

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

p-----»
IN THE MATTER OF: :
:
Case #11-CMP-00563 :
Washington Restaurants, LLC :Fact
t/a Buddha Bar :Finding
455 Massachusetts Avenue, N.W.:Hearing
License #81339 :
Retailer CR :
ANC 6C :
Entertainment Endorsement :
p-----¼

APRIL 4, 2012

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

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

JEANNETTE MOBLEY, Member

ALSO PRESENT

JABRIEL SHAKOOR, Investigator

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

2 2:26 p.m.

3 CHAIRPERSON MILLER: The next case
4 on our calendar is a fact finding hearing. It
5 is Case Number 11-CMP-00563, Buddha Bar at 455
6 Massachusetts Avenue, N.W., License Number
7 81339 in ANC 6C.

8 And are the parties at the table
9 for this case? Good. Okay. Why don't we
10 start with you introducing yourself for the
11 record please?

12 MS. DON: Sure. My name is Anna
13 Don.

14 CHAIRPERSON MILLER: What's your
15 last name?

16 MS. DON: D-O-N.

17 CHAIRPERSON MILLER: Anna Don.

18 MS. DON: Um-hum.

19 CHAIRPERSON MILLER: Okay.

20 MS. GALLOWAY: Hi. Shelly
21 Galloway, the general manager.

22 CHAIRPERSON MILLER: I'm sorry.

1 What did you just say?

2 MS. GALLOWAY: I'm the general
3 manager.

4 CHAIRPERSON MILLER: Okay. And
5 Anna's?

6 MS. DON: The owner.

7 CHAIRPERSON MILLER: Owner. Okay.
8 General manager. Sir.

9 MR. BARLOW: I'm Andre Barlow from
10 Doyle, Barlow & Mazard.

11 CHAIRPERSON MILLER: Andre.
12 What's your last name?

13 MR. BARLOW: Barlow B-A-R-L-O-W.

14 CHAIRPERSON MILLER: And what's
15 your affiliation?

16 MR. BARLOW: We represent the bar.

17 CHAIRPERSON MILLER: You're an
18 attorney?

19 MR. BARLOW: I'm an attorney.

20 CHAIRPERSON MILLER: Attorney.
21 Okay.

22 MEMBER ALBERTI: Madam Chair.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: Please ask them
3 to move the mike closer to them please. That
4 one right there. Yes, that one. No. No.
5 No. No. The other one.

6 CHAIRPERSON MILLER: The one with
7 the green light. Right. You might just want
8 to speak up because there's so many of you at
9 the table. So.

10 MS. SALGUERO: My name is
11 Rosemarie Salguero and I work at Doyle, Barlow
12 & Mazard and I -- our law firm is on record as
13 representing the Licensee, but I also have the
14 -- I guess the -- of the attorney designations
15 here --

16 CHAIRPERSON MILLER: Okay.

17 MS. SALGUERO: -- as well.

18 CHAIRPERSON MILLER: Okay. I see
19 that you're on record. We can take those,
20 but --

21 MS. SALGUERO: Okay.

22 CHAIRPERSON MILLER: And?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

INVESTIGATOR SHAKOOR:

Investigator Jabriel Shakoor for ABRA.

CHAIRPERSON MILLER: Mr. Shakoor.

Okay.

Now, have you all signed a piece of paper on the table? Okay.

And so -- and I just want to say that this is a fact finding hearing. So, nobody is going to be testifying under oath or anything. We want to hear the facts from each of you.

Sometimes facts in a fact finding hearing can possibly lead to a show cause. I think that the issue in this case if I understand it correctly is primarily whether or not you need an entertainment endorsement for conducting the music in the manner that you're conducting it generally. Okay. All right.

So, I think we can start with Mr. Shakoor then.

INVESTIGATOR SHAKOOR: Thank you.

1 On Saturday, December 10th, 2011,
2 I visited Buddha Bar to conduct a regulatory
3 inspection. During that time, I observed a DJ
4 in an elevated DJ booth with headphones and
5 playing lounge-style music background levels.

