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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :  
Omar, LLC :  
T/a Castello Restaurant and  
Lounge :  
931 Hamilton Street Northwest : #PRO-15-00101

Retailer CT New license

Wednesday, January 6, 2016 :

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Wednesday, January 6, 2016

Whereupon, the above referenced matter  
came on for hearing at the Alcoholic Beverage  
Control Board, Reeves Center, 2000 14th Street,  
N.W., Suite 400 S, Washington, D.C. 20009.

1 CHAIRPERSON: DONOVAN ANDERSON, presiding

2

3 OTHER PERSONS PRESENT

4 NICK ALBERTI, BOARD MEMBER

5 RUTHANNE MILLER, BOARD MEMBER

6 JAMES SHORT, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 DAVID SHEON

10 On behalf of ANC 4D 04 and group of 23

11 DEE HUNTER, Esq.

12 On behalf of applicant

13

14 Oafa HARRAG

15 AMADOU BAH

16 ANNE WALLACE

17 LENNY MUSE

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

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[Start at 6:07 p.m.]

7

CHAIRPERSON ANDERSON: The next case on the agenda is -- we're back on the record -- is case #15-PRO-00101. Will the parties please approach and state their name for the record and also there's a sheet of paper in front of you. Can you sign your name on that document, please.

13

MR. SHEON: Hello, I'm David Sheon. I'm the ANC Commissioner for 4D04 and the representative of the group of 23 that protest the license.

16

MR. HUNTER: I'm Dee Hunter on behalf of Castello Restaurant and Lounge.

18

CHAIRPERSON ANDERSON: All right. And -- I'm sorry, go ahead.

19

1 MS. HARRAG: I'm Oafa Harrag, the owner of  
2 Castello Lounge.

3 CHAIRPERSON ANDERSON: Right. We're here for  
4 a protest hearing. A protest hearing is to make  
5 the determination whether or not this applicant  
6 is appropriate for the neighborhood that the  
7 application has been filed, and in moving on this  
8 case are there any preliminary matters?

9 MR. SHEON: Yes.

10 CHAIRPERSON ANDERSON: Go ahead.

11 MR. SHEON: The first was at the end of our  
12 status meeting you had mentioned that you had a  
13 casual relationship with the representative, Mr.  
14 Hunter, and upon discussion with our ANC we voted  
15 unanimous -- well, first I inquired of Ms.  
16 Fashbaugh if she could get us more information  
17 from the context of a casual relationship because  
18 that term offers a broad range of relationships,  
19 as you might imagine. And you see somebody once  
20 a year at a Christmas party is very different

1 than you see them weekly for a drink, but both  
2 could be described as casual. And so we asked if  
3 we could get more information as to the nature so  
4 that we could determine whether or not to motion  
5 to recuse and we were told by Ms. Fashbaugh that  
6 she would inquire and Ms. Fashbaugh responded  
7 then that she did inquire but no further  
8 information was going to be made available at  
9 which point the ANC voted unanimously, given that  
10 lack of information, to seek your recusal in this  
11 case. So, I'm wondering whether that was  
12 received and where we stand with that.

13 CHAIRPERSON ANDERSON: It was received and  
14 that's one of the reasons why I asked you 'are  
15 there any preliminary matters?' The Chair has  
16 received -- received your motion, and I will tell  
17 you what the Chair's position on that is. That -  
18 - just prior to making my decision -- I'm a new  
19 Chair. I make it my -- make it my goal that if  
20 there is someone in the audience that I recognize

1 who appears in front of me I will so state that  
2 because I do not want, once I make a decision,  
3 that a party would have stated that "oh, Mr.  
4 Anderson is familiar with this person and it was  
5 not disclosed," and therefore, they believe that  
6 they were prejudiced by the decision and that's  
7 one of the reasons why I had made that  
8 'pronouncement'. I would have appreciated if  
9 once I made a statement that there was inquiry  
10 there and I would state, but this is an  
11 administrative hearing and the office of  
12 administrative hearings has stated certain  
13 procedures that if an administrative law judge,  
14 which I'm not, but it's an administrative law  
15 judge -- that an administrative law judge would  
16 recuse him or herself from a case, and the  
17 standards basically refer to a judge, the  
18 standards that are applicable in a superior court  
19 of the District of Columbia and it sets out some  
20 specific standards when recusals should be

1 considered. The relationship that I have does  
2 not meet those standards. Therefore, the motion  
3 is denied. However, I will state the extent of  
4 me knowing Mr. Hunter -- I've lived in D.C. for  
5 thirty years. If I see Mr. Hunter in the  
6 audience I'll say "hello, Mr. Hunter." That's  
7 the extent of it. I have no relationship with  
8 him outside of knowing he is -- what his name is.  
9 If I see him publicly I'll say hello to him. I  
10 don't know where he lives. I've never socialized  
11 with him. So --

12 MR. SHEON: That's fine.

13 CHAIRPERSON ANDERSON: That is just the  
14 extent of our relationship. Yes, Mr. Hunter.

15 MR. HUNTER: Mr. Chair, I understand that  
16 you ruled and I wanted to add for the record, I  
17 don't think I've had a conversation with you in  
18 over a decade, um either on the telephone or in  
19 person. But I do believe that -- I do believe  
20 that this motion is illustrative of what's going

1 on here -- I mean, it's really illustrative of  
2 the entire process.

3 MR. SHEON: That's not so. Stop it.

4 CHAIRPERSON ANDERSON: Well, I mean -- I  
5 think -- I think -- I mean -- I'm not gonna -- I  
6 think that it's incumbent upon the case to  
7 protest a motion from his perspective, but as I  
8 said before there's a specific standard and that  
9 the court has stated that if a party has a  
10 relationship -- but it sets out what it is that  
11 should be -- and this comes nowhere close, but  
12 just to the satisfaction of the parties that's  
13 what it is.

14 And I'll also state this, which I think is  
15 public record, and I'm not sure if everyone  
16 knows, because of my confirmation hearing, I'm  
17 also an ANC commissioner from ANC 7B06 and I'm  
18 also the vice chair of my ANC which is ANC 7B.  
19 But, again, I'm here, I am listening to what it  
20 is. The mayor has appointed me. I believe that

1 I will represent the best interests of the  
2 District of Columbia and all the other members  
3 have been here. For me, all the issues are new  
4 to me. I don't know what is going on, and I  
5 prefer it that way.

6 MR. SHEON: That's good.

7 CHAIRPERSON ANDERSON: So, I will assure you  
8 that for me my personal integrity is all I have  
9 and I would never allow it to be questioned. And  
10 I'm not saying you are, I'm just saying that's my  
11 personal status.

12 MR. SHEON: Right and I do appreciate that  
13 and I do appreciate your candor in explain the  
14 nature of the relationship. That's -- that's  
15 all. It's just that term upon further reflection  
16 was quite broad and the community had concern  
17 about the nature of it. I think you've addressed  
18 it successfully and I certainly have absolutely  
19 no problem given that description of you  
20 remaining in.

1           CHAIRPERSON ANDERSON: All right. Thank you.  
2 All right. Now, the processes that -- and as you  
3 see before, we had a hearing before 1:30 and we  
4 weren't finished, so I bifurcated that hearing to  
5 come back another day. This process can take  
6 three hours. And how it is is that each party  
7 would have 90 minutes to present its case. I  
8 would hope that we don't -- we don't utilize that  
9 time, that we address the issues that our focus -  
10 - we are focused on the issues and that I am not  
11 going to rush you, I am going to give you your  
12 opportunity to speak but we'll see what time it  
13 is and so, therefore, you want to make sure that  
14 -- we've all been here since 9:00 this morning  
15 and I want to make sure that you keep us engaged.  
16 So, if it stretches then you might lose us and I  
17 don't want you to lose us. So, in doing the  
18 presentation let's make sure that we address the  
19 relevant issues why this protest was issued and  
20 provide the board with information that we all

1 need for us to make a decision, what's in the  
2 best interests of the residents of the District  
3 of Columbia.

4 MR. SHEON: Thank you.

5 CHAIRPERSON ANDERSON: With that side, the  
6 process is that the applicant goes first, they  
7 make an opening statement. After they make an  
8 opening statement you have an opportunity to make  
9 an opening statement. You do not have to. You  
10 can wait until they have presented their case in  
11 chief to do your opening statement and present  
12 your case. So, basically once they call their  
13 witness you'll have an opportunity to cross  
14 examine the witness. The board will have an  
15 opportunity then to cross examine those witnesses  
16 and then you -- both of you -- will have an  
17 opportunity to ask specific questions based on  
18 the questions that the board were asked. And  
19 so, in doing your cross examination, pay careful  
20 attention to the questions that were asked on

1 direct because if the question wasn't asked on  
2 direct then I might say -- either side might  
3 object to say it's beyond the scope of -- are you  
4 an attorney, sir?

5 MR. SHEON: I'm not an attorney, no.

6 CHAIRPERSON ANDERSON: All right. So, the --  
7 the other side might say that it's not based on  
8 direct, it goes beyond the scope of direct. And  
9 so, therefore, so whatever questions you are  
10 asking when you're cross examining a witness, it  
11 should be based on the testimony that was  
12 previously held.

13 MR. SHEON: May I ask a question?

14 CHAIRPERSON ANDERSON: Yes, sir.

15 MR. SHEON: I have also listed in my ?? that  
16 I submitted the owners of the establishment as  
17 witnesses and I did that to reserve the ability  
18 to ask them questions that don't come up during  
19 their initial questioning. In the interest of  
20 time that I think if you wish to allow me during

1 cross examination to stray from that it would  
2 save time but that's up --

3 CHAIRPERSON ANDERSON: No, that's fine. You  
4 can -- because since you have listed those  
5 individuals as folks that you would call in your  
6 case in chief, I will give you some leeway to ask  
7 questions that go beyond because that is part of  
8 your direct examination because that person was  
9 listed on your questions, so I mean that's fine.  
10 I'm fine with that. And, yes, you have a  
11 question?

12 MR. HUNTER: Two questions.

13 CHAIRPERSON ANDERSON: Yes, sir.

14 MR. HUNTER: One relates to calling the  
15 investigator. Is it the intention of the board  
16 to call the investigator to discuss with the  
17 board?

18 CHAIRPERSON ANDERSON: Sure, yeah, the first  
19 -- I'm sorry, and I digress -- the first order of  
20 business is for the board to call its

1 investigator. We will then ask questions of the  
2 investigator and then you have an opportunity,  
3 and then you have an opportunity, so that's the  
4 first -- the first, yeah.

5 MR. HUNTER: Thank you. Second matter  
6 relates to my objection to some of the exhibits  
7 that the protestors would use. Would that be  
8 dealt with right now as a preliminary matter or  
9 should I wait until they start their case?

10 CHAIRPERSON ANDERSON: Well, why don't you  
11 wait, and I will ask -- I will ask as they end up  
12 the presentation of the case for the documents to  
13 be moved into evidence and so, therefore, as part  
14 of the presentation of the case, the documents  
15 can be presented and then you'll have an  
16 opportunity to object and then I'll make a ruling  
17 whether or not it's relevant to the case and  
18 whether or not it should be a part of the record,  
19 so you can -- so, I'll remind each party that as  
20 the presentation of your case you are supposed to

1 move the documents into evidence and then we can  
2 have whether or not -- once you're doing your  
3 examination you present the document, have it  
4 identified, and then you'll have an opportunity -  
5 - and you'll also have an opportunity to object  
6 to documents on this side, too.

7 MR. SHEON: Okay.

8 CHAIRPERSON ANDERSON: So, you just raise it  
9 and I will make a ruling on the objection. And  
10 it should be whether or not -- just, you can let  
11 me know why -- what problems you have with the  
12 document. Yes sir?

13 MR. HUNTER: Sorry, I was just reminded that  
14 I was asked to bring copies of our evidence for  
15 you but I think now what I'm hearing you say is  
16 that we wait until I move the evidence in and  
17 then I can.

18 CHAIRPERSON ANDERSON: Well, you can also --  
19 what have -- you can also provide me a copy  
20 because one of the things I also like to -- I

1 like having a document in front of me. Not like  
2 I don't have enough paper in front of me, but I'm  
3 a person who likes to have the documents. If you  
4 have a document, you can provide it to us. You  
5 can provide it to us, yeah. I won't look at the  
6 document until it's called, so when you -- when  
7 the document is presented, then you can give it  
8 to -- yeah. Then I will look at the document so  
9 I know what document that is being addressed so  
10 as to make the ruling based on my review of the  
11 document. All right. The board will call its --  
12 oh, no. Yeah, he's right here. Do you have an  
13 opening statement you wish to make, Mr. Hunter?

14 MR. HUNTER: Sure, very briefly.

15 CHAIRPERSON ANDERSON: Sure, go ahead,  
16 please.

17 MR. HUNTER: This is a situation in which two  
18 small business owners are attempting to open a  
19 new establishment in a neighborhood that doesn't  
20 have a lot of retail. And it is a mixed use

1 neighborhood, there are residents there as well  
2 as commercial establishments. And,  
3 understandably, and I'm going to give them the  
4 benefit of the doubt, the neighborhood had some  
5 bad experiences with another club not too long  
6 ago. And I believe that is the reason that we've  
7 received so much pushback and hostility as it  
8 relates to trying to open this casual diner. It  
9 would appear that the concern is that this is  
10 going to be a nightclub. This is not a  
11 nightclub, there's no dance floor, there's no DJ.  
12 The evidence will show that this is going to be a  
13 simple casual dining establishment for people in  
14 the neighborhood to come to, to have happy hour,  
15 dinner, lunch on the weekend. It's not a  
16 restaurant. It will actually benefit the  
17 community by providing a place for people in the  
18 neighborhood to go actually eat, it will improve  
19 the walkability of the neighborhood. It's going  
20 to provide jobs because they'll employ people in

1 the neighborhood. And it's taking a blighted  
2 building that's on that corner, that's been  
3 blighted for years, and going to turn it into a  
4 very attractive property that will improve  
5 quality of life for the neighborhood.

6 CHAIRPERSON ANDERSON: I just want to ask for  
7 clarification because there was some confusion on  
8 my part. In reviewing the application and  
9 reviewing the response and reviewing the report  
10 from the investigator, can you just clarify just  
11 exactly what is it that the applicant is seeking  
12 in the sense of the hours and I think for  
13 entertainment -- I think you're asking for an  
14 entertainment endorsement.

15 MR. HUNTER: Yes.

16 CHAIRPERSON ANDERSON: And specifically what,  
17 because in reviewing the document, I see there's  
18 conflict in all the documents regarding the  
19 specific hours that are being requested, so I  
20 need the record to be clear and I think I saw it

1 somewhere in the investigative report it talked  
2 about entertainment but I think the  
3 entertainment, though, in the investigative  
4 report was dissimilar from the entertainment that  
5 the applicant stated. So I need you to tell us  
6 specifically on the record the hours and  
7 specifically what it is that is being requested.

8 MR. SHEON: Is there a way to get water?

9 CHAIRPERSON ANDERSON: Yeah, I'm sorry?

10 MR. SHEON: Water? Is that something --

11 CHAIRPERSON ANDERSON: All right.

12 MR. SHEON: Thank you. I'm sorry. The --

13 the -- the entertainment hours, I believe, as  
14 they are contained in the report I have here are  
15 correct. That would be 6:00 p.m. until 12:00  
16 a.m. for entertainment. On -- and that's going  
17 to be on Sunday through Friday, and then on  
18 Friday and Saturday the entertainment would be  
19 6:00 in the evening until 1:00 a.m.

1           CHAIRPERSON ANDERSON: Now, is that -- is  
2 that what's on the application? Because if  
3 that's not what's on the application that needs  
4 to be corrected and that's on the report - - in  
5 reviewing it, that's not -- I think that from  
6 what I see from the ANC they had a different,  
7 that's because that's in there where they talk  
8 about 3:00 a.m. and I think that the  
9 investigator had a different time, so that's I  
10 want to make sure that we all are in agreement  
11 exactly, so let me see if I can find the  
12 application to make sure that -- On the notice  
13 the entertainment hours aren't consistent.  
14 [inaudible 15:54] It's only the content that's  
15 in dispute. They didn't. So, 12:00 a.m. and  
16 then Friday and Saturday 1:00 a.m.

17           CHAIRPERSON ANDERSON: Okay, so it's clear  
18 then that --

19           MR. HUNTER: For entertainment.

1           CHAIRPERSON ANDERSON:     For entertainment, so  
2     it's clear and what's the time for the  
3     establishment?

4           MR. HUNTER:     The operation?

5           CHAIRPERSON ANDERSON:     Yeah, the operation.

6           MR. HUNTER:     The operation would be the legal  
7     permissible hours, so that would be 10:00 a.m. to  
8     2:00 a.m. on weekdays, including Sunday and then  
9     on Friday and Saturday they would operate from  
10    10:00 a.m. 'til 3:00 a.m.

11          MR. SHEON:     And alcohol beverage service  
12    would be the same?

13          CHAIRPERSON ANDERSON:     And what time are you  
14    thinking to serve alcohol?

15          MR. HUNTER:     They would seek to serve alcohol  
16    during the entire, until the close of business,  
17    until 2:00 a.m. on weekdays and 3:00 a.m. on  
18    weekends.

19          CHAIRPERSON ANDERSON:     Okay.

1           MR. HUNTER:   There's also a sidewalk café  
2           endorsement and they seek to operate that from  
3           10:00 to 12:00 a.m. on weekdays and 10:00 to 1:00  
4           on weekends.

5           CHAIRPERSON ANDERSON:   All right.   Are you  
6           clear with the hours?

7           MR. SHEON:   There was only one piece that you  
8           raised that wasn't addressed, which is that  
9           there's a conflict in the type of entertainment  
10          between the investigator's report and what's  
11          listed on the application.   You are correct about  
12          that.

13          CHAIRPERSON ANDERSON:   Right, so.

14          MR. HUNTER:   That wasn't discussed.   I'm  
15          happy -- you know --

16          CHAIRPERSON ANDERSON:   Right, so because I  
17          think from what I saw -- at least when I read it  
18          and I don't remember what it was but I know when  
19          I read it there was a difference with what the

1 investigator stated that you state that you were  
2 seeking, which was different from what I saw.

3 MR. HUNTER: The discrepancy he is referring  
4 to is whether a DJ will be on the premises.

5 MS. ?? No DJ.

6 MR. HUNTER: It is not our intention to have  
7 a DJ.

8 MS. ?? No.

9 MR. HUNTER: I believe that's what he's  
10 referring to.

11 CHAIRPERSON ANDERSON: Right. I know, but  
12 I'm just saying, I just want to make sure that  
13 it's clear what is it that you're requesting from  
14 us and that there's no -- that we do not have one  
15 understanding with the investigator going through  
16 his report, then the statements that I remember  
17 that were attributed to the owner, and it  
18 appeared that they were different from what I saw  
19 in the application. I just want everyone to be  
20 clear so when you're presenting your case it's

1 clear what it is that you're asking us to do.

2 So, do you wish to have an opening statement?

3 MR. SHEON: Not at this time.

4 CHAIRPERSON ANDERSON: Okay, the board will  
5 call its first witness, Mr. Kofi --

6 MR. HUNTER: Apraku.

7 CHAIRPERSON ANDERSON: Apraku. And I asked  
8 to have it phonetically but it didn't help.  
9 Raise your right hand, please.

10 CHAIRPERSON ANDERSON: Can you please state -  
11 - I'm sorry, do you swear or affirm to tell the  
12 truth and nothing but the truth?

13 MR. APRAKU: Yes I do.

14 CHAIRPERSON ANDERSON: Okay, have a seat.  
15 Can you state your name for the record, please.

16 MR. APRAKU: My name is Kofi Apraku. It's  
17 spelled K-O-F-I, last name A-P-R-A-K-U.

18 CHAIRPERSON ANDERSON: And are you aware why  
19 you're here today to testify, sir?

1           MR. APRAKU: Yes. I was tasked the protest  
2 investigation for Omar LLC, trading as Castello  
3 Restaurant and Lounge located at 931 Hamilton  
4 Street Northwest. The establishment is being  
5 protested by a group of 23. Additionally, the  
6 ANC Advisory neighborhood Commission 4D 04 is  
7 also protesting. They are both -- both groups  
8 are represented by Mr. Davis Sheon.

9           MR. SHEON: That's no problem. I'll get you  
10 back when I try to --

11          MR. APRAKU: The establishment is looking to  
12 obtain a tavern's license and also get  
13 entertainment and also a sidewalk café approved.  
14 The establishment is currently under  
15 construction, however it will feature a bar,  
16 dining areas, sidewalk café and a fully stocked  
17 kitchen. There are 10 ABC establishments within  
18 1200 feet of Castello Restaurant and Lounge.  
19 There are no schools or recreation centers  
20 located around the establishment. On Monday,

1 December 21st, 2015, I spoke with Mr. David  
2 Sheon. He stated that the hours of operation for  
3 the establishment were too late for the  
4 neighborhood. He cited the neighborhood's high  
5 crime rate as a reason why he didn't want the  
6 establishment to be operating at a later time.  
7 He gave an example of a time that he felt would  
8 be better suited, which is he wanted the  
9 establishment to close at 1:30 -- at 12:30 on  
10 weekdays, and at 1:30 on weekends.. He also  
11 stated that the owners of Castello Restaurant and  
12 Lounge also operated another establishment, Red  
13 Lounge.

14 MR. HUNTER: Objection.

15 CHAIRPERSON ANDERSON: I mean, Mr. -- the  
16 investigator's giving his report, so I think that  
17 in -- you can question him about the report but I  
18 don't think you can object to the report itself,  
19 so you can question him about the statements in  
20 the report.

1 MR. HUNTER: Very well.

2 MR. APRAKU: Mr. Sheon claimed that the  
3 establishment Red Lounge had been -- was a  
4 restaurant that was turned into a club and that  
5 the neighborhood was trying to prevent that  
6 incident from happening again. On December 22nd,  
7 2015, I also spoke with Mr. Dee Hunter. He  
8 stated that the concerns of the protestants were  
9 speculative and, you know, weren't founded in any  
10 facts. He stated the establishment wanted to  
11 solely operate for the neighborhood and be a good  
12 representation of the neighborhood. He said that  
13 -- he stated that the establishment -- the  
14 establishment's presence in the neighborhood  
15 would not attract criminals but basically  
16 increase the property value and the walkability  
17 of the neighborhood. He also stated that they  
18 would only provide light jazz ensembles to their  
19 patrons and had no intentions of ever having a DJ  
20 at the establishment. He also stated that he

1 wanted to work with the protestants but was  
2 adamant that the establishment needed to be able  
3 to operate within the legally permissible hours.  
4 Castello Restaurant and Lounge was monitored on  
5 nine separate occasions by ABRA personnel from  
6 Monday -- I'm sorry -- sorry about that -- was  
7 visited -- was monitored from December 12th 2015  
8 to Wednesday, December 23rd, 2015. At that time,  
9 ABRA investigators did not observe any criminal  
10 activity or any noise or trash around the  
11 establishment. In addition, I also obtained the  
12 MPD calls for service for the establishment and  
13 there were zero calls for service to the listed  
14 location. Thank you. That concludes my report.

15 CHAIRPERSON ANDERSON: Any board members with  
16 questions? Yes, Ms. Miller.

17 MS. MILLER: Okay. Good evening, Mr. Apraku.  
18 I just have a few questions. I have the  
19 impression that this case is primarily concerned

1 with the questions of the late hours. Is that  
2 accurate?

3 MR. APRAKU: Yes. MS. MILLER: Okay, so  
4 that's what I'm going to focus on then. Are you  
5 aware of the hours of other establishments  
6 nearby? MR. APRAKU: Yes. So, El Camino  
7 Restaurant, I actually went and looked at it  
8 before -- I know that closes at 3:00. I think  
9 the next -- other two establishments within the  
10 immediacy of that -- of Castello Restaurant and  
11 Lounge, are both liquor -- well one's a grocery  
12 store and the other one's a liquor store, it's  
13 Hamilton Liquors. And the other is Georgia Line  
14 convenience store, and they both close I believe  
15 around 10:00 on the weekdays and I believe 12:00  
16 on -- I'm not particularly sure of the hours but  
17 I know that they close earlier than Castello  
18 restaurant and Lounge and restaurant would want  
19 to, or even the protestants would ask them to.

1 So, I know they close no farther than 12:00  
2 midnight.

3 MS. MILLER: Okay, but they're stores, so  
4 they're just run that way.

5 MR. APRAKU: Yeah, they're stores.

6 MS. MILLER: But did you say there's El  
7 Camino?

8 MR. APRAKU: Yes.

9 MS. MILLER: What is that?

10 MR. APRAKU: It is a restaurant.

11 MS. MILLER: And it stays open until 3:00 on  
12 Saturday nights?

13 MR. APRAKU: Yes.

14 MS. MILLER: Does it have entertainment, do  
15 you know?

16 MR. APRAKU: I'm not sure.

17 MS. MILLER: Okay.

18 MR. APRAKU: I'm not sure.

1 MS. MILLER: So, it just had problems with  
2 late night activity, loitering or violence or any  
3 --

4 MR. APRAKU: Not that I'm aware of.

5 MS. MILLER: Okay. Are you familiar with Red  
6 Lounge?

7 MR. APRAKU: Yes.

8 MS. MILLER: And where's that located?

9 MR. APRAKU: It's 2013 14th Street Northwest,  
10 basically across the street from here.

11 MS. MILLER: Okay. And are those hours 'til,  
12 legal hours, 3:00 and 12:00?

13 MR. APRAKU: Yes.

14 MS. MILLER: And has that had problems that  
15 you're aware of.

16 MR. APRAKU: I remember earlier from when I  
17 first started here there were some issues with  
18 the establishment. I can't recall -- I haven't  
19 had any personal experiences with the  
20 establishment maybe within the last two years or

1 so, but again I don't know if it's had any other  
2 incidents regarding other investigators.

