

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff

CHRISTOPHER CONDON, DC ABRA Investigator

KIRSTEN CRAFT, Protestant

MATTHEW DEVENDORF, Protestants' Counsel

PAUL JOHNSON, ANC 4C

MINA KARIMI, Protestant

GABRIELLA KUBINYI, Protestant

MATTHEW SIORDIA McMULLEN, Protestant

FREZ TEAME, Applicant

KIMYIA VARZI, Witness

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

2 3:36 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon,
4 everyone, and welcome to the continuation of the
5 hearing from the ABC Board. My name is Donovan
6 Anderson. I'm Chairman of the Board.

7 I just want to introduce to you the
8 members who are here today. The members who are
9 joining us today and the reason I'm going --
10 although I did this, this morning, but I know
11 that we have a different audience this afternoon
12 at 3:30. So the members who are here with us
13 today are Mr. James Short, Mr. Bobby Cato, Ms.
14 Jeni Hansen, and Mr. Edward Grandis. The Board
15 has five members in attendance today for the
16 conduct of business, and that constitutes a
17 quorum.

18 Before we get underway with today's
19 hearing calendar, I need to make a few
20 instructions very clear so that the conduct of
21 this hearing is understood by everyone. Now this
22 is the last hearing that we have for the day. So
23 once your case is called, I will take a moment
24 for our IT specialist to elevate the rights for
25 each party to enable their camera and microphone.

1 Then and only then will you have the ability to
2 enable your equipment.

3 If your case is not being heard, you
4 will remain mute and your camera will be
5 disabled. At the conclusion of each case, the
6 parties will have the option to leave. If a
7 party chooses to stay, all cameras and
8 microphones for the concluded case will be
9 disabled. Should you have any questions or
10 require technical assistance during the hearing,
11 please submit them using the question-and-answer
12 feature or email simone.andrews2@dc.gov.

13 Now this is a protest hearing. I've
14 not seen the documents. And so there are
15 probably a significant amount of individuals who
16 will be testifying today. Once I've asked Ms.
17 Andrews to elevate your rights, I'm going to ask
18 that everyone's microphone be muted.

19 If you are not speaking, I'm
20 requesting -- since your rights will be elevated,
21 I'm requesting that your microphone be muted. If
22 you're speaking, your microphone should be muted.
23 All right.

24 So this case -- so the next case on
25 our calendar is a protest hearing, Case No. 19-

1 PRO-00144, Safari Restaurant and Lounge, License
2 No. 90424. Ms. Andrews, can you please elevate
3 the rights of the owner, Mr. Frez Teame. There's
4 a protestant, Commissioner Maria Barry,
5 Commissioner Jonah Goodman, Commissioner Paul
6 Johnson. I think the witnesses are Kim Varzi,
7 Matthew Devendorf. I guess counsel for the
8 protestant, there's Matt Siordia and Investigator
9 Jovan Miller. Please elevate the rights of those
10 parties, please.

11 MS. ANDREWS: Sure. Stand by.

12 CHAIRPERSON ANDERSON: And I think
13 there's a Kirsten Craft.

14 MS. ANDREWS: Mr. Teame, your rights
15 have been elevated. Ms. Kim Varzi, your rights
16 have been elevated. Mr. Paul Johnson, your
17 rights have been elevated.

18 Mr. Devendorf, your rights have been
19 elevated. Mr. Siordia, your rights have been
20 elevated. Excuse me if I didn't pronounce
21 correctly.

22 Ms. Craft, your rights have been
23 elevated. Ms. Karimi, your rights have been
24 elevated. Mr. Condon, your rights have been
25 elevated. Okay.

1 Mr. Chair, I'm going to go ahead and
2 check the chat because I see a lot of people
3 sending message to make sure I didn't miss
4 anyone. Okay. Oh, Mr. Montesinos, your rights
5 have been elevated. Let me check one more thing.

6 Okay. I do see a few more people, Mr.
7 Gabriella. I'm going to go ahead and elevate
8 your rights. Okay. That's all, Mr. Chair.

9 CHAIRPERSON ANDERSON: That's
10 everyone?

11 MS. ANDREWS: Yes.

12 CHAIRPERSON ANDERSON: All right. So
13 everyone, if you have -- if you're able to open
14 your camera, please open your camera. But I'm
15 asking that your mic be muted, please, because if
16 mic is open, we're going to have some (audio
17 interference) that your mic should only be open
18 when you are speaking. All right. Good
19 afternoon, everyone.

20 This is the first protest hearing that
21 we're having through -- since COVID. So what I'm
22 going to do is that I'm going to have the parties
23 introduce themselves. And let's start with the
24 licensee. I'm asking the licensee state and
25 spell his name for the record, please.

1 MR. TEAME: Sure. Good afternoon,
2 everyone. My name is Frez Teame (audio
3 interference) in D.C., Safari DC Restaurant and
4 Lounge.

5 CHAIRPERSON ANDERSON: I'm not sure if
6 it's my connection or your connection, Mr. Teame.
7 I'm not sure I was able to hear you clearly.

8 MR. TEAME: All right. I'll repeat
9 again so you understand. My name is Frez Teame.
10 I am the owner of Safari DC Restaurant and
11 Lounge, 4306 Georgia Avenue, Northwest,
12 Washington, D.C.

13 CHAIRPERSON ANDERSON: All right.
14 That was better. All right. Thanks. Then let's
15 start with the ANC representative.

16 MR. JOHNSON: I just unmuted myself.
17 Can you hear me?

18 CHAIRPERSON ANDERSON: I can hear you.
19 Go ahead, sir. State your name for the record
20 and who you represent.

21 MR. JOHNSON: Okay. My name is Paul
22 Johnson. I'm the Chairman of ANC 4C. And we're
23 protesting the removal of the license.

24 CHAIRPERSON ANDERSON: All right. Who
25 is with you on your side, Mr. Johnson? So you

1 could call their name. And once you call their
2 name, I'll ask that those folks identify
3 themselves for the record.

4 MR. JOHNSON: It's only myself
5 representing 4C, but we have a witness, Kim
6 Varzi, who is the former ANC of the single member
7 district of which Safari is located.

8 CHAIRPERSON ANDERSON: I'm sorry.
9 Who's the witness you said, sir? Kim? So Kim --

10 MR. JOHNSON: Kim Varzi.

11 CHAIRPERSON ANDERSON: -- Varzi?

12 (Simultaneous speaking.)

13 MR. JOHNSON: Yeah, she's the former
14 --

15 CHAIRPERSON ANDERSON: Can she
16 identify herself and spell her name for the
17 record, please?

18 MR. JOHNSON: I believe she's on.

19 CHAIRPERSON ANDERSON: I see her. So
20 that's why I'm asking her to introduce herself
21 for the record and spell her name.

22 (No audible response.)

23 CHAIRPERSON ANDERSON: I cannot hear
24 you, ma'am.

25 (No audible response.)

1 CHAIRPERSON ANDERSON: I cannot hear
2 you.

3 (No audible response.)

4 CHAIRPERSON ANDERSON: I cannot hear
5 you.

6 MS. VARZI: Can you hear me now?

7 CHAIRPERSON ANDERSON: I can hear you
8 now, ma'am. Go ahead.

9 MS. VARZI: Okay. Apparently, there's
10 something wrong with my AirPods. Apologies. My
11 name is Kimyia Varzi, K-I-M-Y-I-A, Varzi, V as in
12 Victor, A-R-Z-I. And I'm the former Commissioner
13 4C07.

14 CHAIRPERSON ANDERSON: All right. So
15 let's start with the representative of the group.

16 MR. DEVENDORF: That would be me, Matt
17 Devendorf. Good afternoon, Chairman Anderson.

18 CHAIRPERSON ANDERSON: Good afternoon.
19 Please spell your name for the record, sir.

20 MR. DEVENDORF: It's M-A-T-T-H-E-W,
21 Matthew, Devendorf, D-E-V-E-N-D-O-R-F.

22 CHAIRPERSON ANDERSON: Can you tell us
23 the people who you're representing? And why
24 don't you call their names and then they can
25 identify themselves for the record, please.

1 MR. DEVENDORF: Sure. I'm
2 representing the abutting property owners
3 protesting the renewal application. On the call
4 today, we have Kirsten Craft, Matt Siordia, Mina
5 Karimi, and Gabriella Kubinyi.

6 CHAIRPERSON ANDERSON: So can we have
7 the folks identify themselves on the record in
8 the order that Mr. Devendorf had identified them?

9 MS. CRAFT: Good afternoon, Mr.
10 Chairman. My name is Kirsten Craft. Kirsten is
11 K-I-R-S-T-E-N, Craft, C-R-A-F-T.

12 CHAIRPERSON ANDERSON: All right. Who
13 else do we have?

14 MR. SIORDIA MCMULLEN: This is Matthew
15 Siordia. First name, Matthew, M-A-T-T-H-E-W,
16 Last name Siordia, S-I-O-R-D-I-A.

17 CHAIRPERSON ANDERSON: Okay. Who else
18 do we have?

19 MR. DEVENDORF: Next was Mina Karimi.

20 MS. KARIMI: My name is Mina -- hello?

21 CHAIRPERSON ANDERSON: Can you repeat,
22 ma'am? I did not hear you.

23 MS. KARIMI: Hi. I'm Mina Karimi. I
24 live at 4308 Georgia Avenue. Can you guys hear
25 me?

1 CHAIRPERSON ANDERSON: Yes.

2 MS. KARIMI: Hi. I'm Mina Karimi. I
3 live next door at 4308 Georgia Avenue, Unit 202.

4 CHAIRPERSON ANDERSON: All right. Who
5 else do we have?

6 MS. KUBINYI: Good afternoon. My name
7 is Gabriella Kubinyi. It's G-A-B-R-I-E-L-L-A,
8 last name, Kubinyi, K-U-B as in boy, I-N-Y-I.

9 CHAIRPERSON ANDERSON: And who are
10 you, ma'am?

11 MS. KUBINYI: One of the abutting
12 property owners.

13 CHAIRPERSON ANDERSON: Okay. Has
14 everyone identified themselves? Everyone who's
15 in line, everybody has identified themselves?

16 (No audible response.)

17 CHAIRPERSON ANDERSON: All right. So
18 thank you for being here today. And as I stated
19 before, I'm asking that unless you are speaking,
20 please ensure that your microphone is always on
21 mute because -- Mr. Montesinos, could you please
22 put your microphone on mute, please? Thank you.
23 All right. All right.

24 This matter comes before the Board as
25 a protest on the application to renew Fab Lounge

1 Inc., trade name, Safari Restaurant and Lounge
2 with Retailer Class C Tavern, License No. 090426,
3 located at 4306 Georgia Avenue, Northwest. By
4 way of background, the Board's record reflects
5 the following. The renewal application was
6 placarded on October 11th, 2019.

7 ANC 4C represented by Commissioner
8 Paul Johnson filed a protest. A second protest
9 was filed by a group of residents who reside at
10 4308 Georgia Avenue, Northwest and who are
11 recognized as abutting property owners. ANC 4C
12 was granted full standing and the abutting
13 property owners were granted conditional standing
14 at the roll call hearing held on February 6,
15 2020.

16 The status hearing was held on March
17 11, 2020. The Board granted the residents full
18 standing as a group of abutting property owners.
19 The protest hearing was originally scheduled for
20 August 8, 2020 but was canceled due to the public
21 health emergency and the COVID-19 pandemic.

22 Before this hearing gets underway,
23 there is one matter that the Board wanted to
24 address. At every status hearing, I'm very clear
25 about requirements set for the parties who are

1 proceeding to a full protest hearing.
2 Specifically, the rules require that parties
3 submit pre-hearing documents in the manner of a
4 Protest Information Form, PIF, and in exhibit
5 form.

6 It appears that the applicant has
7 failed to comply with my instructions. For the
8 record, on March 11th, 2020, I informed the
9 parties on the record at the status hearing that
10 failure to file the Protest Information Form
11 could subject the application or the protest to
12 dismissal. On December 28th, 2020, Assistant
13 General Counsel Randall reminded the parties via
14 email that they were to file their Protest
15 Information Form seven days prior to the hearing.

16 The protestants complied with the
17 requirement and served their hearing documents
18 with the Agency and on the applicant. The
19 applicant did not comply with the filing
20 requirement and to date has not filed its Protest
21 Information Form as required by regulation.
22 Pursuant to 23 DCMR Section 1722.1, all parties
23 to a protest hearing shall file a Protest
24 Information Form. There is no discretion in the
25 regulations regarding the PIF form. Mr. Teame,

1 can you please explain why you did not file your
2 PIF?

3 MR. TEAME: Good afternoon. I respond
4 everything via email. The form was sent to me
5 was not capable of filling out. But I respond
6 via email.

7 CHAIRPERSON ANDERSON: What do you
8 mean you responded via email? Who did you send -
9 - did you send a form and who your witnesses are
10 and the documents you're going to --

11 (Simultaneous speaking.)

12 MR. TEAME: Yes.

13 CHAIRPERSON ANDERSON: Who did --
14 where did you send that to?

15 MR. TEAME: I sent the email to Ms.
16 Randall.

17 CHAIRPERSON ANDERSON: Did you send
18 that to the protestant?

19 MR. TEAME: I'm not sure. But I know
20 the email was all sent to everybody.

21 MR. DEVENDORF: Mr. Chairman, the
22 protestants did not receive any PIF or any other
23 pre-hearing documents from the applicant.

24 CHAIRPERSON ANDERSON: Mr. Devendorf,
25 when you speak, please just identify yourself for

1 the record, please. Okay?

2 MR. DEVENDORF: Sorry about that.
3 I'll do that in the future.

4 CHAIRPERSON ANDERSON: Okay. Thank
5 you. So it's my understanding, Mr. Teame, that
6 the Agency did not receive your PIF. And now
7 I've been told by Mr. Devendorf that he did not
8 receive it. And so Mr. -- I'm sorry -- Mr.
9 Johnson, did you receive a copy of it?

10 MR. JOHNSON: No, sir, Mr. Chairman.
11 We did not receive a copy of it.

12 CHAIRPERSON ANDERSON: All right. So
13 Mr. Teame, I was told you did submit an email.
14 However, you specifically was told that you need
15 to submit the form. So I don't even know what's
16 on the -- I mean, I know that I specifically --
17 all right. All right.

18 Anyway, so this is what I'm going to
19 do. Notwithstanding the applicant's failure to
20 file the pre-hearing documents, we're going to
21 proceed to a protest hearing today. However, if
22 any attempt is made by the applicant to call
23 witnesses or submit exhibits not properly and
24 fully disclosed to the protestants prior to the
25 hearing, it would give me (audio interference) I

1 would allow it.

2 It is within the Board discretion to
3 exclude any witnesses or exhibits not disclosed
4 prior to a hearing if we find it's prejudiced by
5 the protestants. So I will see when you present
6 your case, Mr. Teame, how you plan to present
7 your case. I know that you can testify. But
8 we'll see whether or not you're going to have
9 documents and witnesses to rely on. And then we
10 will address that issue when we get there.

11 Now once -- okay. This is a new
12 format for us. And because of COVID, we're doing
13 this protest hearing remotely. So because we're
14 doing this protest hearing remotely, there are a
15 few changes that the Board has established to
16 ensure that this operates smoothly.

17 Each side is limited to no more than
18 five witnesses. And you will have 60 minutes to
19 present your case. This includes all direct and
20 cross examination.

21 The Board does not intend to hear
22 testimony on matters that are not relevant to
23 those issues that are being protested. I believe
24 that that is fair and reasonable that each side
25 should have an hour to present its case. I'm

1 going to try to hold on to that time frame to
2 ensure that we're not going to be online all
3 night tonight in the sense of the presentation of
4 this case.

5 This is how this is going to operate
6 today. So of course, I'm going to do -- the way
7 we're going to do the case is that the Board is
8 going to call its witness. I'm going to ask the
9 -- all right. This is how it's going to operate.

10 So the applicant will make an opening
11 statement. After the applicant makes an opening
12 statement, then the protestant will make an
13 opening statement. And I know there are two sets
14 of protestants which are the ANC and the group,
15 the abutting property owner.

16 After the applicant and the protestant
17 has made its opening statement, then the Board
18 will call its witness. And the Board's witness
19 is our investigator. Once the Board's witness
20 has testified, the Board -- since it's the
21 Board's witness, the Board will ask questions of
22 its witness.

23 So we're going to ask questions of our
24 witness based on the testimony that's given by
25 that witness. Once the Board's witness has --

1 once the Board has asked questions of the Board,
2 then I will give an opportunity for the licensee
3 to ask questions of that witness. After the
4 licensee asks questions of the Board's witness, I
5 will give the ANC an opportunity to ask questions
6 of the Board's witness.

7 After the ANC has asked questions of
8 the Board's witness, then the representative of
9 the abutting property owner then -- he will have
10 an opportunity to ask questions of the Board's
11 witness. I'm not going to -- then I'm not going
12 to give you an opportunity to go back and ask
13 follow-up questions. Once that's done, then the
14 Board will conclude its case.

15 After the Board concludes its case,
16 then I will have the applicant present its case.
17 Once the applicant has presented its case, then
18 I'll have the protestants. So now let me ask the
19 ANC. How many witnesses does the ANC have?

20 (No audible response.)

21 CHAIRPERSON ANDERSON: Mr. Johnson,
22 how many witnesses do you have, if any? Who's
23 going to testify on your side?

24 MR. JOHNSON: We have one witness, Mr.
25 Chairman.

1 (Simultaneous speaking.)

2 MR. JOHNSON: A former ANC

3 Commissioner --

4 CHAIRPERSON ANDERSON: So are you --

5 MR. JOHNSON: -- Kim Varzi.

6 CHAIRPERSON ANDERSON: So are you
7 going to testify, sir? Or are you just going to
8 ask her questions?

9 MR. JOHNSON: I'm going to make the
10 opening statement.

11 CHAIRPERSON ANDERSON: Okay.

12 MR. JOHNSON: And subsequent to that,
13 I will hand it over to our witness, Kim Varzi.

14 CHAIRPERSON ANDERSON: So who's going
15 to ask questions of -- who's going to do cross
16 examination, in the sense, ask questions of the
17 Board's witnesses -- the Board's witness? Or who
18 would cross examine Mr. Teame after he has
19 testified or presented his case?

20 MR. DEVENDORF: This is Matt
21 Devendorf, Mr. Chairman. I'll be doing the cross
22 examinations today.

23 CHAIRPERSON ANDERSON: Okay. So I'm
24 just trying to figure out how that -- because
25 there are two different -- since there are two

1 specific -- we have the abutting owners and we
2 have the ANC. So I'm just trying (audio
3 interference) presentation. Maybe you can tell
4 me how the presentation is going to go.

5 MR. JOHNSON: So I can --

6 MR. DEVENDORF: Sorry.

7 MR. JOHNSON: -- speak from the ANC's
8 perspective as a steward of the broader
9 community.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. JOHNSON: We want to --

12 MR. DEVENDORF: This is Matt
13 Devendorf.

14 MR. JOHNSON: We want to convey our
15 stance as -- I think I was still speaking -- as
16 an Advisory Neighborhood Commission, we want to
17 give context for the broader community and
18 community behavior and our position as a
19 commission with respect to the licensee.

20 CHAIRPERSON ANDERSON: And so then,
21 Mr. Devendorf, you're going to be calling
22 witnesses and cross examining them. Is that your
23 role, please?

24 MR. DEVENDORF: Yes, Mr. Chairman. I
25 think the -- so the abutting property owners I

1 think are kind of taking the lead here. We have
2 our witnesses and I'll be doing the cross
3 examination of the Board's witness as well as the
4 applicant.

5 CHAIRPERSON ANDERSON: Okay. That's
6 fine.

7 MR. DEVENDORF: Okay.

8 (Simultaneous speaking.)

9 MR. DEVENDORF: And as far as opening
10 statements go, I don't know how you want to
11 organize those, but --

12 CHAIRPERSON ANDERSON: Well --

13 MR. DEVENDORF: -- whoever you want to
14 go first.

15 CHAIRPERSON ANDERSON: -- as I stated,
16 as opening statements, I'll have -- if the ANC
17 wants to make an opening statement, they can make
18 the opening statement and then you can make an
19 opening statement on behalf of the abutting
20 property owner. So that's what I will do. All
21 right.

22 MR. DEVENDORF: I have a couple other
23 questions before we move on. There's another --

24 (Simultaneous speaking.)

25 MR. DEVENDORF: Sorry. Go ahead.

1 CHAIRPERSON ANDERSON: That was what
2 I was about to ask, are there any preliminary
3 matters? So what are the preliminary matters
4 that you want to raise?

5 MR. DEVENDORF: Perfect. So just
6 following up on the time, first of all. Will the
7 abutting property owners and the ANC be sharing
8 one hour? Or will we have one hour for both of
9 our cases?

10 CHAIRPERSON ANDERSON: Well, there are
11 two different protestants. So you'll have an
12 hour each. But I'm hoping that we can
13 consolidate that. But the abutting property
14 owner will have an hour and the ANC will have an
15 hour. But based on what I'm told, it doesn't
16 appear that the ANC is going to require an hour.
17 So they'll have the hour, but you have an hour to
18 do your presentation.

19 MR. DEVENDORF: Right. Okay. And as
20 far as drawing from that hour, will cross
21 examinations draw from that hour? Or is that
22 only direct examinations?

23 CHAIRPERSON ANDERSON: It --

24 MR. DEVENDORF: And what about opening
25 statements and closing arguments?

1 CHAIRPERSON ANDERSON: It's direct and
2 cross examination, starting with the presentation
3 of your case. So remember, the Board is going to
4 present its case first. So that doesn't count.
5 So your time starts once you start presenting
6 your case.

7 So once you present your case, I'll
8 give each side up to five minutes to do an
9 opening statement and up to five minutes to do a
10 closing statement. Okay? So I'll give you five
11 minutes to do an opening, five minutes to do a
12 closing, and that's not going to take away from
13 your time.

14 But once you present your case, that's
15 the hour. So if you're cross examining during
16 that period of time, then you're taking away from
17 your time. But once you start to present your
18 case, that's when your hour starts.

19 MR. DEVENDORF: But I do have one
20 other preliminary matter. We have a pending
21 motion before the Board regarding the abutting
22 property owners --

23 CHAIRPERSON ANDERSON: It was granted.
24 Well, I'm sorry. It was on our legal agenda
25 today. And so the Board agreed to grant your

1 motion because we have the documents. So your
2 motion -- well, state what the -- I'm sorry.
3 State on the record what the motion was, sir.

4 MR. DEVENDORF: Sure. It seems like
5 we're on the same page. But the abutting
6 property owners filed their PIF in exhibit form
7 timely. However, we noted there are a few
8 documents that -- at the -- on the deadline for
9 filing the PIF in exhibit form were not currently
10 in our possession.

11 They were in ABRA's possession, and we
12 were waiting for a FOIA request to be processed.
13 We submitted that FOIA request the day after we
14 received notice of the hearing being scheduled.
15 So we had some back and forth of not getting all
16 the documents we requested which is why we
17 weren't able to submit our complete exhibit form
18 until earlier this week.

19 The two documents that we ended up
20 adding to the exhibit form are both ABRA records.
21 One is an investigation report regarding an
22 incident that occurred at the establishment. The
23 other is ABRA records regarding noise complaints
24 filed against the establishment for the years
25 2017 and 2018.

1 So again, those are both ABRA
2 documents. Both have -- both are in direct
3 connection to the establishment. And so we
4 didn't believe there'd be any prejudice and it
5 seems the Board agreed.

6 CHAIRPERSON ANDERSON: On our -- your
7 motion was placed on our legal calendar today.
8 And I did -- the Board did vote earlier this
9 afternoon when we had our public hearing. And we
10 voted on your motion, and the Board voted five to
11 nothing to grant your request. So the request
12 was granted and it was on -- it's on the record
13 when we voted earlier at probably about 1:45 this
14 afternoon. So the motion was granted.

15 MR. DEVENDORF: And one other item.
16 I don't know if we want to take care of this now
17 or after we open our case in chief. But as these
18 documents are both ABRA documents in the same
19 sense that the evaluation report prepared in
20 connection with this case is a part of the
21 record, we wanted to move those into the two ABRA
22 documents that we have. We wanted to move those
23 into the record. But I don't know if you want to
24 do that -- if we want to do that now or just wait
25 as a preliminary matter or do it when we open our

1 case in chief.

2 CHAIRPERSON ANDERSON: We'll do it
3 when you open your case in chief because you'll
4 have to move that I -- you have to move that the
5 documents have been moved into evidence.

6 MR. DEVENDORF: Okay. We'll do it
7 then.

8 CHAIRPERSON ANDERSON: So when we --
9 so at that point, you can do that. Okay?

10 MR. DEVENDORF: Okay. I believe that
11 is all. And I think you already covered the
12 issue with the applicant's PIF form. So I guess
13 we'll see what the applicant ends up -- what
14 evidence the applicant ends up trying to bring
15 up. So we can address that at that time. I
16 think with that last item, the abutting property
17 owners are ready to proceed.

18 CHAIRPERSON ANDERSON: Okay. That's
19 fine. All right. So what I'm going to do then,
20 Mr. Teame, you have an opportunity to make an
21 opening statement. And so do you wish to make an
22 opening statement, sir? And I know you're not an
23 attorney. An opening statement is basically
24 telling us why is it that we're here and what is
25 it that you're asking the Board to do and what

1 you plan to do.

2 MR. TEAME: Thank you, Mr. Chairman.
3 Thank you again for the Board to see me here. As
4 far as the witnesses list and the evidence that
5 I'm trying to do is not anything new.

6 It is the investigator's report --
7 Investigator Condon's report. So I don't think
8 that would contradict with anyone's file because
9 everybody have that on their file. By saying
10 that, I'm going to start the opening statement by
11 introducing myself.

12 My name is Frez Teame. I am
13 Washingtonian. I live in Washington, D.C. for
14 almost 33 years. And I manage the ABC licenses
15 for the last 30 years, including officer's club
16 in U.S. Army bases.

17 Concerning this hearing, on November
18 17, 2014, the Fab Lounge Inc., Safari DC received
19 a letter from DCRA that the corporation --
20 development corporation is in the process of
21 building the 4308 and 4310 to develop a condo
22 unit. So when we received this letter, we know
23 this problem was coming with the future
24 residents. Still I hire an attorney.

25 I have that exhibit on the

1 Investigator Condon's Exhibit 4 for the record.
2 And we contact the developers. We tell them the
3 nature of this business. It is an entertainment
4 business. It is a bar, a restaurant with music
5 venue. So we don't need no any future problems
6 with the future residents.

7 So the building have to be built in a
8 certain manner. Then the Exhibit 4 that I have
9 on file, Investigator Condon explained the
10 detail. But the matter of that communication was
11 with the developer to make sure that they develop
12 a soundproof building, to make sure that they
13 develop a building which doesn't have no windows
14 and doors to our end so there would be no
15 interference whatsoever with our daily operation.

16 Then after a couple of correspondence
17 with the developers, we received several emails
18 which is on that Exhibit 4. And the developer
19 agreed to our terms that they are going to build
20 a building which is soundproof. Then they hire a
21 company, a sound company on that Exhibit 4 a
22 record.

23 They hire a company, a soundproof
24 company. They test that, and they say they are
25 going to build the building accordingly. But

1 unfortunately, that building is not built
2 soundproof. That's why we are here with this
3 problem with the abutting residents.

4 So while the residents come over or
5 come aboard to be our neighbors, from the first
6 day, the neighbors, they really don't want us to
7 be here -- to be here or to run a business. And
8 for the record, Safari has been here for more
9 than 30 years in this location with three
10 different managements. And myself, with this
11 management myself, this is the third time that I
12 am renewing my ABRA license without no problems
13 whatsoever from the ANC or from the neighbors.

14 We are a neighborly community, clubs
15 that we provide venues, places for meetings for
16 the area for the neighbors. And mainly our venue
17 is catered to the African diaspora. It's the
18 African diaspora, Kenyan, Ugandan, Zambian, and
19 Ethiopian. So the nature that we have of the
20 business here is music, culture, and food of East
21 African nature.

22 So since the apartment buildings come
23 aboard, from the first day until currently, it is
24 just they just don't want us to be here
25 basically. From November and December -- no,

1 June 19, for the record, Mr. Matthew Siordia
2 called more than 66 times to ABRA investigators
3 interfering with our events and disrupting our
4 businesses. And all these calls, no one at
5 anytime, though, you will find in the hearing
6 ABRA violation.

7 But the nature of my neighbors is that
8 they don't ask here. So this is the problem we
9 have. And we tried to avoid this problem way
10 before this building was coming, before it was
11 building, because we know this was coming,
12 because I live in the city and I do business in
13 the city. And I understand the nature of the
14 business.