6 I spoke with an ABC manager Chris
7 Sansbury. He stated to me that due to a
8 clause in their VA, Buddha Bar was allowed to
9 have an employee playing lounge-style music at
10 background levels. Because of this language
11 in the VA, it did not constitute the need for
12 an entertainment endorsement.

13 As I reviewed the VA, I found two
14 relevant sections.

15 I also observed the DJ booth
16 myself and its operations. I took a number of
17 photos as well which show exactly what kind of
18 equipment they have and the person who was
19 there offering the equipment as well.

20 I guess I'll stop there.

21 CHAIRPERSON MILLER: You're going
22 to stop there?

1 INVESTIGATOR SHAKOOR: Yes.

2 CHAIRPERSON MILLER: Okay.

3 Basically, describing what you saw. All
4 right. Not the conclusions that's your
5 drawing yet. Okay.

6 Are there Board questions at this
7 point? Do you all have any questions for --
8 I'm sorry.

9 MEMBER ALBERTI: Yes, I do.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: Mr. Shakoor.

12 INVESTIGATOR SHAKOOR: Yes, sir.

13 MEMBER ALBERTI: There's scant
14 information in this offering. What time were
15 you in there?

16 INVESTIGATOR SHAKOOR: I arrived
17 that day about 1:00 in the afternoon.

18 MEMBER ALBERTI: So, 1:00 in the
19 afternoon?

20 INVESTIGATOR SHAKOOR: Yes.

21 MEMBER ALBERTI: Had you been in
22 there --

1 INVESTIGATOR SHAKOOR: I'm sorry.
2 I'm sorry. One o'clock in the morning, 1:10
3 a.m. My fault.

4 MEMBER ALBERTI: Okay. Makes a
5 difference.

6 And you said this was background
7 music?

8 INVESTIGATOR SHAKOOR: Correct.
9 They play music at low-level background. It's
10 at a very low level. Okay. If you're dining,
11 eating dinner, it's not going to interrupt
12 your conversation. So, I would agree with the
13 lowest, the VA. It is at background levels,
14 the volume they're playing at.

15 MEMBER ALBERTI: Okay. Have you
16 been in there at other times?

17 INVESTIGATOR SHAKOOR: Yes, I
18 have. Several --

19 MEMBER ALBERTI: Before or after
20 this and how recently? A date.

21 INVESTIGATOR SHAKOOR: Most
22 recently the last time I was there was New

1 Year's.

2 MEMBER ALBERTI: Okay.

3 INVESTIGATOR SHAKOOR: I've been
4 there on several occasions. They were playing
5 the same type of music. Low-level background
6 style music. The DJ was there as well. On
7 New Year's the volume was much, much higher
8 that I would not describe as background. It
9 was what you would describe as maybe club
10 style music level.

11 MEMBER ALBERTI: Were there people
12 dancing?

13 INVESTIGATOR SHAKOOR: There was a
14 very small crowd. There were some people
15 moving about, but not enough where I would say
16 it was a dance floor style. People were
17 moving about.

18 MEMBER ALBERTI: Okay. Okay. No
19 further questions at this time. Thank you.

20 CHAIRPERSON MILLER: Okay. Yes,
21 Mr. Jones.

22 MEMBER JONES: Thank you, ma'am.

1 The time that you described it being loud was
2 on New Year's Eve, January 1st?

3 INVESTIGATOR SHAKOOR: That's
4 correct.

5 MEMBER JONES: It was January 1st?

6 INVESTIGATOR SHAKOOR: That's
7 correct.

8 MEMBER JONES: Okay. Are there
9 any other times where you've been by that
10 establishment where the volume was
11 significantly higher than just regular? What
12 you consider to be background levels?

13 INVESTIGATOR SHAKOOR: Just that
14 one time.

15 MEMBER JONES: Just that one time.
16 Okay. Thank you. Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Okay. Other
18 questions?

19 MEMBER BROOKS: I have a question
20 please.

21 CHAIRPERSON MILLER: Um-hum. Um-
22 hum.

1 MEMBER BROOKS: Are we saying
2 please that there's a violation because of the
3 hearing? I mean I'm sorry. Because of the
4 noise?