3 MS. MILLER: Okay. And then I don't know if  
4 you want to answer this question or not, so you  
5 don't have to, but is there anything that you  
6 know about the plans for this establishment that  
7 would lead you to believe one way or another  
8 about the hours that it should be earlier or  
9 later? And, again, you don't have to answer  
10 that, you know, if you think it's too  
11 speculative, but I just --

12 MR. APRAKU: No, I don't -- I don't -- I  
13 don't know anything specific that would make me  
14 go either way.

15 MS. MILLER: Mm hmm.

16 MR. APRAKU: Again, from my -- from what I've  
17 seen it's kind of hard to say. I don't really  
18 have -- I don't have an exact response to be able  
19 to say whether they should be granted those hours  
20 or not.

1 MS. MILLER: Right, that's kind of why I  
2 phrased it that way, so that's fine and that's  
3 really what this hearing will help really shed  
4 light on.

5 MR. APRAKU: Absolutely.

6 MS. MILLER: Okay, thank you.

7 MR. APRAKU: Thank you.

8 CHAIRPERSON ANDERSON: Thank you Ms. Miller.  
9 Mr. Alberti?

10 MR. ALBERTI: Yes. So, to sort of get the  
11 lay of the land here. So, the proposed location  
12 is in a commercial zone, correct? On Georgia  
13 Avenue?

14 MR. APRAKU: It's mixed use.

15 MR. ALBERTI: C2 A in Exhibit 3. Okay. Now,  
16 in the alley, I guess that's the alley to the --  
17 behind it to the east, right?

18 MR. APRAKU: Yes.

1 MR. ALBERTI: East of that alley is  
2 residential, all R3, review Exhibit 3. Okay.  
3 How wide is that alley?

4 MR. APRAKU: You're saying the alley?

5 MR. ALBERTI: Yeah.

6 MR. APRAKU: It's more like a street,  
7 Hamilton Street.

8 MR. ALBERTI: No, no, no, no, no. Not  
9 Hamilton Street, the alley. The alley directly  
10 behind the proposed -- behind 931 Hamilton  
11 Street.

12 MR. ALBERTI: Can we look at Exhibit #4?

13 MR. APRAKU: Exhibit #4.

14 MR. ALBERTI: Yeah. Or Exhibit #5, either  
15 one.

16 MR. APRAKU: We're in the investigator's  
17 report?

18 MR. ALBERTI: We're in the investigator's  
19 report. Yes.

1 MR. APRAKU: Okay, yeah I understand. It's  
2 not very big. I believe that area is fenced off  
3 actually. It's actually part of the, from my  
4 understanding, there's a church right next to  
5 Castello Restaurant and Lounge is supposed to be,  
6 called Iglesias di Dios. That actually from my  
7 understa -- from my discussion with Mr. Dee  
8 Hunter, that alley way is fenced off and that  
9 property belongs to the church.

10 MR. SILVERSTEIN: I happen to have a Google  
11 Map here and I see an alley way that goes right  
12 through. So, if you don't know, that's fine.

13 MR. ALBERTI: So, are we talking about the  
14 same thing?

15 MR. APRAKU: Yeah, we are.

16 MR. ALBERTI: On that alley that runs north  
17 and south.

18 MR. APRAKU: Yeah. So that alley -- yeah --  
19 so it's not -- it's not very big.

1 MR. ALBERTI: Or wide. I mean somehow is it  
2 30, 10.

3 MR. APRAKU: Like 15.

4 MR. ALBERTI: Okay. So, it's about 15 feet  
5 wide?

6 MR. HUNTER: Objection.

7 MR. ALBERTI: Going up Hamilton Street to the  
8 east, are those residential units or commercial  
9 units?

10 MR. APRAKU: Going up Hamilton Street to the  
11 east. They are --

12 MR. ALBERTI: East of that alley.

13 MR. APRAKU: -- they are -- it goes up to  
14 residential and then continues on into being some  
15 commercial.

16 MR. ALBERTI: When you get to Illinois  
17 Avenue?

18 MR. APRAKU: I'm not sure.

19 MR. ALBERTI: And 9th Street?

20 MR. APRAKU: Sorry, I'm not sure.

1 MR. ALBERTI: Okay. Maybe somebody else can  
2 help me then. And across the street? Across  
3 Hamilton Street to the south? Going along  
4 Hamilton Street at the very corner you have C 2A,  
5 in the middle of the plot, is that residential?

6 MR. APRAKU: Across the street from Hamilton  
7 Street is not residential.

8 MR. ALBERTI: No, no, no. Along Hamilton  
9 Street heading east from Georgia Avenue on the  
10 south side of the street.

11 MR. APRAKU: Along Georgia Avenue.

12 MR. ALBERTI: South side of the street.

13 MR. APRAKU: I'm sorry, I'm just a little  
14 confused as to what you're asking.

15 MR. ALBERTI: -- across the street on  
16 Hamilton Street, are those residences going down?  
17 You don't know?

18 MR. APRAKU: No, I don't know.

19 MR. ALBERTI: That's fine. Did you see any  
20 drawings for this establishment?

1 MR. APRAKU: Yes, I did.

2 MR. ALBERTI: Okay. So, tell me about this -  
3 - okay -- tell me about, like in the back of the  
4 establishment which would be closest to the -- to  
5 the -- are there drawings in here?

6 MR. APRAKU: I was given an aerial photo of  
7 what Mr. Dee Hunter said the establishment would  
8 look like once it's completed.

9 MR. ALBERTI: Is that in here?

10 MR. APRAKU: Yes.

11 MR. SHEON: Can I object? I -- I don't  
12 believe that evidence is supposed to be submitted  
13 to an investigator and if it was we weren't asked  
14 for our evidence to be submitted to an  
15 investigator.

16 CHAIRPERSON ANDERSON: Well, I -- Mr. Sheon I  
17 will verify with -- trust me, I will verify what  
18 the proposal is.

19 MR. HUNTER: That's fine.

1 CHAIRPERSON ANDERSON: All right? So, let's

2 --

3 MR. HUNTER: That I [inaudible 33:21]

4 CHAIRPERSON ANDERSON: -- let's get some idea  
5 now of what we think it is and then we'll refine  
6 that. All right? So, where is that aerial  
7 photo?

8 MR. APRAKU: It's Exhibit #18.

9 MR. ALBERTI: Oh, Exhibit #18, okay. Okay,  
10 that's got really handy colors, handy, slick  
11 sales -- I got you. [inaudible 33:45] Okay.  
12 So, we have this restaurant and it goes all the  
13 way back to that alley. Do you know where the  
14 kitchen's going to be?

15 MR. APRAKU: Yes.

16 MR. ALBERTI: Where is the kitchen going to  
17 be?

18 MR. APRAKU: I have a picture of it. The  
19 establishment itself is under construction, so  
20 it's -- once you enter through the front entrance

1 there's a bar -- there's an L-shaped bar area.  
2 Directly after that L-shaped bar area is where  
3 the kitchen will be. So, they'll be serving in  
4 the back and possibly entertainment in the back?

5 MR. APRAKU: Yes -- well, from what they said  
6 they would be doing the entertainment in the  
7 front area. There's a front area.

8 MR. ALBERTI: There's a customer area all the  
9 way to the back, is that correct?

10 MR. APRAKU: Yes.

11 MR. ALBERTI: All the way to the area  
12 adjacent to the alley, according to what they've  
13 told you, would be a customer area.

14 MR. APRAKU: Yes.

15 MR. ALBERTI: Now, and I see this really  
16 nifty covering for the sidewalk café. Did they  
17 describe that in any fashion to you?

18 MR. APRAKU: They just said that they were --  
19 they were -- they were working on getting the  
20 covering for the side café area.

1           MR. ALBERTI:   Okay.  Did they tell you  
2   whether or not they plan to have entertainment  
3   out there or not?

4           MR. APRAKU:   They said they would have  
5   entertainment outside -- no -- I'm not sure.

6           MR. ALBERTI:   That's All right.  Those are  
7   questions that hopefully they will answer for me.

8           MR. APRAKU:   Yeah.

9           MR. APRAKU:   Very well said.

10          MR. ALBERTI:   Okay, I have no further  
11   questions.

12          CHAIRPERSON ANDERSON:  Yes, Mr. Short?

13          MR. SHORT:    Good evening, Mr. Apraku.

14          MR. APRAKU:   Yes, good evening, sir.

15          MR. SHORT:    What time of day did you do your  
16   inspections at this location?

17          MR. APRAKU:   Did I do monitoring?  Well,  
18   there were different investigators doing some of  
19   the monitoring.

20          MR. ALBERTI:   You, what day did you go?

1           MR. APRAKU: I'll have to refer back. Some  
2 of it was in the daytime and some of it was at  
3 night, just according to my schedule, so I'd have  
4 to look for the specifics in here, but --

5           MR. ALBERTI: So, the front of the building  
6 is actually on Georgia Avenue, correct?

7           MR. APRAKU: The front entrance faces  
8 directly onto Hamilton Street.

9           MR. ALBERTI: But I mean, if you go to the  
10 most west side of the building, which street is  
11 that?

12          MR. APRAKU: The most west side of the  
13 building. That's Georgia Avenue.

14          MR. ALBERTI: Okay, great.

15          MR. APRAKU: Yes.

16          MR. ALBERTI: And you said there's only 15  
17 feet between this proposed business and the  
18 residential homes.

19          MR. APRAKU: Yes.

20          MR. ALBERTI: Did you go into those alleys?

1           MR. APRAKU: Yes, I did. MR. ALBERTI: And  
2 what did you see in the alley? What kind of  
3 alleys are they. Well kept? A lot of trash?

4           MR. APRAKU: No, no trash. Well kept. The  
5 businesses that -- so Castello Restaurant and  
6 Lounge, their back area is fenced with chain link  
7 fence and from my understanding from what was  
8 discussed with me there was going to be -- their  
9 trash was going to be on the other side of that  
10 chain link fence.

11          MR. ALBERTI: Yeah. They'll be getting a  
12 dumpster back there with a top on it?

13          MR. APRAKU: Yes.

14          MR. ALBERTI: And the trash truck can get  
15 through that alley?

16          MR. APRAKU: I don't know if the trash truck  
17 would be able to get through that alley, I think  
18 they would have to come and probably pull it out.

19          MR. ALBERTI: Okay, that's important to us  
20 for the restaurant and establishment, correct?

1 MR. APRAKU: Yes.

2 MR. ALBERTI: All right, so what's your  
3 professional opinion, behind that chain link  
4 fence, would that be a place where they could put  
5 a dumpster and would that work well with the  
6 community?

7 MR. APRAKU: I think as the alternative as to  
8 them putting it right next, on the side of the  
9 building, I think putting it behind the building  
10 behind the chain link fence would definitely be a  
11 better option, and that's the option that they've  
12 discussed that they're going to take.

13 MR. ALBERTI: Are there any other businesses  
14 in that alley that, since you say it was neat and  
15 clean, are there any other businesses that face  
16 that alley, Georgia Avenue?

17 MR. APRAKU: I know there's Hamilton Liquors  
18 that also shares that alley and I believe Camino  
19 Restaurant also shares that alley, but it was all

1 - - the whole alley was neat and tidy as far as I  
2 could see.

3 MR. ALBERTI: We'd like to keep it like that,  
4 right?

5 MR. APRAKU: Absolutely.

6 MR. ALBERTI: All right, now you said you  
7 were there day and night and you observed the  
8 neighborhood pretty good, it was pretty quiet at  
9 night or loud, was it?

10 MR. APRAKU: No, the neighborhood was pretty  
11 quiet. There wasn't really anybody really  
12 walking up and down, very light pedestrian  
13 traffic, very light vehicular traffic.

14 MR. ALBERTI: Are there any other  
15 establishments that have live entertainment in  
16 that area?

17 MR. APRAKU: I believe Camino Restaurant has  
18 entertainment but the times that I went there it  
19 wasn't loud, it wasn't anything excessively loud  
20 that I could tell, so --

1 MR. ALBERTI: What are the hours of their  
2 entertainment?

3 MR. APRAKU: I'm not sure. I'm not sure.

4 MR. ALBERTI: Do you know anything about  
5 their investigative history?

6 MR. APRAKU: No sir, I do not.

7 MR. ALBERTI: That might be helpful if they  
8 [inaudible 38:41]. Now, this proposed  
9 establishment at 931, I saw some pictures in the  
10 investigative report. Is there any acoustical  
11 anywhere that they could keep that live  
12 entertainment, music, inside of the building?  
13 Have they done anything, sound mediation, or is  
14 the planner doing anything with sound mediation?

15 MR. APRAKU: Not that I'm aware of.

16 MR. ALBERTI: They didn't discuss it at all.

17 MR. APRAKU: No, they did not discuss that  
18 with me.

1 MR. ALBERTI: I would think that's very  
2 important, too, when you're talking about live  
3 entertainment, correct?

4 MR. APRAKU: Yes.

5 MR. ALBERTI: You said no schools, no --

6 MR. APRAKU: Recreation centers.

7 MR. ALBERTI: Recreation centers.

8 MR. APRAKU: Nope.

9 MR. ALBERTI: And you're saying pretty much -  
10 - how many square feet was it?

11 MR. APRAKU: I'm unaware of how many square  
12 feet it is, sir.

13 MR. ALBERTI: What about the occupancy? Are  
14 they asking -- how much occupancy are they  
15 planning on?

16 MR. APRAKU: I try to do an occupancy search  
17 of it. We were able to find the occupancy -- the  
18 certificate of occupancy within their  
19 application. I also was unable to find a

1 [inaudible 39:44] but I actually tried to do  
2 that. And they don't have any of that yet?

3 MR. APRAKU: No, I don't have any of that  
4 information, sir.

5 MR. ALBERTI: Any documentation at all from  
6 DCRA?

7 MR. APRAKU: I don't know what --

8 MR. ALBERTI: Did you [inaudible]

9 MR. APRAKU: Not that I'm aware of. None  
10 that they -- has been given to me.

11 MR. ALBERTI: All right, who owns that  
12 building?

13 MR. APRAKU: I'm not aware of who owns the  
14 building.

15 MR. ALBERTI: All right, that's all I have.

16 CHAIRPERSON ANDERSON: Any other board  
17 members with questions? Mr. Hunter, your  
18 witness.

1           MR. HUNTER: Thank you. Mr. Kofi, you  
2 examined the facility. Can you describe the size  
3 of the building?

4           MR. APRAKU: From the outside the building  
5 looks very big. I would say that once you enter  
6 it the insides of it are kind of a little bit  
7 tightly packed, from my indications -- from the  
8 indications that were given to me of where  
9 seating will be, it seems that it will be pretty  
10 packed inside, not that big inside actually. MR.  
11 HUNTER: Did you see a dance floor inside, or  
12 room for a dance floor?

13          MR. APRAKU: Based on what was explained to  
14 me of how the establishment would be constructed  
15 I did not see room for a dance floor.

16          MR. HUNTER: Okay. In your report you list  
17 other establishments and one of the  
18 establishments listed in item #6 is a Macombo  
19 Lounge.

20          MR. APRAKU: Yes.

1           MR. HUNTER: In the vicinity of this  
2 establishment?

3           MR. APRAKU: Yes.

4           MR. HUNTER: Are you familiar with that  
5 facility?

6           MR. APRAKU: Yes, yes.

7           MR. HUNTER: Do you know what their hours  
8 are?

9           MR. APRAKU: Legally permissible hours, I  
10 believe they end at 2:00 a.m. on weekdays and  
11 3:00 a.m. on the weekends.

12          MR. HUNTER: Do they have live entertainment?

13          MR. APRAKU: Yes.

14          MR. HUNTER: What kind of entertainment.

15          MR. APRAKU: I believe, from my  
16 understanding, it's a nightclub/strip club.

17          MR. HUNTER: So, it's a strip club that  
18 operates in the area to 3:00 a.m.

19          MR. APRAKU: Mm hmm.

1 MR. HUNTER: You've taken a number of  
2 photographs we're going to rely on, so I'll  
3 really briefly ask you to on the record describe  
4 what you have here.

5 MR. APRAKU: Yeah.

6 MR. HUNTER: Like in your first one is  
7 Exhibit #6.

8 MR. APRAKU: Okay. What would you like me to  
9 describe, sir?

10 MR. HUNTER: What is this a picture of?

11 MR. APRAKU: This is some of the businesses  
12 lining Georgia Avenue, lining the -- yeah, lining  
13 Georgia Avenue: Castello, it's Iglesias di Dios  
14 which is the church, Hamilton Liquors and El  
15 Camino is up front. So these -- so the church is  
16 next door to Castello, right?

17 MR. APRAKU: Yes.

18 MR. HUNTER: And so these other businesses  
19 would share the alley also?

20 MR. APRAKU: Yes.

1 MR. HUNTER: Can you tell me what Exhibit #7  
2 is?

3 MR. APRAKU: That is the 900 block of  
4 Hamilton Street Northwest.

5 MR. HUNTER: And what's the block, is this  
6 Castello, the black building right here?

7 MR. APRAKU: Yes.

8 MR. HUNTER: All right, thank you. And the  
9 alley is roughly, about 15 feet -- that's where  
10 the houses start, right there?

11 MR. APRAKU: Yes.

12 MR. HUNTER: What's Exhibit #8? That's right  
13 across the street from -- that's right across the  
14 street from Castello Restaurant and Lounge, and  
15 that's Georgia Line Convenience Store.

16 MR. HUNTER: Okay.

17 MR. APRAKU: That's the church right next to  
18 Castello, Iglesias di Dios.

1 MR. HUNTER: And this is the church where you  
2 were told they would have a relationship in order  
3 to keep the trash in the back, correct?

4 MR. APRAKU: Yes.

5 MR. HUNTER: What is Exhibit #10?

6 MR. APRAKU: That's just the front of  
7 Castello Restaurant and Lounge facing Georgia  
8 Avenue Northwest.

9 MR. HUNTER: Facing Georgia Avenue, okay.  
10 And Exhibit #11?

11 MR. APRAKU: That's the sidewalk café area --  
12 the proposed sidewalk café area for Castello  
13 Restaurant and Lounge facing Georgia Street --  
14 no, facing Hamilton Street Northwest.

15 MR. HUNTER: So, this is the side of the  
16 building --

17 MR. APRAKU: Yes.

18 MR. HUNTER: -- of the establishment.

19 MR. APRAKU: Yes.

1 MR. HUNTER: The entire side. And, actually  
2 I'll deal with that later. What is Exhibit, your  
3 next exhibit, Exhibit #12?

4 MR. APRAKU: Yes, that is the interior upon  
5 entering Castello Restaurant and Lounge.

6 MR. HUNTER: So, this is the main room?

7 MR. APRAKU: Main -- main -- from my  
8 understanding of what was explained to me is the  
9 main room --

10 MR. HUNTER: Okay. Exhibit --

11 MR. APRAKU: -- dining area.

12 MR. HUNTER: Exhibit #13.

13 MR. APRAKU: That is the L-shaped bar  
14 described in the exhibits next -- that's right  
15 next to the main dining area.

16 MR. HUNTER: And this is what you see when  
17 you first enter the establishment?

18 MR. APRAKU: Yes.

19 MR. HUNTER: #14?

20 MR. APRAKU: That is the kitchen area.

1 MR. HUNTER: And this is located in the --  
2 what part of the building do you know? The back  
3 part of the building?

4 MR. APRAKU: It's located in the back part of  
5 the building. Well, it's on the side where the  
6 sidewalk café -- it's pretty much -- it's in the  
7 same vicinity as where the sidewalk café would be  
8 on the opposite side of the wall.

9 MR. HUNTER: Let's go back to that Exhibit  
10 #11 regarding the sidewalk café.

11 CHAIRPERSON ANDERSON: Actually, Mr. Hunter  
12 there's a microphone in front of you, so when you  
13 move the paper, yeah, sorry.

14 MR. HUNTER: Exhibit #11, the sidewalk café.

15 MR. APRAKU: Yes?

16 MR. HUNTER: To your understanding, can you  
17 tell us -- looking at Exhibit #11, where would  
18 the kitchen be inside the building?

19 MR. APRAKU: Probably would be starting from  
20 that trailer, like the back trailer, the brown

1 back trailer, I wouldn't be able to say as far as  
2 it would go, I don't have --

3 MR. HUNTER: And what is your understanding  
4 of the length of the sidewalk café looking at  
5 Exhibit 11, how far is that going to go along the  
6 side also?

7 MR. APRAKU: I wouldn't be able to tell, I  
8 don't know. I mean, it seems it would go  
9 somewhat far but I don't know.

10 MR. HUNTER: All right. I just want to know  
11 if you have any idea of the actual plans, but  
12 that's okay. Let's keep going through exhibits.  
13 Exhibit #16?

14 MR. APRAKU: That -- this was described to me  
15 as the back area which would also be a family  
16 dining area.

17 MR. HUNTER: Okay. How large is that area?

18 MR. APRAKU: It wasn't very large, I mean it  
19 was pretty small in there. I don't -- I don't  
20 have an exact figure as to how big it is.

1           MR. HUNTER:   And this is -- what is Exhibit  
2   #17?

3           MR. APRAKU:   This is the -- this is the area  
4   behind the establishment, passing through that  
5   alley to the back of the church, Iglesias di  
6   Dios, where it was explained to me that the  
7   establishment would be housing their trash can.

8           MR. HUNTER:   Are you able to render an  
9   opinion as to whether this establishment appears  
10   to be utilized or plans to appear to be utilized  
11   as a nightclub or a tavern, based on your  
12   experience.

13          MR. APRAKU:   I would -- I wouldn't be able to  
14   attest to the intentions of the owners of the  
15   establishment.

16          MR. HUNTER:   Based on the size of the  
17   establishment, based on what you've seen, what is  
18   your opinion whether or not it would be a tavern  
19   or nightclub?

1 MR. APRAKU: Um -- well, based on the size, I  
2 don't know if I would be able to deduce that it  
3 would be a nightclub per se. Again, I also --  
4 but I can't -- again -- attest to what the  
5 establishment is going to use -- is going to use  
6 the space for.

7 MR. HUNTER: This is the last thing. Can you  
8 render an opinion whether or not this  
9 establishment will interfere with the peace and  
10 quiet enjoyment of the neighborhood?

11 MR. APRAKU: Being that the establishment is  
12 now under construction and we haven't seen what  
13 the establishment will actually do once it opens  
14 I wouldn't be able to make a judgment or render  
15 an opinion on that.

16 MR. HUNTER: All right. Nothing further.

17 MR. SHEON: Mr. Chair?

18 CHAIRPERSON ANDERSON: Yes?

19 MR. HUNTER: Nothing further, sir.

20 CHAIRPERSON ANDERSON: You can ask questions.

1           MR. SHEON:    Yes, I do have a few.  Thank  
2   you, Investigator Apraku, for your time and for  
3   your assistance.  Describe for me the immediate  
4   area that you saw during the evening hours.  Was  
5   it quiet?

6           MR. APRAKU:  Yes.

7           MR. SHEON:  Did you see anybody loitering  
8   there?

9           MR. APRAKU:  Not in the time frame -- not in  
10  the times that I went there.

11          MR. SHEON:  Okay.  During our discussion, you  
12  recapped -- during Mr. Hunter's -- well, I think  
13  during board member Miller's questions, that the  
14  main concern appeared to be hours.  Do you recall  
15  that I also told you that we want a voluntary  
16  settlement agreement?  Or that we want the board  
17  to rule in such a way to address common issues  
18  with voluntary settlement agreements?

19          MR. APRAKU:  Yes.

1           MR. SHEON: Thank you. With regard to the  
2 restaurant El Camino, did you check the police  
3 report? I know that there was a question about  
4 whether investigative reports were checked for  
5 them. Did you check police reports or calls to  
6 the area?

7           MR. APRAKU: No I did not check for that  
8 address.

9           MR. SHEON: Is it your opinion that El Camino  
10 is located without any residences behind it?

11          MR. APRAKU: No. That's not my opinion.

12          MR. SHEON: It's not in the center of the  
13 block? El Camino, not this establishment.

14          MR. APRAKU: Oh.

15          MR. SHEON: If you were to be behind El  
16 Camino, are there residences behind it?

17          MR. APRAKU: No.

18          MR. SHEON: Right. And so there's -- but  
19 this establishment has this residence as close as  
20 15 feet away in your estimation.

1 MR. APRAKU: Yes.

2 MR. SHEON: Okay. With regard to Red Lounge,  
3 did you see their incident report? Or request  
4 their incident report?

5 MR. HUNTER: Objection. Red Lounge is -- if  
6 I may speak to it -- the applicant -- the  
7 application is for Castello Lounge. Red Lounge  
8 exists here on U Street. We do not believe that  
9 anything related to Red Lounge is relevant to  
10 what the owner is going to do at Castello Lounge.

11 MR. SHEON: And I believe that when there's a  
12 new establishment the only way that you can judge  
13 a management's history is by looking at their  
14 behavior in the past towards ABRA, towards  
15 criminal activity, towards the community, whether  
16 they had voluntary settlement agreements, I think  
17 that that is absolutely relevant evidence for us  
18 to be able to determine what kind of partner  
19 they're going to be in our community. ANC 1B  
20 which I used to chair as a rule has voluntary

1 settlement agreements for every establishment.