15 So due to that, we tried to protect
16 this from happening by working day and night with
17 the developer. But unfortunately, it is the
18 fault of the developer that the developer didn't
19 build their building a soundproof building. The
20 nature of our building if I may say, it is a
21 brick building. It is a brick building, minimize
22 the noise to go out of this.

23 So I will lay the rest of what
24 measures we took and what we tried to do with the
25 neighbors to minimize for the past years. I'll

1 relay that to answer to the questions. Thank you
2 for listening.

3 CHAIRPERSON ANDERSON: All right.
4 Thank you. Mr. Johnson, do you have an opening
5 statement you want to make?

6 MR. JOHNSON: Thank you.

7 CHAIRPERSON ANDERSON: You have five
8 minutes, sir.

9 MR. JOHNSON: Can you hear me?

10 CHAIRPERSON ANDERSON: Yes, five
11 minutes.

12 MR. JOHNSON: Okay. Thank you. I
13 don't think I'll need that much time. But I'm
14 here in my capacity as Chair of Advisory
15 Neighborhood Commission 4C.

16 And we are in protest of the renewal
17 of the license because we have concerns about the
18 security associated with the establishment, with
19 the noise levels, and nuisance levels associated
20 with the establishment for the community with
21 concerns over loitering and litter, and in
22 general, an inability to reach a community-based
23 settlement agreement despite numerous efforts at
24 outreach, individually and collectively with the
25 licensee, with the neighbors, both abutting and

1 from the surrounding vicinity. For those
2 reasons, it's not in comportment with some of the
3 other businesses and establishments in the area.
4 And we have concerns that until they are
5 rectified, we would protest the renewal.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Johnson. Mr. Devendorf, please?

8 MR. DEVENDORF: Thank you, Mr.
9 Chairman. This case is about an establishment
10 whose management is unwilling or unable to act as
11 a responsible and respectful member of the
12 community. During this hearing, we'll hear how
13 over the years, Safari Lounge has been a
14 consistent source of problems for the
15 neighborhood with unacceptably loud music being
16 played late into the night, loitering and
17 littering are all part and parcel with this
18 establishment's operations.

19 Today, we'll hear about Safari
20 Lounge's adverse impact on the neighborhood from
21 four witnesses. First, Ms. Kirsten Craft, then
22 Matt Siordia, followed by Mina Karimi, and
23 finally Gabriella Kubinyi. All four witnesses
24 live in the condo building abutting the
25 establishment and are routinely plagued by the

1 establishment's operations and lack of respect
2 for the neighborhood.

3 We'll hear how the music played inside
4 the establishment can be easily heard within the
5 witnesses' individual condo units as well as
6 outside the establishment. And this music
7 continues late into the night and even causes the
8 neighbors' walls to shake, preventing them from
9 sleeping in their own homes. Some of our
10 witnesses have simply given up on being able to
11 live at home during the weekends and found other
12 places to stay.

13 In addition to the music emanating
14 from the establishment, the neighborhood
15 experiences noise and other issues as a result of
16 patrons loitering outside the establishment. The
17 witnesses will discuss how large gatherings
18 develop on the sidewalk where individuals have
19 open containers of alcohol. They're smoking
20 marijuana and leaving trash all over.

21 The evidence will show that the
22 establishment's failure to control its patrons
23 creates an environment in which violent
24 altercations occur. Furthermore, the neighbors
25 even feel unsafe walking past the establishment

1 in order to get to their homes in the evenings.
2 We'll also hear how patrons of the establishment
3 drink and smoke in their cars parked nearby and
4 how parking issues in the neighborhood are
5 exacerbated by the establishment's lack of
6 consideration for its neighbors.

7 The evidence will show that employees
8 will use their own vehicles to block parking
9 spaces or they'll even put up no parking signs in
10 order to keep spaces available for use by the
11 establishment or its other employees later in the
12 evening. And now the most extreme result of the
13 establishment's failure to properly operate is
14 the shooting that occurred just outside the
15 premises in February of 2019 which resulted in
16 the death of one individual whose blood is
17 stained in the sidewalk. On that night, it was
18 business as usual for Safari Lounge.

19 They had an event hosted by a third
20 party. They had uncontrolled loitering outside.
21 We'll hear that these third-party events are a
22 regular occurrence with the establishment and
23 they continued even after the shooting.

24 The witnesses will discuss the
25 neighborhood's efforts bringing the

1 establishment's issues to the owner's attention,
2 both before and after the shooting. However, the
3 owner was entirely unreceptive of these comments
4 and unwilling to compromise with his neighbors,
5 even hostile at times in responding to their
6 efforts. He refuses to consider the negative
7 effect of his business' operations on the
8 neighborhood and his neighbors.

9 Even after the shooting and after
10 entering into an offer in compromise which
11 resolved the charges against his business, the
12 establishment continued to cause problems for the
13 neighborhood without concern. By the end of this
14 hearing, it will be clear that the establishment
15 has a severe adverse impact on peace, order,
16 quiet, parking, and safety in the neighborhood.
17 As a result of the establishment's continued
18 disregard for the neighborhood and failure to
19 operate as a responsible business, the
20 protestants request that this Board deny the
21 renewal request, or in the alternative, limit the
22 establishment's hours as outlined in the
23 protestants' addendum to its Protest Information
24 Form. Thank you.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you. All right. So the Board will call
2 its first witness and that is Mr. Christopher
3 Condon. Mr. Condon, can you please raise your
4 right hand, please?

5 WHEREUPON,

6 CHRISTOPHER CONDON
7 was called for examination by Counsel for the ABC
8 Board, having been first duly sworn, assumed the
9 witness stand, was examined and testified as
10 follows:

11 CHAIRPERSON ANDERSON: Can you state
12 your name for the record, please?

13 INVESTIGATOR CONDON: My name is
14 Christopher Condon, C-H-R-I-S-T-O-P-H-E-R. Last
15 name is Condon, C-O-N-D-O-N.

16 CHAIRPERSON ANDERSON: And where are
17 you currently employed, sir?

18 INVESTIGATOR CONDON: I'm employed by
19 ABRA, and I'm an investigator with ABRA.

20 CHAIRPERSON ANDERSON: And how long
21 have you been employed by ABRA?

22 INVESTIGATOR CONDON: I've been
23 employed with ABRA for just over a year.

24 CHAIRPERSON ANDERSON: Have you
25 testified at a protest hearing before, sir?

1 INVESTIGATOR CONDON: I have not.
2 This is my first time.

3 CHAIRPERSON ANDERSON: What are your
4 duties and responsibility as an ABRA employee?

5 INVESTIGATOR CONDON: I conduct
6 inspections and investigations of ABC
7 establishments within D.C.

8 CHAIRPERSON ANDERSON: Now are you
9 familiar with the Safari Lounge -- Restaurant and
10 Lounge?

11 INVESTIGATOR CONDON: I am, yes.

12 CHAIRPERSON ANDERSON: And how are you
13 familiar with this establishment?

14 INVESTIGATOR CONDON: I'm familiar
15 with this establishment because I was assigned
16 the protest investigation of them.

17 CHAIRPERSON ANDERSON: Now did there
18 come a time that you wrote a report regarding
19 your findings of --

20 INVESTIGATOR CONDON: I did.

21 CHAIRPERSON ANDERSON: And I would
22 like to place on the record your report. Do you
23 have the ability to share your screen? I'm going
24 to have you go through your report. So I'm not
25 sure if Ms. Andrews had given you the ability to

1 share your screen, no?

2 INVESTIGATOR CONDON: No. I have --
3 (Simultaneous speaking.)

4 INVESTIGATOR CONDON: I have a hard
5 copy in front of me. I don't have it
6 electronically to be able to share.

7 CHAIRPERSON ANDERSON: All right.
8 Okay. All right. So you have a hard copy in
9 front of you, so let's go through your --

10 INVESTIGATOR CONDON: Yes, sir.

11 CHAIRPERSON ANDERSON: -- report.

12 INVESTIGATOR CONDON: Sure.

13 CHAIRPERSON ANDERSON: Okay. Now in
14 conducting your investigation and writing a
15 report, did you have an opportunity to speak to
16 anyone?

17 INVESTIGATOR CONDON: I did. I spoke
18 with Kim Varzi, Matthew Siordia McMullen as well
19 as Frez Teame. And those three interviews were
20 conducted in March of 2020.

21 CHAIRPERSON ANDERSON: All right. So
22 why don't you summarize for us --

23 INVESTIGATOR CONDON: Did you want me
24 to go through my report?

25 CHAIRPERSON ANDERSON: Yeah, we'd like

1 you to go through your report and summarize for
2 us your conversations with the different people
3 that you spoke to and basically state who it is
4 that you spoke to and what information were you
5 able to get?

6 INVESTIGATOR CONDON: Sure,
7 absolutely. So on Thursday, March 19th, I spoke
8 with Matthew Siordia McMullen telephonically.
9 He's the designated representative of the
10 residences at 4308 Georgia Ave. And he advised
11 his main concerns were noise, security, parking.

12 He had issues with loitering in the
13 front, cigarette butts being out in the front,
14 cups being left out there, security due to the
15 February 2019 shooting. He also had issues with
16 over occupancy on the summer garden in the rear.
17 He had issues with the gate being open in the
18 rear where they keep their trash in the
19 dumpsters.

20 But his main concern was definitely
21 noise. He also had issues with parking in the
22 front. Band members -- I'm sorry, employees
23 would reserve spots in the front for band
24 members.

25 He had issues with that. But

1 definitely his chief complaint was noise being
2 heard in multiple units within 4308 Georgia Ave.
3 It was the problem that individuals within the
4 condos really can't sleep. So that was his main
5 issue.

6 On that same day, I spoke with Kim
7 Varzi telephonically as well. And her issues
8 were noise, security, and loitering as well. She
9 advised noise was always heard within 4308
10 Georgia Ave.

11 And she also advised some residences
12 across the street had some issues as well with
13 noise. But the main issue with noise was from
14 4308 Georgia Ave due to it being the abutting
15 property. So she advised security due to the
16 shooting. She brought that up as well. And she
17 also advised loitering was an issue within the
18 front of the establishment.

19 She advised Frez Teame has done some
20 attempts to make it quieter with curtains, et
21 cetera, within the establishment, carpets on the
22 floor. She advised she has done that, but it's
23 just not enough to mitigate the noise within 4308
24 Georgia Ave. And she also advised that there's
25 been no attempts -- well, there has been attempts

1 but no successful attempts at creating a
2 settlement agreement that basically makes both
3 sides happy and whatnot.

4 On that same day as well, I
5 telephonically interviewed Frez Teame. And he
6 advised that he was aware of the two protestors
7 contesting the renewal license. He believed that
8 it was unreasonable what the protestants wanted
9 him to do.

10 He advised that his business lives on
11 live entertainment. So he advised for there to
12 be no noise within the condominium, basically the
13 establishment would have to be shut down because
14 live entertainment is such an integral part of
15 his business. He advised he feels he's done
16 enough to put -- he put curtains up on the
17 windows to help prevent shaking.

18 He's put carpets down on the low
19 speakers to basically help rattling, et cetera.
20 He also advised that ABRA conducted a walkthrough
21 of the condominium and noise could be heard. He
22 advised on different floors based on that
23 walkthrough.

24 He advised that the security plan
25 violations that Matthew Siordia McMullen advised

1 to me are unfounded. And he advised they were
2 following the security plan that he has in place.
3 He advised those were unfounded statements. He
4 also said that parking isn't an issue because
5 there's residential parking permits required on
6 Iowa Ave., which is in the rear of the
7 establishment.

8 So he advised that he doesn't
9 understand why individuals are saying there's
10 parking problems within his -- around his
11 establishment. But he feels he's overall done
12 enough and advised that it's expensive to be
13 continuing to basically soundproof the place.
14 And he advised that there's no way to fully
15 soundproof it due to it basically using the same
16 wall for the two buildings.

17 On Sunday, March 22nd, three days
18 later, I visited the establishment, met Frez
19 Teame. The establishment was closed at the time
20 due to the pandemic. So he actually opened the
21 establishment for me to visit.

22 So there were no patrons, of course.
23 It was just me and him. And I took many pictures
24 of the inside and outside of the establishment.
25 Those were all in the exhibits.

1 And he also provided me two letters,
2 a letter from Hiro Vitez (phonetic) which is
3 assistant project manager of the neighborhood
4 development company who built the condominiums.
5 So he -- there was a letter talking about wanting
6 to do sound tests with the building back in 2015.
7 So Mr. Teame definitely was foreseeing issues,
8 and that's why he wanted to provide me that
9 letter.

10 He also provided me a letter with
11 Ronald Webne who is his personal lawyer. And it
12 was a letter from Ronald Webne to the builders
13 basically advising the same concerns, that this
14 is going to be an issue, building condos, using
15 his establishment's wall basically. And he said
16 he's foreseeing that.

17 So he provided me that, took pictures
18 with me, the main reason why I visited that
19 establishment that day. I also conducted a
20 regulatory inspection. No ABRA violations could
21 be seen or no ABRA issue at all with that. So
22 Mr. Chairman, those are my -- that's my overview
23 of the three interviews I conducted back in
24 March.

25 CHAIRPERSON ANDERSON: Now can you

1 tell us about the characteristic of the
2 neighborhood, please?

3 INVESTIGATOR CONDON: Yes, it's in an
4 MU-4 zone, which is a mixed-use zone. So
5 basically, that allows the -- that's an area that
6 can be used for residential as well as commercial
7 reasons. So it can be really used for many
8 different buildings.

9 CHAIRPERSON ANDERSON: So are there --
10 what nearby establishments, if any, do we have?

11 INVESTIGATOR CONDON: So there's a
12 total of 12 licensed establishments within 1,200
13 feet of Safari. On the report, you can see them.
14 I broke it down with the location as well as
15 their license number, if they have any
16 endorsements, and if they have any settlement
17 agreements. There is only one tavern currently
18 open within 1,200 feet. And Safari is also a
19 tavern.

20 So there's one tavern. It's called
21 Petworth Cigars, and that's located at 4203
22 Georgia Ave. NW. So those are the 12 within
23 1,200 feet. I must add, though, there are no
24 visible establishments within eyesight of Safari
25 if you're standing outside in the front or the

1 rear.

2 CHAIRPERSON ANDERSON: Okay.

3 INVESTIGATOR CONDON: Parking, there's
4 parking along Georgia Ave. NW. There's no
5 dedicated parking garages within the vicinity.
6 It's medium parking on Georgia Ave. and it's
7 zoned parking in the rear on Iowa Ave. So I
8 believe it's Zone 4C in the rear on Iowa Ave.

9 There's a total of five bus stops
10 located within 400 feet of the establishment. On
11 the report I have the 62, 63, and 70 line will
12 service areas that can basically get to Safari.
13 There are schools and libraries within 400 feet
14 of the establishment. There's a Petworth
15 library. It's located approximately 283 feet
16 from Safari.

17 If you're looking at Safari, it's kind
18 of on the left. And coming on the rear, it's
19 kind of angled. And the MacFarland Middle School
20 is located directly behind Safari Restaurant and
21 Lounge. And those are the two locations near it.
22 And both those are a moratorium zone.

23 So in the surrounding area outside of
24 Safari Restaurant and Lounge, it's mainly
25 residential properties. To the right when you

1 directly look at Safari, you have, of course, the
2 abutting property when you're looking directly at
3 it. To the left is a Mary's Center health site -
4 - health center, and it's on basically -- Safari
5 is basically on the corner of Georgia Ave.

6 And it's basically Iowa Ave.
7 intersects Georgia Ave., goes up to Varnum
8 Street. And then north of Safari, it's Georgia
9 intersecting with Webster Ave. There's also a
10 First Hijra Muslim Community Center, and that's
11 farther down on the same side of Georgia Ave.

12 And then of course, like I advised
13 earlier, the library is to the left of the
14 establishment and then MacFarland Middle School
15 is directly behind it. There's also condominiums
16 behind the establishment. It's a back alley.
17 There's condos behind the establishment as well.
18 Exhibits No. 7 through No. 24, I have pictures of
19 the surrounding area that you all can take a look
20 at.

21 CHAIRPERSON ANDERSON: Yeah, I'm going
22 to go through the exhibits --

23 INVESTIGATOR CONDON: Okay, sir.

24 CHAIRPERSON ANDERSON: -- one by one.
25 So we can continue in your report.

1 INVESTIGATOR CONDON: No, no worries.
2 To the north on Georgia Ave., near Webster Ave.
3 near the intersection, there's a coffee house and
4 a pharmacy. The coffeehouse is called Buna
5 Coffeehouse. And then Shepherd Pharmacy both are
6 non-agency licensed establishments.

7 To the south, further down Georgia
8 Ave., there's a gas station and a Pizza Hut, of
9 course, not ABC establishments. The building
10 exterior, it's in the 4300 block of Georgia
11 Avenue. The building that houses the
12 establishment is brick.

13 There's also a good amount of glass
14 windows that are covered up with curtains on the
15 inside. It's a two-level establishment, first
16 and second above ground. The basement is
17 underground which is a full kitchen.

18 The first floor when you walk into the
19 establishment, it's basically a little landing
20 area where you can sit. The steps that go down
21 to the kitchen and then the steps that go
22 slightly up to another little landing that's
23 above. That's still the first floor.

24 But it has a bar top and it's slightly
25 elevated off that initial entry area. And then

1 there's steps that go to the whole second floor
2 that has another bar top, a DJ room. And off the
3 first and second floor, you can go into the back.
4 There's steps on the inside, and that leads to
5 the summer garden area.

6 And the summer garden area is a back
7 patio. It's enclosed with fencing. And there's
8 sheets and tables and basically just a
9 traditional summer garden in the rear that can be
10 accessed from the inside. So a total of two bar
11 tops within the establishment and a full kitchen.

12 CHAIRPERSON ANDERSON: Okay.

13 INVESTIGATOR CONDON: On the report
14 there, you can see the current hours of operation
15 and the live entertainment, hours of operation,
16 hours of sale and consumption, hours of the
17 garden. And you can see the hours --

18 CHAIRPERSON ANDERSON: I need you to
19 state on the record what the hours are.

20 INVESTIGATOR CONDON: Sure,
21 absolutely, absolutely. So the hours of
22 operations are 10:00 a.m. to 2:00 in the morning,
23 Sunday through Thursday, 10:00 a.m. to 3:00 in
24 the morning Friday and Saturday. The hours of
25 sales, service, and consumption are the same

1 hours as well, Sunday through Thursday, 10:00
2 a.m. to 2:00 in the morning, and then Friday-
3 Saturday, 10:00 a.m. to 3:00 in the morning.

4 Current hours of live entertainment
5 are 6:00 p.m. to 2:00 in the morning Sunday
6 through Thursday, and 6:00 p.m. to 3:00 in the
7 morning, Friday-Saturday for live entertainment.
8 Their summer garden operates 10:00 in the morning
9 to 2:00 in the morning Sunday through Thursday
10 and 10:00 a.m. to 3:00 in the morning Friday and
11 Saturday.

12 The visits to the premises, the
13 establishment was visited seven times from March
14 2020 which was when I was assigned the
15 investigation through January 2021, so this
16 month. The enforcement division's enforcement
17 initiatives changed. And I think it's important
18 to notate this.

19 The enforcement initiatives changed
20 due to the public health emergency in March. So
21 the focus became the Mayor's order, public health
22 emergency violations. The protest report took a
23 back seat if you will.

24 And a lot of establishments really
25 weren't open. And Safari, from what we know, was

1 not really open that much since March. On the
2 report, exhibit seven.

3 It was visited on July 9th between
4 11:00 p.m. to 11:30 p.m. No ABRA violations.
5 That's July 9, 2020. July 27, 2020, 10:30 p.m.
6 to 11:00 p.m., no ABRA violations. September
7 25th, 2020, 9:15 to 9:45, no ABRA violations.
8 October 16, 2020, 11:00 p.m. to 11:30 p.m., no
9 violations. November 13th, 2020, 11:00 to 11:30
10 p.m., no violations. 11-22-2020, 10:00 p.m. to
11 10:30 p.m., no violations. And then 12-31-2020,
12 10:00 p.m. to 10:30, no violations.

13 The effect on the establishment on
14 real property values, ABRA personnel
15 unfortunately are not trained to assess real
16 property values. So I cannot discuss anything in
17 regards to that. The calls for service, I
18 received the calls for service on March 19, 2020
19 through the Office of Unified Communications.

20 There were a total of 16 calls from
21 March 2019 through March 2020. And there were a
22 total one call for disorderly, one call for
23 accident, hit and run, three calls for a business
24 alarm, one call for drug complaint, two calls for
25 a disorderly group, one call for a fight and

1 assault, one call for a seat complaint, two calls
2 for an accident, property damage, one call for a
3 miscellaneous report, one call for property
4 destruction, and one call to investigate trouble,
5 an one call for theft of property. None of these
6 calls were ABRA-related violations.

7 I updated that as well. So December
8 29th, I got an updated form for March 2020
9 through December. And there were a total of
10 eight calls during that time frame. It was four
11 calls for a business alarm, one call for a
12 carjacking, one call for citywide call for a
13 suspicious person, and one call for
14 miscellaneous. None of those calls are ABRA
15 violations.

16 So as you can see on the next section
17 of noise complaints, there were a total of 34
18 noise complaints filed against the establishment
19 March 2019 to March 2020. So you can see the
20 list there. I also checked from March 2020 to
21 the present. There's been no noise complaints
22 really since the pandemic started in March. Mr.
23 Chairman, do you want me to go through the noise
24 complaint times and dates?

25 CHAIRPERSON ANDERSON: Have any of the

1 noise complaints been verified in the sense that
2 we have had -- you have had any ABRA violations
3 regarding noise complaints?

4 INVESTIGATOR CONDON: None of the 34
5 were substantiated. No, sir.

6 CHAIRPERSON ANDERSON: Now do you know
7 whether or not -- were these complaints made to
8 ABRA or were they made to a different agency? Do
9 you know?

10 INVESTIGATOR CONDON: Yeah, they were
11 made to ABRA, all of them.

12 CHAIRPERSON ANDERSON: All right.
13 Okay. All right. Okay. Your report has some
14 exhibits. What are the exhibits that are
15 attached to your report, please?

16 INVESTIGATOR CONDON: Sure thing. So
17 Exhibit 1 is a protest letter from the ANC 4C.
18 Exhibit 2 is a protest letter from Mr. McMullen,
19 who's a designated rep of the property owners.
20 Number 3 is email communication to Hiro Vitez
21 which was provided to me by Mr. Frez Teame.

22 CHAIRPERSON ANDERSON: And so what is
23 this? What's Exhibit 3?

24 INVESTIGATOR CONDON: Exhibit 3 is --

25 CHAIRPERSON ANDERSON: Yes.

1 INVESTIGATOR CONDON: -- email
2 communication from Hiro Vitez to -- I'm sorry,
3 Mr. Teame to Hiro Vitez and vice versa. Mr.
4 Teame provided this to me when I visited the
5 establishment. The email communication
6 unfortunately really don't tell the results of
7 those noise tests that wanted to be done. This
8 was just, like I said, provided to me by Mr.
9 Teame, and I thought it was important to include
10 this to show -- Mr. Teame also wanted to be shown
11 that he was foreseeing this as an issue. So I
12 included it as an example.

13 CHAIRPERSON ANDERSON: All right.
14 What about exhibit -- what's the next exhibit in
15 your report?

16 INVESTIGATOR CONDON: Exhibit 4 is a
17 letter from Frez Teame's lawyer, Ronald Webne, to
18 Hiro Vitez, which is the same person in Exhibit
19 3, the email communication was being conducted
20 through. Exhibit 5 is a copy of the GIS
21 information regarding ABC establishments within
22 1,200 feet. That's obtained via ABRA.

23 Exhibit 6 is directly the GIS info for
24 rec centers, schools, and libraries. It's also
25 obtained through ABRA. Exhibit 7 is a photo of

1 the exterior from Iowa Ave. shooting up through
2 Varnum Street which intersects Georgia Ave.

3 And Exhibit 8 is the photo of the
4 Petworth Library. Exhibit 9 is an exterior photo
5 of the back alley behind the establishment. And
6 it kind of shoots through, and there's condos
7 back there as well.

8 Exhibit No. 10 is residential homes
9 off the back alley behind the establishment.
10 Exhibit No. 11 is an exterior photo for a middle
11 school, MacFarland Middle School. Exhibit 12 is
12 also an exterior photo of MacFarland Middle
13 School and so is Exhibit No. 13 as well.

14 Exhibit No. 14 is an exterior photo of
15 Georgia Avenue facing northbound. It's passing
16 the establishment on the left if you were driving
17 that direction. Exhibit 15 is an exterior photo
18 of a parking sign on Georgia Ave. on the side of
19 the establishment.

20 And on there, you can see the times
21 where it's metered. Exhibit No. 16 is an
22 exterior photo -- I'm sorry. Exhibit No. 17 is
23 an exterior photo of the intersection of Webster
24 Street NW and Georgia Ave. NW, which is the
25 intersection right north a block of the

1 establishment.

2 Exhibit 18, exterior photo of Webster
3 Street NW. Exhibit 19, exterior photo of Georgia
4 Ave. NW northbound. Exhibit 20 is an exterior
5 photo showing the other street side across from
6 the establishment, basically the other side where
7 there's houses across the street.

8 Exhibit 21 is a parking sign across
9 the street from the establishment. Exhibit No.
10 22 is the same exact thing, the same photo of the
11 same thing. It's a parking sign across the
12 street.

13 Exhibit No. 23, parking sign on the
14 same side of the establishment. Exhibit No. 24
15 is a parking sign on the rear of the
16 establishment on Iowa Avenue, and it shows the
17 zone permitting that's required. Exhibit 25 is
18 the exterior photo of the abutting property of
19 the buildings. You can see how close it is and
20 you can see it's actually touching.

21 Exhibit No. 26 is an exterior photo of
22 the front of the establishment. Exhibit No. 27,
23 exterior photo of the rear. Exhibit No. 28,
24 exterior photo of the rear of the establishment
25 as well.

1 Exhibit No. 29 is an exterior photo of
2 the front side entrance which touches the
3 abutting building. Exhibit No. 30 is an interior
4 photo of the second floor of the bar top.

5 Exhibit 31 is an interior photo of the second
6 floor carpet and the carpeting for the large
7 speakers.

8 Exhibit No. 32 is an interior photo
9 showing curtains against the window on the second
10 floor to mitigate sound. Exhibit No. 33 is an
11 interior photo of carpet on the second floor for
12 the band. And Exhibit No. 34 is another photo of
13 the carpet on the second for the band.

14 Exhibit No. 35 shows the first floor
15 bar top above the first landing that I was
16 talking about. Exhibit No. 36 is an exterior
17 photo showing the back patio of the summer
18 garden. Exhibit No. 37 is an exterior photo
19 showing the trash storage area in the rear of the
20 establishment.

21 Exhibit No. 38 is an exterior photo
22 showing the summer garden. And Exhibit No. 39
23 and 40 are also exterior photos of the summer
24 garden. Exhibit 41 is an exterior photo showing
25 the trash storage area which is the area that

1 Matthew McMullen advised open trash can be
2 visible there.

3 Exhibit 42 is the exterior photo
4 showing the second floor entrance to the summer
5 garden. 43 is an interior photo of the first
6 floor speakers and bar top. Exhibit No. 44 is an
7 interior photo of the first floor speaker.

8 Exhibit No. 45 is an interior photo of
9 the stairwell that leads up to the second floor
10 with the DJ area as well as another bar top.

11 Exhibit 46 is an interior photo of a second floor
12 speaker that's used on the top. Interior photo -
13 - Exhibit 47 is an interior photo showing
14 curtains against the second floor window.

15 Exhibit 48 is an interior photo
16 showing the DJ area on the second floor. And
17 Exhibit 49 is another photo of the same thing.
18 Exhibit 50 is an interior photo of the lobby at
19 the entrance where they're seating.

20 Exhibit 51 is the same things as that,
21 just a different photo. Exhibit 52 is interior
22 photo of the lobby stairs to the first floor bar
23 top. Exhibit 53 is an interior photo of the
24 stairwell that goes down to the kitchen which is
25 in the basement of the establishment.

1 Exhibit 54 and Exhibit 55 and Exhibit
2 56 are both interior photos of the kitchen.
3 Exhibit 57 is also another photo of the interior
4 of the kitchen. Exhibit 58 is the interior photo
5 of the first floor band area.

6 Exhibit 59 is the interior photo of
7 the first floor speaker. Exhibit 60 is also an
8 interior photo of the first floor speaker. 61
9 and 62 -- Exhibit 61 and 62 are interior photos
10 of the first floor band area.

