

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1 MS. CORRALES: However, the hours -- I put in
2 the hours that were on the application -- on the -- the
3 form that I was given from legal.

4 MR. ALBERTI: Continue, please.

5 CHAIRPERSON MILLER: So the hours in your
6 report are right; is that right or not?

7 MS. CORRALES: The hours? The -- on Page 4,
8 where you see the proposed hours of operation --

9 CHAIRPERSON MILLER: Yeah.

10 MS. CORRALES: -- those were the original but
11 I testified that they are now until 3:00 a.m. on
12 weekdays and 4:00 a.m. on weekends. Because they were
13 amended by the Licensee.

14 CHAIRPERSON MILLER: Oh, well, is that Friday
15 and Saturday, it should be 4:00 instead of 5:00?

16 MS. CORRALES: Correct. 4:00 and then --
17 correct -- those are the only ones. Friday and
18 Saturday should be 4:00 a.m. as opposed to 5:00 a.m.

19 CHAIRPERSON MILLER: Okay. Other than that,
20 it's the same?

21 MS. CORRALES: Correct. Other than that,
22 it's 3:00 a.m. for the other days.

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1 MS. GREEN: So it is 3:00 a.m. and there's
2 4:00 a.m.?

3 MS. CORRALES: It's 3:00 a.m. -- 3:00 a.m.
4 Monday through Thursday and 4:00 a.m. Friday and
5 Saturday.

6 MS. GREEN: Okay. I'm looking at Page 5 of
7 your report, where it talks about the effect on the
8 establishment on the resident -- I think it should be
9 the effect of the establishment on residential parking
10 needs and vehicular and pedestrian safety. And it
11 doesn't say anything about the 900 block of Potomac.
12 It doesn't mention that. Did you -- I know there is
13 some confusion later when you sent me an email and
14 asked me, "What were those addresses?"

15 MS. CORRALES: Okay. What is your question?

16 MS. GREEN: Well, you said that the
17 investigators had visited those blocks but the email I
18 received from you on October 16th said, "What were
19 those addresses?" And then on the 17th you sent me a
20 response and said, "Oh, so there are residences on that
21 block?"

22 MS. CORRALES: Okay. The parking -- Section

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1 7 of my report, that's a general parking that we do for
2 the surrounding areas of the establishment.

3 MS. GREEN: Uh-huh.

4 MS. CORRALES: And I just note -- we just
5 notate what type of parking there is in the area
6 surrounding the establishment.

7 MS. GREEN: Uh-huh. Okay. So you didn't --
8 you don't know whether the investigators actually went
9 to the 900 block of Potomac Avenue since it's not
10 listed?

11 MS. CORRALES: This is just basically for the
12 parking. This just describes the park -- this
13 describes the parking surrounding the establishment.

14 MS. GREEN: Yeah, and that's where a lot of
15 people park according to the neighbors. So I'm just
16 asking if you looked at that area.

17 MS. CORRALES: What we did is what is in the
18 report, so --

19 MS. GREEN: Okay.

20 MS. CORRALES: -- what is in there.

21 CHAIRPERSON MILLER: Can you say that again?

22 You --

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1 MS. CORRALES: What we did is what is listed
2 in Section 7.

3 CHAIRPERSON MILLER: Oh, okay.

4 MS. GREEN: Okay. Did you -- let's see. On
5 your -- Page 5, on your days and hours of visits, on
6 Saturday, October the 6th it appears that you were at
7 the Mill for 12 hours and 15 minutes. Is that a typo?

8 MS. CORRALES: That's a typo, sorry. It's a
9 typo.

10 MS. GREEN: On October 6th it shows that you
11 arrived at 11:45 a.m. and were there until 12:00 a.m.

12 MS. CORRALES: That's a typo.

13 MS. GREEN: Typo? It should be 11:45 p.m.?

14 MS. CORRALES: 11:45 p.m. to 12:00 a.m.

15 MS. GREEN: Okay. And then on October 16th
16 it shows you were at the location for an hour and 15
17 minutes, although the Mill wasn't open.

18 MS. CORRALES: Correct. It's so --

19 MS. GREEN: Was that also a typo?

20 MS. CORRALES: No, ma'am. That is actually
21 my visit to the establishment to interview the owner of
22 the establishment.

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1 MS. GREEN: But in your report it says you
2 interviewed the owner or Mr. Brown on October 10th.

3 MS. CORRALES: On the phone. It should be --
4 I interviewed him on the phone and then I made my visit
5 to the establishment on that date --

6 MS. GREEN: Oh, yeah.

7 MS. CORRALES: -- October 16.

8 MS. GREEN: Okay. Thank you. And then I
9 noticed you said something about your -- you, meaning
10 investigators, observed the closing hours of the
11 establishment. But I only see two on here, on Friday,
12 October 12th and Saturday, October 13. Oh, I'm sorry,
13 there's one more at -- on September 22nd. The rest of
14 these were not at closing time, right?

15 MS. CORRALES: Okay. Yes. Yeah, well,
16 what's listed there is what we did. But there were
17 visits to the establishment during closing.

18 MS. GREEN: And do you know if security
19 guards were present during those hours?

20 MS. CORRALES: From the reports that we --
21 that I received from the investigators, security guards
22 were seen -- were observed assisting to help to exiting

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1 the patrons out of the establishment.

2 MS. GREEN: Okay. Thank you. On Page 6 of
3 the report you say there -- at the top of the page it
4 says from June 6th, 2011 to October 8th there were 24
5 calls for service to the address 1104 8th Street.
6 Three of these calls resulted in referrals to ABRA.
7 But the investigative history just below shows five
8 calls or five incidents reported to ABRA. Do you know
9 the difference between the three and the five? Were
10 some of these as the result of an ABRA investigation,
11 not MPD calls?

12 MS. CORRALES: Correct. Not MPD calls, just
13 ABRA investigations.

14 MS. GREEN: Can you tell me which ones were
15 result of --

16 MS. CORRALES: I guess I cannot tell you
17 which ones were. I just went off the dates that were
18 given to us and compared them to our history in our --
19 in our system.

20 MS. GREEN: So would you say that generally
21 an assault with a deadly weapon would come from the
22 police department, not from an ABRA investigator?

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1 MS. CORRALES: Generally, yes.

2 MS. GREEN: What about a simple assault?

3 MS. CORRALES: Generally, yes. But however,

4 these were the -- those were the ones that were --

5 according to our system, when I double-checked them,

6 those -- only three came up as being referred to ABRA.

7 How the rest came about, I do not know.

8 MS. GREEN: Well, on March 10, 2012 there was

9 an assault on a police officer. And do you know the

10 disposition of that case?

11 MS. CORRALES: I do not know. Well, on March

12 10th?

13 MS. GREEN: Uh-huh.

14 MS. CORRALES: It says on June 20th, 2012 the

15 Board requested a warning letter to be sent.

16 MS. GREEN: And on July 15th there was an

17 assault on a police officer. Do you know the

18 disposition of that case?

19 MS. CORRALES: That is a pending case.

20 MS. GREEN: And on August 27th there was an

21 allegation of go-cups and back-up drinks?

22 MS. CORRALES: A pending case as well.

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1 MS. GREEN: Okay. Thank you. You mentioned
2 the restaurant in the area. Do you know what time that
3 restaurant closes?

4 MS. CORRALES: The Zesta (ph)? Zesta? No, I
5 do not know.

6 MS. GREEN: Okay. All right. That's all the
7 questions I have. Thank you.

8 CHAIRPERSON MILLER: Okay. Any other Board
9 questions? Okay. Thank you very much.

10 MS. CORRALES: Thank you.

11 CHAIRPERSON MILLER: Mr. Brown?

12 MR. BROWN: No further questions by me and we
13 just have one witness --

14 CHAIRPERSON MILLER: Right.

15 MR. BROWN: -- to call -- wanted to go next.

16 CHAIRPERSON MILLER: You want to take the
17 stand? And raise your right hand. Do you swear to tell
18 the truth, the whole truth, nothing but the truth?

19 MR. ROBINSON: I do.

20 CHAIRPERSON MILLER: Thank you. Have a seat.

21 MR. BROWN: Mr. Robinson, again, can you just
22 state your name for the record and your title?

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1 MR. ROBINSON: Carlton Robinson, vice
2 president and general manager.

3 MR. BROWN: And how long have you been in
4 that position?

5 MR. ROBINSON: Two years.

6 MR. BROWN: And I -- how long have you been
7 associated with the Licensee?

8 MR. ROBINSON: Since 1991.

9 MR. BROWN: One. Okay. I have a few
10 questions if (inaudible) cover your current closing
11 position.

12 MR. ROBINSON: Yes.

13 MR. BROWN: How do you go about closing the
14 Licensee today?

15 MR. ROBINSON: Currently, we do last call 30
16 minutes before closing. And at 15 minutes before
17 closing, we bring up the lights and remove cups and
18 start to show patrons out of the door.

19 MR. BROWN: Can you speak up, please?

20 MR. ROBINSON: Yes. At 30 minutes before
21 closing --

22 MR. BROWN: Right.

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1 MR. ROBINSON: -- we do last call.

2 MR. BROWN: Okay.

3 MR. ROBINSON: Fifteen minutes before
4 closing, the music stops. Then we bring up the lights
5 and we start (inaudible) people out of the door.

6 MR. BROWN: And by 3:00 or if they --
7 whatever --

8 MR. ROBINSON: At closing, at 3:00, then we
9 have the security staff outside and they're ushering
10 people away and clearing the block, along with the
11 police department.

12 MR. BROWN: And so can you explain that
13 procedure? How long does that take for you to clear
14 all the patrons once the establishment is closed?

15 MR. ROBINSON: Approximately 30 minutes.

16 MR. BROWN: Okay. And when do you have a
17 police detail present?

18 MR. ROBINSON: We have a police detail on
19 Saturdays, some Thursdays and when we have special
20 events.

21 MR. BROWN: And what are their general hours?

22 MR. ROBINSON: From Midnight until 4:00.

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1 MR. BROWN: All right. Do you -- and I asked
2 you -- and for the Board, I'm looking at what is ABRA's
3 Exhibit No. 3. It's the map. Do you -- does your
4 security staff patrol that area and which areas do they
5 patrol? And what's your time frame?

6 MR. ROBINSON: Starting at 10:30 and on the
7 hour --

8 MR. BROWN: Uh-huh.

9 MR. ROBINSON: -- the security patrol around
10 the perimeter of the establishment. We do 8th Street,
11 L Street, 9th Street and Potomac Avenue. Then we come
12 down L Street, 7th Street, M Street. And we had
13 recently heard about a complainant on Potomac Avenue
14 further down. So we started going further down Potomac
15 Avenue towards 10th Street.

16 MR. BROWN: And at closing on -- let's just
17 use as a -- what's your busy night, by the --

18 MR. ROBINSON: Saturday.

19 MR. BROWN: All right. So let's just use
20 Saturday for example. How many security staff would be
21 outside after the establishment closed?

22 MR. ROBINSON: Most security staff, which

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1 would be about seven -- five to seven security
2 officers.

3 MR. BROWN: All right. And --

4 MR. ROBINSON: Plus, the security -- plus,
5 the police detail.

6 MR. BROWN: And it takes you about how long
7 to -- let's say it's the busiest night. And how long
8 does it take you to close?

9 MR. ROBINSON: Approximately 30 minutes.

10 MR. BROWN: All right. And about how many
11 patrons -- assuming it's at full capacity, about how
12 many patrons, customers, clients would that be?

13 MR. ROBINSON: Two hundred.

14 MR. BROWN: And after 30 minutes what do you
15 do in terms of procedures?

16 MR. ROBINSON: After we clear the block?

17 MR. BROWN: Yes.

18 MR. ROBINSON: Then the security staff comes
19 in and they regroup. If there's reports or anything
20 that need to be written in the log books, we do that.
21 And then we just go through our bar closing procedures
22 and we leave the establishment.

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1 MR. BROWN: And about what time would that
2 be?

3 MR. ROBINSON: Typically from the time we
4 close, about an hour.

5 MR. BROWN: Takes about an hour for you guys
6 to leave the total establishment at that time?

7 MR. ROBINSON: Correct.

8 MR. BROWN: Okay. Let me -- let me ask you,
9 do you have any idea what percentage of your clients
10 drive to the Mill?

11 MR. ROBINSON: We did a survey a couple
12 months back. And we estimated that maybe about a third
13 -- less than 50 percent of them.

14 MR. BROWN: On -- they generally come -- is -
15 - your survey found that they generally drive two or
16 three in a car more or less?

17 MR. ROBINSON: Yeah. They usually come in
18 groups like maybe a carful. But we don't -- every
19 patron doesn't drive. Usually there's two or three or
20 four that may come up together.

21 MR. BROWN: And is that your understanding of
22 -- is that the way it has been for quite some time now?

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1 MR. ROBINSON: Yes.

2 MR. BROWN: Now, where do your customers
3 park?

4 MR. ROBINSON: Well, we typically instruct
5 them to park along 8th Street, there in front of the
6 bar, up towards where the overpass is up by --

7 MR. BROWN: Right.

8 MR. ROBINSON: -- Virginia Avenue --

9 MR. BROWN: That's correct.

10 MR. ROBINSON: -- and down towards M Street
11 and along M Street.

12 MR. BROWN: And do you instruct your patrons
13 not to park on what appears to be 9th Street and
14 Potomac Avenue? And if so, why would you -- why do you
15 do that?

16 MR. ROBINSON: We typically don't instruct
17 them to park along there. It's kind of a -- it's a
18 side street. It's off the beaten path. There's not
19 much foot traffic there. So to cut down on any type of
20 incidents, we usually -- we usually advise them not to
21 park over there.

22 MR. BROWN: And have you had problems over

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1 the years with your patrons having their cars broken
2 into?

3 MR. ROBINSON: If we have, it's usually been
4 along that 9th Street corridor there.

5 MR. BROWN: And is that why you instruct them
6 not to park there?

7 MR. ROBINSON: Correct.

8 MR. BROWN: And what about robberies and
9 muggings of your clientele?

10 MR. ROBINSON: It's typically along that same
11 corridor, just off on the side streets where there's
12 not much foot traffic and not many people.

13 MR. BROWN: Okay. So the Mill has been at
14 its current location for 25 years. Do you know who
15 owns that property?

16 MR. ROBINSON: Yes, David Lewis.

17 MR. BROWN: Mr. Lewis to my left?

18 MR. ROBINSON: Correct.

19 MR. BROWN: And does Mr. Lewis own any other
20 property in the area?

21 MR. ROBINSON: Along L Street there's some
22 businesses along there and he has a property there in

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1 the 800 block.

2 MR. BROWN: 811 L Street, which is the
3 business mailing address?

4 MR. ROBINSON: Yes.

5 MR. BROWN: Is that correct? And have you
6 had problems with break-ins, loitering?

7 MR. ROBINSON: We typically have -- there's
8 panhandlers that are usually in the area that have been
9 there for a number of years. Particularly you'll see
10 them out mostly a lot of times during the day and into
11 the later nights -- into the evenings. So we typically
12 see them along that 800 block area there of L Street.

13 MR. BROWN: And have there been any
14 allegations of drug dealing or prostitution in that
15 area?

16 MR. ROBINSON: Not that I've ever been aware
17 of in all the time that I've been there.

18 MR. BROWN: In your 19 years of association,
19 have you heard of a residential complaint for parking
20 or noise or --

21 MR. ROBINSON: I have not. I've been in the
22 area for quite a few years. I used to have a barber

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1 shop right there on 8th Street, just next door to the
2 club. And we've never had any parking issues or any
3 complaints from the residents because there's just not
4 many down there.

5 MR. BROWN: About within that 400 feet zone
6 about how many residents do you --

7 MR. ROBINSON: Along Potomac Avenue there may
8 be about ten. Along L Street there's maybe three or
9 four. And there's probably a couple on 7th Street.

10 MR. BROWN: And is any of those being used as
11 businesses as well?

12 MR. ROBINSON: Mostly along L Street there
13 are businesses. There's -- there hasn't been a
14 resident around there for some time. Potomac Avenue,
15 like, in the 100 block there are residents along there.
16 There's a couple of businesses along there as well.
17 Along L Street there in the -- I believe that's the 900
18 block there's a corner store -- a market there and
19 there's a couple of residents there.

20 MR. BROWN: And so -- now, I've summarized
21 and let me just rebrief. What's your proposed
22 procedures for soft closing? Is it --

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1 MR. ROBINSON: Well, what we propose is just
2 not serving any alcohol or anything beyond our current
3 procedure. We just would kind of like to be able to
4 not force everyone out onto the street at the same
5 time, allow people to stay within the building and
6 finish conversing and to have some -- drink some water,
7 maybe some coffee or something and just to kind of --
8 and maybe in 15-minute intervals, just kind of start to
9 move people outside.

10 The way that the club is structured, there's
11 -- we can section off the club, whereas, we can have
12 people just to go to a different area of the
13 establishment and start to kind of put them in
14 different pockets and areas and then send people out
15 accordingly.