2 It's not relevant --

3 MR. HUNTER: Can I finish please?

4 MR. SHEON: It's not relevant to what is  
5 happening on the 900 block on Hamilton. If, in  
6 fact, Red Lounge had properly been cited with a  
7 violation for some of these allegations, that  
8 itself might be arguable, but that is not the  
9 case, so I really don't see the relevance of the  
10 Red Lounge.

11 MR. HUNTER: I might add that this was  
12 raised by the investigator, this was allowed to  
13 be discussed and I believe that my question  
14 should be fair game at the very least for that  
15 reason.

16 CHAIRPERSON ANDERSON: I'll allow the  
17 question.

18 MR. HUNTER: So, you did not look at  
19 investigative history.

1 MR. APRAKU: I did look at the investigative  
2 history for Red Lounge.

3 MR. HUNTER: You did?

4 MR. APRAKU: Yes, I did.

5 MR. HUNTER: Did you see three assaults in  
6 the last 18 months?

7 MR. SHEON: Objection.

8 MR. HUNTER: -- at Red Lounge? It's on the  
9 investigative report, right?

10 MR. APRAKU: I saw that -- I don't have a --  
11 it's in the -- I have information from it, I want  
12 to make sure. Hold on. If it's there. Okay, I  
13 have it in front of me. All right, I'm going to  
14 -- it's a part of -- it -- because it's a part of  
15 the investigative report I will allow the  
16 question.

17 MR. HUNTER: Thank you.

18 MR. SHEON: Where is it?

19 CHAIRPERSON ANDERSON: It's on page -- I know  
20 I've seen it in there.

1           MR. HUNTER:   What he did was he made  
2   reference to Mr. Sheon's reference to the alleged  
3   investigative report.

4           MR. ALBERTI:   It's about two pages past the  
5   time before.

6           MS. MILLER:   What do we have that's --

7           MR. ALBERTI:   We're all looking for it.

8           MS. MILLER:   It's in our record?

9           MR. HUNTER:   It's our evidence that was  
10   submitted.

11          MS. MILLER:   Oh, so it's not a part of his  
12   report.

13          CHAIRPERSON ANDERSON:   No, it's not part of -  
14   - hold on.

15          MR. HUNTER:   I'm not saying it's not part of  
16   the record, I am [Several people talking at once]  
17   -- it's not part of the investigative report.

18          MS. MILLER:   Right.

19          MR. HUNTER:   And it's not --

1 CHAIRPERSON ANDERSON: Hold on. Unless we --  
2 we have it as part of the investigative report.

3 MR. ALBERTI: We don't.

4 MS. MILLER: We don't.

5 CHAIRPERSON ANDERSON: It's not in there?

6 Oh.

7 MR. SILVERSTEIN: No, I believe the  
8 investigative report starts after that.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. MILLER: It's in the protestant --

11 MR. APRAKU: I don't have investigative  
12 history for Red Lounge as a part of my case.

13 CHAIRPERSON ANDERSON: All right, then the  
14 question -- the objection is sustained. Meaning  
15 that you can't ask him that question. I thought  
16 I had seen the report, but if it was a part of  
17 this report then you could ask it.

18 MR. ALBERTI: It was probably submitted as  
19 part of the --

20 MS. MILLER: Mr. Short has it right here.

1           CHAIRPERSON ANDERSON:  Yeah, I know, but it's  
2  not -- that's what the confusion is -- but it's  
3  not part of -- now, if it's a part of your --  
4  then what you would have to do, sir, is you  
5  probably need to ask that during your case in  
6  chief because you'd --

7           MR. SHEON:  That's fine.

8           CHAIRPERSON ANDERSON:  You'd have to  
9  introduce this into evidence and ask someone to  
10 identify the document.

11          MR. HUNTER:  That's fine.  But let's talk for  
12 a moment how you gathered evidence for this  
13 report.  I'm confused about one thing.  In your  
14 report you said you took pictures.  Are the  
15 pictures that are in the report pictures that you  
16 took?

17          MR. APRAKU:  With the exception of -- with  
18 the exception of Exhibits #18 and #19, every  
19 other picture -- any other thing was gathered  
20 myself.

1 MR. HUNTER: Okay, thank you.

2 MR. APRAKU: Yes. Let me just return here  
3 for a second. But you did accept evidence -- I  
4 see that from -- item #19, Exhibit #19 you're  
5 saying was submitted by the applicant. Did you  
6 request evidence from the applicant?

7 MR. APRAKU: He offered to give me a copy of  
8 his menu and I received it.

9 MR. HUNTER: Is it common that evidence  
10 becomes -- that evidence that's part of one  
11 side's testimony becomes part of an investigative  
12 report?

13 MR. APRAKU: Typically, when there's a  
14 restaurant that's under construction or there's  
15 an establishment that we actually can't  
16 physically see, if someone presents a diagram or  
17 a photo of what the establishment is to look  
18 like, we can do that. If they're presenting  
19 their menu -- we've accepted that.

1           MR. SHEON:   Okay.   And then, you interviewed  
2   Mr. Hunter and you interviewed Mr. Bah, who's the  
3   spouse of the applicant.   Did you interview the  
4   applicant?

5           MR. APRAKU:   No, I did not.

6           MR. SHEON:   Why not?

7           MR. APRAKU:   I didn't interview her because  
8   she had a representative for her --

9           MR. SHEON:   Okay.

10          MR. APRAKU:   -- so I did the representative.

11          MR. SHEON:   Do you recall what color the  
12   establishment is currently painted?

13          MR. APRAKU:   The outside of it is black and  
14   it's red, has like a red awning on top.   The  
15   inside, I don't recall the exact colors that are  
16   inside.   I'd have to refer back to the pictures.

17          MR. SHEON:   And you've already made clear  
18   that you didn't actually measure the distance  
19   between the back of the proposed establishment  
20   and the neighbor's house, is that correct?

1 MR. APRAKU: I did not.

2 MR. SHEON: When you look at the rendition in  
3 Exhibit #19 and, as you state, there appear to be  
4 to your eye about 15 feet between the house, does  
5 it look to you like this is a proportional  
6 representation in Exhibit #19 of the way that the  
7 building is physically sitting and how close it  
8 is to the neighbor?

9 MR. APRAKU: I think you mean Exhibit #18.

10 MR. SHEON: Oh it got changed. Okay. Fine.  
11 Thank you.

12 MR. APRAKU: Yeah. That wouldn't be  
13 proportional to where the -- where the alley  
14 ends.

15 MR. SHEON: So, this piece of evidence that  
16 was submitted doesn't appear representational to  
17 the location.

18 MR. HUNTER: Objection. That's not what he  
19 testified to. He's putting words into his mouth.

1           MR. SHEON: Let me ask you to just -- just to  
2 confirm that I heard correctly that it's -- that  
3 you don't believe that at least as far as the  
4 alley goes this is representational.

5           MR. APRAKU: No.

6           CHAIRPERSON ANDERSON: What -- what -- what  
7 exhibit number again is this?

8           MR. SHEON: It's Exhibit #18, the fancy-  
9 looking picture here.

10          CHAIRPERSON ANDERSON: Okay.

11          MR. ALBERTI: Architectural drawing.

12          MR. SHEON: And what about the distance  
13 between the front of the drawing and the amount  
14 of space that's between the front of the building  
15 and Georgia Avenue, does that look  
16 representational?

17          MR. APRAKU: Uh -- I wouldn't be able to say.  
18 I'm --

19          MR. SHEON: Okay.

20          MR. APRAKU: Yeah, I wouldn't be able to say.

1 MR. SHEON: But the building as it stands is  
2 -- well, that's fine. So, in the back you said  
3 that there's a separate room and explain to me --  
4 was it not in your report that that's supposed to  
5 be a party room of some kind?

6 MR. HUNTER: Objection. There's no reference  
7 in his report about this.

8 MR. SHEON: There is a reference in the  
9 report --

10 MR. HUNTER: -- if it's a party room  
11 [inaudible 59:22]. Well, let me just ask you,  
12 what was the reference in the report to the back  
13 room?

14 MR. APRAKU: Well, it was explained to me  
15 about the back room that it would be a family  
16 dining -- family dining area. That was what was  
17 described to me. Or for, if somebody had a  
18 birthday party and they needed space for their  
19 family, that they would be in the back of the

1 establishment. That was what was explained to  
2 me.

3 MR. SILVERSTEIN: Mr. Sheon.

4 CHAIRPERSON ANDERSON: Hold on, Mr. Silver --  
5 hold on, hold on --

6 MR. SHEON: It's fine.

7 CHAIRPERSON ANDERSON: I apologize to do  
8 this, but I just want to let you know that each  
9 side has 90 minutes to --

10 MR. SHEON: That's fine.

11 CHAIRPERSON ANDERSON: -- do their  
12 presentation and you might have -- I don't know  
13 how many witnesses you have and there are board  
14 members who are concerned that they don't -- they  
15 want to make sure that you call all of your  
16 witnesses but not -- go ahead and make sure you  
17 don't use up all of your time on cross  
18 examination.

1 MR. SHEON: That's fine, thank you. Thanks  
2 for the reminder, and I know that we all are  
3 going to enjoy getting home too.

4 CHAIRPERSON ANDERSON: No, no, no -- not from  
5 that --

6 MR. SHEON: It's fine though.

7 CHAIRPERSON ANDERSON: We're not leaving here  
8 anytime soon today, trust me. See, after you're  
9 gone, trust me after you're gone we still have to  
10 be here for several more hours so we are going to  
11 be here whether or not it's --

12 MR. SHEON: It's fine. I'm finished.

13 CHAIRPERSON ANDERSON: All right. Does the  
14 board have any questions based on --? Yes, Mr.  
15 Short?

16 MR. SHORT: Mr. Apraku, that was the  
17 investigator, they talked about the size of the  
18 interior, and I believe it was the defense  
19 attorney who said it's too small to do anything

1 other than have a sit-down dining. You've been  
2 in the Macombo Lounge, correct?

3 MR. APRAKU: Yes. MR. SHORT: How big is the  
4 Macombo Lounge compared to this location?

5 MR. APRAKU: It's -- I think it would be  
6 smaller than -- it would be a bit smaller than  
7 this establishment, than this proposed  
8 establishment.

9 MR. SHORT: Square footage-wise it's smaller,  
10 but if we're talking about the walk from Georgia  
11 Avenue to the back of the club, it's not real  
12 wide, is it?

13 MR. APRAKU: No, not very.

14 MR. SHORT: No, not wide at all. In face, we  
15 have a lot of clubs probably all over town that  
16 are small that open up as nice new dining places  
17 and next thing you know they have morphed into  
18 something else. Is that correct?

19 MR. APRAKU: Yes. MR. SHORT: That's all I  
20 have.

1 CHAIRPERSON ANDERSON: All right.

2 MS. MILLER: Could I ask one more?

3 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

4 MS. MILLER: Okay, I -- there's been a lot of  
5 discussion on Exhibit #18 and I just was  
6 wondering if you could clarify the rendering for  
7 me? Like, what is the big concrete building  
8 behind it? Is this anything?

9 MR. APRAKU: It's a -- [inaudible 1:01:52]

10 CHAIRPERSON ANDERSON: The area doesn't look  
11 anything like this.

12 MS. MILLER: Yeah.

13 MR. APRAKU: What -- what --

14 MS. MILLER: So, I'm just wondering how to  
15 interpret this.

16 MR. APRAKU: What was described to me was  
17 that it was an architectural drawing, that it was  
18 just a rendering, not supposed to be actual  
19 representation of the actual street or the actual

1 dimensions, it was just what the building would  
2 look like.

3 [Several people talking at once].

4 MR. APRAKU: I don't know what that building  
5 next to it would be.

6 MS. MILLER: Okay.

7 MR. APRAKU: I don't know.

8 MS. MILLER: Could you just confirm where the  
9 nearest residences are? Or residences that's  
10 near there?

11 MR. APRAKU: They're on Hamilton Street. I  
12 wouldn't -- I believe it's on Exhibit #7.

13 MS. MILLER: Okay.

14 MR. APRAKU: That last corner, that black  
15 corner, that's Castello Restaurant and Lounge and  
16 the rest of those moving forward are residential  
17 buildings.

18 MR. ALBERTI: That was the whole extent of my  
19 questions.

1 MS. MILLER: Thank you. I get confused by  
2 the rendering, yeah. Okay.

3 CHAIRPERSON ANDERSON: You done?

4 MS. MILLER: Yeah, that's it.

5 CHAIRPERSON ANDERSON: All right. Thank you.  
6 Your next witness -- your first witness Mr.  
7 Hunter.

8 MR. HUNTER: Very well. We call Mr. Bah,  
9 Amadou.

10 CHAIRPERSON ANDERSON: Can you raise your  
11 right hand, sir, please? Do you swear or affirm  
12 to tell the truth and nothing but the truth?

13 MR. BAH: Yes.

14 CHAIRPERSON ANDERSON: You can have a seat,  
15 please. Your witness, Mr. Hunter.

16 MR. HUNTER: Would you state your name for  
17 the record, please?

18 MR. SILVERSTEIN: Speak up too, sir, you're  
19 being recorded.

1 MR. BAH: My name is Amadou Bah. It's A-M-A-  
2 D-O-U.

3 MR. SILVERSTEIN: Speak up, I can hardly hear  
4 you.

5 CHAIRPERSON ANDERSON: There's a microphone  
6 there, so you why don't you use the microphone?

7 MR. BAH: Okay. My name is Amadou Bah. A-M-  
8 A-D-O-U, last name B-A-H.

9 CHAIRPERSON ANDERSON: Okay.

10 MR. BAH: And I am the owner of Castello, and  
11 I have my wife here with me. This is my partner.

12 MR. HUNTER: So you're a co-owner of Omar  
13 LLC, correct?

14 MR. BAH: Yes, yes. That's correct.

15 MR. HUNTER: Castello Lounge. Your wife is  
16 your co-owner.

17 MR. BAH: Yes.

18 MR. HUNTER: Correct?

19 MR. BAH: Yes.

1           MR. HUNTER: Will you please tell us what are  
2 your plans for Castello Restaurant and Lounge?  
3 What do you plan to do there?

4           MR. BAH: Okay, we -- by the way, we came --  
5 we was looking for a place --

6           MR. HUNTER: Speak to the question. What is  
7 the plan to do -- what do you plan to do in this  
8 facility?

9           MR. BAH: To have a restaurant, dining.

10          MR. HUNTER: What kind of restaurant?

11          MR. BAH: Restaurant. Only dining where  
12 people can come have breakfast, have lunch and  
13 have dinner.

14          MR. HUNTER: Can you tell us what is the  
15 total capacity for the facility? How many people  
16 can fit inside and outside, total?

17          MR. BAH: I think we have 90 inside, and we  
18 have 40 outside.

19          MR. HUNTER: All right. Let me take -- let  
20 me direct your attention to -- whether it's been

1 previously identified as Exhibit #11. Is it #11?

2 Mr. Bah do you recognize Exhibit #11?

3 MR. BAH: Yes.

4 MR. HUNTER: What is it?

5 MR. BAH: It's just the outside of the  
6 restaurant in front on the Hamilton side.

7 MR. HUNTER: On the Hamilton Street side.

8 MR. HUNTER: Could you please -- you applied  
9 for a permit for an outside patio, correct?

10 MR. BAH: Yes.

11 MR. HUNTER: Can you please indicate where on  
12 this picture would your patio be located?

13 MR. BAH: The patio start near where the  
14 light pole, a little bit behind the pole.

15 MR. HUNTER: Okay.

16 MR. BAH: There's a gas line if you look at  
17 it out on the wall. There's a gas line right  
18 there. Just before you get to the gas line  
19 that's where the patio starts, coming to Georgia  
20 Avenue side.

1 MR. HUNTER: So, your testimony is that the  
2 patio would run from the front of the building to  
3 where this light post is.

4 MR. BAH: Yes, correct.

5 MR. HUNTER: How long is that sidewalk? Do  
6 you know what's the total length of that side of  
7 the building?

8 MR. BAH: It is around 120.

9 MS. HARRAG: 60.

10 MR. BAH: Average 120.

11 MR. HUNTER: So, how long -- what is going to  
12 be the length of your patio? How many feet would  
13 the patio be from the front to that pole, the  
14 length of patio?

15 MR. BAH: The patio I think it's going to be  
16 --

17 MS. HARRAG: 60.

18 MR. BAH: I think it is 60.

19 MR. HUNTER: No ma'am you can't, you can't --

20 MR. BAH: 60 feet.

1 MR. HUNTER: You can't testify.

2 MR. BAH: No, it's 60 feet.

3 CHAIRPERSON ANDERSON: You'll get your moment  
4 in the sun.

5 MR. HUNTER: So, from where the patio ends to  
6 the end of the building, what's the distance?

7 MR. BAH: It's, I think, 59.

8 MR. HUNTER: 59 feet?

9 MR. BAH: 59 to the end of the building.

10 MR. HUNTER: To the end of the building. So,  
11 the patio ends approximately -- so the building  
12 is about 120, the patio runs from about the  
13 middle of the building, and --

14 MR. BAH: You've got 59 --

15 MR. HUNTER: 59 feet from the end of the  
16 patio to where the building ends.

17 MR. BAH: To the end, yes. To the --

18 MR. HUNTER: To the start of the alley.

19 MR. BAH: Start of the alley. The alley by  
20 itself --

1 MR. HUNTER: So, the total from where your  
2 patio is to where the next residential house  
3 begins is how many feet?

4 MR. BAH: If you go to the alley, you add  
5 like 14 feet or 15 feet.

6 MR. HUNTER: So, what would be the total from  
7 the end of the patio to where the residence  
8 begins?

9 MR. BAH: You've got a 59 and 14, so that's  
10 give you 12 --

11 MR. HUNTER: 73.

12 MR. BAH: Yeah.

13 MR. HUNTER: Can you describe? Okay, this is  
14 the side of the building. Can you tell me where  
15 your kitchen would be in the building?

16 MR. BAH: The kitchen is right here behind  
17 where the patio going to be, right here, in the  
18 same area.

19 MR. HUNTER: Okay, so your kitchen is closer  
20 to the middle or back of the facility.

1 MR. BAH: Right.

2 MR. HUNTER: All right. And what, if  
3 anything, is behind the kitchen in the facility?

4 MR. BAH: The prep room, prep room, where we  
5 prepare the food.

6 MR. HUNTER: Okay. So, the main dining area  
7 is where in the bar -- in the facility?

8 MR. BAH: At the end of -- from here I start  
9 from this side to go all the way but it's going  
10 to be around the other side.

11 MR. HUNTER: Okay, so basically from where  
12 your main dining and entertainment will be, will  
13 be in the front half of this 120 foot building.

14 MR. BAH: Yes.

15 MR. HUNTER: All right.

16 MR. HUNTER: Do you plan? You applied for an  
17 endorsement for live entertainment. What kind of  
18 live entertainment do you plan?

19 MR. BAH: Just to have like a jazz band  
20 sometimes.

1 MR. HUNTER: Do you plan to have a -- do you  
2 have a dance floor in this facility?

3 MR. BAH: Sorry?

4 MR. HUNTER: Is there a dance floor?

5 MR. BAH: No.

6 MR. HUNTER: And you said the total seating  
7 inside was 90?

8 MR. BAH: 90.

9 MR. HUNTER: That's the total capacity.

10 MR. BAH: Yes.

11 MR. HUNTER: All right.

12 MR. HUNTER: Mr. Bah, why is it you're  
13 seeking to operate until 2:00 a.m. and 3:00 a.m.?  
14 Why do you think that is important to you?

15 MR. BAH: I mean, I just wanna compete, to  
16 have the same thing with the neighborhood, with  
17 the people you have in the area. Because if you  
18 have less hours than other people, you know, it's  
19 -- they take advantage.

1 MR. HUNTER: Do you plan to have any outside  
2 -- on your patio -- do you plan to have music on  
3 the patio? I mean, any live entertainment?

4 MR. BAH: No.

5 MR. HUNTER: Exhibit #18. Can you tell  
6 us what that is? We talked about it. What is  
7 Exhibit #18? That would be the -- what is  
8 Exhibit #18? That would be this. What is this?

9 MR. BAH: That's the patio.

10 MR. HUNTER: What is this -- how did you get  
11 this drawing? Who did this? And what was the  
12 purpose of it?

13 MR. BAH: It's to do the what you call it --  
14 the patio outside.

15 MR. HUNTER: You applied for a grant --

16 MR. BAH: Yes, yes.

17 MR. HUNTER: -- from the city to construct a  
18 patio?

19 MR. BAH: Yes.

1 MR. HUNTER: And this is an artist --  
2 architectural rendition of what that arguably  
3 would look like.

4 MR. BAH: Yes.

5 MR. HUNTER: It's not an exact rendition.

6 MR. BAH: Yeah.

7 MR. HUNTER: It's for illustrative purposes.  
8 Would your patio have a covered roof?

9 MR. BAH: Yes.

10 MR. HUNTER: Would it have a covered side on  
11 the street side?

12 MR. BAH: Yes.

13 MR. HUNTER: The main entrance to your  
14 establishment where people come in is on Georgia  
15 Avenue?

16 MR. BAH: It's on the corner.

17 MR. HUNTER: Look at Exhibit #10. Is that  
18 the front of your establishment?

19 MR. BAH: Yes.

1 MR. HUNTER: Is that the main entrance where  
2 people come in?

3 MR. BAH: Yeah, it's like on the Georgia  
4 Avenue side. If you look at it --

5 MR. HUNTER: Does your --

6 MR. SHEON: Objection.

7 MR. HUNTER: Well, I guess I'll -- I'm sorry,  
8 I'll ask on cross examination.

9 CHAIRPERSON ANDERSON: What are your  
10 objections?

11 MR. SHEON: Just that the door's on the  
12 corner.

13 CHAIRPERSON ANDERSON: So, it's what?

14 MR. SHEON: It's on the corner, so it's on  
15 Georgia Avenue.

16 MR. HUNTER: The door is visible in Exhibit  
17 #10 so you can actually see where it is.

18 MR. SHEON: I'll take care of it on cross,  
19 I'm sorry.

20 MR. HUNTER: That's fine.

1 MR. SHEON: I'll take care of it later.

2 MR. HUNTER: Mr. Bah, talk to me about  
3 traffic. Do you think you're going to have a  
4 problem with parking for your establishment?

5 MR. BAH: No.

6 MR. HUNTER: Why is that?

7 MR. BAH: Because we are doing this for the  
8 neighborhood. It's not for we try to bring  
9 people to come over there. We doing this for the  
10 neighbors so they don't have to go far away. You  
11 should see how many people came over there see  
12 when they see me, how much they appreciate when  
13 they look inside this place, they say 'we need  
14 this type of restaurant here because we don't  
15 have this.' I have a lot of people who came over  
16 there when the contractor told them this is the  
17 owner. They shake my hand, they appreciate it,  
18 they say 'thank you so much for bringing this  
19 here because we don't have this here.'

1 MR. HUNTER: Mr. Chair. I didn't do it at  
2 first but I think we should arguably invoke the  
3 witness rule.

4 UNKNOWN SPEAKER: Too late.

5 MR. HUNTER: -- that will in fact address  
6 their testimony.

7 CHAIRPERSON ANDERSON: Well, it's never --

8 UNKNOWN SPEAKER: It's too late.

9 CHAIRPERSON ANDERSON: It's not too late.  
10 It's not too late. We can -- no. We can. Is  
11 there, at this hour is there someplace that they  
12 can go?

13 MR. SILVERSTEIN: No. Go out in the hall and  
14 stand. They have no place to sit.

15 CHAIRPERSON ANDERSON: This would be for the  
16 three witnesses, not for.

17 MR. ALBERTI: I believe our general counsel--

18 CHAIRPERSON ANDERSON: -- for everyone who's  
19 going to testify. We do have -- I started early  
20 today -- we do have a ruling witness so if one

1 party asks for that then everyone who's going to  
2 testify then would have to stay outside and not  
3 listen to each person's testimony.

4 MR. SHEON: Including Ms. Harrag.

5 CHAIRPERSON ANDERSON: Well, she's a party,  
6 so she's a party, so I think -- well, I guess  
7 most of them are parties so they have to be here  
8 because they are a party, although if they're  
9 going to testify. So, the applicant has to be  
10 here. But for the witnesses, if they are calling  
11 any other witness, if he's calling any other  
12 witnesses, then they would have to wait outside  
13 and so since the rule has been invoked, so  
14 whoever is in the audience that is going -- that  
15 you're going to call as a witness, then they need  
16 to sit outside and then they'll come in one --  
17 once you call them -- I'm sorry ma'am? I'm  
18 trying button this up. Yes, we will -- yes, that  
19 will occur that we'll get you, that Jenkins will

1 show you where you need to be. So, for all --  
2 who are your witnesses?

3 MR. SHEON: Ms. Wallace, Mr. Muse and Ms.  
4 Abbott are witnesses.

5 CHAIRPERSON ANDERSON: All right. So, those  
6 folks need to --

7 PARTICIPANT: Why do we have to go out?

8 CHAIRPERSON ANDERSON: Because, ma'am,  
9 there's -- in the proceeding there's something  
10 called a rule in witness. And so, if one of the  
11 parties -- and that's one of the formal  
12 proceedings -- and if one of the parties asks  
13 that, we apply that. It means that if someone's  
14 going to testify that they cannot sit here and  
15 listen to the testimony of the other person, and  
16 I mean, it's like you go to court. I mean, if  
17 you go to court, I'm not sure if you ever served  
18 on jury duty, you'll realize that all of the  
19 witnesses cannot sit there and listen to the  
20 other person's testimony. So --

1 MR. HUNTER: The whole thing is to bring some  
2 sense of transparency. I mean, I'm not really --

3 CHAIRPERSON ANDERSON: Well sir, sir,  
4 unfortunately I -- but I'm just saying that's  
5 what the lawyer has requested is that you're  
6 going to testify --

7 PARTICIPANT: I need seating, please.

8 CHAIRPERSON ANDERSON: -- that if you're  
9 going to testify that you will -- we will -- you  
10 will not hear the other person's testimony so  
11 then you'll mimic what it is that they previously  
12 testified to.