11 And Exhibit 63 is the interior photo
12 of the first floor bathroom entrance and the
13 first floor bar top. Exhibit 64 is an interior
14 photo of the first floor bar top. 65 is an MPD
15 calls for service for the address of the
16 establishment.

17 Exhibit 66 is a security plan that was
18 submitted by Safari in 2019. And Exhibit 67 is
19 the Board order in April 24, 2019 that required a
20 security plan. And that Board order was in
21 response to the February 2019 shooting. And
22 those are all my exhibits, Mr. Commissioner -- I
23 mean, Mr. Chairman.

24 CHAIRPERSON ANDERSON: All right.
25 Thank you. Mr. Condon. Do we have -- does any

1 Board members have any questions of Mr. Condon?

2 Any questions by any Board members?

3 All right. None by the Board members.

4 Mr. Teame, do you wish to ask any questions of
5 the investigator?

6 MR. TEAME: Huh?

7 CHAIRPERSON ANDERSON: Do you wish to
8 ask any questions of the investigator, sir?

9 MR. TEAME: The investigator?
10 Investigator Condon?

11 CHAIRPERSON ANDERSON: Yes.

12 INVESTIGATOR CONDON: Good morning.

13 MR. TEAME: No questions at all but
14 only one thing I want to add to the
15 investigator's report is Georgia Avenue is a
16 semidetached --

17 CHAIRPERSON ANDERSON: Why don't you
18 asked him? Sir, you can't answer the question.
19 So if you're adding --

20 MR. TEAME: Yeah.

21 CHAIRPERSON ANDERSON: -- something,
22 ask him in the form of a question, sir.

23 MR. TEAME: Sure, sure. The only
24 thing on Mr. Condon's report not added is the
25 Georgia Avenue buildings --

1 MR. DEVENDORF: Objection. He's not
2 asking a question.

3 CHAIRPERSON ANDERSON: Well, Mr.
4 Devendorf, he's not an attorney. I don't know
5 what the question is first. So let me hear -- I
6 don't know where he's going.

7 So because he's not an attorney, I'm
8 not going to ask him to frame it in the form of
9 an attorney. So what I'm saying is that, Mr.
10 Teame, whatever you're trying to do, you need to
11 frame it in a question to ask Mr. Condon. You
12 can't make a statement. You can make a statement
13 when you're presenting your case.

14 But at this juncture, he gave a
15 report. Do you have any questions you want to
16 ask? Is there anything in the report that you
17 want that he didn't cover that you want to
18 highlight or you disagree with? That's what you
19 ask questions of him about the report.

20 MR. TEAME: Okay. I just have only
21 one question. I don't disagree to Mr. Condon's
22 report. But I have only really one question.
23 Mr. Condon, is our building attached or detached
24 to 4308?

25 INVESTIGATOR CONDON: So from the

1 looks of it, it looks attached. It looks like
2 it's using really the same wall, and that's
3 visibly from the outside. Whether it is using,
4 visibly, it looks like it's using the same wall,
5 yes.

6 MR. TEAME: Thank you, sir.

7 CHAIRPERSON ANDERSON: All right.
8 Thank you. You have no other questions? All
9 right. The ANC, does the ANC have any questions
10 that they want to ask the investigator?

11 MS. VARZI: I do.

12 CHAIRPERSON ANDERSON: I'm sorry.
13 Identify. Who is that?

14 MS. VARZI: This is Kim Varzi.

15 CHAIRPERSON ANDERSON: Okay. Go
16 ahead, Ms. Varzi.

17 MS. VARZI: I just -- I had a couple
18 of questions. The first one, Mr. Condon, was the
19 first time you met with Mr. Teame in March, was
20 there music? Did he play music for you to give
21 you a sense of the environment of the
22 establishment?

23 INVESTIGATOR CONDON: No music was
24 played. The establishment was not open. I had
25 him open it to meet me. So it was just me and

1 him, no music, and I was touring the
2 establishment.

3 MS. VARZI: Okay. And then the visits
4 that you made, I believe you said seven times,
5 March 2020 through January 2021 this time, was
6 that with regards to the investigation or was
7 that with regard to the public health emergency?

8 INVESTIGATOR CONDON: So that was in
9 regards to those -- those were days that we were
10 aware that they had actually opened during this
11 emergency order. And we went over and monitored
12 the establishment. So it was looking for
13 violations, whether that be Mayor's order
14 violations, regular ABRA violations. Any
15 violation is what would the monitor be for.

16 MS. VARZI: Okay. So those weren't
17 planned visits for this investigation for the
18 protestants?

19 INVESTIGATOR CONDON: No, ma'am.
20 Those were visits because we were aware they had
21 opened and we were just looking to see if there
22 were any violations in general.

23 MS. VARZI: Okay. And did they have
24 food available, or did you notice or a menu?

25 INVESTIGATOR CONDON: I'm sorry. I

1 didn't catch that, ma'am.

2 MS. VARZI: Was there food available
3 or a menu --

4 INVESTIGATOR CONDON: No.

5 MS. VARZI: -- during the visits?
6 Okay.

7 INVESTIGATOR CONDON: I'm unaware of
8 that. So those seven visits, I was not present
9 on those seven visits. So I'm not aware if there
10 was menus or what. Now the Mayor's order since
11 March 2020, you can't have any live entertainment
12 at all. But I'm not aware if there was a menu,
13 et cetera.

14 MS. VARZI: All right. And since they
15 weren't planned investigations, it's not as
16 though anyone chucked the security system that
17 was in place at those times?

18 INVESTIGATOR CONDON: I'm sorry,
19 ma'am. Can you --

20 MS. VARZI: Did anyone check --

21 INVESTIGATOR CONDON: -- repeat that?

22 MS. VARZI: Did anyone check the
23 security systems during those visits? Or because
24 it was just a random, someone called in, we're
25 going to investigate, then you just went to

1 investigate violations?

2 INVESTIGATOR CONDON: So I'm not aware
3 if they checked security systems. They weren't
4 really random. They were -- investigators were
5 tasked to go because we were aware that they had
6 opened and we were seeing if there were
7 violations. So like I was saying, they were
8 looking for all sorts of violations. But I'm not
9 aware if the security system was checked by the
10 investigators visiting on those days.

11 MS. VARZI: All right. And then you
12 listed the calls that ABRA received for
13 complaints against the establishment. Did you
14 check with MPD at all about any complaints?

15 INVESTIGATOR CONDON: Are you
16 referring about the calls for service -- the
17 calls for service section on the report?

18 MS. VARZI: Correct.

19 INVESTIGATOR CONDON: So yeah, those
20 calls for service were calls that went actually
21 to that address and during that time frame. And
22 none of them were ever violations. So ABRA has a
23 working relationship with MPD. So if there were
24 any issues related to the establishment, we trust
25 MPD would've let us know on that. And that's how

1 we, a lot of times, are assigned cases as via
2 MPD.

3 MS. VARZI: Okay. Thank you.

4 CHAIRPERSON ANDERSON: All right. Mr.
5 Devendorf, any questions of the witness?

6 MR. DEVENDORF: Yes, I have a few
7 questions. I'm sorry to have to break the flow
8 here, but I do have one thing to mention. One of
9 our witnesses has a hard stop at 5:30. And I
10 wanted to ask the Board if it would be possible
11 to allow her to testify after I complete my cross
12 examination of Investigator Condon. Is that
13 possible to do?

14 CHAIRPERSON ANDERSON: Well, Mr. Teame
15 hasn't presented his case yet. And so I'm not
16 sure if I'm going -- why didn't you let me know
17 that at the beginning? It's 4:52.

18 MR. DEVENDORF: That's right.

19 CHAIRPERSON ANDERSON: Mr. Teame --

20 MR. DEVENDORF: No, 5:30. Sorry, 5:30
21 is the hard stop. So we have a little bit of
22 time. And this witness' examination won't take
23 long. So we have time to fit it, I think, if
24 we're allowed to go after we finish with
25 Investigator Condon.

1 CHAIRPERSON ANDERSON: Well, let me --
2 all right. I'll -- once the Board is done with
3 its presentation of the case, I will -- let's see
4 what we can do. I'll think about it.

5 MR. DEVENDORF: Okay.

6 CHAIRPERSON ANDERSON: All right.

7 MR. DEVENDORF: I apologize. The time
8 kind of just snuck up on me here. Anyways, I
9 would at this time like to get into my questions
10 for Investigator Condon. So first, thank you,
11 Investigator, for your work on this case. First,
12 you concluded that the area immediately
13 surrounding Safari Lounge is mainly residential
14 properties, correct?

15 INVESTIGATOR CONDON: Yes, sir.
16 That's correct, yeah.

17 MR. DEVENDORF: And standing outside
18 of Safari Lounge, there are no other ABC licensed
19 establishments within eyesight?

20 INVESTIGATOR CONDON: That's correct,
21 yes.

22 MR. DEVENDORF: And Safari Lounge does
23 not have any dedicated parking for its own use,
24 for its patrons or anything like that, correct?

25 INVESTIGATOR CONDON: Correct. Street

1 parking is what I'm aware of, yeah.

2 MR. DEVENDORF: And one other point
3 I'd like to clarify. You stated you weren't
4 present at any of the site -- the seven site
5 visits listed in your report. Is that correct?

6 INVESTIGATOR CONDON: That's correct,
7 yes.

8 MR. DEVENDORF: Regardless, there were
9 seven of these site visits conducted by other
10 investigators?

11 INVESTIGATOR CONDON: That's correct,
12 yeah.

13 MR. DEVENDORF: And these visits were
14 made between March 2020 and January 2021,
15 correct?

16 INVESTIGATOR CONDON: Correct. Those
17 are -- that's the total in that time frame,
18 correct.

19 MR. DEVENDORF: And during this
20 period, the enforcement initiatives changed as a
21 result of the COVID-19 public health order,
22 correct?

23 INVESTIGATOR CONDON: That's correct.
24 Yes, sir, yeah.

25 MR. DEVENDORF: And so your

1 enforcement division's focus was actually on
2 compliance with the health order?

3 INVESTIGATOR CONDON: That's correct,
4 yeah.

5 MR. DEVENDORF: And you testified that
6 the establishment wasn't open much because of the
7 pandemic?

8 INVESTIGATOR CONDON: That is the
9 information that was relayed down from
10 supervision to me, yes. And I was actually under
11 the impression they had not opened and actually
12 until we realized this protest hearing was going
13 on. So they were open. Those are the times that
14 ABRA is aware that they were open is those seven
15 times that we visited.

16 MR. DEVENDORF: And so moving on to
17 the specific site visits, they essentially ranged
18 from 9:15 to 11:30. Is that accurate?

19 INVESTIGATOR CONDON: Correct.

20 MR. DEVENDORF: Yeah, in the evening,
21 right?

22 INVESTIGATOR CONDON: From -- that's
23 the information I was provided at the time. Yes,
24 sir, yes.

25 MR. DEVENDORF: And so specifically

1 parsing the visits we had, there were three
2 visits conducted between 11:00 p.m. and 11:30.
3 Those were on -- and those were on a Thursday and
4 two on a Friday during that time period?

5 INVESTIGATOR CONDON: Correct.

6 MR. DEVENDORF: Is that correct?

7 INVESTIGATOR CONDON: Yeah.

8 MR. DEVENDORF: There was one visit
9 conducted on a Monday that occurred between 11:30
10 -- excuse me, 10:30 and 11:00 p.m., correct?

11 INVESTIGATOR CONDON: That's correct,
12 yeah.

13 MR. DEVENDORF: And then there were
14 two visits done during the 10:00 to 10:30 time
15 frame, correct?

16 INVESTIGATOR CONDON: That's correct,
17 yes.

18 MR. DEVENDORF: And those visits, one
19 was on a Sunday and one was on a Thursday?

20 INVESTIGATOR CONDON: Yeah.

21 MR. DEVENDORF: And there's one visit
22 done between 9:15 and 9:45, correct?

23 INVESTIGATOR CONDON: Yeah, 9-25-2020,
24 yeah.

25 MR. DEVENDORF: And that was on -- and

1 9-25-2020 was a Friday?

2 INVESTIGATOR CONDON: Correct, yes.

3 MR. DEVENDORF: Now moving on to the
4 noise complaint records, so these records range
5 from March 2019 to March 2020, correct?

6 INVESTIGATOR CONDON: Correct. And I
7 did check March 2020 through the present.
8 There's been no noise complaints since March of
9 2020.

10 MR. DEVENDORF: So it's your testimony
11 that not a single noise has been filed between
12 March 2020 and today?

13 INVESTIGATOR CONDON: The ABRA
14 records, none -- when I checked, none were
15 reported to ABRA. The last one was March 7,
16 2020.

17 MR. DEVENDORF: Okay. And so during
18 the -- moving -- or going back to the March 2019
19 to March 2020 time frame, so there were 34 noise
20 complaints filed during that time period?

21 INVESTIGATOR CONDON: That's correct,
22 yes.

23 MR. DEVENDORF: And of those 34 noise
24 complaints, 18 of those were filed outside of the
25 time frame during which investigations were done

1 in preparing your report. Is that correct?

2 INVESTIGATOR CONDON: Yes. I mean, I
3 have not counted the 18, but I'll trust that it's
4 18 that were not in the time frame. You're
5 talking the times that were visited?

6 MR. DEVENDORF: Yes, the time of day
7 that during which the investigations were made
8 fell outside of the time frames that noise
9 complaints were filed 18 times?

10 INVESTIGATOR CONDON: I have not --
11 yeah, I've not counted but I'll take your word
12 it's 18, correct.

13 MR. DEVENDORF: That's -- okay. So is
14 that a yes?

15 INVESTIGATOR CONDON: I'll take your
16 word it's 18. I have not counted that, so I'm
17 not aware if it's 18. But if you counted 18,
18 I'll take your word on it being 18.

19 MR. DEVENDORF: So is that a yes then
20 to my question?

21 INVESTIGATOR CONDON: Well, I'll count
22 it. I'll count them. So the time frame that we
23 visited is between 9:15 and 11:30. Is that what
24 you're referring to --

25 MR. DEVENDORF: Yes.

1 INVESTIGATOR CONDON: -- the whole
2 time frame?

3 MR. DEVENDORF: And then 18 of the 34
4 noise complaints were filed --

5 INVESTIGATOR CONDON: Okay, well --

6 MR. DEVENDORF: -- outside of that
7 time period.

8 INVESTIGATOR CONDON: Well, let me
9 count them now before I tell you it's yes.

10 MR. TEAME: Frez Teame. I have a
11 remark to make.

12 MR. DEVENDORF: Mr. Chairman, unless
13 the applicant is making an objection --

14 CHAIRPERSON ANDERSON: Mr. Teame --

15 MR. DEVENDORF: -- I'd like to conduct
16 my --

17 CHAIRPERSON ANDERSON: Mr. Teame, do
18 you have an objection?

19 MR. TEAME: Yes.

20 CHAIRPERSON ANDERSON: What's the
21 objection, sir?

22 MR. TEAME: The objection is on
23 January 2nd, 2021, another call was made while
24 nobody is here when the establishment is not
25 open, just me and --

1 CHAIRPERSON ANDERSON: Well, why don't
2 you --

3 MR. TEAME: -- a couple friends.

4 CHAIRPERSON ANDERSON: Well, that's
5 not an objection, sir. So if you -- I'll give
6 you an opportunity to --

7 MR. TEAME: Okay. Thank you.

8 CHAIRPERSON ANDERSON: I'll give you
9 an opportunity to --

10 MR. TEAME: Yes.

11 CHAIRPERSON ANDERSON: -- ask about
12 that. Okay?

13 MR. TEAME: Yes. Appreciate it.

14 CHAIRPERSON ANDERSON: All right. Go
15 ahead, Mr. Devendorf.

16 MR. DEVENDORF: I believe Mr. -- so in
17 response after refreshing his recollection
18 regarding the investigation report, Investigator
19 Condon is responding to my question which was
20 whether there are 18 noise complaints filed
21 outside of the time frame during which the site
22 visits were conducted.

23 INVESTIGATOR CONDON: And the answer
24 to that is you're correct. Yes, 18.

25 MR. DEVENDORF: Thank you. Now I'd

1 like to move on to the investigative history. So
2 as part of your -- you reviewed the
3 establishment's investigative history as a part
4 of your investigation?

5 INVESTIGATOR CONDON: That's correct,
6 sir. Yes.

7 MR. DEVENDORF: And there were two
8 violations included in their history, correct?

9 INVESTIGATOR CONDON: That is correct,
10 yeah.

11 MR. DEVENDORF: And so one of those
12 was for operating outside of the establishment's
13 approved hours?

14 INVESTIGATOR CONDON: That's correct,
15 yeah.

16 MR. DEVENDORF: And that violation
17 occurred on January 13th, 2020?

18 INVESTIGATOR CONDON: That is correct,
19 yes.

20 MR. DEVENDORF: And there was a second
21 violation in their investigative history that
22 occurred on February 24, 2019, correct?

23 INVESTIGATOR CONDON: That's correct,
24 yes.

25 MR. DEVENDORF: And that violation

1 involved a homicide?

2 INVESTIGATOR CONDON: That is correct,
3 yes.

4 MR. DEVENDORF: In addition to the
5 homicide, the violation included transferring
6 control of the establishment to a third party?

7 INVESTIGATOR CONDON: So that -- like
8 I said that's pulled from ABRA's records. That
9 was not my case. But this information is pulled
10 from ABRA's record. So that is what is in ABRA's
11 records on it. Like I said, neither of those are
12 my cases. So yes, I can confirm that
13 information, but I can't give -- I don't know
14 details of those cases.

15 MR. DEVENDORF: This is information
16 you relied on in completing your report, isn't
17 it?

18 INVESTIGATOR CONDON: That's correct,
19 yes. But like I was saying, those are not my
20 cases. So I don't know details on those cases.
21 We supply an investigative history for basically
22 a snapshot of the investigative -- of the
23 establishment's history. But I can't give
24 details on it as I was not -- those were not my
25 cases.

1 MR. DEVENDORF: So as part of your --
2 in compiling your investigative report for this
3 case, did you include -- you did include this
4 violation -- this February '19 violation,
5 correct?

6 INVESTIGATOR CONDON: We're required
7 through ABRA to include this.

8 MR. DEVENDORF: And you did include
9 it, correct?

10 INVESTIGATOR CONDON: Yes, the
11 investigative history is a required component of
12 the protest reports --

13 MR. DEVENDORF: And part of that
14 investigative history included a violation by the
15 applicant for failing to follow its security
16 plan, correct?

17 INVESTIGATOR CONDON: That is correct,
18 yes.

19 MR. DEVENDORF: It included a
20 violation for transfer and control of the
21 establishment to a third party, correct?

22 INVESTIGATOR CONDON: Correct. That's
23 all within that one case, sir. Yeah.

24 MR. DEVENDORF: Right, right. And it
25 also included a violation for transferring

1 ownership without approval, correct?

2 INVESTIGATOR CONDON: You're talking
3 the change trade name charge, Charge 8?

4 MR. DEVENDORF: Transferring owner --
5 there was a transferring ownership --

6 INVESTIGATOR CONDON: Oh, yes.

7 MR. DEVENDORF: -- without approval?

8 INVESTIGATOR CONDON: Yeah, I see
9 that. So yeah, that's correct, yeah.

10 MR. DEVENDORF: And that violation,
11 the violations that occurred on February 24, 2019
12 resulted in a summary suspension of the
13 establishment's license, correct?

14 INVESTIGATOR CONDON: That information
15 is all correct, yes. Correct.

16 MR. DEVENDORF: And ultimately, the
17 Board accepted an offer in compromise --

18 INVESTIGATOR CONDON: Correct.

19 MR. DEVENDORF: -- regarding those
20 charges? Thank you. Now I'd like to move on to
21 the MPD search you conducted --

22 INVESTIGATOR CONDON: Sure.

23 MR. DEVENDORF: -- this request search
24 you conducted as part of your investigation. So
25 you reviewed MPD calls for services to the

1 establishment?

2 INVESTIGATOR CONDON: That is correct,
3 yeah.

4 MR. DEVENDORF: And the report you
5 reviewed, it included calls between March 2019 to
6 March 2020, correct?

7 INVESTIGATOR CONDON: It was two
8 periods, March 2019 through March 2020, 16 calls,
9 and then March 2020 until December 2020, there
10 were 8. So really I'm including March 2019 all
11 the way through December 2020, last month.

12 MR. DEVENDORF: Thank you. And so the
13 subject matter -- you included the subject matter
14 of those calls in your report, right?

15 INVESTIGATOR CONDON: That's correct,
16 yes.

17 MR. DEVENDORF: And so among the
18 reasons for these calls, they included disorderly
19 conduct, correct?

20 INVESTIGATOR CONDON: That's correct,
21 sir, yes. On which occasion? Are you talking in
22 general or --

23 MR. DEVENDORF: Just one of the -- you
24 don't have to time the date. I'm not going to
25 ask you --

1 INVESTIGATOR CONDON: Okay.

2 MR. DEVENDORF: -- to memorize the
3 dates. But just that there was one call for
4 disorderly conduct during that time period?

5 INVESTIGATOR CONDON: There was
6 actually two calls for disorderly between March
7 through March of 2020. So yeah, you're correct,
8 two calls of disorderly.

9 MR. DEVENDORF: There was a call
10 regarding an accident, a hit and run. Is that
11 correct?

12 INVESTIGATOR CONDON: That's correct,
13 yes.

14 MR. DEVENDORF: There was a call
15 regarding a drug complaint?

16 INVESTIGATOR CONDON: Correct, yes.

17 MR. DEVENDORF: There were two calls
18 for a disorderly group?

19 INVESTIGATOR CONDON: That's correct,
20 yeah.

21 MR. DEVENDORF: There was a call
22 regarding a fight and assault?

23 INVESTIGATOR CONDON: That's correct,
24 yeah.

25 MR. DEVENDORF: There were two calls

1 regarding accidents causing property damage?

2 INVESTIGATOR CONDON: That's correct.

3 MR. DEVENDORF: There was a call for
4 property destruction?

5 INVESTIGATOR CONDON: Correct.

6 MR. DEVENDORF: And there was a call
7 simply labeled investigate trouble?

8 INVESTIGATOR CONDON: That is correct.

9 MR. DEVENDORF: There was a call
10 involving theft of property?

11 INVESTIGATOR CONDON: That's correct.

12 MR. DEVENDORF: There was a call
13 involving carjacking?

14 INVESTIGATOR CONDON: Correct.

15 MR. DEVENDORF: Thank you, Mr. Condon.
16 That is all I have for you.

17 INVESTIGATOR CONDON: Thank you.

18 CHAIRPERSON ANDERSON: Does the -- let
19 me see if I have any questions. Does any Board
20 member -- do any of the Board members have any
21 questions of the investigator based -- let me do
22 it this way. Mr. Teame, do you have any
23 questions of -- I'll give you an opportunity. Do
24 you have any questions of the investigator based
25 on the questions that Mr. Devendorf had asked?

1 MR. TEAME: No, sir. No, sir. Thank
2 you.

3 CHAIRPERSON ANDERSON: All right.

4 MR. TEAME: Actually, can I take that
5 back?

6 CHAIRPERSON ANDERSON: What question
7 do you have?

8 MR. TEAME: Can I take that back?

9 CHAIRPERSON ANDERSON: What question
10 do you have?

11 MR. TEAME: The question that I have
12 is, the January 13, 2020 violation, is there any
13 violation on our side, because we provided video
14 to ABRA because we have a wedding. And after
15 all, the impression was basically the party was
16 moving their stuff. And we provided video, and
17 the case was dismissed, doesn't even go to the
18 Board. So why is it on this report?

19 INVESTIGATOR CONDON: So like I was
20 advising, I'm unaware of the details of that
21 case, whether you were charged or not. And
22 that's on the report because when we pull an
23 investigative history, whatever is on the
24 investigative history that we have at the time is
25 based on ABRA's regulations we supply on the

1 protest report.

2 CHAIRPERSON ANDERSON: Do you have any
3 more questions you want to ask, Mr. Teame?

4 MR. TEAME: Yes. Another question I
5 have is 16 plus calls that are made through MPD.
6 As ABRA licensee, that is all right to get
7 protection to call MPD to get protection. This
8 is any violation, Mr. Investigator?

9 INVESTIGATOR CONDON: None of the 16
10 calls during that time frame were attributed as
11 an ABRA violation.

12 MR. TEAME: Thank you. No further
13 questions.

14 CHAIRPERSON ANDERSON: All right. Mr.
15 Condon, the calls of service, were these specific
16 to this establishment or is it to the location,
17 do you know?

18 INVESTIGATOR CONDON: So that's
19 attributed to an address. So it's -- those calls
20 of service are attributed to the same address as
21 the establishment. It's basically to an address,
22 those calls.

23 CHAIRPERSON ANDERSON: So you don't
24 know whether or not there were specific incidents
25 at the establishment or they just utilized the

1 address because it was the closest to what was
2 going on?

3 INVESTIGATOR CONDON: That's correct.
4 I'm unaware -- it could've been because it's the
5 closest address, exactly.

6 CHAIRPERSON ANDERSON: All right. Any
7 other questions by any of the Board members?

8 All right. Hearing none, thank you
9 very much for your testimony, sir.

10 INVESTIGATOR CONDON: Thank you.

11 CHAIRPERSON ANDERSON: And thank you
12 very much for your testimony. All right. Where
13 we are now is that Mr. Teame, it's 5:08 and it's
14 your opportunity to present your case in chief.
15 Mr. Devendorf had asked that he wanted to present
16 a witness out of order. It is your call, sir.
17 If you agree for him to do that, I will allow
18 that. If you disagree, I will disallow that. So
19 your call.

20 MR. TEAME: I would like to present
21 according to your schedule, sir.

22 CHAIRPERSON ANDERSON: Mr. Devendorf,
23 the licensee does not, will not agree for you to
24 present the witness out of order. So I will not
25 grant that request. All right. So Mr. Teame,

1 how then do you plan to present your case? Are
2 you going to testify, sir? Or do you plan to
3 call a witness?

4 MR. TEAME: Yeah.

5 CHAIRPERSON ANDERSON: I'm sorry?

6 MR. TEAME: Yes, I have a witness.

7 Yes, sir. I have two witness.

8 CHAIRPERSON ANDERSON: You have two
9 witness?

10 MR. TEAME: I have two witnesses here
11 with me. And also, I would like to present my --
12 the rest of my statements.

13 MR. DEVENDORF: Mr. Chairman, at this
14 point, I would object to any witnesses being
15 called by the applicant, as we have not received
16 notice of any witnesses being called. The PIF
17 wasn't filed as you mentioned is required by the
18 code section.

19 And more importantly, this is
20 prejudicial to all protestants, as the point of
21 the PIF is to put the parties on notice as to
22 what the applicant will be presenting evidence
23 with respect to. There's been no notice as to
24 what they're going to be testifying to. This
25 affects how the protestants construct their case.

1 This would be highly prejudicial to both the ANC
2 and the abutting property owners.

3 As you said, this is a basic
4 requirement. It's a simple form that needs to be
5 filled out that the applicant could simply --
6 whatever happened, the protestants did not
7 receive this form. It doesn't seem like the
8 Board received it either. So like I said, I
9 would object to any witnesses being called -- any
10 additional witnesses being called by the
11 applicant.

12 CHAIRPERSON ANDERSON: And Mr. Teame,
13 we had addressed this earlier in the day in the
14 sense that you did not provide us with a PIF. So
15 therefore, the protestant is objecting to you
16 presenting witnesses. So I'm going to uphold
17 their objection.

18 However -- you, however, can testify.
19 I'm not sure what documents that you wish to rely
20 on, if you want to rely on documents in the
21 report by -- if you want to rely on documents
22 that were submitted by the Board in its
23 presentation. But there are no other documents.
24 But if you want to testify, I will allow you to
25 testify, sir.

1 But you'll not be able to call in
2 witnesses, because you did not comply with the
3 order of the Board that all documents and
4 witnesses have to be submitted seven days before
5 the hearing. Okay? Is that understood, sir?

6 MR. TEAME: Understood. Thank you,
7 Mr. Chairman. I'll speak for myself. I --

8 CHAIRPERSON ANDERSON: All right.
9 Hold on. Hold on. Hold on. Hold on. Hold on,
10 sir. Can you raise your right hand, please? Can
11 you raise your right hand?

12 WHEREUPON,

13 FREZ TEAME
14 was called for examination by Counsel for the
15 Applicant, having been first duly sworn, assumed
16 the witness stand, was examined and testified as
17 follows:

18 CHAIRPERSON ANDERSON: Go ahead, sir.

19 MR. TEAME: Thank you. My name is
20 Frez Teame, again. The Board members, as I
21 stated earlier, I am the owner of this
22 establishment. And as I started earlier, we knew
23 this problem is going to come. And I took all
24 the measurements needed before this building was
25 built. And I want the Board to enter

1 Investigator Condon's Exhibit 4 to the record.

2 Besides that, I took several attempts
3 to work with the developer to minimize this
4 problem coming, and that's all history. But
5 since the situation happened, I've tried to work
6 with the neighborhood -- the neighbors. First of
7 all, what I want to mention here is this is not
8 an ANC issue. This is not a neighborhood issue.