16 MR. BROWN: You're proposing a trial period
17 where you issue a report, an analysis afterwards?

18 MR. ROBINSON: Yeah, we were thinking maybe
19 30- 90 days.

20 MR. BROWN: Okay. Now, you're asking again
21 for one additional hour solely for the purpose of soft
22 closing, no food, no entertainment, nothing, other than

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1 allowing them to have free coffee and free water and
2 then push them out?

3 MR. ROBINSON: Yes.

4 MR. BROWN: Is this -- what is your current
5 hours of operation?

6 MR. ROBINSON: Let's see. Sunday through
7 Thursday we close at 2:00.

8 MR. BROWN: Okay.

9 MR. ROBINSON: Friday and Saturday, we close
10 at 3:00.

11 MR. BROWN: And you're asking for one hour on
12 top of the current --

13 MR. ROBINSON: Correct.

14 MR. BROWN: -- for soft closing only?

15 MR. ROBINSON: Correct.

16 MR. BROWN: Thank you. I have no further
17 questions.

18 CHAIRPERSON MILLER: Okay. Why don't we
19 start with you, Ms. Green? Cross?

20 MS. GREEN: Mr. Robinson?

21 MR. ROBINSON: Yes.

22 MS. GREEN: Do you know what your certificate

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1 of occupancy is for that building?

2 MR. ROBINSON: I do not.

3 MS. GREEN: You mentioned new procedures.

4 How long have your new procedures been in place?

5 MR. ROBINSON: When did I mention new
6 procedures? I mentioned our current procedures and
7 what our proposed procedures would be.

8 MS. GREEN: So you haven't changed procedures
9 in the last few months --

10 MR. ROBINSON: We have not.

11 MS. GREEN: -- the last six months or so?

12 MR. ROBINSON: No, we haven't.

13 MS. GREEN: You have a reimbursable detail
14 now on Thursday nights and sometimes on Saturday
15 nights; is that correct?

16 MR. ROBINSON: Every Saturday, on some
17 Thursdays and on days that we have special events.

18 MS. GREEN: How long has that been in place?

19 MR. ROBINSON: Maybe about three months.

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

22 MR. ROBINSON: About three months.

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1 CHAIRPERSON MILLER: Three months. Okay.

2 MS. GREEN: So that would be the change that
3 -- you mean, there's no other -- there are no other
4 changes that you made in the last -- I believe the
5 police department told me it was May that you made a
6 change.

7 MR. ROBINSON: Okay.

8 MS. GREEN: No other changes to your security
9 plan or your security guards or their routes where they
10 walk around or make sure that --

11 MR. ROBINSON: No other changes.

12 MS. GREEN: Okay. And did I understand you
13 to say one-third of your patrons have cars and the
14 other two-thirds ride with them?

15 MR. ROBINSON: Correct.

16 MS. GREEN: And nobody takes the Metro or
17 walks, maybe one or two people?

18 MR. ROBINSON: We get a few.

19 CHAIRPERSON MILLER: I'm sorry, what did you
20 say?

21 MR. ROBINSON: I said, "We get a few."

22 CHAIRPERSON MILLER: A few?

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1 MR. ROBINSON: Yes.

2 CHAIRPERSON MILLER: A few who go to the
3 Metro?

4 MR. ROBINSON: Yes.

5 CHAIRPERSON MILLER: Okay.

6 MS. GREEN: But do you know how far the Metro
7 is from the establishment?

8 MR. ROBINSON: The Navy Yard Station is
9 approximately six blocks away down M Street. And the
10 Eastern Market Station is maybe about five blocks up
11 8th Street.

12 MS. GREEN: I believe it's north of the 400
13 block --

14 MR. ROBINSON: Okay.

15 MS. GREEN: -- of 8th Street. It'd be, like,
16 300 8th Street.

17 MR. ROBINSON: I don't know the exact
18 address.

19 MS. GREEN: And why do you think that
20 people's behavior is going to change if you have a soft
21 closing? Why do you think that they will leave at
22 different times just because it's a soft closing? Why

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1 do you think everybody's not going to rush out the door
2 because they don't want water or coffee?

3 MR. ROBINSON: In most of our observation,
4 when we have people to come outside, they tend to want
5 to just stand around and talk unless we're out there
6 telling them, which we do, to move it on and to carry
7 their conversations further. So our line of thinking
8 is that if we allow people to finish up their
9 conversations inside, that they'll just leave and go to
10 their cars.

11 MS. GREEN: When you ask them to move on when
12 they're out there partying, where are you doing that?
13 What blocks are you looking at?

14 MR. ROBINSON: We do it right outside of our
15 establishment.

16 MS. GREEN: On 8th Street?

17 MR. ROBINSON: On 8th Street.

18 MS. GREEN: Uh-huh.

19 MR. ROBINSON: And typically we have people
20 parking along L Street, in the 800 block and the 900
21 block. And we have security guards out there on both
22 of those blocks. And we're usually just ushering

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1 people along. And as people are coming down there and
2 approaching their cars, we just encourage them to keep
3 it moving and to be respectful of the community.

4 MS. GREEN: What about 7th Street?

5 MR. ROBINSON: Along 7th Street we have some
6 that park along there. There's not much parking along
7 there but we have some.

8 MS. GREEN: Are you aware of the calls for
9 service from the police department for 7th Street --
10 the 1000 block of 7th Street?

11 MR. ROBINSON: I am not.

12 MS. GREEN: Are you aware that -- let's see.
13 What is this? One, two, three, four, five, six, seven
14 calls for disorderly -- one -- or six and one for
15 threats in the last four months?

16 MR. ROBINSON: Aware of some.

17 MS. GREEN: And are those your patrons that
18 are parking over there?

19 MR. ROBINSON: I can't be certain.

20 MR. SILVERSTEIN: Say again, please.

21 MR. ROBINSON: I can't be certain.

22 MS. GREEN: All right. Thank you.

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1 MR. ROBINSON: Sure.

2 CHAIRPERSON MILLER: Board questions? Yes,
3 Mr. Brooks.

4 MR. BROOKS: Thank you, Madam Chair. Mr.
5 Robinson, how long have you been with the Bachelor's
6 Mill?

7 MR. ROBINSON: In my current position, about
8 two years.

9 MR. BROOKS: And before that?

10 MR. ROBINSON: Before that, I've been
11 associated and affiliated with them since 1991.

12 MR. BROOKS: All right. So what is the
13 capacity -- certificate of occupancy?

14 MR. ROBINSON: I'm not exactly sure what the
15 certificate of occupancy is. I could only speak to
16 about how many people we typically have in there.

17 MR. BROOKS: Okay. So you've never seen the
18 C of O posted anywhere?

19 MR. ROBINSON: We do have one but I can't
20 remember of the top of my head exactly what it is. And
21 I'd rather not just blurt out a number that I'm not
22 sure of.

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1 MR. BROOKS: Okay. And ABRA violations --
2 are you aware of any past ABRA violations?

3 MR. ROBINSON: I'm aware of some
4 investigations.

5 MR. BROOKS: But no violations filed?

6 MR. ROBINSON: There's nothing I can recall
7 off the top of my head.

8 MR. BROOKS: Nothing with go cups or back-up
9 drinks?

10 MR. ROBINSON: No. I've seen that in the
11 report and I'm not exactly sure what that means.

12 MR. BROOKS: And you were not cited for that?

13 MR. ROBINSON: I'm not exactly sure. I don't
14 know exactly what that is. I don't know what the
15 wording means so I'm not exactly sure what it is.

16 MR. BROOKS: Okay. And what about hours of
17 sale?

18 MR. ROBINSON: I'm not aware of anything for
19 hours of sale.

20 MR. BROOKS: About a year ago?

21 MR. ROBINSON: No, sir. I'm not aware.

22 MR. BROOKS: Okay. And what is your

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1 relationship with the local police precinct?

2 MR. ROBINSON: My relationship only extends
3 to the point where we have our police detail.

4 MR. BROOKS: Okay. But do you know who the
5 precinct captain is for the police department?

6 MR. ROBINSON: I do not.

7 MR. BROWN: Okay. And your relationship with
8 the ANC?

9 MR. ROBINSON: I've been to a meeting with
10 the ANC and I recognize -- I'm sorry, I don't remember
11 your name -- yeah, the woman sitting in the middle.

12 MS. OLDENBURG: Kirsten Oldenburg.

13 MR. ROBINSON: Kirsten, yes. I've seen her
14 and we've had some conversation at a meeting.

15 MR. BROOKS: So for the last four or five
16 years you've been to one meeting?

17 MR. ROBINSON: Yes, sir.

18 MR. BROOKS: Okay. Thank you, Madam Chair.

19 CHAIRPERSON MILLER: Okay. Others? Yeah,
20 Mr. Jones.

21 MR. JONES: Thank you, Madam. I just wanted
22 to confirm, what's your role at this time?

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1 MR. ROBINSON: General manager and vice
2 president.

3 MR. JONES: General manager and vice
4 president. Does that mean you oversee security?

5 MR. ROBINSON: Yes.

6 MR. JONES: Do you oversee bar staff?

7 MR. ROBINSON: Yes.

8 MR. JONES: Do you oversee the general
9 operations of the establishment?

10 MR. ROBINSON: Yes, I do.

11 MR. JONES: Okay. And you're saying that
12 you're not familiar with what back-up drinks are or a
13 go cup?

14 MR. ROBINSON: I don't know what the -- when
15 I was looking at the report, I don't know what that
16 violation is. I don't -- I don't know what it is.

17 MR. JONES: Okay. And you're saying that
18 you're not aware of what the capacity is -- the limit?

19 MR. ROBINSON: No, not the exact capacity.

20 MR. JONES: Okay. So as a general manager,
21 how would you be able to be in the position to identify
22 whether or not you were over capacity?

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1 MR. ROBINSON: Well, we usually do a site --
2 we do it on site. We have a clicker and we issue bands
3 to people as they come in to track our numbers. And we
4 just usually keep our tabs that way.

5 MR. JONES: Okay. What's the highest number
6 you've gotten on a clicker since you've been general
7 manager?

8 MR. ROBINSON: Maybe 240 people.

9 MR. JONES: Two hundred and forty people. So
10 you're fairly certain that your capacity is at least
11 240 plus staff?

12 MR. ROBINSON: Yes.

13 MR. JONES: Okay. Thank you. Thank you,
14 Madam Chair.

15 CHAIRPERSON MILLER: Okay. Others? Let me
16 ask, do you have any idea -- it sounds like very few of
17 your patrons take the Metro or take public
18 transportation versus driving. Do you know why that
19 is?

20 MR. ROBINSON: Maybe because of where we're
21 located. It's a little bit of a walk from the subway
22 station.

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1 CHAIRPERSON MILLER: Is it -- is it where
2 people might not feel safe walking or is that an issue?

3 MR. ROBINSON: I don't know if it's so much
4 the safety issue with walking --

5 CHAIRPERSON MILLER: Yeah.

6 MR. ROBINSON: -- as it is just a distance
7 issue.

8 CHAIRPERSON MILLER: It's the distance.
9 Okay.

10 MR. ROBINSON: I think the closest station is
11 maybe five or six blocks.

12 CHAIRPERSON MILLER: How do you advise your
13 patrons where to park?

14 MR. ROBINSON: Well, we usually advise them
15 to park on, of course, the street parking, which is
16 right out front.

17 CHAIRPERSON MILLER: But how do you
18 communicate that?

19 MR. ROBINSON: Well, we usually have postings
20 inside of the club. And, you know, most of our patrons
21 are patrons that have been coming for a number of
22 years.

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1 CHAIRPERSON MILLER: Uh-huh.

2 MR. ROBINSON: So we have a rapport with them
3 and we talk with them. So we usually talk with them
4 and we advise people based on just things that are
5 going on at whatever time in the community.

6 CHAIRPERSON MILLER: Is there a certain age
7 range that's more common for your patrons?

8 MR. ROBINSON: I would say probably about 35.

9 CHAIRPERSON MILLER: Okay. So if you did
10 this trial period for 30-90 days, you're going to write
11 a report?

12 MR. ROBINSON: Yes.

13 CHAIRPERSON MILLER: Is that correct? And
14 what are you going to do with the report?

15 MR. ROBINSON: I'll submit it to our -- to
16 our Board, to our staff. And if need be, we'll pass it
17 on to you all.

18 CHAIRPERSON MILLER: Okay. And the
19 reimbursable detail, how is it that you retain them?
20 Did you -- was that as a result of a Board Order or is
21 that just something you voluntarily decided you wanted
22 to do?

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1 MR. ROBINSON: It was voluntary.

2 CHAIRPERSON MILLER: Okay. And was it a
3 response to some incident or anything?

4 MR. ROBINSON: (Indicating no)

5 CHAIRPERSON MILLER: Okay. Why did the --
6 how did that decision get made?

7 MR. ROBINSON: We had a police detail at one
8 point in time and then we stopped it. And then we just
9 decided that maybe we should pick it back up after
10 going to some of the Nightlife Association meetings.

11 CHAIRPERSON MILLER: Uh-huh. Okay.

12 MR. ROBINSON: And just hearing from some of
13 the commentation from other people there, we just
14 thought maybe we'd be proactive and just get police
15 detail.

16 CHAIRPERSON MILLER: And so the soft closings
17 idea, have you heard about it with respect to other
18 similarly situated establishments? I mean, what do you
19 know about it and why do you think it's going to work
20 for your establishment --

21 MR. ROBINSON: It's come up a number of times
22 just at the Nightlife Association meetings --

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1 CHAIRPERSON MILLER: Uh-huh.

2 MR. ROBINSON: -- when most people seem
3 favorable of it. Our location and for where we are is
4 kind of unique because we're kind of at the end of the
5 block and there's not much around us. But I've heard
6 people speaking of it and they spoke favorably,
7 positive, particularly in situations whereas there were
8 a number of establishments there together. So we just
9 figured that maybe it's something we'd look into and
10 try.

11 CHAIRPERSON MILLER: So basically you're
12 going to stop serving at the same time, like, 3:00 or -
13 - on Monday through Thursday -- Sunday or --

14 MR. ROBINSON: Sunday through Thursday at
15 2:00.

16 CHAIRPERSON MILLER: 2:00. Okay.

17 MR. ROBINSON: And on Friday and Saturday
18 it'd be at 3:00. Nothing at all would change with
19 that. It's just a matter of just -- you know,
20 currently we have to have everyone out the door. So we
21 just thought maybe it'd be better if we kept people
22 inside and allow them to finish up their conversations

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1 and see if it would work better.

2 CHAIRPERSON MILLER: So currently you have --
3 everybody's basically leaving at 3:00?

4 MR. ROBINSON: Yes, on Friday and Saturdays.

5 CHAIRPERSON MILLER: And they -- and how long
6 do they hang around your area before they leave? Like,
7 half -- did you say a half an hour, 15 minutes, a half
8 an hour?

9 MR. ROBINSON: Fridays aren't busy days at
10 all for us. Usually within about ten minutes we're
11 clear. On Fridays, that's definitely our busiest day.
12 Pardon me, and maybe 30 minutes at the most usually
13 everyone is out and our security staff is back inside
14 and the police are still out there until 4:00.

15 CHAIRPERSON MILLER: Okay. So everyone could
16 be out for half an hour -- within this half an hour.
17 And with that -- with the one hour addition they'd be
18 out then for an hour? There'd be another extra half an
19 hour. But it'd be smaller groups?

20 MR. ROBINSON: That's what we're thinking.
21 And we're also thinking that maybe after people finish
22 their conversations inside, they'll just probably go to

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1 their cars to leave.

2 CHAIRPERSON MILLER: I see. Okay. So you
3 think that will cut down on the conversations outside,
4 which is --

5 MR. ROBINSON: Yes.

6 CHAIRPERSON MILLER: -- a problem for the
7 residents?

8 MR. ROBINSON: Yes.

9 CHAIRPERSON MILLER: Okay. That's all my
10 questions. Yeah, Mr. Alberti.

11 MR. ALBERTI: Hi, Mr. Robinson.

12 MR. ROBINSON: Hi.

13 MR. ALBERTI: I'm trying to understand the
14 club a little bit -- all right -- since I've never been
15 there. Do you have two floors?

16 MR. ROBINSON: Yes.

17 MR. ALBERTI: Is there anything else besides
18 those two floors?

19 MR. ROBINSON: There's a couple of rooftop
20 patios, where people go out for smoking.

21 MR. ALBERTI: Okay. And they're outdoors?

22 MR. ROBINSON: Yes.

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1 MR. ALBERTI: Okay. Are they used for
2 service or just for smoking or --

3 MR. ROBINSON: Just for smoking.

4 MR. ALBERTI: Okay. So I see -- well, I see
5 pool tables in one of the diagrams. So tell me sort of
6 what activities you have going on on the first floor
7 and then on the second floor. Describe it for me.

8 MR. ROBINSON: Sure. On the second floor,
9 it's mostly lounge area. There's a bar up there.

10 MR. ALBERTI: Uh-huh.

11 MR. ROBINSON: And then there's a separate
12 room where the pool table is.

13 MR. ALBERTI: Okay.

14 MR. ROBINSON: There's a room that has two
15 pool tables and there's a rooftop patio off of that
16 room. And then off of the larger room, where the
17 lounge is, there's another rooftop patio area out
18 there.

