

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
Ng Shu Kwan :
t/a Chinatown Market :
521 H Street, NW : Protest
Retailer Class B : Hearing
License No. 19616 :
Case No. 11-PRO-00057 :
ANC 6C :
Renewal Application :
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FEBRUARY 29, 2012

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

Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member

JEANNETTE MOBLEY, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

VINCENT PARKER, ABRA

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

1:49 p.m.

CHAIRPERSON MILLER: Okay. Good afternoon, ladies and gentlemen. We have one case on the calendar this afternoon. That's case No. 11-PRO-00057 of Chinatown Market at 521 H Street, N.W., License No. 19616, in ANC 6C.

It's a protest hearing and it appears that the parties have come to the table. And I'd like to ask you to introduce yourselves for the record, please.

MS. HIRAO: Risa Hirao on behalf of the Licensee.

MR. PASCAL: Paul L. Pascal, Pascal & Weiss on behalf of the Licensee. Good afternoon.

CHAIRPERSON MILLER: Good afternoon.

MR. SHU KWAN NG: My name Shu Kwan Ng, Chinatown Market.

CHAIRPERSON MILLER: I'm sorry, I

1 missed your name. Could you repeat your name
2 again, please?

3 MR. SHU KWAN NG: Huh?

4 CHAIRPERSON MILLER: Your name?

5 MR. PASCAL: Say it slowly. Your
6 name.

7 MR. SHU KWAN NG: Oh, Shu Kwan Ng.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 Sir?

11 INTERPRETER: Yes, my name is Ling
12 Lee. I'm an interpreter.

13 CHAIRPERSON MILLER: Okay. All
14 right. Okay. I'm just going to finish
15 introductions and then get back to you, sir,
16 to swear you in as an interpreter.

17 Sir?

18 MR. ANDERSON: My name is Michael
19 Anderson.

20 CHAIRPERSON MILLER: Yes.

21 MR. ANDERSON: I represent the
22 group of residents at 809 6th Street, N.W.

1 We're the Protestants.

2 CHAIRPERSON MILLER: Are there two
3 sets of Protestants in this case, or just one?

4 MR. ANDERSON: There were
5 originally two, ma'am, but now it's just one.

6 CHAIRPERSON MILLER: Just one now?
7 Okay.

8 MR. ANDERSON: Yes, ma'am.

9 CHAIRPERSON MILLER: All right.
10 Thank you.

11 What language are you going to be
12 interpreting from?

13 INTERPRETER: Cantonese.

14 CHAIRPERSON MILLER: Cantonese?

15 INTERPRETER: Yes.

16 CHAIRPERSON MILLER: Okay. Could
17 you stand and raise your right hand? Okay.
18 Do you solemnly affirm that you will
19 faithfully and accurately interpret the
20 proceedings in this matter from Cantonese into
21 English and from English into Cantonese to the
22 best of your ability?

1 INTERPRETER: Yes, I do.

2 CHAIRPERSON MILLER: Okay. Thank
3 you very much.

4 Okay. First let me start with
5 preliminary issues. Are there any preliminary
6 issues here?

7 MR. PASCAL: Yes, ma'am. I'd like
8 to invoke the rule on witnesses.

9 CHAIRPERSON MILLER: Okay. How
10 many witnesses does each party have?

11 MR. PASCAL: I have of course our
12 client and we have his son. His son is an ABC
13 licensed manager, so I'm requesting that he
14 stay in the business also -- in the hearing.
15 And then there's a restaurant owner who's not
16 here. And then there is a neighbor who's
17 here.

18 CHAIRPERSON MILLER: Are you
19 saying that the son is also a party in this
20 case?

21 MR. PASCAL: He's not a party, but
22 he's a licensed manager for the establishment

1 and the son of the father. I'll let the Board
2 rule whether he has to go out or not, but I'm
3 asking as part of the family that he stay.
4 But if the Board rules otherwise, then he'll
5 have to leave also.

6 CHAIRPERSON MILLER: All right.
7 Well, let's hear what Mr. Anderson has to say.

8 MR. PASCAL: And then I have one
9 other preliminary matter.

10 CHAIRPERSON MILLER: Okay.

11 MR. PASCAL: As part of their
12 protest they raise the issue of impact on real
13 estate values. They did not list on their PIF
14 form any expert witness as to real estate
15 values, so I would like that part of the
16 protest stricken.

17 CHAIRPERSON MILLER: And do you
18 have anymore authority than that as to why
19 real estate values have to be -- have an
20 expert witness?

21 MR. PASCAL: It would seem to me
22 if you're going to -- he put in his statement

1 that realtors told him that the location of
2 the store had an adverse impact on real estate
3 values. Without an expert witness to testify
4 as to values, I would say that he shouldn't go
5 forward on that. And I don't believe on his
6 PIF he listed any witnesses that would testify
7 as to that anyway. So it's an issue of also
8 due process and fairness because I've had no
9 opportunity to see how may testify on that
10 area and what I may have to present on that.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Pascal, so you have one question on the rule
13 on witnesses, whether or not the son who's an
14 ABC manager needs to leave. And there is --

15 MR. PASCAL: He will be a witness
16 also.

17 CHAIRPERSON MILLER: He will be a
18 witness, right? Okay. And you are seeking to
19 strike their arguments on -- what are you
20 seeking to strike?

21 MR. PASCAL: Protestable issue.

22 CHAIRPERSON MILLER: The issue?

1 MR. PASCAL: That it be stricken
2 as a protestable issue.

3 CHAIRPERSON MILLER: The issue?
4 Okay. The issue of property values because --

5 MR. PASCAL: Adverse impact on
6 real estate values.

7 CHAIRPERSON MILLER: Okay.
8 Because they didn't name an expert witness?

9 MR. PASCAL: That's correct. Nor
10 did they make references in their PIF that
11 anybody that they were bringing would testify
12 to that issue.

13 CHAIRPERSON MILLER: Okay. I
14 understand. We just got a revised PIF today.
15 Okay. So that's what you're referring to?

16 MR. PASCAL: There's been a number
17 of revised PIFs. I only sent in one because
18 it was my understanding that in due process
19 and fairness that we set forth -- I think
20 we've had almost one every day.

21 CHAIRPERSON MILLER: Okay.

22 MR. PASCAL: And candidly, I'm not

1 certain which one is existing.

2 CHAIRPERSON MILLER: All right.

3 Mr. Anderson can --

4 MR. PASCAL: And if you got one
5 today, then I'd like to have a copy of that
6 also.

7 CHAIRPERSON MILLER: I think it
8 came in yesterday, but we saw it today.

9 Mr. Anderson, does he have the
10 most recent copy of the PIF?

11 MR. ANDERSON: We sent it to him
12 twice, ma'am. Yes, ma'am.

13 CHAIRPERSON MILLER: Okay.

14 MR. ANDERSON: And the most recent
15 copy, I think we had one of the people we
16 thought might be able to testify had a change
17 in their schedule that involved another
18 hearing with DCRA. And so we adjusted the
19 PIF --

20 CHAIRPERSON MILLER: Okay.

21 MR. ANDERSON: -- to accommodate
22 that. Sent that in yesterday morning. And I

1 think that's been two -- there's only been two
2 changes. So if would be three PIFs we
3 submitted, one obviously on the day it was
4 due, one the following morning to adjust for
5 schedule availability of a witness. And then
6 that schedule changed again, so we submitted
7 another change to the PIF.

8 CHAIRPERSON MILLER: Okay. All
9 right. Just so long as we're all on the same
10 page at this point.

11 MEMBER MOBLEY: Madam Chair, just
12 to make sure we're all on the same page, we're
13 talking about the document dated February
14 29th, 2012? Is that correct?

15 MR. ANDERSON: Ma'am, I sent that
16 file in yesterday and I say updated 28 Feb.
17 That's the latest. The only latest version.
18 The only version I have.

19 CHAIRPERSON MILLER: I think that
20 has a cover sheet on it from the Agency.

21 MEMBER MOBLEY: Right.

22 CHAIRPERSON MILLER: Yes. Okay.

1 First of all, do you have any response to the
2 two requests that Mr. Pascal has made?

3 MR. ANDERSON: Certainly. On the
4 first request we're going to -- Mr. Kwan's
5 son, we have no objection. I think it's
6 perfectly reasonable for -- as he's an ABC
7 manager and I'm aware he's got an operational
8 role in the establishment, that if he wants to
9 be involved in the hearing, we don't have any
10 objection to that.

11 And then second on the matter of
12 real estate values --

13 CHAIRPERSON MILLER: Let me ask
14 you this also: He's invoking the rule on
15 witnesses, so that if you have witnesses, they
16 would have to leave as well.

17 MR. ANDERSON: What do you mean?

18 CHAIRPERSON MILLER: Is that what
19 you're saying, Mr. Pascal?

20 MR. PASCAL: That's correct.

21 CHAIRPERSON MILLER: While the
22 hearing is going on, so they don't hear other

1 people's testimony and get influenced by other
2 people's testimony, the rule on witnesses says
3 that they shouldn't be in the room during that
4 time.

5 MR. ANDERSON: Okay. So the folks
6 we have listed as witnesses we're saying
7 cannot be present while other folks, while any
8 other part of the hearing is going on. Is
9 that correct?

10 MR. PASCAL: That's correct.

11 CHAIRPERSON MILLER: Including
12 your witnesses. So you would call them one at
13 a time.

14 MEMBER ALBERTI: Until after
15 they've testified.

16 CHAIRPERSON MILLER: Oh, until
17 after they've testified. Thank you.

18 MR. ANDERSON: To be honest,
19 ma'am, I'd certainly like to have everyone to
20 be able and stay in the hearing. I really
21 wasn't aware to be honest of that restriction
22 and I don't believe in the course of the --

1 what our witnesses are planning on saying, I
2 think it's -- hearing what other folks are
3 going to say is not going to change what
4 they're going to say. And I think the
5 Applicants have a pretty good idea of what
6 they're going to say, likewise.

7 MEMBER ALBERTI: May I ask a
8 question of Mr. Anderson?

9 CHAIRPERSON MILLER: Oh, yes.
10 Sure.

11 MEMBER ALBERTI: Mr. Anderson?

12 MR. ANDERSON: Yes, sir?

13 MEMBER ALBERTI: If we were to
14 invoke the rule on witnesses, which would mean
15 that both parties, the witnesses for both
16 parties could not be present --

17 MR. ANDERSON: Yes, sir.

18 MEMBER ALBERTI: -- would you
19 object to the Licensee's son being the
20 exception, being able to be present?

21 MR. ANDERSON: Well, sir, if
22 you're going to invoke that rule, I would ask

1 that it be applied uniformly.

2 MR. PASCAL: Well, that's fine.

3 MEMBER ALBERTI: Okay. I just
4 wanted to clarify that so we all understood
5 what your position was. Thank you.

6 CHAIRPERSON MILLER: All right.
7 Before we decide that, there's the question
8 about striking your issue regarding real
9 property values, the impact -- you know, the
10 adverse impacts on real property values
11 because you don't have an expert witness to
12 testify to that subject.

13 MR. ANDERSON: I guess I object to
14 the objection, ma'am. One, I was not aware
15 and I didn't receive any kind of guidance from
16 anyone at ABRA that for that to -- you know,
17 to continue with that as a protestable issue,
18 which we listed in our original protest
19 petition, that we had to line up any kind of
20 particular expert witness of any kind on that
21 matter.

22 And I'd also say that myself as a

1 homeowner, and then two of the other witnesses
2 we have on our list are also homeowners in the
3 immediate vicinity of Chinatown Market, I
4 would argue that, you know, as a homeowner in
5 the area you're cognizant of property values
6 of your own home, as well as other's, if that
7 makes you perhaps not as much of an expert
8 witness, if you don't say you specialize in
9 the area, but I think that is a sufficient bar
10 to be able to speak to the matter.

11 CHAIRPERSON MILLER: Okay. All
12 right. So there are two questions. First of
13 all, the motion to strike the issue regarding
14 adverse impact on real estate values, I'm not
15 aware that there's a requirement that there be
16 an expert witness and we'll hear whatever
17 testimony you have. And certainly we'll give
18 it whatever weight it deserves. So I would
19 deny the motion to strike.

20 Secondly, with the rule on
21 witnesses, since one of the parties does wish
22 to invoke it, then it'll be applied uniformly

1 that all witnesses will be out of the room
2 except for when they're testifying. But once
3 they have testified, they can remain.

4 Okay. So I think we're ready to
5 go forward with the hearing unless there's
6 another preliminary matter. Is there?

7 MR. PASCAL: No, I guess the
8 witnesses will leave now.

9 CHAIRPERSON MILLER: Let me --

10 MEMBER ALBERTI: Well, make your
11 opening statements.

12 CHAIRPERSON MILLER: No witnesses
13 have begun yet, so no one has to leave just
14 yet. Okay?

15 MR. ANDERSON: I just have one
16 other preliminary matter.

17 CHAIRPERSON MILLER: Okay. All
18 right.

19 MR. ANDERSON: I'm sorry to
20 interrupt, ma'am.

21 CHAIRPERSON MILLER: That's all
22 right.

1 MR. ANDERSON: I asked Ms.
2 Fashbaugh in an email -- this is -- Mr. Pascal
3 was copied. We have in this case now two of
4 our witnesses that based on their, you know
5 requirements and obligations at their place of
6 work, we'd request that be allowed to testify,
7 you know, in at least the initial part of the
8 hearing to allow them to get back to, you
9 know, meet their obligations at their place of
10 business given, you know, what the length of
11 the hearing may be. And so I just wanted to
12 submit that request to the Board and if that
13 was allowed, we'll let them -- at whatever
14 earlier stage is allowable.

15 CHAIRPERSON MILLER: Well, let me
16 hear from Mr. Pascal.

17 MR. PASCAL: Yes, normally I would
18 always want to accommodate people, but, you
19 know, the nature of these proceedings, we're
20 sort of proving a negative. And to allow a
21 negative to come out initially and not let me
22 give my sense of the case and try to instill

1 in the Board my theory of the case would be
2 destroyed. Yesterday it was one witness. Now
3 today it's two. And as much as I'd love to be
4 accommodating, I just think for my sense of
5 how I want to put this case on and how I want
6 the Board to understand Chinatown's issues and
7 position, I'd have to oppose that.

8 CHAIRPERSON MILLER: Okay. My
9 understanding is that this Board rarely if
10 ever grants that kind of a request where
11 there's opposition unless the witness happens
12 to be a police officer and needs to get back
13 on the beat. So are either of your witnesses
14 police officers? No?

15 MR. ANDERSON: No.

16 CHAIRPERSON MILLER: No? Okay. I
17 know that, you know, it's difficult for people
18 to come out for these hearings in general and
19 a lot of people have work problems. And
20 sometimes it's prejudicial and sometimes it's
21 not prejudicial. So hearing that, it would be
22 in this case -- I would suggest that we

1 decline that. Okay. So, I'm sorry. And
2 maybe things will move along and they'll be
3 able to testify, I hope.

4 The basic general rules, which you
5 all should know, is that you each have five
6 minutes for opening statement. And then each
7 side has an hour-and-a-half total, not
8 including cross-examination.

9 MEMBER ALBERTI: Including cross.

10 CHAIRPERSON MILLER: Including
11 cross?

12 MEMBER ALBERTI: Including cross.

13 CHAIRPERSON MILLER: Excuse me.

14 Okay. And we will be timing up here. You all
15 don't have to, you know, keep the time
16 yourselves.

17 Okay. I just want to make sure I
18 clarified that that one-and-a-half hours does
19 include cross.

20 Okay. So --

21 MR. PASCAL: I'm intellectually
22 curios, Madam Chairman. Does that start after

1 the investigator gives his report? Yes?

2 Okay.

3 CHAIRPERSON MILLER: It does. It
4 starts with your own case.

5 MR. PASCAL: Okay. Thank you very
6 much. It's not a big issue for me because my
7 case isn't going to take that long, but I was
8 just intellectually curious what the policy
9 was.

10 MEMBER ALBERTI: I don't know if
11 you've been here in the past. Our policy, Mr.
12 Pascal, has been that the cross of the
13 investigator is also included. And the reason
14 for that is otherwise --

15 MR. PASCAL: Okay. My cross?
16 Yes.

17 MEMBER ALBERTI: Your cross of the
18 investigator is included in that.

19 MR. PASCAL: All right.

20 MEMBER ALBERTI: Not our
21 examination of the investigator.

22 MR. PASCAL: Okay.

1 MEMBER ALBERTI: Yes.

2 MR. PASCAL: Thank you.

3 CHAIRPERSON MILLER: Okay.

4 MR. PASCAL: I'm learning every
5 day.

6 CHAIRPERSON MILLER: All right.

7 Is everybody clear on that now?

8 (No audible response.)

9 CHAIRPERSON MILLER: All right.

10 Then we can start with our Board witness, the
11 investigator in this case.

12 Would you come forward, please?

13 MEMBER ALBERTI: No, we need
14 opening statements first.

15 CHAIRPERSON MILLER: I do? I'm
16 sorry. I'm sorry.

17 MEMBER ALBERTI: That's okay.

18 CHAIRPERSON MILLER: I haven't
19 been doing this too long. You might be able
20 to tell.

21 MEMBER ALBERTI: And then --

22 CHAIRPERSON MILLER: So we're

1 going to start with opening statements.

2 MR. PASCAL: Can I defer my
3 opening statement until after the
4 investigator?

5 CHAIRPERSON MILLER: You're
6 testing me on these things, huh?

7 MR. PASCAL: And that really goes
8 to -- because some of the things I may be
9 saying in my opening statement you'll have
10 witnesses in the room and I prefer not to have
11 during my opening statement.

12 CHAIRPERSON MILLER: Okay. Mr.
13 Anderson, do you have a problem with that, or
14 do you want to do the same thing?

15 MR. ANDERSON: I would suggest,
16 ma'am, that if Mr. Pascal wants to, you know,
17 follow the rules about not letting any --
18 folks testify in a particular order is
19 prejudicial, that we should follow the
20 standards apply that are expected of this
21 hearing. You know, if he expects to go -- and
22 that -- if that means he should give a

1 statement before the investigator, then that's
2 what we should expect.

3 MR. PASCAL: I believe I should be
4 allowed to put my case on in the order that I
5 want. And it's not unduly delaying anything
6 or prejudicing anything for me to give my
7 statement and theory of the case outside of
8 the presence of witnesses.

9 MR. ANDERSON: Ma'am, if I could
10 just say one thing to that? Obviously Mr.
11 Pascal's concerned about if witnesses are
12 present in testimony, witnesses shaping --

13 CHAIRPERSON MILLER: Yes.

14 MR. ANDERSON: -- what they're
15 going to say in relation to hearing what else
16 is in the -- pardon me, what else other folks
17 in the matter of the hearing say. That should
18 also apply to his opening statement. If he's
19 allowed to wait to hear what the investigator
20 says, that would allow him, or anyone else for
21 that matter, to shape what they're going to
22 say based upon -- and I would imagine the same

1 standards should apply.

2 MR. PASCAL: We have the
3 investigative report.

4 CHAIRPERSON MILLER: Okay.

5 MR. PASCAL: We know what he's
6 going to say.

7 MEMBER ALBERTI: Just one moment,
8 Mr. Pascal.

9 CHAIRPERSON MILLER: I'm not
10 inclined to go out of order in this case
11 considering we're making all these exceptions
12 on rules. The only thing I would say is if
13 you want witnesses to leave now, that would
14 just --

15 MR. PASCAL: I would prefer that.

16 CHAIRPERSON MILLER: You're
17 invoking the rule on witnesses?

18 MR. PASCAL: I'm invoking the rule
19 to start now.

20 CHAIRPERSON MILLER: All right.
21 So the witnesses won't hear this witness'
22 testimony as well and you will go in the same

1 order. So that would be all witnesses except
2 those who are a party. Well, you're a party.

3 MR. PASCAL: Kevin's got to go.
4 Thank you, Madam Chair.

5 CHAIRPERSON MILLER: Okay. So all
6 the witnesses have gone, cleared the room.
7 And then I'd like to call -- I'd like to do --
8 where are we? Opening statements? Yes, we'll
9 hear the opening statements starting with the
10 Licensee.

11 MR. PASCAL: Madam Chairman,
12 fellow Board members, thank you for the
13 opportunity to be here today.

14 Invoking the words of Lenny Bruce
15 many years ago where he had a staccato
16 repeating of everything that he said to get
17 your attention, I'm going to start off by
18 saying loitering, loitering, loitering,
19 loitering and loitering, because that's really
20 the issue here. And even your own
21 investigator in his report noted out of 11
22 visits, 6 of the 11 there was loitering.

1 The question is; it's a chicken
2 and egg situation, is the loitering because of
3 Chinatown Market, or is it because Chinatown
4 Market is located at the intersection of 6th
5 and H? It's one of the busiest intersections
6 in the world, and certainly in the District of
7 Columbia, where you're within a block or so of
8 the Verizon Center, Gallery Place, Chinatown
9 itself, the Convention Center and two major
10 shelters, the Gospel Rescue Ministry, which is
11 directly behind the Protestant's facility, and
12 the Mitch Schneider facility, which is catty-
13 corner if you shoot the way the birds fly only
14 three our four blocks away.

15 Loitering leads to panhandling
16 because there's thousands of participants and
17 tourists. You know, in a Verizon game you may
18 have 20,000 people there. In the Convention
19 Center you could have 30 or 40,000 people. I
20 think the auto show draws 750,000 in that week
21 time. So that leads to the panhandling.

22 So it's our view that Chinatown

1 Market is not the issue. Chinatown Market is
2 a victim as well as everybody else. And
3 you'll hear testimony from the investigator
4 that he observed the owner of Chinatown
5 outside cleaning up his place. And you'll
6 hear testimony how he goes out and asks
7 loiterers to move on.

8 Chinatown's been there for 22
9 years. The protesters have been there only a
10 few years and all of these circumstances that
11 we're talking about; the Verizon Center,
12 Gallery Place, the Convention Center,
13 Chinatown and the shelters were there before
14 they moved in. And so, not that they
15 shouldn't move wherever they want, but when
16 they moved there they sort of adopted the
17 neighborhood as it is, not necessarily how
18 they would like it.

19 Now, finally, the impact of the
20 Draconian requests that the Protestants are
21 asking; no alcohol on Sunday, no alcohol
22 before noon, to sell 11 percent wine; that

1 basically takes all your wines off the shelf,
2 would put Chinatown out of business, and that
3 is not what we really want to see happen in
4 this area.

5 At that point I will defer anymore
6 comments until my closing. Thank you very
7 much.

8 CHAIRPERSON MILLER: Thank you
9 very much. Mr. Anderson?

10 MR. ANDERSON: Madam Chairman,
11 members of the Board, I'm -- slightly alter my
12 opening statement here in response to Mr.
13 Pascal's emphasis on loitering, and I would
14 say that loitering is part but not the crux of
15 the issue that we're concerned about, the
16 residents of my building as well as other
17 folks in the community.

18 And he also mentioned that
19 loitering leads to panhandling. While it may,
20 our contention is that Chinatown Market's
21 sales of alcohol to people who are clearly
22 intoxicated or of easily identifiable and

1 known intemperate habits, through all hours of
2 the day, in the type and size of beverage and
3 container that those type of individuals
4 prefer, leads to all manner of troubles for
5 our neighborhood and has a significantly
6 adverse effect on peace, order and quiet,
7 pedestrian safety and residential property
8 values.

9 We believe that Chinatown Market's
10 alcohol sales attracts and purposely caters to
11 a significant crowd of vagrants, alcoholics
12 and drug users that loiter, yes, in our
13 neighborhood and throughout other parts of
14 downtown. They drink in public, they use
15 drugs, they panhandle, they harass and
16 threaten passersby, as well as people who try
17 to use businesses in the area, are guests of
18 the hotel across the street. They block the
19 sidewalk, shout coarse and vulgar language and
20 litter and spread trash through the
21 neighborhood. And most distressingly in some
22 ways, use our area's alleys, sidewalks and

1 green spaces as a toilet.

2 And the persistent presence and
3 behavior of these individuals we believe is
4 directly tied to the fact that Chinatown
5 Market, starting at 9:00 in the morning every
6 day, will sell to these individuals despite
7 the current voluntary agreement, and, my
8 understanding, D.C. Code that prevents them
9 from selling to folks who are already
10 intoxicated or have known intemperate habits.
11 And they sell the type and size of beverages
12 that is preferred by someone who significantly
13 struggles with alcohol and is -- a term I've
14 seen before is, you know, a chronic street
15 inebriate.

16 There is a persistent presence of
17 these folks in the area, whether it be
18 directly on the corner of 6th and H right in
19 front of Chinatown Market, or within a one or
20 two-block radius, particularly at the -- what
21 is known as Chinatown Park in between I Street
22 and Massachusetts Avenue, in between 5th and

1 6th Streets, N.W. They're there lining up at
2 the store starting at 9:00 a.m. and they
3 generally stay in the area for many hours a
4 day, sometimes all day, loitering,
5 panhandling, harassing on the corner, in the
6 park, in the alley behind my building, in the
7 alleys next to the hotel, in the stairwell
8 down to the restaurants on the 500 block of H
9 Street. And they're there because -- they
10 flock to Chinatown Market because they want --
11 it sells their preferred type of alcoholic
12 beverage, which is why we requested the
13 restrictions that's in the PIF that you see
14 there. They know that Chinatown Market is the
15 one place that they can get the kind of
16 alcohol they want.

17 And I know that some of my other
18 witnesses will speak to this fact, but I've
19 actually had some of these individuals that
20 we've had issues with enunciate to me that
21 Chinatown Market is the only place they can
22 buy alcohol, the only place that will sell to

1 them. And that's because all the other
2 establishments, of which there are many other
3 alcoholic beverage license holders in the
4 area, you know, abide by the rules and don't
5 sell to folks who are clearly intoxicated,
6 don't sell to folks who are clearly buying for
7 people who are intoxicated, and don't sell to
8 folks are of intemperate habits.

9 And finally, I don't necessarily
10 believe that our requests are Draconian. I
11 would say our requests are tailored to
12 stopping the kind of material that -- stopping
13 the kind of sales that attracts these types of
14 individuals. It's particularly focused on
15 that and it's not -- it has no effect
16 whatsoever -- attempts to drive Chinatown
17 Market out of business or anything like that.
18 We don't want that at all. We just don't want
19 the crowd of people to congregate and do the
20 criminal activity that we're concerned about.
21 That's all I have.

22 CHAIRPERSON MILLER: Great. Thank

1 you very much.

2 Okay. That concludes the opening
3 statements, and I'd like to call our ABRA
4 investigator. I believe that's Mr. Parker.

5 Good afternoon, Mr. Parker.

6 INVESTIGATOR PARKER: Hello. How
7 are you?

8 CHAIRPERSON MILLER: Do you swear
9 to tell the truth, the whole truth and nothing
10 but the truth?

11 INVESTIGATOR PARKER: I do.

12 CHAIRPERSON MILLER: Thank you.
13 Whenever you're ready.

14 INVESTIGATOR PARKER: In January
15 2012 I was assigned a protest investigation
16 for Chinatown Market's renewal class B ABC
17 license. Chinatown Market is located at 521
18 H Street, N.W., Washington, D.C. Chinatown
19 Market's renewal application is protested by
20 a group of five or more citizens. The protest
21 issues, as stated in the protest letter are:
22 peace, order and quiet --

1 MR. PASCAL: Could I ask that he
2 speak a little slower because he is going to
3 be interpreting and --

4 INTERPRETER: Sorry. I can't
5 every word --

6 CHAIRPERSON MILLER: Absolutely.

7 INVESTIGATOR PARKER: Do I need to
8 start over?

9 CHAIRPERSON MILLER: Just a little
10 slower.

11 MR. PASCAL: Just slower. Just
12 slower.

13 CHAIRPERSON MILLER: The
14 interpreter's is having a little --

15 INVESTIGATOR PARKER: The protest
16 issues as stated in the protestants' letter
17 are: peace, order and quiet in the area; the
18 adverse impact on pedestrian safety; and an
19 adverse impact on residential property values.

20 As a part of this protest
21 investigation I telephonically -- or actually
22 in person interviewed Michael Anderson, the

1 representative of the Protestants.

2 Mr. Anderson stated his protest
3 issues specifically regarding Chinatown
4 Market. He stated that Chinatown Market sells
5 malt liquor and other products which cater to
6 vagrant customers. Mr. Anderson stated that
7 these vagrants customers consumed the
8 alcoholic beverages in public and also
9 aggressively panhandled to passersby.

10 CHAIRPERSON MILLER: Mr. Parker?

11 INVESTIGATOR PARKER: Yes?

12 CHAIRPERSON MILLER: Do you have
13 written testimony that you're reading? I'm
14 just wondering if that would be easier for the
15 interpreter if you had a copy. No?

16 INVESTIGATOR PARKER: What I'm
17 reading is basically out of the investigative
18 -- the protest report. I just have cut and
19 pasted.

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR PARKER: So the
22 investigative report has all the information.

1 MR. PASCAL: I have read the
2 narrative and I already went it over with my
3 client.

4 CHAIRPERSON MILLER: Okay.

5 MR. PASCAL: So it's more to
6 educate the Board. It's up to you all.

7 CHAIRPERSON MILLER: So we don't
8 -- no, then we won't do the whole
9 interpretation --

10 MR. PASCAL: Yes.

11 CHAIRPERSON MILLER: -- if it's
12 not necessary for the client.

13 MR. PASCAL: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. PASCAL: Okay.

16 INTERPRETER: I'll catch some
17 points.

18 CHAIRPERSON MILLER: Okay. So
19 when we get to questions or something, we'll
20 begin --

21 MR. PASCAL: That would be better,
22 yes.

1 CHAIRPERSON MILLER: Okay. You
2 can go back to a more normal speed.

3 INVESTIGATOR PARKER: Thank you.
4 Thank you. Thank you.

5 Mr. Anderson stated that -- as I
6 mentioned, that the vagrant customers of
7 Chinatown Market consume alcoholic beverages
8 in public. These customers also aggressively
9 panhandle and harass passersby, be it on foot
10 or on bicycle. Mr. Anderson stated that the
11 vagrant customers know that Chinatown Market
12 sells these products. He also stated that the
13 customers know that other stores in the area
14 do not sell these products, therefore they
15 choose to frequent Chinatown Market.

16 Mr. Anderson went on to state that
17 it's also known that Chinatown Market will
18 sell alcoholic beverages to patrons who are
19 intoxicated and he stated that Chinatown
20 Market will allow patrons to pool their money
21 to purchase alcohol in two packs as to avoid
22 the single sales ban in Ward 6 where the

1 establishment's located.

2 With approval from the Licensee, I
3 interviewed Paul Pascal on behalf of the
4 establishment, who identified himself as the
5 representative attorney for the Licensee.

6 Mr. Pascal stated that Chinatown
7 Market entered into a voluntary agreement
8 approximately three years ago and it's his
9 position that the establishment has remained
10 in compliance with that voluntary agreement
11 and will continue to remain in compliance with
12 that voluntary agreement.

13 Mr. Pascal stated that he has
14 personally educated the owner of the
15 establishment on procedures that he should
16 implement to ensure that peace, order and
17 quiet remains a priority for the
18 establishment. Mr. Pascal stated that the
19 owner routinely asks loiterers to leave the
20 area and also personally cleans up trash in
21 the area.

22 On the issue of loitering, Mr.

1 Pascal stated that loitering is an issue, but
2 he mentioned that there is a bus stop directly
3 in front of Chinatown Market which contributes
4 to this loitering issue. Mr. Pascal also
5 stated that he has personally educated the
6 owner of the establishment -- the owner's name
7 is Mr. Kwan -- has personally educated the
8 owner of the establishment about not selling
9 alcoholic beverages to patrons who appear to
10 be intoxicated or of notoriously intemperate
11 habits.

12 Mr. Pascal concluded by mentioning
13 that a cultural shift has occurred in the
14 Chinatown area and Chinatown Market is one of
15 only two remaining Chinese grocery stores
16 which sells Chinese products in the Chinatown
17 area of the city.

18 Chinatown Market is located in the
19 C-2-C Zone, which is a commercial zone.

20 According to the Geographical
21 Information System, there are 69 active ABC
22 licensees within 1,200 feet of Chinatown

1 Market. These ABC licensees cover all classes
2 to include C, on-premise and off-premise
3 retailers, as well as a caterer. There are no
4 schools within 400 feet of Chinatown Market.

5 On the issue of the outdoor area
6 surrounding Chinatown Market, as I mentioned,
7 Chinatown Market is located of course the
8 Chinatown area of the city. The Chinatown
9 area is a densely populated arts and
10 entertainment district with restaurants,
11 hotels, nightclubs, museums, theaters and many
12 retail stores. There's also a large number of
13 residential buildings and homes in the
14 Chinatown area.

15 Specifically speaking, Chinatown
16 Market is located on the northeast corner of
17 6th Street, N.W. and H Street, N.W.
18 Chinatown's entrance faces this corner.
19 Across H Street from Chinatown Market is the
20 Corner Bakery Caf,. Directly next door is
21 Capitol Hemp. The Sixth Street Flats Building
22 where all the Protestants reside is located

1 approximately 200 feet north of the
2 establishment on 6th Street. There is a Metro
3 Transit bus stop directly in front of
4 Chinatown Market, and that's photographed as
5 Exhibit 9 in the report.

6 On the issue of the interior of
7 Chinatown Market, Chinatown Market is a small
8 grocery store. There are approximately two
9 grocery aisles which house grocery products,
10 some familiar to me, some foreign. There's
11 also a wall of coolers which contain alcoholic
12 as well as non-alcoholic beverages. To the
13 front of the store there's a small wine area
14 and a cashier's wall with tobacco products.
15 These are included in the report as Exhibits
16 11 and 12. Chinatown Market, according to
17 their Certificate of Occupancy, is 485 square
18 feet.

19 The hours of operation as well as
20 the hours for sales of alcoholic beverages for
21 Chinatown Market are currently 9:00 a.m. to
22 9:00 p.m., seven days a week.

1 As part of my protest
2 investigation I monitored Chinatown Market on
3 11 occasions. My monitoring basically
4 consisted of myself or another investigator
5 arriving somewhere in the vicinity of
6 Chinatown Market and parking our car.
7 Normally we parked on 6th Street, sometimes we
8 parked on H, and observed from the vehicle.
9 At least on two occasions I got out of the
10 vehicle and walked toward the front of the
11 establishment and stood at the bus stop. On
12 6 of these 11 monitoring visits loitering was
13 observed at the establishment.

14 The challenge with the observing
15 or the monitoring in this instance was to
16 determine what patrons could be considered
17 loiterers as opposed to what patrons were --
18 or what citizens were considered loiterers as
19 opposed to what citizens were waiting for the
20 Metro Transit bus which arrives at the front
21 of the establishment. In my determination
22 that six of these visits were -- included

1 loiterers.

2 I based this on individuals who
3 stood in the vicinity as at least two or three
4 Metro buses went past and were not standing
5 directly at the Metro Transit bus stop itself.
6 In most cases they were standing on the 6th
7 Street of the building near the dumpsters or
8 near the front door of the establishment.
9 None of these six times that I observed
10 loitering or -- myself or other investigators
11 observed loitering at the establishment were
12 they ever observed consuming alcohol in front
13 of the establishment, committing any crime or
14 harassing any passersby.

15 There was no trash observed. The
16 area in the vicinity of Chinatown Market is
17 relatively clean during my visits as well as
18 other investigators. On at least three
19 occasions I observed someone who identified to
20 be staff from Chinatown Market outside the
21 establishment, be it receiving a delivery or
22 cleaning up on the side of the -- where the

1 dumpsters are.

2 The loiterers who I observed near
3 Chinatown Market were primarily middle-aged
4 males. I did observe them panhandling. On
5 one occasion a male asked me for specifically
6 \$0.25 as I was standing at the -- near the
7 front door of the establishment. I did not
8 observe the panhandlers or the loiterers to be
9 drinking in public. And as I stated, no
10 criminal activity was observed.