9 This is an issue with four residents
10 who are sharing a wall with me and who doesn't
11 want me to be in business from the first they
12 arrive. So I would like the ANC to withdraw
13 their contest to this because there is no
14 neighborhood issue here. This is only four
15 people who are sharing the wall with me and who
16 doesn't want me in business.

17 In order to this, I try on my end to
18 minimize this issue with them. I even cover the
19 window glasses, the main attraction of Georgia
20 Avenue, 4306, which is Safari DC on top floor the
21 entire Georgia Avenue. I even cover that with a
22 heavy, heavy, heavy curtains to minimize the
23 noise from going out when we are playing music.

24 I even change the stage to a seating
25 area as the Investigator Condon testified where

1 the band was playing before so the band can play
2 on the ground. And the band music or the
3 vibration within here, I put on a heavy, heavy
4 rug underneath of that. On the top of that, I
5 build a soundboard under all the speakers that I
6 have so it can minimize the vibration going to
7 the next.

8 I hire a sound engineer anytime I have
9 an event so it can control the noise to make sure
10 that the noise is not out of the law or required
11 by us to play the music. The violation, they say
12 that it was mentioned that happened in the
13 February 24, 2019. We already punished for that.

14 We know that we made a mistake, and we
15 learn from it. And we move on. We go forward.
16 I'm not going to be penalized and hammered and
17 use as a tool to penalize me by these four
18 residents or condo owners that who hate my guts.

19 They even visited my establishment and
20 verbal and physical damage to me. So this is
21 what the Board are going to hear. All this is
22 rubbish. All this doesn't have no foundation or
23 no merit at all on this establishment.

24 This establishment has been here for
25 more than 30 years, before these people even come

1 here. And we are -- we have -- sorry for my
2 voice. We have a right to have to do business
3 here in Washington, D.C., and they have a right
4 to live here in Washington, D.C.

5 But all the stuff they're asking is
6 untenable, they just don't want us to be here.
7 They want us to close before even I start. Like
8 mention earlier, we serve for East African
9 community which is culturally, our evening starts
10 at 10:00, 11:00 p.m. It doesn't start at 5:00
11 p.m. But these folks want to close us at 10:00,
12 which is completely telling us to close our
13 business. So I want the Board to dismiss this
14 case.

15 All the report that you see from the
16 investigator, from police, none of it is ABRA
17 violation. Or violation we can make people, we
18 get penalize for it. We learn from it. We
19 corrected it. We are proactive about it. And we
20 are going to work with this. We're trying to be
21 the best business for D.C. and have a home and a
22 place for the African diaspora who deserve a
23 place and a home like everybody else in
24 Washington, D.C. I yield. Thank you, sir.

25 CHAIRPERSON ANDERSON: All right. Ms.

1 Varzi, do you have any questions that you want to
2 ask Mr. Teame?

3 MS. VARZI: Hi, Mr. Teame. I do have
4 two quick questions. One question being, if
5 community members, prior to contacting me,
6 requested to meet with you, and if that happened.

7 Hello?

8 MR. TEAME: Ms. Varzi?

9 CHAIRPERSON ANDERSON: There's a
10 question. Do you not hear the question, sir?

11 MR. TEAME: Can you repeat the
12 question? You were cut off, Ms. Varzi.

13 MS. VARZI: Sorry. I was asking
14 whether or not community members, prior to my
15 being involved, if they contacted you to meet --
16 to discuss the issues and whether or not you guys
17 met.

18 MR. TEAME: Yes, yes, I did. And as
19 you remember, you were a part of that community
20 meeting. The community meeting is only your
21 term; for me, it's not the entire community.
22 It's one building residence that -- who hated us
23 and didn't want us to be here. And you conducted
24 that meeting yourself.

25 (Simultaneous speaking.)

1 MS. VARZI: Prior to my involvement,
2 did you have any community meetings?

3 MR. TEAME: No, no, no.

4 MS. VARZI: All right. And then I
5 know you've been around. You stated that you've
6 been around for the last 30 years. Have you
7 operated in the last 30 years the same way, with
8 the same management, the same diaspora, the same
9 entertainment? Has that been continual for the
10 past 30 years?

11 MR. TEAME: Yes and no. The nature of
12 the business changes. You'll have different
13 bookings. You'll have different events. So it
14 depends on the events that are -- (audio
15 interference) -- as the management, how you
16 manage myself, including the two ABC
17 establishments that I own and under my name with
18 the ABRA and also the military bases that I
19 manage for the past 20 years for United States
20 Army. Thank you.

21 MS. VARZI: Thanks. I have no further
22 questions.

23 CHAIRPERSON ANDERSON: Thank you, Ms.
24 Varzi. Mr. Devendorf, any questions for Mr.
25 Teame?

1 We can't hear you, sir.

2 MR. DEVENDORF: Sorry about that.

3 Didn't unmute myself. Yes, I have some
4 questions. First, Mr. Teame, you are the sole
5 owner of Safari Lounge, correct?

6 MR. TEAME: Yes, sir.

7 MR. DEVENDORF: And so I'm going to go
8 back to February 24th, 2019. Your establishment
9 incurred a violation that involved a homicide,
10 correct? Is that correct?

11 MR. TEAME: Yes.

12 MR. DEVENDORF: Yes? That violation
13 also included your establishment being used for
14 unlawful purposes?

15 MR. TEAME: No.

16 MR. DEVENDORF: It is your testimony
17 that you did not incur a violation on February
18 24th for allowing your establishment to be used
19 for unlawful purposes?

20 MR. TEAME: No.

21 MR. DEVENDORF: You don't believe that
22 you received a violation for allowing your
23 establishment to be used for unlawful purposes.
24 Is that correct?

25 MR. TEAME: No, no.

1 MR. DEVENDORF: Also as part of that
2 February 2014 -- excuse me, February 24th, 2019
3 violation, your establishment was found to have
4 transferred control of the establishment to a
5 third party. Is that correct?

6 MR. TEAME: Correct. I can explain
7 that.

8 MR. DEVENDORF: No, just a yes is
9 sufficient. Thank you. Now again, as part of
10 that February 24th, 2019 incident, your
11 establishment also incurred a violation for
12 failing to follow a security plan. Is that
13 correct?

14 MR. TEAME: Correct, but we corrected
15 it and we --

16 (Simultaneous speaking.)

17 MR. DEVENDORF: That is correct?
18 Thank you. Again, another violation included
19 transferring owner without approval. Is that
20 correct?

21 MR. TEAME: Not correct.

22 MR. DEVENDORF: That is not? So it's
23 your --

24 (Simultaneous speaking.)

25 MR. DEVENDORF: -- testimony -- is it

1 your testimony that as a result of the February
2 24th, 2019 incident, your establishment did not
3 receive a violation for transferring ownership
4 without approval?

5 MR. TEAME: It received.

6 MR. DEVENDORF: Excuse me?

7 (Simultaneous speaking.)

8 MR. DEVENDORF: Sorry. Let me step
9 back and rephrase the question.

10 MR. TEAME: Okay.

11 MR. DEVENDORF: As a result of the
12 February 24th, 2019 incident, your establishment
13 received a violation for transferring ownership
14 without approval. Is that correct?

15 MR. TEAME: Correct.

16 MR. DEVENDORF: Okay. Now,
17 additionally in -- now your establishment
18 received a violation after February 24th, 2019.
19 Is that correct?

20 MR. TEAME: No.

21 MR. DEVENDORF: You don't believe that
22 your establishment received a violation on
23 January 13th, 2020?

24 MR. TEAME: No.

25 MR. DEVENDORF: So it's your testimony

1 that your establishment did not receive a
2 violation on January 13th, 2020 for operating
3 outside of its approved hours?

4 MR. TEAME: Yes, it's not.

5 MR. DEVENDORF: So just --

6 MR. TEAME: Never -- it's never been
7 violated.

8 MR. DEVENDORF: So again, to clarify
9 for --

10 MR. TEAME: Never been violated.

11 MR. DEVENDORF: -- to clarify for the
12 record, you believe that your establishment did
13 not receive a violation on January 13, 2020 for
14 operating outside of its approved hours?

15 MR. TEAME: Yes, we didn't receive no
16 violation at all.

17 MR. DEVENDORF: Moving on to your
18 interactions with your neighbors. Your neighbors
19 have contacted you regarding issues with your
20 establishment, correct?

21 I need --

22 MR. TEAME: Yes.

23 MR. DEVENDORF: -- a verbal response.
24 Sorry. Can you say that again? It's your
25 testimony that your neighbors have not contacted

1 you regarding issues with noise?

2 MR. TEAME: Oh, Mr. Matthew, he does.
3 Mr. Matt would be on phone calls. It was 2018,
4 2017. But since then, I don't have no
5 communications whatsoever with anybody of the
6 neighborhood.

7 MR. DEVENDORF: So it's your testimony
8 that the neighbors have not attempted to contact
9 you regarding noise complaints?

10 MR. TEAME: No. No, not recently.

11 MR. DEVENDORF: If you'll give me just
12 a moment. Okay. But you did have a meeting with
13 -- at least at one point, you did have a meeting
14 with the neighbors to discuss their issues. That
15 did occur, correct?

16 MR. TEAME: Yes, but it was about a
17 settlement agreement that I have a meeting which
18 didn't go well. I got disrespected and
19 threatened by the members of the community that
20 we are many, we have power here, and such and
21 such. And the meeting didn't go well because of
22 the verbal threats and disrespect that they have
23 in my own place.

24 MR. DEVENDORF: So you didn't make any
25 changes after those meetings, correct?

1 MR. TEAME: What changes?

2 MR. DEVENDORF: You did not make any
3 changes after those meetings. Is that correct?

4 MR. TEAME: Regarding what?

5 MR. DEVENDORF: Regarding the
6 operation of your establishment.

7 MR. TEAME: Oh, we always do. We
8 always try to meet your needs and your
9 requirement, but it's not enough. The thing you
10 want from us is you just want us to go away.
11 It's not enough for you, sir.

12 MR. DEVENDORF: So it's your testimony
13 that after the meeting, you did not attempt to
14 make the changes requested by the neighborhood.
15 Is that a yes or a no?

16 MR. TEAME: We did every day. We did
17 every night we have an event. We follow the
18 procedure. We make sure that nobody is out
19 front. Nobody is smoking out front. We make the
20 smoking area in the back. We even clean your
21 dirt. We don't have no clean.

22 I don't what this issue is. We did
23 all. We close an hour earlier on the weekdays
24 and on weekend. So we did, we try to meet it.
25 But it's not enough for you guys, like I say,

1 because your request is unreasonable and unheard.

2 MR. DEVENDORF: All right. I don't
3 have any questions -- any further questions for
4 this witness.

5 MR. TEAME: Thank you. Thank you,
6 sir.

7 CHAIRPERSON ANDERSON: Thank you. Mr.
8 Teame, let me ask you this. I want to go back to
9 the Board's exhibits. And you had -- I think you
10 -- Mr. Condon, had testified that you had
11 provided him an email from the neighborhood
12 development company, which is, I guess --

13 MR. TEAME: Yeah.

14 CHAIRPERSON ANDERSON: -- Exhibit 3.
15 Can you tell --

16 MR. TEAME: Yes.

17 CHAIRPERSON ANDERSON: -- us when was
18 this email and what was this about, please?

19 MR. TEAME: The email was done, like,
20 the first year. The letter was sent to the
21 development company May 8, 2015. And the email
22 was -- the email correspondence was done right
23 away after May 8, 2015 throughout the time of the
24 building of 4308.

25 CHAIRPERSON ANDERSON: All right. Let

1 me ask you a question. Which one was first? Was
2 the letter first or the email first?

3 MR. TEAME: The letter was first, May
4 8 --

5 CHAIRPERSON ANDERSON: Okay. So tell
6 me about -- okay. Let's back up. So Exhibit 4,
7 what is Exhibit 4 and why is it that you hired an
8 attorney to write a letter to the neighborhood
9 development company? Just talk more about that,
10 please.

11 MR. TEAME: Sure. On November 17, it
12 was probably prior to November 17, I receive a
13 letter from DCRA, the approval of this condo is
14 going to be built next to me. So immediately on
15 November 17, I sent a memorandum letter to the
16 developer which is the address is 3232 Georgia
17 Avenue. And I didn't receive any answer.

18 So I was forced to hire an attorney to
19 protect the interest that I have, first of all
20 for the record. I am not only the legal owner of
21 the business, I am also the owner of the
22 building. So I have an interest of the building
23 and I just want to make sure that whatever is
24 built next to me, I am protected.

25 So I have to -- I was forced to hire

1 an attorney. I hire an attorney whose name is
2 Ronald Webne, which is -- the letter that's on
3 the record. And Mr. Webne sent a letter on May
4 8, 2015 to developers.

5 And since then, the developers stop
6 responding. And most of it, they meet our
7 demand. They built no windows on our end. When
8 they are going eight foot down to dig to the
9 basement, they have to have protection to our
10 building so there wouldn't be no damage to the
11 structure of our building. And we were working
12 diligently with the developers, including the
13 noise and how this building had to be built and
14 noise proof building and all of that.

15 So the correspondence was to the
16 interest of, one, the interest of the property
17 that I have. This is my investment property, and
18 I'll make sure I am covered like they are trying
19 to be covered. Second, I am the owner of the
20 business, so I make sure that the future
21 residents do not have no issue at all with our
22 nature of the business so we all can live
23 together as neighbors.

24 CHAIRPERSON ANDERSON: So what
25 response, if any, did you receive from the

1 developer regarding noise abatement?

2 MR. TEAME: Oh, I got a response. It
3 was an email that's in evidence. They hire a
4 company, a sound company. And we scheduled to
5 play live music and a DJ. And the company they
6 hired were outside on Georgia Avenue measuring
7 the sound coming out of our building, so they can
8 have enough soundboard or whatever that needs to
9 protect the sound from going to the neighbors.

10 On the top of that, what I would like
11 to mention, sir, is this building is on Georgia
12 Avenue are semidetached. There are two houses
13 together, and there is an open space in between.
14 So there was a big open space between us and
15 4308.

16 But when the developer of the building
17 take advantage of the open space that was
18 semidetached, then attach to our building. And
19 they don't have no wall at all. They are using
20 our wall.

21 That's why the reason is especially
22 this, for condo owners are sharing the wall.
23 That's why they are complaining because the
24 vibration. The noise is going to them. And it
25 is the failures of their builder that failed to

1 build it with soundproof and take advantage of
2 the -- it doesn't leave any space between the two
3 buildings to minimize the noise coming out of our
4 establishment.

5 CHAIRPERSON ANDERSON: But did you
6 bring this to the attention of the developer to
7 say, what type of noise mitigation did they put
8 in place since you have live music and that
9 you'll be sharing a wall with residents?

10 MR. TEAME: Well, that was -- the only
11 thing is I schedule that there's a copy of the
12 email, Exhibit 4. They schedule a company to
13 hire, and they have a report from the company
14 they hire. And they are going to build the
15 building in that accord. So that's my knowledge.
16 I'm not an engineer. I'm not a builder. I don't
17 know. So my understanding was the building was
18 built to our agreement, which is a soundproof
19 building.

20 CHAIRPERSON ANDERSON: Now what
21 specific noise mitigation have you put in place
22 since your neighbors are now -- since the
23 residents are now complaining that they're
24 hearing noise from your building?

25 MR. TEAME: Sure, sure. We took a lot

1 of measures. We minimize the sound of the
2 speakers that we have upstairs. I hire a sound
3 engineer who can monitor the noise. And the ABRA
4 recommendation was then that to build a sound
5 board underneath the speakers, and we built that.

6 I even cover with heavy, heavy cartons
7 that it can minimize. I'm not talking about just
8 simple cartons. Very heavy duty cartons that we
9 bought online to minimize the noise and the cover
10 all glasses that go to their building on the side
11 of their building and to Georgia Avenue to
12 minimize the noise.

13 On the top of that, we start closing
14 an hour early when we have a live band playing
15 upstairs. And we close it at 1:00 o'clock. On
16 the weekend, we close at 2:00. We minimize to
17 have any bookings on weekdays upstairs at all so
18 they can have peace.

19 So I tried to work with these
20 residents to minimize the music that we play in
21 here. Even ABRA, we were on the noise task
22 forces for months with ABRA here. No violation
23 was founded. We have different events.

24 But like I say, these people are
25 sharing a wall, and I understand their

1 frustration as well. Trust me, I understand.
2 And I am doing the best I can to satisfy them,
3 but I can't go away.

4 I have to be in business. I have to
5 live, and I have a right to have business like
6 they do have a right to live in D.C. But I am
7 working every day to satisfy them.

8 Even now, right now, 2019 COVID, we're
9 not even here. We're not here at all. But sir,
10 for these neighbors, it's a habit. It's
11 harassment.

12 On January 2nd, they have to call
13 ABRA. And it's only me and my two employees here
14 with friends sitting down. And ABRA showed up,
15 and they have a call on January 2nd because they
16 saw that the lights were on, because they don't
17 want us to be here.

18 They were happy that we were not here
19 for March all the way to January. And they don't
20 want us to come back in here. For them, trust
21 me, it's not about anything. But they don't want
22 us to be here.

23 CHAIRPERSON ANDERSON: Now let me ask
24 you a question. You stated that you brought in a
25 sound engineer. Did this person ever provide you

1 with any written report?

2 MR. TEAME: Not really, but he's my
3 employee. He works on DJ. And also on the top
4 of that, I want to add that we have all managers,
5 bartenders and we go outside and monitor the
6 sound because there is a law that we can't be
7 playing more than 55 dB that which is DCRA
8 recommended. So we make sure we're not passing
9 that.

10 So anytime we have an event, we go
11 outside and monitor, including the sound
12 upstairs. And when it's more than that, we go up
13 there and go down a little bit on the voice. So
14 we've been proactive about this, sir. We've been
15 proactive. We tried to satisfy these neighbors,
16 but it's not enough for them. It's not enough
17 for them.

18 CHAIRPERSON ANDERSON: Now that I've
19 heard testimony about this homicide that occurred
20 at your establishment. So what steps have you
21 taken since this homicide to improve on your
22 security and what improvements -- what
23 improvements had to be done regarding the
24 security since you've had this incident?

25 MR. TEAME: Thank you for asking that

1 question, sir. I am really, really, really sorry
2 that happened on our time -- or on our hand I can
3 say. Even at that moment, the manager only -- he
4 took a measure that it was right for his end, is
5 he close and he dispersed the party or all that.

6 But it was not enough. But since
7 then, we have hired security. We have security.
8 We don't have such kind of events. We have
9 system cameras that monitor that was approved by
10 ABRA, monitor the entire movement of the Georgia
11 Avenue, 4306, from all the way to the corner, all
12 the way when they're coming in, when they are
13 walking around, going to the back, and leaving.

14 Everything is monitored through a
15 security camera. We have security on duty. We
16 have two managers, two managers on duty, one on
17 the first floor, one of the second floor
18 monitoring everything. And since then, we never
19 have a single accident whatsoever at all.

20 So we are doing our best to make sure
21 that this will never happen again. These kind of
22 accidents happen anywhere. It happened at the
23 White House. It happened at the Capitol Hill.
24 It happen everywhere.

25 But it's unfortunate it happen to us.

1 And I have to be penalized and hammered every day
2 by these neighbors that -- who doesn't want me to
3 be here because an accident happen. And it is
4 not fair at all. It is not fair. Thank you.

5 CHAIRPERSON ANDERSON: All right. I
6 want to ask one other question. You stated that
7 you had reduced your hours. So what hours did
8 you reduce? And when did you reduce your hours?
9 And was this a permanent reduction of hours?
10 Tell me what days did you reduce your hours and
11 why.

12 MR. TEAME: Sure, Mr. Chairman. I
13 reduce hours because the problem is when I notice
14 all that because of the neighbors is the main
15 problem that we have on the noise is when the
16 live band is playing. When the live band is
17 playing (audio interference). So the combination
18 of all that is disturbing my neighbors.

19 Then I decided to cut off on the hours
20 when the live band is playing. I try to minimize
21 the booking on weekdays at all, unless there is
22 sometimes that you cannot down money. There
23 might be a good business that I can't turn down.
24 But I try to minimize the booking of upstairs on
25 weekdays. But if there is any bookings on

1 weekdays, I make sure that any live band playing
2 will close an hour early, which is --

3 CHAIRPERSON ANDERSON: And what time
4 would that be?

5 MR. TEAME: 1:00 a.m. But the place
6 is open, but the music stops at 1:00 a.m. On the
7 weekend, I stop at 2:00 a.m. But the business
8 stays open until 3:00 a.m.

9 MR. DEVENDORF: Mr. Chairman, I'm
10 sorry to interrupt here. But it seems like the
11 gentleman sitting on the left side of our screen
12 but the right side of the owner is feeding him
13 answers. I'd like to reiterate the fact that the
14 applicant is the only person testifying, and this
15 needs to be his testimony. He can't be parroting
16 something from a witness that was excluded due to
17 his failure to file his Protest Information Form.

18 CHAIRPERSON ANDERSON: All right, Mr.
19 Teame. What I need to find out from you, sir,
20 it's just the hours. You testified that there's
21 certain days that you reduce your hours. And I'm
22 just wanting -- want the record to be clear.

23 MR. TEAME: Yes.

24 CHAIRPERSON ANDERSON: When is it you
25 reduced your hours and what's the reduction in

1 hours? So you're basically saying that when you
2 have live bands during the week, you stop the
3 music at 1:00 a.m.

4 MR. TEAME: Right.

5 CHAIRPERSON ANDERSON: And on the
6 weekend, what time do you stop the music?

7 MR. TEAME: 2:00 a.m.

8 CHAIRPERSON ANDERSON: I'm sorry. You
9 said on --

10 MR. TEAME: On a weekend --

11 CHAIRPERSON ANDERSON: -- a weekend --

12 MR. TEAME: -- 2:00 a.m.

13 CHAIRPERSON ANDERSON: -- you stop the
14 music at 2:00 a.m. However, your business, I
15 guess, during the weekday still operates till
16 2:00. But on the weekend, the music stops -- the
17 live band music stops at 2:00, but the business
18 still operates till 3:00. Is that your
19 testimony?

20 MR. TEAME: Correct, sir.

21 CHAIRPERSON ANDERSON: All right. All
22 right. Any other questions by any other Board
23 members?

24 Mr. Teame, is there any -- normally,
25 because it's your case, is there any statements

1 you want to make to clarify, because this is your
2 case, you're the witness testifying. So if you
3 had a lawyer, your lawyer probably would have
4 asked if you need to clarify the record based on
5 testimony that came out earlier.

6 So is there any statements -- is there
7 anything you want to say now to clarify? I know
8 that Mr. Devendorf has asked you questions and
9 you wanted to explain but he said yes or no. So
10 this is your opportunity. Is there anything that
11 you want to say before you close your case?

12 MR. TEAME: Sure.

13 CHAIRPERSON ANDERSON: I'm going to
14 still give you an opportunity to make a closing
15 statement. But just because you were cross-
16 examined by two witnesses, are there any
17 clarification of the record that you need to make
18 before you rest your case?

19 MR. TEAME: I think I am good, and I
20 will remark -- I'll do the other remarks on the
21 closing remarks. Thank you.

22 CHAIRPERSON ANDERSON: Okay. So you
23 rest?

24 MR. TEAME: Yes.

25 CHAIRPERSON ANDERSON: All right.

1 Okay. Thank you. And maybe I got lost, Mr.
2 Devendorf. Is the ANC going to present any other
3 testimony? Or are you just going to -- is it
4 you're going to now present the testimony for
5 your case? Does the ANC have any witnesses they
6 wish to call or is someone going to testify --

7 (Simultaneous speaking.)

8 MR. DEVENDORF: I believe I do have a
9 witness. I'll let them answer that question. We
10 have our own witnesses.

11 CHAIRPERSON ANDERSON: Okay. So Ms.
12 Varzi --

13 MS. VARZI: I was going to speak -- I
14 was just going to speak briefly.

15 CHAIRPERSON ANDERSON: You said --
16 hold on. So you're going to speak briefly. Is
17 that it?

18 MS. VARZI: Mm-hmm, to provide
19 historical context to the ANC's --

20 CHAIRPERSON ANDERSON: Hold on. Hold
21 on. And hold on a minute. Mr. Johnson, you have
22 nothing else to say. Is that correct?

23 MR. JOHNSON: Yes, Mr. Chairman. Kim
24 Varzi is the witness for 4C ANC.

25 CHAIRPERSON ANDERSON: All right. Now

1 are you going to ask her questions, or is she
2 going to make a statement?

3 MR. JOHNSON: Kim Varzi is our
4 witness.

5 CHAIRPERSON ANDERSON: I'm sorry. Are
6 you going to question her, or is she going to
7 just make a statement? Which one? I'm just
8 trying to figure out.

9 MS. VARZI: I'm making a statement.

10 CHAIRPERSON ANDERSON: All right. Can
11 you raise your right hand, please?

12 WHEREUPON,

13 KIMYIA VARZI

14 was called for examination by Counsel for ANC 4C,
15 having been first duly sworn, was examined and
16 testified as follows:

17 CHAIRPERSON ANDERSON: All right. Go
18 ahead, Ms. Varzi.

19 MS. VARZI: Okay. Just briefly, I
20 want to speak to the context with regard to the
21 ANC's involvement when it first began. But
22 before even doing that, thank you all for being
23 here. I also want to just on the record thank
24 Sarah Fashbaugh, because she spent a lot of time
25 working with me and explaining how things worked

1 at the ABRA.

2 So I just want to put it out there,
3 without her, I think the ANC Commissioners would
4 be at a loss with what to do. So I just want to
5 let you know that I was approached by community
6 members in June of 2018, prior to even becoming a
7 commissioner. And these members did reside at
8 4308 Georgia Avenue. And they talked to me about
9 the issues of Safari in August of 2018.

10 I met with them just to hear what they
11 had to say. They also met with the other ANC
12 candidate, but I thought that there was nothing I
13 could do. Then once sworn in, in January 2019, I
14 learned that the ANC, 4C, have written in their
15 bylaws that settlement agreements would be
16 created with all establishments renewing their
17 liquor licenses.

18 So this was part of our bylaws for the
19 commission. So when I introduce myself to every
20 business in 4C07 that held a liquor license, I
21 explained to them this, as well as had it written
22 in my letter of introduction. Several businesses
23 already had -- as Mr. Condon had mentioned, had
24 settlement agreements or voluntary agreements. I
25 apologize if there's background noise.

1 CHAIRPERSON ANDERSON: No, I'm sorry,
2 Ms. Varzi. Ms. Gabriella Kubinyi, I'm sorry, I
3 think she has her pet behind her. So that's what
4 I'm laughing at. I'm apologize.

5 MS. VARZI: Oh, no. Well, I know my
6 son is kind of running in and out as well. So he
7 likes to -- when it's my turn to speak, he likes
8 to kind of somehow come on. Hopefully not right
9 now.

10 But when I did introduce myself to
11 businesses and explained if they didn't have a
12 settlement agreement prior, it would be something
13 we'd be working on. And Safari did not. So when
14 I went into the establishment in January to
15 introduce myself, I expressed to the manager on
16 site who I met, John Shuler, that there'd be a
17 settlement agreement that we'd be discussing in
18 the future because it was in our bylaws.

19 I also spoke with him about community
20 members' desire to meet and find an agreement on
21 how they could coexist. I was met with a bit of
22 hostility, but that's expected when you approach
23 any establishment and tell them you're possibly
24 putting out a settlement agreement. And he was
25 reluctant to meet with neighbors, but eventually

1 he did.

2 Following this introduction, I
3 actually went and spoke to neighbors on the 4300
4 block of Georgia Avenue, as well as the 900 block
5 of Varnum Street. One person on Varnum who's a
6 longtime resident said he wasn't bothered one way
7 or the other about Safari. One person in -- one
8 resident in a home across the street said -- she
9 replied, Safari is a club, that's how clubs are
10 handled, although I don't think she realized
11 Safari is not a club.

12 But other members of the community on
13 the same block both in homes on the west side,
14 apartments on the same side of Safari and other
15 buildings, not just the abutting building but
16 another condo building, had complaints. And they
17 range from noise, litter, loitering, disruptive
18 behavior that would wake family members at all
19 hours of the night, as well as parking and
20 security.