19 MR. ALBERTI: Okay.

20 MR. ROBINSON: Down on the first floor --

21 MR. ALBERTI: So is there any entertainment
22 in -- or dancing upon the second floor or --

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1 MR. ROBINSON: No. On one day out of the
2 week we have karaoke -- on Sunday nights.

3 MR. ALBERTI: Upstairs on the second floor?

4 MR. ROBINSON: Upstairs on the second floor.

5 MR. ALBERTI: Okay. Okay. Proceed.

6 MR. ROBINSON: On the ground floor, the first
7 floor, there's two areas for dancing and two separate
8 bars in those areas.

9 MR. ALBERTI: Okay.

10 MR. ROBINSON: And one is open Thursday,
11 Friday and Saturday. One is open just on Thursday and
12 Saturday.

13 MR. ALBERTI: So in your experience from the
14 last six months, what's the crowd look like on Friday
15 and Saturday nights? How big?

16 MR. ROBINSON: Friday nights we get maybe
17 about a maximum --

18 MR. ALBERTI: Uh-huh.

19 MR. ROBINSON: -- of maybe about 60, 70
20 people. On Saturday nights we get a maximum of maybe
21 about 240 -- 200-240 people.

22 MR. ALBERTI: So Saturday night's your really

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1 busy night?

2 MR. ROBINSON: Yes.

3 MR. ALBERTI: So I guess that begs the
4 question why the -- why the need for a soft closing on
5 a Friday?

6 MR. ROBINSON: Well, we put in the
7 application for multiple days --

8 MR. ALBERTI: Uh-huh.

9 MR. ROBINSON: -- just because there are some
10 days where we have special events. And we would like
11 to have the option to be able to do it --

12 MR. ALBERTI: Uh-huh.

13 MR. ROBINSON: -- in the event, like,
14 whereas, when Thanksgiving comes around, if we have
15 something going on then, you know, we just thought it'd
16 be okay to have the option.

17 MR. ALBERTI: Okay. Cool. I got it. Now,
18 you talked about encouraging patrons to leave, like,
19 you know, 25 percent at a time. And I understand
20 that's kind of a loose figure. I know. And so -- but
21 it's not clear to me how you would encourage people to
22 leave. Can you -- can you give me more details on

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1 what your plan is there? And be as specific as
2 possible.

3 MR. ROBINSON: Sure. Well, currently, you
4 know, as people are coming outside, the security staff
5 is outside. And as people are coming out, if they,
6 like, want to pause and stop and have conversations, we
7 just, you know, nicely go over to people and say, "Hey,
8 can you please be respectful and kind of keep it
9 moving? We need to get the block cleared so that we
10 don't have any incidents and no problem."

11 And generally, people are usually pretty
12 understanding and they keep it moving. So with the
13 soft closing, we figured that maybe we could have some
14 of the conversations inside and that, you know, we'd
15 still have the security staff outside and we'd be able
16 to do the same thing. But we thought maybe the numbers
17 of people coming out would be in smaller groups and it
18 would just be easier to manage.

19 And we were thinking that, you know, maybe
20 after people stood around inside and talked for a while
21 that they would probably leave once they got outside.

22 MR. ALBERTI: But how would you encourage

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1 them to leave? I mean, you have this -- you spoke to
2 us about this plan, about -- and analyzing -- I mean,
3 if you're going to analyze something, you have to have
4 a plan to analyze. You have to know what you were
5 expecting, what your hypothesis was. So what's your
6 plan here to get people out?

7 MR. ROBINSON: To -- if we extend the hours?

8 MR. ALBERTI: Yeah, yeah.

9 MR. ROBINSON: Our plan to get people out is
10 to allow them to stand around inside and finish up
11 their conversations. As the groups start to move
12 outside, we would still have our security guards
13 outside doing what they normally do now during our
14 current procedures, which is just encouraging people to
15 keep it moving and then to -- escorting them to their
16 cars or just seeing them on their way.

17 MR. ALBERTI: Okay. Mr. Robinson, I mean,
18 honestly -- well, what I'm hearing now is different
19 than what I heard in the opening remarks, that, you
20 know -- plans, maybe section part out, encourage maybe
21 25 percent of the people to leave every 15 minutes.
22 And what I'm hearing now is, "Oh, we're going to hope

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1 that they leave." So help me sort this out. I mean,
2 because I just asked you the question --

3 MR. ROBINSON: Yeah.

4 MR. ALBERTI: -- "Be as detailed as possible
5 and give me your plan for encouraging people to leave."

6 MR. ROBINSON: Okay.

7 MR. ALBERTI: And what I -- and what I got
8 back from you was, "Oh, well, you know" --

9 MR. ROBINSON: Okay.

10 MR. ALBERTI: -- "we're going to talk and
11 they'll be leaving as they will."

12 MR. ROBINSON: Okay. Forgive me for not --

13 MR. ALBERTI: So -- okay.

14 MR. ROBINSON: -- giving all the details.

15 MR. ALBERTI: So you understand? All right.

16 MR. ROBINSON: Yeah, I do.

17 MR. ALBERTI: Okay.

18 MR. ROBINSON: Okay. On the second floor,
19 you know, we would encourage people -- we would close
20 that section off first and start to move people to the
21 downstairs area, whereas, they have the two rooms and
22 the foyer area to stand around and to talk. And then

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1 maybe about 15 minutes after that, we would close off
2 the smaller room downstairs and start to get people to
3 come into the foyer area and to the larger room --

4 MR. ALBERTI: Uh-huh.

5 MR. ROBINSON: -- and have them there and to
6 finish up their conversations for a while then. And
7 then we would start to close off the foyer area and
8 move people into that larger area. And then we would
9 start to move people from the larger area out the door.
10 So we would just kind of systematically move people to
11 smaller areas and different parts of the club about
12 every 15 minutes or so until we start to get the room
13 down to a smaller amount and people would start to go
14 out in smaller groups.

15 And we would -- and our plan and our hope is
16 that once people get outside, that they will have had
17 enough of their conversation and they would have water
18 and they would have had some coffee maybe and they'd be
19 ready to just move on and just keep it going. Once
20 they got outside, if they --if they still wanted to
21 hang around, we would just encourage them and talk to
22 them and ask them to please move on.

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1 MR. ALBERTI: Okay. I get that and I get the
2 purpose here. Currently when is your last call?

3 MR. ROBINSON: On Friday and Saturdays we
4 close at 3:00. So we do our last call at 2:30.

5 MR. ALBERTI: Uh-huh. If I came to your door
6 at 2:30, would you let me in?

7 MR. ROBINSON: No. We don't let people in
8 after last call.

9 MR. ALBERTI: Okay. You don't? All right.
10 What would you -- be your policy if you had a soft
11 closing of an hour?

12 MR. ROBINSON: As far as serving?

13 MR. ALBERTI: No. Well, in terms of last
14 call - - in terms of last call and then allowing people
15 to enter.

16 MR. ROBINSON: It wouldn't change. We would
17 -- we still wouldn't allow people to enter after 2:30
18 on Fridays and Saturdays and we still wouldn't be
19 serving drinks after 2:30 on Fridays and Saturdays.

20 MR. ALBERTI: Okay. So what you're telling
21 me is definitely that after an hour and a half on
22 Fridays and Saturdays, you would not let anyone in

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1 after 2:30?

2 MR. ROBINSON: After 2:30. Correct.

3 MR. ALBERTI: So if somebody came to your
4 door at 3:00, 3:10 and said, "Oh, I -- you know, I just
5 want to come in and hang out with my friends until they
6 leave" --

7 MR. ROBINSON: We don't allow that currently.
8 We don't --

9 MR. ALBERTI: Okay.

10 MR. ROBINSON: -- we aren't looking to change
11 anything when it comes to that procedure at all.

12 MR. ALBERTI: Okay. Okay. I have no further
13 questions.

14 CHAIRPERSON MILLER: Yes, Mr. Jones.

15 MR. JONES: Really quickly, just to follow
16 up, so you talk about a plan. You're talking about the
17 ability (inaudible) groups of people and get them out.
18 But I -- and I hate -- I don't really hate -- I'm not
19 going to lie. It just bothers me that you don't
20 understand or know what the capacity of your
21 establishment is to be able to properly regulate that.
22 Because I just pulled up your license really quickly.

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1 MR. ROBINSON: Uh-huh.

2 MR. JONES: And your capacity appears to be
3 around 145. So basically on the record you're just
4 telling me that you're allowing on Saturday nights on a
5 regular basis more than your capacity as per your
6 license. And as a general manager, I would expect you
7 to have a handle on that. So if you don't have a
8 handle on that, I'm concerned about your ability to
9 handle the (inaudible) this plan that you're putting
10 forward.

11 So I'm challenged and I want to give you an
12 opportunity to clarify what it is I am having an issue
13 reconciling my mind about your ability to handle the
14 plan, when you don't seem to have the ability to manage
15 your capacity.

16 MR. ROBINSON: Well, I know that our capacity
17 -- our occupancy license is something we've had since
18 we've been in the establishment and that our amount of
19 space that we have has grown, you know, since we've
20 been in the establishment. We had the patios upstairs
21 that we didn't have before and we have the pool room
22 now and that patio there that we didn't have before.

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1 And we're currently in the process of trying
2 to get our capacity changed so that it fits in better
3 with what we currently have. So I'm not -- you know,
4 and we have three different sections. So the capacity
5 is different in each of those sections that we have.
6 And each of those sections aren't open every night.
7 So, you know, it's hard to really know -- for me
8 particularly to know exactly what our full capacity is
9 because we have extra space that we didn't have when we
10 got our occupancy license.

11 MR. JONES: Okay. And how long have you been
12 a general manager?

13 MR. ROBINSON: Two years.

14 MR. JONES: Two years. Okay. Thank you.
15 Thank you, Madam Chair.

16 CHAIRPERSON MILLER: Okay. Others? I just
17 have a couple follow-ups -- or I don't know if they're
18 really follow-ups. But, no, on the -- on the report
19 that you would do 30-90 days out after you implemented
20 soft closing, what was -- what factors would you cite
21 for it not working?

22 MR. ROBINSON: I suppose the factors that we

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1 would cite for it not working would be if -- once we
2 got people outside, if people were still lingering --

3 CHAIRPERSON MILLER: Uh-huh. Okay.

4 MR. ROBINSON: -- or if security came back
5 and reported to us, "Hey, we're getting people outside
6 now even after we've extended our hours and people are
7 still kind of wanting to stand around and hang around
8 and people aren't just moving on like we had hoped and
9 thought that they would."

10 CHAIRPERSON MILLER: Okay. And how close is
11 the nearest residence?

12 MR. ROBINSON: The nearest resident is
13 probably on L Street in, like, the -- I think that's
14 the 900 block of L Street.

15 CHAIRPERSON MILLER: So do your patrons -- I
16 mean, park over there near that or walk that way or --

17 MR. ROBINSON: Possibly some. We usually
18 encourage people to park along there. But there's not
19 much space for parking there. You can't park but on
20 one side of the street over there. And so it's really
21 limited.

22 CHAIRPERSON MILLER: Have you gotten -- this

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1 may have been asked and I'm sorry if it was -- but have
2 you gotten noise complaints?

3 MR. ROBINSON: From?

4 CHAIRPERSON MILLER: From residents, from the
5 ANC, from community groups?

6 MR. ROBINSON: We haven't heard anything from
7 the ANC or anything from any neighbors.

8 CHAIRPERSON MILLER: And my last question is
9 -- my last question -- you've gotten -- it sounds like
10 you've gotten most of your information on soft closings
11 from the Nightlife Association.

12 MR. ROBINSON: Yes.

13 CHAIRPERSON MILLER: Have they said anything
14 in particular about places where it didn't work or has
15 it all just been positive?

16 MR. ROBINSON: I haven't heard anything about
17 where it didn't work.

18 CHAIRPERSON MILLER: Okay. So everything you
19 heard was positive? Okay.

20 MR. ROBINSON: Yes.

21 CHAIRPERSON MILLER: All right. So -- yes,
22 okay.

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1 MR. ALBERTI: One final quick question. If
2 you were to get the soft closing, what hours would you
3 employ reimbursable detail if you were -- if you were
4 to continue?

5 MR. ROBINSON: We would keep the reimbursable
6 detail for that extra hour. So for instance, now we
7 keep them until 4:00. We would keep them until 5:00.

8 MR. ALBERTI: Okay. Thank you.

9 CHAIRPERSON MILLER: Okay. Now, you'll have
10 an opportunity to further cross-examination based on
11 our questions. Anything?

12 MR. BROWN: I do not but if I might just in
13 closing clarify an issue --

14 CHAIRPERSON MILLER: Well, you'll get to --

15 MR. BROWN: -- of the plan?

16 CHAIRPERSON MILLER: You'll get to do
17 closing. Do you -- can you -- can you not forget it? I
18 mean --

19 MR. BROWN: Yes.

20 CHAIRPERSON MILLER: -- can you hold it?

21 MR. BROWN: Yes.

22 CHAIRPERSON MILLER: Okay. It's happened,

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1 sometimes people do forget. But -- all right. Do you
2 have any other questions based on our --

3 MS. GREEN: I do. Thank you.

4 CHAIRPERSON MILLER: Okay.

5 MS. GREEN: I'm looking at the security plan
6 closing procedures. Are you familiar with these?

7 MR. ROBINSON: Yes.

8 MS. GREEN: And it says that 15 minutes
9 before the bar is closed, last call.

10 MR. ROBINSON: No. The last call is 30
11 minutes before the bar is closed.

12 MS. GREEN: I'm looking at your security
13 procedures. That's what it says.

14 MR. ROBINSON: The last call is 30 minutes
15 before the bar is closed. And 15 minutes before the
16 bar is closed is when we start to shut off the music
17 and bring up the lights and usher everyone out.

18 MS. GREEN: These are the procedures that are
19 included in the inspector's report -- the ABRA
20 inspector.

21 MR. ROBINSON: Uh-huh.

22 MS. GREEN: Would you have given her

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1 something that was outdated?

2 MR. ROBINSON: I'm sure she was going off of
3 our latest security plan --

4 MS. GREEN: Well, that's what it says right
5 here --

6 MR. ROBINSON: -- which is the security plan,
7 2011.

8 MS. GREEN: -- "Last call: Mandantory last
9 call" -- I'm sorry?

10 MR. ROBINSON: Security plan, 2011?

11 MS. GREEN: Fifteen minutes. House lights
12 turned up on the first and second floor 30 minutes
13 before closing.

14 MR. ROBINSON: Which page are you on?

15 MS. GREEN: Page 10. Also you said you were
16 not aware of any complaints -- noise complaints from
17 the neighborhood or from the ANC. And you -- yet, you
18 said you'd met Ms. -- Commissioner Oldenburg.

19 MR. ROBINSON: Uh-huh.

20 MS. GREEN: She didn't tell you when you met
21 her that there were problems in the neighborhood with
22 that establishment or -- go ahead.

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1 MR. ROBINSON: I'm listening. Finish your
2 question, please.

3 MS. GREEN: No, go ahead. I'd like the
4 answer to that.

5 MR. ROBINSON: I don't -- I don't want to
6 answer until you finished your question.

7 MS. GREEN: That's my question.

8 MR. ROBINSON: When I met her, she and I --
9 she talked -- we had -- I had gone to a meeting. And
10 she mostly talked about the police calls that were --
11 that were -- the times when the police had to be called
12 to our establishment. And that was basically our
13 conversation. I was standing there and it was, like,
14 the whole Board was there and everyone was asking me
15 all these questions for things. And I had no idea what
16 I was walking into.

17 MS. GREEN: So Mr. Brown hasn't told you that
18 we protested the renewal of the license in 2010 based
19 on the same issues with noise complaints from the
20 neighbors?

21 MR. ROBINSON: I remember a protest based on
22 parking. I don't remember it being on noise complaint.

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1 MS. GREEN: And no one told you that when Mr.
2 Brown came to our meeting this year -- I believe it was
3 in June -- May or June of this year -- that there were
4 complaints about noise?

5 MR. ROBINSON: No, I wasn't aware of that.

6 MS. GREEN: Okay. Thank you.

7 CHAIRPERSON MILLER: Okay. That's it. Thank
8 you very much.

9 MR. ROBINSON: Sure.

10 CHAIRPERSON MILLER: Okay. So that's your
11 only witness, correct?

12 MR. BROWN: Yes.

13 CHAIRPERSON MILLER: All right. Ms. Green?

14 MS. GREEN: Commissioner Oldenburg testimony.
15 Swear -- raise your right hand.

16 CHAIRPERSON MILLER: Are you going to go to
17 the witness stand?

18 MS. GREEN: Yes, she is.

19 CHAIRPERSON MILLER: Okay. Yes. Do you
20 swear to tell the truth, the whole truth, nothing but
21 the truth?

22 (No audible response.)