11 Going back to the issues of the
12 Metro buses, there are three bus routes which
13 travel along H Street and stop at the bus stop
14 directly in front of Chinatown Market, that
15 are route 80, 6B and X2. During every one of
16 my monitoring visits the bus was -- at least
17 one bus came through that area. It's a very
18 busy bus stop and buses probably come at least
19 10 or 15 times an hour.

20 I also discovered during my
21 monitoring at the establishment and during the
22 course of this protest investigation that

1 Chinatown Market does not have any
2 surveillance cameras inside or outside of the
3 establishment.

4 As part of this protest
5 investigation I did go into the Chinatown
6 Market, but I have also been inside Chinatown
7 Market during other official ABRA duties.
8 During every visit I've made to Chinatown
9 Market there have been at least three
10 employees inside the establishment. Like I
11 mentioned, it's a small store. At least one
12 of these employees is usually standing in the
13 corner near the door and he's apparently --
14 from my understanding, he's working as a
15 security guard. He's watching the cooler
16 aisle where the coolers are, because you can't
17 see it from the cashier. I tried to capture
18 this in the photographs, but the space
19 wouldn't allow for a great shot of it. But I
20 can describe it in greater detail if you would
21 like.

22 On February 17th, 2012, an

1 undercover ABRA investigator went into
2 Chinatown Market and attempted to purchase a
3 single beer, which would be a violation of the
4 Ward 6 single sales ban. The cashier denied
5 the sale and advised them that they would not
6 sell a single beer. The undercover
7 investigator, as we're trained, then attempted
8 to purchase an alcoholic beverage with a go-
9 cup, which is also a violation. They were
10 again refused by the staff at Chinatown
11 Market.

12 During my monitoring at the
13 establishment the establishment appeared to be
14 in compliance with their voluntary agreement.

15 On the issue of pedestrian safety,
16 most of the customers walk or bike to
17 Chinatown Market, or either get off of the
18 Metro bus. I observed very few customers
19 driving to the establishment. The door of
20 Chinatown Market, I can describe, is always
21 swinging open. There's always patrons in and
22 out of the establishment, be it off of the bus

1 or walking by. The corner of 6th and H
2 Streets, as most of the corners in the
3 Chinatown area, is very busy. All the
4 crosswalks are always people -- there are
5 always people walking in all directions.
6 There's a large number of foot traffic in the
7 area.

8 Also as part of this protest
9 investigation I contacted the Metropolitan
10 Police Department Crime Analysis Division,
11 requested calls for service for 521 H Street,
12 N.W. from January 23rd until January 22nd.
13 Crime Analysis Division provided me a list
14 stating that there have been 18 calls for
15 service in this approximate one-year period.

16 I also included the investigative
17 history in my protest report. And that
18 concludes my report.

19 CHAIRPERSON MILLER: Thank you.
20 Okay. We're going to start off with Board
21 questions. Mr. Silverstein?

22 MEMBER SILVERSTEIN: Thank you for

1 an excellent report, Investigator Parker. You
2 mentioned loitering. You say 6 of 11 trips
3 there you saw people loitering, but this is a
4 very, very busy area. Is loitering a problem
5 in your estimation?

6 INVESTIGATOR PARKER: Loitering a
7 problem at this store?

8 MEMBER SILVERSTEIN: At this
9 location, yes.

10 INVESTIGATOR PARKER: Loitering is
11 the issue; yes, sir.

12 MEMBER SILVERSTEIN: How does
13 Chinatown Market contribute to this, or would
14 it be a problem even if they weren't there?

15 INVESTIGATOR PARKER: If they
16 weren't there, loitering would be an issue,
17 but I do believe that many of the loiterers
18 are patrons at one time or the other of
19 Chinatown Market. So if they're there for an
20 hour, most of the people that I would consider
21 to be loiterers would enter that store
22 sometime within that hour.

1 MEMBER SILVERSTEIN: They just
2 come down there to drink? Is this a POCA
3 situation, about, you know, possession of open
4 container of alcohol?

5 INVESTIGATOR PARKER: I didn't
6 observe anyone drinking in public. I have a
7 photograph. I'm not sure of the exhibit
8 number. On the 6th Street side of Chinatown
9 Market near the dumpsters -- I want to tell
10 you the exact picture. Exhibit No. 10.
11 There's a paved area which is not in the
12 common sidewalk path on the side of the
13 building. And that appears to be place where
14 citizens or patrons or loiterers, however you
15 want to describe them, can stand out of the
16 way of the public and have conversations,
17 smoke cigarettes. And like I said, most of
18 these -- not most of these -- many of these
19 people that I identified as loiterers appeared
20 to be vagrant in that they're asking for
21 change or -- I'm not sure of their living
22 situations, but that appears to be a place

1 where they can congregate.

2 MEMBER SILVERSTEIN: Is there
3 anything that Chinatown Market is doing wrong
4 or that they could change in their behavior to
5 make this -- to alleviate this problem?

6 INVESTIGATOR PARKER: During the
7 course of this investigation, from my
8 experience, I have a couple suggestions which
9 could possibly address this issue. The one
10 issue is surveillance cameras. From my
11 experience, people who would loiter in that
12 area would not like to be on a surveillance
13 camera. A surveillance camera accompanied by
14 a sign that say these surveillance monitors
15 are regularly observed by Metropolitan Police
16 Department. Violators of the law will be
17 prosecuted. Something that effect could
18 possibly deter them from definitely loitering
19 in the immediate area. I think that would be
20 helpful.

21 I'm not sure of the procedure or
22 the amount of pull this would take, but if

1 that bus stop could be moved across the
2 street, across -- the suggestion I would have,
3 because it would have to be in the same
4 direction, would be across 6th Street to the
5 other side of the street. That could possibly
6 alleviate some of the disguise that some of
7 the loiterers could have as they wouldn't have
8 a purpose to possibly be standing there if
9 they were approached by someone and asked to
10 move. They can't say, oh, I'm waiting for the
11 bus.

12 MEMBER SILVERSTEIN: So what I
13 hear you saying is Chinatown Market is
14 somewhat of an attractive nuisance in a
15 neighborhood. And if so, is there anything
16 that this gentleman's behavior or the way he
17 does business is creating this problem or is
18 making this difficult?

19 INVESTIGATOR PARKER: I would say
20 that in the very busy Chinatown area there are
21 numerous Metro bus stops. And whatever the
22 establishment is directly behind all of those

1 bus stops have similar instances of loitering.
2 There's one directly across the street,
3 Chinatown -- well, I'm not sure what the name
4 of the establishment is directly across H
5 Street kind of an angle. There's a bus stop
6 on that corner as well. It's an ABC
7 establishment. They have similar instances
8 of loitering directly in front of the
9 establishment where people stand there and
10 linger for an extended period of time.

11 I think that there are steps that
12 Chinatown Market could take to make it better
13 and I think a surveillance camera on the
14 exterior of the building on that side where
15 most of the loitering takes place would be a
16 great first step.

17 MEMBER SILVERSTEIN: And this is
18 great, because we're getting a handle on this
19 now. I almost hear you saying that somebody
20 -- that if he were to sell the store to
21 someone else and they were to even change
22 their business model, that you would still

1 have a lot of this problem because you have a
2 bus stop there. Because the physical plan is
3 such that there's an area where people can
4 congregate, that, you know, he could be
5 selling popcorn and you'd still have some of
6 these very same problems. Or are you not
7 saying that?

8 INVESTIGATOR PARKER: I would say
9 the panhandling issue might not be as
10 prevalent if there was a non-ABC establishment
11 there. But as far as the issue of the just
12 standing loitering, which is an issue here, I
13 would say that any ABC establishment in that
14 position would have to -- it wouldn't be an --
15 it would be an issue for any of them.

16 MEMBER SILVERSTEIN: Is there
17 anything else, anything I haven't asked you
18 along this path, this line of questioning
19 where you might want to add anything else or
20 further help us in how we can get a handle on
21 and perhaps help alleviate this particular
22 problem of loitering and panhandling?

1 INVESTIGATOR PARKER: Just one
2 thing. In speaking to Mr. Anderson, he stated
3 that the issue is dying down, or is getting
4 better now, or during the protest
5 investigation, he said, because many of the
6 loiterers are moving up the street to a park
7 area. So I'm not sure if that would be
8 something that could be helpful. He could
9 probably speak to that better than I can.

10 But I just -- it's important to
11 realize; I'm sure everyone knows Chinatown
12 area, this is a very busy corner. It's -- and
13 all traffic in all directions. But I do think
14 that there are steps that the establishment
15 can take to be a good neighbor, and those
16 include -- in my opinion, a great first step
17 would be to put a camera directly on the side
18 of that building with a big plaque sign that
19 say this is monitored by the Metropolitan
20 Police Department. And from my experience a
21 lot of those people would not be standing
22 there. And if they're doing any actions, they

1 wouldn't be doing them as frequently if that
2 was there.

3 And then just the establishment
4 focusing on not selling alcoholic beverages to
5 people who appear to be intoxicated while
6 under the influence of alcoholic -- or under
7 the influence of any foreign substance.

8 MEMBER SILVERSTEIN: Did you see
9 any?

10 INVESTIGATOR PARKER: During the
11 course of this protest investigation I did
12 not.

13 MEMBER SILVERSTEIN: But is it
14 commonly held in this neighborhood that this
15 is a place where someone of intemperate habits
16 can come and get a drink, or is this just some
17 bad rumor, some canard?

18 INVESTIGATOR PARKER: I'm not sure
19 of the -- what's -- whether if it's known in
20 the area that that's a place. I know that
21 they've had issues in the past with that type
22 of thing happening, someone of intemperate

1 habits purchasing alcohol at the
2 establishment. There's also a Central Union
3 Mission which does outreach in narcotics rehab
4 and that sort of thing in the area, in the
5 community. So I just think to be very strict
6 on that will be a bonus for the establishment.

7 MEMBER SILVERSTEIN: Again, thank
8 you for an excellent report and thank you for
9 the excellent work that you do, investigator.

10 INVESTIGATOR PARKER: Thank you,
11 sir.

12 MEMBER SILVERSTEIN: No further
13 questions.

14 CHAIRPERSON MILLER: Thank you.
15 Other Board questions? Mr. Nophlin?

16 MEMBER NOPHLIN: Yes. Yes,
17 please. Thank you.

18 Thank you, investigator. In your
19 testimony you mention that panhandling is an
20 issue. Did you notice them in other areas
21 other than just that one place, one location?

22 INVESTIGATOR PARKER: I focused my

1 protest investigation on Chinatown Market, but
2 just as -- you know, in my other duties being
3 in Chinatown, it's an issue in the entire
4 area.

5 MEMBER NOPHLIN: The entire area?

6 INVESTIGATOR PARKER: I guess all
7 the way over to 7th or 8th, down to 6th or
8 5th, and then from I clear up to F. If you're
9 walking along the sidewalk, they're going to
10 be panhandling.

11 MEMBER NOPHLIN: How many times
12 did you visit the Licensee?

13 INVESTIGATOR PARKER: During the
14 course of this protest investigation I made
15 contact with the Licensee on one occasion.

16 MEMBER NOPHLIN: Okay. So you
17 just visited just that one time?

18 INVESTIGATOR PARKER: Yes. The
19 other --

20 MEMBER NOPHLIN: What time of day
21 was that when you did visit?

22 INVESTIGATOR PARKER: After noon.

1 Approximately 2:30, I believe. Approximately
2 -- no, I'm sorry. That was 11:30 in the
3 morning.

4 MEMBER NOPHLIN: Okay. Thank you
5 very much. Thanks for your excellent
6 testimony.

7 INVESTIGATOR PARKER: But I just
8 want to make it clear, the other 10 times I
9 was at the establishment I just didn't go
10 inside.

11 MEMBER NOPHLIN: Didn't go -- just
12 was outside?

13 INVESTIGATOR PARKER: Yes, sir.

14 MEMBER NOPHLIN: And what time?
15 Was that at various times?

16 INVESTIGATOR PARKER: Those are
17 various times.

18 MEMBER NOPHLIN: Sometimes was
19 worse than others when you visited the site?

20 INVESTIGATOR PARKER: Early
21 afternoon there are much more people in
22 general in the area, so, yes, sir.

1 MEMBER NOPHLIN: The last thing, I
2 do know the Metro business office is around
3 the corner from there.

4 INVESTIGATOR PARKER: Yes, sir.

5 MEMBER NOPHLIN: It's right there
6 on 6th and E. Do you know whether or not they
7 approached Metro about moving that bus stop
8 from one location to the other? You made a
9 suggestion.

10 INVESTIGATOR PARKER: No, sir, I
11 don't know.

12 MEMBER NOPHLIN: You responded as
13 to somebody else's question, but there seems
14 to be a lot of activity all over that area,
15 not exclusive of where this location is.
16 There seems to be a problem with the
17 panhandling.

18 INVESTIGATOR PARKER: Yes, sir.
19 Panhandling's -- like I said, the panhandling
20 is a problem. It's an issue in the entire
21 area.

22 MEMBER NOPHLIN: Entire area?

1 Okay. Thank you.

2 CHAIRPERSON MILLER: Yes, Mr.
3 Alberti? Mr. Brooks?

4 MEMBER BROOKS: Yes.

5 CHAIRPERSON MILLER: I'm sorry.

6 MEMBER BROOKS: Yes, thank you,
7 Madam Chair.

8 Just one question, investigator.
9 You mention an issue with panhandling,
10 loitering. And did you mention harassing?

11 INVESTIGATOR PARKER: Mr. Anderson
12 stated that the panhandlers are -- he
13 described them as aggressively panhandling
14 passersby and harassing some of the citizens
15 as they walk by and other passersby.

16 MEMBER BROOKS: Now with
17 harassing, exactly what do you mean by that?

18 INVESTIGATOR PARKER: I didn't
19 question Mr. Anderson specifically about what
20 actions they were doing. I just asked him --
21 because his description was that they harassed
22 the passersby.

1 MEMBER BROOKS: Okay. Thank you,
2 Madam Chair.

3 CHAIRPERSON MILLER: You're
4 welcome. Mr. Alberti?

5 MEMBER ALBERTI: I'll wait.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Parker, I just have a few questions. Looking
8 at Exhibit No. 10 where the dumpsters are it's
9 an empty pavement I guess in the back of the
10 store?

11 INVESTIGATOR PARKER: It's on the
12 side of the store, yes.

13 CHAIRPERSON MILLER: Side of the
14 store? Are there residences next door?

15 INVESTIGATOR PARKER: I'm not sure
16 if the immediate -- the pink building in the
17 far side of -- far of the picture.

18 CHAIRPERSON MILLER: Yes.

19 INVESTIGATOR PARKER: I'm not sure
20 if that's a residence or not, but
21 approximately two or three doors down from
22 that is the Sixth Street Flats Building where

1 the Protestants reside.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR PARKER: So this is
4 along 6th Street. I took this -- basically
5 from the lamp pole on the corner I took this
6 picture.

7 CHAIRPERSON MILLER: Okay. It's
8 empty now, but did you observe loiterers there
9 at another time, or what?

10 INVESTIGATOR PARKER: Yes, I've
11 observed loiterers there in this brick patio
12 area.

13 CHAIRPERSON MILLER: Okay. And,
14 you know, we're talking about this general
15 category of loiterers, and are they homeless?
16 You don't really know?

17 INVESTIGATOR PARKER: Yes, it's
18 hard to determine if they're homeless. The
19 determination of vagrant that I used was based
20 on asking for change and that type of thing.

21 CHAIRPERSON MILLER: So when
22 they're back here, are they asking for change?

1 INVESTIGATOR PARKER: Sometimes.
2 They're occasionally asking for change, but a
3 lot of times, like I said, they're standing
4 smoking cigarettes and talking in groups.

5 CHAIRPERSON MILLER: Just kind of
6 hanging out?

7 INVESTIGATOR PARKER: Yes.

8 CHAIRPERSON MILLER: So are they
9 bothering residents or community? They're not
10 on the street, but the other side is the 6th
11 Street or --

12 INVESTIGATOR PARKER: Well, no,
13 directly in the -- I guess in the background
14 of this picture you see the pink building.

15 CHAIRPERSON MILLER: Yes.

16 INVESTIGATOR PARKER:
17 Approximately two or three doors up from that
18 is the Sixth Street Flats Building.

19 CHAIRPERSON MILLER: Okay.

20 INVESTIGATOR PARKER: The
21 entrance. So that will be where the
22 Protestants reside. So they would -- if they

1 were coming from where I am, they would walk
2 past this patio on the sidewalk --

3 CHAIRPERSON MILLER: Okay.

4 INVESTIGATOR PARKER: -- to their
5 residence.

6 CHAIRPERSON MILLER: So I'm sure
7 they will testify whether or not they're
8 bothering them or harassing them.

9 INVESTIGATOR PARKER: Yes, ma'am.
10 I didn't observe anyone being harassed or
11 bothered during the course of my
12 investigation.

13 CHAIRPERSON MILLER: Okay. Just
14 hanging out?

15 INVESTIGATOR PARKER: Yes.

16 CHAIRPERSON MILLER: Okay. And
17 was it your testimony that you thought that
18 we'll hear from Mr. Anderson that they may be
19 moving to hang out in a park instead. Is that
20 right?

21 INVESTIGATOR PARKER: Yes, he
22 mentioned that and he can definitely testify,

1 yes.

2 CHAIRPERSON MILLER: Okay. And
3 when you made your visits is it correct you
4 didn't observe any loiterers going into the
5 establishment and coming out with singles or
6 anything like that?

7 INVESTIGATOR PARKER: No, I didn't
8 see anyone with a single. I would say that
9 the loiterers do go into the establishment and
10 purchase things to include alcoholic
11 beverages.

12 CHAIRPERSON MILLER: Okay. And
13 did you observe any of them that were
14 intoxicated?

15 INVESTIGATOR PARKER: I did not
16 during the course of this investigation.

17 CHAIRPERSON MILLER: Okay.

18 INVESTIGATOR PARKER: But it's
19 important, Ms. Miller, to -- I want to make
20 the point that in this investigation I was
21 parked across -- many times I parked across
22 8th Street next to the Corner Bakery looking

1 across the street at these action. Sometimes
2 I was parked on 6th across the street from
3 there. So I wasn't -- on most occasions not
4 out of the car standing there, primarily
5 because the owners of the store come out
6 frequently and I didn't just want to be
7 standing there.

8 CHAIRPERSON MILLER: Okay. And I
9 also want to get clear on one other point you
10 made, and I think it was that it seems to me
11 the combination of a bus stop and an ABC
12 establishment results almost anywhere and not
13 particularly -- not this establishment in
14 particular necessarily in loitering in front?

15 INVESTIGATOR PARKER: I've seen it
16 at a lot of different places, not just here in
17 Chinatown. Other areas of the city the bus
18 stop, it provides a disguise for the people
19 who are loitering. And if someone is there
20 doing -- with bad intentions to do something
21 illegal, they can say I'm waiting for the bus
22 and they're basically given a pass to stand

1 there for extended periods of time. Where if
2 they were just standing in front of, you know,
3 another establishment without a bus stop, it
4 could be more easily identified that they
5 are --

6 CHAIRPERSON MILLER: Right. How
7 about if they're standing in front of a
8 clothing store or something? Then do they do
9 that? Do they hang there?

10 INVESTIGATOR PARKER: Yes, I mean,
11 well, people loiter all around the city at
12 different areas, but my point is that it's
13 just -- with the bus stop there it provides
14 them some kind of cover for what they want to
15 do.

16 CHAIRPERSON MILLER: I guess my
17 question is though does this situation arise
18 mostly when it's an ABC establishment and a
19 bus stop as opposed to a non-ABC
20 establishment?

21 INVESTIGATOR PARKER: There are
22 other non-ABC establishments. Like I said, I

1 focus on the ABC establishments, but there are
2 other stores that have issues of loitering and
3 that sort of thing. But I focus on the ABC
4 establishments.

5 CHAIRPERSON MILLER: Okay. I'm
6 finished. Thank you.

7 Any questions?

8 MEMBER MOBLEY: Yes, I do.

9 CHAIRPERSON MILLER: Yes, Ms.
10 Mobley?

11 MEMBER MOBLEY: Good afternoon,
12 Investigator Parker.

13 INVESTIGATOR PARKER: How are you,
14 Ms. Mobley?

15 MEMBER MOBLEY: And thank you
16 again. Did I understand you just to say that
17 the owner comes out of the store frequently?

18 INVESTIGATOR PARKER: Either the
19 owner or the other staff. I recognized his
20 son. I've seen him at the store regularly and
21 outside. Yes, they do.

22 MEMBER MOBLEY: And why is that,

1 do you know?

2 INVESTIGATOR PARKER: Many times
3 I've seen them taking out the trash.
4 Sometimes I've seen them stand out there. I'm
5 not sure if it's -- it's either he or son
6 smoke cigarettes. I'm not sure. But someone
7 is -- a male is outside smoking a cigarette.
8 Occasionally they make contact with the
9 loiterers and I witnessed them ask them to
10 move along.

11 MEMBER MOBLEY: Okay. So you have
12 observed them asking the loiterers, the people
13 loitering to move?

14 INVESTIGATOR PARKER: Yes, Ms.
15 Mobley.

16 MEMBER MOBLEY: Okay. And then as
17 a result of them asking, what happens then?

18 INVESTIGATOR PARKER: They may or
19 may not move. Sometimes they do, sometimes
20 they won't.

21 MEMBER MOBLEY: Okay. Can I
22 direct your attention to some of the exhibits?

1 I just want to be clear on what we're trying
2 to depict in some of these. Let's look at No.
3 15 where we're looking at -- it looks like a
4 bus stop and a trash can.

5 INVESTIGATOR PARKER: Yes, ma'am.

6 MEMBER MOBLEY: Looks like a clean
7 area to me. Is this on the front of the
8 store?

9 INVESTIGATOR PARKER: This is the
10 bus stop. This picture -- again, if you look
11 at the left side of the picture, there's --
12 it's actually blending into the outline, but
13 there's a white object on the left of the
14 picture. The door to Chinatown Market is
15 directly beside that left -- that's actually
16 the front of Chinatown Market.

17 MEMBER MOBLEY: Okay. The
18 building that has AWD at the top? Is that
19 where you're speaking, or --

20 INVESTIGATOR PARKER: Right here,
21 this white, the door to Chinatown Market --

22 MEMBER MOBLEY: Oh, that's the

1 door? Okay.

2 INVESTIGATOR PARKER: The door
3 would be right here.

4 MEMBER MOBLEY: I see.

5 INVESTIGATOR PARKER: The main
6 entrance.

7 MEMBER MOBLEY: I see. Okay. And
8 then 16, I'm assuming the Sixth Street Flats
9 is the darker pink building?

10 INVESTIGATOR PARKER: Sixth Street
11 Flats is actually the tall multi-level, I
12 guess, kind of brown building --

13 MEMBER MOBLEY: The brown one?

14 INVESTIGATOR PARKER: -- behind
15 the tree.

16 MEMBER MOBLEY: Okay. The salmon-
17 colored? And then this person, this woman
18 that's standing here, is she waiting for a
19 bus, or is she loitering?

20 INVESTIGATOR PARKER: Well, this
21 isn't the side where the bus stop is. And
22 that's what I'm talking about. She has a bag

1 in her hand. There's also in addition to the
2 Metro Transit bus, there's also a -- I don't
3 know how you describe it, a bus that goes to
4 New York and it parks. That bus picks up --

5 MEMBER MOBLEY: The Megabus?

6 INVESTIGATOR PARKER: Yes. Well,
7 it's not even -- I think it's a locally-owned
8 and operated bus. That bus picks up across
9 6th Street on H a little further up. So a lot
10 of times people; and this is an assumption,
11 with bags like here, she may be waiting for
12 that bus which also picks up in the area. And
13 I say that because she doesn't fit the profile
14 of the most of the loiterers who I observed to
15 be mainly male. There are some females.

16 MEMBER MOBLEY: All right. And
17 then Exhibit No. 17, this poster saying no
18 loitering, drinking, no disorderly conduct,
19 where is this posted?

20 INVESTIGATOR PARKER: This is on
21 the 6th Street side of the building. I
22 believe you can see it one of the other

1 pictures to get some perspective. If you'll
2 at Exhibit 10, it's actually directly over the
3 trash can.

4 MEMBER MOBLEY: Okay. I see it.

5 INVESTIGATOR PARKER: And this is
6 a close up.

7 MEMBER MOBLEY: All right. And I
8 think those are all my questions. Let me look
9 at this one last exhibit. Okay. And the last
10 exhibit, it's 20, showing all the service
11 calls for disorderly conduct?

12 INVESTIGATOR PARKER: Yes.

13 MEMBER MOBLEY: Okay. Were we
14 ever called out, ABRA ever called out to any
15 of these instances?

16 INVESTIGATOR PARKER: None of
17 these calls resulted in an ABRA investigative
18 report being done.

19 MEMBER MOBLEY: Okay. All right.
20 Thank you. No more questions, Madam Chair.

21 CHAIRPERSON MILLER: I don't know
22 if you asked about this, but Exhibit No. 18,

1 could you explain that one?

2 INVESTIGATOR PARKER: Exhibit No.
3 18 is just a close up of the bus to include
4 the bus routes on the bus -- on the sign.

5 CHAIRPERSON MILLER: But the
6 building that it's in front of, are they
7 located nearby or what?

8 INVESTIGATOR PARKER: Oh, this is
9 directly -- this is the bus stop sign, a close
10 up of the one directly in front of the door --

11 CHAIRPERSON MILLER: It is?

12 INVESTIGATOR PARKER: -- of
13 Chinatown Market.

14 CHAIRPERSON MILLER: Okay. Thank
15 you.

16 MEMBER NOPHLIN: Madam Chair?

17 CHAIRPERSON MILLER: Yes, Mr.
18 Nophlin?

19 MEMBER NOPHLIN: I just want to
20 assist the Board person who asked the question
21 about the buses. There's a Communicator bus
22 that goes in that area as well, including

1 Metro. So I think that's probably a lot of
2 traffic that goes up and down that street. It
3 goes through the community itself where
4 shoppers can get off an on and make several
5 stops. So I think that may be a lot of
6 congestion as well.

7 INVESTIGATOR PARKER: Yes, it's a
8 very busy corner. Not as busy as 7th and H,
9 but it's very busy.

10 MEMBER NOPHLIN: So the problem
11 would be although Metro has responsibility it
12 has to coordinate that with the commuter bus?

13 INVESTIGATOR PARKER: Yes, sir,
14 but you know, going back to my statement
15 before; and I don't want to harp on this, if
16 they were to move the bus stop across the
17 street, there are businesses and residences
18 there also. So if you gave me a minute, I
19 could think of the ABC establishments in that
20 block, but there are some. And there's
21 already one bus stop at the other end of that
22 corner, so it probably wouldn't be as easy as

1 just moving the bus stop.

2 MEMBER NOPHLIN: Exactly. Okay.

3 Thank you.

4 CHAIRPERSON MILLER: Okay. Mr.

5 Alberti?

6 MEMBER ALBERTI: I have

7 clarification questions. Did you identify

8 other -- besides the Sixth Street Flats, did

9 you identify what other buildings have

10 residents, residential units in them?

11 INVESTIGATOR PARKER: I did not.

12 I know some -- since they were the

13 Protestants, I focused on them.

14 MEMBER ALBERTI: Can you tell me

15 what other ones you know in the vicinity?

16 INVESTIGATOR PARKER: Across the

17 street it's called the -- across 6th Street

18 there's a building that says Rossing House.

19 MEMBER ALBERTI: So that would be

20 Exhibit 16 maybe? Yes, Exhibit 16. Is that

21 the building I'm seeing across the street

22 there?

1 INVESTIGATOR PARKER: Yes, on the
2 left. On the left side of that picture. Yes,
3 sir.

4 MEMBER ALBERTI: Okay.

5 INVESTIGATOR PARKER: There are
6 residential units in that building.

7 MEMBER ALBERTI: Those are
8 residential units? Those are residential
9 units?

10 INVESTIGATOR PARKER: Yes.

11 MEMBER ALBERTI: Okay. And other
12 residential units that you saw?

13 INVESTIGATOR PARKER: There's one
14 further down 6th Street behind -- it's
15 basically behind Corner Bakery Caf,. I'm not
16 sure of the name or address of that building.
17 There's also residences -- those are the three
18 major buildings that I'm aware of. It's the
19 picture, the one photo that you mentioned,
20 Sixth Street Flats. And then if you go down
21 6th Street, the way I know how to get to it
22 through a alley beside Muse. There's a

1 building back there.

2 MEMBER ALBERTI: Oh, okay. I
3 think, yes, sort of abuts Muse, I think, or --

4 INVESTIGATOR PARKER: Yes, it
5 connects to Muse and there's also a way to --
6 there's parking in the back, yes.

7 MEMBER ALBERTI: Okay.

8 INVESTIGATOR PARKER: And I'm sure
9 there are others. I just --

10 MEMBER ALBERTI: And in Exhibit 18
11 are any of those other -- do you know if any
12 of those other buildings that we're seeing
13 there are residential?

14 INVESTIGATOR PARKER: The building
15 on the right, which is above -- it's kind of
16 on an angle. This isn't an excellent --

17 MEMBER ALBERTI: Is that Sixth
18 Street Flats?

19 INVESTIGATOR PARKER: That is not.

20 MEMBER ALBERTI: Okay.

21 INVESTIGATOR PARKER: That's the
22 building above Corner Bakery Caf, and that

1 appears to be a commercial building with
2 office space. In the rear of the -- in the
3 background of the picture that's a hotel. So
4 that is the Residence Inn, I believe.

5 MEMBER ALBERTI: Oh, the one with
6 the like sort of billboard on the side?

7 INVESTIGATOR PARKER: No, closer
8 than that. That one --

9 MEMBER ALBERTI: Oh, okay.

10 INVESTIGATOR PARKER: The one in
11 the middle.

12 MEMBER ALBERTI: Right in the top
13 corner?

14 INVESTIGATOR PARKER: Yes, in the
15 shade.

16 MEMBER ALBERTI: Top right corner?

17 INVESTIGATOR PARKER: In the shade
18 of the picture.

19 MEMBER ALBERTI: Okay.

20 INVESTIGATOR PARKER: That's a
21 hotel. I forgot -- it's on the list of ABC
22 establishments. I think it may be the

1 Residence Inn.

2 MEMBER ALBERTI: It's on our map.

3 INVESTIGATOR PARKER: Right.

4 MEMBER ALBERTI: Okay.

5 INVESTIGATOR PARKER: The building
6 on the left, most of these have commercial
7 space on the first floor and it's unclear to
8 me if the second and third floor above are
9 also commercial if there are residences as
10 well. And those would be the light-colored
11 brick buildings here. These are primarily
12 businesses along the first floor, the ground
13 level. And then up above it could be
14 residences or they could be other commercial
15 units.

16 MEMBER ALBERTI: Thank you,
17 Investigator Parker.

18 CHAIRPERSON MILLER: Okay. Any
19 other Board questions?

20 MEMBER MOBLEY: No, Madam Chair.

21 CHAIRPERSON MILLER: Okay. Thank
22 you.

1 Mr. Pascal?

2 MR. PASCAL: I have no questions.

3 CHAIRPERSON MILLER: Okay. Mr.

4 Anderson?

5 MR. ANDERSON: Just a few, ma'am.

6 CHAIRPERSON MILLER: Yes.

7 MR. ANDERSON: Investigator

8 Parker, thank you very much for your report
9 and the time you took to take a look into our
10 complaint.

11 You mentioned that on most --
12 almost all of the times you visited the area
13 you were parked in a car across the street
14 right on the 6th Street or H Street side from
15 Chinatown Market.

16 INVESTIGATOR PARKER: Yes.

17 MR. ANDERSON: Give your location
18 there inside a car would that have put you in
19 a position to hear the conversations or call-
20 outs or touts to passersby from individuals
21 loitering, you know, in the immediate 100 or
22 so feet of Chinatown Market?

1 INVESTIGATOR PARKER: In the 6th
2 Street parking spot I probably could have
3 heard a loud conversation. Across on H, I --

4 MR. ANDERSON: But not a usual --
5 you know, someone harassing a female passerby
6 or anything just at a normal tone or slightly
7 elevated volume?

8 INVESTIGATOR PARKER: I would say
9 no.

10 MR. ANDERSON: And you definitely
11 would not have been able to do that if you
12 were parked across the street?

13 INVESTIGATOR PARKER: On H, no.

14 MR. ANDERSON: So --

15 INVESTIGATOR PARKER: I mean,
16 on --

17 MR. ANDERSON: -- of those visits,
18 sir, how many times were you in a position to
19 actually hear, you know, the people you
20 identified as loiterers, you know, trying to
21 interact in any kind of, you know, adverse or
22 other fashion with people walking by?

1 INVESTIGATOR PARKER: I did not
2 hear any. Like I said, I wasn't -- I wouldn't
3 have heard that conversation where I was
4 parked.

5 MR. ANDERSON: Okay. So it could
6 have been happening? You just were not in a
7 position to hear or witness that?

8 INVESTIGATOR PARKER: No, I was
9 not.

10 MR. ANDERSON: Okay. Thank you.
11 You also talked about -- you mentioned a few
12 times particularly the bus stop catty-corner
13 across the street, which is in front of
14 Chinatown Liquor, another alcoholic beverage
15 license holder. And you talked about
16 loitering there and then loitering in the
17 general Chinatown area. You also mentioned
18 that people -- you had mentioned loitering
19 right there on the corner of 6th and H going
20 in and purchasing alcohol.

21 Did you witness folks who weren't
22 necessarily loitering on the corner of 6th,

1 the northeast corner of 6th and H, but perhaps
2 going to other areas in the, you know, broader
3 vicinity entering Chinatown Market and going
4 across -- mainly did you see any overlap in
5 the folks loitering on the -- say the
6 southwest corner of 6th and H being the same
7 individuals who via proxies or directly bought
8 alcohol at Chinatown Market, or the folks who
9 loiter at the park between I Street and
10 Massachusetts Avenue see them go in or a proxy
11 for them go in and buy alcohol at Chinatown
12 Market? Or are you not able to speak to that?

13 INVESTIGATOR PARKER: Can you just
14 condense the question maybe?

15 MR. ANDERSON: I'm sorry. I'm
16 sorry. I'm trying to -- my apologies. I was
17 trying to -- probably in an attempt to be
18 overly clear, I wasn't very clear at all.

19 Meaning, were you in a position to
20 witness individuals who loitered in the area
21 but outside of that northeast corner of 6th
22 and H Streets, N.W. -- were you in a position

1 to watch those individuals via proxy or
2 directly purchase alcohol from Chinatown
3 Market?

4 INVESTIGATOR PARKER: So someone
5 that was loitering in a different area?

6 MR. ANDERSON: Whether it be the
7 park between Massachusetts Avenue and I
8 Street, catty-corner across the street at the
9 bus stop at the southwest corner of 6th and H?

10 INVESTIGATOR PARKER: I focused my
11 monitoring on Chinatown Market itself.

12 MR. ANDERSON: Okay. So, but if
13 there was loiterers in say a, you know,
14 broader area; half a block radius, across the
15 street, up one block into the park, or, you
16 know, sitting on the stoops in front of the
17 Japanese and Thai restaurants further down H
18 Street, if those individuals were to come in
19 on a routine basis and buy alcohol from
20 Chinatown Market, you were not in a position
21 to --

22 MR. PASCAL: Objection.

1 MR. ANDERSON: -- see that
2 happening?

3 MR. PASCAL: Objection to the
4 question. I think there's no predicate in his
5 direct testimony for any speculation like
6 that.