5 INVESTIGATOR SHAKOOR: No, not at
6 all.

7 MEMBER BROOKS: Not at all.

8 INVESTIGATOR SHAKOOR: The reason
9 why I stopped in my summary was because there
10 is extensive language in the voluntary
11 agreement which we may have to go over. The
12 voluntary agreement says two different things.

13 If I can call your attention to
14 Section 2 of the VA if you have in front of
15 you.

16 MEMBER BROOKS: Um-hum.

17 MEMBER ALBERTI: Is this on page
18 4? No, I guess --

19 INVESTIGATOR SHAKOOR: That's on
20 page 1 of 4. Section 2, nature of the
21 business.

22 MEMBER ALBERTI: Oh, right there.

1 Okay. Yes, on page 2. Yes.

2 INVESTIGATOR SHAKOOR: Correct.

3 MEMBER ALBERTI: Thank you.

4 INVESTIGATOR SHAKOOR: It's two
5 sentences in that paragraph and the first
6 paragraph reads "The applicant will manage and
7 operate an upscale restaurant with emphasis on
8 food and without entertainment or dancing."

9 That is pretty straightforward.
10 They are not to have entertainment or dancing
11 and to be a restaurant.

12 The second portion of that
13 paragraph reads "Any change from this model
14 shall be considered by both parties to be a
15 substantial change in operation of great
16 concern to residents and requires prior
17 approval by the ABC Board."

18 When I spoke with Buddha Bar about
19 the entertainment endorsement issue, they
20 raised this voluntary agreement to me and in
21 fact, this has come up numerous times.

22 In my understanding, this reads

1 two ways. It says first you can't have
2 entertainment and then the second half says
3 you can change that which is allowed to be
4 placarded or protested.

5 So, the second half would to me
6 supersede the first part by allowing them to
7 apply and have an entertainment endorsement.

8 The second section which was
9 relevant to me was Section 5, noise and
10 privacy on page 2 of 4. The second paragraph
11 there reads "There will be recorded background
12 Buddha Bar music played in the establishment.
13 This music will be controlled by using the
14 sound system by an employee of Buddha Bar, but
15 this employee shall not act as a DJ in that he
16 will not announce or talk to the guests
17 through a sound system and he will not
18 encourage dancing in the establishment. The
19 parties agree that playing this background
20 music does not constitute live entertainment
21 requiring an entertainment endorsement."

22 Something I have to point out here

1 is this section of the VA attempts to redefine
2 what entertainment is. In the regulations, it
3 clearly defines entertainment under 21(a). It
4 means live music or any other live performance
5 by an actual person including live bands,
6 karaoke, comedy shows, poetry readings and
7 disc jockeys. The term entertainment shall
8 not include the operation of a jukebox,
9 television, radio or other preappointed music.

10 The issue here the way it's worded
11 is that trying to define a DJ as someone who
12 is not speaking or not encouraging people to
13 dance versus the actual operation of the music
14 by a live person which is a DJ. Where
15 background music does not require a live
16 person to stand and manipulate sophisticated
17 equipment which they do have in their
18 establishment.

19 Background music as we see it
20 normally by night can be from a jukebox, a
21 radio, satellite radio, an iPod or so forth,
22 but it does not require a specific standalone

1 trained skilled person to operate DJ
2 equipment, laptop, hard drives, mixers and so
3 forth.

4 CHAIRPERSON MILLER: Mr. Shakoor,
5 where are you drawing your definition of a DJ?

6 INVESTIGATOR SHAKOOR: Right from
7 the regulations.

8 CHAIRPERSON MILLER: Where does it
9 define DJ?

10 INVESTIGATOR SHAKOOR: Page 18. I
11 can pass it up if you want.

12 CHAIRPERSON MILLER: I mean I see
13 you looking at the statute instead of the
14 regulation. Are you looking at a regulation
15 or the statute?

16 INVESTIGATOR SHAKOOR: Probably
17 the statute. It's the definition.

18 CHAIRPERSON MILLER: The Statute
19 21(a). Okay. So, where does it define DJ?

20 INVESTIGATOR SHAKOOR: It doesn't
21 define DJ.

22 CHAIRPERSON MILLER: It doesn't

1 define.