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1 CHAIRPERSON MILLER: Okay. Thank you. Have
2 a seat.

3 MS. OLDENBURG: I -- good evening. I guess
4 it is a -- yes -- evening to the Board members.

5 MR. ALBERTI: Almost.

6 MS. OLDENBURG: I'm Kirsten Oldenburg. I'm
7 commissioner, ANC 6B04. And the establishment in
8 question is in my single member district, 6B04, as are
9 the residents that have been -- the residential areas
10 that have been discussed here today. I have -- I have
11 prepared for the Board a set of exhibits -- nine
12 exhibits. The first seven of them are emails that I
13 have received from residents in the area about the
14 incidents that they have witnessed over time.

15 The eighth is a -- is a statement by one of
16 the managers of Belga Cafe on 8th Street about who
17 walks by the establishment at closing time, as he is on
18 his way home, and says that he sees -- witnesses the
19 events that the neighbors have told us about. And the
20 ninth exhibit is the MPD calls -- document that we
21 received from MPD for the 1000 block of 7th Street. We
22 asked for October through -- last year through October

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1 this year. But for some mysterious reason, it only
2 shows calls from May until -- of this year until --
3 through October -- to October -- mid-October this year.
4 So we'd like -- I can pass these, make these available
5 to --

6 CHAIRPERSON MILLER: Well, Ms. Walker can get
7 them. But let me ask if first of all, have you shown
8 them to Mr. Brown?

9 MS. OLDENBURG: Pardon?

10 CHAIRPERSON MILLER: Does Mr. Brown have a
11 copy of the exhibits?

12 MS. OLDENBURG: I have a copy for everybody,
13 yes.

14 CHAIRPERSON MILLER: Okay. So -- yeah, so
15 Ms. Green, maybe you can help out here too. Get a copy
16 for Mr. Brown.

17 MS. OLDENBURG: The last document isn't
18 attached. They're all attached together but the last
19 document isn't because we received it late.

20 MR. BROWN: Might I ask for a clarification?
21 Would we have been entitled to any of these exhibits
22 prior to this hearing?

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1 CHAIRPERSON MILLER: It's preferable. I
2 don't know that our rules require it. It's in -- it's
3 listed in the -- they're listed -- at least they're
4 referenced in the PIF. Did you get a copy of that?

5 MR. BROWN: Yes.

6 CHAIRPERSON MILLER: Right. But it's not --
7 they're not -- you know, it's very general.

8 MR. BROWN: Right.

9 CHAIRPERSON MILLER: But you do have an
10 opportunity to look at it now. And if you object, you
11 can object and, you know, we'll see if there's a
12 sustainable objection or not.

13 MR. BROWN: We would indeed object.

14 CHAIRPERSON MILLER: Okay. To --

15 MR. BROWN: I can't imagine that we could
16 have the -- possibly the time to issue a formal
17 objection to review them and go through them. Might we
18 be allowed to submit our objections after the close of
19 this hearing?

20 CHAIRPERSON MILLER: I think I would prefer -
21 - if you could -- if we -- if we could take, like, ten
22 minutes or whatever to --

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1 MR. BROWN: Okay.

2 CHAIRPERSON MILLER: -- look at these and
3 then see?

4 MR. BROWN: There is alterations and whiting
5 -- white out on the documents in question on almost all
6 of them.

7 MS. OLDENBURG: Might I respond to that?

8 CHAIRPERSON MILLER: Yeah.

9 MS. OLDENBURG: I whited --

10 CHAIRPERSON MILLER: Before we decide whether
11 to admit then, you can ask some questions. So --

12 MS. OLDENBURG: Yeah, I whited out all their
13 personal email addresses. I didn't think that -- I had
14 not asked them whether it was public -- they wanted it
15 to be publically available information. So the only
16 white outs -- the only cross outs are email addresses.

17 CHAIRPERSON MILLER: Okay.

18 MR. ALBERTI: May I ask -- so you whited out
19 email addresses. Do the senders' names appear?

20 MS. OLDENBURG: Yes.

21 MR. ALBERTI: And do they include addresses
22 in there?

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1 MS. OLDENBURG: No. The addresses is on the
2 cover sheet. I indicated the block in which they live
3 but I can give you the actual street address.

4 MR. ALBERTI: No, that's sufficient. I was
5 just --

6 MS. OLDENBURG: Yeah, right.

7 MR. ALBERTI: -- wondering what was in that
8 picture.

9 CHAIRPERSON MILLER: Mr. Brown, do you need
10 more time and you do --

11 MR. BROWN: No.

12 CHAIRPERSON MILLER: Okay.

13 MR. BROWN: We would object. As I
14 understand, Tim Casey (ph) was listed as a witness.
15 And we have three emails from him. And he was proposed
16 as a complaining witness and was going to testify to
17 this hearing. And I -- apparently he is not here. And
18 I guess he's not coming. We wouldn't object to those
19 emails if in fact he was going to testify to them.

20 But we object to emails all one through eight
21 on the basis of fundamental fairness.

22 CHAIRPERSON MILLER: Okay.

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1 MR. BROWN: There's simply no way we can
2 possibly -- we would have investigated and spoke with -
3 - we were aware of one complaining witness. That's all
4 we were ever told. The emails clearly seem to be
5 prepared in preparation for this hearing. There would
6 have been no reason for them not to be at least
7 separately listed to allow us an opportunity to prepare
8 to respond to them.

9 And indeed, they're simply emails to the
10 commissioner. There's no way to --

11 CHAIRPERSON MILLER: Ms. Green --

12 MR. BROWN: -- verify authenticity and it is
13 simply unfair to the Licensee at the last minute to
14 have to respond to emails. At least the names could
15 have been disclosed in the exhibits. The exhibit says,
16 "Emails from nearby residents." Prior to this hearing
17 we heard of one resident only.

18 CHAIRPERSON MILLER: Ms. Green, do you have a
19 response?

20 MS. GREEN: Well, yeah. I don't remember for
21 sure how many people came to our committee meeting but
22 it was more than one. Do you remember, Commissioner,

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1 how many people came to complain at our committee
2 meeting, where Mr. Brown heard the same thing that is
3 in these emails basically, the complaints of the
4 neighbors about the quality of life issues? Which
5 we've said over and over again, we -- he heard the same
6 thing in 2010. So this is not new to him. And to some --

7 CHAIRPERSON MILLER: So that was a couple of
8 years ago. So that is --

9 MS. GREEN: Well, and the committee meeting
10 was this year, you know, when we decided to file the
11 protest.

12 CHAIRPERSON MILLER: Okay.

13 MS. GREEN: So he heard them then and he has
14 heard again at our mediation session. So none of this
15 is a surprise. I don't know why he's acting like this
16 is a surprise.

17 CHAIRPERSON MILLER: At the mediation
18 session, were some of these individuals there?

19 MS. GREEN: No.

20 CHAIRPERSON MILLER: No. It wasn't -- oh,
21 you're just saying similar complaints?

22 MS. GREEN: The same complaints.

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1 CHAIRPERSON MILLER: And do you have a
2 response to his -- Mr. Casey was supposed to be here
3 today?

4 MS. GREEN: I put Mr. Casey on the list of
5 witnesses because I thought he was a potential witness.
6 It turned out he could not come. I have also Mr. --
7 yeah, thank you. His wife is on that witness list too
8 and she couldn't make it. So I put them on there just
9 in case they can come. But if they can't, I don't
10 think that's a sign of anything that's underhanded.

11 CHAIRPERSON MILLER: How about -- one other
12 question for you. If -- what would you have done if
13 you had the names of the people?

14 MR. BROWN: For the record, none of what the
15 commissioner just stated took place. Not a single
16 resident within this area was identified, only the
17 allegation there was one. We have never heard a
18 resident from the community. And we've always
19 maintained -- we've heard plenty of complaints from Ms.
20 Green and the current commissioner but none from
21 residents, nor was there ever any indication that a
22 resident within our 400 radius had an issue.

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1 If it did, we would have consulted with that
2 resident and addressed the problem. Ms. Green -- we
3 have always heard allegations by Ms. Green but none
4 that they were based on residents that lived within
5 that residential zone. And there -- if you double the
6 residential zone, there are even fewer. So our concern
7 was always then to figure out, is there a real issue,
8 and address that issue.

9 CHAIRPERSON MILLER: And are these people
10 within the residential zone that you're talking about?

11 MR. BROWN: None are in the, as I understand
12 it, the 400-square block. The current witness, who is
13 here to testify, lives on that block but slightly out
14 of the square footage. He lives towards the corner.
15 He's close enough. And we would be -- but we never
16 heard from that witness either. But we don't -- we
17 would not have a problem if any of the emails came from
18 residents --

19 CHAIRPERSON MILLER: Okay.

20 MR. BROWN: -- that we were familiar with.

21 MR. ALBERTI: Can I understand -- I'm trying
22 to understand what the objection is. Is the objection

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1 -- is your objection the location of these residents?

2 I mean, what is the basis for your --

3 MR. BROWN: It read --

4 MR. ALBERTI: I don't want to hear who we've
5 heard from --

6 MR. BROWN: Right.

7 MR. ALBERTI: -- who you haven't heard from.

8 I want to know exactly what the basis for your
9 objection is because I'm not hearing it. I'm not
10 understanding it.

11 MR. BROWN: Right. And I don't want to
12 belabor the point.

13 CHAIRPERSON MILLER: Right, right.

14 MR. BROWN: But let me just state it again.
15 We think it's a question of fundamental fairness.

16 MR. ALBERTI: Pardon?

17 MR. BROWN: A question of fundamental
18 fairness to be presented with doctored and altered
19 emails at the hearing for which the Board is going to
20 consider without adequate time at least to be able to
21 respond. And there's no amount of time that's going to
22 allow us to sit here and read through them, to be able

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1 to properly address these emails for a witness
2 testifying who is not the writer of the email. So --

3 MR. ALBERTI: So your objection is that you
4 don't -- you can't cross-examine the people?

5 MR. BROWN: We can't.

6 MR. ALBERTI: All right. Okay.

7 MR. BROWN: And we're --

8 MR. ALBERTI: Thank you.

9 MR. BROWN: -- receiving them now and --

10 CHAIRPERSON MILLER: Well --

11 MR. ALBERTI: I understand. I got it.

12 MR. BROWN: But I -- and that's -- we'll let
13 the Board rule.

14 CHAIRPERSON MILLER: Okay. Let me just say
15 this. I mean, I think the fundamental fairness
16 question is, you know, you didn't know these -- the
17 content of these emails or who was -- who were the
18 authors or who write before so it's hard for you to
19 address that here. I understand that. But also what I
20 -- what I was going to say is often the Board admits
21 emails even though the people aren't here.

22 And we recognize it can't be cross-examined

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1 and therefore, they are given not very much weight
2 because they can't be cross-examined. And also, what
3 I'm hearing from you -- and you can argue this too or
4 just more that if they're not within a certain
5 locality, they're not going to be given as much weight
6 by the Board.

7 So my only concern is, you know, if you
8 didn't have a chance to respond any further but I think
9 that what we can do is admit them for the weight that
10 the -- that we will give them and -- which I just
11 really described as somewhat curtailed because of those
12 and also, knowing that -- right -- you can't cross-
13 examine them or anything. So -- all right. So that's
14 what we'll do.

15 And if you want to address these emails in
16 any way here today, you know, feel free to do that
17 further than what you've already done. And then if
18 there's some reason you think we need to leave the
19 record open, you can ask that too. But that -- usually
20 these kind of emails that -- they aren't given a lot of
21 weight because of those concerns. Okay. Do you have
22 more testimony?

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1 MR. ALBERTI: So Ms. Miller, I'm a little --
2 just for the record, we have --

3 CHAIRPERSON MILLER: Okay.

4 MR. ALBERTI: -- we have -- this packet has,
5 I think, three documents.

6 CHAIRPERSON MILLER: Three documents?

7 MR. ALBERTI: It's sort of presented to us in
8 three documents, the list of emails, the statement from
9 Jay Taylor (ph) and a list of MPD calls. So are we
10 admitting these as one exhibit or exhibiting -- are we
11 labeling this as three exhibits?

12 CHAIRPERSON MILLER: We didn't really address
13 the MPD calls. Is there --

14 MR. ALBERTI: Well, I don't know. I mean --

15 CHAIRPERSON MILLER: So I have a --

16 MR. ALBERTI: -- are you accepting the whole
17 package or are you --

18 CHAIRPERSON MILLER: I was --

19 MR. ALBERTI: -- or were you --

20 CHAIRPERSON MILLER: -- accepting the --
21 well, number -- the first page and the emails because
22 the first page lists the emails. And the second -- and

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1 the following pages are the emails. So I see them
2 together as one exhibit. The MPD calls we really
3 haven't addressed yet. So I would think they would be
4 a separate exhibit.

5 MR. ALBERTI: And there's a statement from
6 Jay Taylor.

7 CHAIRPERSON MILLER: A separate -- Jay --

8 MR. ALBERTI: Is that part of the email?

9 CHAIRPERSON MILLER: Where is that at?

10 MR. ALBERTI: I don't know. I haven't looked
11 at the packet.

12 MR. SILVERSTEIN: Yeah, it's an email.

13 CHAIRPERSON MILLER: What? It's an email.

14 MR. ALBERTI: But it's listed separately. So
15 I'm just trying -- I --

16 CHAIRPERSON MILLER: There is a listed --

17 MR. ALBERTI: For the record, I'm just trying
18 to understand what we're accepting. Well --

19 CHAIRPERSON MILLER: I don't know where it's
20 listed.

21 MS. GREEN: It's next to the last.

22 CHAIRPERSON MILLER: Oh, right. The MPD

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1 calls, do you have an objection? Where's that? I
2 don't -- I don't think I have that. Oh, here it is.
3 It's a separate exhibit. Okay.

4 MR. BROWN: I think the MPD calls are part of
5 ABRA's report.

6 CHAIRPERSON MILLER: Okay. So you don't have
7 an objection?

8 MR. BROWN: And we don't.

9 CHAIRPERSON MILLER: Okay.

10 MR. ALBERTI: So is this labeled --

11 MS. GREEN: Exhibit No. 9.

12 MR. ALBERTI: -- Protestant's Exhibit 1 and 2
13 or how is this labeled?

14 MS. GREEN: We just numbered them so that
15 you'd know they're exhibits.

16 MR. ALBERTI: No, I understand. But for the
17 record --

18 CHAIRPERSON MILLER: Yeah, for our record.

19 MR. ALBERTI: -- we're going to label these
20 Exhibits -- the package of emails -- okay -- so the
21 package of emails plus, Jay Taylor's statement is
22 Exhibit 1 -- applicant's Exhibit 1. Okay. And the MPD

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1 calls of service is applicant's Exhibit 2.

2 CHAIRPERSON MILLER: Protestant's.

3 MR. ALBERTI: Protestant's. I'm sorry.

4 Protestant's Exhibit 1 and protestant's Exhibit 2.

5 Okay. Just for the record. So thank you.

6 CHAIRPERSON MILLER: All right. Is there --

7 is there more testimony of how --

8 MS. OLDENBURG: Well, I was going to

9 summarize what these emails have, what I've heard from

10 my constituents, but I'm not sure how to proceed at

11 this point.

12 CHAIRPERSON MILLER: With your testimony --

13 MS. OLDENBURG: I --

14 CHAIRPERSON MILLER: -- you can proceed. And

15 there'll be an objection of there's something

16 objectionable. So however you would like.

17 MS. OLDENBURG: Yeah, I was just going to

18 summarize that over the years that I've been a

19 commissioner, I have heard -- and these were -- I

20 submitted these emails as examples of the kind of

21 disturbance that the patrons of this establishment --

22 calls on -- in the residential areas. Parking issues -

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1 - patrons come out and when they do come out, they
2 continue their party along the -- next to their car.
3 They turn on the radios of their car and continue to
4 drink.

5 They threaten neighbors that come out and ask
6 them to please be quiet at 2:00 in the morning. So
7 it's a -- all of those types of things that the patrons
8 of the establishment affect the quality of life of the
9 residents who do live in that area. And

10 MR. SILVERSTEIN: Thank you.

11 CHAIRPERSON MILLER: Okay. Thank you.

12 Cross- examination?

13 MR. BROWN: How long have you been the
14 commissioner for this --

15 MS. OLDENBURG: 2007.

16 MR. BROWN: For four years? No. 2007 -- I'm
17 sorry.

18 MS. OLDENBURG: No. It's been five years --

19 MR. BROWN: Five years.

20 MS. OLDENBURG: -- at this point. Yep.

21 MR. BROWN: And have you spoke to the
22 Licensee at any point during that time?

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1 MS. OLDENBURG: I spoke at a meeting when it
2 came up -- when the license renewal came up. It was --
3 oh, it was during my first term, I believe. I spoke to
4 the -- whoever from your establishment presented at
5 that time. I spoke at that time. And I spoke at the
6 committee meeting that we held in, I believe, May of
7 this year, when we were looking at this changing your
8 license -- spoke at that time.