13 CHAIRPERSON ANDERSON: All right, go ahead.

14 MR. HUNTER: Thank you sir. Mr. Bah, I was  
15 asking you about -- I think you answered the  
16 question about parking, why you didn't think it  
17 would be a problem. Mr. Bah, will noise -- do  
18 you think noise from your establishment will be  
19 heard going on the outside of your establishment,  
20 that's currently inside?

1 MR. BAH: No. MR. HUNTER: What are these,  
2 the walls made of, of this establishment?

3 MR. BAH: Brick.

4 MR. HUNTER: Brick? You made arrangements  
5 for trash, correct? For the trash to be kept  
6 next door behind a gated fence?

7 MR. BAH: Yes.

8 MR. HUNTER: And you did that in order to  
9 avoid keeping the trash outside, right?

10 MR. BAH: Yes, because we have a problem in  
11 the beginning with the agreement and --

12 MR. SHEON: Objection.

13 MR. BAH: -- and we solved that problem.

14 MR. HUNTER: Okay.

15 MR. SHEON: We can't refer to evidence from a  
16 prior mediation.

17 CHAIRPERSON ANDERSON: Well, I -- I think --  
18 you can object to his question but you can't  
19 object to the answer. I mean, he started that --

1           MR. SHEON: I wouldn't have known that he  
2 possibly was going to answer according to the  
3 prior -- that's not -- I mean --

4           CHAIRPERSON ANDERSON: Unfortunately, you  
5 have to listen to the question that counsel is  
6 asking knowing, thinking you know what the  
7 answer's going to be, and then you object from  
8 the question that's been asked. The question is  
9 asked, you didn't object to it, and he gave the  
10 answer. So, you can't object after he gave his  
11 answer. It's -- the cat is already out of the  
12 bag. So, I'm just saying --

13          MR. SHEON: I appreciate that for this  
14 particular question, but it's simply not possible  
15 to cover all the ground that was covered in a  
16 four-hour mediation previously and anticipate  
17 what the applicant is going to refer and when the  
18 applicant is going to refer to that application -  
19 - that application -- which is not for evidence.

1           CHAIRPERSON ANDERSON: Well, the only thing I  
2 can say -- and I don't -- I'm not aware of the  
3 mediation, but one of the things that we have to  
4 do is when each side asks a question, then we  
5 have to, and I'm not saying you weren't doing it  
6 -- but as lawyers and I know I am trained to  
7 listen to what he is saying and try to figure out  
8 what the witness is going to say and if I think  
9 the witness is going to say something I don't  
10 want him to be said, then I will object to the  
11 question before.

12           MR. SHEON: I -- I don't find the question  
13 objectionable. I find the answer objectionable.  
14 I think -- can you strike evidence from a record?

15           CHAIRPERSON ANDERSON: Unfortunately, you  
16 can't -- you can object to the question but the  
17 answer is already out there so you can't object  
18 to the answer. You can only object to the  
19 question.

20           MR. SHEON: Okay.

1 MS. MILLER: Mr. Chairman?

2 CHAIRPERSON ANDERSON: Yes?

3 MS. MILLER: I just want to say something  
4 that might, you know, address your concern and  
5 that is that, you know, we don't pay attention to  
6 -- and we don't want to hear about -- a mediation  
7 and settlement negotiations, so the fact that  
8 that answer slipped through, I can tell you that  
9 that's not something that we would consider.

10 MR. SHEON: Okay, thank you.

11 MR. HUNTER: No further questions.

12 MR. SHEON: And then again, a point of  
13 clarification that I need to ask because, again,  
14 I have Mr. Bah listed as a witness for me, would  
15 it be acceptable rather than calling him up  
16 twice.

17 CHAIRPERSON ANDERSON: Yeah, I said you could  
18 ask him -- since you have made it perfectly  
19 clear, sure.

1 MR. SHEON: That may require referring to my  
2 evidence.

3 CHAIRPERSON ANDERSON: You can -- because he  
4 is your witness, also, so you can ask him direct  
5 exam questions and then you could ask him that  
6 the questions that Mr. Hunter, and Mr. Hunter  
7 will also have the leeway that normally he'll  
8 have more leeway because you're going to open up  
9 new grounds of questions. So, he's going to ask  
10 questions based on the questions that you have  
11 asked.

12 R. SHEON: That's clear. Thank you.

13 CHAIRPERSON ANDERSON: Okay.

14 MR. SHEON: Mr. Bah, thank you for being  
15 here. In your statement on December 22nd to  
16 investigator Apraku, that was in the report, you  
17 stated on page 5 of the report that the  
18 establishment business model was to cater solely  
19 to the local residents with only a small portion  
20 coming from outside the neighborhood. You went

1 on to state that you want the establishment to be  
2 a "family friendly community entity " according  
3 to the report. Is that correct?

4 MR. BAH: That's correct.

5 MR. SHEON: And what have you done to get to  
6 know the community?

7 MR. HUNTER: Objection.

8 MR. SHEON: Have you --

9 CHAIRPERSON ANDERSON: Hold on. When he  
10 objects, then --

11 MR. SHEON: Give you time.

12 CHAIRPERSON ANDERSON: Right. So he's going  
13 to -- he needs to tell us why he's objecting and  
14 then you get an opportunity to respond to his why  
15 is it that the question you're asking is relevant  
16 to what we need to find out here today. So,  
17 what's the basis of your objection, Mr. Hunter?

18 MR. HUNTER: The objection is that it's  
19 overly broad and vague. "What did you do to get  
20 to the know the community?" What does that mean?

1 Did I interview people? Or do a survey? I mean,  
2 what --

3 CHAIRPERSON ANDERSON: Why don't you ask some  
4 more --

5 MR. HUNTER: I'm happy to. No problem. Did  
6 you ever live in the neighborhood?

7 MR. BAH: No.

8 MR. HUNTER: Outside of attending our ANC  
9 meeting in the previous application, have you  
10 ever attended any community meetings? MR. BAH:  
11 No, I don't.

12 MR. HUNTER: Have you been invited to meet  
13 with the community on other occasions?

14 MR. BAH: No.

15 MR. HUNTER: Can I direct to our evidence  
16 where you were invited to meet to discuss these  
17 issues? If I may, this would be protestant  
18 Exhibit #4. First was an e-mail Can I direct to  
19 our evidence where you were invited to meet to  
20 discuss these issues? If I may. Those would be

1 protestant Exhibit #4. First was an e-mail on --

2 MR. HUNTER: Objection. The premise is that  
3 -- the protestors' premise is that this is an e-  
4 mail that was sent to the applicant, not to his  
5 representative, the person who actually was  
6 handling all communication directly between the  
7 protestors and ABRA, so its representation is  
8 that somehow this was sent directly to the  
9 applicant and the applicant did not respond.

10 MR. SHEON: If I may if you look at the date  
11 --

12 CHAIRPERSON ANDERSON: Okay -- I will -- hold  
13 on -- who is the representative?

14 MR. HUNTER: I am.

15 MR SHEON: At that time he was not --

16 CHAIRPERSON ANDERSON: This is to help you.  
17 Okay? Wait. So we're on what, #4 and Mr.  
18 Hunter, is your e-mail address:  
19 deehunter@dhenncrowd.com?

20 MR. SHEON: At that time.

1           MR. HUNTER: Yes, that was my e-mail at that  
2 time. I -- two things. One is the assertion  
3 that this would have been -- I object to its  
4 admissibility and its use in the light of  
5 questioning on one of two bases. One, the  
6 premise is that it was sent and received, which  
7 has not been established. Second, was that it  
8 relates -- it was sent to the applicant himself  
9 and not his representative, and third, it deals  
10 with issues that were related to mediation,  
11 settlement, trying to resolve these issues, and  
12 for all of those reasons should not be admitted.

13           MR. SHEON: And if I may, the first e-mail of  
14 July 30th was in between the two applications.

15           CHAIRPERSON ANDERSON: All right, we're now  
16 dealing with specifically #4.

17           MR. SHEON: The protestant Exhibit #4, the  
18 first page, the July 30th date was in between the  
19 two applications. Mr. Hunter was not their  
20 representative.

1 MR. HUNTER: That's absolutely untrue.

2 CHAIRPERSON ANDERSON: All right, so we have  
3 an e-mail, I mean I think that the document  
4 speaks for itself so there's a -- I don't have a  
5 problem with #4. So, you can ask the questions  
6 about #4 because there is an e-mail that was  
7 sent. I mean, the witness stated he has the last  
8 minutes so I would say, of course, ask him if he  
9 has seen the document before --

10 MR. SHEON: That's fair.

11 CHAIRPERSON ANDERSON: And then let's move on  
12 from there.

13 MR. SHEON: Did you, Mr. Bah --

14 CHAIRPERSON ANDERSON: Can you -- you need to  
15 show him -- so you let us know what document and  
16 then you show him the document last.

17 MR. SHEON: On the first page of Exhibit #4  
18 this is an e-mail from me to you at  
19 bah4redlounge@gmail.com on July 30th where I

1 invited you to meet to discuss the differences we  
2 had, in attempt to reach a resolution.

3 MR. BAH: July.

4 MR. SHEON: July.

5 CHAIRPERSON ANDERSON: You can -- sometimes  
6 it's kind of intimidating so why don't you stay -  
7 - right. So, ask him if he's familiar with the  
8 document and then we go from there.

9 MR. SHEON: Are you familiar with that e-  
10 mail?

11 MR. BAH: No, I can't remember, I can't  
12 recall it, because -- because the application  
13 from ABRA, me and Mr. Dee Hunter, we did that  
14 together. So, from that he was the one who gave  
15 me all the information and he forwarded it to me.

16 MR. SHEON: Right, but wasn't there a time  
17 period when the first application had been  
18 rejected prior to you applying a second time? At  
19 any rate.

1 CHAIRPERSON ANDERSON: Well, he stated that  
2 he doesn't re -- he doesn't recall.

3 MR. BAH: For the first application or the  
4 second?

5 MR. SHEON: I literally wrote you back  
6 between the two applications. The second  
7 application I don't believe had been filed yet.

8 MR. BAH: But he was in charge because he was the  
9 one you did.

10 CHAIRPERSON ANDERSON: All right -- All right  
11 -- let's -- let's -- the answer sir - have you  
12 seen this e-mail?

13 MR. BAH: No.

14 CHAIRPERSON ANDERSON: Okay, let's start.  
15 All right, we don't need to say who was in charge  
16 or whatever, so this wasn't that you received the  
17 e-mail so that's okay.

18 MR. SHEON: That's fine. Mr. Bah, are you  
19 aware that there was a mediation scheduled in  
20 November?

1           CHAIRPERSON ANDERSON: You can ask him the  
2 question. You can ask him "are you aware if  
3 there is a mediation?"

4           MR. SHEON: Are you aware that there was a  
5 mediation scheduled in November.

6           MR. BAH: November? Yes, I remember we  
7 talked about that, me and Dee Hunter. And did  
8 you ask Mr. Hunter to attend that mediation?

9           MR. BAH: Yes.

10          MR. SHEON: Okay. You stated on the placard  
11 the second time around that there would be no  
12 dancing and then I just want to clarify that  
13 there was this discrepancy that we talked about  
14 earlier, should it also be amended to read "no  
15 DJ." Because the placard and your application  
16 said you wanted a DJ, now am I to understand  
17 correctly that you don't want a DJ?

18          MR. BAH: I don't -- I don't want a DJ,  
19 because our place is not a club.

1 MR. SHEON: Okay, it's a restaurant. And so  
2 should it be amended to read "no DJ"?

3 MR. BAH: No DJ.

4 MR. SHEON: Okay. Do you value the concerns  
5 of the community about your proposed  
6 establishment?

7 MR. BAH: Yes.

8 MR. HUNTER: What have you done to speak with  
9 residents about the new establishment?

10 MR. BAH: I talked to a few people I meet  
11 over there. Like I said, they was really happy  
12 to see that type of business coming up in the  
13 area, and some of them gave me their business  
14 card and some of them just we talked and that was  
15 it.

16 MR. SHEON: And were any of them so  
17 supportive that they were willing to write  
18 letters of support knowing that you --  
19 specifically knowing that you want to stay open  
20 until 3:00 a.m.?

1           MR. HUNTER:  Objection.  He didn't ask them  
2   to write the letter of support.

3           CHAIRPERSON ANDERSON:  I'm sorry, I was  
4   looking at the application so I missed -- what  
5   was?

6           MR. SHEON:  I'm asking whether -- Mr. Bah  
7   states, if I understand correctly, as you were  
8   working people came up to you and said that they  
9   were happy to have you come to the neighborhood.  
10  Did any residents of the community write any  
11  letters of support for your business staying open  
12  until 3:00 a.m.?

13          MR. BAH:  No, but we didn't discuss about  
14  that.

15          MR. SHEON:  Okay.  And the ANC represents  
16  12,000 residents that surround your  
17  establishment.  Would you say that's an important  
18  organization given your stated business model to  
19  cater to the community?

1           MR. HUNTER:  Objection.  The -- you're asking  
2   -- objection -- you're asking him to state his  
3   opinion as to a governmental body and whether  
4   it's important to his business model?  I don't  
5   see the relevance.  We know that the ANC opinion  
6   carries weight that we give it.  I don't see the  
7   relevancy of this whole line of questioning.

8           MR. SHEON:  Well, Mr. Hunter and Mr. Bah were  
9   invited to speak before the ANC, that's part of  
10  Exhibit #4 was an invitation to both of them.

11          MR. HUNTER:  I didn't get it.

12          MR. SHEON:  Neither responded.

13          MR. HUNTER:  I didn't get the invitation.

14          CHAIRPERSON ANDERSON:  All right.  You can  
15  ask the question, I mean it for whatever it's  
16  worth, I mean, you can ask the question.

17          MR. SHEON:  Is the e-mail address correct for  
18  you and for Mr. -- well, for you, inviting you, I  
19  believe that it's Exhibit #4 page 2, so it's the  
20  second page -- oh, I took it out -- the second

1 page here. May I read it to you, Mr. Bah and see  
2 if it rings a bell? "Hello, Mr. Bah. I've been  
3 asked" -- that's not it, sorry -- page 2, just  
4 one -- "Mr. Bah and then it's written to  
5 "bah4redlounge@gmail.com" and  
6 "deehunter@theinncrowd" -- "Dear Mr. Bah, the ANC  
7 4D is a six-member commission that represents the  
8 neighborhood in which Castello Restaurant and  
9 Lounge which is located at [inaudible 1:31:01]  
10 hours are not in keeping with other taverns that  
11 share residential streets such as the Hitching  
12 Post. If you'd like the opportunity to explain  
13 to the community and the commissioners why the  
14 ANC should support your application, this is your  
15 opportunity." Do you recall that invitation?

16 MR. BAH: I have not seen it.

17 MR. SHEON: During the current license period  
18 -- as you know there are 23 people who are  
19 protesting your license in addition to the ANC.  
20 Have you done anything or directed your

1 representative to do anything during this latest  
2 application to meet with us or to in any way work  
3 with us over any disputes?

4 MR. BAH: Yes.

5 MR. SHEON: When was that?

6 MR. HUNTER: Objection. He's asking whether  
7 he directed me to meet with you regarding your  
8 disputes, is that the question?

9 MR. SHEON: That is the question.

10 MR. BAH: Me and Mr. Dee, I tell him every  
11 time you have something sent to them because me,  
12 I travel a lot.

13 MR. SHEON: Right, but my question to you is  
14 did you -- I had asked you if you ever directed  
15 Dee or if you and Dee made any effort, and I may  
16 extend it to your wife, to meet with the  
17 community that was upset about your proposed  
18 hours, that tried to negotiate a voluntary  
19 settlement agreement that has these concerns?

1 Have you ever made any effort to meet with us  
2 during this second period?

3 MR. BAH: I have not.

4 MR. SHEON: Thank you.

5 MR. BAH: But we tried before. That didn't  
6 work.

7 MR. SHEON: Thank you I'm talking about this  
8 application.

9 MR. HUNTER: Objection. Objection. I'm  
10 asking about this application period, and you  
11 said that I should object. Well, he answered the  
12 question, so. You can't object to the answer.  
13 You can't object to the answer. It's a question  
14 and therefore you have to make sure when you ask,  
15 you have to anticipate all, what they think the  
16 person is going to say.

17 MR. SHEON: Okay, fine.

18 CHAIRPERSON ANDERSON: I think it's not going  
19 to be helpful.

20 MR. SHEON: But during this period you made.

1 MR. HUNTER: Can I?

2 CHAIRPERSON ANDERSON: Yes, Mr. Hunter?

3 MR. SHEON: We've already asked and answered.

4 CHAIRPERSON ANDERSON: Yes, Mr. Hunter?

5 MR. HUNTER: He did not finish answering this  
6 question.

7 CHAIRPERSON ANDERSON: Well, well -- hold on  
8 -- you can ask your attorney a question. I think  
9 Mr. Hunter you need to put on redirect to ask him  
10 that question. He can direct him, he can --

11 MR. HUNTER: I will withdraw. I'm sorry.

12 CHAIRPERSON ANDERSON: All right.

13 MR. SHEON: Now, I would like to ask some  
14 questions about -- let me ask you this: How many  
15 other ABRA licenses do you have?

16 MR. BAH: In D.C., I have two. No, one.

17 MR. SHEON: One. And have you ever had any  
18 others? You currently have one. Have you ever  
19 had any other licenses aside from one that might  
20 have been changed from --

1 MR. BAH: Not in Washington D.C.

2 MR. SHEON: Not in D.C. So, the one ABRA  
3 license for Red Lounge and Hookah Bar is right  
4 across the street from us, is that right? That's  
5 the license to which you refer.

6 MR. BAH: Right.

7 MR. SHEON: And your establishment was  
8 originally opened as a restaurant wasn't it?

9 MR. BAH: Yes.

10 MR. SHEON: And it was called International  
11 Grill, right?

12 MR. SHEON: Is that correct?

13 MR. BAH: Yes.

14 MR. SHEON: Thank you. At some point you and  
15 your wife made the decision to convert the  
16 establishment from a restaurant into a club. Is  
17 that correct?

18 MR. BAH: No. MR.

19 SHEON: No?

20 MR. BAH: No.

1 MR. SHEON: Well, is that the same location?

2 MR. BAH: Yes.

3 MR. SHEON: Could you explain to me how it  
4 was once a restaurant? Did you not tell me at a  
5 meeting, that one meeting where we had with the  
6 community in March of last year, that you chose  
7 to -- you started as a restaurant, and you chose  
8 to move it to a nightclub when to this area  
9 became more friendly to being a nightclub, but  
10 that, you, in fact, want to open a restaurant  
11 again? Did you tell me that?

12 MR. BAH: Do I need to say yes or no? Yes, or  
13 I need to explain it to you the reason.

14 MR. SHEON: You may explain, absolutely.

15 MR. BAH: Okay, what happened, me and my wife  
16 we came here 14 years ago, we opened a  
17 restaurant. At that time there was nothing in the  
18 area and I have, a friend of mine came to me, the  
19 second floor, he saw the second floor, but he  
20 because he don't have credit, he don't -- he

1 don't have some type of good record or I don't  
2 know what it is to get, he came to me, he tell me  
3 can you cosign for me? Me, I talked to my wife  
4 and then my wife said 'don't do it' but I said  
5 'no, he's a good friend of mine, I'm going to  
6 help him.'

7 So, I called, I talked to the landlord -- the  
8 landlord because every, me and the landlord we  
9 have good relationship, and I co -- I sign lease  
10 for him, for the guy. And he came, he started  
11 doing the work, he demolished the building, and  
12 then he started doing the work and then we lost  
13 him.

14 MR. SHEON: I think that this is sufficient.

15 UNKNOWN SPEAKER: Yes.

16 MR. SHEON: No, I no longer feel that it's  
17 relevant.

18 CHAIRPERSON ANDERSON: Unfortunately, you  
19 asked the question, you have to allow him to  
20 answer.

1 MR. SHEON: Okay.

2 MR. BAH: Very good, sir. Because I don't  
3 want to bring dissent but because you guys try to  
4 use the Red Lounge and I'm going to finish it so  
5 you understand what I have been -- I was not --  
6 my intention was not to have a club in the Red  
7 Lounge. I have only the first floor. That the  
8 restaurant. So, what happened, the guy when he  
9 left, the landlord came to me and he said "okay,  
10 now the guy demolished your building, so you  
11 gotta do something about it." So, I don't want  
12 to mess up my relationship with the landlord, so  
13 I have to take over and I have to build that,  
14 because it was drawn, already planned,  
15 everything. So, I have to follow everything, and  
16 the way it's drawn to finish the place. That's  
17 what happened.

18 MR. SHEON: Okay. But now you own, or co-own  
19 Red Lounge.

20 MR. BAH: Of course. I don't have no choice.

1 MR. SHEON: Right, right.

2 [Multiple speakers at once]

3 CHAIRPERSON ANDERSON: And you have a  
4 voluntary settlement agreement with the community  
5 for Red Lounge.

6 MR. BAH: Yes I do. And he signed, he, the  
7 landlord did that voluntary agreement.

8 MR. SHEON: Right, but you thought it would  
9 be a good idea at some point to petition the ABC  
10 board to revoke the voluntary settlement  
11 agreement at Red Lounge, is that correct?

12 MR. BAH: Yeah, why not? Yeah, I try.

13 MR. SHEON: Well, let me ask you why. What  
14 was so unagreeable --

15 MR. HUNTER: Objection.

16 CHAIRPERSON ANDERSON: Yes?

17 MR. HUNTER: I mean this line of questioning  
18 is not relevant to us with the Castello  
19 Restaurant and Lounge, it's an invalid attempt or

1 consideration of withdrawing a voluntary  
2 agreement in ANC 1B, it's just not relevant.

3 CHAIRPERSON ANDERSON: I agree with that.  
4 So, the objection is sustained. So you can't ask  
5 that question, you have to move on to another  
6 line of questions.

7 MR. SHEON: In June 2014, the ABC board ruled  
8 against you because you didn't show up for a roll  
9 call hearing, is that correct?

10 MR. HUNTER: Objection. Again, he is still  
11 talking about ANC 1B voluntary settlement  
12 agreement.

13 MR. SHEON: No, I -- I -- I'm sorry but I  
14 think their past performance before the ABC board  
15 and working with their community is absolutely  
16 relevant because it's a new establishment, we  
17 don't have the ability to look at a track record  
18 other than the track record they have.

19 MR. HUNTER: And if they had a violation,  
20 perhaps that would be relevant, but they don't.

1 MR. SHEON: Well, I -- I -- I can speak to  
2 that, too.

3 MR. HUNTER: This is not, this line of  
4 questioning is not relevant, objection.

5 CHAIRPERSON ANDERSON: All right. I think  
6 -- well, it's my understanding that past behavior  
7 for a licensee is relevant.

8 MR. SHEON: I'm sorry, it's relevant or  
9 irrelevant?

10 CHAIRPERSON ANDERSON: It's relevant, you can  
11 ask the question, sir.

12 MR. SHEON: Thank you. So, my understanding  
13 is from ABC board rulings that you didn't show up  
14 at a roll call hearing for a petition to dismiss  
15 your VSA in June of 2014. Is that correct?  
16 Would you like to see the document?

17 MR. BAH: For Castello?

18 MR. SHEON: No. For Red Lounge. For Red  
19 Lounge, you filed a motion to -- or you filed to

1 remove a voluntary settlement agreement. Do you  
2 recall that? I could show you --

3 MR. BAH: I remember. I filed for those.

4 MR. SHEON: And then the evidence shows,  
5 which is protestant evidence #7 that that case  
6 was dismissed, your petition was thrown out  
7 because you didn't attend the roll call hearing.  
8 Is that correct?

9 MR. BAH: Well, that was not only that reason  
10 because we go to the hearing at the ANC first,  
11 and then the ANC we had the hearing, so what  
12 happened, there was a guy -- everybody that was  
13 protesting my voluntary agreement, they was not  
14 here anymore. There was only one guy who was  
15 standing in the building here, with the busboy  
16 employee. So, that's the only guy. Still, he  
17 came and he say he still want to protest for the  
18 -- for the -- for the voluntary agreement. So,  
19 that was it.

20 MR. SHEON: May I show protestant Exhibit #7?

1 MR. HUNTER: Objection. This has been asked  
2 and answered. It is not relevant.

3 CHAIRPERSON ANDERSON: Well, I --

4 MR. SHEON: The fact that he --

5 CHAIRPERSON ANDERSON: Oh, go ahead.

6 MR. HUNTER: He applied to have his voluntary  
7 settlement agreement in 1B terminated, and it  
8 wasn't terminated, does not warrant this entire  
9 line of questioning.

10 CHAIRPERSON ANDERSON: I agree -- I agree so  
11 sustained.

12 MR. SILVERSTEIN: Mr. Chairman, Mr. Sheon you  
13 have used 13 minutes so far on this witness.

14 MR. ALBERTI: Thank you.

15 MR. SILVERSTEIN: Approximately. MR. SHEON:  
16 I'm finished, thank you.

17 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein?