7 CHAIRPERSON MILLER: I think --
8 let me just see if I have it.

9 MR. PASCAL: He's asking --

10 CHAIRPERSON MILLER: You're asking
11 if somebody was farther away in the broader
12 area and came in --

13 MR. ANDERSON: Yes, if he was able
14 to witness loitering in the broad area
15 purchasing alcohol.

16 CHAIRPERSON MILLER: -- and came
17 in and bought liquor or was a proxy, bought it
18 as a proxy for someone, would Mr. Parker be
19 able to see that --

20 MR. ANDERSON: Yes, ma'am, if he
21 witnessed --

22 CHAIRPERSON MILLER: -- whole

1 movement from farther away to the --

2 MR. ANDERSON: From his
3 position --

4 CHAIRPERSON MILLER: -- store?

5 MR. ANDERSON: From his position
6 parked, ma'am. I'm not trying to be obtuse.

7 MR. PASCAL: I think that's pure
8 speculation. And he's given an investigative
9 report of what he saw in those 11 occasions.

10 CHAIRPERSON MILLER: I think Mr.
11 Parker can answer. I think he has already
12 answered it. Haven't you? But whether you
13 could or could not see individuals walking
14 from that distance that he's described
15 generally.

16 INVESTIGATOR PARKER: Well, like I
17 was saying, people walk in all directions
18 along 6th Street, along H Street. I focused
19 my monitoring on the establishment itself,
20 521. I did observe Chinatown Liquors, which
21 is across, just because it's an ABC
22 establishment in the area, but I focused my

1 monitoring on the establishment itself, which
2 we're here for Chinatown Market.

3 CHAIRPERSON MILLER: Thank you.

4 MR. ANDERSON: Thank you, Mr.
5 Parker. And then I know one of the Board
6 members asked you if you witnessed any
7 violations during your visits for the course
8 of this hearing. And, you know, the Board
9 will have to pardon me; I don't know if I can
10 bring this up, but have you witnessed or
11 likely violations in any other course of your
12 duties as an ABRA investigator?

13 MR. PASCAL: Objection. I mean,
14 the record speaks for itself. His
15 investigative report lists the prior
16 investigations that are on the record there
17 and the record -- it's already contained in
18 the record.

19 CHAIRPERSON MILLER: Do you have a
20 response?

21 MR. ANDERSON: I understand that
22 the investigative reports that are in the

1 record -- it is my understanding, ma'am, that
2 those -- that only lists matters that are
3 closed or somehow resolved and that if there's
4 like an open investigation with regard to a
5 complaint, that that wouldn't be listed in the
6 report.

7 CHAIRPERSON MILLER: Okay. Did
8 you ask Mr. Parker if he observed any
9 violations while he was monitoring the
10 establishment?

11 MR. ANDERSON: Well, I understand
12 that he did not. He says he did not.

13 CHAIRPERSON MILLER: He did not.
14 Because we asked that and he said no.

15 MR. ANDERSON: Right.

16 CHAIRPERSON MILLER: So what's
17 your question?

18 MR. ANDERSON: If he observed what
19 he thought to be violations in the course of
20 doing any other kind of investigatory --
21 recent investigatory actions related to
22 Chinatown Market, ma'am.

1 CHAIRPERSON MILLER: Since he
2 wrote the report?

3 MR. ANDERSON: No.

4 CHAIRPERSON MILLER: Is that what
5 you mean? I don't follow because we asked him
6 if he observed it while he was monitoring the
7 establishment. He said no. So I'm not sure
8 what your question goes to.

9 MR. PASCAL: Madam Chairman, I
10 think he's trying to lead to reopen a matter
11 that was before this Board several weeks ago.
12 There was already a hearing on that. The
13 Board has sent that to the OAG. We don't know
14 whether the OAG will do anything with it and
15 we don't even know if and when they did
16 something with it how the outcome would be.

17 CHAIRPERSON MILLER: Yes.

18 MR. PASCAL: So I think the
19 question is inappropriate. The record speaks
20 for itself.

21 CHAIRPERSON MILLER: Right. I'm
22 not sure what the relevance is, to tell you

1 the truth --

2 MR. ANDERSON: Okay. I understand
3 that.

4 CHAIRPERSON MILLER: -- because
5 we're talking about this situation and he's
6 answered it.

7 MR. ANDERSON: Understood, ma'am.

8 CHAIRPERSON MILLER: Okay.

9 MR. ANDERSON: Understood.

10 Thank you, Mr. Parker. I
11 appreciate that.

12 CHAIRPERSON MILLER: Thank you.
13 Have you concluded?

14 MR. ANDERSON: That's it, ma'am.

15 CHAIRPERSON MILLER: Okay. Is
16 there any redirect?

17 MR. PASCAL: Only one question.
18 With respect to the five or six loitering, did
19 you see any of them talking to people? He
20 asked whether you could hear. Did you --

21 INVESTIGATOR PARKER: Oh, yes, I
22 saw them talking amongst themselves primarily,

1 but I --

2 MR. PASCAL: Amongst themselves.

3 INVESTIGATOR PARKER: But I did
4 see them talking, yes. They were. They
5 weren't just standing there.

6 MR. PASCAL: But they weren't
7 necessarily harassing people, if you can
8 recall? I know that's a long time --

9 INVESTIGATOR PARKER: I didn't see
10 anything from my position that would -- I
11 would determine to be harassment from where I
12 was located.

13 MR. PASCAL: All right. No
14 further questions. Thank you.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. Any final Board questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: Thank you,
19 Mr. Parker, for an excellent report.

20 MEMBER MOBLEY: Thank you.

21 INVESTIGATOR PARKER: Thank you.

22 Who's next?

1 CHAIRPERSON MILLER: Have a good
2 day.

3 INVESTIGATOR PARKER: Should I get
4 who's next?

5 CHAIRPERSON MILLER: Oh, the
6 Applicant's witness.

7 MR. PASCAL: Yes, Mr. Quinto.

8 CHAIRPERSON MILLER: Thank you.

9 MEMBER ALBERTI: Thank you, Mr.
10 Parker.

11 MEMBER MOBLEY: Thank you, Mr.
12 Parker.

13 CHAIRPERSON MILLER: Mr. Pascal,
14 so we're ready for your witness when he is.

15 MR. PASCAL: Would you please go
16 over to the stand there?

17 CHAIRPERSON MILLER: Would you
18 raise your right hand? And do you swear to
19 tell the truth, the whole truth, nothing but
20 the truth?

21 MR. QUINTO: Yes.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 MR. PASCAL: Okay. Would you
3 please give the Board your full name?

4 MR. QUINTO: Victor Rolando
5 Quinto.

6 MR. PASCAL: And what is your
7 occupation?

8 MR. QUINTO: I'm the restaurant
9 owner.

10 MR. PASCAL: Of where?

11 MR. QUINTO: Wok and Roll
12 Restaurant.

13 MR. PASCAL: Located?

14 MR. QUINTO: On 604 H Street,
15 N.W., Washington, D.C.

16 MR. PASCAL: Where in relationship
17 to Chinatown Market is your restaurant
18 located?

19 MR. QUINTO: Well, relation is
20 mean the distance?

21 MR. PASCAL: Distance.

22 MR. QUINTO: Okay. This is about

1 less than half-block cross street.

2 MR. PASCAL: Can you see --

3 MR. QUINTO: Yes.

4 MR. PASCAL: -- the restaurant
5 from your establishment?

6 MR. QUINTO: Yes.

7 MR. PASCAL: Okay. How long have
8 you owned and operated the restaurant?

9 MR. QUINTO: Since 2001. Is about
10 11 years.

11 MR. PASCAL: And how many days a
12 week are you at the restaurant?

13 MR. QUINTO: At least five to six
14 days.

15 MR. PASCAL: To assist the Board
16 as to what your site is, is your location
17 where the Lincoln conspiracy took place, the
18 Surratt House?

19 MR. QUINTO: Yes.

20 MR. PASCAL: By the way, there's
21 talk that that place is haunted. Is it
22 haunted?

1 MR. QUINTO: Is not actually. I
2 used to live there in that -- in the upstairs
3 a year ago or two and it was -- everything was
4 okay.

5 MR. PASCAL: Good.

6 MR. QUINTO: For me there's no.

7 MR. PASCAL: Are you related in
8 any way to Mr. Ng, my client?

9 MR. QUINTO: Not with -- we know
10 each other by -- you know, because we are on
11 the same block for business.

12 MR. PASCAL: How did you become
13 acquainted with Mr. Ng and Chinatown Market?

14 MR. QUINTO: I'm sorry. What was
15 the question?

16 MR. PASCAL: How did you get to
17 know him over the years?

18 MR. QUINTO: Oh, well, we --
19 actually because we're doing business in the
20 location, sometime we buy some product from
21 them. We might -- some Chinese products and
22 Chinese newspapers. So we have a close --

1 have a kind of good relationship along the
2 years.

3 MR. PASCAL: Now the Wah Luck
4 House is across the street. Are you familiar
5 with that facility?

6 MR. QUINTO: Yes.

7 MR. PASCAL: And what is the Wah
8 Luck House?

9 MR. QUINTO: Wah Luck House is the
10 building, I think with Government's report, to
11 provide the apartment to senior citizens in
12 the -- basically who are like Asians, Asian
13 seniors who live in the whole building.

14 MR. PASCAL: Do you see Wah Luck
15 House residents shopping at Chinatown Market?

16 MR. QUINTO: Yes. Yes. Well, I
17 think this is the only place that they have,
18 you know, across street from the entrance of
19 the building. And this is the only place that
20 they go sometime to get the newspaper.

21 MR. PASCAL: Sort of like a
22 community meeting place?

1 MR. QUINTO: Well, not a meeting
2 place, but it's still -- sometime they buying
3 like a small product from the store. They're
4 buying newspaper. They're buying, you know,
5 some Chinese products in the store.

6 MR. PASCAL: During the 10 years
7 that you've been there have you heard any
8 complaints from businesses or individuals
9 about the Chinatown Market? And let me go
10 over a few people, whether you've heard
11 complaints from them. The ANC?

12 MR. QUINTO: No.

13 MR. PASCAL: No? How about the
14 Downtown Neighborhood Association?

15 MR. QUINTO: No.

16 MR. PASCAL: Have any residents of
17 609 -- I'm sorry, 809 6th Street, the Flats,
18 the condos there -- have any of them
19 complained to you about the Chinatown Market?

20 MR. QUINTO: I haven't heard
21 anything.

22 MR. PASCAL: Yes. What type of

1 problems have you observed in your restaurant
2 with respect to loiterers and panhandlers?

3 And maybe you'd describe what you go through.

4 MR. QUINTO: Well, since the
5 location is in Chinatown, we're always having
6 -- well, people are asking money on the
7 street, the visitors, including my customers,
8 which is there having dinner or having lunch.
9 And people, they -- sometimes they walk in
10 inside the restaurant and go table-by-table
11 asking for money or for some leftover food or
12 some extra food.

13 MR. PASCAL: How about your
14 restrooms?

15 MR. QUINTO: Oh, yes. Well, long
16 times ago we are very -- I trying to help them
17 in many ways, trying to provide the, you know,
18 restroom facility to them. I know that, you
19 know, homeless people are sometimes on the
20 street. They really need to go to restroom.
21 And we're okay. Then the only thing I said to
22 them, that, okay, please keep the restroom

1 clean and, you know, so we can not have any
2 problem. But since -- sometime people they
3 break rules by smoking inside the restroom.
4 They took showers inside, you know, the
5 restroom. So, you know, little by little we
6 started restricting little bit about, you
7 know, they using the restroom.

8 And, well, they -- well, the
9 restroom issue is been quite -- been long --
10 is been a issue for a restaurant, because our
11 crew member, mostly they are females. And
12 they say when they coming in and they want to
13 use the restroom, don't matter how we can
14 wholeheartedly going to stop them, but, you
15 know, it's not -- doesn't work. They go
16 directly to the restroom and we cannot stop
17 them.

18 And, you know, anything that they
19 do inside the restaurant, we -- the only thing
20 that we can do is call the police. But when
21 the police stop by, they're already done. Is
22 -- they're already -- so I think this one with

1 the issue has to be -- you know, the D.C.
2 government has to take care of.

3 MR. PASCAL: Now do you think
4 these problems are there because of Chinatown
5 Market? Is Chinatown Market causing all these
6 people to come over to your place and the
7 other businesses?

8 MR. QUINTO: Well, I don't think
9 so, Chinatown Market is the problem, no.

10 MR. PASCAL: Okay. Now Chinatown
11 is located by the Verizon Center, the Gallery
12 Place, the Convention Center.

13 MR. QUINTO: Yes.

14 MR. PASCAL: In your view do these
15 attractive business sites contribute to the
16 number of loiterers and panhandlers in your
17 area?

18 MR. QUINTO: Yes. They know
19 already -- I think the -- there no -- because
20 this area, it generally has a lot of tourists,
21 you know, people from out of town to the
22 Verizon Center for any of the game or event.

1 So they know this is the right place, that
2 they go over and, you know, asking money or
3 asking from some help from out-of-state people
4 or tourists. And because the -- you know,
5 it's so much activity around the area. And so
6 this why they -- these people is --

7 MR. PASCAL: Now, in other words,
8 the presence of the tourists is what brings
9 the people there. Are there homeless shelters
10 in the area?

11 MR. QUINTO: As I know there's
12 still two of them.

13 MR. PASCAL: Now on Sundays, is
14 the problem worse or less on Sundays?

15 MR. QUINTO: Sunday? You mean
16 related with --

17 MR. PASCAL: With all the
18 panhandlings and loiterers and everything.

19 MR. QUINTO: Oh, well, Sunday,
20 mostly when -- is like during the weekend they
21 have a lot of tourists in the area and they
22 have sometime activity on Verizon Center, or

1 sometime they have convention on the
2 Convention Center. This why I think during
3 the weekend is the more activities.

4 MR. PASCAL: Okay. Well, thank
5 you very much for taking your time from the
6 business to come down and explain to the Board
7 your business and situation.

8 MR. QUINTO: You're welcome.

9 CHAIRPERSON MILLER: Board
10 questions? Yes, Mr. Nophlin?

11 MEMBER NOPHLIN: Have you gone to
12 any of the ANC meetings in reference to the
13 problem, or community meetings? Just in
14 general, have you gone to any meetings?

15 MR. QUINTO: Yes, I've been to a
16 couple of the Chinatown citizen meetings
17 located on -- this is a new building. I
18 believe it's 618 or 610 H Street. And we have
19 a couple of meeting with these general
20 business in the area. There's some different
21 businesses owners. They stop by at the
22 meeting. And we actually -- I remember that

1 we talk about -- maybe about that issue. And
2 the whole weekend -- you know, and this is
3 with the panhandlers.

4 MEMBER NOPHLIN: Okay.

5 MR. QUINTO: Yes, and we trying to
6 find out a way instead of they coming to ask
7 the money to everybody and all the tourists in
8 the area we can, you know, join together and
9 set up some type of help, you know, providing
10 some food or some clothing, you know, to help
11 them instead of, you know, they go in the
12 street and asking money, you know, people to
13 people. So actually we talk about that in one
14 of the meeting.

15 MEMBER NOPHLIN: And you came up
16 with -- what ideas have you come up with?
17 Were you able to come with any specific ideas
18 how to remedy the problem or assist the
19 homeless?

20 MR. QUINTO: Well, this one -- we
21 talk about that, but since I'm not the
22 decision maker, I'm not the one who -- then I

1 don't know what's the result made up to.

2 MEMBER NOPHLIN: Okay.

3 MR. QUINTO: Yes. Yes, that's
4 right.

5 MEMBER NOPHLIN: Thank you very
6 much.

7 MR. QUINTO: You're welcome.

8 CHAIRPERSON MILLER: I'm going to
9 turn to Mr. Anderson next. Sorry. And then
10 we'll do Board questions. Do you have some
11 questions?

12 MR. ANDERSON: Ma'am, I just have
13 just a couple questions.

14 CHAIRPERSON MILLER: Okay.

15 MR. ANDERSON: Mr. Quinto, thank
16 you for coming today. I know you spoke
17 briefly in response to Mr. Pascal's question
18 about residents of Wah Luck House --

19 MR. QUINTO: Yes.

20 MR. ANDERSON: -- which is 800 6th
21 Street, N.W.

22 MR. QUINTO: Yes.

1 MR. ANDERSON: Seeing how some of
2 them frequently -- or, you know, buying things
3 from Chinatown Market. And are you able to
4 kind of put any magnitude on that? My point
5 being that there's 154 residents of Chinatown
6 -- I mean, of Wah Luck House. Generally do
7 you have any kind of idea of how many, how
8 often a day they use Chinatown Market to buy,
9 you know, whatever kind of grocery products?
10 You said you saw it often. I'm just wondering
11 like --

12 MR. QUINTO: Yes, I --

13 MR. ANDERSON: -- how often is
14 often?

15 MR. QUINTO: Well, at least I know
16 one of the thing that I go to Chinatown Market
17 very frequently is I buy newspapers. And my
18 newspapers is the one is -- you know, some of
19 the senior citizens, the only thing they can
20 read is the newspapers to know the whole --
21 everything going on, what going on because
22 they don't even English. So this why. The

1 more I go to buy the newspaper in Chinatown
2 Market, I see frequently, you know, some of
3 the senior who live in Wah Luck House across
4 street. And sometimes Mr. Ng still trying to
5 help them to bring some of the heavy stuff
6 back to the building. Because, you know,
7 sometime some of the items is quite heavy.
8 Yes, some, they say -- one time, I think is
9 like some water, bottled water.

10 MR. ANDERSON: But you can't give
11 any -- this happens once a day, 10 times a
12 day, you know?

13 MR. QUINTO: No, well, this why
14 I'm saying that I don't know -- I can't
15 specify how many people that goes buy in the
16 store.

17 MR. ANDERSON: Okay. All right.
18 Thank you very much. Okay. And you said this
19 is one of -- the only one or handful of
20 establishments where people can get this kind
21 of material? Is that right?

22 MR. QUINTO: I'm sorry?

1 MR. ANDERSON: That the Wah Luck
2 House residents have to go to Chinatown
3 Market, or is there no other place in the
4 area, the other stores on 7th Street, where
5 they can get whatever material that they're
6 buying?

7 MR. QUINTO: No. No, is on -- on
8 7th Street there is one. But Chinatown Market
9 is the -- this is the second one or the only
10 two location they can buy some more items.

11 MR. ANDERSON: Okay. And you're
12 aware that residents of Wah Luck House,
13 because they cant' get the full range of like
14 Chinese groceries they want, they actually
15 have to take a -- they take a weekly bus trip
16 to --

17 MR. PASCAL: Objection.

18 MR. ANDERSON: Okay. Understood.
19 I was just trying to understand.

20 MR. PASCAL: He's testifying.

21 MR. ANDERSON: That's fine.
22 Nothing further, ma'am. Thank you.

1 CHAIRPERSON MILLER: Okay. Let's
2 go back to Board questions. Are there Board
3 questions?

4 (No audible response.)

5 CHAIRPERSON MILLER: I guess I
6 have one or two. Would you say, are you more
7 friendly to the homeless than other business
8 establishments around you?

9 MR. QUINTO: Well, I know every
10 business owner in that particular block and I
11 know quite a lot of homeless people around the
12 area. I even -- matter of fact, I help one of
13 these -- this guy. He used to live on the --
14 sleep on the street during the time. But that
15 time I have like a small apartment in a small
16 row house building in the northeast area. And
17 said, okay, well, here's the key and go there
18 and sleep in the house. And, well, you can --
19 at least it's under the roof. Is not snowing
20 on the street. And I tried to help them.
21 Sometime we trying to give them some like free
22 food, free items.

1 And like for restroom facilities,
2 we're trying to provide to them, but sometime,
3 you know, the rules is set up and they break
4 them. And even I told them, you know, keep it
5 clean and -- but sometime people don't
6 respect, you know?

7 CHAIRPERSON MILLER: Well, I mean,
8 did you particularly allow them to hang out on
9 your pavement where the dumpsters are in the
10 back or the side of your building? Mr. Parker
11 identified in Exhibit 10 a picture where he
12 said a lot of the homeless were hanging out.

13 MR. PASCAL: That's not his side.

14 CHAIRPERSON MILLER: That's not
15 his side?

16 MR. PASCAL: No, no.

17 CHAIRPERSON MILLER: Oh.

18 MR. PASCAL: He's the restaurant
19 across the street, diagonally across the
20 street.

21 CHAIRPERSON MILLER: Okay. So
22 you're across the street? So do you a lot of

1 the homeless hanging out at your
2 establishment?

3 MR. QUINTO: In my establishment?

4 CHAIRPERSON MILLER: And outside,
5 right.

6 MR. QUINTO: I think we have no
7 control that. They -- the street is just the
8 street and we cannot say, oh, well, please can
9 you, you know, step away from my -- from the
10 entrance of my restaurant?

11 CHAIRPERSON MILLER: Yes.

12 MR. QUINTO: I cannot say that.
13 Otherwise, we might get, you know, in trouble.
14 So --

15 CHAIRPERSON MILLER: My question
16 really just goes to there's a lot of
17 "loitering" that we heard about in your area.
18 And some of the people that are considered
19 loiterers are homeless.

20 MR. QUINTO: Yes.

21 CHAIRPERSON MILLER: It sounded to
22 me when I heard your testimony that perhaps

1 they know that they will get food or they will
2 get bathrooms or whatever and that may be part
3 of the reason that they are hanging out in the
4 area. Is that wrong or right, or do you have
5 an opinion?

6 MR. QUINTO: My opinion is
7 because, well, we have a lot of tourist people
8 in the area. This is the way -- how they can
9 get some money, get some help from these out-
10 of-state people --

11 CHAIRPERSON MILLER: Yes.

12 MR. QUINTO: -- to make a living.

13 CHAIRPERSON MILLER: Okay. So
14 it's really the tourists that are the
15 attraction in your view?

16 MR. QUINTO: Yes, I can tell that,
17 you know, during the office hours, you know,
18 they cannot really, really have a lot of
19 activity, because all these building, they see
20 them, you know, everyday. So, you know, maybe
21 they can help them, you know, once awhile, but
22 not a lot of times.

1 CHAIRPERSON MILLER: Okay. Thank
2 you.

3 All right. Any other questions?
4 (No audible response.)

5 CHAIRPERSON MILLER: Is there any
6 redirect?

7 MR. PASCAL: None.

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

10 MR. QUINTO: Thank you.

11 MR. PASCAL: We are now going to
12 call Lee Kim Yoen.

13 CHAIRPERSON MILLER: Okay. Could
14 he rise and could he hold his right hand up?
15 And good afternoon. Could you swear to tell
16 the truth, the whole truth, and nothing but
17 the truth?

18 WHEREUPON,

19 KIM LING LEE

20 was called for examination by Counsel for the
21 Government and, having first been duly sworn,
22 assumed the witness stand, was examined and

1 testified as follows. NOTE: UNLESS OTHERWISE
2 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE
3 TRANSLATOR, LING LEE, WAS ALSO FIRST DULY
4 SWORN.

5 CHAIRPERSON MILLER: Okay. Thank
6 you. Have a seat.

7 MEMBER SILVERSTEIN: You're going
8 to have to speak up. There's a microphone
9 there, and if it's on. Where the green light
10 is on, you're good.

11 MR. PASCAL: What is your name,
12 sir?

13 MR. LEE: Kim Ling Lee.

14 MR. PASCAL: And where do you
15 reside?

16 MR. LEE: 800 6th Street,
17 apartment 612.

18 MR. PASCAL: How long have you
19 lived there?

20 MR. LEE: More than 10 years.

21 MR. PASCAL: Is this residence
22 called the Wah Luck House?

1 MR. LEE: Yes, it is called Wah
2 Luck House.

3 MR. PASCAL: Are all of the
4 residents in the Wah Luck House Chinese?

5 MR. LEE: He said there's -- 99
6 percent of the residents are Chinese, but
7 there is some Americans are living there, too.
8 Like, non-Chinese. Maybe not American, but
9 non-Chinese.

10 MR. PASCAL: How often do you shop
11 at the Chinatown Market?

12 MR. LEE: He said sometimes and
13 when he have times he will go there buy some
14 Chinese newspaper to see what's going on right
15 now.

16 MR. PASCAL: How many days a week
17 does he go there?

18 MR. LEE: Four to five days.

19 MR. PASCAL: Thank you. And when
20 he's there approximately how long does he stay
21 each time?

22 MR. LEE: It is about like half an

1 hour.

2 MR. PASCAL: What do you typically
3 purchase when you're at the Chinatown Market?

4 MR. LEE: He will buy some
5 vegetables sometimes and noodles, Chinese
6 noodles. And also there will be some soy
7 sauce. Soy sauce.

8 MR. PASCAL: Is that where he gets
9 his newspapers also?

10 MR. LEE: He said there's another
11 store in 7th Street called Bi-Sun. I don't
12 know what's the English name. But he said is
13 more easier to get here. It's more convenient
14 to go to the Chinatown Market.

15 MR. PASCAL: And ask him if he
16 buys newspapers?

17 INTERPRETER: Yes, he does.

18 MR. PASCAL: He does? Okay.

19 INTERPRETER: He does and there's
20 also a place in 7th Street, but he -- this
21 place is more easier for him.

22 MR. PASCAL: I understand. Okay.

1 What time of day does he typically go there?

2 MR. LEE: Normally it will be
3 10:00 to 11:00 a.m.

4 MR. PASCAL: And during that
5 period of time has he observed a lot of
6 loiterers?

7 MR. LEE: He said that it's not
8 that much, but sometimes that will be some
9 people standing in front of their door.

10 MR. PASCAL: Has he ever observed
11 Mr. Ng asking those people to move away, to
12 move?

13 MR. LEE: Yes, he said he seen him
14 perform those actions sometimes.

15 MR. PASCAL: Has he ever observed
16 Mr. Ng selling alcoholic beverages to people
17 that are drunk?

18 MR. LEE: No, he said he did not
19 see that happening.

20 MR. PASCAL: If Chinatown were to
21 close, what impact would that have on him and
22 the other residents of Wah Luck House?

1 MR. LEE: He said there is some
2 older people in there. It will not be
3 convenient for him and those people. There
4 will be some -- there is elder people living
5 in that Wah Luck House and they were very old
6 people, so it would not be convenient for them
7 and him for --

8 MR. PASCAL: I have no further
9 questions.

10 CHAIRPERSON MILLER: Cross?

11 MR. ANDERSON: I have nothing,
12 ma'am.

13 CHAIRPERSON MILLER: Okay. Board
14 members?

15 (No audible response.)

16 CHAIRPERSON MILLER: Okay. Thank
17 you very much.

18 MR. PASCAL: I want to thank him.
19 He's got the nicest smile that I've ever seen.

20 All right. Thank you very much.

21 MEMBER MOBLEY: Thank you.

22 MEMBER ALBERTI: Thank you.

1 MEMBER SILVERSTEIN: Thank you.

2 MR. PASCAL: Okay. Next I would
3 like to call Kevin Ng.

4 CHAIRPERSON MILLER: Would you
5 raise your right hand? And do you swear to
6 tell the truth, the whole truth, nothing but
7 the truth?

8 MR. KEVIN NG: Yes.

9 CHAIRPERSON MILLER: Okay. Thank
10 you.

11 MR. PASCAL: Would you please give
12 the Board your name?

13 MR. KEVIN NG: My name is Kevin
14 Ng.

15 MR. PASCAL: And are you related
16 to the owner of the store, Shu Kwan Ng?

17 MR. KEVIN NG: He's my father.

18 MR. PASCAL: All right. And,
19 Kevin, how old are you?

20 MR. KEVIN NG: I'm 30.

21 MR. PASCAL: What is your position
22 within Chinatown Market?

1 MR. KEVIN NG: I have ABC manager
2 license.

3 MR. PASCAL: How long have you
4 worked at Chinatown Market?

5 MR. KEVIN NG: Like I help my dad
6 there since he got it like over 20 years.

7 MR. PASCAL: So you were really a
8 youngster there when you started?

9 MR. KEVIN NG: Yes.

10 MR. PASCAL: Okay. And what kind
11 of work have you done over the years and what
12 do you do now?

13 MR. ANDERSON: I started
14 restocking shelves and sweeping floor and now
15 I help run the cash register.

16 MR. PASCAL: And you say you're a
17 ABC manager?

18 MR. KEVIN NG: Yes.

19 MR. PASCAL: Okay. What is your
20 education?

21 MR. KEVIN NG: I have a bachelor's
22 in graphic design.

1 MR. PASCAL: Have you been
2 involved in the prior protest of Chinatown
3 Market's ABC license?

4 MR. KEVIN NG: Yes.

5 MR. PASCAL: Okay. And when was
6 that?

7 MR. KEVIN NG: Like three years
8 ago.

9 MR. PASCAL: Did Chinatown at that
10 time enter into a voluntary agreement at the
11 renewal of its license?

12 MR. KEVIN NG: Yes.

13 MR. PASCAL: And are you familiar
14 with the agreement?

15 MR. KEVIN NG: Yes.

16 MR. PASCAL: I'm going to go over
17 some provisions of that agreement and ask
18 whether you're compliance with them. The
19 agreement says that you can sell between the
20 hours of 9:00 a.m. and 9:30 p.m. Is that the
21 hours that you operate?

22 MR. KEVIN NG: We open at 9:00 and

1 we close at 9:00.

2 MR. PASCAL: You close at 9:00?
3 So you actually close a little earlier than
4 you're allowed to then?

5 MR. KEVIN NG: Yes.

6 MR. PASCAL: Okay. If you see
7 illegal activity you are to call the
8 Metropolitan Police Department. Has that ever
9 happened? Have you called MPD in the past?

10 MR. KEVIN NG: Yes.

11 MR. PASCAL: Okay. And are there
12 occasions not only calling that if you have a
13 problem you'll go out in the street and hail
14 a policeman down?

15 MR. KEVIN NG: Yes.

16 MR. PASCAL: It says you shall
17 make no sales of single cigarettes, cigarette
18 rolling paper, Philly blunts, Rosebud
19 containers. Are you in compliance with that?

20 MR. KEVIN NG: Yes.

21 MR. PASCAL: I take it you don't
22 sell go-cups?

1 MR. KEVIN NG: No.

2 MR. PASCAL: Are you aware that
3 any of your customers are pooling money
4 outside and somehow coming in and purchasing?

5 MR. KEVIN NG: No.

6 MR. PASCAL: All right. If you
7 were, would you sell to those people?

8 MR. KEVIN NG: No.

9 MR. PASCAL: You're not allowed to
10 sell to intoxicated persons or persons of
11 intemperate habits. Are you in compliance
12 with that and what efforts do you take to keep
13 in compliance?

14 MR. KEVIN NG: If they're not
15 walking straight and they in the store
16 screaming, then we don't sell them alcohol.

17 MR. PASCAL: It says you will
18 cooperate with MPD and other services to honor
19 a stay-away list. Has any stay-away or
20 barring orders ever been in effect?

21 MR. KEVIN NG: No.

22 MR. PASCAL: But if they were, you

1 would cooperate with that?

2 MR. KEVIN NG: Yes.

3 MR. PASCAL: Would you also seek a
4 barring order if someone was pointed out to
5 you that shouldn't be in your store?

6 MR. KEVIN NG: Yes.

7 MR. PASCAL: I take it as an ABC
8 manager you're conversant with about not
9 selling to minors and you do the proper checks
10 on that?

11 MR. KEVIN NG: Yes.

12 MR. PASCAL: You have a log of
13 calls to the Metropolitan Police Department?

14 MR. KEVIN NG: Yes.

15 MR. PASCAL: Have you had to make
16 many calls?

17 MR. KEVIN NG: Not that many.

18 MR. PASCAL: Do you put your
19 purchases in clear plastic bags as required?

20 MR. KEVIN NG: Yes.

21 MR. PASCAL: And I think the
22 pictures showed from the investigator you have

1 a no loitering and no panhandling sign in the
2 business?

3 MR. KEVIN NG: Yes.

4 MR. PASCAL: Do you ask loiterers
5 to move on when you see that they congregate
6 for a long period of time?

7 MR. KEVIN NG: Yes.

8 MR. PASCAL: There was a lot of
9 testimony earlier about the bus stop. What do
10 you think the impact that the bus stop being
11 in front of your store has on your facility?

12 MR. KEVIN NG: A lot of people
13 stand and wait at that Metro bus stop. And
14 then there's also the Chinatown Bus Company
15 that goes to New York and Philly, which is
16 just couple doors down. And a whole lot of
17 people stand around outside waiting for those
18 bus all the time.

19 MR. PASCAL: And I take it there's
20 no -- you have no real ability to determine
21 who's waiting for the bus and who may be just
22 hanging around?

1 MR. KEVIN NG: No.

2 MR. PASCAL: The VA required you
3 to remove the pay phone. Was the pay phone
4 removed?

5 MR. KEVIN NG: Yes.

6 MR. PASCAL: It also requires you
7 to remove graffiti. Do you remove graffiti?

8 MR. KEVIN NG: Yes.

9 MR. PASCAL: Is it a big problem?

10 MR. KEVIN NG: No.

11 MR. PASCAL: You have an active
12 rodent control program?

13 MR. KEVIN NG: Yes.

14 MR. PASCAL: Now, there's been
15 testimony and the investigator said that you
16 or your father or some other employee comes
17 out a number of times a day to clean the site.
18 How many times do you go out everyday to clean
19 up?

20 MR. KEVIN NG: Like three, four
21 times. And also after we close, too.

22 PARTICIPANT: I'm sorry?

1 MR. KEVIN NG: After we close.

2 MR. PASCAL: So when you close,
3 you clean up the place before you go home?

4 MR. KEVIN NG: Yes.

5 MR. PASCAL: All right. Okay.

6 The agreement also calls for cleaning up the
7 -- removing beer and wine containers from the
8 garden boxes in front of 809 and the alley.

9 Do you or your father do that on a regular
10 basis?

11 MR. KEVIN NG: Yes, my father does
12 that.

13 MR. PASCAL: Daily?

14 MR. KEVIN NG: Yes, everyday.

15 MR. PASCAL: And your trash
16 containers are locked, your bins are locked?

17 MR. KEVIN NG: Yes.

18 MR. PASCAL: Prior to this protest
19 did you receive any written notices to cure
20 problems at the site?

21 MR. KEVIN NG: No.

22 MR. PASCAL: That's a part of the

1 voluntary agreement that the Protestants the
2 last time, like the ANC, the downtown group
3 were supposed to give you written notice to
4 cure. Did you ever get that notice?

5 MR. KEVIN NG: No.

6 MR. PASCAL: As a matter of fact,
7 how often has Mr. Anderson come in and even
8 talked to you about your conditions?

9 MR. KEVIN NG: He has never come
10 in the store.

11 MR. PASCAL: How about the people
12 from the Fairfield Inn across the street?
13 Have they ever come in and talked to you?

14 MR. KEVIN NG: No.

15 MR. PASCAL: There's a coffee shop
16 on the corner at 5th and H. Have they ever
17 come in and talked to you?

18 MR. KEVIN NG: No.

19 MR. PASCAL: If they did come in
20 and talk to you, would you cooperate with
21 them?

22 MR. KEVIN NG: Yes.

1 MR. PASCAL: There's a witness
2 later by the name of Carol Rognrud. Do you
3 recognize that name? Has she ever come in and
4 talked to you?

5 MR. KEVIN NG: No.

6 MR. PASCAL: How about the Gospel
7 Rescue Ministries around the corner? Have
8 they ever come and talked to you?

9 MR. KEVIN NG: No.

10 MR. PASCAL: Now you're in
11 Chinatown everyday. Is loitering a problem
12 only in front of your store, or is it
13 something that's endemic to the area?

14 MR. KEVIN NG: It's the whole
15 Chinatown area. There's loiterers, a whole
16 bunch on 7th Street right by the subway stop.

17 MR. PASCAL: Aside from selling
18 food products, how do you assist the residents
19 of the Wah Luck House?

20 MR. KEVIN NG: To the very elderly
21 and the ones that can't walk, they often call
22 us and place a order and we deliver over to

1 them.

2 MR. PASCAL: Are you able to speak
3 the language of the people that live in the
4 Wah Luck House across the street?

5 MR. KEVIN NG: Yes.

6 MR. PASCAL: Are there any other
7 markets in the Chinatown area that provide the
8 convenience and the products that you do?