9 I have not spoken to any of the members of
10 any of your owners or employees outside those formal
11 ANC meetings.

12 MR. BROWN: And that's twice in the five
13 years?

14 MS. OLDENBURG: Right. Yes, exactly.

15 MR. BROWN: I have no further questions.

16 CHAIRPERSON MILLER: Board members have
17 questions? Yeah.

18 MR. ALBERTI: Commissioner Oldenburg, just so
19 I -- I want to understand what your -- what concern is
20 here because we're really only talking about whether or
21 not to approve the additional hour --

22 MS. OLDENBURG: Right.

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1 MR. ALBERTI: -- for soft closing. So is --
2 and I don't want to put words in your mouth. So tell
3 me if I'm totally off base here. But I think what I'm
4 hearing you saying is that your concern is that the --
5 that the activity described in the complaints that
6 you've heard would occur later in the evening than they
7 do now. So exactly -- I mean, so can you summarize
8 what --

9 MS. OLDENBURG: I -- in terms --

10 MR. ALBERTI: -- with respect to --

11 MS. OLDENBURG: Yeah.

12 MR. ALBERTI: Okay. With respect to keeping
13 this place open for an extra hour --

14 MS. OLDENBURG: Exactly. Right.

15 MR. ALBERTI: -- kind of focus in on that and
16 tell me what your concern is.

17 MS. OLDENBURG: Well, my concern is two-fold.
18 One, I -- given the fact that there's evidence from my
19 constituents that they could -- that patrons continue
20 their party after they leave the establishment and
21 can't drink there anymore, they drink on the streets.
22 So my concern is two-fold. If they stay in the

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1 establishment for this extra hour, then they come out
2 later and create potential disturbances for the
3 neighbors at 5:00 in the morning instead of 4:00, 3:00
4 in the morning.

5 The other thing is that I fully don't
6 understand why patrons who are used to coming out and
7 continuing to drink on the streets would bother to stay
8 in the establishment during this extra hour. I don't
9 see any evidence from what has been discussed here
10 today that there's any assurance to the community that
11 the patrons are really going to stay for an hour, sober
12 up somewhat before they leave en masse, or whether
13 they're going to leave -- dribble out.

14 I just don't see any evidence of that. Those
15 are my two concerns for this. And I just don't think
16 it's going to serve the neighborhood appropriately to
17 do this at all.

18 MR. ALBERTI: Thank you very much.

19 CHAIRPERSON MILLER: Okay, Mr. Silverstein.

20 MR. SILVERSTEIN: Thank you for your service,
21 commissioner.

22 MS. OLDENBURG: Thank you.

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1 MR. SILVERSTEIN: You say that they continue
2 to drink outside?

3 MS. OLDENBURG: Yes.

4 MR. SILVERSTEIN: Where are they getting
5 liquor?

6 MS. OLDENBURG: They have parties around
7 their cars according to my constituents. They continue
8 to drink. They turn the radios on the cars and they
9 have a little party around their parked cars in front
10 of my neighbors' houses. And that's why on the MPD
11 report you'll see -- for the 1000 block of 7th Street
12 you'll see these early in the morning disorderly calls
13 for service. And that's exactly what that's about.

14 These are the neighbors that -- 1012 and 1014
15 7th Street calling MPD because there's somebody outside
16 in front of their house having a party.

17 MR. SILVERSTEIN: So you -- where -- you
18 didn't answer the question. Where are they getting the
19 liquor? Are they getting it from their cars?

20 MS. OLDENBURG: I have no idea.

21 MR. SILVERSTEIN: Are they -- are they taking
22 it -- are you -- is it your claim that they're taking

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1 it out of the establishment?

2 MS. OLDENBURG: I have no idea. They --
3 maybe they bring it with them. But I have no idea
4 where they're getting it.

5 MR. SILVERSTEIN: That was what I was trying
6 to get at.

7 MS. OLDENBURG: Yeah, sorry.

8 MR. SILVERSTEIN: It's one thing if it's --

9 MS. OLDENBURG: Yeah.

10 MR. SILVERSTEIN: -- out of the car. It's
11 another thing --

12 MS. OLDENBURG: Yeah. No, I have --

13 MR. SILVERSTEIN: -- if you are charging --

14 MS. OLDENBURG: -- no idea where they're
15 getting it.

16 MR. SILVERSTEIN: -- that when you say they
17 continue to drink, I wanted to make sure --

18 MS. OLDENBURG: Yeah.

19 MR. SILVERSTEIN: -- the specificity of what
20 you were saying.

21 MS. OLDENBURG: Yeah.

22 MR. SILVERSTEIN: Again, thank you for your

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1 service.

2 CHAIRPERSON MILLER: Ms. Oldenburg, did you
3 observe any of the incidents that you're describing
4 your neighbors told you about?

5 MS. OLDENBURG: No. It's 2:00 and 3:00 in
6 the morning. I live quite a far distance away and I
7 don't own an automobile. If I had an automobile, I
8 would get up at 2:00 in the morning and go down there
9 and witness it myself. But at 2:00 --

10 CHAIRPERSON MILLER: Okay.

11 MS. OLDENBURG: -- in the morning, I'm not
12 going to walk across Capitol Hill. So --

13 CHAIRPERSON MILLER: So I've had a chance to
14 skim some of the emails. And it looks to me like at
15 least some of them were -- these were responses to your
16 soliciting comments or -- that's correct? They're not,
17 like, spontaneous complaints about --

18 MS. OLDENBURG: Some of them have been but --
19 over the time. But -- yes. And lately, when we're --
20 when we were talking about incidents, I was trying to
21 gather information from them about, you know, what
22 they're witnessing, what's happening.

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1 CHAIRPERSON MILLER: It's -- were you
2 gathering information in relation to the protest or
3 things like that to prepare, something like that? I
4 mean, when was - - some are in June of 2012. Some are
5 in --

6 MS. OLDENBURG: I --

7 CHAIRPERSON MILLER: -- October 16th --

8 MS. OLDENBURG: Well, ever -- yeah, sorry.

9 CHAIRPERSON MILLER: It's okay.

10 MS. OLDENBURG: Ever since the -- we had the
11 committee meeting in -- I believe it was May. I've
12 been trying to collect information more consistently
13 from them. I get things periodically. But, you know,
14 people have busy lives and they -- a lot of these
15 people are very frustrated with the situation. And
16 they're not --

17 CHAIRPERSON MILLER: Did you --

18 MS. OLDENBURG: -- not reporting every time
19 something happens.

20 CHAIRPERSON MILLER: But you're an ANC
21 commissioner.

22 MS. OLDENBURG: Yes.

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1 CHAIRPERSON MILLER: So did you -- you don't
2 know -- you didn't present in this package any emails
3 that somebody happened to write to you about who was
4 upset about something that happened with relation to
5 the establishment?

6 MS. OLDENBURG: Pardon?

7 CHAIRPERSON MILLER: These are all in
8 response to your soliciting information from them,
9 correct?

10 MS. OLDENBURG: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MS. OLDENBURG: I guess. I mean, I'd have to
13 go back and look at them. I don't know that they're --

14 CHAIRPERSON MILLER: Well, one says,
15 "Apologies for the delay in responding."

16 MS. OLDENBURG: Yes, right.

17 CHAIRPERSON MILLER: "So thanks for looping
18 us all in." I mean, that just sounds like --

19 MS. OLDENBURG: I -- when I informed them of
20 what happened at the committee meeting, that there was
21 a vote to protest and I informed people -- my
22 constituents after the negotiation session here at ABRA

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1 and the result of that and what I had heard from the
2 owners of the establishment at that time -- so I --
3 yes, I informed people and they responded --

4 CHAIRPERSON MILLER: Okay.

5 MS. OLDENBURG: -- to those.

6 CHAIRPERSON MILLER: All right. Thank you.

7 Are there any other cross in -- based on the Board's
8 questions.

9 MS. GREEN: Yeah. Yes. Commissioner
10 Oldenburg, you said that you requested information from
11 the neighbors as a result of the protest -- or filing a
12 protest. But was there a reason why we protested? Was
13 it -- can you recall what you had heard before this
14 application came to us?

15 MS. OLDENBURG: Right. Yes, exactly. We --
16 that's one of the -- that's probably the reason that we
17 protested was the effect on the -- on the residents.
18 So, yes. So we -- I had heard.

19 MS. GREEN: So how did you know that was a
20 problem?

21 MS. OLDENBURG: Through people getting in
22 touch with me either by phone or by email.

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1 MS. GREEN: Solicited or unsolicited?

2 MS. OLDENBURG: I don't know. I may have
3 solicited some but some would come in otherwise. I
4 don't know.

5 MS. GREEN: You -- just in the normal course
6 of --

7 MS. OLDENBURG: Right. I get emails from
8 constituents all the time about many different things.

9 MS. GREEN: And could you just give us a
10 synopsis of the calls for service?

11 MS. OLDENBURG: The calls for service?

12 MS. GREEN: Uh-huh.

13 MS. OLDENBURG: Well, there are seven here
14 starting in May and ending in September 21st. All but
15 one of them occur in the early hours of the morning,
16 2:00 a.m. -- or midnight -- between midnight and 2:30
17 a.m. One is a disorderly at 6:00 in the after -- p.m.
18 so I would assume that that has to do with something
19 totally different than this particular issue.

20 But all the rest are consistent with what my
21 constituents tell me. And I sent this to one of the
22 constituents -- one of these addresses, 1012-1014 17th

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1 [sic] Street, who's been doing the calls for service
2 today. Because we were curious why it only started in
3 May and what's going on here. I asked and she told me
4 that it looks accurate since May but she sort of --
5 they seem to be the ones that she had remembered
6 calling in.

7 But she was -- she was sure that they had
8 made calls prior to May. And she didn't understand why
9 they weren't listed on this report, which is --

10 CHAIRPERSON MILLER: I'm sorry, who is she?

11 MS. OLDENBURG: -- supposed to be from
12 October 23rd, 2011.

13 CHAIRPERSON MILLER: Who --

14 MS. OLDENBURG: That was Ms. Kelsey
15 Hendrickson (ph).

16 CHAIRPERSON MILLER: How is she related to
17 this calls for service data?

18 MS. OLDENBURG: She's in -- you'll see her --
19 part of Exhibit 1, the third email and the sixth email
20 listed there. She lives at 1012 7th Street. 1014 7th
21 Street, which is on the MPD calls for service is Mr.
22 Casey's address.

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1 MS. GREEN: Did you say the location of the
2 calls for service?

3 MS. OLDENBURG: The location for all of these
4 calls for service -- I mean, all of the ones that occur
5 at 2:00 in the morning are either 1012 7th Street or
6 1014 7th Street. And those are two residents that all
7 -- emails are included.

8 CHAIRPERSON MILLER: Okay. Okay. I think
9 Mr. Silverstein is saying this is beyond the scope of
10 the Board's questions or did you think it was -- this
11 is cross based on the Board's questions. This is
12 (inaudible) what?

13 MS. GREEN: I'm sorry, I thought you
14 mentioned it.

15 CHAIRPERSON MILLER: You thought I mentioned
16 the calls for service?

17 MS. GREEN: No, I thought you mentioned the -
18 - yes. I thought you mentioned it.

19 CHAIRPERSON MILLER: Okay. I don't think I
20 did but --

21 MS. GREEN: Okay.

22 CHAIRPERSON MILLER: Okay. All right. I

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1 think that -- is that -- any other question based on
2 the Board's questions? Okay. Thank you very much.
3 Okay. And we have one more witness?

4 MS. GREEN: We do.

5 CHAIRPERSON MILLER: Do you swear to tell the
6 truth, the whole truth, nothing but the truth?

7 MR. GHIOTTO: I do.

8 CHAIRPERSON MILLER: Okay. Have a seat.

9 MR. GHIOTTO: Can I speak?

10 CHAIRPERSON MILLER: Sure.

11 MR. GHIOTTO: My name's Paul Ghiotto. I'm a
12 resident of the 900 block of Potomac Avenue, S.E. I'll
13 try to be brief. I know we've been here a long time.
14 And as a concerned resident, I'd like to simply state
15 that we want good neighbors. We support local
16 businesses. We want to see our neighborhood thrive.
17 But my family do -- we do not support the proposal to
18 extend the hours, which is really the issue before the
19 Board today.

20 And I will provide reasons as to why we do
21 not. I will also state for the record though, I've
22 never seen the rules of procedure for this -- for

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1 meetings before the Board. I've not prepared any
2 testimony. I've not prepared any questions. So I'd
3 like to speak extemporaneously. I am open to questions
4 to the -- from the Board --

5 CHAIRPERSON MILLER: Uh-huh.

6 MR. GHIOTTO: -- open to questions from the
7 applicant, open to questions from the protesters, but --

8 CHAIRPERSON MILLER: Yep. That was --

9 MR. GHIOTTO: -- I did no prepared testimony.
10 I'm just here speaking at will but happy to answer any
11 questions anybody has. So what -- there are many
12 reasons why we oppose the proposed soft closing. And
13 the first and foremost reason is for the -- I oppose
14 the reason being again a resident and a homeowner on
15 the 900 block of Potomac Avenue. Because the stated
16 reason of the applicant is that a staggered closing to
17 allow patrons to leave as they described in waves so to
18 speak -- the reason why we oppose is from our
19 observation as homeowners in the last three years,
20 patrons of the bar in question do not leave in waves,
21 but leave en masse.

22 And the reason that that affects us as

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1 homeowners, as well as other people who I know and can
2 testify to because they're my neighbors who provided
3 the emails in question, is because at the closing
4 times, as they're listed now, 2:00 a.m. and 3:00 a.m. -
5 - so it's 2:00 a.m. Sunday through, I believe,
6 Thursday, if I'm not mistaken, and then 3:00 a.m. on
7 the weekends, Friday and Saturday -- the patrons
8 generally leave between 2:15 to 3:00 a.m. when you have
9 a 2:00 a.m. closing. And when you have a 3:00 a.m.
10 closing, patrons generally leave between 3:00 a.m. and
11 about 3:45 or 4:00 in the morning.

12 I know because that's the approximate time
13 we're woken up. We have a 16-month-old son. We're
14 used to being woken up in the middle of the night, but
15 usually by him, not by people on the street. Our
16 bedroom faces the 900 block of Potomac Avenue. We
17 noticed that on one of the maps again that -- or was
18 stated by the applicant that our home falls outside of
19 the purview of that -- of Bachelor's Mill. All the
20 more reason by then from our perspective to deny the
21 application -- or the proposal for a supposed staggered
22 closing, which to us simply means extended hours.

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1 The reason being is that on the 900 block of
2 Potomac Avenue, what is not noted in the ABRA list,
3 Page 5 regarding parking -- the investigators did not
4 go -- or at least there's no evidence -- let me put it
5 that way -- there's no evidence in the record that they
6 went to the 900 block of Potomac Avenue or to 10th
7 Street, S.E. What happens on the 900 block of Potomac
8 Avenue is we cannot get residential parking permits.

9 There's parking along the -- allowed on the
10 city outside of business hours on both sides of the
11 park. And as it's already been stated on the record,
12 when you have more -- you have more attendees in the
13 bar than the occupancy license -- I have no idea how
14 many people arrive. I think that's -- I don't know the
15 relevance to the record but I can simply state for the
16 record since I'm here, both sides of our street are
17 parked, meaning -- and we live approximately -- at
18 least -- I don't know -- two to -- at least 300 feet,
19 400 feet behind -- to the southeast of the rear of the
20 building.

21 And again, entering the building -- entering
22 the establishment is not an issue. The issue is the

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1 closing. And so therefore, to us, just based upon our
2 observations, we think that there would be no staggered
3 closing, that people would simply stay in the bar until
4 - - instead of leaving at between 2:00 and 3:00, they'd
5 leave between 3:00 and 4:00, perhaps later. So that's
6 our main concern.

7 You know, I'd like to say again, there's
8 nothing in the ABRA record regarding any type of review
9 of our block. And some of the other applicants who are
10 listed there are in fact our neighbors on the 900
11 block. Perhaps they -- I can't speak to -- as to why
12 they could not attend today. I will say in my case
13 though, I work at the Department of State. I had asked
14 my supervisor for time off. The meeting was changed
15 from 4:00 to 3:00. I left at 2:30, had to call my wife
16 for child care. So she's got to make alternative
17 arrangements. It's very difficult as a citizen to
18 attend these Board meetings during business hours. And
19 I have bills to pay and places to be. That's one.

20 The second thing regarding contacts with
21 representatives, I can't speak to previous contacts
22 between the applicant and the protestors but the ANC

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1 commissioners are here to represent their constituents.
2 We live in a republic, you know, a representative
3 democracy. And representatives and commissioners are
4 here to represent those people who, for instance, may
5 not be able to attend a Board meeting.

6 So I would -- I don't know the -- again, the
7 rules of procedure and what weight you can give to
8 those emails. I don't know if in fact the applicant is
9 due due process or to cross-examine. But I would argue
10 again, as a neighbor, I know these people personally --
11 it's something that affects us. And if those aren't
12 given weight, then I would ask you to please give the
13 full due weight to my testimony. Again, I'm happy to
14 answer any questions.