21 And they also, there were some
22 complaints about -- and this was more from the
23 abutting building, but not someone who's -- about
24 the patio garden, people remaining in it after it
25 was actually -- after the establishment had

1 closed. On February 9th, we actually -- 2019, we
2 held a meeting with John Shuler, the manager, and
3 John Harrison, the representative of Safari, or
4 that's how he termed himself. Unknown to us at
5 the time, Mr. Teame was out of the country.

6 I did distribute flyers to residents
7 on Georgia Avenue and Varnum, letting them know
8 about the meeting, because I wanted -- one thing
9 I wanted to make sure that was that community was
10 involved and it wasn't just one person. I think
11 I wanted to get other voices heard as well. So a
12 few members of the abutting building and myself
13 did attend, as well as my block captain who lived
14 in the nearby apartment, 4314 Georgia Avenue. He
15 has since moved.

16 I found the conversation between the
17 manager, Mr. Shuler, and Mr. Harrison and the
18 community members to be fruitful. We talked
19 about -- they talked about some controlling
20 mechanisms that they could do, as well as discuss
21 patron behavior. We didn't talk about hours at
22 that point.

23 And community members spoke of how
24 they would like to support Safari and be more
25 involved with the establishment. One example was

1 Mr. Shuler, I believe, on Thursdays was holding,
2 like, an open mic night where people -- musicians
3 could come in and use the establishment to either
4 practice, record themselves, and do things. And
5 there were several musicians in the area that
6 were -- my block captain as well is a singer and
7 he thought that was great.

8 Others that were there were saying how
9 they would love to have the opportunity to go get
10 a bite to eat on the way home. So to me, it
11 seemed like a good meeting, a good productive
12 meeting. People were, like -- we left, I think,
13 feeling pretty positive about the situation.

14 I know that some members wanted a
15 settlement written pretty soon. But I also
16 wanted to give Mr. Shuler an opportunity to
17 respond, because it did take a while to get him
18 to come to the meeting. And then two weeks later
19 on February 24, as we've all discussed, a fight
20 occurred inside Safari and subsequently a
21 shooting outside by a patron who attended an
22 event at Safari.

23 And I think the fight is noted in the
24 ABRA investigation. Several people have
25 mentioned it. Or, they haven't mentioned the

1 fight but the shooting. But the fight is noted
2 in the ABRA investigation as well as the offer in
3 compromise hearing, as I believe it's the same
4 people. Again, this was one of the issues
5 following the incident, is that management didn't
6 call the police.

7 And at first, they were unwilling to
8 actually speak with ABRA and MPD about what
9 happened. And that's just another reason that it
10 made clear that there was a need for security and
11 operational measures to take place by the
12 establishment to protect both the patrons and
13 community members. Following the shooting, an
14 offer in compromise was made between the
15 establishment, ABRA, and the Office of Attorney
16 General.

17 In May 2019, the ANC still chose to
18 protest the renewal of their license. Their
19 protest included issues outlined in our protest
20 which I think ABRA has reviewed for the most
21 party. But D.C. Law 25-313, meeting the standard
22 appropriateness, avoiding negative effects, I
23 won't get into them because I know we've gone
24 long.

25 And then we also wrote to MPD asking

1 for a list of incidents they were called to
2 Safari for. And that's exhibited in our PIF.
3 However, since Safari holds a tavern license, the
4 renewal wouldn't be until the end of 2015. So in
5 the meantime, I spoke with Mr. Teame and he
6 agreed to hold a meeting with members of the
7 community and prepared a draft settlement
8 agreement in hopes that we could discuss this at
9 the meeting hall on September 10th, 2019.

10 Mr. Teame kindly hosted the meeting at
11 Safari, and it was a great beginning of
12 communication from a lack thereof. Community
13 members expressed wanting earlier hours at the
14 meeting as well as how they could support the
15 establishment. However, some community members
16 began to express the grievances they had with the
17 establishment.

18 Mr. Teame expressed as well how he
19 felt during the meeting -- the outcome of the
20 meeting. But in the end, we weren't able to even
21 discuss the settlement agreement.

22 And I believe Mr. Teame could possibly
23 verify, I believe I met with him separately after
24 this meeting to discuss the issue as well. I
25 believe it was after, and we walked around the

1 establishment to see things he could do to help
2 control noise, such as put up curtains near the
3 window or add carpet under the amplifier. And he
4 also expressed his disappointment in the issue at
5 hand, considering his establishment had been
6 around much longer than the condo building, as
7 he's expressed tonight, as he's expressed in the
8 previous mediation meeting.

9 And he also, as expressed as well
10 today, he expressed the issue of the developer
11 next door not having insulated the building well
12 enough. Unfortunately, these are issues that are
13 going to continue to pose problems within our
14 city unless DCRA, the Office of Planning, they
15 make different measurements as well, with regard
16 to new developments. He did express to me, I
17 believe, that day, that the reaction of community
18 members at the meeting held on September 10th
19 that he would not be open to completing a
20 settlement agreement.

21 Thus, at our October 19th meeting, the
22 ANC voted in favor of a protest letter to
23 Safari's liquor license. And then what followed
24 was a mediation meeting with ABRA in February
25 2020. And then also in February, I met at Safari

1 with Mr. Teame, the ABRA inspector, and a member,
2 Matt Siordia, with regard to the noise.

3 And while noise in Safari was lowered
4 to a certain level, I was astounded how you could
5 actually hear the music in the condos. Like,
6 that, to me, was the first time I could tell why
7 the abutting building had issues. I mean, I'd
8 heard from neighbors across the street about the
9 outside noise. And for me, I would think it was
10 mostly an after-hour thing.

11 But in the end, that concludes us with
12 today. And I agree. Mr. Teame, we want you to
13 be in business. I'm sorry that with the health
14 emergency, a lot of businesses, especially small-
15 owned businesses are having a hard time. But I'm
16 also learning as our city develops and we have to
17 learn to find ways to coexist. So the ANC is
18 definitely looking for our changes and security
19 measures and operational measures that are
20 acceptable to both parties.

21 CHAIRPERSON ANDERSON: Is that it?

22 MS. VARZI: That's it.

23 Sorry. Longer than you though.

24 CHAIRPERSON ANDERSON: All right.

25 Thank you. Mr. Teame, do you have any questions

1 that you want to ask her, please?

2 MR. TEAME: No question.

3 CHAIRPERSON ANDERSON: Mr. Devendorf,
4 are there any questions you want to ask, sir?

5 MR. DEVENDORF: No questions from me.
6 Thanks.

7 CHAIRPERSON ANDERSON: Let me ask a
8 quick question. What specific security measures
9 would you want? What specific security measures,
10 if any, are you requesting?

11 MS. VARZI: I mean, I can pull up the
12 settlement agreement that we had debated having.
13 But I know that an offer in compromise -- and I
14 know ABRA also offers a service where they can
15 have a security guard come and also be at the
16 door. That way, that security guard would, for
17 example, ask patrons -- kind of move them along
18 with they're lingering around outside, if they're
19 loitering.

20 That security personnel who is hired
21 can also be sure that those that are outside will
22 move along. And if there are any issues inside,
23 they're handled soon or the appropriate parties
24 are notified. I think that was one of the
25 problems was that in this specific instance,

1 police weren't notified.

2 And another -- and the complaints I
3 got from those living across the street were
4 disturbances, for example, after. And I know,
5 like, people would then leave the establishment
6 and go to their cars and take advantage of being
7 together in their cars to complete certain acts
8 that I think some of neighborhood residents
9 aren't necessarily wanting to be a part of.

10 So also working security cameras, that
11 the security cameras are always functional and
12 working, that if an ABRA investigator or MPD were
13 to ask to see the footage, they would have it
14 available. And those are important security
15 measures.

16 CHAIRPERSON ANDERSON: All right.

17 MS. VARZI: I don't know if Mr.
18 Johnson would like to add anything to that as
19 well.

20 CHAIRPERSON ANDERSON: Well, this is
21 somewhat --

22 MR. JOHNSON: No, thank you.

23 CHAIRPERSON ANDERSON: This is
24 somewhat -- remember, I thought Mr. Johnson had
25 nothing more to say.

1 MS. VARZI: Yeah, I know. I'm sorry.
2 Okay.

3 CHAIRPERSON ANDERSON: So that's why
4 I turned it over to you.

5 MS. VARZI: We're good.

6 CHAIRPERSON ANDERSON: I'm trying to
7 have some formality to how we move along. All
8 right. All right. Okay. Thank you, Ms. Varzi.
9 Thank you for your testimony. So are there any
10 questions that a Board member wishes to ask?

11 MEMBER SHORT: Yes, Mr. Chair. I have
12 one.

13 CHAIRPERSON ANDERSON: Go ahead, Mr.
14 Short.

15 MEMBER SHORT: Yes. Good afternoon,
16 Ms. Varzi.

17 MS. VARZI: Mr. Short.

18 MEMBER SHORT: Okay. Now how long
19 have you lived in the community, again, for the
20 record?

21 MS. VARZI: I've lived in this
22 neighborhood for 11 years.

23 MEMBER SHORT: Okay. So was that
24 condo connected to this establishment when you
25 moved in 11 years ago?

1 MS. VARZI: I do not believe so. But
2 I honestly didn't walk that block so often. I
3 can state that I remember walking by Safari and
4 being super excited that there was African
5 establishment a couple blocks from my house
6 because I love African --

7 MEMBER SHORT: Okay. The question I
8 really have is the condo came much later,
9 apparently. And there's been testimony that
10 building code enforcement people at DCRA notified
11 the owner of Safari and that the building was
12 constructed side-by-side bricks-facing-bricks in
13 spite of the law.

14 Had the ANC or anyone in your
15 community ever thought about maybe asking
16 questions of DCRA or the owners who sold --
17 owners of the building who had that building
18 constructed directly next door to someone, which
19 could be a hazard, because if there's a fire in
20 one building, if they're connected, there could
21 be a fire in the next. Is that correct?

22 MS. VARZI: Yeah, I agree 100 percent.
23 And to be honest with you, I wasn't part of the
24 ANC Commission when the condo building was built
25 and possibly when they were asking the ANC for

1 any exceptions to the building. Mr. Teame had at
2 one point said he would share with me the
3 developer's letters, but I haven't received
4 those.

5 But I agree with you 100 percent. And
6 that's why I think that DCRA, the Office of
7 Planning need to, like, take specific measures
8 when we are developing new condo buildings so
9 that they are soundproof. I mean, I witnessed --
10 I was watching what happened at Florida and
11 Georgia Avenue.

12 MEMBER SHORT: Okay. For the sake of
13 time, Ms. Varzi, I would just like to say this.
14 I do have some background in building
15 construction and safety. And then I do know that
16 there are other areas of towns and other ANCs and
17 other communities who have sued and won cases
18 where people have constructed buildings illegally
19 in causing the community irreparable damage. Are
20 you aware of that?

21 MS. VARZI: Okay. That's good to
22 know. Thank you very much.

23 MEMBER SHORT: Okay.

24 CHAIRPERSON ANDERSON: All right.

25 MEMBER SHORT: And just one last

1 question. You mentioned that maybe the police
2 department could have a detail. You know
3 anything about what they call the reimbursable
4 MPD program?

5 MS. VARZI: I believe that's what I
6 was speaking about, because I know ABRA had
7 mentioned it in their offer in compromise. Maybe
8 this is different, where they would pay 50
9 percent of the security detail. But that, I
10 think, we learned from ABRA.

11 MEMBER SHORT: Without taking too much
12 more time and your time, I know you have to go,
13 maybe your community should check in on things
14 like this. But I would strongly urge and
15 strongly and highly recommend that the community
16 go after whoever built that building illegally
17 and causing the community that kind of heartache
18 that daily those persons are experiencing in that
19 condo. I can only imagine someone putting a
20 building on a building in a city like this
21 knowing the repercussions.

22 Thank you for your testimony. Thank
23 you, Mr. Chair. That's all I have.

24 CHAIRPERSON ANDERSON: All right.
25 Thank you, Mr. Short. Are there any other

1 questions by any of the Board members?

2 MR. TEAME: I would like to add --
3 this is Mr. Teame, Mr. Chairman. I would like to
4 --

5 CHAIRPERSON ANDERSON: I'm sorry.
6 Hold on. Hold on. Hold on, Mr. Teame. You
7 can't speak. Mr. Grandis?

8 MEMBER GRANDIS: Thank you, Chairman.
9 Ms. Varzi, welcome to the ABC Board hearing. We
10 very much appreciate your testimony. I've been
11 trying to take notes to follow along. Did I
12 understand in your testimony you cited two
13 incidents that were in reports? They sounded
14 somewhat horrific. One was, I think, an assault
15 and one was a murder. Did I hear that --

16 MS. VARZI: That was with regards to
17 the February 24th. Is that what you're referring
18 to?

19 MEMBER GRANDIS: My question is, in
20 any of the incidents that you have in your
21 testimony, did they result in violations against
22 this licensee?

23 MS. VARZI: They did. An offer in
24 compromise was made between Mr. Teame, Safari,
25 ABRA, and I believe OAG, Office of the Attorney

1 General.

2 MEMBER GRANDIS: And which date was
3 that?

4 MS. VARZI: The date of the offer in
5 compromise?

6 MEMBER GRANDIS: Yes, of the incident.

7 MS. VARZI: The date of the incident
8 was February 24th.

9 MEMBER GRANDIS: Okay. Thank you. I
10 just want to make sure my notes were accurate.

11 MS. VARZI: Right, 2019. The date of
12 the offer in compromise, I believe, was, like,
13 April of that year, because I remember working
14 every single day and asking questions to Sarah
15 Fashbaugh. Thank you.

16 MEMBER GRANDIS: Thank you.

17 CHAIRPERSON ANDERSON: Any other
18 questions by any of the Board members?

19 Hearing none, all right. Thank you,
20 Ms. Varzi, for your testimony. All right. Now
21 Mr. Devendorf, you have an opportunity to present
22 your case. It is now 6:01. You have an hour to
23 present your case.

24 (Simultaneous speaking.)

25 MR. TEAME: Mr. Chairman --

1 CHAIRPERSON ANDERSON: I'm sorry.
2 Who's this? Who's speaking?

3 MR. TEAME: It's Mr. Teame, Mr.
4 Chairman. I would like to add before that.

5 CHAIRPERSON ANDERSON: No, sir. You
6 can't add anything. You presented your case.

7 (Simultaneous speaking.)

8 MR. TEAME: Okay. Thank you.

9 CHAIRPERSON ANDERSON: You presented
10 your case. Well, you know what? What do you
11 mean, add? You wanted to ask Ms. Varzi --

12 MR. TEAME: So Mr. --

13 CHAIRPERSON ANDERSON: -- a question?
14 Or you want to make your statement? Which is it?

15 MR. TEAME: To Mr. Short's statement
16 concerning the safety --

17 CHAIRPERSON ANDERSON: No, no, no, no.
18 You can't.

19 MR. TEAME: Okay. All right.

20 CHAIRPERSON ANDERSON: No, you can't.
21 You'll have the opportunity. All right?

22 MR. TEAME: Thank you.

23 CHAIRPERSON ANDERSON: All right. So
24 Mr. Devendorf, who's your first witness?

25 MR. DEVENDORF: Our first witness will

1 be -- so Ms. Craft unfortunately will not be able
2 to testify tonight. So we will begin with Mr.
3 Siordia.

4 CHAIRPERSON ANDERSON: Mr. -- I'm
5 sorry. Mr. Siordia?

6 MR. SIORDIA MCMULLEN: Me, sir.

7 CHAIRPERSON ANDERSON: Can you raise
8 your right hand, please?

9 WHEREUPON,

10 MATTHEW SIORDIA MCMULLEN
11 was called for examination by Counsel for the
12 Protestants, having been first duly sworn, was
13 examined and testified as follows:

14 CHAIRPERSON ANDERSON: Can you state
15 and spell your name for the record, please?

16 MR. SIORDIA MCMULLEN: First name is
17 Matthew, M-A-T-T-H-E-W. Last name is Siordia, S-
18 I-O-R-D, as in dog, I-A.

19 CHAIRPERSON ANDERSON: All right.
20 Thank you. It's your witness, sir.

21 MR. DEVENDORF: Thank you. Mr.
22 Siordia, where do you live?

23 MR. SIORDIA MCMULLEN: I live at 4308
24 Georgia Avenue, the abutting property.

25 MR. DEVENDORF: How long have you

1 lived there?

2 MR. SIORDIA MCMULLEN: I've lived
3 there since June 2017.

4 MR. DEVENDORF: And what is your
5 connection to this protest?

6 MR. SIORDIA MCMULLEN: I am an
7 abutting property owner, one of the protestants.
8 And when we first started this case, I was the
9 representative for the group of the various
10 abutting property owners.

11 MR. DEVENDORF: Now are you familiar
12 with the area in which Safari Lounge is located?

13 MR. SIORDIA MCMULLEN: Yes.

14 MR. DEVENDORF: How are you familiar
15 with it?

16 MR. SIORDIA MCMULLEN: I live in the
17 neighborhood -- or, I live next door and walk by
18 it all the time.

19 MR. DEVENDORF: If I showed you a map
20 of the area, would you be able to recognize it?

21 MR. SIORDIA MCMULLEN: Yes.

22 MR. DEVENDORF: Now Mr. Chairman, at
23 this time, I would like to be able to share my
24 screen to present an exhibit to the witness and
25 the Board. I see the option to share, but it's

1 blocked out. It doesn't seem like I can click
2 it. Is that something that needs to be enabled?

3 MS. ANDREWS: Please stand by.

4 CHAIRPERSON ANDERSON: Okay.

5 MR. DEVENDORF: Okay. Thank you.

6 Okay. It looks like I've been made
7 the presenter. I can share -- so let's see here.
8 Looks like I think this should do it. That's --
9 you should be seeing, I think -- is this -- does
10 this work for everyone?

11 CHAIRPERSON ANDERSON: Yes, sir.

12 MR. DEVENDORF: Can everyone see this?

13 CHAIRPERSON ANDERSON: Yes, sir.

14 MR. DEVENDORF: Okay. Mr. Siordia, do
15 you recognize this exhibit?

16 MR. SIORDIA MCMULLEN: Yes.

17 MR. DEVENDORF: What is it?

18 MR. SIORDIA MCMULLEN: It's a zoning
19 map.

20 MR. DEVENDORF: And how do you know
21 what it is?

22 MR. SIORDIA MCMULLEN: I took the
23 screen grab of that.

24 MR. DEVENDORF: And is this a fair and
25 accurate representation of the location of your

1 condo building with respect to Safari Lounge?

2 MR. SIORDIA MCMULLEN: Yes.

3 MR. DEVENDORF: Mr. Chairman, at this
4 time, I would like to move this map file into
5 evidence as P1.

6 (Whereupon, the above-referred to
7 document was marked as Protestant
8 Exhibit No. P1 for identification.)

9 CHAIRPERSON ANDERSON: Mr. Teame, do
10 you have any objection to us putting this --
11 introducing this document into evidence?

12 MR. TEAME: No objection.

13 CHAIRPERSON ANDERSON: I'm sorry?

14 MR. TEAME: No objection.

15 CHAIRPERSON ANDERSON: So moved.

16 (Whereupon, the above-referenced to
17 document was received into evidence as
18 Protestant Exhibit No. P1.)

19 MR. DEVENDORF: Mr. Siordia, can you
20 identify or describe on the map where your condo
21 building is located?

22 MR. SIORDIA MCMULLEN: Yes, our condo
23 building is the green shape with a pin on it.

24 MR. DEVENDORF: And where on the map
25 is Safari Lounge located?

1 MR. SIORDIA MCMULLEN: The square just
2 below that.

3 MR. DEVENDORF: Thank you. Now are
4 you familiar with the exterior of Safari Lounge?

5 MR. SIORDIA MCMULLEN: Yes.

6 MR. DEVENDORF: How are you familiar
7 with that?

8 MR. SIORDIA MCMULLEN: I live next
9 door and walk by it pretty regularly.

10 MR. DEVENDORF: So if I showed you a
11 picture of the exterior, would you recognize it?

12 MR. SIORDIA MCMULLEN: Yes.

13 MR. DEVENDORF: Now at this time I
14 will share what's been labeled, the file at
15 least, as P2.

16 (Whereupon, the above-referred to
17 document was marked as Protestant
18 Exhibit No. P2 for identification.)

19 MR. DEVENDORF: Can everyone see that?

20 CHAIRPERSON ANDERSON: Yes.

21 MR. DEVENDORF: Is the size okay? Do
22 you recognize this picture?

23 MR. SIORDIA MCMULLEN: Yes.

24 MR. DEVENDORF: And now I'd like to
25 show you what's been labeled P3.

1 (Whereupon, the above-referred to
2 document was marked as Protestant
3 Exhibit No. P3 for identification.)

4 MR. DEVENDORF: Apologize for the
5 loading time on these. Do you recognize that
6 exhibit?

7 MR. SIORDIA MCMULLEN: Yes.

8 CHAIRPERSON ANDERSON: Can you have
9 the witness identify what it is, because remember
10 we have a court reporter.

11 MR. DEVENDORF: Oh, I can -- these are
12 pictures showing -- if I may proffer, they're
13 pictures showing the same general areas. I was
14 going to present them and then describe them.
15 But if you want me to go one-by-one, I can do
16 that as well.

17 CHAIRPERSON ANDERSON: Yes, please.

18 MR. DEVENDORF: Okay, sure, sure. Do
19 you recognize this picture, Mr. Siordia?

20 MR. SIORDIA MCMULLEN: Yes, I do.

21 MR. DEVENDORF: What does it depict?

22 MR. SIORDIA MCMULLEN: It depicts our
23 building and Safari's building.

24 MR. DEVENDORF: And now I'm showing
25 what's been labeled as P5.

1 (Whereupon, the above-referred to
2 document was marked as Protestant Exhibit No. P5
3 for identification.)

4 MR. DEVENDORF: Do you recognize this
5 picture?

6 MR. SIORDIA MCMULLEN: Yes, I do.

7 MR. DEVENDORF: What is it?

8 MR. SIORDIA MCMULLEN: A picture
9 showing our building and Safari's building.

10 MR. DEVENDORF: And finally, do you
11 recognize this picture?

12 (Whereupon, the above-referred to
13 document was marked as Protestant Exhibit No. P6
14 for identification.)

15 MR. SIORDIA MCMULLEN: Yes, I do.
16 It's a picture showing our building which is the
17 kind of off-white, grayish brick on the right and
18 then Safari's building which is the red brick.

19 MR. DEVENDORF: And so taken as a
20 whole, can you describe what exactly these four -
21 - five exhibits I've showed? What do they
22 depict?

23 MR. SIORDIA MCMULLEN: They depict
24 that our building and Safari's building are
25 physically abutting, two separate walls that are

1 actually touching.

2 MR. DEVENDORF: And are these -- so
3 how are you familiar with these pictures?

4 MR. SIORDIA MCMULLEN: I took these
5 photos.

6 MR. DEVENDORF: And are these photos
7 a fair and accurate representation of the
8 location at the time the photos were taken?

9 MR. SIORDIA MCMULLEN: Yes.

10 MR. DEVENDORF: Mr. Chairman, at this
11 time, I'd like to move Exhibits P2 through P2 --
12 that's P2, P3, P4 -- excuse me, P3, P4, P5, and
13 P6 -- the pictures I just showed into the record.

14 CHAIRPERSON ANDERSON: Mr. Teame, do
15 you have any objection?

16 MR. TEAME: No.

17 CHAIRPERSON ANDERSON: So moved.

18 (Whereupon, the above-referred to
19 documents were received into evidence as
20 Protestant Exhibit Nos. P2 through P6.)

21 MR. DEVENDORF: Moving on, Mr.
22 Siordia, are you familiar with the interior of
23 Safari Lounge?

24 MR. SIORDIA MCMULLEN: Yes.

25 MR. DEVENDORF: How are you familiar

1 with it?

2 MR. SIORDIA MCMULLEN: I've been in a
3 handful of times.

4 MR. DEVENDORF: So if I showed you
5 pictures of the interior, would you recognize
6 them?

7 MR. SIORDIA MCMULLEN: Yes.

8 MR. DEVENDORF: Now I'm going to close
9 some of these. It might help with loading things
10 a little faster. At this time, I'm going to
11 publish P7.

12 (Whereupon, the above-referred to
13 document was marked as Protestant Exhibit No. P7
14 for identification.)

15 MR. DEVENDORF: Do you recognize this
16 picture?

17 MR. SIORDIA MCMULLEN: Yes.

18 MR. DEVENDORF: And what is it?

19 MR. SIORDIA MCMULLEN: The interior of
20 Safari.

21 MR. DEVENDORF: Now publishing P8.

22 (Whereupon, the above-referred to
23 document was marked as Protestant Exhibit No. P8
24 for identification.)

25 MR. DEVENDORF: Do you recognize this

1 picture?

2 MR. SIORDIA MCMULLEN: Yes, I do.

3 MR. DEVENDORF: And what is it?

4 MR. SIORDIA MCMULLEN: The interior of
5 Safari as well.

6 MR. DEVENDORF: And P9 is loading.

7 (Whereupon, the above-referred to
8 document was marked as Protestant Exhibit No. P9
9 for identification.)

10 MR. DEVENDORF: Do you recognize this
11 picture?

12 MR. SIORDIA MCMULLEN: Yes, I do.

13 MR. DEVENDORF: And what is it?

14 MR. SIORDIA MCMULLEN: The interior of
15 Safari. It's a wider version of one of the
16 previous photos showing the second floor of
17 Safari.

18 MR. DEVENDORF: Okay. We will come
19 back to that. But at this point, I'd like to
20 show you P10.

21 (Whereupon, the above-referred to
22 document was marked as Protestant Exhibit No. P10
23 for identification.)

24 MR. DEVENDORF: Do you recognize this
25 picture?

1 MR. SIORDIA MCMULLEN: Yes, I do.

2 MR. DEVENDORF: What is it?

3 MR. SIORDIA MCMULLEN: The interior of
4 Safari.

5 MR. DEVENDORF: And finally, I'm
6 pulling up P11.

7 (Whereupon, the above-referred to
8 document was marked as Protestant Exhibit No. P11
9 for identification.)

10 MR. DEVENDORF: Do you recognize this
11 picture?

12 MR. SIORDIA MCMULLEN: Yes, I do.

13 MR. DEVENDORF: What is it?

14 MR. SIORDIA MCMULLEN: The interior of
15 Safari's second floor.

16 MR. DEVENDORF: How are you familiar
17 with these photographs?

18 MR. SIORDIA MCMULLEN: I took these
19 photos -- these particular photos the night of
20 the ABRA's own test.

21 MR. DEVENDORF: And are these photos
22 a fair and accurate representation of the
23 interior of Safari Lounge at the time they were
24 taken?

25 MR. SIORDIA MCMULLEN: Yes.

1 MR. DEVENDORF: Mr. Chairman, at this
2 time, I'd like to move P7, P8, P9, P10, and P11
3 into evidence.

4 CHAIRPERSON ANDERSON: Mr. Teame, do
5 you have any objection?

6 MR. TEAME: No, no.

7 CHAIRPERSON ANDERSON: So moved.

8 (Whereupon, the above-referred to
9 documents were received into evidence as
10 Protestant Exhibit Nos. P7 through P11.)

11 MR. DEVENDORF: Now I would like to
12 return to -- I believe it was either P9 or P8. I
13 apologize for this delay here. Now so we're
14 looking at P9 now. Mr. Siordia, can you
15 described based on your know of your own condo
16 building and the interior of Safari Lounge, can
17 you describe where this picture is located with
18 respect to your condo building?

19 MR. SIORDIA MCMULLEN: Yes. So the
20 wall you see of the photo, that is our -- that is
21 Safari's wall. And then on the other side is our
22 wall. So that's the abutting walls.

23 MR. DEVENDORF: And what does this
24 picture show that is connected to the wall?

25 MR. SIORDIA MCMULLEN: So it shows

1 right in the middle there's a large speaker
2 mounted to the abutting wall and then what
3 appears to be a large subwoofer or an amplifier
4 right up against the wall as well.

5 MR. DEVENDORF: Thank you. Now moving
6 on, based on your knowledge of the neighborhood,
7 Mr. Siordia, do you have familiarity with other
8 nearby ABC licensed establishments?

9 MR. SIORDIA MCMULLEN: Yes, I do.

10 MR. DEVENDORF: And how is that?

11 MR. SIORDIA MCMULLEN: I live in the
12 neighborhood, and I've frequented some of the
13 various restaurants and bars in the neighborhood
14 and also have done some research on the
15 settlement agreements and the hours of operation
16 of those establishments and their entertainment
17 hours in preparation for representing our
18 abutting property owners during this process.

19 MR. DEVENDORF: So based on your
20 knowledge of the neighborhood and the
21 establishments therein, how do the hours of
22 Safari -- the operating hours of Safari Lounge
23 compare to the operating hours of other ABC
24 licensed establishments?