9 MR. KEVIN NG: There's another
10 Chinese store on 7th Street, but they don't
11 have vegetables.

12 MR. PASCAL: They don't have
13 vegetables?

14 MR. KEVIN NG: Yes, but we do.

15 MR. PASCAL: Okay, Kevin. Thank
16 you very much.

17 CHAIRPERSON MILLER: Okay. Mr.
18 Anderson?

19 MR. ANDERSON: Thank you, Kevin,
20 for coming today. Just one quick question.
21 You spoke about if anyone -- any of the party
22 -- the list of parties that Mr. Pascal just

1 noted came to talk to you about problems they
2 had with -- or activity associated with
3 Chinatown Market. Did residents of 809 6th
4 Street, N.W. and the Alcoholic Beverage
5 License Committee for ANC 6C invite you to two
6 different Alcoholic Beverage License Committee
7 meetings in July and November --

8 MR. KEVIN NG: Yes.

9 MR. ANDERSON: -- of 2011?

10 MR. KEVIN NG: Yes.

11 MR. ANDERSON: And did a
12 representative of 809 6th Street at both
13 meetings discuss what we saw as problems
14 associated with some of your alcohol sales and
15 ask you to give us ideas on how you think we
16 could cooperatively deal with the problem?

17 MR. KEVIN NG: You didn't ask us
18 to give you ideas.

19 MR. ANDERSON: You don't remember
20 that at all? That's not your recollection?

21 MR. KEVIN NG: You talked about
22 it, but you didn't ask us to give you ideas.

1 MEMBER SILVERSTEIN: Can you speak
2 up?

3 MR. KEVIN NG: He talked about it,
4 but he didn't ask us to give them ideas.

5 MR. ANDERSON: But there was a --
6 you're aware that several people in the
7 neighborhood had concerns about your alcohol
8 sales contributing to attracting and catering
9 a group of folks who loitered in the area and
10 drank in public, etcetera? And I won't list,
11 in the interest of time, but a bunch of
12 nuisance and criminal activities? You're
13 aware of that though? We did talk to you at
14 the Alcoholic Beverage License Committee?

15 MR. KEVIN NG: Yes.

16 MR. ANDERSON: Okay. That's all I
17 have. Thank you.

18 MR. PASCAL: One redirect
19 question, if I may.

20 CHAIRPERSON MILLER: Okay. It's
21 tricky order with Boards, so --

22 MR. PASCAL: Okay.

1 CHAIRPERSON MILLER: I understand
2 that the Board's next. They'll do the
3 questions. Then you can save your redirect
4 and you'll have that opportunity.

5 MR. PASCAL: Okay. That's fine.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Silverstein?

8 MEMBER SILVERSTEIN: Mr. Ng, I
9 believe your voluntary agreement has a
10 provision that the ANC can request your
11 presence there, or something like that. Have
12 you attended ANC meetings?

13 MR. KEVIN NG: Yes.

14 MEMBER SILVERSTEIN: Has Chinatown
15 Market been considered a topic of discussion
16 or problem or anything with the ANC?

17 MR. KEVIN NG: Like the main
18 topic?

19 MEMBER SILVERSTEIN: Oh, well,
20 have there been problems that the ANC
21 commissioners themselves, as opposed to
22 neighbors, have brought up or discussed or

1 worked with you to try to solve?

2 MR. KEVIN NG: It was just mainly
3 the neighbors.

4 MEMBER SILVERSTEIN: Okay. When
5 your license came up for renewal, did the ANC,
6 who we must give great weight, take any
7 actions to protest your license or anything of
8 the sort?

9 MR. KEVIN NG: They were going to
10 vote on whether to protest, but then they
11 didn't.

12 MEMBER SILVERSTEIN: There was not
13 a vote, or there was a vote?

14 MR. KEVIN NG: There wasn't a
15 vote.

16 MEMBER SILVERSTEIN: So the ANC
17 did not move to protest your license renewal?

18 MR. KEVIN NG: No.

19 MEMBER SILVERSTEIN: No further
20 questions. Thank you.

21 CHAIRPERSON MILLER: Other Board
22 questions? Mr. Alberti?

1 MEMBER ALBERTI: Mr. Ng, your role
2 with this establishment, you're the owner's
3 son?

4 MR. KEVIN NG: Yes.

5 MEMBER ALBERTI: And are you very
6 involved with the day-to-day operation?

7 MR. KEVIN NG: Not very involved.
8 I do have my other job, too, so I help him
9 like in the later part of the day.

10 MEMBER ALBERTI: Okay. Do you do
11 the ordering?

12 MR. KEVIN NG: No.

13 MEMBER ALBERTI: Okay. So you're
14 not aware of all the financial data --

15 MR. KEVIN NG: No.

16 MEMBER ALBERTI: -- of the
17 establishment?

18 MR. KEVIN NG: No.

19 MEMBER ALBERTI: Okay. I have no
20 further questions. Thank you.

21 CHAIRPERSON MILLER: Mr. Nophlin?

22 MEMBER NOPHLIN: Again, thank you

1 for your testimony. When you went to the ANC
2 meeting, the questions they asked were
3 something that you could help with, or you
4 just didn't know how to respond? Why did you
5 go to the meeting, the ANC meeting?

6 MR. KEVIN NG: They asked us to go
7 to the ANC meeting because there were some
8 issue that concerns us.

9 MEMBER NOPHLIN: And what were
10 those issues?

11 MR. KEVIN NG: There was the issue
12 of the people loitering outside. And we did
13 address that. And we have asked them more to
14 move on when we see them standing around.

15 MEMBER NOPHLIN: Okay. And how
16 many meetings did you attend, do you remember?

17 MR. KEVIN NG: No.

18 MEMBER NOPHLIN: Was it more than
19 one?

20 MR. KEVIN NG: Yes.

21 MEMBER NOPHLIN: Was it recently
22 when you went to the meeting?

1 MR. KEVIN NG: Several months ago.

2 MEMBER NOPHLIN: Okay. Thank you.

3 Thank you, Madam Chair.

4 CHAIRPERSON MILLER: Any other

5 questions?

6 (No audible response.)

7 CHAIRPERSON MILLER: Okay. Mr.

8 Pascal?

9 MR. PASCAL: Going back to Mr.

10 Anderson's question about ideas, was there a

11 discussion of barring notices and working with

12 the Protestants in obtaining barring notices?

13 MR. KEVIN NG: Yes.

14 MR. PASCAL: Thank you very much.

15 I have nothing.

16 CHAIRPERSON MILLER: Mr. Anderson?

17 MR. ANDERSON: Yes, I just have

18 one quick redirect thing.

19 At the ANC 6C Alcoholic Beverage

20 License Committee meeting which you attended,

21 do you remember if the Licensing Committee

22 voted to recommend to the larger ANC to

1 protest your alcoholic beverage license?

2 MR. KEVIN NG: No, I don't
3 remember.

4 MR. ANDERSON: On the following
5 ANC 6C meeting on November 9th was your
6 alcoholic beverage license on the agenda?

7 MR. PASCAL: Objection. He hasn't
8 established whether he was at the meeting or
9 not.

10 MR. ANDERSON: I'm sorry. Did you
11 attend the ANC 6C meeting on November 9th in
12 November of last year?

13 MR. KEVIN NG: I don't remember.

14 MR. ANDERSON: That's all I have.
15 Thank you.

16 CHAIRPERSON MILLER: Thank you
17 very much. That concludes --

18 MR. PASCAL: I'll call my last
19 witness.

20 CHAIRPERSON MILLER: Okay.

21 INTERPRETER: Sorry. I have a
22 question. Because we have parking vouchers

1 like two hours, so I wonder if you guys can
2 pause like a half a -- like 15 or 10 minutes
3 the lady can add money on the cards.

4 CHAIRPERSON MILLER: Okay. We'll
5 do that.

6 INTERPRETER: Thank you. Sorry
7 about that.

8 CHAIRPERSON MILLER: Okay. We'll
9 adjourn for 10 minutes.

10 INTERPRETER: I think someone --

11 MS. HIRAO: I'm sorry -- oh, I
12 have one more question. Are the mics supposed
13 to be on simultaneously, because I am -- did
14 you just turn your mic off?

15 CHAIRPERSON MILLER: It's okay.
16 If he's not using it, he can turn it off.

17 MS. HIRAO: Okay.

18 INTERPRETER: Thank you.

19 CHAIRPERSON MILLER: Okay. We'll
20 see you in 10 minutes.

21 (Whereupon, at 3:54 p.m. off the
22 record until 4:15 p.m.)

1 CHAIRPERSON MILLER: Okay. We're
2 back on the record.

3 Mr. Pascal, do you have more
4 witnesses?

5 MR. PASCAL: My final witness.

6 CHAIRPERSON MILLER: Okay.

7 MR. PASCAL: Okay?

8 CHAIRPERSON MILLER: Yes.

9 MR. PASCAL: Mr. Ng, you want to
10 go --

11 INTERPRETER: Yes, sure, if I
12 don't hurt myself.

13 CHAIRPERSON MILLER: Okay.

14 INTERPRETER: Thank you.

15 CHAIRPERSON MILLER: Yes. Would
16 you raise your right hand? Do you swear to
17 tell the truth, the whole truth, nothing but
18 the truth?

19 MR. SHU KWAN NG: Yes.

20 CHAIRPERSON MILLER: Thank you.

21 WHEREUPON,

22 SHU KWAN NG

1 was called for examination by Counsel for the
2 Government and, having first been duly sworn,
3 assumed the witness stand, was examined and
4 testified as follows. NOTE: UNLESS OTHERWISE
5 NOTED, ALL ANSWERS ARE GIVEN THROUGH THE
6 TRANSLATOR, LING LEE, WHO WAS ALSO FIRST DULY
7 SWORN.

8 MR. PASCAL: What is your name?

9 MR. SHU KWAN NG: Shu Kwan Ng.

10 MR. PASCAL: You can sit. And are
11 you the owner of Chinatown Market?

12 MR. SHU KWAN NG: (In English)
13 Yes.

14 MR. PASCAL: Okay. How long have
15 you owned and operated Chinatown Market?

16 MR. SHU KWAN NG: (In English) I
17 think 22 year.

18 MR. PASCAL: And what did you
19 prior to owning the market?

20 MR. SHU KWAN NG: Oh, okay. He's
21 a cook in a restaurant.

22 MR. PASCAL: And what languages do

1 you speak?

2 MR. SHU KWAN NG: (In English)

3 Cantonese.

4 MR. PASCAL: Okay. And where were
5 you born?

6 MR. SHU KWAN NG: (In English)

7 China.

8 MR. PASCAL: Why did you select
9 the location for Chinatown Market?

10 MR. SHU KWAN NG: He said the area
11 is very nice and a lot of people is visiting
12 there. And also there is good -- there's a
13 lot of police people, so it's safe over there.

14 MR. PASCAL: And is this a family-
15 owned business? Do you have family in
16 business with you?

17 MR. SHU KWAN NG: Yes.

18 MR. PASCAL: Who?

19 MR. SHU KWAN NG: (In English) My
20 son and cousin.

21 MR. PASCAL: Okay. Do they speak
22 Chinese?

1 MR. SHU KWAN NG: (In English)

2 Little bit.

3 MR. PASCAL: What type of products
4 do you sell?

5 MR. SHU KWAN NG: He sells like
6 groceries, mixed products, beers and wine.

7 MR. PASCAL: How about tea and
8 newspapers?

9 MR. SHU KWAN NG: (In English)
10 Oh, yes. Yes, tea. Everything. Chinese
11 stuff. Everything.

12 MR. PASCAL: Okay. How many
13 newspapers do you sell on the week days?

14 MR. SHU KWAN NG: (In English) The
15 week day -- yes, (Cantonese term) everyday.
16 (Through interpreter) Sixty newspapers per
17 day.

18 MR. PASCAL: How about on the
19 weekend? Sunday?

20 MR. SHU KWAN NG: (In English)
21 Sunday, 110. (Through interpreter) Hundred
22 and ten in weekend. (In English) And there

1 are -- and the Post, yes, 10. The Washington
2 Post. Every Sunday, 10 paper. Ten newspaper.
3 (Through interpreter) He sells -- he's got
4 it.

5 (Laughter.)

6 MR. PASCAL: Hundred and ten
7 Chinese.

8 MR. SHU KWAN NG: (In English)
9 Sorry, I talk not too good, you know?

10 INTERPRETER: And I will explain
11 something.

12 MR. PASCAL: So that's 110 Chinese
13 papers, only 10 Washington Post? Is that
14 right?

15 MR. SHU KWAN NG: (In English)
16 Yes. Yes.

17 MR. PASCAL: Okay. All right.
18 Are the residents of the Wah Luck House
19 customers of your store?

20 MR. SHU KWAN NG: (In English) Oh,
21 yes. Yes.

22 MR. PASCAL: Is your staff able to

1 communicate the languages they speak over
2 there?

3 MR. SHU KWAN NG: (In English) Oh,
4 yes.

5 MR. PASCAL: Yes?

6 MR. SHU KWAN NG: Yes.

7 INTERPRETER: He was confirming
8 whether are you indicating the people in --

9 MR. PASCAL: Wah Luck House.

10 INTERPRETER: -- Wah Luck House,
11 yes.

12 MR. PASCAL: Yes. I believe
13 there's some immigrants, new immigrants that
14 live like up on I Street, in that area,
15 Chinese, do they shop in his store also?

16 MR. SHU KWAN NG: (In English) Oh,
17 yes. All the Chinese.

18 MR. PASCAL: The residents across
19 the street, do they regularly shop at your
20 store, the Wah Luck House?

21 MR. SHU KWAN NG: (In English)
22 Yes.

1 MR. PASCAL: Yes?

2 MR. SHU KWAN NG: (In English)

3 Yes.

4 MR. PASCAL: Do you make
5 deliveries to Wah Luck, if necessary?

6 MR. SHU KWAN NG: (In English)

7 Oh, yes. I have a lot of old people, you
8 know, can't walk. They call me, you know,
9 deliver all the time.

10 MR. PASCAL: Okay. Do they ever
11 make special orders if there's something
12 special and they need and you go ahead and
13 order it and get it for them?

14 MR. SHU KWAN NG: (In English)

15 Yes.

16 MR. PASCAL: Do other people in
17 the neighborhood shop at your store also?

18 MR. SHU KWAN NG: (In English)

19 Yes.

20 MR. PASCAL: Okay. How about the
21 hotel guests?

22 MR. SHU KWAN NG: (In English)

1 Hotel, lot of customer come here, too,
2 sometime. Yes.

3 MR. PASCAL: Okay. And how about
4 your Sunday sales? Is that an important day
5 for you?

6 INTERPRETER: Do you mean Sunday?

7 MR. PASCAL: Sunday. Sunday. The
8 sales that he has on Sunday.

9 MR. SHU KWAN NG: (In English) Oh,
10 yes. Sunday, almost --

11 MR. PASCAL: Sunday's a big day?

12 MR. SHU KWAN NG: (In English)
13 Yes. Yes, very big.

14 MR. PASCAL: How about your beer
15 and wine sales on Sunday?

16 MR. SHU KWAN NG: (In English)
17 Beer, all of the big 18, something like that,
18 cases sell more.

19 MR. PASCAL: And who are buying
20 these? Is it the neighbors or --

21 MR. SHU KWAN NG: (In English) The
22 neighbor. The neighbor. Some -- you know,

1 they're watching the football game, something
2 like that. Lot of customer come in here buy
3 the whole case, the whole case on Sunday.

4 MR. PASCAL: Are the number of
5 businesses in Chinatown decreasing?

6 MR. SHU KWAN NG: He said since
7 the economic recession he's getting less
8 business over there, yes.

9 MR. PASCAL: Do restaurants shop
10 at your store for supplies, Chinese food?

11 MR. SHU KWAN NG: (In English)
12 Yes.

13 MR. PASCAL: There was testimony
14 earlier about a voluntary agreement that your
15 store entered in with the neighbors and your
16 son went over a number of items that you're
17 doing. But one of the things we discussed is
18 cleaning up in the area, like the flower beds.
19 There's flower beds in front of the Flats. Do
20 you clean them every day?

21 MR. SHU KWAN NG: (In English)
22 Everyday.

1 MR. PASCAL: And how about the
2 alley next --

3 MR. SHU KWAN NG: (In English)
4 Alley, too. Yes.

5 MR. PASCAL: Okay. And when
6 there's loiterers that you may see, what do
7 you do?

8 INTERPRETER: You mean like in
9 front of his --

10 MR. PASCAL: His store, yes.

11 MR. SHU KWAN NG: (In English) Oh,
12 yes. I go outside, tell them move away, you
13 know, all the time.

14 MR. PASCAL: Have you ever been
15 assaulted?

16 MR. SHU KWAN NG: He said he
17 wasn't got assaulted, but he was being cursed
18 back, like when he's saying go away and people
19 will say -- like harass him, like want to hit
20 him. I'm buying food, buying things from you.
21 Why you kicking us away, something like that?

22 MR. PASCAL: What the impact of

1 the bus stop in front of his store? Does it
2 create a lot of people around his store?

3 MR. SHU KWAN NG: (In English) Oh,
4 the Chinese -- the bus, a New York bus come
5 here, almost the walk, sidewalk can't walk.
6 Lot of people, you know, stand up there.

7 INTERPRETER: Did you guys get it?

8 MR. SHU KWAN NG: He says like
9 there's a Chinese bus.

10 INTERPRETER: I think his son was
11 indicated before.

12 MR. SHU KWAN NG: Like there's a
13 Chinese company operated bus like will stop in
14 front of his store. And whenever those bus
15 from New York or from Pennsylvania stop there,
16 the front door will be occupied very fully.
17 It very crowded. Like the front door would
18 very crowd, yes.

19 MR. PASCAL: Have you ever
20 received written notice from either Mr.
21 Anderson or the ANC to cure any alleged
22 complaints?

1 MR. SHU KWAN NG: No.

2 MR. PASCAL: Okay. Do you own or
3 lease your building?

4 INTERPRETER: Sorry?

5 MR. PASCAL: Do you own or lease
6 your building?

7 MR. SHU KWAN NG: He owns.

8 MR. PASCAL: Did he recently
9 purchase the building?

10 MR. SHU KWAN NG: Is half years
11 ago.

12 INTERPRETER: Like six months ago.

13 MR. PASCAL: Okay.

14 PARTICIPANT: Six months ago?

15 INTERPRETER: He's not indicating
16 that time. He's like half a years ago. About
17 half years ago.

18 MR. PASCAL: Okay. If you could
19 not sell beer and wine on Sunday and if you
20 couldn't open up until 12:00 -- or couldn't
21 sell beer and wine until 12:00 everyday, could
22 you afford to keep your building and make

1 improvements to it?

2 MR. SHU KWAN NG: (In English) No,
3 I can't do this way.

4 MR. PASCAL: If you can continue
5 with the same hours, do you intend to make
6 improvements to your building?

7 MR. SHU KWAN NG: (In English) Oh,
8 yes.

9 MR. PASCAL: All right. I have no
10 further questions.

11 CHAIRPERSON MILLER: Okay. Mr.
12 Anderson?

13 MR. ANDERSON: No questions,
14 ma'am, in the interest of time.

15 CHAIRPERSON MILLER: Board
16 questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: I have one
19 question. I just want to follow up. Did you
20 say that there's been a decline in Chinese-
21 owned businesses since the economy turned bad,
22 or something to that effect?

1 MR. SHU KWAN NG: He says since
2 the economy is getting bad, so all the
3 business is definitely going down and it
4 definitely not as well as it used to be.

5 INTERPRETER: And he didn't say
6 particularly a Chinese business.

7 CHAIRPERSON MILLER: Yes.

8 INTERPRETER: And you guys asked
9 me the community. It's not the Chinese, so he
10 didn't answer anything about Chinese business.

11 CHAIRPERSON MILLER: But was he
12 talking about then business in Chinatown? I
13 mean, have many businesses closed, or small
14 businesses? What does he mean by "declined?"

15 MR. SHU KWAN NG: He said there's
16 not much business close over there. And first
17 he indicates that when you're doing business
18 you can't say that the business always going
19 down or something because business is
20 sometimes up, sometimes down.

21 CHAIRPERSON MILLER: Okay. Yes,
22 Ms. Mobley?

1 MEMBER MOBLEY: I believe I heard
2 testimony earlier that there are a number of
3 Chinese businesses in the area. I know Mr.
4 Quinto testified. Does he belong -- is there
5 a Chinese business association that he belongs
6 to?

7 MR. SHU KWAN NG: He said yes.

8 MEMBER MOBLEY: There is a Chinese
9 business association?

10 MR. SHU KWAN NG: He said yes.

11 (In English) Yes.

12 MEMBER MOBLEY: Do they ever
13 discuss the loitering and the panhandling
14 problems along that corridor?

15 MR. SHU KWAN NG: No.

16 MEMBER MOBLEY: So the discussion
17 never comes up? Is that because no one else
18 has the problem of panhandling and loitering?

19 INTERPRETER: Sorry?

20 MEMBER MOBLEY: Is that because no
21 one -- none of the other businesses have the
22 problem of panhandling and loitering? Because

1 we heard Mr. Quinto testify that Wok and Roll
2 had that same problem.

3 MR. SHU KWAN NG: He said he will
4 -- when they have a meeting, they probably
5 spent more time on talking about safety issues
6 on that area instead of just indicating that
7 panhandling, loitering, that kind of thing.
8 Probably more focus on the like criminals or
9 whether that is a safety area.

10 MEMBER MOBLEY: Okay. I was just
11 trying to establish the fact as to whether or
12 not loitering and panhandling is such a
13 problem that the Chinese business people were
14 talking about it so they could come up with a
15 cure.

16 MR. SHU KWAN NG: He says so far
17 in Chinese association there is not that much
18 topic was bring up on the table.

19 MEMBER MOBLEY: Okay.

20 MR. SHU KWAN NG: He said it will
21 be better.

22 MEMBER MOBLEY: Okay. No further

1 questions, Madam Chair. Thank you.

2 CHAIRPERSON MILLER: Mr.
3 Silverstein?

4 MEMBER SILVERSTEIN: Mr. Ng, you
5 said that you have approached some loiterers
6 and asked them to leave and they said why are
7 you picking on us when we buy stuff from your
8 store? What is it that they're buying from
9 your store?

10 MR. SHU KWAN NG: He said most of
11 those people are buying cigarettes and potato
12 chips. Soda. Everything.

13 MEMBER SILVERSTEIN: They don't
14 buy beer?

15 MR. SHU KWAN NG: (In English)
16 Some buy beer.

17 MEMBER SILVERSTEIN: Okay.

18 MR. SHU KWAN NG: (In English)
19 Yes, sometimes.

20 MEMBER SILVERSTEIN: Investigator
21 Parker said one thing that could be very
22 helpful would be if you put up cameras on the

1 side by the dumpster in that little concrete
2 patio. Have you thought about that? Would
3 you consider doing that?

4 MR. SHU KWAN NG: He said he can
5 do it and he would consider that. He said
6 it's better.

7 MEMBER SILVERSTEIN: It would make
8 things safer for you, for Kevin, for
9 everybody. Thank you very much. No further
10 questions.

11 CHAIRPERSON MILLER: Okay. Any
12 other Board questions? Mr. Alberti?

13 MEMBER ALBERTI: Mr. Ng, do you
14 sell lottery tickets?

15 MR. SHU KWAN NG: (In English) No.

16 MEMBER ALBERTI: No? Okay.
17 Great. That makes it easier. Approximately
18 what were your gross sales last year? Just an
19 approximate number.

20 INTERPRETER: You mean the money,
21 right?

22 MEMBER ALBERTI: Money, yes.

1 Gross. Gross.

2 INTERPRETER: Gross revenue?

3 MEMBER ALBERTI: Total. Total
4 revenue coming in.

5 MR. SHU KWAN NG: For a year it
6 will be like 400,000 to 500,000.

7 MEMBER ALBERTI: Okay. That's
8 fine. What were your gross sales for alcohol
9 products, beer & wine?

10 MR. SHU KWAN NG: (In English)
11 Fifty percent. The beer -- five or six
12 percent. Five or six percent. The alcohol,
13 I can't do up there. Thirteen percent.

14 MEMBER ALBERTI: No --

15 MR. SHU KWAN NG: (Through
16 interpreter) He said like alcohol and
17 groceries are like half and half.

18 MEMBER ALBERTI: Okay. That's
19 fine. That's really what I was looking for.
20 Thank you very much.

21 MR. SHU KWAN NG: (In English)
22 Okay.

1 CHAIRPERSON MILLER: Any other
2 Board questions?

3 (No audible response.)

4 CHAIRPERSON MILLER: Any redirect?

5 MR. PASCAL: I would request that
6 since that was proprietary information that
7 Mr. Anderson keep that to himself, not
8 advertise it around the neighborhood.

9 MEMBER ALBERTI: Yes, and I
10 apologize. I didn't know if Mr. Ng would
11 understand when I said proportion of sales, so
12 -- and I apologize.

13 MR. PASCAL: Well, the proportion
14 I don't mind. It was the gross sales.

15 MEMBER ALBERTI: I know. I
16 understand, but I approached it the only way
17 I --

18 MR. PASCAL: It is proprietary and
19 I didn't jump up and -- because I want to give
20 due deference to the Board, but I would
21 request that Mr. Anderson agree to keep that
22 as proprietary.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: Mr. Anderson?

3 MR. ANDERSON: There's no issue
4 there.

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 MR. PASCAL: Thank you.

8 CHAIRPERSON MILLER: And --

9 MR. PASCAL: That's the Licensee's
10 case.

11 CHAIRPERSON MILLER: Okay. Did
12 you have any recross?

13 MR. ANDERSON: For this --

14 CHAIRPERSON MILLER: Yes.

15 MR. ANDERSON: No, ma'am.

16 CHAIRPERSON MILLER: Okay. Good.
17 All right. Then that completes your
18 witnesses?

19 MR. PASCAL: Yes.

20 CHAIRPERSON MILLER: All right.
21 So then you're excused. Thank you very much.

22 MR. SHU KWAN NG: Okay. Yes.

1 CHAIRPERSON MILLER: And we can --
2 do you have witnesses --

3 MR. ANDERSON: Yes, ma'am, I do.

4 MEMBER ALBERTI: -- still here?
5 Yes.

6 MR. ANDERSON: It appears I've had
7 a couple -- a couple of my witnesses have
8 already left. So given it's three-plus hours
9 since the start, if I can just see which one
10 needs to go first, if that's all right, and
11 just call them in that order?

12 CHAIRPERSON MILLER: Yes, that's
13 okay.

14 MR. ANDERSON: Thank you, ma'am.

15 CHAIRPERSON MILLER: Okay.

16 MR. ANDERSON: Excuse me, ma'am.
17 I just -- a question. Given that the
18 Protestant side, we won't be able to have
19 witnesses here to confer with witnesses while
20 the Applicant's witnesses gave testimony, does
21 that kind of in any way aid any questions we
22 had? Wouldn't it be fair for the witnesses

1 for the Applicant to leave while our witnesses
2 testify since they might be able to --

3 MR. PASCAL: I'm not going to
4 recall them.

5 MR. ANDERSON: -- confer with the
6 Applicant?

7 CHAIRPERSON MILLER: Well, just --
8 right, they won't confer.

9 MR. ANDERSON: Okay.

10 CHAIRPERSON MILLER: The rule on
11 witnesses really goes to so they don't hear
12 other witnesses' testimony.

13 MR. ANDERSON: Okay.

14 CHAIRPERSON MILLER: So it's kind
15 of not relevant.

16 MR. ANDERSON: Understood. I just
17 wanted --

18 CHAIRPERSON MILLER: But, yes, Mr.
19 Pascal would respect that.

20 MR. PASCAL: The only other
21 comment I'd make is sometimes he turns the mic
22 and off. And so there'd be a complete record

1 the mic should be left on all the time.

2 MEMBER ALBERTI: But the
3 transcriber, the court reporter does not rely
4 on those mics.

5 MR. PASCAL: Okay.

6 MEMBER ALBERTI: Just so everybody
7 knows.

8 MR. PASCAL: All right.

9 MR. ANDERSON: I'll leave it on in
10 case there's any concern.

11 MEMBER ALBERTI: Those are for the
12 audience, for us to hear.

13 MR. PASCAL: Okay.

14 MEMBER ALBERTI: Not the court
15 reporter.

16 MR. PASCAL: Well, thank you for
17 that clarification.

18 CHAIRPERSON MILLER: Okay. Good
19 afternoon. Would you raise your right hand,
20 please? Do you swear to tell the truth, the
21 whole truth, nothing but the truth?

22 MR. CHAPPELEAR: Yes.

1 CHAIRPERSON MILLER: Thank you.

2 MR. ANDERSON: Good afternoon and
3 thanks for very for your patience and coming
4 here today.

5 Could you state for the record
6 your name and where you work?

7 MR. CHAPPELEAR: My name is
8 Nicholas Chappelear and I work at the
9 Fairfield Inn & Suites right on 5th and H.

10 CHAIRPERSON MILLER: Okay. I'm
11 having trouble hearing. Could you speak a
12 little louder?

13 MR. CHAPPELEAR: Sure.

14 MR. ANDERSON: Is the microphone
15 on green?

16 MR. CHAPPELEAR: Yes. My name is
17 Nicholas Chappelear and I work at the
18 Fairfield Inn & Suites --

19 CHAIRPERSON MILLER: Thank you.

20 MR. CHAPPELEAR: -- at 500 H
21 Street.

22 MR. ANDERSON: And just real

1 quick, how close is that --

2 MR. PASCAL: One question prior to
3 him continuing. I think we need to establish
4 whether he's appearing as a representative of
5 the Fairfield Inn or whether he's representing
6 just his own personal opinion. Whether it's
7 a corporate representation or another.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Anderson --

10 MR. ANDERSON: All right.

11 CHAIRPERSON MILLER: -- you may
12 have been going there. I don't know.

13 MR. ANDERSON: I was about to, but
14 thank you. I'll skip to that one and come
15 back.

16 CHAIRPERSON MILLER: Thank you,
17 Mr. Pascal.

18 MR. ANDERSON: Mr. Chappellear,
19 were you asked by the management of Fairfield
20 Inn to come here today to testify at this
21 hearing?

22 MR. CHAPPELEAR: I was.

1 MR. ANDERSON: So it's fair to say
2 you're a representative of the Fairfield Inn
3 & Suites?

4 MR. CHAPPELEAR: Yes, sir.

5 MR. ANDERSON: Thank you. Could
6 you describe -- do you have a proximity of
7 Fairfield Inn & Suites to Chinatown Market?

8 MR. CHAPPELEAR: We're on opposite
9 corners. So they're on 6th Street and H and
10 ours is on the corner of 5th and H, so pretty
11 much one block away across the street.

12 MR. ANDERSON: Okay. And could
13 you speak to what you and your colleagues
14 observe at Chinatown Market and the --

15 MR. PASCAL: I'd like to address
16 the question only as to what he observes, not
17 his colleagues.

18 MR. ANDERSON: Well, I'd argue
19 that he's a representative of Fairfield Inn &
20 Suites and so he should be able to speak for
21 the entire business.

22 CHAIRPERSON MILLER: I think Mr.

1 Pascal is correct. He can testify to what he
2 actually sees. He can say other people may,
3 you know, have the opportunity to see the same
4 things, but he's testifying from his personal
5 knowledge, I think. Do others have -- I don't
6 know how many people you're referring to or --
7 yes, Ms. Mobley?

8 MEMBER MOBLEY: Yes, Madam Chair,
9 for the record, can we establish his position
10 at Fairfield Inns, if he's representing the
11 hotel? What his position is?

12 MR. ANDERSON: What's your
13 position at --

14 MR. ANDERSON: I'm a valet manager
15 at the Fairfield, so I spend most of my time
16 out front.

17 CHAIRPERSON MILLER: So you're out
18 front?

19 MR. CHAPPELEAR: Yes.

20 MEMBER MOBLEY: Okay.

21 CHAIRPERSON MILLER: Okay.

22 MR. CHAPPELEAR: Yes, ma'am.

1 MR. ANDERSON: Okay.

2 CHAIRPERSON MILLER: Wait one
3 second.

4 (Off the record discussion among
5 Board members.)

6 Okay. There are just some
7 comments with respect to clarifying the
8 boundaries here. So for instance you're
9 establishing that you're the valet and you're
10 out front. So you're going to be testifying
11 to what you see out front as valet, is that
12 correct?

13 MR. CHAPPELEAR: Yes, ma'am.

14 CHAIRPERSON MILLER: Okay. So
15 what I was getting at also is if there are
16 other valet parkers, you know, that you could
17 say they would have the opportunity to see the
18 same thing, you know? I'm not saying you may
19 not be the only one who has the opportunity to
20 see that. Okay?

21 And then, you know, we let hearsay
22 in a little bit here, too, just to say, you

1 know -- so if you're going -- want to say
2 anything you have heard, but it's got to come
3 from -- originate with you, you know?

4 MR. CHAPPELEAR: Okay.

5 CHAIRPERSON MILLER: All right.

6 Thank you.

7 MR. PASCAL: Madam Chair, I want
8 to comment. Mr. Anderson is a major in the
9 Air Force, and I thank him for his service,
10 but he's not a lawyer. So there may be times
11 that I'm going to be objecting and it's with
12 due deference because he and I on a personal
13 level are fine, but I -- there will be times
14 where I'll feel because of evidentiary rules
15 that I have to make objections.

16 CHAIRPERSON MILLER: And I have to
17 say that we're not bound by the evidentiary
18 rules here, but we're guided by them because
19 there's good reason behind a lot of the rules.

20 So if you're not familiar with
21 them, we'll, you know, help you out.

22 MR. ANDERSON: I certainly see I'm

1 not an attorney, ma'am.

2 CHAIRPERSON MILLER: Okay.

3 MR. ANDERSON: I'm a
4 reconnaissance officer. So, but I understand
5 the rules and I will make all good faith
6 effort --

7 CHAIRPERSON MILLER: Okay.

8 MR. ANDERSON: -- not to push any
9 boundaries.

10 CHAIRPERSON MILLER: Right. Okay.
11 Go ahead.

12 MR. ANDERSON: All right. Mr.
13 Chappellear, could you just quickly describe
14 what you see on a daily basis in front of
15 Chinatown Market, and in particular the
16 customers who frequent Chinatown Market on a
17 daily basis and what interaction or effect
18 those customers have on the Fairfield Inn &
19 Suites?

20 MR. CHAPPELEAR: Sure. Most of
21 the time when I'm out front, I mean, I am busy
22 most of the time, but what I can see, there's

1 always people crowded out in front of there
2 and they wander that block to all the way to
3 we are and around that area. I've seen very
4 intoxicated people leave the store there and
5 wander around that block. They end up coming
6 into our lobby and bothering my employees, as
7 well as myself. They hang out beside the
8 hotel in the alleys there, just kind of right
9 across the street.

10 They just spend a lot of time
11 hassling a lot of the people in the area that
12 are just walking by minding their own
13 business. At one point I've seen a gentleman
14 come out of this store from that corner and
15 drinking and fall on his own liquor bottle in
16 the middle of the street endangering himself
17 as well as anybody who would be driving on
18 that road.

19 I have seen lines of people
20 waiting out in front of the store, usually
21 early in the morning. And then a lot of
22 people crowding around late at night as well.

1 MR. ANDERSON: Thank you for that,
2 Mr. Chappellear. Could you just -- how often
3 does someone you observe to be, you know, a
4 customer of Chinatown Market harass and/or
5 become a nuisance to guests or employees or
6 the property of Fairfield Inn? Is that a
7 daily basis occurrence?

8 MR. CHAPPELEAR: It is. I mean, I
9 work 8 to 10-hour shifts, sometimes shorter,
10 and I myself or guests of the hotel get
11 harassed probably five -- four to five times
12 during a given shift.