15 The final thing that I would note just to
16 draw the commissioners to Exhibit 11 in the ABRA report
17 itself, which is an MPD call sheet for calls between
18 June 6th, 2011 and October 8th, 2012. There are 24
19 calls in 15 months. There are -- in those calls listed
20 in Exhibit 11, which again is in the ABRA report, which
21 I saw for the first time entering this hearing -- there
22 are -- I note that there are two assaults on police

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1 officers. There are four calls responding to auto
2 thefts or reports of auto thefts, four calls responding
3 to assaults, five calls responding to disorderly
4 conduct and then six miscellaneous calls.

5 I would note that in the disorderly calls and
6 the other calls -- there are six disorderly calls --
7 those calls -- one on June 11th, 2011 at 2:11 in the
8 morning, one on January 15th -- that's at 2:34 in the
9 morning -- one on March 10th -- that's at 2:26 in the
10 morning -- one on March 11th, 3:58 in the morning, one
11 on April 1st -- that's at 1:33 in the morning. On
12 other miscellaneous calls, you have one on January 29th
13 at 1:58 in the morning; February 26th, 2:47 in the
14 morning; another one on February 26th, same night, 3:38
15 in the morning; another one on March 18th, 3:05 in the
16 morning; and another one at 4:00 on April 15th --
17 there's no time listed.

18 I would -- I assert based upon the call
19 sheet, when you have 12 calls, disorderly conduct, in
20 the time ranges which are associated with the closing
21 time or immediately following the closing hours of the
22 establishment requesting extended hours, it would argue

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1 there's evidence in the ABRA report itself, which
2 differs from the conclusion drawn by the ABRA
3 investigator, who admitted that they did not look at
4 the block of -- visit the block of Potomac Avenue. It
5 is not in the report.

6 And furthermore, when you look at the hours
7 as well in the ABRA report itself, which would be on
8 Page 5, on, "Days and hours, visits to the premises,"
9 there are simply -- of the ten visits to the premises,
10 there are only three visits that occurred in the time
11 at or immediately following the closing. The calls
12 that correspond with disorderly conduct or complaints
13 from neighbors or calls that correspond with times, at
14 least in the ABRA report -- again, Exhibit 11 -- those
15 are calls made that also correspond with times
16 following the closing of the establishment.

17 I would have argued that the time as a
18 resident had I known -- I would have asked the
19 investigators to visit, had I know there was an
20 investigation to visit our block and also to visit the
21 areas where there are residents at the times
22 immediately following the closing of the bar -- the

1 current closing now -- because that's when you can see
2 their impudence.

3 And furthermore, and the final point I'll
4 make and then I'll open -- I'll answer any question you
5 have. Again, I want to make this as quick as possible.
6 Again, as a resident in the 900 block of Potomac
7 Avenue, the only way that I would have known that the
8 applicants either had a liquor license that was up for
9 renewal and/or that they were asking for extended hours
10 essentially closing is by an email newsletter from our
11 ANC commissioners.

12 As representatives in a representative
13 democracy, they're supposed to tell their constituents
14 things that happen in their districts. There is no
15 attempt at all to sway me to provide any type of
16 evidence. It was simply to say, "If you would like to
17 appear and voice your opinion, you may do so." I'm
18 here having taken great pains to be here and again,
19 happy to get my statements on the record.

20 But I say this because I don't want there to
21 be any intimation, again, as a resident, that the
22 commissioners were trying to sway my testimony or any

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1 other residents that provided emails for the record.
2 But rather, they're simply informing and providing an
3 opportunity to respond. So that would be my only -- my
4 only point and finally -- and again, happy to answer
5 any questions that the Board may have. Thank you.

6 CHAIRPERSON MILLER: Thank you. Okay. Well,
7 we're going to start with cross-examination. We'll get
8 to the Board a little later. Mr. Brown?

9 MR. BROWN: Good afternoon. (Inaudible) --

10 MR. GHIOTTO: Since 2009, sir.

11 MR. BROWN: (Inaudible) --

12 MR. GHIOTTO: About three years, sir. Three
13 years, sir.

14 MR. BROWN: And during that -- during that
15 time, have you made any police calls for services?

16 MR. GHIOTTO: Yes, sir. We have.

17 MR. BROWN: You have?

18 MR. GHIOTTO: Yes, sir.

19 MR. BROWN: And how many have you made?

20 MR. GHIOTTO: I would say -- and I don't know
21 how many. Some of these in fact may be our calls. All
22 I would say though at a minimum, sir, we've made half a

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1 dozen calls in the last three years.

2 MR. BROWN: You have?

3 MR. GHIOTTO: Yes, sir.

4 MR. BROWN: Okay. And they're reflected on
5 the calls for service?

6 MR. GHIOTTO: Not sure, sir. We don't record
7 the calls in a spreadsheet. I don't think that's
8 something a reasonable citizen would do.

9 MR. BROWN: Okay. And how many other
10 residents in your -- on the 900 block?

11 MR. GHIOTTO: On the 900 block? Let me count
12 that. In the houses? Let's see. There are
13 approximately -- I don't know -- maybe 20 residents
14 total --

15 MR. BROWN: And --

16 MR. GHIOTTO: -- fifteen to twenty.

17 MR. BROWN: -- about how many parking spaces
18 are available there?

19 MR. GHIOTTO: Oh, gosh, along the 900 block
20 of Potomac Avenue?

21 MR. BROWN: Just the 900 -- right.

22 MR. GHIOTTO: Just the 900 block of Potomac

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1 Avenue there are at least 20 parking spaces.

2 MR. BROWN: So you have about 20 residents
3 and 20 -- and are you aware about how many residents --
4 would you say about all of them have a car?

5 MR. GHIOTTO: Well, what I would say, sir, is
6 that I think it would be an error to simply count the
7 900 block of Potomac Avenue to answer questions.

8 MR. BROWN: Well, that's all I'm interested
9 in.

10 MR. GHIOTTO: Okay. That's fine.

11 MR. BROWN: All right.

12 MR. GHIOTTO: For the -- and what I would say
13 is, "Yes."

14 MR. BROWN: You got the --

15 MR. GHIOTTO: The residents do have cars.

16 MR. BROWN: Twenty cars and twenty parking
17 spaces in your block?

18 MR. GHIOTTO: I would say there are fewer
19 cars than 20, sir.

20 MR. BROWN: All right. And did you --

21 MR. GHIOTTO: Let me say, and perhaps six
22 cars on our block.

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1 MR. BROWN: So --

2 MR. GHIOTTO: So there would be approximately
3 20 parking spaces, perhaps more, and only six cars for
4 residents. So at that hour of the night --

5 MR. BROWN: No, no.

6 MR. GHIOTTO: -- more hour -- more cars than --

7 MR. BROWN: I'm just counting cars or
8 residents. And you said there are 20 -- maybe 20
9 residents.

10 MR. GHIOTTO: Perhaps.

11 MR. BROWN: And there are possibly 20 cars?

12 MR. GHIOTTO: No. There are six cars for
13 residents on the block, sir.

14 MR. BROWN: All right. So your residents --
15 there are only six cars available?

16 MR. GHIOTTO: Yes.

17 MR. BROWN: So then all the other spaces --
18 14 spaces would be available --

19 MR. GHIOTTO: At a --

20 MR. BROWN: -- for anyone who wanted to park
21 there?

22 MR. GHIOTTO: At a minimum, sir. That's

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1 probably under --

2 MR. BROWN: On your block?

3 MR. GHIOTTO: -- underestimation. Yes, sir.

4 MR. BROWN: And now, did you send any emails
5 to the agency?

6 MR. GHIOTTO: No, sir. Because I wanted to
7 be here available for cross-examination and any
8 testimony to the Board.

9 MR. BROWN: So --

10 MR. GHIOTTO: In the event that the Board may
11 determine that an email wouldn't be sufficient and they
12 wouldn't get weight, I wanted them to be able to ask me
13 questions.

14 MR. BROWN: I thank you. That was really --
15 but prior to -- so there's been no email communication?

16 MR. GHIOTTO: With my ANC commissioners?

17 MR. BROWN: Yes.

18 MR. GHIOTTO: Yes, sir.

19 MR. BROWN: All right.

20 MR. GHIOTTO: To confirm that -- on multiple
21 occasions that, yes, I will be here.

22 MR. BROWN: And did you -- were there any

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1 contacts with the Licensees in the --

2 MR. GHIOTTO: Well, sir, I didn't know --

3 MR. BROWN: -- three years you'd been there.

4 MR. GHIOTTO: Well, I'd never -- I will say
5 this, no, because I didn't know that the Licensee was
6 attempting to renew their license and I didn't know
7 that they were attempting to extend hours but for the
8 newsletters provided to me by my ANC representatives.

9 MR. BROWN: So nobody -- then no contacts
10 with us?

11 MR. GHIOTTO: No contact by the applicant.
12 No, sir.

13 MR. BROWN: Okay. I have no further
14 questions.

15 CHAIRPERSON MILLER: Okay. Did you have any
16 questions? Yeah, go ahead.

17 MS. GREEN: Thank you for your testimony.

18 MR. ALBERTI: No, the Board.

19 CHAIRPERSON MILLER: And then the Board will
20 go.

21 MS. GREEN: You --

22 MR. ALBERTI: We usually go and then she can

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1 -- oh, excuse me.

2 MS. GREEN: -- heard Mr. Robinson testifying
3 about --

4 MR. ALBERTI: It's usually the Board and then --

5 CHAIRPERSON MILLER: Now, I'm getting tired.

6 MS. GREEN: I'm sorry.

7 CHAIRPERSON MILLER: Yeah, okay. Wait. No,
8 I'm sorry. Just -- he's right. We -- the Board goes
9 next. You already had your thing. So we're -- go
10 ahead, Mr. Alberti. Do you have a question?

11 MR. ALBERTI: Yeah, the procedure is direct,
12 cross --

13 CHAIRPERSON MILLER: Yeah, yeah. We got it.
14 We got it.

15 MR. ALBERTI: -- and then Board and then you --

16 CHAIRPERSON MILLER: We got it.

17 MR. ALBERTI: -- get a second chance. Okay.

18 MS. GREEN: (inaudible) --

19 MR. ALBERTI: So -- yes.

20 CHAIRPERSON MILLER: Got it. Yeah.

21 MR. ALBERTI: Mr. Ghiotto?

22 MR. GHIOTTO: Yes, all right.

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1 MR. ALBERTI: Thank you for coming. So your
2 concern is being disturbed at what hour?

3 MR. GHIOTTO: Well, sir, based upon our
4 observations, the further you extend the hours of this
5 bar, the further that we feel the noise would simply
6 move.

7 MR. ALBERTI: Let's just talk about your
8 experience -- current experience. I'm going to say --

9 MR. GHIOTTO: Current experience --

10 MR. ALBERTI: -- I'm going to stay focused
11 because I don't want to be here all night. Okay.

12 MR. GHIOTTO: Current experience --

13 MR. ALBERTI: What hour -- what hours -- what
14 -- when you're disturbed, what hours is it that is of
15 concern to you currently when you're being disturbed?

16 MR. GHIOTTO: Current experience is any time
17 when the closing hours are at 2:00 a.m. --

18 MR. ALBERTI: Uh-huh.

19 MR. GHIOTTO: -- current experiences are
20 disturbances between 2:00 and 4:00 a.m.

21 MR. ALBERTI: Okay.

22 MR. GHIOTTO: Current experience on weekends,

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1 when the closing hour's at 3:00, there are disturbances
2 between 3:00 and 5:00 a.m.

3 MR. ALBERTI: And being disturbed, what's
4 that mean to you? What occurs? I mean, what --

5 MR. GHIOTTO: It means in -- well, it means
6 being woken up by the sounds of either bottles breaking
7 on sidewalks, fights occurring, car alarms going off,
8 shoving, laughing, smoking. Those all -- those are the
9 types of things we see when -- but we're woken up.

10 MR. ALBERTI: Okay. So -- and you said your
11 bedroom's on the front of the house?

12 MR. GHIOTTO: Yes, sir. Facing the 900 block
13 of Potomac.

14 MR. ALBERTI: Do you often get up to check
15 out what's going on?

16 MR. GHIOTTO: I do. Yes, sir.

17 MR. ALBERTI: Can you tell me what you
18 observe?

19 MR. GHIOTTO: Well, what we observe is again
20 the -- it's hard again to know -- I didn't count the
21 number of parking spaces but the entirety of the block
22 -- there are only six cars that residents own. So --

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1 MR. ALBERTI: Uh-huh.

2 MR. GHIOTTO: -- the entirety of the block
3 and there -- all along the 900 block it -- we also need
4 to -- I believe it's for the Board to take into
5 consideration, we live over 400 feet away. On a busy
6 night, particular Thursday, Friday, Saturday, our
7 experience is not only from 10th Street -- there are
8 people that park on 10th Street, S.E., all along the
9 900 block of Potomac Avenue, all along -- I guess that
10 would be the 800 block of Potomac Avenue, basically
11 between 9th --

12 MR. ALBERTI: Uh-huh.

13 MR. GHIOTTO: -- because they park all the
14 way from the 10th, all the way to 8th Street, all the
15 way up 9th Street, and including all along L Street and
16 all the way up Virginia Avenue. Just the -- so we're
17 the last one, you know -- there's a whole -- our whole
18 area is parked and there are patrons that pass our
19 place.

20 MR. ALBERTI: Okay. So what do you observe?

21 MR. GHIOTTO: Well, what we observe again are
22 -- we observe people going into the club. It's

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1 generally -- you know, people park. It's the coming
2 out --

3 MR. ALBERTI: No.

4 MR. GHIOTTO: -- where people -- we see our -
5 - again, it's people yelling, sometimes fighting, the
6 car alarms going off.

7 MR. ALBERTI: Yeah, okay. Let's say -- let's
8 say the club closes at 3:00 and you're saying you get
9 disturbed between 3:00 and 4:00. All right.

10 MR. GHIOTTO: Sure.

11 MR. ALBERTI: What kind of activities are you
12 witnessing out there?

13 MR. GHIOTTO: Well, one of the things that
14 we're witnessing -- I'll explain -- both prior to and
15 also at this time, you can see prostitution occurring.
16 You can see drug dealing occurring. I see people who
17 appear to be intoxicated getting into a cars. That's a
18 worrisome incident. I also see people who appear to be
19 intoxicated in some way or fashion kind of lingering,
20 loitering around, hanging out by their cars.

21 They generally leave a lot of -- there's a
22 lot of trash that's left not only in our street but in

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1 the surrounding area. One of the things that I think
2 is concerning to me, you see some of these assault
3 reports. The further you push back closing, I think it
4 -- there are people who make themselves open to
5 assaults, etc., by the case -- by their state of
6 inebriation. That's the type of things that we see.

7 MR. ALBERTI: What kind of trash do you
8 observe the next day?

9 MR. GHIOTTO: Used condoms. We see liquor
10 bottles. This past -- this past week I picked up a
11 Long Island iced tea bottle. I picked up some Coke
12 bottles. I picked up some Bud Light cans. Oftentimes,
13 though, a lot of the trash is in fact picked up and
14 mediated by -- there's a Capitol Riverfront Business
15 Improvement District. And they have a clean team. And
16 they sweep up the entire area, you know, six days a
17 week.

18 MR. ALBERTI: In the morning?

19 MR. GHIOTTO: In the mornings.

20 MR. ALBERTI: Yeah, you -- I'm aware of that.

21 MR. GHIOTTO: But oftentimes, I clean up the
22 trash myself.

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1 MR. ALBERTI: Okay. How many -- I'm trying
2 to get a sense of how many people you see out there.

3 MR. GHIOTTO: Well, on a -- on a night on
4 which we're woken up -- I mean, to me if you're -- if
5 it's one person yelling and making a disturbance --
6 okay -- you can say that's isolated. But when you say
7 you have -- you wake up and it's 2:45 in the morning
8 and you look out your window and there are 25, 30
9 people getting back in their cars, playing music,
10 hanging out, drinking, it's not one person. This is a
11 regular occurrence.

12 And it may not occur every weekend. Maybe
13 it's every other weekend or every three weekends but
14 it's enough of a concern that we think the soft closing
15 would simply be extended hours.

16 MR. ALBERTI: Okay. Thank you. Appreciate
17 that.

18 CHAIRPERSON MILLER: Yeah, Mr. Silverstein?

19 MR. SILVERSTEIN: Thank you, Mr. Ghiotto, for
20 being here, taking the time off from work and all of
21 that and for participating. A couple of questions.
22 First the distance from your house to the

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1 establishment, about 400 feet or something like that?

2 MR. GHIOTTO: Yes, sir. I've never measured
3 it but according to the maps in the ABRA report, it
4 looks like it's about 400 feet if not more.

5 MR. SILVERSTEIN: Is there a reason -- I'm
6 trying to get this in my mind. There's more parking
7 around your place and that's why these crowds go there?