2 INVESTIGATOR SHAKOOR: It defines
3 entertainment.

4 CHAIRPERSON MILLER: Okay. That's
5 what I am trying to figure where -- you seem
6 to be fairly definitive that what they're
7 doing is the act of a DJ.

8 INVESTIGATOR SHAKOOR: Yes.

9 CHAIRPERSON MILLER: Because where
10 in that statute does it say what they're doing
11 is a DJ?

12 INVESTIGATOR SHAKOOR: Well, I'm
13 focusing on this part. It says live
14 performance by an actual person.

15 CHAIRPERSON MILLER: Live
16 performance?

17 INVESTIGATOR SHAKOOR: Correct.

18 CHAIRPERSON MILLER: How about in
19 the next sentence? Doesn't somebody have to
20 operate a jukebox, a TV, a radio or other
21 prerecorded music?

22 INVESTIGATOR SHAKOOR: Not the way

1 a DJ would. A DJ is there for a specific
2 amount of time for a specific reason.

3 A jukebox can be set and you can
4 walk away from it. Okay. A TV can be set and
5 you can walk away from it. Satellite radio
6 and iPod can be set and you can walk away from
7 it.

8 A DJ has to be there the whole
9 time to perform for patrons.

10 CHAIRPERSON MILLER: Any other
11 questions? All right. We can move to the
12 Licensee unless you have anything else to add
13 at this time.

14 INVESTIGATOR SHAKOOR: Not at this
15 point.

16 CHAIRPERSON MILLER: Okay. So,
17 you can ask Mr. Shakoor questions and/or
18 present your argument.

19 MS. SALGUERO: Chairperson Miller
20 and Members of the Board, we're here to just
21 not -- the definition of a DJ as mentioned is
22 not defined here and the circumstances of how

1 they present the background music is
2 prerecorded music.

3 Buddha Bar has 13 CDs that are
4 part of the franchise and what they present
5 during -- the type of background that they
6 play are only these 13 CDs.

7 Now, in Exhibit 5 of the
8 investigative report, you'll see the laptop
9 and the iPod which is hooked up to the laptop
10 and the employee of Buddha Bar only plays
11 music from those 13 different CDs.

12 I'm sorry.

13 MEMBER MOBLEY: Exhibit 4.

14 MS. SALGUERO: I'm sorry.

15 MEMBER MOBLEY: What -- is it

16 Exhibit 4?

17 MS. SALGUERO: It's Exhibit 5.

18 MEMBER MOBLEY: Five. Thank you.

19 MS. SALGUERO: Right. So, now --

20 MEMBER MOBLEY: Thank you

21 MS. SALGUERO: Now, I know iPods
22 you download music to your computer and then

1 you just put on the iPod which -- so, the
2 laptop is equivalent to an iPod here. It's
3 only playing these 13 different CDs.

4 Now, next to it there is the
5 equipment which is basically for show. Buddha
6 Bar, it's a franchise. It has several
7 restaurants around the world and they have
8 strict regulations as to how it looks.

9 You know, I'm not sure if you've
10 ever been, but, you know, they have the Buddha
11 as a centerpiece and they have someone up on
12 -- kind of as a figurehead, you know, playing
13 on these 13 different CDs.

14 And initially when Buddha Bar
15 began, you know, they had gotten more
16 sophisticated sound systems, but fitting the
17 model of what they wanted in D.C. which was
18 only, you know, to provide this background
19 music, they still have the equipment, but
20 basically, everything is run through this
21 laptop and what you see -- the equipment that
22 you see on your right-hand side hooks it in

1 and then is kind of a conduit to this -- to
2 the stereos.

3 Now, it's a large restaurant.
4 It's about 290 occupancy. So, they do have
5 large stereos in order just to emit the music
6 out to their patrons, but they do -- it's at
7 low levels. It's a lounge music. That's
8 their concept.

9 They have, you know, never wanted
10 to become a dance floor or, you know, provide
11 anything other than what they're strictly
12 allowed to under their agreement with the
13 franchise that is Buddha Bar.

14 So, while, you know, it definitely
15 appears, you know, like it's a sophisticated
16 equipment, in essence, it's just a laptop
17 that's hooked into, you know, stereo equipment
18 with music out and so, we still contend that
19 this is prerecorded music as defined under --
20 you know, where it is consistent with the
21 code, the D.C. Code and also consistent with
22 the voluntary agreement.