13 CHAIRPERSON MILLER: Who gets
14 harassed four to five times? You do or guests
15 do?

16 MR. CHAPPELEAR: Myself, my staff
17 and guests of the hotel.

18 CHAIRPERSON MILLER: Each? So
19 like 15 times? You add them all up, or it's
20 just four to five incidents?

21 MR. CHAPPELEAR: And sometimes you
22 get harassed by somebody and then they'll go

1 a block around and then come back and --

2 CHAIRPERSON MILLER: I don't want
3 to interject except I just want to understand
4 your answer here. That when you say, you
5 know, five, five, period? Five instances a
6 day? Are you saying five and then let's
7 multiply it by you, the guests, another
8 employee?

9 MR. CHAPPELEAR: It would probably
10 be the latter of the two. So, I mean, I would
11 get harassed, and then the guests, and then
12 also anybody else that is out in front of the
13 hotel that they can possibly interact with.

14 CHAIRPERSON MILLER: I'm sorry.
15 Thank you.

16 MR. ANDERSON: Thank you, ma'am.

17 And then there was some discussion
18 earlier, Mr. Chappellear, about loiterers right
19 in front of Chinatown Market. But from your
20 vantage point you're also not able to --
21 you're able to see folks who loiter right in
22 front of Chinatown Market, but also other

1 areas within, you know, the block or so radius
2 of -- do you observe loiterers in the
3 neighborhood who loiter in other areas aside
4 from directly in front of Chinatown Market
5 frequent Chinatown Market? Does Chinatown
6 Market serve as the go-to place for people who
7 loiter next to your alley or on the corner of
8 5th and H, those kind of things? Are you able
9 to observe anything like that? And if so,
10 would you describe it?

11 MR. CHAPPELEAR: I do see
12 loiterers out in front of there. Obviously,
13 I explained before, I see them directly across
14 the street from where I am, who they don't
15 have anything to do with the establishment
16 there. But there's just a stoop that they're
17 able to sit on. They also kind of loiter
18 around the corner in front of the Irish
19 Channel, so on 5th Street there.

20 MR. ANDERSON: So and from your
21 observation loiterers in spots in the
22 immediate area -- multiple spots in the

1 immediate area are, you know, drawn to and
2 frequent Chinatown Market?

3 MR. CHAPPELEAR: Yes, sir.

4 MR. ANDERSON: Are you able to
5 give any estimate of, you know, what the kind
6 of material impact of the, you know,
7 harassment and nuisance activities by these
8 customers are -- is on Fairfield Inn's bottom
9 line? You know, does it result in like
10 negative guests reviews or --

11 MR. PASCAL: I object to this
12 question. He's a valet manager. I'm not too
13 certain he could answer what the bottom line
14 is of the Fairfield Inn.

15 CHAIRPERSON MILLER: Let's ask
16 him. Do you have any knowledge of --

17 MR. CHAPPELEAR: I don't have
18 direct knowledge, no. I have -- I interact
19 closely with the management, the general
20 manager and the assistant GM, but I don't have
21 exact numbers, no.

22 MR. ANDERSON: Would you say there

1 is some effect?

2 MR. CHAPPELEAR: There absolutely
3 is. I mean --

4 CHAIRPERSON MILLER: What kind of
5 an effect?

6 MR. ANDERSON: A negative or
7 adverse effect on the business, Fairfield
8 Inn's business, towards the number of guests
9 they get, etcetera --

10 CHAIRPERSON MILLER: Okay.

11 MR. ANDERSON: -- because of the
12 vagrants, etcetera.

13 CHAIRPERSON MILLER: You have a
14 tendency to compound your questions. Okay.

15 MR. ANDERSON: I'm sorry.

16 CHAIRPERSON MILLER: That's okay.
17 So I -- just for clarity, is your -- your
18 first question is does it impact the number of
19 guests of the hotel?

20 MR. ANDERSON: Its operations in
21 general, ma'am. Sorry.

22 CHAIRPERSON MILLER: You don't

1 want the guests? Okay. You want to know --
2 are you aware -- how would your -- are you
3 aware of the business operations in general
4 that you could determine whether -- what
5 impact the loiterers might have on it?

6 MR. CHAPPELEAR: Well, I can say
7 that when they frequent the lobby, several
8 people -- or even just out front, the guests
9 will come to me and express concern about
10 their safety, their stay and the area around
11 the hotel. I can contest to that. And there
12 have been very extreme circumstances with
13 guests of the hotel and the vagrants out in
14 front of the hotel.

15 MR. ANDERSON: Could you give an
16 example of an extreme circumstance?

17 MR. CHAPPELEAR: Well, one of the
18 vagrants would leave one of our guests alone.
19 He's actually a very -- he's a return guest.
20 He's there a lot. And then he didn't leave
21 him alone until they had physical contact with
22 each other on the side of the hotel.

1 MR. ANDERSON: And you did call
2 the police in that instance?

3 MR. CHAPPELEAR: I was actually --
4 I heard from the guest that this happened and
5 the management. I wasn't there that night.

6 MR. PASCAL: Objection. He's
7 trying to talk about what management is
8 telling him and I don't think he's capable of
9 that.

10 MR. ANDERSON: I think he probably
11 is.

12 CHAIRPERSON MILLER: I overrule
13 that. Okay. Go ahead.

14 MR. ANDERSON: Thank you very
15 much, Mr. Chappellear. I don't have any
16 further questions.

17 CHAIRPERSON MILLER: Cross?

18 MR. PASCAL: Good afternoon. I'm
19 sorry that you had to wait so long.

20 MR. CHAPPELEAR: That's okay.

21 MR. PASCAL: The Fairfield Inn is
22 located at the intersection of where?

1 MR. CHAPPELEAR: Fifth and H
2 Streets.

3 MR. PASCAL: Okay. And where is
4 the main entrance to the hotel?

5 MR. CHAPPELEAR: Fifth and H
6 Streets.

7 MR. PASCAL: No, no, no. No, no.
8 There's two entrances to the hotel.

9 MR. CHAPPELEAR: Oh, on H Street.
10 Excuse me.

11 MR. PASCAL: Okay. So the
12 entrance is on -- so are you actually on H
13 Street then --

14 MR. CHAPPELEAR: Yes, sir.

15 MR. PASCAL: -- where you work?

16 MR. CHAPPELEAR: Yes, sir.

17 MR. PASCAL: Okay. In other
18 words, testimony earlier that there's a
19 tremendous amount of bus activity there.
20 Buses are rather large. Wouldn't that block
21 your view from where you're standing to seeing
22 the front of that store?

1 MR. CHAPPELEAR: It's actually a
2 little bit to the right, but yes, there is
3 buses there often. But it still gives me a
4 clear view of the -- because they park right
5 -- if we're here, they're kind of right here
6 and then the store is --

7 MR. PASCAL: But they're moving
8 all the time, so is that correct?

9 MR. CHAPPELEAR: It's hard to
10 define all the time, but every couple hours or
11 so.

12 MR. PASCAL: Do you also take
13 baggage inside the facility also?

14 MR. CHAPPELEAR: We work partly as
15 doormen, so just to the front desk.

16 MR. PASCAL: Okay. So you're not
17 really outside all the time? You're moving in
18 and out quite often?

19 MR. CHAPPELEAR: We spend most of
20 our time outside, the majority. I'd say about
21 90 percent.

22 MR. PASCAL: You noted that you

1 saw an intoxicated person leave the store, but
2 you don't know whether that person actually
3 purchased any alcohol there. You've not been
4 in the store and seen any intoxicated persons
5 sold alcohol?

6 MR. CHAPPELEAR: I have not been
7 in the store, no.

8 MR. PASCAL: All right. Nothing
9 further.

10 CHAIRPERSON MILLER: Yes, Board
11 questions?

12 MEMBER SILVERSTEIN: Yes.

13 CHAIRPERSON MILLER: Mr.
14 Silverstein?

15 MEMBER SILVERSTEIN: Mr.
16 Chappellear, have you ever had an occasion to
17 know of a customer to leave the hotel or check
18 out earlier because of the ambience of
19 loiterers, vagrants, homeless and panderers?

20 MR. CHAPPELEAR: Not leave early;
21 no, sir.

22 MEMBER SILVERSTEIN: Have you ever

1 had anybody say I'm not coming back to the
2 place because I'm tired of being hit on by
3 these losers?

4 MR. CHAPPELEAR: Not an exact
5 quote, but yes.

6 MEMBER SILVERSTEIN: What have
7 they said to you?

8 MR. CHAPPELEAR: They've just
9 complained to me directly about their
10 experience and their interactions with those
11 people and kind of give a subjective nature
12 that they would choose another spot if they
13 came back.

14 MEMBER SILVERSTEIN: Well, why
15 don't you get them out of your hotel? You
16 know, the foot to this whole thing is that
17 somehow he's to blame and you're not. Well,
18 what if someone were to say, well, the hotel's
19 to blame that these homeless people are all
20 over the place because you have customers and
21 your customers have money. You know, the
22 point I'm making is who is to blame or is it

1 in fact not a matter of who's to blame, but
2 simply that they're there?

3 MR. CHAPPELEAR: Well, whenever
4 they enter the hotel, we do whatever we can in
5 our nature to get them away. It's just kind
6 of -- it would be spending a lot of our time
7 to -- I mean, I'm the only one out front and
8 I have a job to do and there isn't -- when I'm
9 overpowered by several of these kind of
10 guests, it's not -- it's kind of hard, very
11 difficult to convince them to leave,
12 especially if they're intoxicated.

13 MEMBER SILVERSTEIN: Well, how
14 many people work at the -- do you know how
15 many people work at your hotel?

16 MR. CHAPPELEAR: Total?

17 MEMBER SILVERSTEIN: Yes.

18 MR. CHAPPELEAR: I would say
19 somewhere around the 30 -- well, including the
20 housekeepers, probably somewhere around 37-40
21 people.

22 MEMBER SILVERSTEIN: And their

1 jobs are at risk because of what goes on in
2 the neighborhood or --

3 MR. CHAPPELEAR: Yes, they are.
4 We actually had an instance of someone
5 breaking into the stairwell and attacking a
6 housekeeper.

7 MEMBER SILVERSTEIN: Okay. No
8 further questions. I may come back for some
9 more.

10 MEMBER NOPHLIN: Madam Chair?

11 CHAIRPERSON MILLER: Yes, Mr.
12 Nophlin?

13 MEMBER NOPHLIN: Thanks for your
14 testimony again, but aren't you close to the
15 Gospel Mission?

16 MR. CHAPPELEAR: Yes, sir.

17 MEMBER NOPHLIN: How would you
18 distinguish where they're coming from, the
19 homeless coming from if in fact that homeless
20 mission -- I think there's another area where
21 the homeless go. How would you make a
22 distinction in terms of where they're coming

1 from, because they could be coming from
2 anywhere? The homeless I'm referring to.

3 MR. CHAPPELEAR: I mean, I can --
4 they -- you see them just circling that whole
5 area all the time. Sometimes there is
6 distinction and sometimes there is not.

7 MEMBER NOPHLIN: My question
8 though is how do you know they're coming from
9 -- going to the Licensee's --

10 MR. CHAPPELEAR: I've seen --

11 MEMBER NOPHLIN: -- place of
12 business?

13 MR. CHAPPELEAR: -- people leave
14 the establishment and walk over to the area,
15 but there are some people as well that come
16 from the mission.

17 MEMBER NOPHLIN: So the incident
18 that occurred in terms of the harassment to
19 the guests could come from the Gospel Mission?
20 Didn't necessarily come from the restaurant,
21 or the grocery store.

22 MR. CHAPPELEAR: Well, it could

1 involve both as well. As you're saying,
2 people are leaving the mission and then going
3 to get their liquor or anything there as well.
4 But you're right, sometimes I won't be able to
5 distinguish the difference between the two.

6 MEMBER NOPHLIN: Okay. No further
7 questions. Thank you.

8 MEMBER MOBLEY: Madam Chair?

9 CHAIRPERSON MILLER: Yes?

10 MEMBER MOBLEY: How long has the
11 Fairfield Inn been there?

12 MR. CHAPPELEAR: Almost one year.
13 Actually about one year about today. They
14 renovated it from the Red Roof Inn.

15 MEMBER MOBLEY: Okay. And how
16 long have you been the valet manager?

17 MR. CHAPPELEAR: I've been there
18 six months.

19 MEMBER MOBLEY: Six months? When
20 you were first employed did you get any
21 instructions from Fairfield management about
22 -- or any advice about the loitering and the

1 panhandling, any of that type of -- were you
2 instructed in any way?

3 MR. CHAPPELEAR: Just instructed
4 to inform the police if there's anything that
5 happens out front. I was instructed there's
6 a lot of police in the area and so I could
7 reach out to them if anything happened.

8 MEMBER MOBLEY: Have you had
9 occasion to do that?

10 MR. CHAPPELEAR: Yes.

11 MEMBER MOBLEY: How many times?

12 MR. CHAPPELEAR: Well, I've worked
13 with the front desk and such to get the police
14 to come out probably half a dozen times.

15 MEMBER MOBLEY: Okay. Do you have
16 a security guard there?

17 MR. CHAPPELEAR: Only at night
18 time.

19 MEMBER MOBLEY: I'm sorry?

20 MR. CHAPPELEAR: Only at night
21 time.

22 MEMBER MOBLEY: Only at night

1 time? The problem, is it more in the day, the
2 night, afternoon, or what?

3 MR. CHAPPELEAR: It's all times of
4 day really. The hotel's locked down at night
5 and the security guard kind of -- to make sure
6 nothing's going on will be there.

7 MEMBER MOBLEY: Okay. And what
8 time during the day? What time would you say
9 this activity starts, the loitering and --

10 MR. CHAPPELEAR: It starts early
11 in the morning and --

12 MEMBER MOBLEY: How early?

13 MR. CHAPPELEAR: I've seen like
14 around 9:00 a.m. on like Sundays. They're
15 lining up and then go until -- when I work
16 sometimes until 11:00 p.m. they're still out.

17 MEMBER MOBLEY: So 9:00 a.m.? As
18 early as 9:00 a.m.?

19 MR. CHAPPELEAR: Yes.

20 MEMBER MOBLEY: So Chinatown
21 Market, I believe, opens what at 9:00? Is
22 that the testimony?

1 CHAIRPERSON MILLER: I think so.

2 MEMBER MOBLEY: So would they be
3 -- so at 9:00 where would they be coming from,
4 do you think? They don't open until 9:00.

5 MR. CHAPPELEAR: I mean, I've seen
6 them line up around that area there at that
7 time.

8 MEMBER MOBLEY: Are they lined up
9 to get inside of Chinatown Market, or --

10 MR. CHAPPELEAR: It's hard to say,
11 but I would believe so.

12 MEMBER MOBLEY: Okay. But you're
13 saying that you have some loitering around
14 9:00 in the morning at Fairfield Inn?

15 MR. CHAPPELEAR: Yes, I mean, not
16 as much earlier than that, but, yes, from
17 there onto about 11:00 p.m. when I leave. And
18 then I can't contest after that.

19 MEMBER MOBLEY: Okay. Since
20 you're the valet manager and you're outside a
21 lot, are you getting complaints from other
22 business establishments along there?

1 MR. CHAPPELEAR: Not directly to
2 myself, no.

3 MEMBER MOBLEY: Okay. Fine.
4 Thank you.

5 No other questions, Madam Chair.

6 MEMBER ALBERTI: I have some.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: Mr. Chappelear,
9 just a quick question. It's not clear to me
10 who you're representing here, so that's the
11 nature of my question.

12 You're employed by the hotel?

13 MR. CHAPPELEAR: Yes, sir. Well,
14 I'm actually -- I work for a company, Towne
15 Park. We're outsourced from the hotel. I was
16 asked by management of the hotel to come here
17 today.

18 MEMBER ALBERTI: So you were asked
19 by management of the hotel to come?

20 MR. CHAPPELEAR: Yes, sir.

21 MEMBER ALBERTI: Okay. So in a
22 way you're representing their views?

1 MR. CHAPPELEAR: Yes, sir.

2 MEMBER ALBERTI: Okay. Thank you
3 very much.

4 CHAIRPERSON MILLER: Who do you
5 mean by "management?"

6 MR. CHAPPELEAR: What do you mean?

7 CHAIRPERSON MILLER: I mean is
8 that an individual who --

9 MR. CHAPPELEAR: Oh, the assistant
10 general manager of the hotel asked me directly
11 personally to come here because she can not be
12 here due -- she's in training in New Jersey.

13 CHAIRPERSON MILLER: Okay. I
14 mean, you describe what sounds like a serious
15 problem when you say that five times a day --
16 did you say there was harassment by loiterers;
17 the general category we're using, five times?
18 Harass you five times, harass a guest five
19 times, harass other employees five times, is
20 what you said, every day.

21 MR. CHAPPELEAR: Yes, I mean, if
22 you're out there, they'll confront you.

1 CHAIRPERSON MILLER: What do you
2 mean by harass and confront?

3 MR. CHAPPELEAR: I mean, they'll
4 ask for change. Some people, I mean, just
5 start talking to you and bothering you for
6 reasons unbeknownst to me.

7 CHAIRPERSON MILLER: Okay. So --

8 MR. CHAPPELEAR: But sometimes I
9 have to just walk inside or pretend to answer
10 the phone, or anything just to get away from
11 them.

12 CHAIRPERSON MILLER: Okay. So and
13 you work what hours, 8 to 10 hours a day,
14 right?

15 MR. CHAPPELEAR: Well, during the
16 shifts that I work -- or I mean the shifts are
17 hours. I can be outside up to eight hours.
18 Sometimes I'm inside.

19 CHAIRPERSON MILLER: So have you
20 complained to management?

21 MR. CHAPPELEAR: Oh, absolutely.

22 CHAIRPERSON MILLER: You have?

1 MR. CHAPPELEAR: Yes.

2 CHAIRPERSON MILLER: In writing?

3 MR. CHAPPELEAR: Not in writing,
4 no.

5 CHAIRPERSON MILLER: Many times?

6 MR. CHAPPELEAR: Well, I mean, I
7 work together with management just -- I mean,
8 if you see them in the lobby or outside, I
9 mean, I'm there to kind of help figure out the
10 situation.

11 CHAIRPERSON MILLER: Okay. Has
12 management then taken this issue to the
13 homeless shelters, or the D.C. government, or
14 the ANC, or the BID?

15 MR. CHAPPELEAR: I can't speak on
16 that. No, I wouldn't know.

17 CHAIRPERSON MILLER: Okay. You
18 have no knowledge of that?

19 MR. CHAPPELEAR: No, ma'am.

20 CHAIRPERSON MILLER: Oh, when you
21 say you see people lined up, we heard
22 testimony that there's a bus station across

1 the street in front of the establishment. Is
2 it possible that the people who are lined up
3 are waiting for a bus?

4 MR. CHAPPELEAR: I mean, there's
5 people lined up. I mean, the crowds of people
6 -- you can kind of distinguish the difference
7 between having luggage -- and usually most
8 people line up for the bus with luggage and,
9 I mean, most people you can kind of tell the
10 difference. And by location it is a little
11 bit separate.

12 CHAIRPERSON MILLER: All right.
13 One more question. And when do they line up?
14 Just at 9:00 in the morning?

15 MR. CHAPPELEAR: Before the -- I
16 mean, I've seen them there and my staff always
17 says they see them there as well.

18 CHAIRPERSON MILLER: Okay. No
19 further questions.

20 Mr. Nophlin?

21 MEMBER NOPHLIN: Yes, Madam Chair.
22 Thanks again.

1 Piggybacking on the Chair's
2 question, have you contacted the CCNB, which
3 is the homeless -- advocacy for the homeless
4 and talked about this issue?

5 MR. CHAPPELEAR: Not me
6 personally; no, sir.

7 MEMBER NOPHLIN: Because, I mean,
8 that whole area where you're talking about is
9 an area where the homeless are. And so my
10 concern is we're sort of singling out the
11 market and not looking at the bigger issue,
12 which is the homelessness. So I was wondering
13 if the businesses got together, as some people
14 are, to talk about how they can resolve this
15 issue. So has your place of employment done
16 that?

17 MR. CHAPPELEAR: I'm not sure. I
18 personally have not.

19 MEMBER NOPHLIN: Okay. Thank you.

20 CHAIRPERSON MILLER: I just want
21 to -- oh, go ahead.

22 MEMBER SILVERSTEIN: Mr.

1 Chappellear, have you had -- you've had the
2 opportunity to perhaps at a time when you're
3 not terribly busy stand out there and watch
4 what goes on at Chinatown Market?

5 MR. CHAPPELEAR: Inside?

6 MEMBER SILVERSTEIN: Well, from
7 outside watching people come in and out and
8 stuff like that.

9 MR. CHAPPELEAR: Yes, sir.

10 MEMBER SILVERSTEIN: Have you ever
11 seen anyone go in who is intoxicated and come
12 out with liquor?

13 MR. CHAPPELEAR: Yes.

14 MEMBER SILVERSTEIN: How do you
15 know? Tell me about that.

16 MR. CHAPPELEAR: I mean, it's hard
17 to say because they usually have it in --
18 disclosed, but --

19 MEMBER SILVERSTEIN: Tell me what
20 you saw that made you think that.

21 MR. CHAPPELEAR: Well, all right
22 -- saw before is the gentleman. That's all I

1 -- what I remember is the gentleman that left
2 the store and then hassled someone walking by
3 and then fell into the street, and several
4 fights out front of the --

5 MEMBER SILVERSTEIN: I'm sorry,
6 could you say that again? I didn't hear you.

7 MR. CHAPPELEAR: I just remember
8 the gentleman that I saw leave there and was
9 out front and he fell into the road. And the
10 only reason I knew he had the liquor is
11 because I heard it shatter in the road,
12 because he had it in a bag in front of him.

13 MEMBER SILVERSTEIN: Did you know
14 that he had that -- he came out of the store
15 with this bag?

16 MR. CHAPPELEAR: I saw him leave
17 that area. No, I didn't see him actually
18 leave the door, no.

19 MEMBER SILVERSTEIN: Have you seen
20 them do anything -- let's start with that you
21 would consider illegal in terms of serving
22 people who were intoxicated or intemperate or

1 something of that sort, or is this just
2 something that appears to be obvious but you
3 can't prove it?

4 MR. CHAPPELEAR: I would have to
5 say that just because of how busy I am
6 sometimes I haven't seen it directly, but,
7 yes, I just see all signs kind of point to
8 that case, yes.

9 MEMBER SILVERSTEIN: You can't
10 prove it, but you know it when you see it?

11 MR. CHAPPELEAR: Yes, sir.

12 MEMBER SILVERSTEIN: Okay. What
13 would you suggest be done, assuming that this
14 gentleman has been in business for 22 years,
15 and if he's going to stay in business, to help
16 alleviate this problem in the neighbor, Mr.
17 Chappellelear?

18 MR. CHAPPELEAR: I would just say
19 regulate selling alcohol to the over
20 intoxicated or anything in that matter. Maybe
21 not selling single bottles or anything like
22 that that can easily be concealed while on the

1 road. And just overall just kind of constant
2 watch of the area just to make sure the place
3 is easier to live and work.

4 MEMBER SILVERSTEIN: No further
5 questions. Thank you, sir. Thanks for your
6 patience. Thanks for --

7 CHAIRPERSON MILLER: Any other
8 questions?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. Any
11 other questions?

12 MR. PASCAL: Nothing further.
13 Thank you for your candor.

14 CHAIRPERSON MILLER: All right.
15 Yes?

16 MR. ANDERSON: That's all I have.

17 CHAIRPERSON MILLER: Okay. good.
18 Okay. Thank you.

19 Thank you very much.

20 MEMBER MOBLEY: Thank you.

21 MR. ANDERSON: Ma'am, I'm sorry.

22 Could I actually have one of my other

1 witnesses see if they can call one of the
2 other -- the folks who left to see if they can
3 come back?

4 CHAIRPERSON MILLER: Sure.

5 MR. ANDERSON: All right.

6 CHAIRPERSON MILLER: You'll just
7 be a couple minutes?

8 Okay. Do you swear to tell the
9 truth, the whole truth, nothing but the truth?

10 MR. BROWN: I do.

11 CHAIRPERSON MILLER: Okay. Thank
12 you.

13 MR. ANDERSON: Thank you for
14 coming, sir, and waiting this time.

15 If you'd just state your name for
16 the record and explain what your -- where you
17 live and where your place of business is.

18 MR. BROWN: Sure. Yes, my name's
19 Max Brown. I reside at 475 H Street, N.W.,
20 which is about a block away from the market.
21 I also own and operate Chinatown Coffee
22 Company, which is a business also at that

1 location on the first floor.

2 And I thank the Chair and the
3 Board for allowing me to testify here today.
4 I've worked in the District. I was former
5 legal counsel to the mayor. I've lived in the
6 city for about 26, 27 years now. This is the
7 first time I've ever gotten intimately
8 involved at this level in an issue of this
9 variety and to wait three-and-a-half hours and
10 just to give you the sense of the importance
11 of it, which is why I'm here today. So I'm
12 pleased for the opportunity to kind of
13 describe the situation and kind of enlighten
14 the Board further beyond what you've heard
15 already.

16 CHAIRPERSON MILLER: All right.
17 Thank you.

18 MR. ANDERSON: Thank you, Mr.
19 Brown. And if you would just describe what
20 you're able to observe as a business owner and
21 resident --

22 MR. BROWN: Yes.

1 MR. ANDERSON: -- in the area of
2 the Chinatown Market's --

3 MR. BROWN: Yes.

4 MR. ANDERSON: -- alcohol sales
5 and the crowd of people that it attracts --

6 MR. BROWN: I got the -- I got --

7 MR. ANDERSON: -- and the effects
8 on your business.

9 MR. BROWN: I got the drill. So
10 let me say first off as an entrepreneur myself
11 and my father was a small business owner and
12 my family immigrants, I respect enormously the
13 entrepreneurial spirit and certainly respect
14 the right of the owner to operate his
15 business. So I respect that.

16 Couple things: One, the
17 neighborhood has been adversely affected, in
18 my opinion, by the nature of this business.
19 So for example, just this morning; and this
20 happens on many occasions, but 9:15 I'm
21 walking to my job, which is a couple blocks
22 away. Line of seven people standing in a line

1 congregating around the business either to
2 open or to be buying alcohol outside of the
3 business, which happens frequently, which I've
4 seen, number one.

5 Number two, it's a very tight
6 sidewalk there, so it's a very narrow area.
7 It's very unsafe for people passing by when
8 there's this congregation of people; people
9 oftentimes drinking, oftentimes cursing,
10 oftentimes spitting. It's just a non-
11 hospitable environment for, you know,
12 residents, for businesses, for our city,
13 number one.

14 I've got two small boys, 9 and 11.
15 We love living in the area. I love the city.
16 I recognize there's always up sides and down
17 sides to living in a city, and I understand
18 that and I appreciate it.

19 I think the scope of it though is
20 something that we need to take a hard look at.
21 And I think that as a business owner the
22 gentleman has some obligation to be a good

1 steward to the neighborhood and to do all he
2 can as a business owner to help mitigate some
3 of the challenges to the area.

4 MR. PASCAL: May I object?

5 MR. BROWN: No, excuse me. This
6 is -- I'm -- I believe I'm allowed to testify.

7 MR. PASCAL: May I object?

8 CHAIRPERSON MILLER: Yes.

9 MR. PASCAL: I think you need to
10 limit your -- I think he needs to limit
11 answers to the questions and not give a study
12 of what the neighborhood needs.

13 MR. BROWN: I live in the
14 neighborhood. This is relevant to the issue.

15 CHAIRPERSON MILLER: Actually you
16 have to have your representative address that.

17 MR. ANDERSON: I would say, ma'am,
18 Mr. Brown is a business owner in the area and
19 a homeowner and, you know, a father of
20 children who live there.

21 CHAIRPERSON MILLER: Okay.

22 MR. ANDERSON: You know, he can

1 speak -- he should be able to speak to the
2 effect on peace, order, quiet and also the
3 effects on his business.

4 CHAIRPERSON MILLER: Okay.

5 MR. ANDERSON: Which again I asked
6 him to speak about the effect of this on the
7 neighborhood and his business and his family.

8 CHAIRPERSON MILLER: Right.

9 MR. ANDERSON: I think he's
10 addressing all those three.

11 CHAIRPERSON MILLER: Right.
12 That's a pretty general question and his
13 answers are relevant to those questions. So
14 I'm going to overrule of the objection.

15 So you can continue.

16 MR. BROWN: I'll be more direct.
17 In terms of my personal experience walking by,
18 people spitting, people drinking, asking for
19 money, my kids being nudged to the side. It's
20 very dangerous there when there's six, seven,
21 eight people. And I recognize that --

22 MEMBER SILVERSTEIN: Excuse me.

1 What did you say about your children?

2 MR. BROWN: As they're trying to
3 walk by the sidewalk on the corner of 5th and
4 -- or 6th, I guess it is, 6th and H, it's a
5 very narrow passage because there's a tree
6 box.

7 MEMBER SILVERSTEIN: Yes.

8 MR. BROWN: There's the business
9 and there's a bus stop. And this
10 conflagration of people, really a congregation
11 of people in the area makes it very dangerous.
12 And, frankly, I'm concerned about the safety
13 not only of my kids, but just residents,
14 visitors, because you get Verizon Center
15 visitors there. So it's an area that's
16 densely populated with tourists and residents.

17 And what I've seen this business
18 bring to that area and what I see every day
19 are people drinking outside, people cursing
20 outside, people asking for money outside,
21 people drinking outside. It's a magnet for
22 frankly not a good quality of life. It's

1 adversely affecting all of us in the
2 neighborhood in a pretty substantial way, in
3 my opinion. That's on the kind of residential
4 side, I'll put.

5 Now on my business side, it also
6 affects my business because people have to get
7 from 7th, 6th down to 5th and it's a gauntlet
8 of drunkenness, basically, okay, in front of
9 this business every day, early in the morning,
10 midday, at night. So it's not like a
11 nightclub where, you know, 9:00, 10:00 at
12 night people are hanging out, you know, doing
13 their thing. You know, it's a nightclub. We
14 live in a city and I like the city.

15 But it's all morning, all
16 afternoon, every day people buying -- and I've
17 seen this personally where people will give
18 other people money to go in, buy a six-pack
19 and they'll split it up outside. Okay? And
20 it's not like the business establishment is
21 like 100 yards away from where this activity
22 is happening. It's like five feet away from

1 the counter, just outside the door.

2 Seems to me there should be some
3 mitigation attempts. And I just think that
4 there should be additional stewardship carried
5 out by the owner to mitigate these
6 consequences that aren't of his making in
7 toto, but he's certainly -- in my opinion
8 having this license is not a right; it's a
9 privilege, and with it come obligations.

10 MR. ANDERSON: I don't have any
11 other questions, Mr. Brown. Thank you very
12 much for that.

13 MEMBER NOPHLIN: Mr. Anderson, I
14 can't hear you.

15 CHAIRPERSON MILLER: You need to
16 hang around for questions.

17 MR. BROWN: Happy to hang around.

18 MEMBER NOPHLIN: No, I'm sorry. I
19 can't hear you. You might speak into the mic,
20 please.

21 MR. ANDERSON: Sorry, sir. I said
22 I don't have any further questions. Thank

1 you, Mr. Brown.

2 MR. BROWN: Thank you.

3 CHAIRPERSON MILLER: Mr. Pascal,
4 do you have cross?

5 MR. PASCAL: Thank you. And thank
6 you for devotion of time.

7 Have you ever been in the store?

8 MR. BROWN: I have not been in the
9 store.

10 MR. PASCAL: All right. So when
11 you address the issue about seeing money
12 changing out hands and people breaking up
13 packs, you can't tell what vision they could
14 see outside?

15 MR. BROWN: No, I stand in front
16 of the business and see money given to other
17 people.

18 MR. PASCAL: No, I --

19 MR. BROWN: If I could finish my
20 -- if I may finish my question, Mr. Pascal.
21 Money taken in, people coming out and
22 distributing single cans of liquor. So I

1 don't know how relevant it is whether I've
2 been into the establishment to see what I've
3 seen with my eyes in the outside.

4 MR. PASCAL: My question was if
5 you haven't been in the store, then you have
6 no personal knowledge what vision these people
7 can see inside. So you have no knowledge that
8 my clients are aware of that conduct?

9 MR. BROWN: I would say that if
10 his glass would be able to be seen through,
11 which it's not; why, I don't know why, it's
12 literally impossible for anyone to see through
13 it.

14 MR. PASCAL: Now when did you move
15 into your place?

16 MR. BROWN: I moved in about four
17 years ago.

18 MR. PASCAL: All right. So the
19 Verizon Center and the Convention Center and
20 Gallery Place, they were all functioning and
21 operating at that time?

22 MR. BROWN: Convention Center's

1 about, yes, eight blocks away.

2 MR. PASCAL: Yes.

3 MR. BROWN: But Verizon Center,
4 they -- yes, absolutely.

5 MR. PASCAL: And Gospel Mission's
6 been there when you were there?

7 MR. BROWN: Absolutely.

8 MR. PASCAL: And CCNB's site was
9 there?

10 MR. BROWN: CCNB's not anywhere
11 near my house, but it's been there for about
12 30 years.

13 MR. PASCAL: Yes.

14 MR. BROWN: And frankly, I think
15 that we have an obligation to help those who
16 are less fortunate, and I have no problem with
17 them being in the neighborhood.

18 MR. PASCAL: Now you mention of
19 course the narrow sidewalk and the bus stop.
20 Can you -- when there's a lot of people you
21 say they're there. Can you necessarily
22 distinguish who's waiting for a Metro bus?

1 MR. BROWN: I can. Yes, I can.
2 When I see people drinking and hanging out
3 there, when the bus comes and they don't get
4 on it and the bus leaves and they're still
5 there, I think I could intuit that they're not
6 riding the bus.

7 MR. PASCAL: Drinking is a crime
8 in public. Have you ever reported that?

9 MR. BROWN: I have, and we've had
10 tours of the neighborhood with Chief Lanier
11 and other folks. Council Member Evans,
12 Council Member Wells. So we've -- yes, I
13 have.

14 MR. PASCAL: Now the investigative
15 report said there were 18 incidents over the
16 last year. So that's about one-and-a-half a
17 month, and none of them were drinking in
18 public.

19 MR. BROWN: Well, that's not
20 probative to the issue of whether it happens
21 or not. Maybe that the reports are -- that
22 the police have more important things.

1 Frankly, they do have more important things.
2 And I'm not the kind of neighbor that calls
3 the police every day, because they're out
4 solving like killings and other significant
5 crimes.

6 MR. PASCAL: All right. I have
7 nothing further.

8 CHAIRPERSON MILLER: Board
9 questions? Yes, Mr. Silverstein?

10 MEMBER SILVERSTEIN: You've been
11 involved many years with the city on many
12 different levels and you've worked to try to
13 solve a lot of problems. And, Mr. Brown, what
14 would you suggest -- understanding that this
15 gentleman's been here for 22 years,
16 understanding that this problem is not his
17 making at its genesis, what would you suggest
18 as some form of mitigation?

19 MR. BROWN: Sure. Well, I think
20 it's a good question. It's really a societal
21 question, right? And the question is what
22 level of effort by somebody who owns an

1 establishment like this needs to take.

2 I think at a minimum, not having a
3 crowd of people at 9:15 in the morning
4 standing in line buying cans of beer or
5 whatever. I'm not sure why they're not in the
6 store. The store opens presumably at 9:00.
7 I don't know why people just don't go in the
8 store. I don't know if they're allowed into
9 the store. I don't know if he allows them in.
10 I would ask that; you're asking me the
11 question, allow people into the store.
12 Sometimes I don't see people allowed into the
13 store. Number one.

14 Number two, I think he should come
15 out there and say please disperse the area.
16 Number one. Or number two.

17 Number three, not encourage, or at
18 least condone or serve people who are giving
19 other people money to go in and buy different
20 types of beer and splitting it up and kind of
21 giving to the folks. So being more
22 affirmative in the obligation to be a good

1 steward, taking a little bit more seriously
2 his obligation.

3 And then finally, I think having
4 the police also be -- because again, it's not
5 just one person. Having the police be a
6 little bit more present in the neighborhood.
7 You know, I think the police do a good job
8 generally, but I see, you know, them walking
9 the beat maybe for like two days and then
10 taking two months off. And again,
11 understanding there's lots of crime happening
12 all over the place, more serious crime.