18 MR. SILVERSTEIN: May I ask board questions?

19 CHAIRPERSON ANDERSON: Huh?

1 MR. SILVERSTEIN: It's time for board  
2 questions, correct?

3 CHAIRPERSON ANDERSON: Yeah.

4 MR. SILVERSTEIN: Mr. Bah, you say, and I  
5 quote you, "our plan is to have a restaurant,  
6 breakfast, lunch and dinner, 90 inside, 40  
7 outside."

8 MR. BAH: Yes.

9 MR. SILVERSTEIN: Who eats dinner at 2:30 in  
10 the morning?

11 MR. BAH: That's -- it's like this. What I  
12 learned anything you don't get now you might not  
13 gonna get it later, so I might not gonna be  
14 there, am I gonna sell the business one day or  
15 maybe something like that --

16 MR. SILVERSTEIN: Please speak up a little  
17 louder, sorry.

18 MR. BAH: Okay. Because, okay, what I say  
19 the reason why because when I apply, one thing I  
20 learned from what I have here is Mr. Dee Hunter

1 he was the chairman of the ANC when I applied for  
2 my first liquor license. But what happened, they  
3 gave me voluntary agreement, and there's a lot of  
4 people who came here they don't even have  
5 voluntary agreement, come way after me. But I'm  
6 just saying, you know, but what I find out me  
7 having voluntary agreement, I was the first one  
8 here in having a liquor license in this block  
9 right here.

10 MR. SILVERSTEIN: Sir, I can stop you. The  
11 question was who eats dinner at 2:30 in the  
12 morning?

13 MR. BAH: Okay the reason why -- we said  
14 we're going to have that in case that the area  
15 change tomorrow, maybe that area going to turn to  
16 U Street like it is now, and then when I go to  
17 apply for something like I try to remove my  
18 voluntary agreement here, they deny me because  
19 they still want one person who still live here so  
20 he deny me in stopping my voluntary agreement.

1 That's the reason why I say I'm going to apply  
2 for --

3 MR. SILVERSTEIN: For what?

4 MR. BAH: The normal thing. If I get it so I  
5 will keep it. It's not like I'm gonna stay open.  
6 I'm gonna close that place at midnight.

7 MR. SILVERSTEIN: So what time do you intend  
8 to keep the place open until? As opposed to what  
9 time -- you know -- if there were no strictures  
10 put on it, if there were no --

11 MR. BAH: I'm -- I -- I -- don't know what's  
12 going on in the area. I have to come and see in  
13 the area. But my judgment means midnight we're  
14 gonna close, because it's a restaurant. Or maybe  
15 sometime at 2:00 we close, we leave on the  
16 weekend. But that not mean I'm going to cut my  
17 license in case it can change it tomorrow and  
18 then I'm gonna go and try to apply for something  
19 and then they're gonna tell me 'no, you cannot  
20 get it.'

1 MR. SILVERSTEIN: So, you're saying that you  
2 do plan to close at midnight.

3 MR. BAH: Yes.

4 MR. SILVERSTEIN: Okay. Your counsel  
5 mentioned that a nearby establishment, the  
6 Macombo Lounge, has longer hours and they are  
7 competition. How exactly is Macombo Lounge your  
8 competition if you're going to be a restaurant?

9 MR. BAH: I'm not worried about Macombo  
10 Lounge. You know, maybe --

11 MR. SILVERSTEIN: No, I'm asking you to --  
12 sir, please answer the questions I ask, not the  
13 questions you want to answer. We don't want to  
14 be here until midnight.

15 MR. BAH: The reason why I say midnight is  
16 because I have a restaurant, I don't have a club,  
17 so --

18 MR. SILVERSTEIN: Okay.

19 MR. BAH: So, I'm gonna close and then I'm  
20 gonna go home. That's what I wanna do.

1           MR. SILVERSTEIN: Okay. And as far as this  
2 patio, you're saying you've applied for a city  
3 grant for that, to build that.

4           MR. BAH: Yes.

5           MR. SILVERSTEIN: So, the taxpayer should,  
6 okay. But you believe that this will improve the  
7 ambience of the neighborhood and make things  
8 better.

9           MR. BAH: Yes.

10          MR. SILVERSTEIN: And eyes on the street, and  
11 people in the neighborhood you think will make  
12 things better.

13          MR. BAH: It will clean the area, because if  
14 you look at that drawing, that picture right  
15 there, you can see the difference. And we also  
16 improve the property value for the community.

17          MR. SILVERSTEIN: Yeah, well, and you're  
18 saying if you're going to close the restaurant at  
19 midnight then you wouldn't need to have the  
20 sidewalk café open until 1:00 because you can't

1 have a sidewalk café open when the restaurant's  
2 closed.

3 MR. BAH: No, I don't have to. I don't have  
4 to.

5 MR. SILVERSTEIN: No further questions.

6 CHAIRPERSON ANDERSON: Mr. Short.

7 MR. SHORT: Okay. First, I want to ask you,  
8 Mr. Bah, you said parking is not going to matter.

9 MR. BAH: Yes.

10 MR. SHORT: On Georgia Avenue.

11 MR. BAH: Yes.

12 MR. SHORT: Northwest and down the street,  
13 parking is not going to matter.

14 MR. BAH: Yeah, there is a way -- I said  
15 because we building this restaurant for the  
16 community.

17 MR. SHORT: I understand. Suppose they don't  
18 come?

19 MR. BAH: That's the only reason --

20 MR. SHORT: The chance you take.

1           MR. BAH: I could go maybe to another state or  
2 to another place.

3           MR. SHORT: Okay not a problem. And also  
4 mentioning about things changing, I was born and  
5 raised here, 70 years old on my birthday. U  
6 Street has always been a business area, always.  
7 H Street Northeast. 18th Street. All those  
8 places. Georgia Avenue has always been just  
9 businesses on the front and people have those  
10 homes in the back. It's always been that way.  
11 So, you think it's going to change anytime soon?  
12 You know something that we don't know?

13           MR. BAH: No, I -- I don't say that, but  
14 there is a way I say that because I remember when  
15 I came here 14 years ago --

16           MR. SHORT: Yep.

17           MR. BAH: And I remember what was here. It  
18 was only the [inaudible 15:48] Center here and  
19 then all this is a parking lot and U-Haul place  
20 and empty buildings.

1 MR. SHORT: Well, and before the riots it was  
2 teeming like just it is now.

3 MR. BAH: Right.

4 MR. SHORT: Before 1960s riots.

5 MR. BAH: No, I'm saying --

6 MR. SHORT: No, I understand.

7 MR. BAH: Yeah.

8 MR. SHORT: Okay, I don't mean to cut you  
9 off. Trash. You're going to use the church's  
10 rear for your trash.

11 MR. BAH: Yes, because --

12 [inaudible 16:17]

13 MR. BAH: -- the back yard and the thing is  
14 it's owned by my landlord, the church building is  
15 owned by -- he tried to help me because he see I  
16 have a very difficulty, he's just an old man and  
17 he try to even come to the hearing but he's very  
18 old, he's 90 years -- 90-something years old man,  
19 and he called me, he say.

20 MR. SHORT: Wait. That's a good answer.

1 Mr. BAH: Yeah.

2 MR. SHORT: Now, you said noise -- you have a  
3 brick building so you don't have to worry about  
4 noise. There's a lot of brick buildings up and  
5 down U Street here and on 18th Street and on ??  
6 there's a lot of brick buildings but when you  
7 come down there boy you can hear the DJs and the  
8 live entertainment, so how is your place any  
9 different just because it's brick?

10 MR. BAH: Because I'm not going to have a DJ.  
11 I'm not going to have a dancing floor.

12 MR. SHORT: Okay, I've got that, so I'm going  
13 to stick -- to keep you to that. You said no DJ,  
14 and you're going to close at 12:00.

15 MR. BAH: And no dancing floor.

16 MR. SHORT: And no dancing. Okay, good.

17 MR. BAH: It don't mean you're not gonna give  
18 me my hour.

19 MR. SHORT: No, no, but you said you could do  
20 with 12:00 because you're a restaurant.

1 MR. BAH: Yeah. I'm going to close.

2 MR. SHORT: If we tell each other the truth.

3 MR. BAH: Yes.

4 MR. SHORT: You swore - you put your hand up

5 --

6 MR. BAH: Yes.

7 MR. SHORT: So, 12:00 is good for a  
8 restaurant.

9 MR. BAH: I can close 12:00.

10 MR. SHORT: And you're just a restaurant.

11 MR. BAH: Yes.

12 MR. SHORT: All right, great. We're in  
13 agreement. Now, how much business experience  
14 have we had since you've been -- you say you've  
15 been here 14 years. How many businesses have you  
16 owned, how many businesses -- what's your  
17 business experience?

18 MR. BAH: I've been in the restaurant  
19 business since 1991. I came here in 1990. All  
20 that time I was in the restaurant business.

1 MR. SHORT: Okay, can you name all of your  
2 businesses?

3 MR. BAH: I start working as a cook and then  
4 I changed to be like a -- what do you call? --  
5 chef. And then I become manager and then I  
6 become general manager for a restaurant and from  
7 that area. And I build my own.

8 MR. SHORT: Where was that at? What was your  
9 first one?

10 MR. BAH: The first one was International  
11 Grill.

12 MR. SHORT: Where?

13 MR. BAH: At?? Street. International Grill.

14 MR. SHORT: International Grill?

15 MR. BAH: Yes.

16 MR. SHORT: That was the name of your  
17 business?

18 MR. BAH: Yes. That was the first one.

19 MR. SHORT: That was your first one and okay  
20 what was your second one?

1 MR. BAH: The second one is in Virginia.

2 MR. SHORT: Virginia?

3 MR. BAH: Yes. It's a carryout.

4 MR. SHORT: All right. So you have any more  
5 since then?

6 MR. BAH: No, this is the third one.

7 MR. SHORT: This a union?

8 MR. BAH: No. No.

9 MR. SHORT: Okay, give me one -- what's the  
10 one on U Street did you say?

11 MR. BAH: This is the Red Lounge right here.

12 MR. SHORT: Red Lounge, okay. All right.

13 Now, what's been your experience there? Tell me  
14 how you improved the neighborhood like you're  
15 going to improve it on Georgia Avenue? What's  
16 been your business experience where you really  
17 helped the community at the Red Lounge?

18 MR. BAH: The thing is that when we came here  
19 we used to see the people, lunchtime, for the  
20 Reese Center. The people who used to live and

1 work in the Reese Center here, and they all used  
2 to come to our place here for lunch. And I just  
3 re-sent out to the schools around here and also  
4 we used to feed the kids, what do you call it?

5 CHAIRPERSON ANDERSON: You can't ask her,  
6 sir.

7 MR. BAH: It's the school here, where they  
8 have the -- where we do the hearing, the ANC  
9 hearing, they have a school there for the kids  
10 who have been abandoned, those type of kids. We  
11 used to cook and take it over there. I used to  
12 be the one who going to deliver the food to the  
13 school over there.

14 MR. SHORT: Okay. Believe it or not, I'm  
15 looking at your history at the Red Lounge and it  
16 looks like you have 17 violations since 2008.

17 MR. BAH: That's for the -- that's for the --  
18 you know, also you have to know I never have  
19 experience with liquor before --

20 MR. SHORT: Okay.

1           MR. BAH: With the club and what happened,  
2     like I say, I was not, my intention was not to be  
3     a club but because the guy left me with the  
4     problem I have to follow through to finish  
5     building it to keep my relationship.

6           MR. SHORT: Let's go back. So, when you took  
7     over the Red Lounge it was a restaurant?

8           MR. BAH: No. I had a restaurant downstairs.  
9     So, the second floor was somebody else, but when  
10    he left I have no choice, I have to finish it,  
11    because the landlord pushed, tell me I have to  
12    fix the problem because I cosigned for the guy.

13          MR. SHORT: How'd that work out for you?

14          MR. BAH: Um -- I have experience from that  
15    because it's like you've been a baby, you crawl,  
16    you get up, you fall, and then you get up again,  
17    you know you find a way to stand up.

18          MR. SHORT: Tell me real quick and it's  
19    probably one of my last questions to you.  
20    Learning from that experience with the Red

1 Lounge, what different things are you going to do  
2 should you get a liquor license at Hamilton  
3 Street -- 931 Hamilton Street. What's going to  
4 be different from that and the Red Lounge?

5 MR. BAH: First of all, these two places  
6 completely different. That restaurant is  
7 completely different. It is not a club, there  
8 will be no DJ, there will be no people coming  
9 over there, when you come to the door you got  
10 somebody going to take you and seat you where  
11 you're going to be sitting. Not like you're  
12 gonna walk inside and then go and start jumping.

13 MR. SHORT: It's going to be a level up, it's  
14 going to be, it's a level up from where you are  
15 now.

16 MR. SHORT: And that's your plan.

17 MR. BAH: That's my plan.

18 MR. SHORT: Okay, well I wish you luck, but  
19 I'll just say this. I've taken a few notes and I  
20 like the idea that you say you're going to close

1 at 12:00 and that you're not going to have no  
2 dancing, no DJ. And lastly, you had a settlement  
3 agreement or a voluntary agreement at the Red  
4 Lounge, and you didn't care for that apparently.

5 MR. BAH: No, actually Mr. Dee Hunter tell  
6 me 'don't worry about it' and he going to look  
7 into that later on. So, I --

8 MR. SHORT: Let me just make an observation.  
9 I think these persons who are sitting out there  
10 are going to be your new friends and neighbors  
11 should you get that business open and running,  
12 and the ones you want to come in and have help  
13 you and you help them beautify the neighborhood  
14 and make things a lot better for them, they're  
15 going to be looking forward to you keeping your  
16 word and a lot of times the way everybody trusts  
17 one another is through agreements.

18 MR. BAH: I guarantee you one day they're  
19 gonna say, they're gonna come to me, they're

1 gonna say 'I apologize for what happened, we'll  
2 work together."

3 MR. SHORT: Mr. Bah, I'm going to hold you to  
4 that. I'm -- four or five years from now, if you  
5 do have that license and you do have that  
6 business, I'm going to drop in myself and shake  
7 your hand and say that you kept your word.

8 MR. BAH: Thank you.

9 MR. SHORT: Thank you that's all I have Mr.  
10 Chair.

11 CHAIRPERSON ANDERSON: Yes, Ms. Miller?

12 MS. MILLER: Good evening, Mr. Bah.  
13 I just have a few questions for you. First of  
14 all, it sounds like, to me, speaking frankly,  
15 that you just asked for the latest hours 'cause  
16 you're just going to ask for the most you can  
17 get, and then see what happens. And our job here  
18 is to really balance the needs of the restaurant  
19 with the impact on the community, and as I see it  
20 you're in a community where there are some

1 residences near you and so it sounds like, and I  
2 want to make sure that we know what your needs  
3 are and I don't mean to be repetitive, I just  
4 want to make sure that -- you said that it's a  
5 family friendly restaurant which is what your  
6 goal is for this establishment, not a lounge, not  
7 a nightclub. Okay, that 12:00 is really all you  
8 need to stay open until and I just want to make  
9 sure is that Saturday, Friday and Saturday too?  
10 Is that Monday through Thursday? Do you see a  
11 difference?

12 MR. BAH: On Friday and Saturday we can stay  
13 a little bit later like until 2:00, I mean.

14 MS. MILLER: So 'til 2:00? Why? Why 'til  
15 2:00? Again, this is a restaurant and why do you  
16 need to stay open 'til 2:00 on a Saturday night?

17 MR. BAH: I mean, because -- okay. I look at  
18 it this way. Somebody on weekends, people who  
19 wanted to go far away to have fun, you know, go  
20 and maybe have a nice meal and have a drink and

1 sit down and talk, the neighborhood and the area,  
2 they can just walk there and they can sit there  
3 and watch, like maybe if there's a game or  
4 something, you know? Sit there and, you know,  
5 have a nice meal and I'm looking at that because  
6 I don't want to tell you now we're going to close  
7 -- if I tell you every day we're going to close  
8 on 12:00 and then we end up seeing people wanting  
9 us to stay a little bit late, you know, but I  
10 guarantee you there will be no club, there will  
11 be no dancing, there will be no -- people going  
12 to come and sit down and have food and drink.

13 MS. MILLER: Okay. So you're moving it to a  
14 new neighborhood. You're making assumptions that  
15 people will want to come there until 2:00, it  
16 sounds like. Did you do any outreach to the  
17 families, the residents that live nearby, as to  
18 how late would they like your establishment to  
19 stay open?

1           MR. BAH: I see what's the -- there was a  
2 restaurant on the what you call it -- El Camino.  
3 They stay, they have their license until I think  
4 2:00.

5           MS. MILLER: Okay, but that's not my  
6 question. Did you actually ask any of the  
7 residents how late they'd like your establishment  
8 to stay open until?

9           MR. BAH: No, I don't ask them, but when I  
10 look at the other place, what times they close, I  
11 figure okay, so maybe people -- and I've been  
12 there sometimes 9:00, at 9:00 I see people in  
13 that restaurant coming in and out.

14          MS. MILLER: Okay. Another question I have  
15 is I think in answer to a question from your  
16 attorney is that the sidewalk café is going to be  
17 covered on the side? What does that mean?

18          MR. BAH: Yes. It's going to be covered on  
19 the top and also on the side, like Hamilton side.

1 MS. MILLER: And how covered? A wall or like  
2 a part of wall? You can't ask your --

3 CHAIRPERSON ANDERSON: It's in the picture.

4 MS. MILLER: Oh, it's in the picture? Like  
5 it's rendered in the picture? The thing -- I  
6 have the things -- no, the other one, the big  
7 one.

8 CHAIRPERSON ANDERSON: All right, it's in the  
9 record, it's in the record.

10 MR. HUNTER: If you even want this in  
11 admission, if it's even permissible. I mean.

12 CHAIRPERSON ANDERSON: I'm alerted and the  
13 board members are.

14 MS. MILLER: He wants me to just look at the  
15 picture.

16 MR. HUNTER: So, it will be #18.

17 MS. MILLER: Like it's in the picture. Okay,  
18 my last question then, and if he doesn't want me  
19 to answer I can just look at the picture so I'll  
20 do that. How do you define family friendly?

1 MR. BAH: It's a place for -- you can walk  
2 with your wife, or your fiancé or your uncle,  
3 cousin, whatever, or your kids, and come and have  
4 a breakfast maybe, or lunch, or dinner.

5 MS. MILLER: Okay. Thank you. No further  
6 questions.

7 CHAIRPERSON ANDERSON: All right.

8 MR. ALBERTI: I have questions.

9 CHAIRPERSON ANDERSON: I'm sure you do. Go  
10 ahead.

11 MR. ALBERTI: So, Mr. Bah, hopefully my  
12 questions will be a little bit easier because  
13 they're going to be straightforward. And very  
14 factual, okay? So, I just -- just so that we are  
15 all on the same page, are you aware that your  
16 license application, the way we have it in our  
17 records right now, is a maximum capacity of 162  
18 with 46 on the sidewalk café, so the interior is  
19 116. That's what you're asking us for right now.

1 That's what my records are. Fine, so you don't,  
2 you're not going to dispute that?

3 MR. BAH: That's what's on the application?

4 MR. ALBERTI: All right, so 46 on the side.  
5 Okay. So, I wanna talk a little bit about that  
6 sidewalk café, so I, when you say it's going to  
7 be enclosed, you understand what I mean by  
8 enclosed?

9 MR. BAH: It's like, it's going to close the  
10 side.

11 MR. ALBERTI: With what? What kind of  
12 materials?

13 MR. BAH: It's like, what do you call it?

14 MR. ALBERTI: Wood, plastic, metal, fabric?.

15 MR. BAH: We have a -- I think it's wood.  
16 What do you put in the drum? The material?

17 MR. ALBERTI: You don't know? If you don't  
18 know I'll ask another witness, but I will just  
19 make this statement, it's going to be important  
20 to me and my decision to know exactly what the

1 materials are used in the construction of that  
2 outdoor café. All right? It's going to be very  
3 important for me. So, I'll just put that out  
4 there.

5 MR. BAH: Okay.

6 MR. ALBERTI: Okay, so the back of your  
7 building, does it go all the way out to the  
8 alley?

9 MR. BAH: No. No, half way to the alley.

10 MR. ALBERTI: That's not what the pictures  
11 show. The pictures show your building goes all  
12 the way to the alley.

13 MR. BAH: No, it's not going to the alley.

14 MR. ALBERTI: The exterior? The exterior of  
15 the building, all your pictures say is going to  
16 go to the alley. I mean look at it, Mr. Bah.  
17 I'm a little frustrated here because you're the  
18 witness and you're planning the business and  
19 maybe you're misunderstanding my question. Take

1 a look at -- let's take a look -- take a look at  
2 Exhibit #11 please.

3 CHAIRPERSON ANDERSON: He doesn't have it.  
4 Can Mr. [inaudible 31:14]

5 MR. ALBERTI: I'm sorry, it's late. I'm  
6 just, I thought these were the easy questions.  
7 The building. What's with the patio?

8 MR. BAH: I'm sorry, I thought you said the  
9 patio.

10 MR. ALBERTI: No, the building.

11 MR. BAH: Okay.

12 MR. ALBERTI: Yeah, the building.

13 MR. BAH: Yeah, the building goes.

14 MR. ALBERTI: Sorry.

15 MR. BAH: Yes, yes, that's correct.

16 MR. ALBERTI: Please, it'll be an easy  
17 question. It goes all the way back to the alley.

18 MR. BAH: To the alley, yes.

1           MR. ALBERTI:   Okay.   So, let's walk through  
2   the building and you've got -- can we get him all  
3   of the exhibits?

4           MR. HUNTER:    Sure.

5           MR. ALBERTI:   All those pictures we have?   I  
6   don't want to spend a lot of time on this but I  
7   do want to understand what the interior is going  
8   to look like.   All right, great.   So, let's look  
9   at Exhibit #12.   Where would I be standing in the  
10  building if I had this view, if I -- if you were  
11  taking this picture where would you have stood in  
12  the building to get this view?

13          MR. BAH:    Well --

14          MR. ALBERTI:   Would it have been the front or  
15  the back?   Exhibit #12 has these bundles of  
16  something in there, mostly wood.

17          MR. BAH:    This one?

18          MR. ALBERTI:   Yeah.   That was a joke.

19          MR. BAH:    Okay, this is inside.   If you look  
20  at those on the wood.

1 MR. ALBERTI: Yeah, I gotcha. So where am I  
2 looking? Am I looking from the front of the  
3 building, looking back?

4 MR. BAH: Yeah, this is the front of the --  
5 the front yes.

6 MR. ALBERTI: Okay, so what's on my right-  
7 hand side? What's that?

8 MR. BAH: That's the bar right there.

9 MR. ALBERTI: That's going to be the bar.

10 MR. BAH: Yeah.

11 MR. ALBERTI: And then is there like a window  
12 or doorway right there?

13 MR. BAH: That's going inside the kitchen,  
14 there's a --

15 MR. ALBERTI: Oh, that's going inside the  
16 kitchen?

17 MR. BAH: Yeah.

18 MR. ALBERTI: And so this is a hallway that  
19 goes -- and on the left is a hallway that goes  
20 from the far area into the back --

1 MR. BAH: To the bathroom.

2 MR. ALBERTI: To the bathroom alongside of  
3 the kitchen.

4 MR. BAH: Yeah, and to the family room.

5 MR. ALBERTI: All right, great. So Exhibit  
6 #13 it looks like I'm looking from the bar into  
7 the kitchen, is that right? Yeah, it looks like  
8 I'm looking from the bar into the kitchen. Is  
9 that correct? Exhibit #13? They are labeled at  
10 the top and the numbers may, yeah that'd be great  
11 Mr. -- if you would help him.

12 MR. HUNTER: Yeah, #13, no not #13, the  
13 numbers are kind of scattered on mine.

14 MR. ALBERTI: Yeah, it's this one.

15 MR. HUNTER: Okay.

16 MR. ALBERTI: I know they're hard to see. I  
17 apologize for that.

18 MR. HUNTER: This one. Right here.

19 MR. BAH: Okay this is -- this is #13.

1 MR. HUNTER: And this is your reference to  
2 Exhibit #13 sir?

3 MR. ALBERTI: No. This one here.

4 MR. HUNTER: Okay.

5 MR. BAH: Okay, this is almost the same area  
6 we was looking at but the -- like if you slide a  
7 little bit --

8 MR. ALBERTI: Correct, so I'm looking  
9 directly into that --

10 MR. BAH: To the bar.

11 MR. ALBERTI: Directly into the kitchen?

12 MR. BAH: Yes, going to the kitchen.

13 MR. ALBERTI: All right. So #14, would you  
14 make sure he has #14? Mr. Hunter?

15 MR. HUNTER: Yes sir. #14?

16 MR. ALBERTI: #14. This is the kitchen?

17 MR. BAH: Yes.

18 MR. ALBERTI: All right. And #15, is that  
19 also the kitchen? Or is that something  
20 different? What is that?

1 MR. HUNTER: This is #15, correct?

2 MR. ALBERTI: No, this is #15. We seemed to  
3 have it right the first time you did it.

4 MR. BAH: I think that's the prep room.  
5 Prep, where we prepare the food.

6 MR. ALBERTI: So is that behind the kitchen?

7 MR. BAH: Yeah, it's connected with the --  
8 behind -- exactly behind the kitchen.

9 MR. ALBERTI: So, it's another room behind  
10 the kitchen?

11 MR. BAH: Yeah.

12 MR. ALBERTI: All right, so then I go from  
13 there. So, how deep is the kitchen and how deep  
14 is the prep room? Not wide, but deep. Because  
15 it's longer than it is wide, I'm sure. How deep  
16 is it?