1 And when a former attorney for the
2 firm came in May 2010 and presented these
3 circumstances to the then sitting Board, they
4 did agree and issued a letter saying it is
5 consistent with, you know, your concept and
6 it's time that you don't need an entertainment
7 endorsement.

8 So, we're just coming to say the
9 same circumstance exists. They haven't changed
10 anything and, you know, this laptop is an iPod
11 and it's prerecorded music from 13 different
12 Buddha Bar -- and they saw these CDs at the
13 restaurant.

14 So, you know, that is a way for
15 them to promote their concept and their music
16 and the employee is there to, you know, change
17 these 13 different CDs on their laptop, on
18 their iPod. So, there is someone who has
19 manipulate an iPod to a degree. That, you
20 know, he is window dressing for lack of a
21 better -- you know, it's their concept that
22 they try to -- so, you know.

1 MS. DON: There's no people lip-
2 syncing.

3 MS. SALGUERO: You know.

4 MEMBER NOPHLIN: Can I ask a
5 question?

6 CHAIRPERSON MILLER: Yes. Yes.
7 I'm sorry.

8 MEMBER NOPHLIN: You mention the
9 technology piece. What kind -- and you said
10 that this is sort of standard for the
11 franchises. So, what kind of music are you
12 talking about playing? Did you play?

13 MS. GALLOWAY: Okay. Hi. How are
14 you? I've been with the Buddha Bar for ten
15 years and we are throughout the world. Mostly
16 in Europe. There's also one in Las Vegas and
17 we're known for, you know, great Asian food
18 and good music.

19 You know, a lot of our music
20 you'll see in salons and facial -- when you go
21 for a facial, you go for a massage. You can,
22 you know, download it. You can go to, you

1 know, the Tower Stores, the Wow. It's a part
2 of the concept the great music that we offer.

3 With being a franchise, when the
4 group purchased it, they're very specific on
5 their details of the concept. Just like every
6 McDonald's, you need this. You need this.
7 It's very cookie cutter and because they sell
8 the music, they made sure they designed just
9 like they designed the Buddha, just like they
10 designed the chandeliers. This is how they
11 designed and we were forced to make sure that
12 we did it exactly as their specifications are.

13 But, as we were saying, we don't
14 -- we don't even use that. I mean we don't
15 even have -- we only have a DJ really there on
16 Friday and Saturday nights because it's a
17 weekend. We don't even have them there seven
18 days a week. Where we used to, but we don't
19 even do that any longer and he only plays --
20 he only plays our music.

21 It's very worldly. It's very --
22 it's very relaxing. Very, very subtle. It's

1 just part of the concept. You know, we do
2 sell a lot of CDs because people like it.

3 You know, now, with new
4 technology, people will have their iPod and
5 put in the ear to find what song it is and,
6 you know, register it and buy it. So, it's
7 just something we're known for as far as the
8 music goes also.

9 MEMBER NOPHLIN: It's not -- some
10 people may -- but, it's not like elevator
11 music. Is it?

12 MS. GALLOWAY: No.

13 MEMBER NOPHLIN: Not that --

14 MS. DON: It's more of a relaxing
15 lounge style than that.

16 MS. GALLOWAY: If you were getting
17 a massage, you'd probably listened to it.
18 You'll maybe dose off, but in a better way
19 than elevator.

20 MEMBER NOPHLIN: Thank you. Thank
21 you.

22 MS. DON: It won't make you sleep.

1 It'll make you relax.

2 CHAIRPERSON MILLER: Yes, Mr.
3 Brooks.

4 MEMBER BROOKS: Oh, okay.
5 Question about the -- you say you use only 13
6 CDs that are I guess programmed for all the
7 Buddha Bars. So, now, this place continuously
8 other than the Friday and Saturday when you
9 have a DJ, is that correct?