13 But I do believe in this kind of
14 -- which I never used to, you know, cracking
15 down early on some of these minor offenses,
16 because they do lead to broader issues.
17 There's no question about it.

18 MEMBER SILVERSTEIN: You've spoken
19 of Mr. Ng and you've spoken of MPD. What
20 about us? Can we do anything?

21 MR. BROWN: Well, you know, I
22 don't know all -- I don't know fully what the

1 Board can do other than -- I have two boys and
2 the only thing that works, seemingly, is kind
3 of informing them of the rules and holding
4 them responsible with consequences if they
5 don't follow them. And over time they seem to
6 get it. And if they don't, they're iPhone
7 gets taken away, or whatever the consequence
8 is.

9 And I think the Board should, you
10 know, take it seriously, because I think it
11 sends a message to everybody in this industry
12 that we're not going to tolerate in the
13 Nation's Capital people who don't really seem
14 to care about what's happening in that
15 particular community.

16 If I saw more action by the owner,
17 then I'd feel a little bit -- you know what,
18 he's trying. He's trying his best and God
19 bless, you know? We live in a society that
20 has lots of ills. I just don't see that. And
21 I think the Board needs to take some action to
22 help facilitate that obligatory role that the

1 owner has.

2 MEMBER SILVERSTEIN: Thank you.

3 MR. BROWN: Thank you.

4 CHAIRPERSON MILLER: Thank you,
5 Madam Chair. No further questions.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Alberti?

8 MEMBER ALBERTI: Mr. Brown, you
9 mentioned something that I found startling,
10 but maybe I misunderstood. You said something
11 about buying liquor outside the establishment?

12 MR. BROWN: Yes.

13 MEMBER ALBERTI: Who's selling it?

14 MR. BROWN: Somebody who works at
15 the store. I don't know.

16 MEMBER ALBERTI: You've actually
17 witnessed someone --

18 MR. BROWN: The door being opened
19 and money being exchanged and beer being
20 delivered to somebody. "Delivered" is not the
21 right word. Sold.

22 MEMBER ALBERTI: And it's someone

1 you believe to be an employee of the
2 establishment?

3 MR. BROWN: I would have to
4 assume, yes.

5 MEMBER ALBERTI: Why you assume
6 that it's an employee of the establishment?

7 MR. BROWN: Because it's coming
8 out from the store, out onto the street.

9 MEMBER ALBERTI: And then they're
10 going back in?

11 MR. BROWN: No one's going back
12 in. They just -- yes. Yes. The person --

13 MEMBER ALBERTI: You know, I
14 mean --

15 MR. BROWN: Yes, yes, yes.

16 MEMBER ALBERTI: I mean, could it
17 just be a pedestrian who is buying liquor --

18 MR. BROWN: Could be.

19 MEMBER ALBERTI: -- for someone
20 outside?

21 MR. BROWN: Could be. I've not
22 looked at IDs, so perhaps yes.

1 MEMBER ALBERTI: Well --

2 MR. BROWN: I'm not trying to be
3 argumentative.

4 MEMBER ALBERTI: It's concerning
5 to me.

6 MR. BROWN: Sure.

7 MEMBER ALBERTI: And so, if you do
8 see this happening, I would ask that you call
9 ABRA.

10 MR. BROWN: People --

11 MEMBER ALBERTI: Call our hotline.

12 MR. BROWN: Sure.

13 MEMBER ALBERTI: I mean, you just
14 talked about --

15 MR. BROWN: Sure.

16 MEMBER ALBERTI: -- us being --
17 making sure that the rules are enforced.

18 MR. BROWN: Yes.

19 MEMBER ALBERTI: So we have to be
20 informed when things are not -- the rules
21 aren't being followed.

22 So this is kind of an aside to

1 what I'm --

2 MR. BROWN: Okay.

3 MEMBER ALBERTI: -- hearing you --
4 to this proceeding.

5 MR. BROWN: Sure.

6 MEMBER ALBERTI: But I think it's
7 important that you do call because that kind
8 of activity, if it is being conducted by the
9 establishment, is something that the Board
10 needs to be informed of that. But we don't
11 know. I don't know. And so I'm just putting
12 that out there and that's aside from this
13 proceeding. Okay?

14 The types of harassmt that you
15 see, that you describe happening at this
16 corner where the store is, all right, do you
17 see that happening in other parts of the
18 neighborhood?

19 MR. BROWN: Yes.

20 MEMBER ALBERTI: Okay.

21 MR. BROWN: Yes, just not that
22 level.

1 MEMBER ALBERTI: Okay. And to
2 elaborate on that? What do you mean by that?

3 MR. BROWN: Well, yes, I mean,
4 there's a place across -- catty-corner that
5 has, I think, some challenges as well, but I
6 just don't see kind of people standing at the
7 door and exchanging money. And, you know,
8 it's a store. People go in, they buy what
9 they want and they leave. Here there's always
10 a line. There's always congregation front of
11 the door, not like next to the door. It's
12 actually like some actions, transactions are
13 taking place and --

14 MEMBER ALBERTI: Sort of dividing
15 up larger containers right in front of the
16 store?

17 MR. BROWN: Yes. Yes.

18 MEMBER ALBERTI: Sort of
19 immediately --

20 MR. BROWN: Yes.

21 MEMBER ALBERTI: -- in front of
22 the door?

1 MR. BROWN: Yes.

2 MEMBER ALBERTI: That's what I'm
3 hearing you say?

4 MR. BROWN: Yes.

5 MEMBER ALBERTI: Somebody will go
6 in and buy a six-pack? I think you said this.
7 Somebody goes in and buys a six-pack, comes
8 out with a six-pack --

9 MR. BROWN: People always
10 exchanging money and going in, right.

11 MEMBER ALBERTI: Right in front?

12 MR. BROWN: Exactly. And it's not
13 like, you know, when kids were younger they
14 would have other people buy liquor for them,
15 not that I would necessarily know what that's
16 like.

17 MEMBER ALBERTI: Right.

18 MR. BROWN: But older folks
19 exchanging money for people and, you know,
20 people are clearly over 21.

21 MEMBER ALBERTI: Right. Right.
22 Well, it doesn't really matter --

1 MR. BROWN: Which I don't see --

2 MEMBER ALBERTI: It doesn't really
3 matter who it is. I mean --

4 MR. BROWN: Yes, which I don't see
5 across the street. Yes.

6 MEMBER ALBERTI: Okay. I have no
7 further questions.

8 CHAIRPERSON MILLER: Mr. Nophlin?

9 MEMBER NOPHLIN: In your testimony
10 -- thanks again for testifying.

11 MR. BROWN: Oh, sure.

12 MEMBER NOPHLIN: I know you have
13 some concerns for the community. At any point
14 in time did you contact ABRA to complain about
15 what was going on

16 MR. BROWN: No.

17 MEMBER NOPHLIN: -- and the
18 drinking, or anybody in authority about what
19 was going on?

20 MR. BROWN: As part of a
21 neighborhood tour and concerns about issues in
22 the neighborhood; people urinating in my

1 alley, which is essentially urinating on my
2 house, like on a daily basis, people doing
3 drugs in the alley behind my house where my
4 kids live, people defecating in my alley, on
5 my house where I live, as part of that overall
6 kind of suite of concerns, this was one of
7 them we addressed with Chief Lanier and
8 Council Member Wells and other folks. Not
9 directly calling ABRA to say people are
10 standing in line. I just, you know -- no.

11 MEMBER NOPHLIN: Are you part of
12 the ANCs or are you part of --

13 MR. BROWN: I'm not an ANC
14 commissioner, no.

15 MEMBER NOPHLIN: -- civic
16 associations and --

17 MR. BROWN: I was on the board of
18 a downtown neighborhood association up until
19 last year.

20 MEMBER NOPHLIN: Because, you
21 know, if in fact this had gone on, seems to
22 be; I'm not telling you what to do, but that

1 should have been brought to our attention so
2 it could have been handled differently. I
3 think we all have responsibilities to correct
4 the neighborhood. So I can't understand why
5 that contact wasn't made to this office.

6 MR. BROWN: Well, you know, I
7 think that's kind of our responsibility writ
8 large to take that action. And so now, you
9 know, I will.

10 MEMBER NOPHLIN: Okay. Thank you,
11 Madam Chair.

12 CHAIRPERSON MILLER: Okay. I have
13 a few questions.

14 MR. BROWN: Sure.

15 CHAIRPERSON MILLER: When you were
16 talking about this neighborhood tour --

17 MR. BROWN: Yes.

18 CHAIRPERSON MILLER: -- where
19 there were all these other issues --

20 MR. BROWN: Yes.

21 CHAIRPERSON MILLER: -- like
22 affecting your house and stuff like that, were

1 they at all connected to this establishment?

2 MR. BROWN: The one -- well, look,
3 lots of people come in and out of the
4 neighborhood, so I can't really say, you know,
5 this -- the patrons of this establishment are
6 doing X. That would be not rational to me.
7 Folks are buying alcohol and using it in the
8 neighborhood. And there's two stores there.

9 And so, you know, as part of just
10 a general kind of deducing things, you know,
11 clearly some people who are buying stuff there
12 are doing things in the neighborhood, I would
13 have to say. But I can't isolate it directly
14 to a particular purchase. But it was
15 definitely part of our overall tour, right,
16 part of an overall set of issues.

17 CHAIRPERSON MILLER: And when was
18 that?

19 MR. BROWN: This was I'd say
20 probably 14 months ago.

21 CHAIRPERSON MILLER: And did you
22 get any response to that?

1 MR. BROWN: Oh, we got a great
2 nice group of folks. And I have a high regard
3 for Chief Lanier. I think she does a great
4 job. I think MPD does a great job. The
5 officers in my neighborhood do a great job.
6 But unless one were to post somebody at the
7 door there every day, it can't be fixed
8 without some, in my opinion, more effort from
9 the owner and manager of the business, you
10 know?

11 CHAIRPERSON MILLER: Well, I mean,
12 though what you're describing sounds like a
13 lot of -- outside in the public arena
14 everyday, you know, on the sidewalk or
15 whatever. So that's why I'm kind of asking
16 about getting assistance. I mean, you've
17 worked for the mayor. I mean, it's like why
18 can't this -- couldn't this problem be
19 addressed just from the public arena there --

20 MR. BROWN: A couple reasons.

21 CHAIRPERSON MILLER: -- not -- you
22 know, we're a public arena, too --

1 MR. BROWN: Sure. Sure.

2 CHAIRPERSON MILLER: -- but --

3 MR. BROWN: You know, honestly,
4 I'll be honest with you, I'm not one of these
5 kind of people who -- because frankly, I get
6 annoyed by them, you know? Somebody didn't
7 pick up this piece of dirt. Let's find them.
8 There are lots of far worse things happening
9 in our city. And to be honest with you, I
10 don't want to burden MPD with this. Okay?

11 So I'm accepting some level of
12 discomfort to live where I live because I love
13 walking across the street to the Verizon
14 Center, and I love living downtown, and I love
15 raising my kids in a city, in a diverse
16 environment, you know? But I don't want to --
17 you know, I can't call everyday. I mean, it
18 would be ludicrous.

19 CHAIRPERSON MILLER: Well, that's
20 really not what I'm asking you.

21 MR. BROWN: Okay.

22 CHAIRPERSON MILLER: I'm not

1 asking -- I mean, maybe if you call and if
2 people get penalized --

3 MR. BROWN: Yes.

4 CHAIRPERSON MILLER: -- that might
5 solve the problem. But other than that
6 punitive approach --

7 MR. BROWN: Yes.

8 CHAIRPERSON MILLER: -- I mean,
9 what I've heard is that there's this Gospel
10 homeless shelter --

11 MR. BROWN: Yes.

12 CHAIRPERSON MILLER: -- right
13 there. And I believe that the practices for
14 the shelter says that they're out every
15 morning at 7:00.

16 MR. BROWN: Yes.

17 CHAIRPERSON MILLER: They have to
18 leave. So they have to go somewhere, and so
19 this is the neighborhood that they seem --
20 this is what the evidence seems to be saying,
21 but that this is the neighborhood that they
22 are flowing into and then there are these

1 problems. And one of the problems is, you
2 know, maybe they gravitate over here to this
3 store. Maybe they gravitate in all different
4 places and do all these things.

5 So, I mean, you said it was a
6 societal problem, but it doesn't sound that
7 large to me. That's why I'm wondering if you
8 contacted the shelters, if you contacted the
9 ANC to try to solve the problem.

10 MR. BROWN: Like I said, we
11 reached out to kind of public officials and
12 asked them to weigh in and do what they can.

13 CHAIRPERSON MILLER: And that
14 would be Tommy Wells and Cathy Lanier?

15 MR. BROWN: Correct.

16 CHAIRPERSON MILLER: Okay.

17 MR. BROWN: And the lieutenant --
18 I forget her name. Downtown Cluster, Terry
19 Lynch. You know, we came together and we
20 tried to, you know, resolve. But, you know,
21 like you have a day time job and you do this
22 once a week, and I applaud you for doing it.

1 We all are, you know, working and trying to
2 raise a family and add some value to what we
3 do here. And so, yes, let's all kind of
4 figure out how to work together to solve it.
5 But I do think unless there are some
6 consequences --

7 CHAIRPERSON MILLER: Yes.

8 MR. BROWN: -- to action, it's
9 going to continue. And the question is does
10 the Board basically want to say we need to
11 step up and kind of take a little bit firmer
12 hand to show that we're serious about making
13 sure our stewards of our licenses are good
14 stewards.

15 CHAIRPERSON MILLER: So and was
16 your proposal for this forum that the Licensee
17 be required to take action to disperse the
18 loiterers in front of his establishment, or
19 what is your --

20 MR. BROWN: Take action to ensure
21 that people aren't, you know, putting their
22 money together to buy a six-pack and split it

1 up, number one.

2 Number two, disperse the activity
3 around there. If somebody wants to buy their
4 liquor, buy it and move on, you know, not hang
5 around on the corner drinking it and spitting
6 and cursing and asking for money. And all
7 that happens everyday, you know? So some
8 level of that is fun because it's a city.
9 Some level it's disgusting. And I don't think
10 you really want to be spat upon, you know,
11 walking down the street. It's gross.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 MR. BROWN: Yes.

15 CHAIRPERSON MILLER: Any other
16 Board questions?

17 (No audible response.)

18 CHAIRPERSON MILLER: Any other
19 cross?

20 MR. PASCAL: Just one question.
21 Have you ever gone in and said hello to Mr.
22 Ng?

1 MR. BROWN: Have -- well, I --

2 MR. PASCAL: Have you ever gone in
3 and talked to him?

4 MR. BROWN: Well, he doesn't speak
5 English and I don't speak Cantonese or
6 Mandarin, so I -- no. No, I haven't, but I
7 look forward to working together. And if
8 there's anything I could do to facilitate his
9 good work in the community, I want to be part
10 of it. I started my comments by saying I
11 respect him and opening a business and being
12 entrepreneurial. I respect that. I grew up
13 in an entrepreneurial family. I'm all about
14 that.

15 MR. PASCAL: Thank you very much.

16 MR. BROWN: Thank you.

17 CHAIRPERSON MILLER: Mr. Anderson,
18 any redirect?

19 MR. ANDERSON: I don't have
20 anything further.

21 CHAIRPERSON MILLER: What?

22 MR. ANDERSON: I don't have

1 anything further.

2 CHAIRPERSON MILLER: You don't?

3 Okay.

4 MR. BROWN: Thank you, Board --

5 CHAIRPERSON MILLER: Thank you

6 very much.

7 MR. BROWN: -- for allowing me to

8 testify.

9 CHAIRPERSON MILLER: Sorry for the

10 wait.

11 MR. BROWN: No, not at all.

12 CHAIRPERSON MILLER: Okay.

13 MR. ANDERSON: And, Your Honor,

14 I'll see if any of my witnesses --

15 CHAIRPERSON MILLER: Okay.

16 MR. ANDERSON: Thank you.

17 CHAIRPERSON MILLER: Good

18 afternoon. Could you raise your right hand?

19 And do you swear to tell the truth, the whole

20 truth, nothing but the truth?

21 MS. ROGNRUD: I do.

22 CHAIRPERSON MILLER: Okay.

1 Thanks. Have a seat.

2 MR. ANDERSON: Thank you for
3 waiting. If you'd state your name for the
4 record and where you live?

5 MS. ROGNRUD: My name is Carol
6 Rognrud and I live at 809 6th Street, N.W.
7 I've lived there for -- over the past seven
8 years I've lived there six years.

9 MR. ANDERSON: Thank you, Carol.
10 I'm going to ask a couple of quick general
11 questions first.

12 MS. ROGNRUD: Okay.

13 MR. ANDERSON: How often on a
14 daily basis or more do you walk by the
15 northeast corner of 6th and H and right by the
16 Chinatown Market?

17 MS. ROGNRUD: Well, I walk by
18 there on a day basis. But my primary
19 observations I'd like to talk about because I
20 ride the X2 bus, and so that's where I have
21 observed things. And then I've been a victim
22 of many of the proprietor's clients, who I

1 know by face and some by name.

2 MR. ANDERSON: And the X2 bus
3 stops, you know, just about 15 degrees off
4 from the front door --

5 MS. ROGNRUD: It is --

6 MR. ANDERSON: -- of Chinatown
7 Market?

8 MS. ROGNRUD: Yes, but --

9 MR. ANDERSON: Pretty much right
10 in front?

11 MS. ROGNRUD: The X2 bus stops in
12 front of the Chinatown Market and I take it
13 specifically to get to work; I work downtown
14 full time, I'm a full-time employee, and
15 partially to sort of observe what is going on
16 at that market.

17 MR. ANDERSON: Okay. Thank you.
18 How often and at what time of day do you see
19 proprietors or employees of Chinatown Market
20 appear to sell alcoholic beverages at the door
21 of the market as opposed to at the counter?

22 MS. ROGNRUD: I have never been at

1 the X2 bus stop where this man is not selling
2 out the door cans of the beer to people who
3 are standing at least four to five feet
4 outside. Sometimes before 9:00 a.m.,
5 sometimes after 9:00 a.m.

6 MR. ANDERSON: And that's a near
7 daily basis?

8 MS. ROGNRUD: Well, I only ride
9 the X2 because I don't really -- I have other
10 ways of getting to work, but every time I ride
11 the X2 bus, there's a line out the door of the
12 Chinatown Market and he is selling out -- now,
13 he doesn't even let the people in. It's sort
14 of a like a to-go service. He is putting the
15 beer out the door either in singles or doubles
16 to people that I see there every day and
17 practically live -- you know, I don't know
18 where they -- but during the day and in the
19 evening they basically live on that corner.

20 MR. ANDERSON: All right. Have
21 you ever contacted ABRA or the Metropolitan
22 Police Department about that issue or any

1 alcohol sales-related activity at Chinatown
2 Market? And if so, how often?

3 MS. ROGNERUD: Yes, well, I was --
4 this is my second participation in a hearing
5 against Chinatown Market. The first resulted
6 in what I felt was an honorable agreement with
7 our organization and the proprietor where he
8 agreed to do many things. He agreed not to
9 sell singles. He agreed to not sell to
10 intoxicated -- obviously intoxicated people.
11 He agreed to clean up the garden, and which
12 I'm in charge of. And he agreed to ask his
13 patrons not to urinate and defecate in our
14 alley and in our front yards. All of which he
15 willfully disobeyed as soon as it was written.
16 So he was -- it was subterfuge and absolute --
17 a way for us to get him -- this Board to
18 believe that he was going to act in good
19 faith, and he did not.

20 MR. ANDERSON: Since then though,
21 Carol, have you ever --

22 MS. ROGNERUD: I call the police on

1 a monthly basis.

2 MR. ANDERSON: Have you called
3 ABRA as well?

4 MS. ROGNRUD: I have not called
5 ABRA. I have called the police. I don't
6 believe I've called ABRA directly. I mean,
7 I've talked to -- I get confused about who
8 works for who. I've talked to some people
9 that I thought were ABRA. Charlie -- some man
10 named Charlie, but I'm not sure if it was
11 ABRA, you know?

12 MR. ANDERSON: All right. Have
13 you ever approached the owner or employee of
14 Chinatown Market to express your concern or
15 say this is the kind of thing we're concerned
16 about?

17 MS. ROGNRUD: Yes. The year that
18 I moved in I worked for the Hopkins-Nanjing
19 Center. I brought an interpreter in. I asked
20 him if he could please carry certain brands of
21 wine and in particular not sell singles, that
22 I felt that his business model could be

1 changed and improved because the neighborhood
2 was changing and I wanted -- you know, I
3 didn't move into Chinatown thinking it would
4 change. I moved into Chinatown purposely
5 knowing that I was going to live in a city
6 that had some problems. And I've tried
7 directly to work with him as did when I was on
8 the board of -- as an individual citizen and
9 on the board of the HOA.

10 MR. ANDERSON: And when you say
11 the HOA, you mean the home owners' association
12 for 809 6th Street, N.W., correct?

13 MS. ROGNRUD: Yes, I did. Yes.

14 MR. ANDERSON: When you witnesses
15 these sales at the door have you ever spoken
16 to the proprietor?

17 MS. ROGNRUD: Yes.

18 MR. ANDERSON: And what did you
19 tell him? What did you ask him?

20 MS. ROGNRUD: And I asked him, I
21 said we agreed that you would not sell singles
22 or doubles. And it's funny, because he speaks

1 pretty good English to me when I speak to him,
2 and yet at these hearings sometimes -- I don't
3 know, I just -- it depends on I guess who he's
4 talking to and what he wants to put front.

5 MR. ANDERSON: But you have spoken
6 to him and --

7 MS. ROGNRUD: I have spoken to him
8 directly.

9 MR. ANDERSON: -- you identified
10 to him we've had --

11 MS. ROGNRUD: Yes.

12 MR. ANDERSON: -- we've had
13 issues?

14 MS. ROGNRUD: Yes, I've spoken
15 directly. And because I see these people on
16 a daily basis, I know who they are. They have
17 spit at me. They have panhandled me so
18 aggressively that I've given them money to get
19 away from the because I fear for my life.
20 They have defecated and urinated in my garden,
21 around the back alley. They throw cans at me
22 and they throw bottles at me. And these are

1 the same people that are intoxicated and he
2 directly serves. I know they're his
3 customers. They are his repeat customers.

4 MR. ANDERSON: So you can identify
5 these individuals, like many of us can.

6 MS. ROGNRUD: Absolutely. And in
7 fact --

8 MR. ANDERSON: Right. And in your
9 observations walking around the neighborhood
10 do you see these individuals who -- what you
11 would say are the troublesome ones?

12 MS. ROGNRUD: Yes.

13 MR. ANDERSON: Do they frequent
14 any other alcoholic beverage license holder
15 across the street? Are they attracted to or
16 cater to any other establishment other than
17 Chinatown Market?

18 MS. ROGNRUD: No. In fact, the
19 liquor store perpendicular absolutely refuses
20 to sell to these people, because I don't
21 believe he sells singles, number one. And
22 number two, he doesn't -- he has a employee at

1 the door to keep specific intoxicated people
2 out. And I agreed to sit at his market to
3 show him that these people -- but his attorney
4 was not available to do so.

5 MR. ANDERSON: Okay. Thank you
6 for that.

7 CHAIRPERSON MILLER: I'm sorry,
8 could you clarify what you just said?

9 MS. ROGNRUD: Yes, they had said
10 that the propriety wasn't able to recognize
11 who was intoxicated. And so we offered that
12 I would sit, you know, fearfully, but that I
13 would sit in his store, or really out -- just
14 outside his store. I don't even have to go in
15 his store to show him which ones. But his
16 attorney said that he wasn't available that
17 day to do it, even though we gave over 48
18 hours notice.

19 MR. PASCAL: Yes.

20 That was your idea, right?

21 MR. PASCAL: If I may --

22 CHAIRPERSON MILLER: But we don't

1 have witnesses talking to counsel. Well, you
2 just have to -- except your own counsel.
3 Respond to your own counsel.

4 MS. ROGNRUD: Okay.

5 MR. ANDERSON: Okay. Leaving that
6 aside, okay, in addition to what you just
7 talked about, could you describe anything else
8 that you observed being in the -- from your
9 time in the neighborhood activity associated
10 with Chinatown Market associated with their
11 alcohol sales and how it adversely affects two
12 different areas. One, the peace, order, quiet
13 and safety in the neighborhood. And also
14 residential property value, particularly in
15 our building.

16 MS. ROGNRUD: I think the
17 residential property values, the issue is he
18 is the only store that's open on Sunday
19 mornings at 9:00 a.m. to sell alcohol. So
20 people from neighboring communities bus in to
21 get -- to stand in line. And as you may or
22 may not know, Sunday is the premiere day for

1 open houses in most condo buildings, not only
2 in our neighborhood but across the city. And
3 so, what happens is if we hold an open house
4 on Sunday, we just hope and pray that they
5 come really -- you know, that it's not a nice
6 day because the nicer the day the more people
7 are out there.

8 And secondly, it's not early so
9 that they don't see the line around the
10 building, because it's just not an image or
11 it's not conducive to what I would consider a
12 quality of life. I think this has gone above
13 and beyond a quality of life issue. This is
14 a public safety and a public health issue and
15 it poses a severe and dangerous threat to the
16 larger community, his establishment.

17 MR. ANDERSON: Thank you. Could
18 you tell the Board what unit you live in in
19 our building?

20 MS. ROGNRUD: Unit 43.

21 MR. ANDERSON: And what is the
22 vantage point you have from your window?

1 MS. ROGNRUD: I am able to look
2 down onto the alley where his business is, the
3 back of his business. So I basically am able
4 to see all of the alley participation. I also
5 ride public transportation. And in front of
6 my building I am in charge of the garden, so
7 I am outdoors in the spring and get to see a
8 lot of this when the weather is nice while I'm
9 doing the gardening, and am constantly heckled
10 and belittled by his patrons.

11 MR. ANDERSON: From your vantage
12 point in the alley are you ever able to see
13 people you know frequent Chinatown Market
14 doing things, you know, unpleasant in the
15 alley?

16 MS. ROGNRUD: Yes, mostly I see
17 people using our alley as a restroom. And
18 then, you know, I hear bottles breaking and
19 cans being thrown. And these are the absolute
20 customers that Chinatown Market serves. I
21 know these people. I know their faces. I
22 know who they are.

1 MR. ANDERSON: And then my final
2 question, if there's any other activity you
3 think is associated with Chinatown Market's
4 alcohol sales that you haven't already
5 covered?

6 MS. ROGNRUD: Well, I just think
7 what happens is these people are allowed to
8 sort of stay out there and have a free-for-all
9 party, that the panhandling gets more and more
10 aggressive. You know, they sometimes even
11 block where we can't even get to our condo
12 building. We have to walk out into the
13 street. And it's just become -- well, it's --
14 frankly, it's become so bad I'm moving. I
15 will be leaving Chinatown and I can't -- I
16 just -- I got spit on and I'm not going to --
17 by one of his regulars and I'm not going to --
18 I just can't do it anymore.

19 MR. ANDERSON: Thank you, Ms.
20 Rognrud. No further questions.

21 CHAIRPERSON MILLER: Cross?

22 MR. PASCAL: Good afternoon. The

1 voluntary agreement has a provision that on
2 Sundays if you're having an open house Mr. Ng
3 will take extra efforts to move the loiterers
4 and do extra cleaning.

5 MS. ROGNRUD: Yes.

6 MR. PASCAL: How many times have
7 you called upon him to do that?

8 MS. ROGNRUD: We have let him know
9 and put flyers underneath his door to when the
10 open houses are -- or supposedly happening.
11 I've not ever put my house on the market, but
12 I know Todd Bissey, my neighbor has --

13 MR. PASCAL: Let's not talk
14 about --

15 MS. ROGNRUD: Okay. Well, yes,
16 we --

17 MR. PASCAL: What you know or --

18 MS. ROGNRUD: Okay. We have let
19 him know and he has willfully disobeyed that
20 agreement.

21 MR. PASCAL: You say your unit 43
22 is on the alley, but you can't see the door to

1 his store from your --

2 MS. ROGNRUD: No, sir, I cannot.

3 MR. PASCAL: And there's actually
4 several buildings in between his store and the
5 alley, is that correct?

6 MS. ROGNRUD: No. Oh, you mean
7 Dr. Wu's --

8 MR. PASCAL: Yes, I mean on --

9 MS. ROGNRUD: Yes, absolutely.
10 There's -- Mr. Boy owns the four buildings and
11 then there's the one. And then so there are
12 four buildings. But I can see the people
13 well.

14 MR. PASCAL: All right. Isn't
15 your building immediately behind the Gospel
16 Mission?

17 MS. ROGNRUD: It is; yes, sir.

18 MR. PASCAL: So it's possible that
19 some of the people that are doing these acts
20 that you talk about in the alley; and I have
21 empathy for you, I wouldn't want it in my
22 house, could be coming from Gospel Mission?

1 MS. ROGNRUD: From what I
2 understand; and I've also had meetings with
3 the person that is the director there, they
4 are not allowed to come into the mission
5 unless they are clean and sober. Until very
6 recently; I think it was two months ago, it
7 was an alcohol and drug rehabilitation center.
8 But they lost some of their funding. So, yes,
9 it has gotten increasingly worse in the last
10 two months. But it was I'm sure terribly hard
11 for these young -- these men trying to recover
12 their lives to have this element so close to
13 them as they're recovering from their drug and
14 alcohol -- these are the most vulnerable
15 people in our city.

16 MR. PASCAL: I have nothing
17 further.

18 CHAIRPERSON MILLER: Board
19 questions?

20 MEMBER SILVERSTEIN: I just have
21 one. Thank you for coming. You said they
22 were selling liquor out the door?

1 MS. ROGNRUD: Yes, they --

2 MEMBER SILVERSTEIN: Explain to
3 me, does that mean that the individual who was
4 working there actually took the liquor
5 outside? Do you know that for a fact?

6 MS. ROGNRUD: Yes, I do. It's the
7 man -- Mr. Ng, I think is his name. So they
8 give him the money. He has a solid door, but
9 you can open the solid door. And he has a
10 door that's barred, but the bars are large
11 enough to get your hand through and to get
12 beers through. And so he won't even let them
13 in the store in the mornings. So he takes the
14 money. He goes back to the -- wherever the
15 cooler is and then he hands them the alcohol
16 out the barred door. I have witnessed this on
17 several occasions.

18 MEMBER SILVERSTEIN: So he is
19 selling off-premise?

20 MS. ROGNRUD: He is selling off-
21 premise. It's almost like it's a to-go store.

22 MEMBER SILVERSTEIN: No further

1 questions.

2 CHAIRPERSON MILLER: Ms. Mobley?

3 MEMBER MOBLEY: Yes. Again, thank
4 you for being here. Why do you think that
5 he's selling like that and not allowing the
6 people to come inside the store and making
7 sales? What do you think is causing that?

8 MS. ROGNRUD: I think that Mr. Ng
9 has -- it starts off very small.

10 MEMBER MOBLEY: At the store?

11 MS. ROGNRUD: I wouldn't want
12 these people in my store either. I think it's
13 purposeful.

14 MEMBER MOBLEY: Possibly because
15 of theft or whatever?

16 MS. ROGNRUD: I think theft. I
17 think they're intoxicated at the time. I
18 mean, they're desperate.

19 MEMBER MOBLEY: Okay.

20 MS. ROGNRUD: And I think it's
21 safer for him to sell out the store and let
22 them deal with life on our corner versus

1 letting them come in.

2 MEMBER MOBLEY: Okay. So are
3 these sales going on just in the morning, or
4 do you see this going -- liquor sells in the
5 afternoon and evening?

6 MS. ROGNRUD: I've only witnessed
7 this in the morning because I go to work
8 between 8:30 and 9:30. So I will say I've
9 only witnessed this out-the-door sales in the
10 a.m. But that's when I see -- you know,
11 that's when I'm there. That's when I'm really
12 focusing on looking. And, you know, we've
13 tried to take photographs, at which point Mr.
14 Ng will close the door and go into the store
15 until I get on my bus.

16 MEMBER MOBLEY: Okay. Thank you
17 so much.

18 MS. ROGNRUD: Thank you.

19 CHAIRPERSON MILLER: All right.
20 So let me ask you, you take the bus five days
21 a week?

22 MS. ROGNRUD: No, I do not.

1 CHAIRPERSON MILLER: Okay.

2 MS. ROGNRUD: I take it once or
3 twice a week.

4 CHAIRPERSON MILLER: Once or twice
5 a week?

6 MS. ROGNRUD: The X2, yes.

7 CHAIRPERSON MILLER: Every time
8 you take it you see that?

9 MS. ROGNRUD: Every time I take
10 the bus I see this happening. Every time.

11 CHAIRPERSON MILLER: So do you get
12 any responses to your calls to the police?

13 MS. ROGNRUD: Well, I don't call
14 the police when I see him selling alcohol out
15 the store because I don't know that they could
16 do anything. I have gotten responses from the
17 police. The Asian Liaison Unit is very
18 responsive.

19 You know, it's interesting, when
20 we had a violent crime -- and I hope that we
21 pulled the crime report from this store. You
22 know, there was a huge arrest. And when you

1 -- you know there's a huge arrest because when
2 they block off the street. There was a
3 stabbing, I believe, in the store or around
4 the perimeter last year. And I would love for
5 this Board to pull the crime report that is
6 directly related and how many times the police
7 are called to his store in particular. I can
8 imagine our city's resources would be much
9 better spent elsewhere.

10 CHAIRPERSON MILLER: And you were
11 involved in the voluntary agreement?

12 MS. ROGNRUD: I was, yes.

13 CHAIRPERSON MILLER: In
14 negotiating that?

15 MS. ROGNRUD: I was the treasurer
16 of the board at the time, and we had great
17 hope that that would work.

18 CHAIRPERSON MILLER: How soon
19 after, in your opinion, did they start
20 violating the agreement?

21 MS. ROGNRUD: Immediately they
22 willfully violated that agreement. They had

1 no intention of doing what they said they
2 would do. I believe that.

3 CHAIRPERSON MILLER: So this has
4 been going on for several years?

5 MS. ROGNRUD: I bought the condo
6 in 2004 when I was employed at AARP and I have
7 lived there since March of 2005, except for
8 one year, in 2010.

9 CHAIRPERSON MILLER: So prior to
10 the voluntary agreement --

11 MS. ROGNRUD: Yes.

12 CHAIRPERSON MILLER: That's when
13 they opened, when they got their voluntary
14 agreement?

15 MS. ROGNRUD: Well --

16 CHAIRPERSON MILLER: No, they've
17 been there for 20-some years.

18 MS. ROGNRUD: So I tried to go
19 over there just as a citizen to say, hey, you
20 know --

21 CHAIRPERSON MILLER: Right.

22 MS. ROGNRUD: -- I think this

1 would work. Let's talk about your business
2 model. I think, you know, that the
3 neighborhood's changing. You could make a lot
4 of money. We need to talk about what you need
5 to -- you know, could sell in here and maybe,
6 you know, change this. You know, just as a
7 neighbor to say this is very convenient for
8 me. Who doesn't want to go to the corner
9 market and be able to pick up milk or baking
10 soda or flour or sugar? But that was not --
11 he was not welcoming to that.

12 And then we went and did the
13 alcohol -- you know, tried to do -- to go
14 through this formal channel. We came up with
15 this agreement and it was never followed on
16 his end.

17 CHAIRPERSON MILLER: How was it
18 before the agreement?

19 MS. ROGNRUD: It was horrible.

20 CHAIRPERSON MILLER: The same
21 situation with the lines and everything?

22 MS. ROGNRUD: That situation

1 actually is something I've just been observing
2 lately. And I don't know if that just speaks
3 to the desperation of our economy and our
4 city, and things have gotten worse for him.
5 And there was a stabbing and perhaps he's
6 afraid to let people in. But, you know, I
7 think that that -- I have only been witnessing
8 that for the last year, year and two months,
9 when I moved back into that condo. I was
10 there for five years, moved away for a year
11 and moved back 13 months ago.