17 MR. BAH: If you count both of them it's like  
18 -- oh man, to be honest I never --

19 MR. ALBERTI: Approximately, approximately.

20 MR. BAH: Let's say the prep room maybe is --

1 MR. ALBERTI: So, the problem I'm having  
2 here, is I don't have any architectural drawings.  
3 You know and I'm looking at noise and how this is  
4 going to affect the neighborhood, you know, I  
5 gotta look at the interior of the building and  
6 kind of project how it's going to sound outside,  
7 and where people are going to be in the building,  
8 and you're hamstringing me here. So, I kind of  
9 need dimensions.

10 MR. BAH: Let's say the kitchen is average  
11 maybe 20 feet.

12 MR. ALBERTI: Twenty feet? The prep room --

13 MR. BAH: The prep room maybe 23, because it  
14 has a walking back and side.

15 MR. ALBERTI: I mean it looks approximately  
16 right from what you're telling me, I mean it's  
17 not a surprise.

18 MR. BAH: Right.

19 MR. ALBERTI: The #16 is what?

20 MR. BAH: Okay, #16, this is the family room.

1 MR. ALBERTI: How big is that?

2 MR. BAH: How big? I mean, let's say family  
3 room is about --

4 MR. ALBERTI: It's as wide as the building  
5 right?

6 MR. BAH: I'm sorry?

7 MR. ALBERTI: It's the full width of the  
8 building.

9 MR. BAH: The family room is like from here  
10 to that wall right there.

11 MR. ALBERTI: Okay. From the stand to where  
12 the court reporter is. From where you're sitting  
13 to where the court reporter is, is that correct?

14 MR. BAH: Yeah, from here to the wall right  
15 there.

16 MR. ALBERTI: Okay.

17 MR. BAH: This wall to that wall.

18 MR. ALBERTI: All right. That's what the  
19 witness is indicating for the record, it's from  
20 where he's sitting to where the court reporter

1 is. How big is the bar area? How wide is that?  
2 Is that like those -- is it much bigger than the  
3 bar?

4 MR. BAH: The back room?

5 MR. ALBERTI: Yeah, the front room. How big  
6 is that?

7 MR. BAH: It's a little bit bigger than --  
8 because that room have seating. We have a bench.

9 MR. ALBERTI: Along the side.

10 MR. BAH: Yeah, and one of the areas we have  
11 like --

12 MR. ALBERTI: Is there more area up front?

13 MR. BAH: Yeah.

14 MR. ALBERTI: Towards the front entrance?

15 MR. BAH: This one is not like a -- when you  
16 look at it, it's like a zoom in, you know a  
17 little bit.

18 MR. ALBERTI: But -- so if I'm standing there  
19 looking at the bar, in that area where I'm  
20 standing would be straight at that bar, how much

1 room is there between there and the front side of  
2 the building? You have an entryway.

3 MR. BAH: Oh, from here to the entrance?

4 MR. ALBERTI: Yeah.

5 MR. BAH: You can put only maybe three tables  
6 there.

7 MR. ALBERTI: It sounds to me like, you know

8 --

9 MR. BAH: It's not big.

10 MR. ALBERTI: Correct me if I'm wrong, but my  
11 impression is you're not gonna have much more  
12 seating inside than you have on the patio, right?

13 MR. BAH: Yeabh, the patio is where -- that's  
14 why we wanna use the patio for --

15 MR. ALBERTI: That's probably going to be at  
16 least 50% of your seating, am I hearing that  
17 correctly?

18 MR. BAH: Yeah, it's gonna have more seating  
19 on the patio.

1 MR. ALBERTI: More than what? More than the  
2 interior? Or about the same?

3 MR. BAH: Well, actually not -- if you look  
4 at it -- if you look at the page, there's one  
5 page missing. The one you showed me before.

6 MR. ALBERTI: The first exhibit? #13?

7 MR. BAH: Okay this one.

8 CHAIRPERSON ANDERSON: What number is that?

9 MR. BAH: Okay, this one.

10 MR. HUNTER: No, slow. That's Exhibit #12.

11 MR. BAH: You see right here? We have like -  
12 - we make a little bit high so the bench gonna be  
13 sitting like this --

14 MR. ALBERTI: I got it.

15 MR. BAH: -- sll the way to the end.

16 MR. ALBERTI: But my impression is that you  
17 probably have about the same amount of seating  
18 inside as you have outside.

19 MR. BAH: That's --

20 MR. ALBERTI: Is that a correct impression?

1 MR. BAH: Yeah. Yeah.

2 MR. ALBERTI: Okay. All right. I don't  
3 wanna put words in your mouth, so if I'm wrong  
4 let me know. Okay?

5 MR. BAH: Yeah.

6 MR. ALBERTI: So now on the patio it looks  
7 like there are like openings that can be opened  
8 and closed on the patio, is that correct?

9 MR. BAH: Yes.

10 MR. ALBERTI: So is it -- am I seeing from  
11 that rendering that the patio could be completely  
12 enclosed? No windows open so to speak?

13 MR. BAH: For summertime we wanna open, you  
14 know --

15 MR. ALBERTI: I know what you'd like to do  
16 but I'm asking if that's going to be your  
17 practice, what's possible there.

18 MR. BAH: I mean --

1 MR. ALBERTI: So it's possible to open some  
2 of those doors and windows, is it possible to  
3 open the roof?

4 MR. BAH: Yeah, it's something you can slide.  
5 You can open it and you can close it.

6 MR. ALBERTI: Okay. Can it be completely  
7 enclosed?

8 MR. BAH: Yeah if you close the top and you  
9 close the sides, the only one is going to be open  
10 is the front door to enter.

11 MR. ALBERTI: Okay, that's great, very good.  
12 So, the one opening that you have.

13 MR. BAH: Because in the back here also, way  
14 in the back, is going to be closed. There is no  
15 entrance from the [inaudible side.

16 MR. ALBERTI: Okay, okay. It sounds like  
17 other places I've seen. All right. So, it  
18 sounds, okay, in your application there's no  
19 entertainment on the patio.

20 MR. BAH: No.

1 MR. ALBERTI: Right? Okay. Are you going to  
2 have speakers out there?

3 MR. BAH: I'm sorry?

4 MR. ALBERTI: Are you going to have speakers  
5 out there with like recorded music.

6 MR. BAH: Very small stuff because we're  
7 going to have, like you go to any restaurant you  
8 can hear some music playing when you're sitting,  
9 that's the stuff. And then what we planning to  
10 have like a band sometimes, not every day. Just  
11 as sometimes to have like a jazz band come and  
12 play for happy hour and then that's it.

13 MR. ALBERTI: Okay, hopefully that wasn't too  
14 painful. That's all I have. Thank you.

15 MR. BAH: You're welcome.

16 MR. SHORT: Just one more? Just one last  
17 one.

18 CHAIRPERSON ANDERSON: Sure.

19 MR. SHORT: Mr. Bah, you draw a nice picture  
20 and I see what's going on. How many exit doors

1 do you have for the patrons to leave out of? How  
2 many exit doors?

3 MR. BAH: Two. Two.

4 MR. SHORT: Where are they located?

5 MR. BAH: One is located in the front, this  
6 here in the corner --

7 MR. SHORT: That's Georgia Avenue.

8 MR. BAH: Yes and the other one is way behind  
9 where they, when you leave, or when the patio  
10 ends you go further like you're going to the  
11 alley.

12 MR. SHORT: You had to go back through the  
13 family room to get out.

14 MR. SHORT: So, that means people have to go  
15 through the kitchen to exit out of your building?

16 MR. BAH: No, no, no. If you look here --

17 MR. SHORT: I'm just trying to get --

18 MR. BAH: If you look at this, this goes  
19 straight to the family room.

1 MR. SHORT: Let me tell you what I'm getting  
2 to to and maybe your attorney can help you out  
3 with this. When you are talking about having 100  
4 people inside you must have more than two ways  
5 out.

6 MR. BAH: Yeah, we have two door.

7 MR. SHORT: I understand, but they, if you  
8 gotta go through the kitchen, or pass the kitchen  
9 to get out, then that --

10 MR. BAH: No.

11 MR. SHORT: -- then you might have a problem  
12 with that.

13 MR. BAH: No, no, no. You cannot go through  
14 the kitchen.

15 MR. SHORT: Okay.

16 MR. BAH: You see this, this right here?

17 MR. SHORT: Right.

18 MR. BAH: And there is a door between --

1           MR. SHORT: So, you're saying the exits are  
2 the full length of the building, from the front  
3 to the back?

4           MR. BAH: Yes.

5           MR. SHORT: Okay, well, again you might want  
6 to -- you might want to talk to somebody about  
7 that, I think you might have to do something on  
8 the side, also. You might. You tell me having  
9 100, you say you've got 140 people inside, a  
10 hundred and -- how many people?

11          MR. HUNTER: 116.

12          MR. SHORT: 116.

13          MR. ALBERTI: Legal capacity I believe.

14          MR. SHORT: Yeah, I'm just trying to figure  
15 out 116 and if there's a fire in a car on Georgia  
16 Avenue everybody's got to go out the back, that's  
17 going to be a little tight. You might want to  
18 think about that.

19          MR. BAH: But you know we have those windows  
20 also they open.

1 MR. SHORT: Those aren't exits.

2 MR. BAH: There's a big window in --

3 MR. SHORT: But those are not exits.

4 MR. BAH: Yeah, I know.

5 MR. SHORT: Okay, all right, that's all,  
6 thank you Mr. Chair, that's all I have.

7 MS. MILLER: Mr. Chair? Can I just ask one  
8 clarifying question? It's important, it's going  
9 to be important to my deliberation, so. Are you  
10 -- when you talked about the jazz band did you  
11 say that you intend to put the jazz band on the  
12 sidewalk café as well as inside? I just want to  
13 clarify this.

14 MR. HUNTER: There's no music entertainment  
15 on the patio.

16 MS. MILLER: You didn't apply for the jazz  
17 band on the sidewalk café.

18 MR. HUNTER: There's no entertainment on the  
19 patio.

20 MS. MILLER: Thank you.

1 MR. ALBERTI: I thought he did say it, I'm  
2 sorry.

3 CHAIRPERSON ANDERSON: He said speakers, he  
4 said speakers on the patio asking -- but asking  
5 the question if there's going to be the band on  
6 the patio and the answer is --

7 MR. BAH: No, no band.

8 CHAIRPERSON ANDERSON: All right. Mr. Hunter  
9 you are welcome to ask questions. Sure go ahead.

10 MR. HUNTER: I want to direct your attention  
11 to what's marked as Exhibit #19 in the  
12 investigative report. Can you tell me what that  
13 is, sir?

14 MR. BAH: This is the menu.

15 MR. HUNTER: The menu for what?

16 MR. BAH: For the Castello.

17 MR. HUNTER: This is the menu you're going to  
18 serve at the restaurant?

19 MR. BAH: Yes.

1 MR. HUNTER: And what time do you serve food?  
2 What time do you want to serve food? What time  
3 do you plan to close your kitchen?

4 MR. BAH: The kitchen, we try to close at the  
5 same time we're going to, when we stop.

6 MR. HUNTER: What time do you plan to close  
7 the kitchen on weekends? If you get a license to  
8 operate until 2:00 a.m., what time do you plan to  
9 close the kitchen?

10 MR. BAH: The kitchen have to be closed at  
11 2:00.

12 MR. HUNTER: What tim do you plan to close  
13 the kitchen on weekends?

14 MR. BAH: We have to close our -- at the same  
15 time we're leaving, same time we close  
16 everything.

17 MR. HUNTER: 3:00 a.m.

18 MR. BAH: Yeah.

19 MR. HUNTER: So, you're going to serve food  
20 the entire time you're open?

1 MR. BAH: Yes.

2 MR. HUNTER: All right. Can you clarify --  
3 you made a reference to closing at 12:00. I was  
4 confused myself about that. Are you saying that  
5 if you get a license that allows you to operate  
6 'til 2:00, you might close at 12:00?

7 MR. BAH: Yes.

8 MR. HUNTER: If you get a license to allow  
9 you to operate at 3:00 on the weekends, will you  
10 close at 12:00 on the weekend too?

11 MR. BAH: At 2:00 or maybe it's different.

12 MR. HUNTER: Okay, the patio. There's some  
13 confusion as to what the material of the patio  
14 is. First of all, let me ask you this. The  
15 drawing that we have was prepared by --

16 MR. BAH: An architect.

17 MR. HUNTER: An architect?

18 MR. BAH: Yeah.

19 MR. HUNTER: As part of a grant application,  
20 right?

1 MR. HUNTER: That includes the actual specs  
2 for the materials that are going to be used,  
3 correct?

4 MR. BAH: Right, it's in there.

5 MR. HUNTER: Okay. Do you know what those  
6 materials are?

7 MR. BAH: No, I don't know exactly.

8 MR. HUNTER: Well, let me ask you this. Is  
9 it -- is the enclosure -- right -- is it going to  
10 be glass? Or is it going to be plastic?

11 MR. SHEON: Objection. It's been asked and  
12 answered -- he doesn't know. He doesn't know the  
13 materials.

14 MR. HUNTER: Is it glass or plastic, what is  
15 it?

16 CHAIRPERSON ANDERSON: Mr. Hunter, he stated  
17 that he didn't know, so that's.

18 MR. HUNTER: Well, then, if he doesn't know -  
19 -

1           CHAIRPERSON ANDERSON:  He said he doesn't  
2   know.  It was done by the architect, so he  
3   doesn't know, so either he does or he doesn't  
4   know.  Or maybe you have another witness who  
5   knows.

6           MR. HUNTER:  I was trying to avoid that, but  
7   we're done.

8           MS. MILLER:  Okay.

9           CHAIRPERSON ANDERSON:  All right.

10          MR. SHEON:  Two quick questions on follow-up.

11          CHAIRPERSON ANDERSON:  Sure.

12          MR. SHEON:  I'll be very quick.

13          CHAIRPERSON ANDERSON:  Sure.

14          MR. SHEON:  The first is, Mr. Bah you seem to  
15   indicate that you were asking for full hours  
16   because you can get it now and not get it later.  
17   Is that also why you're asking for a tavern  
18   license when you're stating repeatedly that you  
19   want to run a family style restaurant?  So that  
20   you're reserving the right to -- why, why a

1    tavern restaurant?  Why a tavern license for a  
2    restaurant.

3           MR. BAH:  To be honest with you, it doesn't  
4    matter to me.

5           MR. SHEON:  Okay.

6           MR. BAH:  Because, because with the liquor  
7    license, me and my wife, we were talking about  
8    that.  We say, even if we get the license we  
9    might not gonna use it.

10          MR. SHEON:  Okay.

11          MR. BAH:  You know, we just gonna keep the  
12   license, every year we're going to renew and keep  
13   it, we don't even have to use it.

14          MR. SHEON:  Thank you, Mr. Bah.  I just want  
15   to be conscious of my time and you answered the  
16   question.  I just have one other question, which  
17   is with regard to the awning and the porch and  
18   all that.  You're relying on funds from the Great  
19   Street Program but have you won that grant?

20          MR. BAH:  I have Mr. Hunter working on it.

1 MR. SHEON: Right, but it hasn't been awarded  
2 to you, is that correct?

3 MR. BAH: They don't, they don't contact me  
4 yet.

5 MR. SHEON: Thank you.

6 CHAIRPERSON ANDERSON: All right. Do you  
7 have any other witnesses, Mr. Hunter?

8 MR. HUNTER: No. We'll rest.

9 CHAIRPERSON ANDERSON: You rest. Okay, Mr.  
10 Sheon.

11 MR. SHEON: Would it be okay to ask my  
12 witnesses to come back in the room at this point?  
13 They've been out there.

14 CHAIRPERSON ANDERSON: You have, you're  
15 released sir. You can come back and sit.

16 MR. BAH: Okay.

17 CHAIRPERSON ANDERSON: You have to call the  
18 first one and that person can come in.

19 MR. SHEON: Okay, but you'll call. In the  
20 interests of time, that's why I'm preserving my

1 time. I've got to make very brief opening  
2 reports that have been postponed. May she join  
3 for that? One witness? It doesn't matter but  
4 they've just been out there a long time, I'd just  
5 appreciate that.

6 CHAIRPERSON ANDERSON: Do you have an  
7 objection? To -- what witness do you want to  
8 come in for the opening statement? So do your  
9 opening then, sir.

10 MR. SHEON: Okay. So, I want to make clear  
11 that our neighborhood almost unanimously would  
12 welcome a family style restaurant. I haven't  
13 heard anyone who has stated that they wouldn't  
14 want a family style restaurant. The thing is  
15 that the hours requested and the lack of  
16 willingness to work together to create a  
17 voluntary settlement agreement don't match a good  
18 neighbor. And what we want to do is ask your  
19 help in getting that good neighbor. We're gonna  
20 show that everywhere where there are late night

1 hours on Georgia Avenue there is a spike in  
2 crime, a significant spike in crime, and that we  
3 don't believe that there's any reason that this  
4 restaurant could operate without the tavern  
5 license, they could do everything that they want  
6 to do with a restaurant license, and this would  
7 help assure us that they would be selling more  
8 food than alcohol and that would mean a lot to  
9 the community. We, like you, have asked for, and  
10 would like to see, drawings. We'd like a  
11 voluntary settlement agreement to address noise  
12 issues, rats, trash, and most important, and I  
13 really mean most important, is a mediation  
14 pathway so that if there's a difference between  
15 us we don't have to wait three years to come back  
16 to you all and we can find a way to -- to  
17 remediate any problems. So, I'll just close by  
18 saying that The Great Streets Program is a  
19 wonderful program. I, as the ANC commissioner,  
20 were asked to support this application, and I

1 couldn't because they hadn't been participating  
2 in mediation, they hadn't been participating in -  
3 -

4 MR. HUNTER: Objection.

5 CHAIRPERSON ANDERSON: This -- hold on Mr.  
6 Hunter. Remember this is opening, so you're --  
7 you're -- you're giving me the path, you're  
8 telling me who you're going to call and what  
9 they're going to testify to. What you're saying  
10 is more so closing.

11 MR. SHEON: Okay.

12 CHAIRPERSON ANDERSON: So, opening is you're  
13 telling me what is it I should look for in the  
14 testimony that your witness is going to bring us.

15 MR. HUNTER: Okay, well I think I've  
16 completed that part.

17 CHAIRPERSON ANDERSON: All right.

18 MS. MILLER: Mr. Chairman, I'm sorry I just  
19 want to say one thing which may affect the  
20 witnesses' testimony and that is we're not here -

1 - we don't impose settlement agreements on  
2 parties, we're not here to hear about settlement  
3 agreements. I understand what you're saying  
4 about, you know, good faith, working together,  
5 but at this point you're at a hearing where it's  
6 our authority to condition the license, perhaps,  
7 or grant it or deny it.

8 MR. SHEON: That's fine.

9 MS. MILLER: So what -- you need to focus on  
10 well, what conditions do you want? If you want  
11 earlier hours, fine, we're going to hear that.  
12 But you're saying an awful lot about how you want  
13 a settlement agreement and we're not going to  
14 impose that, that's not within our authority.

15 CHAIRPERSON ANDERSON: So, what I'll ask for  
16 in your closing, is you tell us, as our last from  
17 the applicant, what it is that -- it appears that  
18 you want the -- you don't mind having the  
19 restaurant, you tell us what it is that you'll  
20 live with and I'll also ask the applicant what it

1 is that they're asking for and we will try to  
2 make a decision -- and then we'll make a decision  
3 based on what both sides are presenting.

4 MR. SHEON: That's fine.

5 CHAIRPERSON ANDERSON: You can call your  
6 first witness.

7 MR. SHEON: Okay so Ms. Anne Wallace will be  
8 the first witness.

9 CHAIRPERSON ANDERSON: Can you raise your  
10 right hand, please, Ms. Wallace? Can you swear  
11 or affirm to tell the truth and nothing but the  
12 truth?

13 MS. WALLACE: I can.

14 CHAIRPERSON ANDERSON: Okay. Please have a  
15 seat. And when you speak up, speak close to the  
16 microphone so we can all hear you, okay?

17 MS. WALLACE: My name is Annie Wallace.

18 CHAIRPERSON ANDERSON: Okay, he'll say --  
19 thank you. Your witness, Mr. Sheon.

1           MR. SHEON: Thank you. Thanks, Ms. Wallace,  
2 for spending your evening with us. Where do you  
3 live and where is that -- where do you live,  
4 let's start with that.

5           CHAIRPERSON ANDERSON: Can you ask her to  
6 identify herself.

7           MR. SHEON: Sure. Please state your name for  
8 the record and where you live.

9           MS. WALLACE: My name is Annie Wallace. I  
10 live at 926 Hamilton Street Northwest.

11          MR. SHEON: And where is the proposed  
12 establishment, Castello Lounge, compared to where  
13 you live?

14          MS. WALLACE: Across the street.

15          MR. SHEON: And how long have you lived in  
16 that location?

17          MS. WALLACE: 43 years. MR. SHEON: Has  
18 there ever been an establishment in that location  
19 that sells alcohol? In the time that you've been  
20 in the neighborhood?

1 MS. WALLACE: No, not in that particular  
2 establishment, no.

3 MR. SHEON: And have worked together on  
4 bridging community differences with store owners?

5 MS. WALLACE: Yes, we have.

6 MR. SHEON: And how's that gone in your  
7 opinion?

8 MS. WALLACE: I believe it's going well.

9 MR. SHEON: We have had differences with  
10 store owners.

11 MS. WALLACE: We've had differences --

12 MR. SHEON: I'm sorry, let me ask the  
13 question, Ms. Wallace. Have we had differences  
14 with store owners that we've been able to  
15 overcome before with that owner?

16 MS. WALLACE: Yes, we have.

17 MR. SHEON: Okay. How -- what's been your  
18 experience with this store owner?

19 MS. WALLACE: Well, for one thing, I don't  
20 know, he seem a little arrogant you know. You

1 try to ask questions and if he don't want to  
2 answer he just walk away. And I don't think  
3 that's a good thing for the neighbors.

4 MR. HUNTER: Objection.

5 MR. SHEON: Thank you.

6 CHAIRPERSON ANDERSON: I'm not quite sure  
7 what the objection is but there is --

8 MR. SHEON: She already answered. I mean,  
9 we're talking about a conversation with the owner  
10 in which he allegedly walked away.

11 CHAIRPERSON ANDERSON: Well, Mr. Hunter you  
12 should have objected to the question --

13 MR. HUNTER: Yes, I should have.

14 CHAIRPERSON ANDERSON: -- when it was asked,  
15 but you didn't so let's move on.

16 MR. SHEON: What could you tell me about  
17 crime in the neighborhood and around your house  
18 in the area? The very local area, say within a  
19 block or two.

1 MS. WALLACE: We do have a lot of problem  
2 with crime around.

3 MR. SHEON: Has it gotten worse in recent  
4 years?

5 MS. WALLACE: Yes, it has.

6 MR. SHEON: I'd like to introduce protest  
7 evidence along with a crime map from MPD, and if  
8 you'll note, I realized after I printed it out  
9 that it needed [inaudible 02:46] so the last page  
10 is just a much larger example of the --

11 MR. HUNTER: Objection.

12 CHAIRPERSON ANDERSON: All right, what I need  
13 you to do, Mr. Sheon, is to -- you're going to  
14 introduce this document, you have witnesses, the  
15 witness. Why is this relevant, how is it that --  
16 how is this restaurant, if we were to grant an  
17 applicant to this -- I'm sorry -- if we were to  
18 grant a license to this applicant, how is that  
19 tied in to and open to the crime situation in the  
20 area?

1 MR. SHEON: Right. And obviously the  
2 restaurant isn't there but what I'd like to show  
3 is that there's a direct link between  
4 establishments that are open to late night hours  
5 and high crime incidence.

6 MR. HUNTER: Objection.

7 CHAIRPERSON ANDERSON: What's the --

8 MR. HUNTER: That calls for a scientific  
9 expert opinion. It would -- you would have to  
10 have empirical data to prove such a thing. I  
11 object to the admissibility of this given that it  
12 was printed off the internet, which was not  
13 produced by MPD, which is not --

14 CHAIRPERSON ANDERSON: Let him finish.

15 MR. HUNTER: -- which was not produced by the  
16 Metropolitan Police Department, which covers a  
17 very, very broad period of time in which there  
18 was, in fact, negative establishments in the area  
19 that does not exist. This -- this -- this --

1 that evidence is prejudicial and irrelevant and  
2 should -- should not.

3 CHAIRPERSON ANDERSON: Yeah, I'm -- I'm going  
4 to allow you and I -- I thank Mr. Hunter for, I  
5 mean, remember these documents are coming in and  
6 we will give it the weight, or we will either  
7 consider it or not -- we will either consider or  
8 not consider it, but I think at this juncture  
9 having it in will -- is the better option to do  
10 at this juncture. So, ask your question, but  
11 remember you need to tie in why is it that this -  
12 - it's relevant and how us granting a license to  
13 this applicant will impact the crime within the  
14 neighborhood.

15 MR. SHEON: Right. So, this is a report  
16 generated from MPD's website. It's dated for one  
17 calendar year and that calendar year ended last  
18 week and there's different types of crime that  
19 are broken out, but does it -- it shows that  
20 there was total violent crime within 1500 feet of

1 931 Hamilton of 83 total violent crimes in the  
2 last year. But what I want to ask Ms. Hamilton  
3 about, if I may -- I brought the wrong paper over  
4 -- is because this is your neighborhood and you  
5 know it best, can you first orient yourself on  
6 this map with Hamilton Street which is shown  
7 here? This is Illinois, this is Georgia, does  
8 that seem right to you?