25 MR. SIORDIA MCMULLEN: From my

1 understanding, they are generally longer than
2 other establishments in the area. For example, I
3 do know an establishment about four or five
4 blocks south of Safari has an entertainment
5 endorsement that stops entertainment at 10:30
6 during the weekdays and later on the weekends.

7 MR. DEVENDORF: Now specifically with
8 respect to Safari Lounge, can you tell the Board
9 about any issues you've experienced regarding
10 noise coming from the establishment?

11 MR. SIORDIA MCMULLEN: Yes, I can. So
12 beginning -- I moved into the building, one of
13 the very first owners. And I moved in, in June
14 2017. And shortly thereafter, I had started to
15 hear music in my unit, hear patrons out front of
16 Safari in my unit either yelling or fights,
17 commotion happening.

18 And so I contacted both ABRA and the
19 establishment owner at that time, Mr. Teame, to
20 let them know what my concerns were, that I had
21 issues with noise, with loitering. And over the
22 course of the next three and a half years, I
23 filed a fair number of noise complaints but only
24 when they were warranted. I believe between 2017
25 and 2019, I filed over 30 noise complaints.

1 Some of them range from just hearing
2 music. Some range to the loitering and the noise
3 from the patrons outside as they step out and
4 then step back in and them hanging out, out front
5 the summer garden. So I've had quite an
6 extensive issue with the noise from this
7 establishment.

8 MR. DEVENDORF: Now Mr. Siordia, I'd
9 like to play a recording for you. This is marked
10 as P12.

11 (Whereupon, the above-referred to
12 document was marked as Protestant Exhibit No. P12
13 for identification.)

14 MR. DEVENDORF: Let me pull this up.
15 I believe I was instructed before the hearing
16 that if I was going to play a recording, I needed
17 to unplug my headset. So I'm going to go ahead
18 and do that now. Hopefully, you should still be
19 (audio interference) my computer speakers, but
20 please let me know.

21 (Video played.)

22 MR. DEVENDORF: Can you hear that?

23 MR. SIORDIA MCMULLEN: Yes.

24 MR. DEVENDORF: Okay.

25 (Video played.)

1 MR. DEVENDORF: Now Mr. Siordia, how
2 are (audio interference).

3 MR. SIORDIA MCMULLEN: I'm sorry.
4 What was that?

5 MR. DEVENDORF: Sorry. My headset
6 should be on now. Are you familiar with the
7 recording?

8 MR. SIORDIA MCMULLEN: Yes.

9 MR. DEVENDORF: How are you familiar
10 with it?

11 MR. SIORDIA MCMULLEN: The incident
12 that is reflected on that recording actually woke
13 me up one evening on January 12, 2020. And I
14 went outside onto my patio which faces Georgia
15 Avenue. And I climbed up my fire escape to see
16 what all the commotion was that woke me up.

17 And I saw two police officers and a
18 patron from Safari out front. Other individuals
19 in my building who are not abutting property
20 owners or protestants also heard the same
21 commotion. And this recording is reflecting that
22 scenario where that instance was made by one of
23 the other owners in the building.

24 MR. DEVENDORF: So is this recording
25 a fair and accurate representation of what you

1 heard that night?

2 MR. SIORDIA MCMULLEN: Yes.

3 MR. DEVENDORF: Mr. Chairman, at this
4 point, I'd like to move to admit P12 into
5 evidence.

6 CHAIRPERSON ANDERSON: Mr. Teame, do
7 you have any objection?

8 MR. TEAME: Yes, I would like to
9 object to this exhibit. We --

10 (Simultaneous speaking.)

11 CHAIRPERSON ANDERSON: -- objection?

12 MR. TEAME: We do remember this
13 particular incident. This young lady was out of
14 order inside and we have to call DMP. But when
15 she was outside, she was disorderly towards the
16 officers. She was not even respecting the
17 officers, and that's why all the loudness and all
18 that. And we also have a restriction order again
19 on that day. So this is not a Safari issue.
20 This is an MPD issue.

21 CHAIRPERSON ANDERSON: All right. I'm
22 going to allow it in over your objection. I mean
23 -- for whatever it's worth, I mean, you gave an
24 explanation what it is. But I'll allow it.

25 (Whereupon, the above-referred to

1 document was received into evidence as Protestant
2 Exhibit No. P12.)

3 CHAIRPERSON ANDERSON: All right.
4 Let's move on.

5 MR. DEVENDORF: Now Mr. Siordia, is
6 this video a common example of noise that is
7 created by patrons outside of Safari Lounge?

8 MR. SIORDIA MCMULLEN: Yes. So as you
9 can hear, that took place actually right at the
10 border between Safari and our buildings. And you
11 can clearly hear the patron being loud. And that
12 is the type of noise we hear inside from patrons
13 frequently.

14 MR. DEVENDORF: Now is that type of
15 noise -- do you experience that only -- was that
16 an isolated incident? Sorry. I'm going rephrase
17 this question. Was that an isolated incident, or
18 do you experience that kind of noise from patrons
19 outside of Safari Lounge? Have you experienced
20 that kind of noise on other occasions?

21 MR. SIORDIA MCMULLEN: Yes, I have.
22 Usually when there's an event hosted at Safari,
23 it draws a large crowd sometimes. And those
24 patrons tend to congregate out front. And when
25 there are altercations in a fashion like this,

1 you can clearly hear what is going on and same
2 when they're just hanging out talking loudly
3 because they're inebriated. Or they congregate
4 in front of our building and then enter back into
5 Safari at some later date -- later time.

6 MR. DEVENDORF: And so these other
7 gatherings as far as the noise goes, how does the
8 noise compare to what we just heard?

9 MR. SIORDIA MCMULLEN: That was a
10 particularly loud example. But there is -- so
11 most of the time, there is loitering outside.
12 You can hear that because of the shouting was a
13 particularly loud example.

14 MR. DEVENDORF: And do you frequently
15 hear shouting outside of Safari Lounge?

16 MR. SIORDIA MCMULLEN: Yes, from time
17 to time.

18 MR. DEVENDORF: Now I'd like to move
19 on to the establishment's effect on parking. Can
20 you tell the Board about your experience with
21 parking in the area in connection with Safari
22 Lounge?

23 MR. SIORDIA MCMULLEN: Yes. So as the
24 ABRA investigator noted, Georgia Avenue is --
25 it's not residential parking. It's public

1 parking. And when there is no event, the parking
2 on Georgia Avenue is not overly congested.

3 People can park in front of our
4 building, park up and down the block. And so
5 when there is an event happening, what we've
6 noticed is that Safari's management, whether it
7 be the former manager that is no longer there,
8 their staff have in the past blocked off parking
9 spots in front of the building to -- with their
10 own vehicles to allow entertainers or deliveries
11 to then use those parking spots.

12 And so when there is an event and
13 they're prepping for it, parking on Georgia
14 Avenue does get more congested. We've also
15 noticed at some point that there was a sign
16 posted in Safari on their front window that says,
17 no parking after 7:00 p.m. And to what means
18 that was for, I don't know other than to
19 discourage parking on Georgia Avenue.

20 MR. DEVENDORF: So if I showed you a
21 picture of cars parked on Georgia Avenue, would
22 you recognize it?

23 MR. SIORDIA MCMULLEN: Yes.

24 MR. DEVENDORF: Now I'm pulling up
25 P13.

1 (Whereupon, the above-referred to
2 document was marked as Protestant Exhibit No. P13
3 for identification.)

4 MR. DEVENDORF: Do you recognize --
5 well, I'll wait for this to finish. All right.
6 Do you recognize this picture?

7 MR. SIORDIA MCMULLEN: Yes. That is
8 the back of Safari in a driveway where some of
9 the staff have been seen to park.

10 MR. DEVENDORF: I'm pulling up P14
11 now.

12 (Whereupon, the above-referred to
13 document was marked as Protestant Exhibit No. P14
14 for identification.)

15 MR. DEVENDORF: Do you recognize this
16 picture?

17 MR. SIORDIA MCMULLEN: Yes.

18 MR. DEVENDORF: And what does that
19 depict?

20 MR. SIORDIA MCMULLEN: This depicts
21 how the street looks during an event at Safari.

22 MR. DEVENDORF: I'm now pulling up
23 P15.

24 (Whereupon, the above-referred to
25 document was marked as Protestant Exhibit No. P15

1 for identification.)

2 MR. DEVENDORF: Do you recognize this
3 picture?

4 MR. SIORDIA MCMULLEN: Yes, that is a
5 very similar shot but what the street looks like
6 before an event starts. This photo was taken, I
7 believe, about 7:00 p.m.

8 MR. DEVENDORF: And finally, I'd like
9 to pull up P16.

10 (Whereupon, the above-referred to
11 document was marked as Protestant Exhibit No. P16
12 for identification.)

13 MR. DEVENDORF: Do you recognize this
14 picture?

15 MR. SIORDIA MCMULLEN: Yes.

16 MR. DEVENDORF: And what is it?

17 MR. SIORDIA MCMULLEN: This is the
18 same street location on the same night as the
19 previous photo showing parking on Georgia Avenue
20 full at about midnight, so during an event at
21 Safari.

22 MR. DEVENDORF: How do you recognize
23 these pictures or how are you familiar with them?

24 MR. SIORDIA MCMULLEN: I took them.

25 MR. DEVENDORF: And are these photos

1 a fair and accurate representation of the scene
2 at the time you took the photos?

3 MR. SIORDIA MCMULLEN: Yes.

4 MR. DEVENDORF: Mr. Chairman, at this
5 time, I'd like to move to admit P13, P14, P15,
6 and P16 into the record.

7 CHAIRPERSON ANDERSON: Mr. Teame, do
8 you have any objection?

9 MR. TEAME: Sure, if there is any
10 ground to it. It's Georgia Avenue.

11 CHAIRPERSON ANDERSON: I'll admit
12 them. So moved. I'll admit them. Thank you.

13 (Whereupon, the above-referred to
14 documents were received into evidence as
15 Protestant Exhibit Nos. P13 through P16.)

16 MR. TEAME: Okay.

17 MR. DEVENDORF: Now Mr. Siordia, I
18 believe you may have touched on this. But can
19 you expand and tell the Board a little bit more
20 about the parking availability on Georgia Avenue
21 on days when Safari has an event compared to when
22 it does not have an event?

23 MR. SIORDIA MCMULLEN: Yes. So
24 actually, by P16 if I can point out --

25 MR. DEVENDORF: Oh, sure.

1 MR. SIORDIA MCMULLEN: So as noted
2 before, I and other members of my building have
3 seen Safari staff move their vehicles from in
4 front of Safari and in front of part of our
5 building as well to allow parking for
6 entertainment to show up, drop off equipment. So
7 essentially reserving parking for their
8 building's private use. One example is that van
9 you see there, it was actually a van of things
10 that were unloaded in front of Safari. And so
11 they do use the front of their building as an
12 unloading area.

13 MR. DEVENDORF: Thank you. Now you
14 touched on loitering earlier. Can you tell the
15 Board a bit more about your issues with loitering
16 as far as Safari Lounge is concerned?

17 MR. SIORDIA MCMULLEN: Yeah. So
18 loitering is one of the larger issues with
19 patrons in terms Safari for us, both poses a
20 noise but also a security concern for us.
21 Oftentimes, there are large crowds in front of
22 Safari, either out -- just hanging out because
23 for whatever reason. We've noticed them smoking.
24 We've noticed them drinking open containers
25 outside, beer bottles, beer cans, et cetera.

1 And then going back into Safari, from
2 a security standpoint, having a large group of
3 inebriated patrons standing in front of a public
4 sidewalk in front of our building is a little
5 disconcerting when you're getting home late from
6 work because you -- there's been instances where
7 I cross a street and go around because I don't
8 want -- or go through the back of my building
9 because I don't want to walk past the loitering
10 patrons when I get home from work sometimes
11 really late night, midnight, 1:00 o'clock in some
12 instances. So it's a security concern as well.

13 MR. DEVENDORF: Now so I'd like to
14 show you at this point P17.

15 (Whereupon, the above-referred to
16 document was marked as Protestant Exhibit No. P17
17 for identification.)

18 MR. DEVENDORF: Do you recognize this
19 picture?

20 MR. SIORDIA MCMULLEN: Yes.

21 MR. DEVENDORF: And what is it?

22 MR. SIORDIA MCMULLEN: Those are
23 Safari patrons loitering out front.

24 MR. DEVENDORF: Now I'd like to show
25 you P18.

1 (Whereupon, the above-referred to
2 document was marked as Protestant Exhibit No. P18
3 for identification.)

4 MR. DEVENDORF: What does this picture
5 depict?

6 MR. SIORDIA MCMULLEN: Those are
7 Safari patrons loitering out front on a different
8 night. And some of them are standing in front of
9 our building.

10 MR. DEVENDORF: And how are you
11 familiar with these pictures?

12 MR. SIORDIA MCMULLEN: I took these.

13 MR. DEVENDORF: Are they an accurate
14 depiction of the scene at the time you took the
15 pictures?

16 MR. SIORDIA MCMULLEN: Yes.

17 MR. DEVENDORF: Mr. Chairman, I'd like
18 to move P17 and P18 into evidence.

19 CHAIRPERSON ANDERSON: Mr. Teame, do
20 you have any objection?

21 MR. TEAME: This particular picture,
22 I see the patrons, they are in front of Safari
23 and not in front of your building. So I don't
24 know why it is your evidence. They can be in
25 front of our building.

1 They're getting in. They're probably
2 getting out. They're not in front of 4308. They
3 are in front of 4306 like you see. It's they're
4 on break. So I don't see them in front of your
5 building. So I don't know why it's your
6 evidence.

7 CHAIRPERSON ANDERSON: Well, I'll
8 admit them.

9 (Whereupon, the above-referred to
10 documents were received into evidence as
11 Protestant Exhibit Nos. P17 and P18.)

12 MR. TEAME: Okay.

13 MR. DEVENDORF: Mr. Siordia, how -- on
14 a weekend night, how many people do you usually
15 see if you can give an accurate -- if you can
16 estimate this? How many people do you usually
17 see loitering outside of Safari Lounge?

18 MR. SIORDIA MCMULLEN: It varies
19 honestly. But these photos do represent what is
20 typical. And just to point out, there -- the
21 individuals, there are -- in this P18, there are
22 a couple individuals actually in front of our
23 property.

24 MR. DEVENDORF: And when you see
25 people loitering, have you ever seen any fights

1 break out?

2 MR. SIORDIA MCMULLEN: I've seen a lot
3 of yelling, some pushing and shoving happening,
4 definitely things that could give me pause that
5 there could be a fight that's about to break out.

6 MR. DEVENDORF: Have you ever seen
7 people loitering and drinking alcohol?

8 MR. SIORDIA MCMULLEN: Yes.

9 MR. DEVENDORF: Now I'd like to
10 discuss littering. Have you witnessed any litter
11 in the surrounding area?

12 MR. SIORDIA MCMULLEN: Yes.

13 MR. DEVENDORF: Now if I showed you a
14 picture of littering, would you recognize it?

15 MR. SIORDIA MCMULLEN: Yes.

16 MR. DEVENDORF: Pulling up P19.

17 (Whereupon, the above-referred to
18 document was marked as Protestant Exhibit No. P19
19 for identification.)

20 MR. DEVENDORF: Do you recognize this
21 picture?

22 MR. SIORDIA MCMULLEN: Yes.

23 MR. DEVENDORF: What is it?

24 MR. SIORDIA MCMULLEN: That's a beer
25 bottle that was left on our property by one of

1 Safari's patrons the night before.

2 MR. DEVENDORF: And I'm now pulling up
3 P20.

4 (Whereupon, the above-referred to
5 document was marked as Protestant Exhibit No. P20
6 for identification.)

7 MR. DEVENDORF: Do you recognize this
8 picture?

9 MR. SIORDIA MCMULLEN: Yes.

10 MR. DEVENDORF: And what is it?

11 MR. SIORDIA MCMULLEN: These are
12 napkins and a cigarette packet that was left in
13 front of Safari's establishment the night after.

14 MR. DEVENDORF: And how are you
15 familiar with these pictures?

16 MR. SIORDIA MCMULLEN: I took these.

17 MR. DEVENDORF: Are they a fair and
18 accurate representation of the scene at the time
19 you took the pictures?

20 MR. SIORDIA MCMULLEN: Yes.

21 MR. DEVENDORF: Mr. Chairman, at this
22 time, I'd like to move P19 and P20 into evidence.

23 CHAIRPERSON ANDERSON: Mr. Teame, do
24 you have any objection?

25 MR. TEAME: Sure.

1 CHAIRPERSON ANDERSON: Okay. Do you
2 have any objection? Or what are you saying, sir?

3 MR. TEAME: I would like to know the
4 exact date when this picture was taken because
5 for some reason that space you see, when we're
6 not here, the homeless people shelter up in
7 there. So sometimes it can be anything. As far
8 as the business operation, I'll explain that.

9 At the end of the night, we have to
10 clean any littering, any cigarette butts, or any
11 pack of cigarettes empty there. We have to clean
12 it. We even clean their end, let along our end.

13 CHAIRPERSON ANDERSON: I'll admit it
14 --

15 (Whereupon, the above-referred to
16 documents were received into evidence as
17 Protestant Exhibit Nos. P19 and P20.)

18 (Simultaneous speaking.)

19 MR. TEAME: Thank you.

20 MR. DEVENDORF: Mr. Siordia, have you
21 witnessed people loitering outside of Safari
22 Lounge and leaving trash behind?

23 MR. SIORDIA MCMULLEN: Yes.

24 MR. DEVENDORF: Moving on, are you
25 familiar with any events that occur at Safari

1 Lounge that are hosted by third parties, that is
2 hosted by entities that are not the owner of
3 Safari Lounge?

4 MR. SIORDIA MCMULLEN: Yes.

5 MR. DEVENDORF: Can you tell me a bit
6 about these events?

7 MR. SIORDIA MCMULLEN: Yes. So Safari
8 uses social media platforms to advertise events
9 that are hosted by other folks at their
10 establishment. And I believe the owner has also
11 testified that people rent his venue for events.
12 And so we know when events are going to be hosted
13 at Safari because they are publically posted and
14 who they are hosted by.

15 MR. DEVENDORF: Now I'm publishing
16 P21.

17 (Whereupon, the above-referred to
18 document was marked as Protestant Exhibit No. P21
19 for identification.)

20 MR. DEVENDORF: Do you recognize this
21 picture?

22 MR. SIORDIA MCMULLEN: Yes.

23 MR. DEVENDORF: And what is it?

24 MR. SIORDIA MCMULLEN: This is an
25 advertisement for an event hosted by a group or

1 individual called DADA on 9-28. I believe it's
2 2019.

3 MR. DEVENDORF: And I'm pulling up
4 P22.

5 (Whereupon, the above-referred to
6 document was marked as Protestant Exhibit No. P22
7 for identification.)

8 MR. DEVENDORF: Do you recognize this
9 picture?

10 MR. SIORDIA MCMULLEN: Yes, it's the
11 same event being advertised. It's hosted by DADA
12 9-28, Saturday.

13 MR. DEVENDORF: Do you know if an
14 event occurred on that date at Safari Lounge?

15 MR. SIORDIA MCMULLEN: Yes, I do.

16 MR. DEVENDORF: Did an event occur?

17 MR. SIORDIA MCMULLEN: Yes, it did.
18 I actually filed a noise complaint that night
19 given the music was so loud I could hear it
20 inside my apartment.

21 MR. DEVENDORF: I'm now pulling up
22 P23.

23 (Whereupon, the above-referred to
24 document was marked as Protestant Exhibit No. P23
25 for identification.)

1 MR. DEVENDORF: Let me zoom out. Do
2 you recognize this document?

3 MR. SIORDIA MCMULLEN: Yes, I do.

4 MR. DEVENDORF: What is it?

5 MR. SIORDIA MCMULLEN: This is a noise
6 complaint I filed on September 20th, 2019 at
7 11:09 p.m. noting that the noise is very loud on
8 that evening and that I'm hoping that ABRA can
9 come out and do something about this.

10 MR. DEVENDORF: Mr. Chairman, at this
11 time, I'd like to move P21, P22, and P23 into
12 evidence.

13 CHAIRPERSON ANDERSON: Mr. Teame, do
14 you have any objection?

15 MR. TEAME: No, sir.

16 CHAIRPERSON ANDERSON: So moved.

17 (Whereupon, the above-referred to
18 documents were received into evidence as
19 Protestant Exhibit Nos. P21 through P23.)

20 MR. DEVENDORF: Mr. Siordia, is noise
21 frequently an issue during these third-party
22 events?

23 MR. SIORDIA MCMULLEN: Yes, it is.
24 Sometimes the third-party event thrower actually
25 brings in their own sound equipment, their own

1 set of speakers. The type of music varies. So
2 there is, in my view, very little control over
3 the sound levels that happen because of the
4 variety of groups that play there.

5 MR. DEVENDORF: Now moving on, are you
6 familiar with the event that occurred at Safari
7 Lounge on February 24th, 2019?

8 MR. SIORDIA MCMULLEN: Yes.

9 MR. DEVENDORF: And how are you
10 familiar with it?

11 MR. SIORDIA MCMULLEN: I showed up to
12 my unit after the shooting that night had taken
13 place during the event. I also recall seeing
14 advertisements for the event on social media.

15 MR. DEVENDORF: I'd like to pull up
16 P26.

17 (Whereupon, the above-referred to
18 document was marked as Protestant Exhibit No. P26
19 for identification.)

20 MR. DEVENDORF: This is a video.
21 There's no sound, so I should be good with my --
22 leaving my headset on. But I will make this
23 bigger so you can see it. And I'm going to let -
24 - this video is only two minutes. So I'll go
25 ahead and let it play if I maybe move this.

1 CHAIRPERSON ANDERSON: I'm sorry. I'm
2 sorry to interrupt, Mr. Devendorf. I'm not going
3 to --

4 MR. DEVENDORF: Yes?

5 CHAIRPERSON ANDERSON: -- tell you how
6 to present your case. But as you're aware, the
7 Board had a summary suspension hearing on this
8 issue. It's on their record, so we're aware of
9 that. I also want to alert you that you only
10 have 22 minutes and 56 seconds left to present
11 your case because I --

12 MR. DEVENDORF: Okay.

13 CHAIRPERSON ANDERSON: -- told you had
14 an hour. But there's only 22 minutes and 56
15 seconds left that you have total to present your
16 case. I might have some leeway, but I'm
17 informing you that you only have 22 -- out of
18 your hour, you only have 22 minutes and 56
19 seconds left.

20 MR. DEVENDORF: Thank you for the
21 reminder, Mr. Chairman. I believe our next -- we
22 only have two more witnesses. The two after this
23 will be much shorter. This is the bulk of the
24 evidence we'll be admitting.

25 CHAIRPERSON ANDERSON: Okay.

1 (Simultaneous speaking.)

2 MR. DEVENDORF: I would actually like
3 to play this video --

4 CHAIRPERSON ANDERSON: Go ahead.

5 MR. DEVENDORF: -- for the Board and
6 everyone to see.

7 (Video played.)

8 MR. DEVENDORF: I think we can
9 actually stop it there. Mr. Siordia, are you
10 familiar with the area that is depicted in this
11 video?

12 MR. SIORDIA MCMULLEN: Yes, that's in
13 front of our building and our neighbor's
14 building.

15 MR. DEVENDORF: And how are you
16 familiar with that area?

17 MR. SIORDIA MCMULLEN: I live there.
18 I recognize the location. In addition, part of
19 that footage is from security cameras on our
20 building.

21 MR. DEVENDORF: And does that video
22 accurately depict the space directly outside your
23 building at Safari Lounge?

24 MR. SIORDIA MCMULLEN: Yes.

25 MR. DEVENDORF: Mr. Chairman, at this

1 time, I'd like to move P26 into evidence.

2 CHAIRPERSON ANDERSON: Mr. Teame, do
3 you have any objection?

4 MR. TEAME: Yes, I do have an
5 objection because the evidence that was shown was
6 a done deal. We were penalized for it, and we
7 move on. So this has happened. We have another
8 hearing for this, particularly they show back in
9 2020. And we penalized for it, so I don't see
10 the purpose of it here.

11 CHAIRPERSON ANDERSON: I'm going to
12 admit it.

13 (Whereupon, the above-referred to
14 document was received into evidence as Protestant
15 Exhibit No. P26.)

16 CHAIRPERSON ANDERSON: It's part of
17 the public record. It's part of the
18 establishment's investigative history. And so I
19 will allow it in because it is part of the
20 investigative history of the establishment. I'm
21 aware that I did conduct a summary suspension
22 hearing on this matter. So it's part of the
23 public record, and it's part of the hearing. So
24 I will admit it as for whatever it's worth.

25 MR. TEAME: Okay.

1 MR. DEVENDORF: Mr. Chairman, at this
2 time, I'd also like to move P28 into evidence
3 which is the accompanying ABRA investigating
4 report that followed as a result of that
5 shooting. It's also part of the public record.

6 (Whereupon, the above-referred to
7 document was marked as Protestant Exhibit No. P28
8 for identification.)

9 CHAIRPERSON ANDERSON: And as I said
10 before, it's already part of ABRA's record. So
11 it'll be admitted.

12 (Whereupon, the above-referred to
13 document was received into evidence as Protestant
14 Exhibit No. P28.)

15 MR. DEVENDORF: Now Mr. Siordia, you
16 had mentioned -- or have you filed any noise
17 complaints with respect to this establishment?

18 MR. SIORDIA MCMULLEN: Yes.

19 MR. DEVENDORF: And you -- over what
20 period of time did you file these noise
21 complaints?

22 MR. SIORDIA MCMULLEN: I filed them --
23 I believe the first one I filed was July 2017.
24 And the last one I filed, I can't recall the
25 exact date. But it was before COVID.

1 MR. DEVENDORF: Mr. Chairman, at this
2 time, I'd like to move P29 into evidence.

3 (Whereupon, the above-referred to
4 document was marked as Protestant Exhibit No. P29
5 for identification.)

6 MR. DEVENDORF: Again, this is another
7 ABRA record. It is the records of noise
8 complaints filed during 2017 and 2018 with
9 respect to the establishment.

10 CHAIRPERSON ANDERSON: I'll admit it.
11 So moved.

12 (Whereupon, the above-referred to
13 document was received into evidence as Protestant
14 Exhibit No. P29.)

15 CHAIRPERSON ANDERSON: As you stated,
16 it's part of ABRA's records. So I'll move it in
17 evidence.

18 MR. DEVENDORF: Mr. Siordia, in
19 wrapping things up here, can you discuss any
20 efforts you and your neighbors have made to
21 resolve the issues you've had with the
22 establishment?

23 MR. SIORDIA MCMULLEN: Yeah. So we
24 tried to resolve the issues really from the get-
25 go of us moving into the building. We live here.

1 We wanted to have a nice relationship with our
2 neighbors. And anytime you have an issue with
3 your neighbor, you talk to them and try and
4 resolve the issue.

5 So that's what we tried to do really
6 from the get-go with Mr. Teame. While he
7 initially was receptive to our concerns and he
8 said he'd turn the noise down, it honestly didn't
9 happen. And so we engaged our ANC rep to kind of
10 have a mediation meeting with us and the
11 establishment to arrive at a settlement
12 agreement.

13 The sentiment provided by the owner
14 was that he will not compromise on anything that
15 impacts his business. He will not change
16 anything were his words. And so that is at the
17 point where we decided to protest this officially
18 given that the owner would not enter into a
19 voluntary settlement agreement and would not put
20 in writing things that he would be willing to
21 change or adjust that would help make the
22 situation better for us, both on the noise and
23 the security standpoint.

24 MR. DEVENDORF: And do you attempt to
25 make the -- the owner of Safari Lounge, do you

1 attempt to make him aware of your issues with the
2 noise with any sort of regularity?

3 MR. SIORDIA MCMULLEN: Yes, so anytime
4 I see Mr. Teame which unfortunately hasn't been
5 very recent, I do try and raise it with him.
6 I've also texted him early on in this process
7 whenever there was an issue where there was a
8 noise issue between either where I could hear it
9 or where I was getting notifications from other
10 abutting property owners that they could hear the
11 noise in their unit. I would ask Mr. Teame via
12 text to turn the music down.

13 He would say okay, but the music just
14 wasn't turned down. And subsequent noise
15 complaints were then filed. So yes, I've tried
16 to engage him to find a solution here.