12 CHAIRPERSON MILLER: Okay. Thank
13 you.

14 All right. Other Board questions?
15 Ms. Mobley?

16 MEMBER MOBLEY: Madam Chair, just
17 one last question.

18 CHAIRPERSON MILLER: Yes.

19 MEMBER MOBLEY: Because I'm
20 hearing you say that you tried to have
21 conversations with him as well as talk to him.

22 MS. ROGNRUD: Yes, I have.

1 MEMBER MOBLEY: Were you
2 conversing in English? Did he understand you?

3 MS. ROGNRUD: I believe he did
4 understand me, yes.

5 MEMBER MOBLEY: I mean --

6 MS. ROGNRUD: Yes, and I brought
7 someone who spoke -- well, unfortunately they
8 spoke Mandarin and he says he speaks
9 Cantonese, you know, so apparently there was
10 -- and I tried my very best to get someone who
11 spoke his language so that we could have a
12 conversation about changing his business
13 model.

14 MEMBER MOBLEY: Sure. But you
15 said you thought he understood.

16 MS. ROGNRUD: I thought he
17 understood.

18 MEMBER MOBLEY: What made you
19 think he understood?

20 MS. ROGNRUD: Because he speaks to
21 me in English when he's angry.

22 MEMBER MOBLEY: Oh. But does he

1 hold conversations or just speak?

2 MS. ROGNRUD: Well, he just speaks
3 to me when he's angry. When he -- and I'll
4 say please stop doing this. You know we've
5 talked about this. And he'll say, you know --
6 I -- he yells at me in anger. You know, go
7 away. You know, you're a liar. And he's very
8 -- he -- and then he shuts the door and
9 doesn't come back until I go away, because I'm
10 taking pictures of his behavior and he doesn't
11 like that.

12 MEMBER MOBLEY: Okay. Thank you.

13 CHAIRPERSON MILLER: Any other
14 questions?

15 (No audible response.)

16 CHAIRPERSON MILLER: Mr. Anderson,
17 do you have redirect?

18 MR. ANDERSON: No, ma'am, I don't.

19 CHAIRPERSON MILLER: Okay.

20 MR. PASCAL: I just had one
21 question.

22 CHAIRPERSON MILLER: All right.

1 MR. PASCAL: That voluntary
2 agreement you worked out, it called for giving
3 him a written notice to trigger -- have you
4 ever done that?

5 MS. ROGNRUD: For the open houses?

6 MR. PASCAL: No. No, the written
7 notice if you wanted him to cure any problems
8 there. Because the provision, it says that
9 you have to give a 15-day written notice
10 before you make a complaint to ABRA. Of
11 course, you've said you haven't made a
12 complaint to ABRA, but did you ever give him
13 a 15-day notice, written notice?

14 MS. ROGNRUD: Not personally. We
15 have spoken about the trash and --

16 MR. PASCAL: Are you on the board
17 now?

18 MS. ROGNRUD: No, I'm not on the
19 board.

20 MR. PASCAL: Okay.

21 MS. ROGNRUD: Yes.

22 MR. PASCAL: All right. Nothing

1 further.

2 CHAIRPERSON MILLER: What board
3 are you referring to, just for the record?

4 MR. PASCAL: The condo board.

5 CHAIRPERSON MILLER: Oh, okay.

6 Okay. Thank you.

7 MEMBER MOBLEY: Thank you.

8 MS. ROGNRUD: Thank you very much.

9 MR. ANDERSON: Ma'am, I'm just
10 going to poke my head out in the hallway and
11 see if my other --

12 CHAIRPERSON MILLER: Okay.

13 MR. ANDERSON: As you probably
14 saw, I did have Dr. Al-Kahlil-Bey, who was the
15 director of recovery services at the Gospel
16 Rescue Ministries. I believe I saw him in the
17 hallway earlier --

18 CHAIRPERSON MILLER: Okay.

19 MR. ANDERSON: -- but I think he's
20 since departed.

21 CHAIRPERSON MILLER: Oh, all
22 right.

1 MR. ANDERSON: And the same with
2 Mr. Wilsey.

3 MEMBER ALBERTI: Not departed, but
4 left?

5 (Laughter.)

6 MR. ANDERSON: Yes, sir, he left
7 the premises. He's a fine gentleman and a
8 good neighbor, sir, so I hope he hasn't
9 departed yet. He probably had to run off to
10 another appointment. So let me just see if
11 anyone's out in the hallway, ma'am.

12 CHAIRPERSON MILLER: Sure.

13 MR. ANDERSON: And then I'll be
14 back in.

15 CHAIRPERSON MILLER: Sure. Go
16 right ahead.

17 MR. ANDERSON: Thank you.

18 (Whereupon, at 5:56 p.m. off the
19 record until 5:56 p.m.)

20 MR. ANDERSON: Ma'am, it appears
21 that any other witnesses we -- all the other
22 witnesses we had on our list there weren't

1 able to stay.

2 So I've also listed myself as a
3 witness. I don't know what the procedure here
4 is when we sit in the booth there. Can I take
5 material with me?

6 CHAIRPERSON MILLER: Are you going
7 to ask yourself questions?

8 MR. ANDERSON: If that's the --

9 CHAIRPERSON MILLER: No.

10 MR. ANDERSON: If that's the
11 protocol, I'll certainly do that.

12 CHAIRPERSON MILLER: No, it's not
13 very common. So if you want to just testify,
14 you can.

15 MR. ANDERSON: Okay. And, ma'am,
16 I also have exhibits. Can I introduce those
17 in my testimony, or shall I do that after?

18 CHAIRPERSON MILLER: You know,
19 because you're just going to be showing
20 yourself, so that doesn't really make any
21 sense. So if you have exhibits right now --
22 have you shown them to Mr. Pascal?

1 MR. ANDERSON: I can.

2 CHAIRPERSON MILLER: You need to
3 do that and we'll see if there's any
4 objection. If there's no objection, we can
5 mark them.

6 MR. ANDERSON: There's a list.
7 One is a list of letters from both residents
8 in my building and other businesses in the
9 area stating their concerns for the protest.

10 And also on there --

11 CHAIRPERSON MILLER: I don't think
12 they're in.

13 MEMBER ALBERTI: Were these
14 attached to the PIF? Were they submitted with
15 the PIF?

16 MR. ANDERSON: They were listed
17 that we we'd be submitting them, yes.

18 MEMBER ALBERTI: Okay.

19 MR. ANDERSON: I spoke to Ms.
20 Fashbaugh on the phone and she said just to
21 bring them to the hearing.

22 MEMBER ALBERTI: Okay. Okay.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: No, I was just
3 asking.

4 MR. PASCAL: Well, I object to all
5 of the correspondence to the Board because
6 it's obviously hearsay and I don't have an
7 opportunity to cross-examine. This is an
8 evidentiary hearing where people come and
9 speak and ask questions. So letters from
10 residents I would object to as being part of
11 the record.

12 The other thing that he has here
13 is the Chinatown Market Calls for Service
14 Memo, which is identical to what is in the
15 investigative report.

16 MR. ANDERSON: It's not identical,
17 sir.

18 MR. PASCAL: Well, no. What you
19 have here -- he has -- on the top is the last
20 year and then he has reports going back many
21 years. But without having a police officer
22 here and saying what disposition or what they

1 are, the report really says nothing that I can
2 have the opportunity to cross-examine or deal
3 with. For instance, there's one here, traffic
4 stop. Well, that -- I can't see how that
5 would have anything to do with this case.

6 CHAIRPERSON MILLER: I'm sorry,
7 could you back up a little bit?

8 MR. PASCAL: Certainly.

9 CHAIRPERSON MILLER: Because I
10 just got a copy of the document. So you are
11 talking about the police report?

12 MR. PASCAL: The Chinatown Market
13 Calls for Service Memo.

14 MR. ANDERSON: Ma'am, it should be
15 the last 12 pages in the pack up there.

16 CHAIRPERSON MILLER: All right.
17 So you're saying it's identical to what the
18 investigator put in the record?

19 MR. PASCAL: The top part where
20 your investigator listed that there were, I
21 believe, 18. This part here appears to be
22 pretty close to what is in the investigative

1 report.

2 MR. ANDERSON: It's a different
3 period, ma'am.

4 CHAIRPERSON MILLER: Okay.

5 MR. ANDERSON: And we also have --
6 the top part of that report is calls
7 specifically for 521 H Street, N.W., which is
8 obviously Chinatown Market.

9 MR. PASCAL: Yes, but --

10 MR. ANDERSON: And then we are
11 also -- we see that the remaining 12 pages
12 with -- at the end there's a tally, is of all
13 the calls for that yearly period in the 500
14 block of H Street, N.W., which is the -- you
15 know, that block right there where Chinatown
16 Market is.

17 CHAIRPERSON MILLER: Okay.

18 MR. PASCAL: None of these appear
19 to be ABRA-related or ABC-related, my quick
20 look at this. You know, there's theft from
21 autos, a simple assault. I do see one
22 possible open container, but we don't know

1 what the disposition of that is. And without
2 having an officer testify to the veracity of
3 this and also the nature of these, I would
4 object to them being admitted.

5 CHAIRPERSON MILLER: Okay. I
6 would say that it's a public record and a lot
7 of it goes -- seems to go to disorderly and
8 assault, and things like that, which we've
9 heard of. And it's about being a result of
10 the loitering. And so I think it's relevant.
11 And the fact that we don't have an MPD person
12 here, you know, that might have been helpful.
13 We'll just give it the weight that it
14 deserves.

15 MR. ANDERSON: That was my
16 question, ma'am, but --

17 CHAIRPERSON MILLER: Do Board
18 members have any problem with that?

19 MEMBER SILVERSTEIN: Madam Chair?

20 CHAIRPERSON MILLER: Yes?

21 MEMBER SILVERSTEIN: I agree with
22 your --

1 CHAIRPERSON MILLER: Okay.

2 MEMBER SILVERSTEIN: -- decision.

3 The fact that something occurs on a block
4 doesn't mean that it had anything to do with
5 a specific address. This is a very busy area.
6 I agree with you we should give this the
7 weight it deserves.

8 MR. PASCAL: That'll be fine.

9 CHAIRPERSON MILLER: Okay. Now
10 there are some other -- what, the other
11 category is letters?

12 MR. ANDERSON: Ma'am, if I can
13 respond?

14 CHAIRPERSON MILLER: Yes, you can
15 respond. Yes.

16 MR. ANDERSON: Well, on the more
17 administrative level, before the PIFs review
18 I spoke to Ms. Fashbaugh via phone and I asked
19 about the kind of exhibits that we could
20 submit. I related that we had several
21 residents, as well as some other businesses,
22 that would be unable or likely unable to send

1 a representative to this hearing, given it's
2 during a work day, etcetera. And I was told
3 literally that was fine. List those on the
4 PIF and to press from there. And so that was
5 the guidance I took and went with.

6 I also consulted with the
7 Alcoholic Beverage License Committee chairman
8 for ANC 6C in this matter, how to go, because
9 I was not present. I was out of the country
10 actually during the last protest and so I was
11 not personally familiar with, you know, what
12 we could submit and what not. I read all the
13 material on the ABRA Web site and I was also
14 advised that this was the best way to go about
15 it.

16 And then just before the hearing
17 started I spoke to I believe Ms. Davis and Ms.
18 Fashbaugh and I said, you know, I have these.
19 I have a copy for the Applicant. I have a
20 copy for the Board. You know, do I give them
21 to you now? Do I hold onto them? And they
22 said, you know, just wait until the time and

1 there's not like a -- there is not necessarily
2 a formal of evidence involved that limit that.

3 And then finally on the kind of
4 the fairness standpoint, on the Applicant's
5 side, one, they have, you know, attorneys
6 representing them. That's their paid job to
7 come here and attend, what not. And then the
8 Applicant and his son also testified and, you
9 know, this is their job, their livelihood.
10 And, you know, like Mr. Brown referenced in
11 his thing, we've got folks who in addition to,
12 you know, trying to support this protest
13 because they're concerned about our community
14 and they care, you know, they have, pardon me,
15 other work and family commitments.

16 And to be honest, ma'am, the only
17 reason I probably was able to be here at all
18 today is because I asked months in advance for
19 this day off from my commander because it
20 happens to be my wedding anniversary with my
21 wife. So fortuitously for this, quite un-
22 fortuitously for me, I already had the day

1 approved to be off and to attend this hearing.

2 So, you know, just for the
3 fairness for all the folks who didn't have
4 that opportunity, I think we should be able
5 to, you know, reference their letters.

6 CHAIRPERSON MILLER: Okay.

7 MR. PASCAL: Well, I only note it
8 because I just am not having the opportunity
9 to cross-examine these people.

10 CHAIRPERSON MILLER: That's true.

11 MR. PASCAL: They raise a lot of
12 factual issues in there that beg a lot of
13 questions.

14 CHAIRPERSON MILLER: That's true
15 and I --

16 MR. ANDERSON: And, I mean, to be
17 honest, we had two other folks that Mr. Pascal
18 would have been able to speak to had obviously
19 it had not been 1800, ma'am, I believe.

20 CHAIRPERSON MILLER: My
21 understanding; and Board members can correct
22 me if I'm wrong, that we will accept letters.

1 But again, we give them the weight they
2 deserve because they are not subject to cross-
3 examination. We wouldn't necessarily give
4 them the same weight as we would live
5 testimony.

6 MR. ANDERSON: And I understand
7 that, ma'am.

8 CHAIRPERSON MILLER: But and my
9 other point is, Mr. Pascal, I don't know if
10 it's important to you before this hearing's
11 over to take a look at these, or if you've
12 looked at them enough.

13 MR. PASCAL: No, they were just
14 presented to me so I have not had an
15 opportunity.

16 CHAIRPERSON MILLER: So would you
17 like a few minutes before your closing, or --

18 MR. PASCAL: It wouldn't change my
19 basic objection.

20 CHAIRPERSON MILLER: Okay.

21 MR. PASCAL: And, you know, I
22 just --

1 PARTICIPANT: Can't cross-examine
2 them.

3 CHAIRPERSON MILLER: Right.

4 MR. PASCAL: I would not have the
5 opportunity to cross-examine, whereas they've
6 had the opportunity to cross-examine my
7 client.

8 CHAIRPERSON MILLER: Right, I
9 understand that.

10 MR. PASCAL: And you've had the
11 opportunity. And the Board itself has not had
12 the opportunity here.

13 CHAIRPERSON MILLER: That's right.

14 MR. PASCAL: So whether I read
15 them or not --

16 CHAIRPERSON MILLER: Okay.

17 MR. PASCAL: -- first of all, I
18 don't want to delay his anniversary thing.

19 CHAIRPERSON MILLER: Right.

20 MR. ANDERSON: I've already missed
21 the boat.

22 MR. PASCAL: And my wife is making

1 stew for me tonight at home and I don't want
2 to miss that. So --

3 CHAIRPERSON MILLER: Okay.

4 MR. PASCAL: As long as, as you've
5 represented, you'll give them the weight they
6 deserve based on the nature of them, I'll live
7 with that.

8 CHAIRPERSON MILLER: Okay. Board
9 members, we're all right with that?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. All
12 right. Good. Closing?

13 PARTICIPANT: No.

14 CHAIRPERSON MILLER: Go ahead, Mr.
15 Anderson.

16 MR. ANDERSON: I realize we're all
17 in a hurry, ma'am, so I'll just strive to be
18 expeditious.

19 And I'm not going to reiterate and
20 repeat what I said in my opening statement
21 about --

22 CHAIRPERSON MILLER: Mr. Anderson,

1 can I just say something?

2 MR. ANDERSON: Yes.

3 CHAIRPERSON MILLER: You know
4 you're going to get an opportunity for
5 closing, too?

6 MR. ANDERSON: Yes. Yes, ma'am.
7 So what I'm going to do here, what I hope to
8 do is, one, describe a couple example personal
9 experiences I have that -- I think that -- I
10 believe illustrate the connection between
11 Chinatown Market's alcohol sales --

12 CHAIRPERSON MILLER: Okay.

13 MR. ANDERSON: -- and the adverse
14 effects on the neighborhood and residential
15 property values, peace, quiet and order,
16 etcetera. And then, you know, I will cover
17 what we see as the remedy and what not during
18 the closing statement, ma'am, if that's all
19 right.

20 CHAIRPERSON MILLER: That's fine.

21 MR. ANDERSON: Okay.

22 CHAIRPERSON MILLER: Thank you.

1 Okay.

2 MR. ANDERSON: And at this time
3 I'm going to motor through these.

4 Multiple times I have contacted
5 both ABRA and MPD about what I see is the
6 problems associated with Chinatown Market. I
7 know that was a question for the Board
8 earlier. I would let the Board know that I
9 contacted ABRA via phone and email in the
10 summer of 2010, discussed the sales of alcohol
11 at the door in the morning, the sales of
12 alcohol to people who are clearly of
13 intemperate habits and to people who are
14 intoxicated, and the fact that they sell to
15 folks that are able to, you know, break
16 containers right outside the market.

17 It took several months to get a
18 response. I finally got one from Mr. Craig
19 Stewart and he said that the ABRA
20 investigators visited the premises on three
21 occasions and didn't find any violations of
22 the single sales ban. My follow-up

1 conversation was, well, in addition to the
2 single sales ban we're concerned about X, Y
3 and Z. And there was nothing further on that.

4 Then I contacted ABRA again
5 repeatedly via telephone and email in the
6 summer of 2011. Again, this was really
7 referencing the sales at the door. And I did
8 finally get a response and an investigator was
9 assigned and there was a hearing about that.
10 And I realize the Board has got that all and
11 they probably all remember that, so I'm not
12 going to belabor what happened in relation to
13 that. I would note that the investigator that
14 was assigned for that one instance
15 unfortunately didn't even go to Chinatown
16 Market at the time when we identified the
17 issues of sales at the door, which happened
18 again like, you know, starting at 9:00 in the
19 morning.

20 And I'm also aware for my fellow
21 residents at 809 6th Street I personally have
22 distributed the ABRA contact numbers, the ABRA

1 after-hours hotline. And I know several
2 people have called them to complain about
3 sales to people of intemperate habits and
4 people who are already intoxicated and I know
5 personally at least within the last six, seven
6 months I've contacted ABRA via telephone at
7 least 12 times. And most of those times I've
8 either left a message. One time someone has
9 called me back to let me know that the
10 establishment was under monitoring. So we
11 have made I think good faith attempts to
12 contact the avenues available as to the D.C.
13 government.

14 Residents in my building are --
15 very frequently contact the MPD Chinatown
16 Initiative about stuff related with, you know,
17 drinking in public, etcetera. This has -- you
18 know, and they respond to us since we do that
19 on a routine basis.

20 And then I also know there's
21 concern about the opportunity we gave
22 Chinatown Market to cure. Again, I would say

1 that I was present at meetings on the
2 Alcoholic Beverage License Committee meetings
3 for ANC 6C in July and November where I spoke
4 up and talked and summarized several
5 complaints we had. Other people, residents of
6 my building spoke briefly. And I mentioned at
7 both cases that we realize we didn't
8 understand the Applicant's business like he
9 does and that we were welcome to take
10 suggestions from him. Since he knew his
11 business better than we did, what steps could
12 be taken to stop attracting the folks causing
13 the problems?

14 And other -- you know, and we are
15 generally supportive of the, you know, barring
16 notice option, but we think that is -- you
17 know, if not paired with good faith effort to
18 not sell to alcoholics and not sell to people
19 who are currently intemperate, that's only of
20 marginal benefit.

21 And then I would -- unfortunately
22 Ms. -- and then I'm sure Mr. Pascal will

1 probably object to this, but I was present at
2 the Alcoholic Beverage License Committee
3 meeting in November where the ANC 6C committee
4 recommended to the -- voted to recommend to
5 the ANC to protest the license. And I
6 attended the ANC 6C meeting on November 9th
7 where unfortunately there was not a quorum.
8 And so the item was on the agenda and they
9 could not -- they brought it up. They
10 discussed it. I testified. All the members
11 seemed very concerned, but said that they
12 could not protest because they didn't have a
13 quorum and they would not be able to schedule
14 another meeting in time before the protest
15 deadline.

16 And then finally, ma'am, I'll just
17 give you a couple examples of again why we
18 think that the key is Chinatown Market's
19 alcohol sales attracts these folks. There's
20 been several instances where I've had people
21 I easily identify as frequent customers of
22 Chinatown Market, vagrants in the area -- I've

1 spoken to them and they have said to me that
2 the only place --

3 MR. PASCAL: Objection. I object.

4 CHAIRPERSON MILLER: What's your
5 objection?

6 MR. PASCAL: That he's going to be
7 now saying what people said to him, which is
8 rank hearsay.

9 CHAIRPERSON MILLER: It is, but we
10 accept hearsay. I overrule it.

11 Go ahead.

12 MR. ANDERSON: Have said to me
13 that the only place they can get the alcoholic
14 beverages at all or the kinds they like is at
15 Chinatown Market. Once late last year I was
16 -- I came home late from work. I walked up to
17 my building. There were two individuals
18 clearly intoxicated, reeked of alcohol,
19 gesticulating wildly using profane language
20 directly in front of my building and had open
21 container of alcohol.

22 I sent a quick text to the police

1 and also told them, I said, guys, move on.
2 Get out of here. You know, you're right in
3 front of someone's window, etcetera. And they
4 were very combative. They said, hey, we're
5 just trying to get our drink on. One guy said
6 I just need to get my drink on. I've been
7 drinking all day. I just got out of prison
8 and my buddy's helped me out. He bought me
9 two tall boys. And I've been drinking all
10 day, but I got to get my drink on. And I
11 said, well, where did you get this? He says
12 -- you know, identified Chinatown Market. He
13 says that's where we all go. It's the only
14 place we can go.

15 I won't detail other
16 conversations. I've got some noted, but in
17 the interest of time I won't -- I've had
18 similar conversations on times with people I
19 know are frequent customers and frequent
20 loiterers in the area who have said the same
21 thing. They pointed to the Chinatown Market
22 across the store -- across the street that the

1 other folks have referenced and said they
2 won't sell to us. They've identified Subway
3 Liquor on the corner of 5th and L and said
4 they won't sell to us. They've identified
5 Central Liquor on F Street and said -- sorry,
6 E Street and said they won't sell to us.

7 And then just like Ms. Rognrud,
8 ma'am, I've had multiple times where I've seen
9 folks urinating, defecating, doing all manner
10 of things in the alley, folks I recognize as
11 frequent customers of Chinatown Market. You
12 know, just this weekend I called 911 twice.
13 I saw a frequent customer of Chinatown Market,
14 someone I recognize by face. He'd walked --
15 he was drinking an open container of alcohol
16 walking north on 6th Street in front of my
17 building. He stopped, drained his last can
18 and then proceeded to throw up on the lamppost
19 directly in front of my building.

20 One of his compatriots came up
21 there and said, oh, I'm going to go -- said,
22 oh, hey, we're pooling again, you know,

1 gathering cash to buy some more beer. He
2 said, well, wait a minute. I'm not finished
3 yakking. He proceeded to keep on -- continue
4 to throw up on our front space, you know, on
5 our front step and then went back down the
6 street. I called the police about that.

7 I also saw an individual I know
8 who frequents Chinatown Market earlier that
9 day across the street at the northwest corner
10 of 6th and H aggressively panhandling stop my
11 wife and I. And I saw him reach for someone
12 else. We were stopped -- a pedestrian was
13 stopped, reached for her arm and kind of
14 reached for her purse and said, you know, I'm
15 a veteran or something like give me a -- I
16 just need a beer. And we called the police on
17 that individual. And earlier in that day when
18 we went to Chinatown Coffee I saw that
19 individual lined up outside the door at
20 Chinatown Market.

21 And finally, you know, like Ms.
22 Rognrud, on weekends, you know, because I'm

1 out of the area; I'm usually at work by 6:00,
2 6:30, I walk by Chinatown Market somewhere
3 between 8:45 or 9:00, 9:15, 9:30 to go out on
4 the weekend, go to the museums with my son.
5 And just like her, every single time I see
6 sales at the door usually involving Mr. Ng.

7 And then finally, because I know
8 it was brought up about Gospel Rescue
9 Ministries, our witness from there is unable
10 -- was -- you know, he had to leave. I live
11 in unit 15. I look out the back of my
12 building. I look directly at the ground
13 level, just one above a garage, directly out
14 the back onto the back entrance. And there's
15 also the homeless shelter entrance for Gospel
16 Rescue Ministries. I see all the people they
17 usually help with their alcohol services
18 and/or provide shelter for in the night.
19 There is no overlap that I can tell between
20 the people who are, you know, served by Gospel
21 Rescue Ministries and the people who are
22 frequent customers and loiterers in the area,

1 who frequent Chinatown Market.

2 So, that -- and that's kind of my
3 quick bullet points, ma'am. I have more
4 examples but I don't want to belabor the
5 point. I know everyone wants to probably get
6 on their way home.

7 CHAIRPERSON MILLER: Cross?

8 MR. PASCAL: No, I have no
9 questions.

10 CHAIRPERSON MILLER: Okay. Board
11 questions?

12 (No audible response.)

13 MR. ANDERSON: Ma'am, can I just
14 highlight the letters now do you want me to
15 even talk about them at all?

16 CHAIRPERSON MILLER: It's your
17 case, so --

18 MR. PASCAL: I think the letters
19 speak for themselves and, you know, they've
20 been admitted for whatever value they have.
21 So I don't think it's appropriate for him
22 to --

1 MR. ANDERSON: I just have a
2 sentence or two for each one that I'd like
3 just to indicate. But obviously --

4 CHAIRPERSON MILLER: No, I don't
5 see why that's objectionable. But let me hear
6 what he says about a letter and then we can
7 see if it's objectionable.

8 MR. PASCAL: The whole letter's
9 been admitted. To take a piece of a letter
10 out that I'm objecting to to begin with and
11 you're only going to look at it for whatever
12 -- its weight I think is just focusing on
13 something that's rank hearsay. So let the
14 letters in. Let them speak for whatever they
15 say. But I don't think it's necessary to
16 point out specifics.

17 CHAIRPERSON MILLER: Well, I know
18 you don't think it's necessary to do --

19 MR. ANDERSON: Ma'am, I just think
20 it demonstrates that --

21 CHAIRPERSON MILLER: Okay.

22 MR. ANDERSON: -- myself and Ms.

1 Rognrud aren't the only persons seeing this.

2 CHAIRPERSON MILLER: What?

3 MR. ANDERSON: I said I'm -- my
4 intent for reading out letters was just to
5 demonstrate that it's not just myself, Ms.
6 Rognrud, Mr. Brown were --

7 CHAIRPERSON MILLER: Oh, okay.
8 Right.

9 MR. ANDERSON: -- the ones who
10 witnessed this kind of stuff.

11 CHAIRPERSON MILLER: Okay. I
12 don't see a problem with that.

13 MR. ANDERSON: All right. And I
14 will -- again, I will speed through these.

15 First, a letter from Corey Johnson
16 who lives in apartment 61 in our building, has
17 been there for over a year. He's witnessed a
18 person exiting Chinatown Market with alcohol
19 and then distributed it between two more
20 individuals. He's seen groups of three or
21 four people, usually men, pooling their money
22 on the corner and then going inside to

1 purchase alcohol.

2 MEMBER SILVERSTEIN: Madam Chair,
3 we're not allowed to have duplicative
4 testimony and these are simply --

5 CHAIRPERSON MILLER: Yes, I --

6 MR. ANDERSON: All right. Then I
7 will --

8 MR. PASCAL: And even this picture
9 that's attached here, we have no idea what
10 this -- they're holding and we don't even know
11 whether they came in or out of the store.
12 There's no one to testify who took that
13 picture.

14 CHAIRPERSON MILLER: Can I just --

15 MR. PASCAL: So that's why I'm
16 very concerned about him picking and choosing.

17 CHAIRPERSON MILLER: We understand
18 that, and I really haven't changed, you know,
19 giving them the weight that we deserve. I
20 thought you were going to say one or two
21 sentences about, you know, where they came
22 from, but --

1 MR. ANDERSON: Ma'am, then I will
2 only -- the only thing other I would
3 highlight --

4 CHAIRPERSON MILLER: Don't talk to
5 the merits of what's in here, because --

6 MR. ANDERSON: The only thing that
7 is not truly duplicative, I would say, is the
8 letter from Don Abrams. It's in your pack
9 there. Just note that on one occasion he's
10 had a man he's seen many times frequent
11 Chinatown Market threaten to pull a gun on him
12 as he walked by.

13 CHAIRPERSON MILLER: Okay.

14 MR. ANDERSON: So it involved --
15 you know, that's a threat there. And then
16 finally, it's not just residents of our
17 building. You'll see a letter from another
18 condominium association and you'll see a
19 letter from Corner Bakery, which is at 777 6th
20 Street, directly across the way.

21 And then we also submitted photos
22 and a video. The video actually shows sales

1 at the door. Mr. Hager I saw before the
2 hearing said there was a way to display that
3 for the Board.

4 CHAIRPERSON MILLER: Oh, you
5 wanted to play the video right here?

6 MR. ANDERSON: The video is --
7 it's seven seconds long, ma'am. But I was --

8 CHAIRPERSON MILLER: Oh.

9 MR. ANDERSON: It does show --

10 MEMBER ALBERTI: Is it set up?

11 CHAIRPERSON MILLER: It is? Okay.

12 MEMBER ALBERTI: Has Mr. Pascal
13 seen it?

14 MR. PASCAL: I'm going to object
15 to the video because that's just sort of a
16 snapshot of a particular moment in time and it
17 doesn't show the circumstances above and
18 beyond that. And there's a case in the
19 District of Columbia. I didn't know he was
20 going to show a video per se, but --

21 MR. ANDERSON: We did in the PIF.

22 CHAIRPERSON MILLER: He didn't --

1 MR. PASCAL: Yes, but there is a
2 case in the District of Columbia, The
3 Washington Post v. The District of Columbia
4 Department of Employment Services, and it goes
5 to -- it says the essential test is whether
6 the photographs accurately represent the facts
7 allegedly portrayed in them. And this --

8 CHAIRPERSON MILLER: I'm sorry,
9 could you please repeat that?

10 MR. PASCAL: Okay.

11 CHAIRPERSON MILLER: Slowly.

12 MR. PASCAL: The essential test is
13 whether the photographs accurately represent
14 the facts allegedly portrayed in them. And
15 this dealt with an appeal of a workmans
16 compensation case where they took some
17 photographs of an employee allegedly working
18 while he was on compensation. And the issue
19 is whether they really were just a moment in
20 time or a selective or bias on the part of the
21 photographer. Of course it does say it goes
22 to the weight of the evidence.

1 So I'm objecting because you're
2 taking a seven-second speck of time here out
3 of a whole business day or business month or
4 a year, and I don't believe you should be
5 giving any weight to them. And again, it's
6 hearsay because I don't know -- he hasn't
7 testified that he took this.

8 MR. ANDERSON: I did actually.

9 MR. PASCAL: You did? Okay.

10 MR. ANDERSON: Yes, I have also
11 photos taken by Ms. Rogrud. But in the
12 interest of time, they just demonstrate --

13 CHAIRPERSON MILLER: You have
14 photos as well?

15 MR. ANDERSON: I'm sorry?

16 CHAIRPERSON MILLER: You have
17 photos as well?

18 MR. ANDERSON: Yes, ma'am --

19 CHAIRPERSON MILLER: With you?

20 MR. ANDERSON: -- but they're just
21 basically still snapshots of the folks lined
22 up in front, which the Board has already heard

1 about at length.

2 CHAIRPERSON MILLER: Do you have
3 photos you wanted to submit as evidence?

4 MR. ANDERSON: Yes, ma'am. I
5 emailed those to Mr. Hager. The were listed
6 I was going to submit photos and video in the
7 PIF.

8 MR. PASCAL: Again --

9 MR. ANDERSON: When I spoke to Ms.
10 Fashbaugh again, ma'am, before we submitted
11 the PIF --

12 CHAIRPERSON MILLER: Yes?

13 MR. ANDERSON: -- I said, you
14 know, what is the procedure for photos and
15 videos and she said list you're going to
16 submit photos and videos on the PIF.

17 Contacted Mr. Hager. I called
18 him, left a message. He called me back two or
19 three days later, said email me the photos.
20 We'll see if we can display them on an MPD.
21 And he emailed me back and said I got your
22 photos set up to go on a loop if you want to

1 see them. And then he -- I -- your video's
2 good to go.

3 And I also saw him before the
4 hearing today and he said all your media files
5 you sent are able to be displayed. So I at
6 every -- from every interaction I had with
7 ABRA and/or the, you know, representative of
8 the Board, I had every expectation that I'd be
9 able to show those.

10 The only reason I didn't mention
11 the photos, ma'am, is just they're just photos
12 of folks lined up outside the door at 9:00 in
13 the morning, and we've already talked about
14 that at length. And just in the interest of
15 time I wanted to kind of show the video which
16 shows a sale at the door.

17 CHAIRPERSON MILLER: Do you have
18 the photos with you, or does Mr. Hager have
19 them on the computer?

20 MR. ANDERSON: I sent them -- yes,
21 I personally don't have a video file or
22 anything like that. But again, I saw him

1 beforehand and email from him said that --

2 CHAIRPERSON MILLER: So you were
3 told this was the procedure?

4 MR. ANDERSON: That was my every
5 understanding, ma'am, from discussion with her
6 saying --

7 CHAIRPERSON MILLER: All right.

8 MR. PASCAL: Of course, I have a
9 continuing objection especially as to the
10 photographs because they were taken by someone
11 else other than him. So I have no way of
12 cross-examining, knowing dates, times. And
13 again, as to this short clip of film, it's --

14 CHAIRPERSON MILLER: Okay. Wait,
15 I just want to clarify one thing. You didn't
16 take the photos?

17 MR. ANDERSON: The photos were
18 taken by Ms. Rognrud, ma'am, who just
19 testified.

20 CHAIRPERSON MILLER: Who just
21 left? Okay. All right.

22 MR. ANDERSON: I took the video.

1 CHAIRPERSON MILLER: She testified
2 about taking photos.

3 MR. ANDERSON: Yes, ma'am.

4 CHAIRPERSON MILLER: Okay. I
5 think that, again, we recognize that we don't
6 know what day they were taken or anything like
7 that at this point, but it's going -- just
8 going to show us what it looked like at some
9 day. Correct? Do you know what day that --

10 MR. ANDERSON: The photos were
11 taken on 9:00 a.m., ma'am, and actually look
12 at my -- make sure I --

13 CHAIRPERSON MILLER: Okay.

14 MR. ANDERSON: Yes, it should be
15 listed on the -- I think listed on the file.
16 There's something listed. But Mr. Hager put
17 the -- they were taken 9:00 a.m. in the
18 morning on a Thursday and Friday consecutively
19 two weeks ago. And then the video, sir, that
20 was just taken two weeks ago on Sunday at 9:05
21 in the morning.

22 MR. PASCAL: Again, you know, this

1 is an issue of real due process here. He
2 filed the PIF. If he knew he was going to
3 have photos, he should have at least provided
4 them to me, especially if he's going to
5 provide them to the Agency by some computer
6 means. He could have sent them to me. I'm
7 totally taken surprise by this. I'm not going
8 to reopen my case, so I feel it's patently
9 unfair. And really, I know that
10 administrative agencies have wide latitude,
11 but there comes a point in time where, you
12 know, there is a fairness issue and there is
13 a serious problem with having these admitted.

14 MEMBER ALBERTI: Madam Chair?

15 CHAIRPERSON MILLER: Yes?

16 MEMBER ALBERTI: I would ask that
17 Mr. Pascal, if he chooses, have an opportunity
18 to review the pictures and the video before
19 the Board has an opportunity to see them, if
20 you rule in favor of us seeing them. I think
21 it only fair that Mr. Pascal has a chance to
22 see them to see if there's other objections

1 that he may have. And at least we'll have
2 that due process allowed to Licensee.