10 MS. DON: Um-hum.

11 MEMBER BROOKS: So, I guess Sunday
12 through Thursday, it just plays continuously?

13 MS. DON: Um-hum.

14 MEMBER BROOKS: Okay.

15 MS. DON: The iPod.

16 MEMBER BROOKS: Through the iPod.

17 MS. DON: Um-hum.

18 MEMBER BROOKS: Okay. And you
19 don't have a dance floor?

20 MS. DON: No.

21 MEMBER BROOKS: Okay. And do you
22 have a cover charge?

1 MS. DON: No.

2 MEMBER BROOKS: No cover charge.

3 Okay.

4 MS. GALLOWAY: We also have a --

5 I'm sorry.

6 MEMBER BROOKS: Okay. Now, the
7 noise level, do you adjust that throughout the
8 night?

9 MS. GALLOWAY: That yes.

10 MEMBER BROOKS: The volume?

11 MS. GALLOWAY: Yes. Yes, we do.

12 During the evening when it first starts off
13 when we only had one table, it's very, very
14 low. When we do have a more full house that
15 we have 300 people, we do take it up because
16 people -- then you have the chattering of just
17 comments. But, again, we're taking it up if
18 there's so much noise from just the guests
19 themselves that it's not offensive. It's
20 still just the background music.

21 MEMBER BROOKS: And that's
22 normally what? Friday and Saturday or could

1 it be any --

2 MS. GALLOWAY: Friday and
3 Saturday. Um-hum.

4 MEMBER BROOKS: Any up to seven
5 days. Are you open seven days?

6 MS. GALLOWAY: We are. Um-hum.

7 MEMBER BROOKS: Thank you, Madam
8 Chair.

9 CHAIRPERSON MILLER: Thank you,
10 Mr. Brooks. Mr. Jones, did you have some
11 questions?

12 MEMBER JONES: Yes, ma'am, thank
13 you very much.

14 Just for clarification purposes,
15 you have 13 different CDs with how many songs
16 per CD roughly?

17 MS. GALLOWAY: Well, they're
18 double CDs. So -- you know, so, you have 13
19 times 2. So, we have 26 because there's 13 of
20 them and they're doubles. There's -- there's
21 soft music all on the first one which they
22 call the dinner and then there's more of a

1 lounge chill which would be the second CD and
2 that's what we usually play on the weekends.

3 So, there's 13 and I believe
4 there's about 13 songs on --

5 MS. DON: Ten to 15, yes, on each
6 CD.

7 MS. GALLOWAY: On each CD.

8 MEMBER JONES: So, 13 times 2, 26
9 times --

10 MS. GALLOWAY: Thirteen.

11 MEMBER JONES: Thirteen?

12 MS. GALLOWAY: Um-hum.

13 MEMBER JONES: Is there a reason
14 why -- are all of those songs loaded on the
15 laptop or the iPod?

16 MS. DON: Yes.

17 MEMBER JONES: So, what exactly is
18 the window-dressing guy doing?

19 MS. GALLOWAY: Just part of the
20 concept, the Buddha Bar concept.

21 MS. DON: Exactly.

22 MEMBER JONES: So, I mean you guys

1 -- because I can put that many songs on my
2 laptop, on my iPod, on my iPhone or whatever
3 the case may be, plug it in and hit shuffle
4 and I'll be good. I don't need to pay
5 somebody to do anything.

6 MS. DON: Unfortunately, we have
7 to with our concept. They just force us to
8 have somebody up there, but yes, we could
9 definitely -- we could definitely just push
10 shuffle and that's basically kind of what he
11 does. He's just been shuffling. Just makes
12 sure he's there to kind of make the appearance
13 of a DJ and oversee the equipment if anything
14 were to happen. But, that's exactly what he
15 does. He just basically pushes shuffle.