17 MR. DEVENDORF: Thank you, Mr.
18 Siordia. I do not have any more questions for
19 you.

20 CHAIRPERSON ANDERSON: All right. Can
21 you please close your screen. Mr. Teame --

22 MR. DEVENDORF: Yes, so do you need me
23 to stop sharing? Oh, here we go. Got it.

24 CHAIRPERSON ANDERSON: -- do you have
25 any questions that you want to ask Mr. Siordia?

1 MR. TEAME: Yes, I do.

2 CHAIRPERSON ANDERSON: Go ahead.

3 MR. TEAME: Okay. Mr. Siordia, my
4 first question is do you check the zoning and who
5 is next to the condo that you're buying before
6 you buy the condo? Were you aware --

7 MR. DEVENDORF: Objection. Relevance.
8 This is a hearing about ABRA and the
9 establishment. This is not a DCRA issue or a
10 zoning issue.

11 MR. TEAME: Okay. This is not a
12 question --

13 CHAIRPERSON ANDERSON: I'm sorry. I'm
14 going to overrule the objection. Ask the
15 question, please.

16 MR. TEAME: Yes. My question to Mr.
17 Siordia is do you take the zoning or who's next
18 to the building before you invest and buy a condo
19 next to an establishment to provide an
20 entertainment venue?

21 MR. SIORDIA MCMULLEN: I did look at
22 the establishment, and it was advertised as a
23 restaurant before I bought my place.

24 MR. TEAME: The other question I have
25 is, Mr. Siordia, that you use in Facebook to

1 harass us and check all the venues that we have
2 and sometimes even taking pictures without
3 permission of the establishment?

4 MR. SIORDIA MCMULLEN: I have taken
5 photos and I do check your social media, yes.

6 MR. TEAME: And commented on our
7 social media?

8 MR. SIORDIA MCMULLEN: I have not.

9 MR. TEAME: Okay. No further
10 questions.

11 CHAIRPERSON ANDERSON: Do we have any
12 questions by any Board members?

13 (No audible response.)

14 CHAIRPERSON ANDERSON: All right. I
15 didn't hear any questions by any Board members.
16 Mr. Siordia, how did you get Mr. Teame's cell
17 phone number? How did you get his number?

18 MR. SIORDIA MCMULLEN: So when I first
19 moved in, I ran into him. I introduced myself,
20 and we actually exchanged phone numbers because I
21 wanted to have a good working relationship with
22 my neighbor. I had talked to him about what our
23 concerns were on noise. He said, feel free to
24 text me. Let me know when there's an issue. So
25 we exchanged numbers.

1 CHAIRPERSON ANDERSON: Now prior to
2 buying your condo, did you know that there's some
3 type of commercial establishment attached to the
4 building?

5 MR. SIORDIA MCMULLEN: I did know
6 there was a restaurant established next to our
7 building.

8 CHAIRPERSON ANDERSON: Did you -- you
9 said restaurant, but did you know it was just a -
10 - I mean, what did you know about the -- prior to
11 purchasing the building, what did you know about
12 the restaurant that was attached to your
13 building? What, if anything, did you know?

14 MR. SIORDIA MCMULLEN: Yeah, so the
15 only thing I really knew what was publically
16 facing on their website or on their Yelp page.
17 And it was advertised as an East African
18 restaurant serving great East African food and no
19 mention of live music, live bands, entertainment
20 at all hours. And so I was actually excited that
21 there was a restaurant next door to me where I
22 could purchase food and support a local business.
23 And so that was actually a selling point when I
24 saw it was a restaurant, not a nightclub.

25 CHAIRPERSON ANDERSON: All right. I

1 don't have any other questions. Mr. Teame, are
2 there any questions you wish to ask Mr. Siordia
3 based on the questions that I asked him?

4 MR. TEAME: No, thank you.

5 CHAIRPERSON ANDERSON: Mr. Devendorf,
6 are there any questions you wish to ask Mr.
7 Siordia based on the questions that I asked him?

8 MR. DEVENDORF: I have no follow-up
9 questions.

10 CHAIRPERSON ANDERSON: All right.
11 Thank you very much, Mr. Siordia, for your
12 testimony. All right. Do you have another
13 witness?

14 MR. DEVENDORF: Yes. Next we have Ms.
15 Mina Karimi.

16 MS. KARIMI: Yes, hi. Mina Karimi
17 here.

18 CHAIRPERSON ANDERSON: Ms. Karimi, can
19 you raise your right hand, please?

20 MS. KARIMI: Sure.

21 WHEREUPON,

22 MINA KARIMI
23 was called for examination by Counsel for the
24 Protestants, having been first duly sworn,
25 assumed the witness stand, was examined and

1 testified as follows:

2 CHAIRPERSON ANDERSON: And can you
3 spell and state your name for the record, please?

4 MS. KARIMI: Spell my name? M-I-N-A
5 K-A-R-I-M-I, Mina Karimi.

6 CHAIRPERSON ANDERSON: Thank you.
7 Your witness, Mr. Devendorf.

8 MR. DEVENDORF: Thank you. Ms.
9 Karimi, where do you live?

10 (No audible response.)

11 MR. DEVENDORF: We might be having an
12 issue here. Can you hear me, Ms. Karimi?

13 MS. KARIMI: Yes. Can you hear me?

14 MR. DEVENDORF: Yes. Let me ask the
15 question again.

16 CHAIRPERSON ANDERSON: Hold on. Hold
17 on. Hold on. Hold on.

18 MS. KARIMI: Sure.

19 CHAIRPERSON ANDERSON: Ms. Karimi, are
20 you in a moving vehicle?

21 MS. KARIMI: Yes, I can pull over. I
22 got to pull over.

23 CHAIRPERSON ANDERSON: Pull over.

24 MR. DEVENDORF: Yeah, let's do that.

25 MS. KARIMI: Okay.

1 MR. DEVENDORF: Are we okay now?

2 CHAIRPERSON ANDERSON: Go ahead.

3 MS. KARIMI: Yes. Sorry about that.

4 MR. DEVENDORF: All right.

5 MS. KARIMI: My name is Mina Karimi.

6 MR. DEVENDORF: The first question I'd

7 like to ask you, Ms. Karimi, is your car in park?

8 MS. KARIMI: Yes.

9 MR. DEVENDORF: Okay, excellent.

10 Let's move on. Where do you live?

11 MS. KARIMI: I live at 4308 Georgia
12 Avenue, Unit 2. I own the unit. My unit shares
13 a wall with Safari Restaurant and Lounge.

14 MR. DEVENDORF: And what is your
15 connection with this protest?

16 MS. KARIMI: Well, it's something
17 that's been a great source disruption to my life
18 to the extent that I haven't been able to live
19 there.

20 MR. DEVENDORF: Why have you not --
21 can you expand on why you haven't been able to
22 live in your unit?

23 MS. KARIMI: Yes. Every weekend and
24 sometimes weeknights as well there would be loud
25 events, live music, parties going until past 3:00

1 a.m. sometimes. And it was not a way that I
2 could live without sleep. I have to wake up
3 early for work on weekends and I wasn't able to
4 coexist with the establishment unfortunately.

5 MR. DEVENDORF: And so can -- so the
6 noise you hear from the establishment, does it
7 come from inside the building, inside Safari
8 Lounge?

9 MS. KARIMI: Yes.

10 MR. DEVENDORF: Does noise also come
11 from outside of Safari Lounge?

12 MS. KARIMI: Yes.

13 MR. DEVENDORF: Does this noise come
14 from patrons of Safari Lounge?

15 MS. KARIMI: Yes.

16 MR. DEVENDORF: Now can you discuss
17 any violent incidents you've experienced with
18 respect to Safari Lounge?

19 MS. KARIMI: Yes. I mean, I don't
20 need to go over the tragic night. We've already
21 all touched on the evening of the homicide.
22 Before that, there had been fights inside the
23 establishment that I could hear one particular
24 evening. I could hear the violence. Someone was
25 being pushed into the wall that is where my

1 bedroom is. And it was so extreme, I felt that
2 they could (audio interference).

3 MR. DEVENDORF: I think we might be
4 having another issue here with connection.

5 MS. KARIMI: (Audio interference) come
6 through the wall and (audio interference).

7 MR. DEVENDORF: Ms. Karimi, I think
8 you kind of broke up a little bit there. Can you
9 hear us?

10 MS. KARIMI: Yes, I can hear you.

11 MR. DEVENDORF: Okay. I think I can
12 hear you now. I think you broke off. You were
13 telling about the fight where someone was being
14 pushed against the wall.

15 MS. KARIMI: Yes. Someone was (audio
16 interference).

17 MR. DEVENDORF: I think we might've
18 lost --

19 CHAIRPERSON ANDERSON: All right. All
20 right. I don't know what is going on with this
21 witness. But this --

22 MR. DEVENDORF: Why don't -- it seems
23 like her connection is not good.

24 MS. KARIMI: Excuse me (audio
25 interference).

1 CHAIRPERSON ANDERSON: We're off the
2 record for a minute.

3 (Whereupon, the above-entitled matter
4 went off the record at 6:55 p.m. and resumed at
5 6:56 p.m.)

6 CHAIRPERSON ANDERSON: We're back on
7 the record. Mr. Devendorf, this is -- I can't --
8 I don't know what is going on --

9 MS. KARIMI: Hello?

10 CHAIRPERSON ANDERSON: I'm sorry. I
11 don't know what's going on with this witness.
12 She was driving. I asked her to pull over. And
13 I don't know what is going on. I mean, I cannot
14 --

15 MS. KARIMI: I'm here.

16 CHAIRPERSON ANDERSON: -- hear her.
17 Miss --

18 (Simultaneous speaking.)

19 MS. KARIMI: I'm here. Can you hear
20 me?

21 CHAIRPERSON ANDERSON: Miss, hold on.
22 Hold on. Hold on.

23 MS. KARIMI: Yes.

24 CHAIRPERSON ANDERSON: I can hear you
25 now. Your previous --

1 MS. KARIMI: Yes.

2 CHAIRPERSON ANDERSON: -- testimony,
3 I have no idea what you were saying. I don't
4 even know where to start because you say a word
5 and it's frozen. Your screen is frozen. I don't
6 know where you are. You're in a bad area. And I
7 don't know what to do. I'm not quite sure how --

8 MS. KARIMI: I'm --

9 CHAIRPERSON ANDERSON: -- to fix this
10 issue.

11 MS. KARIMI: -- doing my best. I
12 don't know what to do. Can you hear me?

13 MR. DEVENDORF: I think I can hear you
14 now. Let's try to -- we'll try to finish this
15 quickly. Can you still hear us?

16 MS. KARIMI: Yes, I can still hear
17 you.

18 MR. DEVENDORF: Okay. I'm just going
19 to ask you one question here, Ms. Karimi.

20 MS. KARIMI: Yes.

21 MR. DEVENDORF: Was there at time
22 where you tried to bring your concerns to the
23 attention of the owner of the establishment?

24 MS. KARIMI: Yes. On multiple
25 occasions, I have spoken with Frez. Initially, I

1 had great excitement to have a restaurant of that
2 nature next to me. I used to live in New York.
3 I am a musician. I really love supporting venues
4 like Frez's.

5 And I went in there with very friendly
6 terms, frequently asking him after midnight,
7 please turn it down. I had no problem with the
8 nature of his business. It was the nature of the
9 hours and how much it was disrupting my life and
10 the livelihood --

11 MR. DEVENDORF: So Ms. Karimi, sorry
12 to cut you off here. So did you ever, in person,
13 go to the establishment to tell the owner about
14 your issues with his --

15 MS. KARIMI: Yes.

16 MR. DEVENDORF: -- business?

17 MS. KARIMI: Yes, I did.

18 MR. DEVENDORF: And what was his
19 response?

20 MS. KARIMI: It eventually was very
21 angry, very dismissive, and then insulting. He
22 called me a dumb B for purchasing a unit next to
23 a nightclub.

24 MR. DEVENDORF: Is that the exact
25 language he used?

1 MS. KARIMI: That is the exact --

2 MR. DEVENDORF: Or you can feel free

3 --

4 MS. KARIMI: That is the exact
5 language.

6 MR. DEVENDORF: Okay.

7 MS. KARIMI: He called me a dumb B for
8 purchasing a unit next to him.

9 MR. DEVENDORF: Is that -- sorry to
10 cut you off again. He said the letter B?

11 MS. KARIMI: No, a bitch. He called
12 me a bitch.

13 MR. DEVENDORF: Okay.

14 (Simultaneous speaking.)

15 MS. KARIMI: He called me a dumb
16 bitch.

17 MR. DEVENDORF: Okay. Thank you. Go
18 on. So how did this --

19 MS. KARIMI: And --

20 MR. DEVENDORF: -- interaction end?

21 MS. KARIMI: -- then he told me to get
22 out of his bar. And then he came around from the
23 bar, and I felt that at that point he could
24 physically attack me. So I left and I called MPT
25 MPD. And I called ABRA. And I called ABRA so

1 many times to no avail. And eventually, I
2 started to feel -- because the relationship
3 between me and Frez had gone to such an
4 uncomfortable place, I started to feel not very
5 safe being that close to him.

6 MR. DEVENDORF: Okay. Thank you, Ms.
7 Karimi. I have no further questions for you.

8 CHAIRPERSON ANDERSON: Mr. Teame, do
9 you have any questions you want to ask her,
10 please?

11 MR. TEAME: Yes. I have a question,
12 and I want to -- the Exhibit P7, 8, 9, and 10, 11
13 to be used when I'm asking this question. Ms.
14 Karimi said that --

15 MR. DEVENDORF: Objection. I didn't
16 discuss those exhibits with this witness. It
17 seems like his question is outside the scope of
18 my direct.

19 MR. TEAME: No, it is not. Ms. Karimi
20 said --

21 CHAIRPERSON ANDERSON: Mr. Teame,
22 that's for me to call. That's for me -- I don't
23 -- unfortunately --

24 MR. TEAME: Okay.

25 CHAIRPERSON ANDERSON: -- I don't have

1 the exhibits in front of me, so I really don't
2 know what the exhibits -- what are the exhibits

3 MR. TEAME: Okay. My --

4 CHAIRPERSON ANDERSON: -- that you are
5 --

6 MR. TEAME: -- question is, Mr.
7 Chairman, Ms. Karimi said that she can hear when
8 someone is pushed against the wall towards her
9 unit which is a lie. Between her unit and the
10 establishment, there is stairs. There is no one
11 can be pushed to the stairs. They have to be
12 flew down to the stairs basically which is why I
13 want to use the P7 and 8 and 9 --

14 MR. DEVENDORF: Objection. At this
15 point --

16 MR. TEAME: -- and 10 --

17 MR. DEVENDORF: -- the applicant is
18 attempting to testify or at least argue based on
19 facts that aren't in the record.

20 CHAIRPERSON ANDERSON: All right.
21 Hold on. Hold on. I'm sorry. Mr. Teame, what
22 are the exhibits that you're talking about,
23 please?

24 MR. TEAME: The pictures was provided
25 by the attorney.

1 CHAIRPERSON ANDERSON: What exhibits
2 were they?

3 MR. TEAME: They interior photos of
4 Safari they say.

5 CHAIRPERSON ANDERSON: And so what is
6 it that you're trying to say?

7 (Simultaneous speaking.)

8 MR. TEAME: Because basically Ms.
9 Karimi was testifying that she can hear when
10 someone is pushed against her wall which is not
11 true because between her wall and --

12 (Simultaneous speaking.)

13 MR. DEVENDORF: Objection again. He's
14 trying to add facts to the records.

15 CHAIRPERSON ANDERSON: Mr. Devendorf,
16 please. There's an objection. I'm trying to
17 listen to what he has to say so I can make a
18 ruling. I don't know -- I'm trying to get you --
19 he had asked for some documents. You object to
20 it. And there's a question about her.

21 She said someone was pushed on the
22 wall she could hear. And I'm trying to find out
23 why is it that he wanted to utilize documents.
24 So what are the exhibits that you're asking --
25 that you want to rely on? What exhibits are

1 those?

2 MR. TEAME: The exhibit that I'm
3 trying to rely is the interior photo was taken by
4 them and interior from 7 all the way to 9, that
5 there is no physical contact between the walls
6 because there is a stair in between their walls
7 that takes you upstairs. So what she's saying is
8 a lie because she cannot hear. Nobody is against
9 her wall because no one cannot touch her wall.
10 So that's what --

11 CHAIRPERSON ANDERSON: Let me -- are
12 you -- I don't have -- I mean, I don't have a
13 physical layout of where her apartment is. So I
14 guess the issue, your condo, where is your condo,
15 Ms. Karimi, in comparison to where the building
16 is? Do you --

17 (Simultaneous speaking.)

18 CHAIRPERSON ANDERSON: -- share a wall
19 with -- I'm sorry. Do you share a wall with the
20 unit?

21 MS. KARIMI: Yes, I do. My unit is
22 ground floor, and the entire length of my unit
23 shares walls with the length of Safari. So while
24 there may be a stair, it would not cover the
25 entire span of space. And that doesn't mean

1 someone couldn't have been having that fight on
2 the stairs. Of all the units, I share the most
3 surface area contact with Safari.

4 CHAIRPERSON ANDERSON: All right.

5 (Simultaneous speaking.)

6 MS. KARIMI: I share it with two
7 floors.

8 CHAIRPERSON ANDERSON: Mr. Teame, just
9 ask -- well, ask whatever questions you want to
10 ask her, please.

11 MR. TEAME: Sure.

12 CHAIRPERSON ANDERSON: All right. Go
13 ahead.

14 MR. TEAME: Sure. The second question
15 I have is, Ms. Karimi, you physically walked into
16 my establishment and call me a name and slam the
17 counter of my bar?

18 MS. KARIMI: I did not call you names.
19 I don't recall that.

20 MR. TEAME: Okay.

21 CHAIRPERSON ANDERSON: Do you have
22 another questions you want to ask, sir?

23 MR. TEAME: I don't have any further
24 question. But what I would like to make a
25 statement is Ms. Karimi --

1 CHAIRPERSON ANDERSON: No, you can't
2 make

3 MR. TEAME: Okay. Okay. All right.
4 Yes, okay.

5 CHAIRPERSON ANDERSON: Mr. Teame, you
6 can't make a statement. You can only ask
7 questions.

8 MR. TEAME: No further question.
9 Thank you.

10 CHAIRPERSON ANDERSON: Any questions
11 by any Board members?

12 (No audible response.)

13 CHAIRPERSON ANDERSON: Ms. Karimi, how
14 long did you purchase your condo?

15 MS. KARIMI: I purchased in May 2017.

16 CHAIRPERSON ANDERSON: Did you -- when
17 you purchased in May 2017, did you know that
18 there was a commercial establishment attached to
19 the building?

20 MS. KARIMI: I saw the Safari
21 Restaurant and Lounge. I looked it up like Matt.
22 I was very excited to be next to this
23 establishment.

24 I asked if there's ever noise issues
25 from the real estate agent, and they told us that

1 it was closed. I drove past there on multiple
2 occasions, and it was closed. I believe other
3 people in the unit were also told that the
4 establishment was closed.

5 And even if it wasn't, as I said, I
6 support venues like that. I love live music. I
7 love international food. I was excited to be
8 next to this restaurant.

9 But every time I went in, they were
10 never serving food. And I didn't understand that
11 there would ever be a possibility that 3:00 a.m.
12 my walls would be shaking, my plates and my
13 kitchen cabinets would be shaking from two
14 frequencies of bass music coming from two
15 different parties. And this was happening every
16 weekend.

17 CHAIRPERSON ANDERSON: All right.
18 Okay. Mr. Teame, do you have any questions of
19 Ms. Karimi based on the questions that I asked?

20 MR. TEAME: No, sir.

21 CHAIRPERSON ANDERSON: Mr. Devendorf,
22 do you have any questions of Ms. Karimi based on
23 the questions that I asked?

24 MR. DEVENDORF: No further questions.

25 CHAIRPERSON ANDERSON: Ms. Karimi,

1 thank you very much for your testimony and you
2 can continue with your journey.

3 MS. KARIMI: Thank you. And my
4 apologies. My current situation is unavoidable.
5 So I'm so sorry for the disruptions earlier.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you. All right. Do you have another
8 witness, Mr. Devendorf?

9 MR. DEVENDORF: Yes, we have our final
10 witness is Ms. Gabriella Kubinyi.

11 CHAIRPERSON ANDERSON: Ms. Kubinyi,
12 can you raise your right hand, please?

13 WHEREUPON,

14 GABRIELLA KUBINYI
15 was called for examination by Counsel for the
16 Protestants, having been first duly sworn,
17 assumed the witness stand, was examined and
18 testified as follows:

19 CHAIRPERSON ANDERSON: You need to open
20 your microphone ma'am.

21 MS. KUBINYI: I do. Sorry.

22 CHAIRPERSON ANDERSON: Can you spell
23 and state your name for the record, please?

24 MS. KUBINYI: Sure. My name is
25 Gabriella Kubinyi, G-A-B-R-I-E-L-L-A. My last

1 name is K-U-B as in boy, I-N-Y-I.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you. Your witness, Mr. Devendorf.

4 MR. DEVENDORF: Ms. Kubinyi, where do
5 you live?

6 MS. KUBINYI: I live next to Safari,
7 but my unit is in the back of the building. But
8 I do share a wall. I'm on the ground floor.

9 MR. DEVENDORF: Who do you share a
10 wall with?

11 MS. KUBINYI: I share a wall with
12 Safari.

13 MR. DEVENDORF: And how long have you
14 lived there?

15 MS. KUBINYI: I moved in, I believe,
16 like, May 15th, 2017.

17 MR. DEVENDORF: And so what is your
18 connection with this protest?

19 MS. KUBINYI: Well, I was here the
20 night of the shooting with the terrorizing of the
21 gunshots. I do go out at times. And when I
22 would come home, anytime after dark where there
23 would be a large crowd outside of Safari, it was
24 scary frankly.

25 I do park my car in front of the

1 building. I do have a residency placard, so I
2 can park in the back on Iowa Ave. But when
3 Safari would have their events, the parking would
4 take up all of Iowa Ave. So we could be -- I
5 have been forced to drive around and around
6 looking for parking and then have to walk through
7 a crowd of drunk people and people in their cars
8 drinking and smoking just to get home alone by
9 myself.

10 MR. DEVENDORF: So can you discuss --
11 when you were in the area in your condo unit on
12 the night the shooting occurred?

13 MS. KUBINYI: Yes, I was. I was in my
14 bedroom trying to sleep at 1:30 at night -- in
15 the morning.

16 MR. DEVENDORF: And what did you
17 experience that night?

18 MS. KUBINYI: So I was in my bed. I
19 heard gunshots which froze me for a few moments.
20 And then having a feeling of, like, what should I
21 do, I looked out my back window and saw somebody
22 running down the back of Iowa Avenue. I didn't
23 want to get involved, so I just hoped for the
24 best and just stayed right in my bedroom because
25 knowing there's all those people out there, I

1 wasn't going to go out there.

2 MR. DEVENDORF: Can you describe the
3 environment at Safari Lounge that night? What
4 was going before the shooting happened?

5 MS. KUBINYI: Just a regular loud
6 night. I hear mainly their bass bumping,
7 bumping, bumping on this wall right behind me all
8 the way down to my bathroom. And this is the
9 whole wall that Safari is on the other side of.

10 I actually only have -- I have the
11 only unit in our entire building that has a
12 working window in our living room. Every other
13 unit in this building, the windows in the living
14 area do not open. Only those doors do. So I
15 tend -- I don't know what goes on in the front
16 unless I'm walking in or out. But I do hear what
17 goes on in the back.

18 MR. DEVENDORF: And so have you
19 experienced any littering -- actually, let's talk
20 about loitering. So you experience noise coming
21 from people outside of Safari Lounge?

22 MS. KUBINYI: I hear them in the back.
23 But I do hear them in the front when I'm coming
24 in and out of the building because I prefer the
25 lighted Georgia Ave. entrance of our building to

1 the darker next to the garbage with the rats back
2 entrance of the building.

3 MR. DEVENDORF: And so have you
4 witnessed people loitering outside of Safari
5 Lounge?

6 MS. KUBINYI: Absolutely. And as
7 somebody who has seen my fair share of bars and
8 who was a cigarette smoker so I was forced
9 outside of many bars literally across the world,
10 I've been told time and again to move and that
11 there's no loitering in front of bars. That is
12 not how responsible businesses manage their
13 business. And those -- there's people out there
14 all the time at night when they have events going
15 on. And then in the morning, there's empty flask
16 bottles, cigarette butts all over the place,
17 empty beer bottles. And we can see them sitting
18 in the cars, like, just drinking and you can
19 smell the smoke coming out of the cars.

20 MR. DEVENDORF: Is there anything
21 noteworthy about the smoke that you smell?

22 MS. KUBINYI: Well, it's definitely
23 marijuana which is fine. It's legal in D.C. but
24 it's not legal in cars.

25 MR. DEVENDORF: Can you discuss your

1 feelings of general safety in the area as a
2 result of Safari Lounge?

3 MS. KUBINYI: Well, I am single, alone
4 here. Women who are alone have more concerns
5 about our safety. When there's drunk people
6 outside of where we live, it is very
7 disconcerting. It does not make me feel safe.

8 They refuse -- I've seen on very few
9 occasions there actually be security out there.
10 But even when they've had security, the security
11 guard is hanging out there with two or three or
12 four other people. So they're not even moving
13 people along. People want to go in, cool. If
14 they're leaving and they're going in their cars,
15 fine. But there is no management of the people
16 in front of that facility. And I apologize for
17 the dog walking all around.

18 MR. DEVENDORF: Always happy to see a
19 puppy onscreen, so no apology is necessary there.
20 Have you noticed anything -- do you have anything
21 to discuss with respect to the establishment and
22 how it acquires its alcohol?

23 MS. KUBINYI: Yeah. So when John was
24 manager-owner, I would see him in his black
25 sports car pulling up with cases of liquor and

1 beer. I get home -- pre-COVID when I was going
2 into the office -- I've been working from home
3 since March. But before then, my job gets out at
4 4:30 and they tell us, leave. So I always get
5 home roughly around 5:00 o'clock.

6 You see the dog. The dog is here all
7 day. So my first order of business every day
8 when I come home is to take Tucker right out so
9 that he can relieve himself. So I had -- that
10 was about the same time that they start opening
11 Safari.

12 So I -- when I first moved in here, I
13 saw Frez and we would chat and smile. And, like,
14 I wasn't here to be a pain or destroy his
15 business. And then when John showed up, he
16 seemed like he was trying to make a business out
17 of it which was fine. That was great.

18 I even went in and I've ordered food
19 from them. The second time I went to order food
20 from them, John held my food because the police
21 came in when I was there to come pick it up
22 because he was fighting with his chef. And he
23 held my food, so I had to stand there until he
24 finished talking to the police and I could get my
25 food and go.

1 And so there was just everything from
2 talking to John while he was here and seeing the
3 alcohol coming in. And I worked in restaurants
4 and bars for ten years in my 20s. They buy
5 whatever they want and bring it in.

6 MR. DEVENDORF: So about the liquor
7 that was coming in. Did you notice any labels on
8 the boxes that it was in?

9 MS. KUBINYI: So it seems -- aside
10 from, like, actual cases of beer which I wouldn't
11 even remember what -- I didn't look at the
12 labels. I drink Michelob Ultra Light. So I
13 don't -- I'm not a beer person. So -- but I
14 could see, like, the bottles in, like, the boxes
15 that have the slats in it.

16 MR. DEVENDORF: And were there any
17 labels from any particular stores on those boxes?

18 MS. KUBINYI: No, they seemed like
19 just brown -- like, when you go to Costco and
20 they have all those boxes at the end. And you
21 pick them up to put stuff in so you can carry all
22 your stuff because they don't give you bags. It
23 seemed like that. Like, I don't remember
24 anything on the outside of them.

25 MR. DEVENDORF: We can move on from

1 that now. So can you discuss how your issues
2 after the February 24th shooting compared to your
3 issues you have with Safari Lounge before then?
4 Has there been any change?

5 MS. KUBINYI: Well, I mean, the
6 pandemic caused a change. But outside of that,
7 no. And I did -- I was the one that called on
8 January 2nd of 2021. All of a sudden, there was
9 -- I could hear the bass. And I was concerned
10 because I thought D.C. was under nobody is
11 supposed to be inside any bars or restaurants.

12 And that's why I called ABRA because
13 it was just them being open. And I sent an email
14 within our condo and then was shown a picture
15 where there were people outside. So they were
16 playing music loud enough inside so that the
17 people outside could hear it from inside, not
18 from, like, outdoor speakers that are just
19 outside. They were cranking up their indoor
20 volume so that people could be entertained
21 outside.

22 MR. DEVENDORF: And do you have any --
23 can you share with the Board your efforts to
24 bring your issues to the owner's attention?