3 CHAIRPERSON MILLER: Mr. Pascal,
4 would that make a difference to you? I'm
5 really not sure that --

6 MR. PASCAL: I'm not too certain
7 it really makes --

8 CHAIRPERSON MILLER: Yes.

9 MR. PASCAL: -- a difference
10 because, first of all, the lady that took
11 photographs is not here. He's dismissed her
12 as a witness. I have absolutely no
13 opportunity to do that regardless of what's in
14 the photos.

15 You know, I'm taken by surprise on
16 some of this and know in the world of
17 advocacy, you're always -- you have the
18 opportunity to be taken by surprise, but there
19 is an element that I would be able at least to
20 cross.

21 And for a seven-second snippet in
22 a period of time I think the Board has to look

1 at this Washington Post case and see the issue
2 there.

3 MR. ANDERSON: The only thing I'd
4 say to that, ma'am and sir, is that on the PIF
5 -- I mean, the first version of the PIF we
6 submitted we listed photos and video as
7 exhibits. And Mr. Pascal saw -- you know,
8 confirmed that he received that.

9 MEMBER SILVERSTEIN: Mr. Anderson?

10 MR. ANDERSON: Yes, sir?

11 MEMBER SILVERSTEIN: If you knew
12 you had these photos and you wanted to
13 introduce them, why in heaven's name didn't
14 you do so when the person who took those
15 photographs was here and could be cross-
16 examined?

17 MR. ANDERSON: Well, sir, to be
18 honest, I was going to try to attempt to just
19 kind of gloss over the photos, sir, because in
20 the interest of time, and just, you know, her
21 pictures are folks lined up, as already been
22 discussed at length. And I just thought just

1 kind of motor through. And then I also
2 thought, to be honest, sir, that exhibits
3 happened after the questioning.

4 CHAIRPERSON MILLER: Okay. Well,
5 okay.

6 MR. ANDERSON: So, and that's, you
7 know, my oversight and my mistake.

8 MEMBER SILVERSTEIN: You know, I
9 think you had a bite at the apple then and you
10 missed it.

11 CHAIRPERSON MILLER: Well, all
12 right. We can discuss it and see where the
13 Board is on this. I know that you're not an
14 attorney and so --

15 MR. ANDERSON: Yes.

16 CHAIRPERSON MILLER: -- you were
17 not thinking that way.

18 MR. ANDERSON: And I thought I did
19 CC Mr. Pascal when I sent the video files, but
20 to be honest, I don't have that in front of
21 me, so I can't verify that that actually
22 happened, ma'am.

1 MR. PASCAL: Well, we don't have
2 them, number one.

3 CHAIRPERSON MILLER: Okay. Did
4 you see them?

5 MR. PASCAL: And he and I have
6 been in regular contact. We've had good
7 relations. We've talked on a number of
8 issues. So if he knew this was what he was
9 going to do, it should have been provided.

10 CHAIRPERSON MILLER: Mr. Pascal, I
11 thought I heard Mr. Anderson say that he
12 identified in his evidence videos and photos.
13 Is that correct?

14 MR. PASCAL: There was some
15 mention of that, but that still doesn't
16 overcome -- he had to put them in evidence by
17 the person that took the pictures. And she
18 was here. I would have had an opportunity to
19 talk to her.

20 There are some inconsistencies in
21 her testimony because, for instance, what time
22 did she actually take the buses and, you

1 know --

2 CHAIRPERSON MILLER: Okay.

3 MR. PASCAL: -- was that before or
4 after? She only took the buses on certain
5 days. So there's a whole range of questions
6 I could have asked her about her pictures.

7 As to his --

8 CHAIRPERSON MILLER: Okay. I
9 think we know the issues.

10 MR. PASCAL: Yes.

11 CHAIRPERSON MILLER: And so, you
12 know, and the Board may be mixed on this. I
13 don't see a lot of prejudice from, or any
14 prejudice from seeing these pictures. It's
15 almost like the letters. It's kind of like
16 we're going to have to give it less weight
17 because we don't have the person here telling
18 us the angle that it came from or anything
19 like that. And I think that maybe it could be
20 balanced by certainly giving you the
21 opportunity or your witness to point out
22 something about the video that might counter

1 what Mr. Anderson might say.

2 But it would be admitted.

3 Basically, you know, this is what a line looks
4 like at some point, and that's all it could
5 be. We wouldn't know really. We don't have
6 a witness to testify when it was.

7 MR. PASCAL: Are there time stamps
8 on those pictures?

9 MR. ANDERSON: There are time
10 stamps on many of those photos; yes, sir.

11 MR. PASCAL: Pardon me?

12 MR. ANDERSON: I believe there are
13 time stamps on many of those photos. And I
14 can attest to the time and date of the video
15 since I took that myself.

16 MR. PASCAL: Well --

17 CHAIRPERSON MILLER: The video is
18 different from the photos though? Content?

19 MR. ANDERSON: Yes, ma'am, on
20 different days.

21 CHAIRPERSON MILLER: Different
22 days?

1 MR. ANDERSON: The video
2 happened --

3 CHAIRPERSON MILLER: Is the video
4 of the line?

5 MR. ANDERSON: The video happened
6 when I walked by on Sunday morning at
7 approximately 9:00 and saw the proprietor, Mr.
8 Ng, you know, completing a transaction at the
9 door by placing a --Okay.

10 MR. ANDERSON: -- two-pack of 24-
11 ounce alcohol into the bag of a one of the
12 regular customers.

13 CHAIRPERSON MILLER: Okay. Okay.
14 Okay. But I just wanted -- there are two
15 different issues then. You can attest to the
16 video?

17 MR. ANDERSON: Yes, ma'am.

18 CHAIRPERSON MILLER: So, it's just
19 the photos then where we don't have the
20 witness?

21 MR. ANDERSON: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay.

1 MR. ANDERSON: And I would
2 apologize for not being able to send those.
3 I was unable -- I sent those from my work
4 computer and I couldn't actually view the
5 video on my work computer because of security
6 restrictions there.

7 CHAIRPERSON MILLER: Okay. All
8 right.

9 MR. ANDERSON: So I had to do it
10 from home.

11 CHAIRPERSON MILLER: Okay. All
12 right. We'll see the video and the pictures
13 and allow the Applicant to address them as
14 well. Okay.

15 MEMBER ALBERTI: Just for your
16 sake, Mr. Pascal; I don't know if you know, we
17 have monitors up here. So just want to make
18 sure they understand.

19 CHAIRPERSON MILLER: Where are
20 they going to look? Oh, there? Okay.

21 MEMBER ALBERTI: Yes, they can see
22 them up there.

1 MR. PASCAL: I don't see a time
2 stamp on that.

3 MR. ANDERSON: Is it going to
4 advance?

5 MEMBER ALBERTI: I don't know.
6 Well, Thea, we don't know how this advances.
7 Will Bill be advancing this?

8 MS. DAVIS: Yes, he can hear you.

9 MEMBER ALBERTI: Oh, he'll --

10 MEMBER SILVERSTEIN: Bill, advance
11 them.

12 MEMBER ALBERTI: Yes, Bill -- all
13 right.

14 CHAIRPERSON MILLER: Okay. Good.

15 MEMBER ALBERTI: Bill, is it
16 possible to show a time stamp from these? Is
17 that someplace on the image and we're not just
18 seeing it? Probably not.

19 CHAIRPERSON MILLER: I think we
20 can advance that, right?

21 MR. HAGER: (Off microphone.)

22 MEMBER ALBERTI: Okay.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: That's what we
3 need to know. Thank you very much.

4 CHAIRPERSON MILLER: I'm sorry,
5 what did he say?

6 MEMBER ALBERTI: He says the
7 physical image that he has been given --

8 CHAIRPERSON MILLER: Yes.

9 MEMBER ALBERTI: -- does not have
10 a time stamp on it.

11 CHAIRPERSON MILLER: So there's no
12 time stamp on these photos. Okay.

13 How many photos are there, Mr.
14 Anderson?

15 MR. ANDERSON: I believe I saw the
16 last -- I listed four or five.

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: Okay. The next
19 one? Next one, please? Okay.

20 CHAIRPERSON MILLER: Thank you.

21 MEMBER BROOKS: (Off microphone).

22 CHAIRPERSON MILLER: Five, he

1 said.

2 MEMBER ALBERTI: I lost count.

3 MR. ANDERSON: This should be the
4 third photo, ma'am.

5 CHAIRPERSON MILLER: Okay. And
6 he's holding two --

7 MEMBER ALBERTI: Okay. There's
8 people going in.

9 MR. PASCAL: But we don't know.

10 CHAIRPERSON MILLER: Right. We
11 don't.

12 MEMBER ALBERTI: Right.

13 CHAIRPERSON MILLER: Right, it is
14 what it is. We don't know.

15 MEMBER ALBERTI: Do you want to
16 see the next one?

17 MR. PASCAL: Yes, sir.

18 MEMBER ALBERTI: Next one, please?

19 Thank you.

20 Ready for the next one?

21 CHAIRPERSON MILLER: Yes.

22 MEMBER ALBERTI: Next one, please?

1 MR. ANDERSON: The video should be
2 next.

3 MEMBER ALBERTI: Okay.

4 CHAIRPERSON MILLER: So we saw
5 that. Okay.

6 MEMBER ALBERTI: We want the video
7 next?

8 MR. ANDERSON: If you wouldn't
9 mind, sir.

10 MEMBER ALBERTI: Yes, Bill, if we
11 could have the video, that would be great.
12 Thank you.

13 Is there another video?

14 MR. ANDERSON: Yes, you see the
15 sale there. He's holding the --

16 MEMBER SILVERSTEIN: Could you
17 roll that back again? I'd like to see if the
18 gentleman is in his store as he's distributing
19 the stuff.

20 MR. PASCAL: I believe he is
21 behind the door frame.

22 MEMBER ALBERTI: Okay. We have it

1 in evidence. We can take a look at it as much
2 as we want.

3 MEMBER SILVERSTEIN: Okay. Thank
4 you.

5 MEMBER ALBERTI: I think Mr.
6 Pascal -- Mr. Pascal, do you need to see it
7 again?

8 MR. PASCAL: No.

9 MEMBER ALBERTI: Okay. Thank you.

10 MR. PASCAL: Is there an audio?

11 CHAIRPERSON MILLER: All right.

12 MR. PASCAL: We need to ask a
13 question whether there was an audio for that,
14 because that would be an essential part of --

15 CHAIRPERSON MILLER: Mr. Hager,
16 will you wait for a second? We have a
17 question. Was there an audio to the video?

18 MEMBER ALBERTI: Why don't we ask
19 Mr. Anderson?

20 MR. PASCAL: Oh, let me ask Mr.
21 Anderson.

22 CHAIRPERSON MILLER: Well, I've

1 got Mr. Hager here, too, but --

2 MEMBER ALBERTI: But he took it.

3 MR. ANDERSON: The only audio
4 audible on -- there was no audible audio on
5 the first. Again, it's not a very
6 sophisticated camera. I think I probably had
7 my finger over the microphone in the first
8 video. And the only thing you can hear on the
9 second was saying, "hey, guys," as I was
10 trying to walk past the line of folks lined
11 out outside Chinatown Market that morning.

12 MEMBER ALBERTI: So nothing of
13 real relevance to --

14 MR. ANDERSON: I don't believe it
15 has anything of any substantive value; no,
16 sir.

17 MEMBER ALBERTI: Thank you.

18 CHAIRPERSON MILLER: Thank you.
19 Okay.

20 MR. PASCAL: May I ask, I don't
21 know if it's time to cross-examine.

22 CHAIRPERSON MILLER: Right,

1 exactly. When you're finished, Mr. Pascal is
2 going to cross-examine you.

3 MR. ANDERSON: That's fine.

4 CHAIRPERSON MILLER: You ready?
5 You're finished with your testimony?

6 MR. ANDERSON: Yes, I am.

7 MR. PASCAL: What was the purpose
8 of you asking "hey, guys?"

9 MR. ANDERSON: What was the
10 purpose?

11 MR. PASCAL: Yes, were you trying
12 to entrap in something, or what were you
13 doing?

14 MR. ANDERSON: I was trying to get
15 their notice so that they would realize that
16 I was trying to walk by the sidewalk with my
17 wife and son, so we could get through on the
18 sidewalk.

19 MR. PASCAL: Okay. Well, I've
20 seen that. I'll make some comments in my
21 closing arguments.

22 CHAIRPERSON MILLER: Okay. Are

1 there any Board questions at this time?

2 (No audible response.)

3 CHAIRPERSON MILLER: I have the
4 same question for you that I had for Mr. Brown
5 then, Mr. Anderson. You seem to indicate that
6 you call the police a lot. And so my question
7 is have you gotten any responses?

8 MS. ROGNRUD: Well, I either call
9 911, ma'am -- but to be honest, like other --
10 I and other residents of my building.

11 After about anywhere 2:00 p.m. to
12 4:00 p.m. daily there's an augmented team of
13 folks in the Chinatown area known as the
14 Chinatown Initiative headed by a police
15 sergeant with, I think, up to 12 officers
16 doing different -- not 12 officers at a given
17 time, but four or five on a given day.

18 He's met with my condo association
19 as well as other folks and he's passed out a
20 telephone number for him that he likes to
21 receive texts on so we can just text that and
22 he shotguns it out to whoever's on duty. And

1 we tend to get much quicker response by doing
2 that anytime we see public drinking or, you
3 know, people urinating in the alley, that kind
4 of thing. And so, you know, we probably do --
5 I mean, I probably send him a text two to
6 three times a week, if not more.

7 And then there was a period when I
8 called ABRA probably 12 times. But to be
9 honest, I stopped after, you know, I kept on
10 hearing the establishment's under monitoring.
11 So there didn't appear to be anything further
12 that would happen, so I stopped calling.

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

15 MR. ANDERSON: Thank you, ma'am.

16 CHAIRPERSON MILLER: So any other
17 questions?

18 MEMBER ALBERTI: Yes.

19 CHAIRPERSON MILLER: Yes, okay.
20 Mr. Alberti?

21 MEMBER ALBERTI: Mr. Anderson, I'm
22 just going to go right to the heart of the

1 matter here.

2 MR. ANDERSON: Yes, sir.

3 MEMBER ALBERTI: What do you think
4 the remedies are?

5 MR. ANDERSON: I think the best
6 remedy, sir, is for Chinatown Market to
7 follow, you know, in spirit and letter what's
8 in the voluntary agreement that's currently
9 enforced that says that they will, you know,
10 not sell alcohol to folks who are already
11 intoxicated and people who are of intemperate
12 habits, or proxies or straw buyers for those
13 individuals.

14 If Chinatown Market exhibited what
15 we felt was a good faith effort to not sell to
16 those folks, I don't believe we'd have this
17 issue. And we believe that because we see
18 what we think is a good faith effort from
19 other alcoholic beverage license holders in
20 the area and we don't see the lines at 9:00 in
21 the morning. We don't see the -- and we don't
22 have these, you know, individuals tell us to

1 our face that, hey, the only place -- you
2 know, they say the only place they can go is
3 here, because they're the only place that will
4 sell to people like me.

5 And so in the absence of a good
6 faith effort to follow, you know, what the
7 voluntary agreement obligates them to do,
8 we've listed -- you know, we came up with a
9 list of things we believe that are targeted at
10 the alcohol sales that particular attract the
11 folks who loiter in our neighborhood, who
12 panhandle, drink in public, you know, use the
13 area as a toilet, harass passersby, etcetera.

14 You know, from our own personal
15 observation and also, you know, research we've
16 done, seen what other jurisdictions; in
17 particular Portland, Tacoma and Seattle, you
18 know, we read about special zones they
19 established. And they introduced certain
20 restrictions where they couldn't necessarily
21 ban certain types of things, but they said,
22 okay, you can only sell individual bottles of

1 wine if it's, you know, a normal wine-size
2 bottle. Anything smaller than that can't be
3 greater than one percent, etcetera. So what
4 we understood by doing our research, those
5 were successful and specifically targeted at
6 the kind of sales that attracts these kind of
7 folks.

8 And so in the absence of a true
9 good faith effort, which we just don't see the
10 history, I'd love to believe them when they
11 say they do it, but I don't believe the
12 history indicates that would happen. So in
13 the absence of that, we've proposed a series
14 of restrictions or limitations on the alcohol
15 beverage license that we believe are targeted
16 at the kind of sales that attracts the folks
17 causing the problems in the area.

18 And again, I want to emphasize
19 that by no means -- you know, we don't want to
20 drive anyone out of business. You know, I am
21 completely unemotional about that. In fact,
22 I think it would be a shame, you know? Like,

1 I'm one of the original owners in my building
2 and I moved to Chinatown because I like
3 Chinatown.

4 MEMBER ALBERTI: And what are
5 those restrictions?

6 MR. ANDERSON: Okay, sir. All the
7 alcohol sales restrictions and other direction
8 found in, you know, basically the currently
9 voluntary agreement. In addition to that,
10 sales of alcohol before noon Monday through
11 Saturday and Sunday alcohol -- you know, and
12 no Sunday alcohol sales. No sales of
13 alcoholic beverages in cans or bottles except
14 in packs of six or more and with the bottles
15 no larger -- bottles or cans no larger than 12
16 ounces except for bottles of wine 750
17 milliliters or larger, which is a standard,
18 you know, wine bottle.

19 MEMBER ALBERTI: Okay. Step back.
20 What was that last one? You were talking
21 about wine and you said -- you told us
22 containers of six or more beers. All right?

1 Packages of six or more beers. And what was
2 the next one?

3 MR. ANDERSON: Beer or wine, sir
4 -- and this is all listed on the back page of
5 the PIF, sir.

6 MEMBER ALBERTI: Okay. But just
7 give it to me, please.

8 MR. ANDERSON: Bottles and cans no
9 larger than 12 ounces. No sales of alcoholic
10 beverages in cans or bottles except in packs
11 of six or more with the bottles and cans no
12 larger than 12 ounces except in cases for both
13 -- except in cases to both restrictions for,
14 you know, individual bottles of wine 750
15 milliliters or larger.

16 MEMBER ALBERTI: Okay. Got you.

17 MR. ANDERSON: Because that's a
18 particular type of -- you know, we're looking
19 at two packs of those 24-ounce, you know, beer
20 and malt liquor, etcetera, that are really
21 drawing the chronic street inebriates in the
22 area.

1 Be prohibited from selling wine,
2 fortified or non-fortified, with alcohol
3 content greater than 11 percent, again
4 excepting bottles of wine larger than 750
5 milliliters are larger, and beer and malt
6 beverages with alcohol content greater than
7 eight percent. The rationale being that
8 inexpensive high alcohol content beverages are
9 the product of choice for these chronic street
10 inebriates, particularly the ones who frequent
11 Chinatown Market.

12 And then finally, as kind of
13 almost an administrative matter, we'd like to
14 see a slight modification to paragraph 13 of
15 the current voluntary agreement, which the way
16 it currently reads; which was not necessarily
17 understanding of people I understand who were
18 involved in the voluntary agreement three
19 years ago -- it indicates that anyone who
20 wants to make a complaint about violations of
21 the voluntary agreement have to send a written
22 notice to Chinatown Market and they have 15

1 days to cure, etcetera, before they can pursue
2 any other channel.

3 We would ask that a written notice
4 to Chinatown Market, you know, be an
5 additional channel that Chinatown Market would
6 have to respond to if residents in 809 6th
7 Street, N.W., or anyone else, wanted to do
8 that, but that they -- we're also free like
9 any other citizen to call ABRA or MPD
10 directly.

11 I don't think the voluntary
12 agreement should restrict the ability of
13 anyone, one, who signed the protest letter or
14 resides at 809 6th Street, N.W. to say that,
15 oh, because we called ABRA and said, hey,
16 they're, you know, selling at the door or
17 whatever, that because we didn't write it up
18 in a letter and they have 15 days to respond
19 back and forth that we somehow -- all these
20 complaints directly to ABRA or MPD are
21 invalid. I think that's -- it's kind of a
22 silly restriction.

1 MEMBER ALBERTI: Well, Mr.
2 Anderson, just -- and I'm going to go off base
3 here, but I don't think the Board -- at least
4 my opinion is is that that cure notice doesn't
5 have to be per event. I mean, if you have an
6 event that's -- if you have a violation that's
7 repeating --

8 MR. ANDERSON: Yes, sir.

9 MEMBER ALBERTI: -- the first
10 you've done it, then it's done. The cure
11 notice is satisfied. And then if there are
12 repeat events, it doesn't have to be per event
13 of the same violations. So just so you
14 understand that.

15 MR. ANDERSON: Yes, sir, and I
16 understand and I agree with that --

17 MEMBER ALBERTI: Okay.

18 MR. ANDERSON: -- and I have no
19 issue with that, sir. I think the language in
20 the voluntary agreement could make that more
21 clear.

22 MEMBER ALBERTI: Okay.

1 MR. ANDERSON: Because, you know,
2 both during -- you know, during here Mr.
3 Pascal has noted and then we had the violation
4 here earlier. You know, there seems to be an
5 argument that because there was not some kind
6 of written notice of that particular thing
7 that was -- contacting ABRA, it was kind of
8 about that the complaint directly to ABRA or
9 MPD was somehow invalid or -- and so, I don't
10 -- I want it to be clear that that's not the
11 case in the VA.

12 But everything else, sir, those
13 restrictions we talked about, you know, we
14 didn't just make those up off the top of our
15 head. You know, several folks in my building
16 went together and said they saw what evidently
17 was somewhat successful in other
18 jurisdictions. And so that's why we -- we
19 just copied it.

20 MEMBER ALBERTI: So if I
21 understand you, it's sort of -- one of your
22 concerns -- I mean, I'm kind of breaking it

1 down, because I know there's this global issue
2 of inebriates on the street and --

3 MR. ANDERSON: Yes, sir.

4 MEMBER ALBERTI: -- at all times
5 of the day, right?

6 MR. ANDERSON: Yes, sir.

7 MEMBER ALBERTI: But I'm kind of
8 going to have to pick it apart here a little
9 bit. I think that one of your issues is, that
10 you think would help the overall picture, is
11 the early morning sales. Is that correct?
12 The lines of people hanging outside?

13 MR. ANDERSON: Yes, sir, it is our
14 observation and what we're able to gather, you
15 know, in talking to other folks; and I don't
16 want to kind of risk the hearsay objections
17 here, but you know, it's our observation and
18 what we've understood from other folks who
19 know the problems better, you know, people who
20 are the chronic street inebriates who have an
21 alcohol dependency that are not seeking help,
22 you know, they often -- they got to get their

1 fix as early as they can.

2 MEMBER ALBERTI: Right.

3 MR. ANDERSON: And, you know,
4 there's nowhere else they can get these kind
5 of sales, you know, for several blocks in the
6 city except for Chinatown Market. The closest
7 that sells that early is Safeway at the corner
8 of 5th and -- 4th and L, N.W. But again, they
9 employ a security guard and whatnot. And the
10 folks, the chronic street inebriates can't go
11 in there to purchase alcohol because they're
12 asked to leave. And so, that's -- you know,
13 everything we're doing here we think is
14 targeted at alcohol sales that attract these
15 folks to our neighborhood.

16 MEMBER ALBERTI: And the other
17 issue I think is the degree to which the
18 people who you believe are inebriated and
19 causing problems and I think the degree to
20 which you see them congregating in front of
21 the establishment. Is that the other issue?
22 The level -- I mean --

1 MR. ANDERSON: What do you mean
2 exactly?

3 MEMBER ALBERTI: Well, we've heard
4 testimony that, you know, inebriates and
5 people who are harassing passersby -- this is
6 happening all over the neighborhood.

7 MR. ANDERSON: Yes, sir, and --

8 MEMBER ALBERTI: But I think what
9 I'm hearing from you is your concern is that
10 there's a higher level concentration in front
11 of this store of their activities.

12 MR. ANDERSON: Well, I don't
13 necessarily -- I don't believe the
14 concentration is higher necessarily. Yes, it
15 is higher in front of the store, but I believe
16 that the more salient point is the
17 concentration that's linked to the store.

18 In fact, after our Alcoholic
19 Beverage License Committee meeting in July, we
20 noticed that there was less congregation right
21 down the corner of 6th and H, but the same
22 folks, the folks we see, you know, leaving

1 Chinatown Market with, you know, two 24-ounce
2 cans of malt liquor or beer or whatever, they
3 would across the street. They would hang out
4 in the alley next to our building. They would
5 go to the -- so they disperse themselves
6 somewhat, but only, you know, a block to a
7 block-and-a-half.

8 And while we appreciate, you know,
9 Chinatown Market -- it appears that they took
10 some extra effort to tell these folks to
11 scatter. They're still selling to them, so it
12 still attracts -- they still come into our
13 alley, you know. They're still there. One of
14 these individuals, you know, I mean, she threw
15 a stone at my son when we walked up past the
16 corner of 5th and I. And it's not addressing
17 kind of the root of the problem.

18 You know, I've even overheard
19 people, you know, folks I recognize as these,
20 you know, quote/unquote, "usual crowd" leaving
21 Chinatown Market, talking to the buddies after
22 they just split a can saying they've asked us

1 to go across the street. They've asked us to
2 go into the alley, you know?

3 And so, I appreciate that
4 Chinatown Market is telling these people to go
5 around the corner, but all that's done is
6 displace the problem, in some cases closer to
7 my building. And, you know, it's not the crux
8 of the issue. The crux of the issue is the
9 sales to these folks.

10 MR. PASCAL: The interpreter would
11 like to leave now and be excused. And I'll
12 have the son sit next to the father, if that's
13 okay with the Board.

14 CHAIRPERSON MILLER: Okay.

15 INTERPRETER: Sorry about it.

16 Because --

17 CHAIRPERSON MILLER: If it's okay
18 with you.

19 MR. PASCAL: That's fine.

20 INTERPRETER: Because right now
21 there won't be any opinions given by the --
22 him, and the lawyer will present the other

1 opinions.

2 CHAIRPERSON MILLER: That's right.

3 INTERPRETER: So, I don't think I
4 have to --

5 CHAIRPERSON MILLER: Okay. That's
6 right. Thank you very much.

7 INTERPRETER: You're welcome.
8 Sorry about that.

9 MEMBER MOBLEY: Thank you.

10 CHAIRPERSON MILLER: I think we're
11 almost ready for closing. Are we?

12 MEMBER ALBERTI: Yes, I'm done.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Thank you, Mr.
15 Anderson.

16 MR. ANDERSON: Thank you, sir.

17 CHAIRPERSON MILLER: You can be
18 seated at the -- oh, no, no. Mr. Pascal,
19 wait. There were a lot of questions here. Do
20 you have anything else?

21 MR. PASCAL: Well, no, I think at
22 this point in time I'll just reserve some

1 comments for my closing.

2 CHAIRPERSON MILLER: Okay. Then
3 you may take a seat at that table.

4 MR. ANDERSON: Thank you, ma'am.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER MOBLEY: Thank you.

7 CHAIRPERSON MILLER: Okay. Five
8 minutes each for closing.

9 MR. PASCAL: Well, thank you for
10 the time and attention you've given.

11 I think the investigator's report
12 in many respects is the best evidence for the
13 Applicant. He spent 11 times there. Didn't
14 see any criminal activity. Didn't see any of
15 these allegations of alleged conduct. The
16 police report only shows 18 reports for that
17 corner. And bear in mind, that corner is a
18 focal point for a lot of things, so it's no
19 real evidence those police reports relate to
20 the conduct of the store.

21 With respect to the surveillance
22 camera, we will add one. It's a good point

1 and you can be assured that probably before
2 your order is issued there will be a
3 surveillance camera up there.

4 The barring notice, I want to
5 inform the Board that I have spoken with Chief
6 Burke and Chief Groomes and I've established
7 a conference call for March 9th at 2:30 in the
8 afternoon. And I have given Mr. Anderson all
9 the information and all the forms. And we've
10 told them ever since mediation began that
11 we'll cooperate with barring.

12 At that time he indicated to me
13 that there was maybe a dozen or so
14 individuals. And that raises the issue, do
15 you create these Draconian cures that he
16 wants; no sales on Sunday, no sales until
17 noon, for maybe a dozen or so people.

18 My client has responded after the July
19 meeting and the ANC meeting by asking the
20 people to move on. We've discussed and you've
21 heard, and you can almost take notice being
22 citizens of the city, of the neighborhood

1 issues there with all the Verizon Center, with
2 the Gospel Mission, all the Gallery Place and
3 all the traffic that takes in there.

4 The straw buyers, I recognize
5 that's illegal. He knows it's illegal, but
6 the nature of this tiny little store, there's
7 only so much he can see out. And there was
8 part of the voluntary agreement that he
9 wouldn't cover the front of the store beyond
10 what was in existence at that time. And that
11 is there. There is an open area. But even
12 with that, it's very difficult if someone goes
13 around the corner where there's a brick wall.
14 You can see from your pictures. If they're
15 engaging in their conduct, there's limited
16 value or things that they can do.

17 As I noted, the restrictions, you
18 have testimony from Mr. Ng. Those
19 restrictions would probably put him out of
20 business, especially now that he has taken the
21 step after 22 years to buy his building and he
22 wants to take some money and make some

1 improvements. He doesn't want to put a
2 Starbucks there, because that's what they told
3 me they wanted the last time. This is
4 Chinatown. This is one of the last merchants
5 that sells to the neighbors in the area.

6 And finally, with respect to the
7 sales at the door, obviously I'm taken by
8 surprise at that. But even what you saw in
9 the video, he was inside the door and I kind
10 of liken that, or it's akin to when you go
11 into some stores they have the plexiglass and
12 they have some security or some device. So I
13 don't know, but I can assure you that they'll
14 never be able to take a picture of that again
15 after today. So, you know, he's got a good
16 lawyer and I will give him good advice.

17 And with that, I want to thank Mr.
18 Anderson for his efforts. I understand his
19 issues living there and the other residents
20 and I have empathy with that. But Chinatown
21 Market, as I noted, is just as much a victim
22 to the neighborhood as some of them are. All

1 right. Thank you very much.

2 CHAIRPERSON MILLER: Thank you.

3 MEMBER ALBERTI: Thank you.

4 CHAIRPERSON MILLER: Yes, you're
5 on.

6 MR. ANDERSON: Thank you and I'll
7 again be very brief here.

8 I'll start by saying we don't want
9 a Starbucks. I personally -- nothing wrong
10 with Starbucks. I don't even drink coffee.

11 But again, what we've proposed and
12 what we're protesting is nothing intrinsically
13 with Chinatown Market. It is, we feel, their
14 alcohol sales that attracts and caters to
15 folks who bring all sorts of problems to our
16 neighborhood.

17 And so, what I just proposed in
18 response to Mr. -- you know, it's listed in
19 our PIF and in response to Mr. Alberti's
20 questions. We feel our measures, in absence
21 of, you know, a true good faith effort, which
22 we have not, to not sell to the folks causing

1 these problems; AKA folks intoxicated, folks
2 of intemperate habits and proxy buyers, straw
3 buyers for either of those -- you know, in
4 absence of something we can truly believe that
5 will happen, we ask for certain limitations to
6 the license which we believe directly target
7 the kind of alcohol sales that attracts the
8 individuals that drink in public, harass
9 passersby, loiter, panhandle, do all manner of
10 unsanitary things in my alley, you know,
11 harass the customers at Chinatown Coffee,
12 harass the guests at Fairfield Inn, etcetera.

13 We don't want to stop Chinatown
14 Market from selling all kind of alcohol. And
15 honestly, we would love if they continue to
16 thrive and there are ways they could adjust
17 their alcohol sales model, whatever it is, to
18 continue to sell alcohol and sell it in even
19 greater volumes perhaps, but not in a way that
20 attracts these kind of folks.

21 We've seen, you know, it's a model
22 that works for a store just catty-corner

1 across the street, and realizing that's not a
2 B license, but perhaps there's other things
3 they can do. You know, that's not my intent
4 or the intent of my fellow protestants.

5 You know, like Mr. Brown said, we
6 accept some level of discomfort, you know,
7 with living downtown, living in the city,
8 because we recognize -- you know, we believe
9 the value of where we live and why we want to
10 live there outweighs the fact that, you know,
11 some things are loud.

12 You know, the Gospel Rescue
13 Ministries are literally my back door neighbor
14 because I look out directly on, you know, open
15 windows that go directly into part of their
16 congregation. And sometimes they have late-
17 night concerts where they get a group of folks
18 in and they're singing spirituals until very
19 late in the evening. And my son likes that
20 because he could stay up late.

21 But, you know, I get it. They've
22 been here since -- you know, the Gospel Rescue

1 Mission has been there since 1908, or
2 whatever. We don't have any issues with them.
3 We don't have issues with that.

4 We don't have issues with the
5 trash trucks, the delivery trucks for the
6 Chinese restaurants that share our alley, any
7 of the hustle-bustle that goes on in the
8 neighborhood. That's part of the reason why
9 we're there. But we do think that the
10 particular behavior that attracts and caters
11 to these individuals is beyond the pale and,
12 you know, adversely affects everything else in
13 the neighborhood.

14 And I'd also want you to know; and
15 I realize this is a quote/unquote "Chinese
16 business" that's been here for years, but, you
17 know, you'll find that in any observation none
18 of the folks that we're concerned about that
19 cause these problems in the neighborhood are,
20 quote/unquote, "true Chinatown" or "Heritage
21 Chinatown" residents or folks of Chinese
22 descent. They're folks from all other parts

1 of the neighborhood who come and then harass
2 the elderly folks at the Wah Luck House or the
3 people around the corner at the Chinese
4 Community Church, you know, of any race, color
5 or creed. This is not about, you know, a
6 Chinese local business.

7 We think this is about this
8 particular practice and we're trying -- we
9 suggest remedies we think are particularly
10 targeted at that practice. And we believe
11 those -- what should be applied, given the
12 absence of -- you know, the voluntary
13 agreement's been in place for three-plus
14 years. We continue to have the same issue.

15 And that's all I have. Thank you
16 very much for your time. I know this has been
17 very late for everyone involved, and so I
18 really appreciate everyone's time and
19 patience. Thank you very much.

20 MEMBER ALBERTI: Thank you.

21 MEMBER MOBLEY: Thank you.

22 CHAIRPERSON MILLER: Okay. Thank

1 you.

2 So at this point then the record
3 is closed, and I just want to ask if anybody
4 wants to file proposed findings and
5 conclusions of law?

6 MR. PASCAL: I think we would.

7 CHAIRPERSON MILLER: You would
8 like to? Okay.

9 MR. ANDERSON: Could you repeat
10 that?

11 CHAIRPERSON MILLER: I will. I
12 will. You have the opportunity to file
13 proposed findings of fact and conclusions of
14 law. It's like a brief setting forth the
15 facts that are in evidence and then the
16 conclusions of law that you think the Board
17 should draw from those facts, basically.

18 MR. ANDERSON: Okay.

19 CHAIRPERSON MILLER: But you can
20 get more assistance, you know, or guidance --

21 MR. ANDERSON: I'll reserve the
22 right to do that and I'll probably consult

1 someone, perhaps another who is an attorney.

2 CHAIRPERSON MILLER: Okay. So
3 that would be due then within 30 days.

4 MR. PASCAL: How soon will the
5 transcript be --

6 MEMBER ALBERTI: I think it's 30
7 days from the date of the transcript.

8 CHAIRPERSON MILLER: Oh, thank
9 you. Okay.

10 MEMBER ALBERTI: Yes, that's okay.
11 The transcript is usually available in two
12 weeks. And then 30 days from the date of the
13 transcript?

14 CHAIRPERSON MILLER: I believe
15 that's correct. Okay.

16 MEMBER ALBERTI: Yes, 30 days from
17 the date of the transcript.

18 MR. PASCAL: Thank you very much.

19 MR. ANDERSON: Thank you, sir.

20 CHAIRPERSON MILLER: So check in
21 with the office probably in two weeks if you
22 haven't heard anything.

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Okay. Then that is it for today.

Thank you very much.

(Whereupon, the hearing was
concluded at 7:01 p.m.)

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