8 MR. GHIOTTO: Yes, sir. I just think it's on
9 busy nights, so Thursday, Friday, Saturday nights,
10 which from our experience seem to be the big nights,
11 you know, it's parked up in the immediate, say, one or
12 two blocks radius. So people are there, you know,
13 three blocks away.

14 MR. SILVERSTEIN: And --

15 MR. GHIOTTO: Or -- and then that's why they
16 walk past our place and park in front of our place to
17 get to --

18 MR. SILVERSTEIN: How do you know that these
19 are patrons of this particular establishment?

20 MR. GHIOTTO: I think it's reasonable to
21 assume, sir. There is no other establishment open at
22 that time at that hour of the night within, you know,

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1 the -- that block of 8th Street -- lower 8th Street.

2 There is no other business open at that time. When you

3 see people going to the -- walking towards that

4 direction at around 11:30 or midnight and they're

5 walking home at 3:00 a.m.

6 and they appear to be intoxicated, it's a

7 reasonable assumption they're coming back from the bar.

8 Everything on Barracks Row -- everything

9 north of the freeway is also closed at that time. No

10 other Licensee with a liquor license to my knowledge is

11 open at that time. And I don't know where else they

12 would be coming from.

13 MR. SILVERSTEIN: Is it the wave that comes

14 out -- the push out that's the big problem or is it

15 that -- is it something else?

16 MR. GHIOTTO: It's a wave of people that

17 regularly comes out at the push out.

18 MR. SILVERSTEIN: Well, the applicant is

19 saying that they could alleviate that if they were to

20 have a more gentle push out and people could leave at a

21 different time. Can you respond to that?

22 MR. GHIOTTO: Yes, sir. I would say as a

1 resident and a homeowner and a taxpayer here in the
2 District, I would be more inclined to support the type
3 of proposal the applicant has proposed if in fact they
4 had made some attempt to contact either the ANC or
5 communicate with the residents their intention and then
6 proposed, say, a plan and maybe had a -- before even a
7 trial period made some effort to ameliorate the
8 problems that exist now before asking for extended
9 hours.

10 So because of the fact that -- we are kind of
11 a little worked up because we've not had any
12 communication but until now -- and I don't think it's
13 kind of up to the residents beyond communicating with
14 their elected reps to contact --

15 MR. SILVERSTEIN: That's process. That's --

16 MR. GHIOTTO: But that's why -- that's why we
17 oppose this --

18 MR. SILVERSTEIN: No. I'm -- I appreciate
19 that but that's not what I'm trying to get at. You're
20 saying that the problem is this wave that comes out at
21 the closing time. They are saying, "Well, if we bring
22 them out" -- and Ms. Corrales, the investigator, said

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1 if they were to stagger out, which I thought was about
2 as a bad a verb as you could use, but it would better
3 if they came out in dribs and drabs. I'm trying to get
4 from you how you think this proposal would either work
5 or not work.

6 MR. GHIOTTO: I would argue based upon the
7 testimony that I hear today that there is no plan to
8 stagger -- there is no plan in writing or in the ABRA
9 report to stagger the exit from the bar. But rather --
10 again, I read this to be extended hours versus a soft
11 closing, meaning, in practice, the patrons would leave
12 later. And the same problem would exist. And nothing
13 that I see in the ABRA report or that I heard in the
14 testimony would indicate that they have a cogent,
15 concrete plan to get patrons to leave in a staggered
16 amount of time.

17 MR. SILVERSTEIN: So you're saying --

18 MR. GHIOTTO: (Inaudible) that answers the
19 question, sir. I'm sorry.

20 MR. SILVERSTEIN: -- so you're saying this
21 would only delay, that what's happening now would only
22 happen later?

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1 MR. GHIOTTO: Yes, sir.

2 MR. SILVERSTEIN: But the issue that
3 Commissioner Oldenburg brought up is that there's --
4 she says there's liquor being consumed in the cars and
5 around the cars. If there wasn't liquor in the
6 establishment -- is there a disconnect here?

7 MR. GHIOTTO: No, sir. I think it's
8 reasonable to assume based upon the trash that I picked
9 up. And I'm just a real world guy. I -- people bring
10 liquor in cars and they -- and they -- I don't think it
11 would be reasonable that people would bring liquor to a
12 pre-party and then have it afterwards. I don't --

13 MR. SILVERSTEIN: So --

14 MR. GHIOTTO: -- think that's unreasonable.

15 MR. SILVERSTEIN: So they'd stick around in
16 the bar from 3:00 to 3:30 and drink coffee and then go
17 out and have liquor?

18 MR. GHIOTTO: Well, sir, what I -- again, for
19 purposes of -- I'm just a regular, everyday citizen.
20 There are -- I see at 4:00 in the morning -- but not
21 this morning -- there are certainly drug dealers
22 hanging around the establishment, particularly on L

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1 Street. And there are johns that hang out,
2 particularly on L Street, and particularly on the block
3 of Potomac Avenue that fronts 8. People get in cars,
4 make handshakes, they walk, they -- I mean, I would
5 argue -- it's reasonable to assume there's probably
6 drug use that's going on in the club too.

7 I've been to clubs. We know the reality. I
8 would think though -- I think it's not reasonable to
9 assume people are going to drink water and coffee and
10 hang out. So what it leads me to believe -- if you're
11 having a good time in the bar and the music's going
12 that it's going to turn into Starbucks at 3:00 a.m., I
13 think, is unreasonable. I think it's more reasonable
14 to assume people would be having a good time and will
15 decide to stay as long as possible and then leave en
16 masse. And I've not heard anything to the contrary.
17 So I think that's -- that's why I think people just
18 stick around.

19 MR. SILVERSTEIN: Thank you, sir. No further
20 questions.

21 CHAIRPERSON MILLER: It sounds to me like the
22 biggest problem for your block is not being able to get

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1 residential parking or else if you got residential
2 parking, you still don't have enough cars to fill the
3 spots. Is that it?

4 MR. GHIOTTO: No, ma'am. That's a separate
5 issue but there --

6 CHAIRPERSON MILLER: I mean, your problem is
7 people from the establishment are parking on your
8 street, right?

9 MR. GHIOTTO: Within the immediate three-
10 block radius. Yes, ma'am.

11 CHAIRPERSON MILLER: Well, let's just talk
12 about your street. Let's say --

13 MR. GHIOTTO: Yes, ma'am. On our street too.
14 Yes, ma'am.

15 CHAIRPERSON MILLER: Right. It's -- and
16 there's no parking solution that would solve this
17 problem?

18 MR. GHIOTTO: No, ma'am. Because people are
19 legally entitled to park. There are only six cars and
20 over 20 plus spots and that's an underestimation,
21 ma'am. I don't know how many spots there are. I didn't
22 mark them or measure them.

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1 CHAIRPERSON MILLER: Okay.

2 MR. GHIOTTO: But I will say there are at
3 least 20 spots.

4 CHAIRPERSON MILLER: Okay. So -- but it
5 sounds like the major problem is that when the
6 establishment lets people out, it's late at night and
7 it's noisy but they're walking to their cars, correct?
8 That's one of the -- and they get to your neighborhood
9 because of the cars there?

10 MR. GHIOTTO: Yes, ma'am. But it's not just,
11 you know, walking to the car, entering the car and
12 exiting. It's everything I've stated previously.

13 CHAIRPERSON MILLER: Okay. Well, let's just
14 talk about the yelling -- the vocal stuff. Okay?

15 MR. GHIOTTO: Yelling, drinking, partying,
16 you know, car alarms going off, fighting, things of
17 that nature. That's --

18 CHAIRPERSON MILLER: Okay. Well, let's just
19 -- I just an curious, like, though, what -- we have to
20 analyze whether or not it's going to make a difference
21 if there is a soft closing -- if they were to -- if it
22 were to be successful and you had smaller groups of

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1 people walking to the cars as opposed -- over a long
2 period of time maybe as opposed to a bigger group all
3 at once. Now, I don't know what your experience has
4 been with noise.

5 Is it -- is it preferable to have a smaller
6 group over time? Would that make a difference in a
7 disturbance?

8 MR. GHIOTTO: Ma'am, I can't speak to that
9 because I've not see any but --

10 CHAIRPERSON MILLER: Well, let me ask you --

11 MR. GHIOTTO: Would it be preferable to have
12 2 versus 30? Yes, ma'am, if that's a hypothetical. I
13 don't -- I don't know the type of scenario. But as
14 proposed in both the ABRA report and the testimony that
15 I've heard, I've not heard a plan to let people out.
16 And I am -- I am skeptical that there -- in fact a plan
17 exists and I'm skeptical that a plan would work. I'm
18 trying to answer the question.

19 CHAIRPERSON MILLER: Okay. I'm just trying
20 to evaluate the disturbance to you and your neighbors.

21 MR. GHIOTTO: Yes, ma'am.

22 CHAIRPERSON MILLER: Like, how frequently

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1 have you been disturbed over the last couple of years?
2 Is it, like, every Saturday night? Is it, you know,
3 every Friday and Saturday? It's -- or is it just once
4 in a while or, you know --

5 MR. GHIOTTO: And what I'd say -- previously
6 state again, we don't keep a -- I mean, we're just
7 regular people. We don't fastidiously track this or
8 keep spreadsheets. But I would say it's on average
9 every two to three weeks we're woken up, and particular
10 Thursday night appears to be a really big night for the
11 club as well. And that's a -- that's a school night
12 for us, so got to get up to work.

13 CHAIRPERSON MILLER: Are you woke -- what are
14 you woken up by, a large group of people? That's what
15 I'm trying to figure out. What --

16 MR. GHIOTTO: I'm woken up again by a large
17 group of people.

18 CHAIRPERSON MILLER: Okay.

19 MR. GHIOTTO: So there's talking, yelling,
20 drinking, broken bottles, car alarms, fighting, etc.

21 CHAIRPERSON MILLER: Okay.

22 MR. GHIOTTO: It depends on the -- on the

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1 night, ma'am.

2 CHAIRPERSON MILLER: Okay. All right. And
3 is there -- do you have any proof that the prostitution
4 and drug dealing are associated with the establishment?

5 MR. GHIOTTO: Well, the -- my -- again, as a
6 reasonable person, the only thing I would say is there
7 are no other establishments open at that time of night.
8 And patrons walk in the direction of the bar. And I'm
9 not a narcotics investigator and I don't look into cars
10 and follow people into the -- to the establishment,
11 ma'am. But as a reasonable person, I would say that,
12 yes, it is related to the bar. That's my -- that's my
13 testimony.

14 CHAIRPERSON MILLER: Okay. Other Board
15 questions? Yeah, Mr. Jones.

16 MR. JONES: Thank you, Madam. Just really
17 quickly -- just really quickly, it sounds as if, from
18 what I've heard from you, that you would rather not --
19 you would rather just not have this establishment
20 operating in your neighborhood at all.

21 MR. GHIOTTO: Well, sir, we want good
22 neighbors. We support small businesses. We support

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1 responsible businesses in the neighborhood.

2 MR. JONES: How would you categorize this
3 one?

4 MR. GHIOTTO: I would categorize them as an
5 irresponsible business.

6 MR. JONES: Okay. So --

7 MR. GHIOTTO: It's not --

8 MR. JONES: -- my initial question then is
9 you would not want -- you would rather not have this
10 establishment in your neighborhood at all?

11 MR. GHIOTTO: No, sir.

12 MR. JONES: Okay.

13 MR. GHIOTTO: I would like them to be in the
14 neighborhood. I'd like them to be a responsible
15 neighbor under the current licenses that they hold.
16 And I don't feel that they abide by their current
17 license as demonstrated by, for instance, the testimony
18 regarding occupancy, as one small example of the larger
19 picture that I don't think that they're good neighbors
20 now. If they were better neighbors, I wouldn't have
21 objections to this -- to their proposal now.

22 MR. JONES: Okay. And you defined them as

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1 being not good neighbors because of what specifically?

2 MR. GHIOTTO: Because -- what I would say
3 first and foremost is that based upon what we've seen
4 as neighbors, we've not had any outreach by the -- by
5 the establishment -- by the applicant as residents
6 whether regarding the renewal of their license or their
7 application here to what I consider to be an extension
8 of hours. And the only contact we've had has been
9 through our elected representatives.

10 And then there's been almost -- it appears to
11 be an assertion that somehow our representatives are
12 trying to sway us. They're just trying to keep us
13 informed. And we're trying to show up and just state
14 for the record what we think -- we wish they were more
15 -- a more responsive business. And I think in the
16 future, if they can take some steps and demonstrate a
17 little more responsibility, say, in the short term --
18 let's say over the next six months try to maybe educate
19 their patrons a little bit about, "Hey, okay, you got
20 people sleeping and you guys have got to, like, keep it
21 down. When you go -- when you go back to your cars,
22 maybe make a better effort to kind of get rid of a

1 little of the" -- what I would consider this activity
2 around the club.

3 If then they were to come back, say, six
4 months from now, I think I -- and there had been a
5 demonstrated pattern of compliance or better behavior,
6 then I think the neighbors -- I don't think that they
7 would oppose.

8 MR. JONES: So are -- do you know
9 definitively - - do you know -- do you know for sure
10 that they're not promoting that type of message with
11 their patrons?

12 MR. GHIOTTO: No, sir.

13 MR. JONES: Okay. Have you ever -- you --
14 have you been to that establishment?

15 MR. GHIOTTO: No, sir.

16 MR. JONES: Okay. So to say that that would
17 be a thing that you would like for them to do in order
18 to demonstrate that they are a good neighbor, you don't
19 know for sure that they're not doing that now? And if
20 they were doing that based on what you just said, at
21 least that aspect of it, then they would move closer to
22 that category of being a good neighbor?

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1 MR. GHIOTTO: Yes, sir.

2 MR. JONES: Okay.

3 MR. GHIOTTO: I will say for the record
4 though, it's been noted both in the ABRA report and
5 both the testimony from the gentleman that spoke before
6 me that there is no security patrol the 900 block of
7 Potomac Avenue. There's no mention of the 900 block of
8 Potomac Avenue. And I can only speak to the 900 block
9 of Potomac Avenue. I can't speak to the other people
10 on L Street, just the place right in front of me.

11 So if they could take steps to help
12 ameliorate some of the issues that we see on our --

13 MR. JONES: Uh-huh.

14 MR. GHIOTTO: -- on our block, since that's
15 apparently all I'm entitled to speak to, then I -- it
16 would be appreciative to me.

17 MR. JONES: Okay. So now, just to make sure
18 I --

19 MR. GHIOTTO: If they are taking those steps
20 to --

21 MR. JONES: -- I don't challenge you on what
22 you're able to speak to. I allow you to speak whatever

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1 it is you feel like you have knowledge of from my
2 standpoint anyway. I'll just probably challenge you on
3 how you got knowledge of it but if you want to speak to
4 something 100 blocks away, that's fine with me. But at
5 the same time, I'm just trying to make sure I'm clear
6 that there are certain elements that you would like to
7 see them do for them to be defined as a good neighbor.

8 If they were a good neighbor, you wouldn't
9 have a problem with them being in your neighborhood and
10 you really wouldn't have a problem with these extended
11 hours?

12 MR. GHIOTTO: No, sir.

13 MR. JONES: Okay. So one of the things was
14 informing the patrons, training or educating them about
15 people sleeping and being quiet, whatever the case may
16 be. Another thing that you mentioned was patrols --

17 MR. GHIOTTO: Yes, sir.

18 MR. JONES: -- some level of patrols. Now,
19 if they were patrolling the area that they have legal
20 domain and responsibility to and over for their
21 establishment, would that at least be an olive branch
22 extension to you as a neighbor -- as a good neighbor

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1 effort?

2 MR. GHIOTTO: Yes, sir. That's reasonable
3 but as stated in the previous testimony, they patrol
4 areas far outside of their -- of their --

5 MR. JONES: No. I'm -- yeah, I'm not
6 challenging that.

7 MR. GHIOTTO: I think that would be -- I
8 think that would be one small step they could take.

9 MR. JONES: Just one small step. Okay.

10 MR. GHIOTTO: So it would be --

11 MR. JONES: That would get them closer to
12 being in that good neighbor box?

13 MR. GHIOTTO: Yes, sir.

14 MR. JONES: Okay. And then you wouldn't have
15 a problem with them being there or the extended hours?

16 MR. GHIOTTO: One thing that I would add,
17 sir, I think it would be reasonable to increase
18 communication, both between the applicant and the ANC.
19 And then that way -- the ANC are elected
20 representatives. and it would be nice if they, you
21 know, actively reached out as an olive branch. And
22 that way, we as patrons -- or not patron -- we as

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1 residents --

2 MR. JONES: Right.

3 MR. GHIOTTO: -- could go to the ANC and say,
4 "Hey, we've heard this." They could pass it to the
5 applicant. And the applicant then could take in a good
6 - - take that in a good faith effort. And then as the
7 applicant said, why -- we would reach out to the
8 residents or try to take steps in the -- in the
9 establishment to remedy those situations.