25 MS. KUBINYI: So I never spoke

1 directly to Frez about these issues because it
2 didn't seem appropriate. But I was at the
3 meeting that was with Kim Varzi. It was at
4 Safari, the one where Frez told Mina she was
5 crazy and that she was making everything up, the
6 one where he refused any settlement, he refused
7 to do anything to contribute to our neighborhood
8 in a positive way. I don't see how having drum
9 circles outside at 11:00 o'clock at night on a
10 Sunday night is helpful to your neighborhood.

11 MR. DEVENDORF: Thank you, Ms.
12 Kubinyi. No further questions.

13 CHAIRPERSON ANDERSON: Mr. Teame, do
14 you have any questions that you want to ask her,
15 please?

16 MR. TEAME: Yes, I will have one
17 question. Do you know that ABRA establishments
18 can pick up their orders from the supplier is
19 legal to pick up and bring it to the
20 establishment?

21 MS. KUBINYI: I do not work in the
22 restaurant business. I know it's not legal in
23 New Jersey, so it struck me as strange.

24 MR. TEAME: It's legal in D.C. here.

25 MS. KUBINYI: Well, it's not legal in

1 New Jersey, and that's where I'm from. And so
2 that is what I saw with my own eyes as I'm
3 testifying in my truth today.

4 MR. TEAME: States have different
5 rules. For Washington, D.C., we're allowed to
6 pick up our --

7 (Simultaneous speaking.)

8 MR. DEVENDORF: Objection.

9 CHAIRPERSON ANDERSON: I'm sorry.

10 (Simultaneous speaking.)

11 MS. KUBINYI: I don't see how that's
12 --

13 (Simultaneous speaking.)

14 MR. DEVENDORF: At this point, he's
15 making an argument.

16 CHAIRPERSON ANDERSON: Hello. I'm
17 sorry. Mr. Teame, ask a question. I don't need
18 back and forth. Question, answer, question,
19 answer. Let's move on. Do you have another
20 question you want to ask?

21 MR. TEAME: No. No further question.

22 CHAIRPERSON ANDERSON: Any question by
23 the Board -- by any Board member to this witness?

24 MS. KUBINYI: Can I say one thing?

25 CHAIRPERSON ANDERSON: No, ma'am. No,

1 you can't say nothing.

2 MS. KUBINYI: Can you ask me the same
3 question you asked everybody else?

4 CHAIRPERSON ANDERSON: No, ma'am. I
5 can't. No.

6 MS. KUBINYI: Because --

7 CHAIRPERSON ANDERSON: No, I --

8 MS. KUBINYI: -- you could actually
9 check.

10 CHAIRPERSON ANDERSON: No.

11 MS. KUBINYI: Before I moved in.

12 CHAIRPERSON ANDERSON: No questions by
13 any of the Board members?

14 (No audible response.)

15 CHAIRPERSON ANDERSON: I don't have
16 any questions. And because Mr. Teame did ask one
17 question of her, you can ask a question of her
18 based on Mr. Teame's question, Mr. Devendorf.

19 MR. DEVENDORF: Actually, I don't
20 think I need to follow up on that. I think we're
21 finished.

22 CHAIRPERSON ANDERSON: All right.
23 Well, Mr. Devendorf, do you rest?

24 MR. DEVENDORF: Excuse me?

25 CHAIRPERSON ANDERSON: Do you rest?

1 MR. DEVENDORF: Yes, at this point.

2 (Simultaneous speaking.)

3 MR. DEVENDORF: Let me just double
4 check before I officially say we rest. We
5 finished with our witnesses, and I'm just going
6 to confirm. Yes, at this point, we rest.

7 CHAIRPERSON ANDERSON: Mr. Devendorf,
8 I need to give you the ultimate compliment. And
9 you know why I'm going to give you a compliment?
10 You have one minute and 53 seconds left, and I
11 did not have to scold you about using up your
12 time because I'm looking at my clock and you have
13 one minute and 53 seconds left. And I did not
14 have to scold you about the hour that you had to
15 present your case, sir. So thank you for not
16 exceeding you time. All right.

17 MR. DEVENDORF: My pleasure. And I
18 appreciate the time reminder you gave me earlier
19 on.

20 CHAIRPERSON ANDERSON: Okay. Thank
21 you. All right. All right. Well, normally, I
22 would've asked Mr. Teame, do you wish to call any
23 rebuttal witness? But since you never provided
24 us with a -- you didn't provide us with a
25 disclosure notice. So therefore, there can be no

1 -- with a PIF, there can be no rebuttal witness.
2 And I guess I'll ask the protestant if they wish
3 to call a rebuttal witness.

4 MR. DEVENDORF: We have -- I don't
5 think we have anything to rebut.

6 CHAIRPERSON ANDERSON: All right.
7 Thank you. Do you want to -- all right. It's
8 time for closing. I'm going to give both sides
9 five minutes to close. What I expect from both
10 sides is that you're now telling me what it is
11 that you -- what is it that was presented today
12 and what it is that you want the Board to do.

13 So that's what I want your closing to
14 tell me what was presented today and what it is
15 that you want the Board to do. And so Mr. Teame,
16 you go first. So you have five minutes to do
17 your closing statement, sir.

18 MR. DEVENDORF: Mr. Chairman, sorry to
19 jump in. Can we have a brief recess before we
20 move to closing?

21 CHAIRPERSON ANDERSON: How much --
22 remember we're doing this remotely. So we're all
23 going to sit here looking at you. So normally I
24 would do that. So how much time are you asking
25 for?

1 MR. DEVENDORF: Just five minutes.

2 CHAIRPERSON ANDERSON: All right. So
3 we're going -- so we'll -- all right. And I
4 agree with that. Okay. We'll be off the record
5 for five minutes. I do not want anyone -- so you
6 can close your camera if you need. But we'll be
7 off for five minutes.

8 So it is -- hold on. It is 7:23. I
9 expect everyone to be back here. So please do
10 not log off. You can mute your phone and you can
11 mute your camera. But we will be back on the
12 record at 7:28. Okay? All right.

13 (Whereupon, the above-entitled matter
14 went off the record at 7:23 p.m. and resumed at
15 7:28 p.m.)

16 CHAIRPERSON ANDERSON: It's 7:28. So
17 is everybody -- we're back on the record. Mr.
18 Teame, can you put your phone on mute, please?
19 All right. As I've stated before, it is time for
20 closing. So what I would like each side to do is
21 to tell me basically what was proven today and
22 what it is that you want the Board to do. And
23 I'm giving each party five minutes to do their
24 closing. And I will start with you, Mr. Teame.
25 You have five minutes to close. Go ahead,

1 please.

2 MR. TEAME: Thanks again for the Board
3 for taking your time and look at this case on
4 this difficult time where we're going through all
5 events. I am here to state to the neighbors and
6 to the Board we are here for the same purpose, to
7 live and do business in Washington, D.C. And we
8 both have a right to do that.

9 And I am doing in my effort to
10 minimize all this so we all can be good
11 neighbors. And I see all the concerns. I hear
12 it. And we've taken a lot of measures to
13 minimize these frequent issues and questions that
14 we have.

15 So I want to ask the building owners
16 as well to make the same effort that we're doing.
17 To minimize the noise, they should try to build
18 some kind of sound on their end and go back to
19 the builder like Mr. Short was saying earlier to
20 ask them to do something about it. This building
21 was build cost. And on the side of the building,
22 the siding has fallen and damaging my roof.

23 And also, I'm sure it's damaging their
24 units because the water is getting in and all
25 that. So they need to make that effort as well

1 like the establishment is doing a lot of effort.

2 So on our end, we are committed to do that.

3 What I want to emphasize on this is we
4 don't sell any plastics. Georgia Avenue is a
5 commercial district. A lot of people walk on the
6 avenue. A lot of people can throw their bottles,
7 their plastics, whatever. We are a venue that we
8 serve glass services and bottle services.

9 And also, we have full control of the
10 establishment that no one leaves the
11 establishment with any containers at all. So I
12 want them to keep this in mind. We did an effort
13 even when we're not here. We clean the area. We
14 vacuum including their front and their back.

15 So we report about this issue
16 loitering, parking. We recommend that the
17 neighborhood, the ANC Commissioner to work with
18 DCRA to put some kind of zoning so they will have
19 their parking space so we can minimize the issue.
20 I cannot tell the people to drive to Georgia
21 Avenue and park on Georgia Avenue. Why it's
22 allowed by the D.C. government to park on Georgia
23 Avenue?

24 So I will like the neighbors to work
25 with the ANC to get some kind of zoning or change

1 the rules on Georgia Avenue to accommodate them.
2 The ANC should work for everybody, not only for
3 the residents, for the businesses as well. So I
4 see it only one way working.

5 So in the future, we hope that the ANC
6 will work for the establishment as well because
7 we are contribute to the city. We are taxpayers.
8 We are community members, and we live also in the
9 area.

10 I'm looking the ABRA consider this.
11 This is not a neighborhood issue. This is a
12 people who are bonding or sharing the wall with
13 the establishment that not happy about it which
14 is not my fault. The people didn't do enough of
15 their work when they're buying a condo next to
16 the entertainment venue.

17 So I am doing my best to minimize by
18 taking measures. And down the road, I'm hoping
19 to go ahead and try soundproof on our end. And
20 also, they could do the soundproof on their end
21 because it's not going to be enough because we
22 are sharing a wall. You're still going to hear
23 something because we have one wall sharing.

24 So we are doing our best. But I
25 expected them to do that effort as well so they

1 can open their drywall and put soundproof in
2 there. Then that will stop this one. And I
3 appreciate your time, and looking forward to work
4 with you.

5 CHAIRPERSON ANDERSON: So what are you
6 asking me? So you're asking us to -- are you
7 asking us to renew your license? What is it
8 you're ask the Board to do, sir?

9 MR. TEAME: Yes, I am asking the ABC
10 to renew my license with no questions at all
11 because we've been here for almost 20-something
12 years. Even myself, I renew more than three
13 times on this establishment license. There is no
14 ground to it.

15 This is an issue of two neighbors. It
16 shouldn't be an ABRA issue. It should be some
17 kind of neighbors' issue that can be resolved in
18 a court way or any way. So I am asking the ABRA
19 to renew my license without no restrictions.
20 Appreciate it.

21 CHAIRPERSON ANDERSON: Does the ANC
22 wish to make a closing statement?

23 MS. VARZI: Commissioner Johnson --

24 MR. JOHNSON: Yes, we do. Yes, we do.

25 CHAIRPERSON ANDERSON: Yes, yes.

1 (Simultaneous speaking.)

2 CHAIRPERSON ANDERSON: Go ahead, Mr.
3 Johnson.

4 MR. JOHNSON: So the position of the
5 Advisory Neighborhood Commission 4C is that we
6 value all of the stakeholders in our community,
7 including the residents and the commercial
8 sector. We support free streets. We support our
9 businesses. And the offer always open to sort of
10 work together. And we want to encourage good
11 neighbors, mutual consideration, and working
12 together. And the offer is always on the table
13 to sort of work together.

14 We want better security. We want
15 better operations and conditions to have better
16 security for the establishment, for the abutting
17 neighbors, for the other neighbors in the
18 vicinity. And we would suggest perhaps better
19 management and particularly perhaps a more focus
20 on earlier hours.

21 So those are the things that the ANC
22 is asking for, perhaps earlier hours, better hold
23 or management on the situation to sort of control
24 some of these nuisance issues, some of these
25 noise issues, some of the congregating issues of

1 the patrons, and more respect and civility and
2 mutual understanding. That's the position of the
3 ANC.

4 CHAIRPERSON ANDERSON: Let me ask you
5 a question. Are there -- from the ANC, are there
6 nights when -- is the security the same every
7 night? Are there nights when things are good and
8 other nights things are not appropriate as far as
9 your stating, as far as security is concerned?

10 MR. JOHNSON: Well, there's an open --
11 it's an open question with respect to policies of
12 the entity and the security plan. There's been
13 conversation about that with the abutting
14 neighbors, with the community, and with the ANC.
15 So manifestly and demonstrably, the security plan
16 and the strictures of abiding by the security
17 plan have been a problem.

18 CHAIRPERSON ANDERSON: Okay.

19 MR. JOHNSON: With COVID -- I'd like
20 to say one last thing. With COVID, since there
21 hasn't been much of an operation, it's sort of
22 been a monkey wrench in sort of understanding if
23 it's been followed. But up until and prior to
24 COVID from all accounts, it's been inconsistent
25 at best.

1 CHAIRPERSON ANDERSON: I think you
2 were --

3 MR. JOHNSON: Thank you, Mr. Chairman.

4 CHAIRPERSON ANDERSON: -- frozen, Mr.
5 Johnson. So I'm not sure if you were done. You
6 were frozen for a couple of seconds.

7 MR. JOHNSON: I'm so sorry. You can
8 hear me now?

9 CHAIRPERSON ANDERSON: Yes, I can hear
10 you. I think you had said that -- you said COVID
11 --

12 (Simultaneous speaking.)

13 MR. JOHNSON: Yes.

14 CHAIRPERSON ANDERSON: -- monkey
15 wrench.

16 MR. JOHNSON: You had asked about the
17 security and what we're seeing. And I live very
18 close, all through Georgia Avenue. There hasn't
19 been a lot of activity and operations since COVID
20 has thrown a monkey wrench in things.

21 But prior to that point, there's been
22 questions about the implementation of the
23 security plan. And there's been complaints about
24 it. And I just want to reiterate that we do view
25 the commercial corridor and the commercial

1 operators as part of the stakeholders of the
2 community.

3 We want to be good neighbors to one
4 another, find a happy medium. Our doors are
5 open. But having said that, we want better
6 management, better operations. We want
7 improvements on the noise, on the congregating
8 issue, and perhaps a reduction in hours to
9 prevent some of these problems from emanating.
10 That's our position.

11 CHAIRPERSON ANDERSON: All right.
12 Thank you. Mr. Devendorf, can you see me? Can
13 you hear me?

14 MR. DEVENDORF: I can see you and hear
15 you, yeah. I can now.

16 CHAIRPERSON ANDERSON: I see that it
17 appears that everyone is frozen. So that's why
18 you're the --

19 MR. DEVENDORF: Oh, I think I'm seeing
20 Board Member Cato's is frozen on mine --

21 CHAIRPERSON ANDERSON: Okay. All
22 right.

23 MR. DEVENDORF: -- on my screen. I
24 don't think it's just you.

25 CHAIRPERSON ANDERSON: I just want to

1 make sure it's not just -- I just want to make
2 sure it's not just from my end. Okay.

3 MR. DEVENDORF: Board Member Short is
4 not frozen. I think we're good.

5 CHAIRPERSON ANDERSON: No, from my
6 end, there are a lot of people who are frozen.
7 So let me see what's going on. Just let's -- all
8 right. Okay. Everyone -- as far as I'm
9 concerned, everyone is unfrozen. I was seeing
10 some issues with -- the only person I have issues
11 with now is Ms. Hansen. But everyone is
12 unfrozen.

13 MEMBER HANSEN: I'm frozen?

14 CHAIRPERSON ANDERSON: I'm sorry. All
15 right. All right. Okay. So Mr. Devendorf, you
16 have five minutes to do your presentation.

17 MR. DEVENDORF: Thank you, Mr.
18 Chairman. As I had stated in the beginning of
19 this hearing, this is a case about an
20 establishment that is either unwilling or unable
21 to act as a responsible and respectful member of
22 the community. We heard it just now, the
23 applicant wants no changes to his license. He
24 wants business as usually.

25 Unfortunately for his neighbors,

1 business as usual means that they are tormented
2 day in and day out by the noise and littering and
3 loitering coming from this establishment. Now
4 what the abutting property protestants would like
5 is either a flat denial of the renewal
6 application or in the alternative, we would
7 request that the hours be limited to the hours
8 specified in our addendum to our PIF. And I
9 won't go through the specifics of that right now.

10 CHAIRPERSON ANDERSON: I need you to
11 go through that.

12 (Simultaneous speaking.)

13 MR. DEVENDORF: You want me to read
14 the hours out from our PIF, Mr. Chairman?

15 CHAIRPERSON ANDERSON: I need you to
16 tell me what hours you're asking for. I don't
17 have it in front of me --

18 (Simultaneous speaking.)

19 MR. DEVENDORF: Okay. I will go ahead
20 and try to read those quickly but clearly.

21 CHAIRPERSON ANDERSON: I won't take it
22 away from your five minutes, sir.

23 MR. DEVENDORF: Oh, okay. Excellent.
24 My secret to staying on time is I have a timer on
25 the other screen. So I will go ahead --

1 CHAIRPERSON ANDERSON: Okay.

2 MR. DEVENDORF: -- and pause that.
3 Okay. So the hours that we are requesting are
4 ask follows. The applicant's hours of operation
5 and sales should be 10:00 a.m. to 11:30 p.m.,
6 Sunday through Thursday. Friday and Saturday,
7 10:00 a.m. to 12:30 a.m. Alcohol sales should be
8 limited --

9 CHAIRPERSON ANDERSON: Hold on. Hold
10 on. You said -- I'm sorry. You said Sunday
11 through Thursday, 10:00 a.m. to 11:30. And so
12 Friday through Saturday is what?

13 MR. DEVENDORF: Friday and Saturday,
14 hours of operation should be limited to 10:00
15 a.m. to 12:30 a.m. Alcohol sales, Sunday through
16 Thursday, should be limited to 10:00 a.m. to
17 11:00 p.m.

18 CHAIRPERSON ANDERSON: Okay, 10:00
19 a.m. to 11:00 p.m. Sunday through Thursday?

20 MR. DEVENDORF: Yes. On Friday and
21 Saturday, alcohol sales should be limited to
22 10:00 a.m. to 12:00 a.m.

23 CHAIRPERSON ANDERSON: Okay.

24 MR. DEVENDORF: Entertainment hours,
25 Sunday through Thursday, should be limited to

1 6:00 p.m. to 10:30 p.m.

2 CHAIRPERSON ANDERSON: Six p.m. through
3 what time?

4 MR. DEVENDORF: Ten-thirty p.m.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. DEVENDORF: And on Friday and
7 Saturday, entertainment hours should be limited
8 to 6:00 p.m. to 11:30 p.m.

9 CHAIRPERSON ANDERSON: Okay.

10 MR. DEVENDORF: As far as their summer
11 garden goes, hours should be limited from -- on
12 Sunday through Thursday, the hours should be
13 limited to 10:00 a.m. to 11:00 p.m.

14 CHAIRPERSON ANDERSON: Okay.

15 MR. DEVENDORF: On Friday and
16 Saturday, the hours should be limited from 10:00
17 a.m. to 12:00 a.m.

18 CHAIRPERSON ANDERSON: Okay.

19 MR. DEVENDORF: Those are our
20 requests. We share the security interests that
21 the ANC has already represented with beefing that
22 up, potentially adding the subsidized detail
23 program that ABRA has. But I won't repeat that.

24 CHAIRPERSON ANDERSON: Okay.

25 MR. DEVENDORF: Moving on. So I just

1 read through the hours that we have requested and
2 we have presented to the applicant, and this is
3 what we were asking for. The applicant, on the
4 other hand, has not wanted to budge an inch.
5 They want no change to this operation, even
6 though it's clearly causing a litany of issues
7 for the neighborhood.

8 The evidence we've shown -- we've
9 heard tonight clearly shows that there's a
10 desperate need to pull this operation into line.
11 Now I'm going to talk briefly about the burdens
12 of proof in this case. The burden to show
13 appropriateness is on the applicant, that
14 applicant must show the burden by substantial
15 evidence. And the regulations go into that.

16 It's simply that they must show
17 evidence and argument as would lead a reasonable
18 person to conclude that the establishment is
19 appropriate for the neighborhood. So this
20 exceeds merely just more likely than not. They
21 have to show substantial evidence.

22 And now with respect -- there's no --
23 the applicant is starting from square zero on
24 this effort to prove appropriateness. There's no
25 presumption of appropriateness due to the fact

1 that their license renewal application has been
2 protested. The burden is on the applicant to
3 establish its appropriateness.

4 So what have we heard tonight that
5 might have shown that? Honestly, absolutely
6 nothing. All we've heard from the applicant is
7 that sometime before the building was made, he
8 reached out to the builder and said, hey, you
9 know what? I'm going to be really loud. So you
10 should probably soundproof your building. It is
11 not incumbent on the neighborhood to insulate
12 themselves from this business and its
13 inconsiderate operations.

14 Now so the business owner, he has a
15 right to do business. That's true. His rights -
16 - he does not have -- he cannot utilize his
17 rights to infringe on the rights of others. His
18 neighbors, the rest of the neighborhood have a
19 right to feel safe in their homes, to be able to
20 peacefully enjoy their homes and properties.

21 And when his business starts to
22 infringe on other people's rights, then it's time
23 to pull them in line. And this is more than it's
24 a simple -- it's a little bit too loud every now
25 and then. The noise is unbearable for some of

1 these witnesses.

2 And it's not only the noise coming
3 from inside the establishment. Please, please do
4 not forget that we have several aspects that we -
5 - issues we have with the establishment. There
6 is a substantial amount of noise coming from the
7 loitering outside of the establishment. That's
8 why having these earlier hours, this closing
9 early would help much more with getting people
10 out, having them disperse so they're not hanging
11 out in front of the establishment until the early
12 hours of the morning causing disruptions to the
13 neighbors.

14 And so the hour changes we're request
15 would help to bring this establishment in line
16 with the other establishments in the
17 neighborhood. We're not asking for anything
18 outrageous here. We're just simply asking that
19 they act like a considerate member of the
20 community like their other neighboring -- not
21 neighboring but nearby establishments.

22 I'd like to point out a few things in
23 the noise record complaints that were submitted.
24 So we've seen here that the applicant responds
25 with either he doesn't want to do anything to

1 negotiate to make a better environment for the
2 community. He responds hostilely when people
3 bring this up to him.

4 We've heard him -- when one of the
5 neighbors told him about her issues, he call her
6 a dumb bitch. That was his response to someone
7 bringing her issues to him. And this isn't an
8 isolated issue -- incident.

9 We see on December 24th -- excuse me.
10 On December 24th, 2017, we see in the records
11 that we're admitted, the noise complaint records,
12 the applicant spoke with an investigator. And
13 the investigator, even to him, he felt he was
14 speaking in a loud and threatening tone. So this
15 isn't a new thing. The applicant is essentially
16 attempting to play the victim meanwhile when he's
17 here causing -- creating just an inhospitable
18 environment for his neighbors.

19 Now in addition to the loitering, we
20 have the littering and parking issues that we've
21 gone through. This also plays into the
22 appropriateness standard. Again, this is not
23 just the noise coming from inside his
24 establishment.

25 There's loitering outside. There's

1 noise outside. People feel unsafe. There's
2 trash on the floor -- excuse me, on the
3 sidewalks. And there's limiting parking. This
4 application has so little concern for its
5 neighbors, they have the audacity to go out and
6 block public parking spaces or put up no parking
7 signs they have no right to do and just so they
8 can save those spaces for themselves to use later
9 in the evening.

10 This restaurant does not care about
11 its neighbors. So for those reasons, we need to
12 bring this restaurant in line. We need to cut
13 down on their hours. I think at the very least,
14 those hours need to be cut. If not, an outright
15 denial of their renewal application.

16 And briefly before I conclude, there
17 were a few questions regarding the construction
18 of the building. There's been no evidence
19 entered into the record that there was any sort
20 of illegal construction, no evidence that proper
21 permits were -- proper permits weren't even
22 discussed. So there's no grounds to assume that
23 there's anything wrong with the construction of
24 the building.

25 The only thing is the problem is that

1 they are unable to keep out these immense noises
2 coming from their speakers attached to the walls.
3 And lastly, one -- the last point I'd like to
4 make is that we heard the applicant say how the -
5 - we talked about the shooting that occurred
6 because of -- essentially as a result of the poor
7 operation of this establishment. We heard the
8 applicant say that he wanted to learn from that
9 experience.

10 He did learn from that experience.
11 But the evidence we saw today clearly shows that,
12 that is not the case. After this incident, we
13 still have the same problems with the neighbors.
14 We still have another violation for operating
15 outside of their approved hours.

16 Once again, it goes to one of the main
17 points of our protest is that there's loud noise
18 late into evening, into the morning hours. And
19 they're even pushing it even farther than they're
20 already allowed to do. But when I asked about
21 that violation for operating outside of their
22 approved hours, when I asked the applicant that,
23 he said he didn't remember it.

24 Furthermore, when I asked the
25 applicant about the violations his operation

1 incurred as a result of the shooting, I asked if
2 he had received a violation for allowing the
3 establishment to be used for unlawful purposes.
4 He said no. That's clearly in the record.
5 That's in the investigation report.

6 But he doesn't even remember that. He
7 cannot say that he's learned and moved on from
8 this event when he clearly doesn't even remember
9 what happened. He hasn't made any changes.
10 There's been no evidence to show that he has.

11 And in short, the operation of this
12 business is wholly -- does not fit with the
13 neighborhood. It's inconsiderate, and it gives
14 no concern or thought to the neighbors. Thank
15 you.

16 CHAIRPERSON ANDERSON: All right.
17 Thank you very much, Mr. Devendorf, for your
18 presentation. Thank you very much, Mr. Teame,
19 for your presentation, Mr. Johnson, and Ms. --
20 I'm sorry, Ms. Karimi. Thank you for your
21 presentation. Do the parties wish to file
22 proposed findings of fact and conclusion of law
23 or waive their right to do so? I know that we
24 normally don't do this in protest hearings, but
25 still --

1 MR. DEVENDORF: Protestants will waive
2 that and allow the Board's legal department to
3 handle that.

4 CHAIRPERSON ANDERSON: That's fine.
5 So the Board will therefore issue a decision
6 within 90 days. And hold on, please. As
7 Chairperson of the Alcoholic Beverage Control
8 Board for the District of Columbia in accordance
9 with D.C. Official Code Section 2574(b) of the
10 Open Meetings Act, I move that ABC Board hold a
11 closed meeting for the purpose of seeking legal
12 advice from our counsel on Case No. 19-PRO-00144,
13 Safari Restaurant and Lounge, pursuant to D.C.
14 Official Code Section 2574(b)(4) of the Open
15 Meetings Act and deliberating upon Case No. 19-
16 PRO-00144, Safari Restaurant and Lounge, for the
17 reasons cited in D.C. Official Code Section
18 2574(b)(13) of the Open Meetings Act. Is there a
19 second?

20 MEMBER SHORT: Mr. Short, I second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 second the motion. We'll now have a roll call
23 vote on the motion that was properly second by
24 Mr. Short. Mr. Short?

25 MEMBER SHORT: Mr. Short, I agree.

1 CHAIRPERSON ANDERSON: Mr. Cato?

2 MEMBER CATO: Bobby Cato, I agree.

3 CHAIRPERSON ANDERSON: Ms. Hansen?

4 MEMBER HANSEN: Jeni Hansen, I agree.

5 CHAIRPERSON ANDERSON: Mr. Grandis?

6 MEMBER GRANDIS: Ed Grandis, I agree.

7 CHAIRPERSON ANDERSON: Mr. Anderson,

8 I agree. As it appears that the motion has
9 passed, I hereby give notice that the ABC Board
10 will recess these proceedings to hold a closed
11 meeting in the ABC conference room pursuant to
12 Section 2574(b) of the Open Meetings Act. I
13 truly want to thank everyone for their
14 participation today.

15 This is actually the first COVID --
16 this is the first protest hearing that we have
17 had since COVID, and it went much better than I
18 had anticipated. And I know there were a little
19 -- a couple of hiccups. But for the most part,
20 it worked.

21 And I want to thank everyone for their
22 participation. I want to thank everyone for
23 being there today. And I see Mr. Devendorf, that
24 you did ask for a five-minute break today. But I
25 just want to remind you that yesterday the Board

1 was on camera from 9:30 until I believe 7:30 with
2 a 20-minute break. And although this hearing is
3 over now, the Board will be going into executive
4 session to deliberate --

5 (Simultaneous speaking.)

6 MR. DEVENDORF: I figured you could
7 also use a break, so why not.

8 CHAIRPERSON ANDERSON: So I appreciate
9 that. But I just want to say that we have
10 adapted unfortunately because of COVID-19. And I
11 want to thank the community for -- the licensee
12 and the community for making this work in a sense
13 that this is -- as I said before, this is the
14 first hearing -- protest hearing that we have had
15 using this forum. And it has worked.

16 So thank you very much. Have a great
17 day. We'll issue a decision in 90 days, and this
18 hearing is adjourned. And I will -- the public
19 hearing is now over, and I will direct the Board
20 members for us to return to executive session.
21 Have a great rest of the evening. Thank you
22 much.

23 (Whereupon, the above-entitled matter
24 went off the record at 7:56 p.m.)

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This is to certify that the foregoing transcript


In the matter of: Safari Restaurant

Before: ABRA

Date: 01-14-21

Place: teleconference

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Court Reporter

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