9 CHAIRPERSON ANDERSON: What document are you  
10 referencing?

11 MR. SHEON: It's the last, it's Exhibit 1,  
12 it's actually the last, hang on --

13 CHAIRPERSON ANDERSON: Got it.

14 MR. SHEON: I'm sorry. I thought I passed it  
15 out to you. Do you have it?

16 CHAIRPERSON ANDERSON: I have it.

17 MR. SHEON: Okay. Thank you. So, if you  
18 look at this, there's the intersection and there  
19 is only report, right? At the corner. Is that  
20 correct? Where the store is being located.

1 MS. WALLACE: Yes.

2 MR. SHEON: But there are 22 reports midway  
3 down the block.

4 MS. WALLACE: Right in the middle of the  
5 block by the Casto Restaurant.

6 MR. SHEON: By, is it by El Camino  
7 Restaurant?

8 MS. WALLACE: Yes, Mm hmm.

9 MR. SHEON: And then there's 16 further down  
10 the street. Is that your estimate that that  
11 would be by Makambo Lounge?

12 MS. WALLACE: Somewhere in that area.

13 CHAIRPERSON ANDERSON: All right. Okay --  
14 All right. Okay.

15 MR. SHEON: You've been there a long time and  
16 you could remember what's happened on the block I  
17 would think. Was there a lot of crime at that  
18 location at Camino Real in your opinion, before  
19 they opened?

1 MS. WALLACE: No, I can't remember a lot of  
2 crime there, just that, you know, if they have  
3 late hours and people have too much to drink, and  
4 then there's a problem.

5 MR. SHEON: Okay, so Ms. Wallace, I recall  
6 our discussions that you said you would welcome a  
7 family style restaurant across the street from  
8 you.

9 MS. WALLACE: We have no objection, and this  
10 is what I can't understand why we're going  
11 through all this. We have no objection of the  
12 restaurant. It's the hours and the music,  
13 because the restaurant is right there in our  
14 neighborhood. These other restaurants it's up  
15 the block. We can't hear what's going on up  
16 there, but this restaurant is right in our door  
17 almost, and I think we deserve to have some peace  
18 and quiet. 3:00 in the morning? If it's a  
19 family restaurant why does it have to be open at  
20 3:00? What family coming out at 3:00 in the

1 morning to eat? That's what we can't understand.  
2 And we just don't want the music because that way  
3 we get no sleep because this restaurant close at  
4 3:00, it's going to be after 4:00 by the time  
5 everyone clears out. And then we're coming in to  
6 5:00.

7 MR. SHEON: Thank you.

8 MS. WALLACE: We have no sleep. And I don't  
9 think that's fair to us. We're taxpayers, too.

10 MR. SHEON: Thank you Ms. Wallace. No  
11 further questions.

12 CHAIRPERSON ANDERSON: And then, Ms. Wallace,  
13 Mr. Hunter has the opportunity to ask you some  
14 questions.

15 MR. HUNTER: No questions.

16 CHAIRPERSON ANDERSON: Well, I'm going to ask  
17 you a question that I'm going to ask. So, where  
18 do you live on the block?

19 MS. WALLACE: I live -- if I live here, the  
20 restaurant is over in the corner from me.

1 CHAIRPERSON ANDERSON: All right. So, what -  
2 - you said you have no problem with a family  
3 restaurant so --

4 MS. WALLACE: We have no problem with a  
5 family restaurant.

6 CHAIRPERSON ANDERSON: So, what time do you -  
7 - what time do you believe that they should be  
8 open?

9 MS. WALLACE: Well, I think that they should  
10 --

11 CHAIRPERSON ANDERSON: I'm sorry -- closed --  
12 I'm sorry.

13 MS. WALLACE: I think they should be closed  
14 at least by 1:00, even with that by the time they  
15 clear up and get out of there it's after 2:00.

16 CHAIRPERSON ANDERSON: Right.

17 MS. WALLACE: And see, we had problems before  
18 with people congregating and when you had the  
19 Trinidad Tobago Association Club there, when they  
20 let out, people congregated in our neighborhood

1 after they let out and talked for another hour or  
2 so. They get in the cars, they push on the gas,  
3 and just do all kinds of things, you know, and we  
4 finally got that together. And I just don't  
5 think it's fair for people to feel that they can  
6 come in our neighborhood and just do whatever  
7 they want to do without any respect to the  
8 neighbors.

9 CHAIRPERSON ANDERSON: Now, what about --  
10 what about the music? What type of music and  
11 when do you think that should end?

12 MS. WALLACE: Well, if they're going to have  
13 music it shouldn't be loud music, and if the  
14 place is equipped with acoustic sound that we  
15 won't hear all that, you know. And the music  
16 should shut down at least 12:30 or 1:00 at the  
17 latest.

18 CHAIRPERSON ANDERSON: Okay. All right. I  
19 don't have any further questions. Does any board

1 members have any questions they want to ask? Yes  
2 Mr. Short.

3 MR. SHORT: Good evening, Ms. Wallace.

4 MS. WALLACE: Hi. MR. SHORT: And  
5 congratulations on being one of the stalwarts who  
6 stayed in Washington D.C. when a lot of people  
7 left. So, now that it's getting better you want  
8 to enjoy some of that better, don't you?

9 MR. WILLIAMS That's right, I sure do.

10 MR. SHORT: All right, well thank you again  
11 for being a good neighborhood. That's all I  
12 have.

13 MS. WALLACE: Thank you.

14 MR. SHEON: Thank you, Ms. Wallace.

15 MR. ALBERTI: Thank you for your patience.

16 MR. SHEON: Next witness is --

17 CHAIRPERSON ANDERSON: Yeah, you're free --  
18 you can now sit in the audience and enjoy -- and  
19 enjoy -- and see what [inaudible 10:43] I'm not  
20 sure, you might want to leave, though.

1 MR. SHEON: Next witness is Karen Abbott.

2 CHAIRPERSON ANDERSON: is someone getting  
3 her? Can you raise your right hand, please, Ms.  
4 Abbott? Will you swear or affirm to tell the  
5 truth and nothing but the truth?

6 MS. ABBOTT: I will. CHAIRPERSON ANDERSON:  
7 Thank you and you can have a seat. And there's a  
8 microphone in front of you so make sure that when  
9 you speak up you speak into the microphone,  
10 please.

11 MS. ABBOTT: Thank you.

12 CHAIRPERSON ANDERSON: Your witness.

13 MR. SHEON: Hi, Ms. Abbott. Thank you for  
14 being here so late. How many times have you met  
15 with the owners? Oh, let me just ask you where  
16 you live.

17 MS. ABBOTT: 929 Hamilton Street Northwest,  
18 next -- the house -- the first house at the  
19 alley. It's right next door to the building.

1 MR. SHEON: Let's talk just for a quick  
2 moment about the alley, because there's been a  
3 little bit of discussion about that. I want to  
4 make sure that your understanding, since you live  
5 right there, is the same. Have you measured the  
6 distance between the restaurant and your house?

7 MS. ABBOTT: Yes, I have.

8 MR. SHEON: And how far is it?

9 MS. ABBOTT: Less than 15 feet.

10 MR. SHEON: Right. And if I show you -- I'd  
11 like to enter protestant Exhibit 2 which is my  
12 photographic evidence.

13 MR. HUNTER: Objection. I think it's been --

14 MS. MILLER: Wait a second. The Chairman  
15 isn't listening yet.

16 CHAIRPERSON ANDERSON: I'm sorry.

17 MR. HUNTER: Objection. It's been well  
18 established that the alley is 15 feet.

19 MS. ABBOTT: It's less than 15 feet.

1 MR. SHEON: It's not 15 feet actually. We've  
2 got evidence that it's not.

3 MR. HUNTER: I will concede that the alley is  
4 --

5 CHAIRPERSON ANDERSON: What is your  
6 objection?

7 MR. SHEON: I'll concede as well.

8 CHAIRPERSON ANDERSON: Okay. You'll concede  
9 as well?

10 MR. HUNTER: 14 feet and not 15 feet.

11 MR. SHEON: Thank you.

12 CHAIRPERSON ANDERSON: All right.

13 MR. SHEON: How many times -- now you would  
14 be the next door neighborhood to the restaurant  
15 so I would think that you've made an effort and  
16 they've made an effort to get to know each other.  
17 How many times have you spoken with the owner?

18 MS. ABBOTT: I'm not certain who the owners  
19 are. I think that that lady there does look  
20 familiar, I think I've seen her on the street.

1 We have not -- yes, we spoke very briefly. She  
2 was very cordial. I understood it was to be a  
3 family style restaurant. I was very happy about  
4 that. But I have not had a formal introduction.

5 CHAIRPERSON ANDERSON: Right.

6 MR. SHEON: Now, we've talked about things  
7 that we would -- you've told me about things that  
8 you'd like to see in some sort of agreement or  
9 licensure of this operation that would be so  
10 close to your home, things like noise, how the  
11 trash is going to be contained --

12 MS. ABBOTT: Absolutely.

13 MR. SHEON: Why don't you share with us your  
14 opinion of what you would like to see since  
15 you're a next door neighborhood? And what the  
16 hours would be, too.

17 MS. ABBOTT: First of all, my main concern is  
18 the hours. I have a son who was -- who was  
19 robbed at gunpoint on my front porch a year ago.  
20 I'm very, very cautious about who's in my

1 neighborhood and how long they're there. There's  
2 a lot that goes on in that neighborhood and I  
3 don't feel comfortable inviting more of the same.  
4 The rats -- they can be controlled. But you  
5 cannot control the people who are drunk and stand  
6 on the corner in front of your window screaming  
7 at the top of their voice like it's 9:00 in the  
8 morning. And that's what we have to contend  
9 with.

10 MR. SHEON: What do you think of the idea of  
11 having a patio outside the establishment?

12 MS. ABBOTT: As long as it's clean, as long  
13 as there's no trash, as long as there's no food -  
14 - I'm not opposed to a business operating. I'm  
15 not opposed to a business operating at normal  
16 business hours in a residential neighborhood.

17 MR. SHEON: And what would those hours be?

18 MS. ABBOTT: 1:00 at the latest on weekends,  
19 12:00 during the week.

20 MR. SHEON: And what about for the patio?

1 MS. ABBOTT: Patio, outside, I'm not -- I  
2 don't know, I can't say. As long as there's no  
3 trash and I don't see any evidence of rats  
4 running through my front yard, then I'm okay.

5 MR. SHEON: What would you want as a  
6 remediation if there were rats running through  
7 your yard? If trash were building up. If they  
8 weren't sticking to hours. What would you want  
9 done?

10 MS. ABBOTT: I -- my --

11 CHAIRPERSON ANDERSON: I'm -- I don't think  
12 that in -- we can't do that.

13 MR. SHEON: Remediation.

14 MR. SILVERSTEIN: Remediation, not mediation.

15 MS. MILLER: That's right, I got confused.

16 MS. ABBOTT: My only recourse is to complain  
17 and I mean, right here I'm just trying to --

18 CHAIRPERSON ANDERSON: All right, go ahead.

19 MS. ABBOTT: -- eliminate or prohibit any --

1           CHAIRPERSON ANDERSON:  Go ahead and ask the  
2 question.

3           MR. SHEON:  So, what would you want done in  
4 the event that these things -- that something  
5 upset you, that was significant to you, that rats  
6 were -- these things that you've already  
7 described.  If those were -- if any of those  
8 things were happening, how would you want to be  
9 able to fix that problem?

10          MS. ABBOTT:  Well, they would have to close  
11 down if they couldn't handle it, as far as I'm  
12 concerned.  I would pester them until the day I  
13 die.  I want to live comfortably in my old age.

14          MR. SHEON:  We all want you to.  I think  
15 that's all the questions I have for you.

16          MR. HUNTER:  I have no questions.

17          CHAIRPERSON ANDERSON:  Nah, nah -- this is  
18 your moment -- this is your moment in the sun!

19          MR. SHEON:  To shine.

1           CHAIRPERSON ANDERSON: This is your moment in  
2 the sun! You've been sitting in that back room  
3 but you don't know what's going on out here, so  
4 now we're going to let you know what's going on  
5 out here. Go ahead, Mr. Silverstein.

6           MR. SILVERSTEIN: Thank you, Mr. Chairman.  
7 Thank you, Ms. Abbott. Thank you for staying.  
8 Thank you for being here this late. And thank  
9 you for your patience. You say that you would  
10 be okay with the place if it was open until -- if  
11 it closed at 1:00 on weekends, midnight on  
12 weeknight, and you want some kind of vermin  
13 remediation.

14          MS. ABBOTT: Well --

15          MR. SILVERSTEIN: What else? We ask this  
16 question often and it's not assuming what's going  
17 to happen, but if this was going to happen, if we  
18 were going to grant the license, what conditions  
19 would make life good for you?

1 MS. ABBOTT: First of all, we are not assured  
2 that the church is going to allow them to put  
3 their trash can in their yard, because there is  
4 no area other than on the street for that  
5 property to have a trash container, okay? Any  
6 trash -- if they don't make an agreement with  
7 that church that locks their gate -- okay? -- if  
8 they don't make an agreement to pay them to have  
9 a trash can there then they have to put that  
10 container next door to my house which will stink  
11 to high heaven and the rats will be jumping out  
12 of it. Now, I'm not having it.

13 MR. SILVERSTEIN: Okay. Anything else?

14 MS. ABBOTT: That's as far as the rodents go.

15 MR. SILVERSTEIN: Thank you, ma'am. No  
16 further questions.

17 CHAIRPERSON ANDERSON: Yes, Mr. Short.

18 MR. SHORT: Again, Ms. Abbott.

19 MS. ABBOTT: Yes, sir?

20 MR. SHORT: How many years there on?

1 MS. ABBOTT: Fifty.

2 MR. SHORT: Fifty years. God bless you.

3 Like yourself I've been in town all my life, too,  
4 and now it's good it's coming back because we  
5 know 50 years ago D.C. was a different place and  
6 it was a wonderful place.

7 MS. ABBOTT: Yes, it was.

8 MR. SHORT: Goals changed, bad businesses  
9 came, a lot of bad people came. Now they are  
10 leaving, that's good news. We want to enjoy our  
11 town. We want to enjoy nice businesses.

12 MS. ABBOTT: That's right.

13 MR. SHORT: I'm into having nice businesses  
14 and nice neighborhoods.

15 MS. ABBOTT: Absolutely.

16 MR. SHORT: But when people do the opposite,  
17 then I'm like yourself, I think they should be  
18 someplace else. So, at any rate we're going to  
19 work on -- we will ask questions about the trash,  
20 we will ask questions about some of the other

1 arrangements and about the hours and I'd like to  
2 see the business and the community get together  
3 and work these things out. Nobody wants to see a  
4 blighted building all boarded up.

5 MS. ABBOTT: That's right.

6 MR. SHORT: That doesn't help anybody. You  
7 talk about rats. So, we'll get a nice business  
8 in there and the business is under control and do  
9 what they're supposed to do and are good  
10 neighbors, and you want the neighborhood that  
11 you've preserved for 50 years and it should be a  
12 wonderful win-win for everybody.

13 MS. ABBOTT: I agree.

14 MR. SHORT: So, thank you again for staying  
15 as long as you have and thank you for your being  
16 a good neighbor and citizen of Washington, D.C.  
17 That's all I have.

18 MS. MILLER: I have a quick question.

19 CHAIRPERSON ANDERSON: Go ahead.

1 MS. MILLER: Okay. Thank you for staying and  
2 I know that you've missed a lot of the hearing  
3 so, I just want to -- I have a couple of  
4 questions for you and then maybe a comment, but  
5 have you seen the menu that the applicant has  
6 proposed?

7 MS. ABBOTT: No, I have not.

8 MS. MILLER: You haven't. Okay. That is an  
9 exhibit in this case, I think attached probably  
10 to the investigator's report. I was just going  
11 to ask you. My second question really is they  
12 have said that they want to be a family friendly  
13 restaurant and I was wondering if you have a  
14 reaction to that, what that means to you, family  
15 friendly.

16 MS. ABBOTT: Well, my son has a restaurant.  
17 He has a home style cooking soul food restaurant.  
18 And children come, a family style restaurant to  
19 me means that you bring your family, that little  
20 children can come, baby -- infants can come.

1 Your family can come on Sunday and have a nice  
2 meal and go home. Go to the movies or whatever.  
3 Family style. That's what it means to me. I  
4 don't care if -- you know -- you have a full  
5 course meal. At least three course meal.

6 MS. MILLER: Okay, thank you. My only  
7 comment is, you know we're just beginning to hear  
8 from residents like you -- you know -- and so it  
9 doesn't seem to me like the differences are that  
10 great in this case and I really do hope you all,  
11 after this hearing is behind, communicate because  
12 it just seems like it would be a win-win. You're  
13 the patrons here. You know. So, okay, thank you  
14 very much.

15 MS. ABBOTT: Yes ma'am.

16 MS. MILLER: Mr. Alberti has --

17 CHAIRPERSON ANDERSON: Yes, sir, go ahead.

18 MR. ALBERTI: Good evening, Ms. Abbott.

19 MS. ABBOTT: Yes.

1 MR. ALBERTI: Again, thank you for staying  
2 with us. Are you aware that the applicant has  
3 applied for a sidewalk café along the side of the  
4 building?

5 MS. ABBOTT: Yes, due to the first  
6 application process. Yes.

7 MR. ALBERTI: Okay. So you generally are  
8 aware of where it's going to be, so it's the  
9 whole length, or most of the length of the --

10 MS. ABBOTT: Yeah.

11 MR. ALBERTI: -- of that building? Okay.  
12 So, you weren't here to hear the evidence but I'm  
13 going to tell you what I've concluded.

14 MS. ABBOTT: Okay.

15 MR. ALBERTI: And that was we're unsure as to  
16 whether or not it will be enclosed and if it is,  
17 with what material -- will be used. So given  
18 that hypothetically, if it isn't enclosed, what  
19 hours -- how late would you like to see that --  
20 how early or late would you -- what hour would

1 you like to see for that café? When would you  
2 like to see the serving end out there.

3 MS. ABBOTT: Well, outside is different in  
4 terms -- for the hours. I think it should be  
5 much earlier than 1:00 on the weekends or 12:00  
6 during the week on the outside.

7 MR. ALBERTI: So, what would you say? What  
8 would you say the hours should be?

9 MS. ABBOTT: Ten.

10 MR. ALBERTI: Right there.

11 MS. ABBOTT: Ten o'clock.

12 MR. ALBERTI: On weekdays and weekends?

13 MS. ABBOTT: Weekends and -- yeah- -- 10:00.

14 MR. ALBERTI: Thank you very much. Next  
15 witness? Are there --

16 CHAIRPERSON ANDERSON: Oh, are there no  
17 further questions?

18 MR. SHEON: We have one more witness. I  
19 don't think it will take but a few minutes.

1 CHAIRPERSON ANDERSON: You are free to -- and  
2 now you can join the crowd in the -- you get to  
3 see all the excitement that you've been missing.  
4 Your next witness.

5 MR. SHEON: Right. It's Lenny Muse.

6 CHAIRPERSON ANDERSON: You can approach.

7 MR. SHEON: The hot seat.

8 CHAIRPERSON ANDERSON: And can you raise your  
9 right hand, please, sir? Do you swear or affirm  
10 to say the truth and nothing but the truth?

11 MR. MUSE: Yes, I do.

12 CHAIRPERSON ANDERSON: You may have a seat.

13 MR. SHEON: Good evening, Mr. Muse, and thank  
14 you for sharing your evening with us. Where do  
15 you live? What's your address?

16 MR. SILVERSTEIN: Can you ask him to give his  
17 name?

18 MR. SHEON: Oh, sorry. Can you give your  
19 name and your address, please?

1 MR. MUSE: My name is Lenny Muse. I live at  
2 927 Hamilton Street, Northwest.

3 MR. SHEON: Do you want to spell your last  
4 name just to be sure it's correct?

5 MR. MUSE: M-U-S-E.

6 MR. SHEON: Okay, and so where do you live in  
7 relation to the proposed restaurant?

8 MR. MUSE: Two doors away, right next door to  
9 the first house. It's two doors away.

10 MR. SHEON: Okay, so you're a next-door  
11 neighbor to Ms. Abbott.

12 MR. MUSE: Right.

13 MR. SHEON: Okay. How many times have you  
14 met the owners of the proposed restaurant?

15 MR. MUSE: One time officially and others  
16 daily just passing by.

17 MR. SHEON: Down here at ABRA you mean?

18 MR. MUSE: Right.

19 MR. SHEON: So, that one time, that was when  
20 their first application was in and we agreed to

1 meet at the restaurant and talk through things  
2 with them, is that correct? I believe that was  
3 last March.

4 MR. MUSE: Right.

5 MR. SHEON: I just want to make sure we're  
6 talking about the same --

7 MR. MUSE: Yeah, that was the official meet  
8 and greet and it didn't go too well but we had  
9 it.

10 MR. SHEON: Tell me about your impressions of  
11 the applicant at that meeting.

12 MR. MUSE: Uh --

13 MR. SHORT: Speak up, please, a little bit or  
14 get closer.

15 MR. MUSE: We were all wondering where the  
16 931 Hamilton Street Address came from. We had  
17 never seen it before. We thought the address to  
18 the place was 5201 Georgia Avenue. And we were  
19 trying to figure out why are they trying to  
20 disguise this place? What, they going to have a

1 different address? We never seen 931. We'd been  
2 around there 40 years. I never -- I didn't know  
3 a 931 existed. We brought that up to them and  
4 while we were inside and that it looked like a  
5 club and everything and Mr. Hunter became kind of  
6 agitated and turned his back and the meeting fell  
7 all apart from that point.

8 MR. SHEON: Do you have any other  
9 observations you want to share that you feel  
10 could be relevant or helpful?

11 MR. MUSE: The place screams nightclub. It's  
12 black on the outside. You turn the lights on,  
13 it's still dark. It's a nightclub -- still from  
14 that -- it's a nightclub. It's not a dinner  
15 establishment to me. I mean, I've put clubs  
16 together.

17 MR. SHORT: Speak up a little louder so we  
18 can hear you.

19 MR. MUSE: I've put clubs together.

20 MR. SHEON: There you go.

1 MR. MUSE: And clubs, most of them, are dark.  
2 I mean, they want them dark.

3 MR. SHEON: What's your profession? Sorry.

4 MR. MUSE: I'm like an HVAC contractor, it's  
5 what I do. I put things together. People  
6 consult with me, I get with other people, we put  
7 it together.

8 MR. SHEON: Have you put together restaurants  
9 before?

10 MR. MUSE: Put together restaurants before.  
11 Put together a chateau in the 80s. That was put  
12 together to be a club.

13 MR. SHEON: I think that's all the questions  
14 I have. You've gotta stay there, though, a  
15 little longer, because others are going to ask  
16 you questions.

17 CHAIRPERSON ANDERSON: Yes, Mr. Hunter. Your  
18 -- your questions -- your witness.

19 MR. HUNTER: Mr. Muse, I have no questions  
20 for you.

1 MR. SHEON: You're still not done.

2 MR. MUSE: Oh, okay.

3 MR. SHEON: You may be, but --

4 CHAIRPERSON ANDERSON: You said you -- I  
5 thought you said --

6 MR. HUNTER: Oh, no.

7 CHAIRPERSON ANDERSON: I thought you said, "I  
8 have a question."

9 MR. HUNTER: No, I have no questions.

10 CHAIRPERSON ANDERSON: All right. Board  
11 members? Mr. Short.

12 MR. SHORT: Mr. Muse, how are you today?

13 MR. MUSE: All right.

14 MR. SHORT: How many years have you been at  
15 927?

16 MR. MUSE: We've been there 42 years.

17 MR. SHORT: 42 years. And you have been into  
18 the hood and duct business and air conditioning  
19 business and all those things?

20 MR. MUSE: Yes.

1 MR. SHORT: So --

2 MR. MUSE: I worked for the fire department  
3 for 33 years and so I would inspect lots of those  
4 places, especially the chateau.

5 MR. SHORT: Mm hmm.

6 MR. MUSE: Mr. Coleman here.

7 MR. SHORT: I'll just say this. That's very  
8 important. It seems like your new neighbors,  
9 they should be trying to help you. You probably  
10 [inaudible 28:20] to do with that hood and duct  
11 system because from what I saw in that kitchen,  
12 from the pictures, they've got a lot of work to  
13 do in there with the hood and duct system. I've  
14 been here a long time. I mean, I can't really be  
15 fooled easily. You've got your official clubs  
16 and then you've got your other clubs. And to me  
17 this look like the other clubs and I ain't gonna  
18 really say no more about it like that, but some  
19 clubs are clubs and then there's other clubs.

1           MR. SHORT: Let me say this to you. You  
2 weren't here to hear the information. But I was  
3 able to -- the owner was on the stand and -- one  
4 of the owners -- and said that he is going to  
5 definitely be a restaurant and that he doesn't  
6 need to be open to 12:00 to be a restaurant and  
7 he'd like to have longer hours later on down the  
8 road and, my thing would have been to tell people  
9 like that "okay, open up with the 12:00 and earn  
10 the other hours. Earn the good reputation with  
11 the community. And those are the kinds of things  
12 the community can work with, so you've been  
13 around the restaurant business and been around  
14 the club business. You know that the community  
15 has a lot of weight when it comes to these kind  
16 of hearings."