10 MR. JONES: Okay.

11 MR. GHIOTTO: I think that's reasonable.

12 MR. JONES: No. And I don't disagree. I'm
13 just trying -- what I'm trying to do is look at it from
14 the standpoint of if you have -- if you have you as a
15 member of the community, a resident, that defines in
16 your mind what things could be done -- I'm not saying
17 that they have to be done but what things could be
18 done. I'm looking at it from the other perspective and
19 say, "Okay. What can this establishment do to verify
20 and confirm that they have taken those steps?"

21 Now, whether or not those steps result in the
22 change that you're thinking they will result in, that's

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1 a slightly different question.

2 MR. GHIOTTO: True.

3 MR. JONES: Right? So I want to know what
4 you want to see from the establishment, that the
5 establishment can actually do and then verify that
6 they've done to show you that they make -- they're
7 making that effort. And then hopefully, that'll result
8 in the change -- the effect that you're looking for.
9 But if it doesn't, then it doesn't mean this is bad
10 operator or a bad neighbor because they've tried.

11 MR. GHIOTTO: Yes, sir.

12 MR. JONES: So that's what I'm trying to get
13 from you, those tangible concrete things that that
14 Licensee can do to show and say, "Hey." For example,
15 if reaching out and communicating more meant this
16 Licensee attended 50 percent of all ANC meetings, would
17 that matter?

18 MR. GHIOTTO: I can provide, sir, just a few
19 thing again, off the top of my head.

20 MR. JONES: Yeah, that's all I'm going to
21 get.

22 MR. GHIOTTO: Because I didn't, you know,

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1 thing of these things --

2 MR. JONES: Tangible things that --

3 MR. GHIOTTO: -- ahead of time.

4 MR. JONES: -- they can demonstrate they've
5 done.

6 MR. GHIOTTO: The tangible things: Number 1,
7 I think that the applicant could maintain contact with
8 the ANC reps.

9 MR. JONES: What does that mean though?

10 MR. GHIOTTO: Maintain contact? I think they
11 could have at a minimum, I think -- I think it's
12 reasonable to say quarterly meetings --

13 MR. JONES: Okay.

14 MR. GHIOTTO: -- say, maybe four times a --
15 once every three months.

16 MR. JONES: All right.

17 MR. GHIOTTO: That's not unreasonable.

18 MR. JONES: Quarterly meetings.

19 MR. GHIOTTO: Because it's clear there's a
20 gap in communication. And I'm not laying the blame on
21 any party. I'm just saying --

22 MR. JONES: No, that's fine.

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1 MR. GHIOTTO: -- say --

2 MR. JONES: Okay.

3 MR. GHIOTTO: -- once every few months.

4 MR. JONES: Okay. Next one?

5 MR. GHIOTTO: Second one, increase your
6 patrols to Potomac Avenue all the way over to -- in
7 fact 11 -- between 8th Street and 11th Street, S.E., in
8 that whole area, which would be Potomac Avenue, as well
9 as L Street and Virginia Avenue --

10 MR. JONES: Okay.

11 MR. GHIOTTO: -- to provide security both for
12 the patrons of the establishment, but also provide a
13 sense of security for residents. That's Number 2.

14 MR. JONES: Fair enough.

15 MR. GHIOTTO: Number 3, ask your promoters
16 not to provide promotional material on the cars that
17 are parked on the residence, some of which is kind of
18 lewd, but that's everyone's definition. Ask the
19 promoters -- I think that's reasonable just to ask the
20 promoters. You don't know who's a resident and who's a
21 patron. Don't provide promotional material on cars.

22 And Number 4, just educate the patrons and

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1 say, "Hey, keep the party inside. The party's inside.
2 The party's not outside." And that can be a whole
3 series of steps but it's up to the establishment to
4 take those steps and then, say, explain those to the
5 ANC so the ANC can go back to the residents.

6 MR. JONES: Got it. Okay. Excellent. Thank
7 you very much.

8 MR. GHIOTTO: You're welcome, sir.

9 MR. JONES: I appreciate your patience with
10 my question.

11 MR. GHIOTTO: Thank you, sir.

12 MR. JONES: Thank you, Madam Chair.

13 CHAIRPERSON MILLER: A good question. Okay.
14 Anybody else? Ms. Green?

15 MS. GREEN: I just have one question.

16 CHAIRPERSON MILLER: Okay.

17 MS. GREEN: You heard Mr. Robinson testify
18 about they encourage people to leave and people are
19 lingering afterwards. They're out in the cars. They
20 go out and leave. Have you ever seen anything like
21 that on your block or any other block --

22 MR. GHIOTTO: Yes.

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1 MS. GREEN: -- around the area?

2 MR. GHIOTTO: Yes, ma'am.

3 MS. GREEN: You've seen someone encouraging
4 the patrons to leave?

5 MR. GHIOTTO: I've never seen anybody
6 encouraging the --

7 MS. GREEN: Thank you.

8 CHAIRPERSON MILLER: Anything else? Yes.

9 MR. BROWN: Just one question.

10 CHAIRPERSON MILLER: Uh-huh.

11 MR. BROWN: Have you ever seen any police
12 detail?

13 MR. GHIOTTO: No, sir.

14 CHAIRPERSON MILLER: Okay. Thank you.

15 MR. GHIOTTO: Thank you.

16 CHAIRPERSON MILLER: All right. Okay. I
17 think we're at closing. It feels like it. Closing
18 time. Okay. Mr. Brown.

19 MR. BROWN: Timothy Brown again. I apologize
20 for delaying this hearing and I will try not to delay
21 it any further. I won't begin to try to clarify Mr.
22 Robinson's testimony but I do want to make one point in

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1 fairness to him. The plan doesn't come from him. He
2 will be required to implement it and the plan will come
3 from me and Mr. Lewis. And right now, we don't
4 actually agree on which way to do it and what would be
5 most effective.

6 So what we're going to try to do is we're
7 going to try it his way, the rooms that he wants to
8 close, and see if that works. And then we'll try it my
9 way and see if that works. And we're just going to try
10 that several times and see which is the best way to
11 ensure that we can get patrons staggered out. I would
12 like to -- I don't think there is reason for us to
13 extend this record but we will need a copy of the
14 transcript. And we will have to act accordingly there
15 too.

16 I don't think you will want to extend it to
17 allow us to get a copy of the transcript. So we're not
18 going to ask for an extension of the record because I'm
19 not so sure how that -- soon that can done -- and while
20 the issues are probably a little bit more germane to us
21 than they are to the Board on soft closing. All right.

22 CHAIRPERSON MILLER: Well, I just want to say

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1 I don't know -- I don't know if you're done or not but --

2 MR. BROWN: I'm done, yes.

3 CHAIRPERSON MILLER: Oh, okay. You know, I
4 usually say after your closings and stuff that you do
5 have an opportunity to file Proposed Findings of Facts
6 and Conclusions of Law if you want to. So I just want
7 to -- we can get --

8 MR. BROWN: And how much time do we have for
9 that?

10 CHAIRPERSON MILLER: Thirty days after the
11 transcript comes out.

12 MR. BROWN: Oh, that's fine.

13 CHAIRPERSON MILLER: And the transcript comes
14 out in, like, two weeks.

15 MR. BROWN: That'll be more than enough.

16 CHAIRPERSON MILLER: That will be what?

17 MR. BROWN: That will be more than enough for
18 us.

19 CHAIRPERSON MILLER: Okay. So we'll get to
20 that but I -- while I finish the closing, I just wanted
21 to respond a little. Go ahead.

22 MS. GREEN: As we've heard here today, this

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1 establishment is not community oriented. In the past
2 we've discussed similar allegations as I said earlier
3 with Mr. Brown. And we protested it in 2010 for the
4 very same quality of life issues. Mr. Brown's response
5 has always been to point the finger elsewhere and claim
6 that we are prejudiced against the Mill's clientele.
7 ANC 6B's position is the history of violations and the
8 testimony of the neighbors should be clearly heard.

9 This establishment should not be rewarded
10 with additional hours of operation so they can continue
11 to impose on the surrounding community. Once they
12 demonstrate a desire to become a responsible member of
13 the community, then we would like to reconsider our
14 request -- or their request. Just also I want to
15 mention, Zest Bistro was mentioned earlier. They close
16 no later than 11:30 every day. 7th and L Market closes
17 at 8:00 p.m. daily and there's nothing else open in
18 this area.

19 The current MPD detail is there until 4:00
20 a.m. I can only assume that they're needed until 4:00
21 a.m. If we extended the hours, they'd be needed until
22 5:00 a.m. That means the people that are not leaving 15

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1 minutes after closing or 20 minutes after closing, it
2 takes them an hour to get out. That's it.

3 CHAIRPERSON MILLER: Okay. So at this point
4 I'm going to close the record unless I hear from some
5 party that there's a compelling reason to submit
6 something afterwards. Normally, we don't allow it but
7 if there's a compelling reason. Okay. Not hearing it.
8 Okay. Now, before -- so the record's closed. I --
9 this is when I normally say that you can file Proposed
10 Findings of Fact and Conclusions of Law if you choose.

11 So I wasn't sure what you were saying, Mr.
12 Brown. Did you want to do that?

13 MR. BROWN: Yes, we do.

14 CHAIRPERSON MILLER: Okay. All right. And
15 Ms. Green, do you want to leave open the possibility
16 for you all to do it?

17 MS. GREEN: Sure.

18 CHAIRPERSON MILLER: Yeah? Okay. Yes.

19 MR. ALBERTI: I just want to ask, Mr. Brown,
20 are you trained in law? Are you a lawyer or a legal
21 assistant or --

22 MR. BROWN: At one time for about 20 years I

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1 did practice law, yes.

2 MR. ALBERTI: Okay. So you do understand --

3 MR. BROWN: Yes.

4 MR. ALBERTI: -- the term, "Findings of
5 Fact?"

6 MR. BROWN: Guilty.

7 MR. ALBERTI: I just wanted to make sure that
8 you understood what it was, that we're --

9 MR. BROWN: Yes.

10 MR. ALBERTI: -- expecting from you.

11 MR. BROWN: Yes. And --

12 MR. ALBERTI: Okay.

13 MR. BROWN: -- I hope to keep it well within
14 what you're expecting.

15 MR. ALBERTI: No, okay. Okay. I mean, often
16 people don't. And so I just wanted to make sure -- I
17 don't -- I hate to have those -- our deliberations
18 delayed. Because we can't --

19 MR. BROWN: Right.

20 MR. ALBERTI: -- really deliberate until we
21 see your submission. And I hate to have them delayed
22 if we're not getting what we expect.

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1 MR. BROWN: Right.

2 MR. ALBERTI: But you do understand. So I
3 just wanted to clear that up. Thank you.

4 CHAIRPERSON MILLER: Okay. So from what I
5 understand, the transcript should be available within a
6 couple weeks. And then you have 30 days from when you
7 get the transcript to file your Proposed Findings of
8 Facts and Conclusions of Law. And then the Board will
9 issue a written decision within 90 days from receipt of
10 the respective Proposed Findings and Conclusions of
11 Law.

12 And if you have any questions, you can
13 afterwards ask our general counsel, Ms. Jenkins. Okay.
14 So that then completes this case. Thank you.

15 MR. BROWN: Thank you.

16 CHAIRPERSON MILLER: Have a good night.

17 MR. ALBERTI: Good night, everyone. Thank
18 you for coming.

19 CHAIRPERSON MILLER: And I have a few
20 closings to read and then we're done here.

21 I'll start again. As Chairperson of the
22 Alcoholic Beverage Control Board for the District of

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1 Columbia and in accordance with Section 405 of the Open
2 Meetings Amendment Act of 2010, I move that the ABC
3 Board hold a closed meeting for the purpose of seeking
4 legal advice from our counsel on Case No. 12-PRO-00061,
5 Backdoor Pub, per Section 405(b)(4) of the Open
6 Meetings Amendment Act of 2010 and deliberating upon
7 this case for the reasons cited in Section 405(b)(13)
8 of the Open Meetings Amendment Act of 2010.

9 Is there a second?

10 MR. SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Silverstein has
12 seconded the motion. I'll now take a roll call vote on
13 the motion. Mr. Brooks?

14 MR. BROOKS: Agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MR. ALBERTI: I agree.

17 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
18 Silverstein?

19 MR. SILVERSTEIN: I agree.

20 CHAIRPERSON MILLER: Mr. Jones?

21 MR. JONES: I agree.

22 CHAIRPERSON MILLER: It appears the motion

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1 has passed by a 5-0-0 vote. I hereby give notice that
2 the ABC Board will hold a closed meeting in the ABC
3 Board conference room to -- will hold a closed meeting
4 in the ABC Board conference room after receipt of the
5 Proposed Findings and Conclusions of Law pursuant to
6 the Open Meetings Amendment Act of 2010 and issue an
7 order within 90 days of the receipt of the Proposed
8 Findings and Conclusions of Law from the parties.
9 Okay.

10 With respect to the Orders to cease and
11 desist that we granted earlier this afternoon, there
12 are a few that need to be rescinded, as these
13 establishments have paid. And the grounds for the
14 cease and desist orders were that they hadn't made
15 their third year payment. So the following orders
16 rescind -- the Order to cease and desist are rescinded
17 with respect to Lotus, located at 1420 K Street, N.W.;;
18 Eye Bar/Garden of Eden, located at 1716 I Street, N.W.;;
19 Hawk 'N Dove, which is located at 329 Pennsylvania
20 Avenue, S.E.; SOVA Espresso & Wine, located at 1358 8th
21 Street, N.E.; and Optimism, located at 3301 12th
22 Street, N.E.

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1 The Orders to cease and desist with these
2 establishments are rescinded upon our vote because they
3 have paid. So I would make a motion at this point to
4 rescind the cease and desist orders on the
5 establishments that I just listed.

6 Do I have a second?

7 MR. BROOKS: Second.

8 CHAIRPERSON MILLER: Okay. The motion's been
9 seconded by Mr. Brooks. All those in favor, say aye?

10 (Chorus of ayes.)

11 CHAIRPERSON MILLER: All those opposed?

12 (No audible response.)

13 CHAIRPERSON MILLER: All those abstaining?

14 (No audible response.)

15 CHAIRPERSON MILLER: The motion passes 6-0-0
16 [sic].

17 Okay. With -- now I just need to do the
18 closed meeting instructions for our agendas.

19 As Chairperson of the Alcoholic Beverage
20 Control Board for the District of Columbia and in
21 accordance with Section 405 of the Open Meetings
22 Amendment Act of 2010, I move that the ABC Board will

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1 hold a closed meeting on October 31, 2012 for the
2 purpose of seeking legal advice from our counsel on the
3 matters identified on the Board's agenda for October 26
4 -- I mean, for October 31, 2012 as published in the DC
5 Register on October 26th, 2012.

6 Is there a second?

7 MR. BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks seconded the
9 motion. I'll take a roll call vote on the motion
10 that's been seconded. Mr. Brooks?

11 MR. BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MR. ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
15 Silverstein?

16 MR. SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Jones?

18 MR. JONES: I agree.

19 CHAIRPERSON MILLER: It appears the motion
20 has passed by a vote of 5-0-0. I hereby give notice
21 that the ABC Board will hold this aforementioned closed
22 meeting. Pursuant to the Open Meetings Amendment Act of

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1 2010, notice will also be posted on the ABC Board
2 hearing room bulletin board, placed on the electronic
3 calendar on ABRA's website and published in the DC
4 Register in as timely a manner as practical.

5 As Chairperson of the Alcoholic Beverage
6 Control Board for the District of Columbia and in
7 accordance with Section 405 of the Open Meetings
8 Amendment Act of 2010, I move that the ABC Board hold a
9 closed meeting on October 31, 2012 for the purpose of
10 discussing and hearing reports concerning ongoing or
11 planned investigations of alleged criminal or civil
12 misconduct or violations of law or regulations and
13 seeking legal advice from our counsel on the Board's
14 investigative agenda for October 31, 2012, as published
15 in the DC Register on October 26, 2012.

16 Is there a second?

17 MR. BROOKS: Second.

18 CHAIRPERSON MILLER: Mr. Brooks has seconded
19 the motion. I'll take a roll call vote now that it's
20 been seconded. Mr. Brooks?

21 MR. BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Alberti?

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1 MR. ALBERTI: I agree.

2 CHAIRPERSON MILLER: Ms. Miller agrees. Mr.
3 Silverstein?

4 MR. SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Jones?

6 MR. JONES: I agree.

7 CHAIRPERSON MILLER: It appears the motion
8 has passed by a vote of 5-0-0. I hereby give notice
9 that the ABC Board will hold this aforementioned closed
10 meeting. Pursuant to the Open Meetings Amendment Act of
11 2010, notice will also be posted on the ABC Board
12 hearing room bulletin board, placed on the electronic
13 calendar on ABRA's website and published in the DC
14 Register in as timely a manner as practical.

15 And that concludes our matters for October
16 24th, 2012. And we are adjourned.

17 (WHEREUPON, at 6:18 p.m., the hearing was
18 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, LINDA METCALF, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

LINDA METCALF

Notary Public in and for the
District of Columbia

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the proceeding and that I have typed the transcript of the proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of the proceedings.

Date

MIRANDA PENNACHI

Transcriptionist

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