17           MR. MUSE: We were -- we were led to believe  
18 that the whole model would fall apart if they  
19 weren't allowed to stay open to 3:00 in the  
20 morning, which, to me, really confirmed what I

1 was thinking. Of 3:00 in the morning -- I've got  
2 two kids. I mean I ain't never, ever in my  
3 entire life, wanted to take them out and we would  
4 be arriving back or still at an establishment at  
5 3:00 in the morning if it was a family  
6 restaurant.

7 MR. SHORT: People who have restaurants -- if  
8 they want to stay late, the liquor license could  
9 be that they'd have to stop selling liquor at  
10 12:00. If they want to stay open until 3:00 --  
11 that's what they said -- they could close at  
12 12:00. I mean, they could stop selling liquor at  
13 12:00 because they are a restaurant and they're  
14 gonna cook up until the time they close. That's  
15 been the testimony. So, I as a board member, I  
16 only have one vote. I'm gonna hold their feet to  
17 the fire. If that's what they said under oath.

18 MR. MUSE: And that's our really main  
19 concern. I mean, and the reason I'm here is I  
20 don't know where you all live at, but if somebody

1 wants to do live entertainment, just imagine this  
2 right at your -- under your head at night.

3 [witness pounds on stand] -- and 'hey, we want  
4 you to go home. We want you to go home at 12:00  
5 -- 1:00 at night,' and you're like 'shut up,  
6 we're staying open until 3:00.' That's basically  
7 the -- that's basically what we got from D.  
8 Hunter. First, we met Hyde and then he turned  
9 into Jekyll, I mean when I brought these things  
10 up. I mean, I don't really like some of my  
11 customers, I mean -- but we still engage. We get  
12 through it. You don't have to really like it.

13 MR. SHORT: Professional -- professional.

14 MR. MUSE: Professional. We'd be mad, we'd  
15 argue like hell and then tomorrow we get back  
16 together and we work it out.

17 MR. SHORT: Okay. There's a question I want  
18 to ask to your other neighbors. If they were  
19 allowed to open, if they were allowed to open and  
20 they worked with the community, what hours would

1 you want a restaurant two doors down from you to  
2 be open? What hours would you -- could you find  
3 palatable.

4 MR. MUSE: I honestly don't really know.  
5 Considering that we have concerns, you know  
6 12:30, 1:00 maximum, like Saturday -- like  
7 Saturday, Sunday. During the weekdays, you know,  
8 11:00 or 12:00. I mean I think that's, it's  
9 pretty quiet. I mean, right near everything  
10 closes at 9:00 or 10:00. I mean we sleep there.  
11 You know, it's different. I know everybody got,  
12 I mean I know D.C.'s changing. We never at any  
13 time told him that we didn't want him there.  
14 It's just that either you get involved in what  
15 people have an idea for you and then you tell  
16 them what you thinking. We'd think --

17 MR. SHORT: I'll tell you what I remember  
18 about your neighborhood I remember that nice  
19 Safeway used to be on Ingraham Street.

20 MR. MUSE: Right.

1           MR. SHORT: And all kinds of nice hardware  
2 stores and everything all up and down Georgia  
3 Avenue.

4           MR. MUSE: Right.

5           MR. SHORT: It always wasn't dark and gloomy  
6 and drug infested.

7           MR. MUSE: And it turned off, though, you  
8 know. It was lit up in the daytime, I mean it's  
9 always been -- I mean there's nowhere to park  
10 right near. I mean 90 people, I mean there's,  
11 hey you think so, fine, I don't know where they  
12 going to park at. Most people cook around there.

13          MR. SHORT: You want to decide if that  
14 question did come up today and that's probably  
15 something a little more that zoning would have to  
16 deal with than the alcohol board, but I'll just  
17 say this. That question did come up today and we  
18 got some answers that they're going to be serving  
19 the people in the community and people can walk

1 to the restaurant so they won't have to worry  
2 about parking.

3 MR. MUSE: Oh, I mean, that's -- hey, if you  
4 say so, I don't -- I mean --

5 MR. SHORT: Reality. It might take  
6 something different. But at any rate, we have to  
7 take people at their word. When they're under  
8 oath on the stand --

9 MR. MUSE: Right.

10 MR. SHORT: Again, thank you for your staying  
11 the evening with us and staying in that  
12 neighborhood holding down that neighborhood and  
13 now that the goodies are coming we want to enjoy  
14 some of that don't we?

15 MR. MUSE: Right.

16 MR. SHORT: There's a lot of money on  
17 Georgia Avenue, man. Georgia and New Hampshire  
18 looks like New York. There's a lot of money  
19 being spent so the bottom line is bad businesses  
20 won't last on Georgia Avenue long. They won't.

1           MR. MUSE: And you know, just, you know, we -  
2 - just the face of the building. The Camino Real  
3 we can't really get the full effect. I mean,  
4 first of all I doubt if they ever have a  
5 challenge because no one lives to the left, to  
6 the right. This is a little different. It's on  
7 the corner. We don't need to discover that if  
8 you're letting somebody drink until 3:00 in the  
9 morning what they gonna do. People don't really  
10 leave right away. You know, first you've got the  
11 drinking in the club, in the bar, and then it  
12 comes outside and then they're sitting on the  
13 car, they talking, you know. This thing might go  
14 to sunup. So then we got pretty much perpetual  
15 24 hours a day.

16           MR. SHORT: Because they also brought that --  
17 they also brought that because they can make them  
18 move on.

19           MR. MUSE: I'm just saying but that's what  
20 you have. And we don't really have to discover

1 that because you could just examine anyplace,  
2 just sit back and you could just watch and find  
3 that out in one day.

4 MR. SHORT: My last statement to you --  
5 hopefully we can find a way for the businesses to  
6 exist and the community to stay strong and  
7 committed. So, we can -- we can -- everybody can  
8 coexist.

9 MR. MUSE: Exactly.

10 MR. SHORT: To a point where --

11 MR. MUSE: At no point did we say we didn't  
12 want them there.

13 MR. SHORT: Okay. All right.

14 MR. MUSE: It's just the hours. That was our  
15 main number one concern, was the hours.

16 MR. SHORT: Okay. We heard you. So, thank  
17 you very much for your testimony.

18 UNKNOWN SPEAKER: Wait a minute, I'm not  
19 done. Just, you know.

1 CHAIRPERSON ANDERSON: Hold on, before, did  
2 someone ask a -- I thought someone asked.

3 MR. ALBERTI: I have a question.

4 MS. MILLER: I have a question.

5 MS. MILLER: Thank you for staying in this  
6 evening. I think it's very important to hear  
7 from residents that are going to be most directly  
8 affected. It sounds like you're very close by.  
9 So, just commenting on the hours of the  
10 restaurant in general I just wanted to follow up  
11 and ask you about the sidewalk café, how you  
12 felt about what time those hours should go to.

13 MR. MUSE: I mean again, most nights it -- you  
14 know, at 12:00 or so. I mean, to me that's late.  
15 I mean, if you come back home, I mean to a lot  
16 people that's late. I mean --

17 MS. MILLER: That's okay. I just wanted to  
18 get your opinion.

19 MR. MUSE: Yeah. I mean some people -- I've  
20 been in New York. I don't know who voluntarily

1 could exist -- and I've got family members in New  
2 York -- New York I'm not really comfortable with  
3 a place that [inaudible 36:23] I mean, to me you  
4 nuts if you want to be there, but that's just me.  
5 Some people love it. But, if somebody comes here  
6 trying to make it New York I'm going to fight  
7 like hell to see that it don't, because I think  
8 that's crazy. I mean, that stuff should be on  
9 and off and closed and you can't function like  
10 that, I mean --

11 MS. MILLER: Do you think there's a need in  
12 your community for a family friendly restaurant?

13 MR. MUSE: Yes, a family friendly restaurant  
14 that closes.

15 MS. MILLER: At 12:00 on weekdays.

16 MR. MUSE: Yes.

17 CHAIRPERSON ANDERSON: Mr. Alberti?

18 MR. ALBERTI: I'm going to ask this sort of  
19 the same question that Ms. Miller asked you about  
20 the sidewalk café. But I want to make sure that

1 we're on the same page as to what you think a  
2 sidewalk café is going to look like. When you  
3 said 12:00, were you envisioning an enclosed  
4 sidewalk café or one that was completely open?

5 MR. MUSE: The café part --

6 MR. ALBERTI: And would it make a difference?

7 MR. MUSE: I don't think it would really make  
8 a difference because if it's enclo -- if it's not  
9 enclosed, like some kind of you know -- like  
10 temporary barriers or whatever, then that's  
11 pretty much outside.

12 MR. ALBERTI: Has no barriers, it was just  
13 completely open, what hours would you want it  
14 open?

15 MR. MUSE: Probably just up until 12:00.

16 MR. ALBERTI: Okay, thank you, very good.  
17 Thank you. That's it.

18 MS. MILLER: I'm sorry, I forgot to ask one  
19 other question.

20 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

1 MS. MILLER: Is that okay, Mr. Chairman?

2 CHAIRPERSON ANDERSON: Yes, ma'am.

3 MS. MILLER: There was a mention of possible  
4 speaker playing soft music on the patio, sidewalk  
5 café, I mean,. Did you have any concern about  
6 that?

7 MR. MUSE: Well, I mean you can get into dB  
8 and volumes and stuff like that. Like I say,  
9 these are old houses. I love music, but when you  
10 live somewhere like, again, I say -- I mean,  
11 could you live with -- [witness pounds on stand].  
12 I mean right now that sounds like banging on the  
13 table. If you perpetually go a long way it  
14 annoys the hell out of you. I mean.

15 MS. MILLER: We didn't know, we [inaudible  
16 38:42] or something. Do you have that concern  
17 about, you know, other than light music?

18 MR. MUSE: No, I'm not -- I love music, but,  
19 like I say seven days a week all night long it  
20 would annoy me.

1 MS. MILLER: Okay. Thank you.

2 CHAIRPERSON ANDERSON: Yes, Mr. Alberti?

3 MR. ALBERTI: Mr. Muse, if we -- earlier we  
4 heard about construction. A brick building to  
5 contain the noise. So, I want to get your  
6 experience. I'm pretty familiar with the  
7 construction in the homes in that area, they're  
8 probably like my neighborhood, they're brick  
9 construction, is that correct?

10 MR. MUSE: Yes.

11 MR. ALBERTI: Is it four [inaudible of brick?  
12 Separate building. I mean you've got, like, four  
13 courses of brick.

14 MR. MUSE: Yes.

15 MR. ALBERTI: Between the walls?

16 MR. MUSE: Right.

17 MR. ALBERTI: Ever hear your neighbors?

18 MR. MUSE: Not so much the neighbors, but  
19 you, you know it's like a residence. D.C. got  
20 like a residence noise, like right now it's

1 getting quiet, it's about 9:00, everything on  
2 Georgia Avenue and [inaudible getting ready --  
3 MR. ALBERTI: So you never hear those residents  
4 through those walls? MR. MUSE: No.

5 MR. ALBERTI: Okay, great. Thank you.

6 CHAIRPERSON ANDERSON: Any follow-up  
7 questions? You're free to go sir, you can sit in  
8 the audience. Thank you for your testimony.

9 MR. MUSE: Thank you.

10 CHAIRPERSON ANDERSON: Do you have any other  
11 witness?

12 MR. SHEON: No more witnesses.

13 CHAIRPERSON ANDERSON: Do you rest?

14 MR. SHEON: I rest.

15 CHAIRPERSON ANDERSON: All right. We can now  
16 have closing arguments. In closing it's -- now  
17 you're going to wrap up everything that we heard  
18 here today and one thing that I would also like  
19 you to tell us, what it is that the ANC is asking  
20 us for in a sense of hours, what is it that you

1 want us to consider, and I want the applicant to  
2 also tell us what it is that they are asking for  
3 specifically. And, so you just wrapped up the  
4 case. And prior to wrapping up the case I want  
5 to make sure that all the evidence, the documents  
6 that you need to be moved in evidence that we  
7 have that, so if you haven't done that make sure  
8 that you do that before the case, whatever the  
9 documents that you want to move into evidence for  
10 us to consider and I need both sides to do that,  
11 okay? So, the applicant goes first.

12 MR. HUNTER: Thank you Mr. Chairman. The  
13 only exhibits we used were contained in the  
14 investigator's report so as long as the  
15 investigator report is part of the record --

16 CHAIRPERSON ANDERSON: It is.

17 MR. HUNTER: -- that will constitute all  
18 exhibits that we used. Very briefly, I think the  
19 questioning from the commissioner has really  
20 drilled this down very clearly. There's really

1 not a lot of big differences between what the  
2 applicant is asking for and what the community  
3 wants.

4       The reality of the matter is the breakdown  
5 has been over the final closing hours. I think  
6 that there's some believability, at least some  
7 understanding, as it relates to that we're going  
8 to have a tavern there, we're going to serve  
9 food, we're going to serve food the entire time  
10 we're open, there is no dance floor. We're not  
11 asking for a DJ. They do want to be able to  
12 provide light music, though, while people are  
13 dining, and that, of course, is going to be  
14 sometimes with a live jazz band or perhaps this  
15 piped in Pandora or whatever.

16       But this is a very small establishment. The  
17 total seating -- standing, seating at the bar,  
18 everything, is just a little over 100 people  
19 inside. And we're really planning on putting 40  
20 seats outside, 10 tables, 4 apiece. So, this is

1 not a big establishment. You know, this is a  
2 part of Georgia Avenue. Across the street there's  
3 a tire shop. Right across there is a Popeye's.  
4 This doesn't have the same density and traffic  
5 that exists down here on the U Street corridor.  
6 Now, what that means, that means that every hour  
7 that an operator gets to operate and do business  
8 affects his bottom line. You know, we don't have  
9 to be a nightclub to still have people from the  
10 neighborhood come in and having adverse impact on  
11 peace, order and quiet drink until we close. And  
12 those dollars make a difference.

13 I mean, the reality of the matter is even  
14 restaurant here in the U Street corridor that are  
15 licensed to close at 2:00 or 3:00 in the morning  
16 don't do it all the time. Marvin's was closed  
17 Monday, you know they could have been open. But  
18 at the same time I have also seen where  
19 restaurant will come to pioneer opening up in a  
20 neighborhood and have been subjected to very

1 serious restrictions and then others come behind  
2 them and don't have the restrictions, and that's  
3 really what the concern was here. Because that's  
4 what happened.

5 That's what happened with Red Lounge. Red  
6 Lounge closes earlier on Sunday than anybody else  
7 on the U Street corridor because they agreed to  
8 that voluntary agreement. And now, all their,  
9 their competitors in the sense that other  
10 establishments that serve liquor and food, are  
11 open. And that's what the concern was here for  
12 the owners. To be again put in that situation  
13 where we're pioneering, we're coming early, we're  
14 providing a service, we're having our hands tied  
15 behind our back before we even open our doors.  
16 That's their concern.

17 The other issue has been, again you have El  
18 Camino's. I mean, you have already a few  
19 establishments in the area that serve, or at  
20 least are permitted to serve within the legally

1 permissible hours. You know, I don't think  
2 anyone thinks it's going to be a nightclub, I  
3 don't think anyone thinks it's going to be  
4 dancing. This is really about the ability to  
5 operate within the legal -- within the hours the  
6 law permits. The patio will be enclosed. The  
7 reality of the matter is that Mr. Bah could not  
8 remember the exact materials that will be done  
9 but there will be the ability to put plastic  
10 across there, much like Duke Inn Café on U  
11 Street, is actually modeled after that patio,  
12 that's the same architect involved with that.  
13 These owners are very sensitive to their  
14 neighbors. They have great relations here on U-  
15 Street. They've operated since '08.

16 While there have been a couple of incidents  
17 that have occurred there, there haven't been 17  
18 fines or violations found. The number is quite  
19 small considering the length of time that they've  
20 operated and the number of people. They're

1 experienced operators so they know what it takes  
2 to be successful.

3 With that we just ask -- you know, this  
4 process has been very tenuous. It's taken a very  
5 long time. They're paying rent right now. And  
6 really we hope that the board would allow them to  
7 operate within the legal confines of the law. It  
8 is their intention to be very good neighbors and  
9 if that does not occur when the license comes  
10 back the community will have the opportunity to  
11 take it away as they have done recently with an  
12 establishment in the neighborhood. That  
13 establishment did have a negative impact and  
14 it's gone. That's what would happen here if that  
15 would be the case, but at least they want an  
16 opportunity to try to make their business succeed  
17 and in order to do that they need the hours.  
18 Thank you.

19 MR. SHEON: Thank you Mr. Hunter and board. I  
20 think just my remarks will be brief, but before I

1 start them I want to point one thing out that I  
2 think will be really helpful. I believe when I  
3 was elected a year ago in November that I won  
4 over my competitor because my competitor never  
5 negotiated a voluntary settlement agreement on  
6 Georgia Avenue and people were fed up. And I  
7 pledged that I would change that. And whether or  
8 not my entire ANC is going to have VSAs it's my  
9 commitment to have VSAs with every establishment  
10 in the area. Because we need a meaningful way to  
11 be able to negotiate solutions.

12 With regard to Camino Real, their license is  
13 going to come up this year and you can bet that  
14 you're going to see more of me here with them,  
15 and I will hold their standard. I mean, if we  
16 don't start somewhere at some time to limit  
17 things, because they were granted, these hours,  
18 and we know that there's a high level of crime  
19 there, we want as a neighborhood to bring that  
20 down. And we will seek reduced hours there so

1 that this issue of a competitive advantage is  
2 mini -- minimized or nullified. And I think that  
3 that's really important. You have my complete  
4 commitment that we're going to do that with all  
5 of the establishments in my district.

6 But I want to speak back to this issue of a  
7 tavern license versus a restaurant license. If  
8 they want to be a restaurant why not approve them  
9 for a restaurant license? That way, we're  
10 assured as a community that they're not going to  
11 pivot their business in that order, that they're  
12 not going to decide 'we're going to have drink  
13 specials until 3:00 in the morning' or however  
14 late you let them stay open. I think that's very  
15 important and that that would give us some sense  
16 of reassurance, and Mr. Bah agreed, said that he  
17 didn't seem to have a problem with that. That  
18 was his testimony.

19 So, I would like to add that I think -- I  
20 think the hours issue has been hashed and

1 rehashed and you know how everybody feels but  
2 when you look at issues like 'we want to have  
3 speakers on the patio' this is the first that  
4 I've ever heard of that. What are the volume  
5 levels? How's that going to be managed? What if  
6 we have a complaint about that? What is the way  
7 to mediate that, okay? I would like -- and  
8 trash. What if the church changes its mind or  
9 what if that church is sold off and becomes a  
10 different business that doesn't agree to that.  
11 What's going to happen? There are -- and the  
12 patio, what if they don't get the Grade Street  
13 grant and don't have the funds to create an  
14 enclosed patio?

15       These are serious issues that need to be  
16 dealt with through an agreement and I'm hearing  
17 you say, and this is new to me so I apologize if  
18 I'm wrong, that you can't mandate a condition of  
19 granting a license conditional upon agreement on  
20 a voluntary settlement agreement. But what I can

1 ask, then, is that you remediate these issues.  
2 Like, how often do we have to complain and that  
3 complaint is validated by an ABRA investigator  
4 before they are going to make a change? And  
5 how's that going to happen? And what's the  
6 penalty going to be if they ignore us?

7 We -- I mean, I think that you got a sense  
8 from some of the residents, we feel ignored. We  
9 have made many, many, many good faith efforts to  
10 reach out and create a partnership here and to  
11 work through these situations but never are our  
12 requests answered. And mediation failed because  
13 we waited half an hour and they didn't show up.  
14 So, and then, even after that I sent an e-mail  
15 saying 'can we still meet and find an agreement  
16 on these issues?'

17 So, when you have a management that has a  
18 repeated history with that and with the extremely  
19 troublesome, though I understand that Red Lounge  
20 is a different establishment, but those are some

1   troublesome assaults in the last 17 months, three  
2   of them. I want an assurance for our community  
3   that we have a path that doesn't require us  
4   waiting three years to come back to you. And you  
5   all see this every day. And as you can tell, I'm  
6   a little bit of a rookie. I want your help in  
7   finding a remediation process that's going to  
8   give us the ability to hold them accountable  
9   before three years' time. For some of these  
10  areas that just aren't determined yet. We  
11  haven't even seen blueprints. And, Ms. Abbott  
12  lives 14 feet away from the rear. What if that  
13  patio is a lot louder than she had anticipated  
14  and testified to?

15       These are the issues that I need help with  
16  and I have tried in good faith, and my community  
17  members have as well, to reach across the aisle  
18  and to forge those partnerships and we haven't  
19  received a response except as Mr. Muse said that  
20  they will not budge on hours. And if that was

1 the case then we had no deal. So, here we are.  
2 And I really ask for your help in resolving this.  
3 I think you're right. We all -- there is a  
4 solution here and I wish I could have been the  
5 one to negotiate it and bring it to you and have  
6 you sign off on it but that didn't happen, so I  
7 need your help to make it happen on noise, on  
8 hours, on patio, on trash, and noise inside and  
9 outside. What happens if somebody loiters?  
10 These are issues that -- I could suggest what  
11 those responses would be. I could write you a  
12 note if you -- if you'd like to have that in  
13 writing or something to go on, but, you know, we  
14 don't have them and it wasn't from our lack of  
15 effort.

16 CHAIRPERSON ANDERSON: All right since you're  
17 representing the ANC you also represent the group  
18 of 23.

19 MR. SHEON: Correct.

1           CHAIRPERSON ANDERSON:  So what hours is it  
2   that I -- I have heard different hours from  
3   different residents, so as a representative of  
4   the ANC and the group of 23, what are the hours  
5   that would satisfy you?  You know, your group.

6           MR. SHEON:  Right.  I think that during the  
7   week we've heard times as early as 11:00 I  
8   believe and as late as 12:00 and I think that  
9   11:30 with that being last call, but that they  
10  could be, you know, a half hour or hour later  
11  cleaning up and getting out of there would be  
12  fine and I think that 12:30 on the weekends would  
13  be fine.  And I think that the outdoor patio  
14  10:00.  This is a quiet area.  The investigator  
15  found that and it really concerns me what's going  
16  to happen there.

17          CHAIRPERSON ANDERSON:  Go ahead, Mr. Alberti.

18          MR. ALBERTI:  Coming out of this hearing, the  
19  board consent conditions.  You can't, you on a  
20  license so, you can't do something that you think

1 of as a settlement agreement. But we can set - we  
2 have a wide purview of conditions that we can set  
3 on a license. So, we can address more than just  
4 hours.

5 So, I want you to know that so in the future  
6 when you come here know that your arguments don't  
7 necessarily have to be in vain. There are a lot  
8 of things that the board can do to address in its  
9 order and I'm talking about this case so just  
10 know that. So, we have addressed the issues, The  
11 quiet issues, the parking issues. We've addressed  
12 all kinds of issues in board orders coming out of  
13 these hearings. And you should know that as you  
14 go forward in the process of negotiations, OK?.  
15 Thank you. Chairman Anderson may I make a  
16 suggestion?

17 MR. SHEON: May I make a suggestion as to  
18 what's in those conditions should be?

1 MR. ALBERTI: No. You made your closing  
2 arguments, we have the evidence, I think we're  
3 done. I think I can make my decisions.

4 CHAIRPERSON ANDERSON: Thank you. All right,  
5 you have an opportunity to -- to file a proposed,  
6 to do a proposed findings of fact and conclusions  
7 of law. You don't have to do that, I mean that  
8 you can apply something to some of the case and  
9 give us some case law to decide on but you don't  
10 have to do that, we can we can rest on the  
11 record, but you have that opportunity if you  
12 would like to, if you would like to do that, or  
13 if you would just like to close based on what is  
14 presented.

15 MR. SHEON: I guess I preserve the  
16 opportunity to do that? I can't do that either.  
17 OK, then I'll close.

18 CHAIRPERSON ANDERSON: All right. Mr. Hunter?

19 MR. HUNTER: We will not submit a  
20 supplemental filing now.

1           CHAIRPERSON ANDERSON: All right. Then, the  
2 matter is closed, and so I will make my final  
3 statement as Chairman of the Alcoholic Beverage  
4 Control Board for the District of Columbia and in  
5 accordance with DC code system section 2574 B of  
6 the Open Meetings Act, I propose that the ABC  
7 board hold a closed meeting for the purpose of  
8 seeking legal advice from our counsel on Case  
9 number PRO-15-00101 Castello Restaurant and  
10 Lounge pursuant to DC code section 2574 B of the  
11 Open Meetings Act and deliberation upon Case #15-  
12 PRO-00101 for the reasons cited in D.C. Code  
13 section 2574 B 13 of the open meetings act is  
14 there a second?

15           MR. SHORT: Second.

16           CHAIRPERSON ANDERSON: Mr. Short has seconded  
17 the motion and I will now take a roll call for  
18 the motion, of the motion -- I'm sorry it's a  
19 long day. I will now take a roll call vote on  
20 the motion before us. Ms. Miller?

1 MS. MILLER: I agree.

2 CHAIRPERSON ANDERSON: Mr. Alberti?

3 MR. ALBERTI: I agree.

4 CHAIRPERSON ANDERSON: Mr. Short?

5 MR. SHORT: I agree.

6 CHAIRPERSON ANDERSON: Mr. Silverstein?

7 MR. SILVERSTEIN: I agree.

8 CHAIRPERSON ANDERSON: Chairperson Anderson  
9 yes. The matter has now passed. The motion has  
10 passed 5-0-0. I hereby give notice that the ABC  
11 board will recess this proceeding to hold a  
12 closed meeting in the ABC conference room  
13 pursuant to section 2574 B of the Open Meetings  
14 Act and we stand adjourned at 9:29 p.m.

15 [9:29 (p.m.)]