16 MEMBER JONES: Okay. So, he
17 technically doesn't have to do anything.

18 MS. GALLOWAY: Right.

19 MS. DON: No.

20 MEMBER JONES: With the system
21 that you have.

22 MS. DON: No, not at all.

1 MEMBER JONES: All right. But,
2 what do you call this person? You don't call
3 him the window-dressing guy.

4 MS. DON: No.

5 MEMBER JONES: What is this
6 called? Title? He's not DJ. Right? He's an
7 employee. What else does he do? Is he a
8 busboy and he just happens to work like --

9 MS. GALLOWAY: No.

10 MS. DON: No.

11 MEMBER JONES: So, what is his
12 title?

13 MS. GALLOWAY: No, he just stands.

14 MS. DON: That's it.

15 MS. GALLOWAY: He's --

16 MEMBER JONES: What is his title?

17 MS. DON: DJ.

18 MEMBER JONES: He is -- so, his
19 title is a DJ?

20 MS. DON: Yes.

21 MEMBER JONES: Okay. All right.

22 Thank you.

1 MS. DON: But, he does not have
2 regular DJ, you know.

3 MEMBER JONES: Thank you, manager.

4 CHAIRPERSON MILLER: Okay. No, I
5 just want to follow up on that because you're
6 calling this person a DJ, but you're saying
7 he's not a DJ I think under the definition of
8 entertainment.

9 So, you might want to call him
10 something else. I mean I don't know.

11 I mean that the thing is that --
12 and you can -- and I'm opening the door for
13 you to address this. I think that you
14 probably see a distinction between this person
15 and what a DJ is or as how you understand the
16 statute to mean DJ.

17 MR. BARLOW: Yes, and I think --

18 CHAIRPERSON MILLER: Would you
19 like to address that? Because you have used
20 that term and, you know, if we're just going
21 to use -- go by name, then I would say oh,
22 yes, you need an entertainment endorsement DJ.

1 DJ's in that definition.

2 But, I think that there's maybe
3 more to it in this case and so, I want you to
4 have that opportunity to address that.

5 MR. BARLOW: Yes, I think that's
6 right. You know, I think part of the problem
7 is there's no definition of DJ in the
8 statutory regs and I think what was attempted
9 to do in this voluntary agreement was to come
10 up with, you know, some sort of definition
11 that would work that would -- that would make
12 all of the residents at ease. Right?

13 They wanted to make sure that
14 Buddha Bar wasn't going to come in and start
15 a nightclub and have dancing and have cover
16 charges and operate as a nightclub.

17 So, they came up with this
18 definition of, you know, the DJ shall not act
19 in a way to announce or talk to the guests
20 through a sound system or a microphone and not
21 incur dancing at the establishment.

22 So, that was the definition that I

1 think, you know, that our firm and Buddha Bar
2 and the residents came up with in this
3 voluntary agreement with the ANC.

4 But, you know, because it's part
5 of the concept of Buddha Bar, there's a person
6 up there and this person isn't acting in a way
7 that violates the voluntary agreement and I
8 know that's not the issue. The issue more is,
9 you know, whether Buddha Bar needs an
10 entertainment endorsement to operate this way.

11 And, you know, we still believe
12 that nothing that Buddha Bar has done since
13 opening two years ago has changed. This is
14 the way it's been operating the entire time
15 and there's -- so, there's been no substantial
16 change in the way -- the way the -- the way
17 the lounge has been operating in terms of
18 playing lounge-style music and obviously,
19 they've never really gotten in trouble.

20 It's more this issue whether an
21 entertainment endorsement is required and I
22 think because it is prerecorded music that's

1 being played and there's no I guess live
2 performance that's being conducted that we
3 still believe that -- that the Board was
4 correct in its initial determination that one
5 isn't required.

6 CHAIRPERSON MILLER: The franchise
7 requires a person to manipulate the music or
8 whatever on Friday and Saturday?

9 MS. DON: Um-hum.

10 CHAIRPERSON MILLER: So, that's --
11 I mean you didn't put into -- I mean you
12 didn't provide us with a copy of this
13 franchise agreement. Right? So.

14 MS. DON: No, but we can.

15 CHAIRPERSON MILLER: No.

16 MS. DON: Could you show more
17 about --

18 MR. BARLOW: I guess the overall
19 concept and how that works, I would guess that
20 other Buddha Bars don't operate exactly like
21 this one in D.C., but this is probably more
22 tame than other Buddha Bars.

1 MS. GALLOWAY: Right. Oh, most
2 definitely.

3 MR. BARLOW: So, right --

4 MS. GALLOWAY: And that's one
5 reason why we went with the voluntary
6 agreement with the tenets because other Buddha
7 Bars throughout the world they do focus even
8 more on the music than what we do. We toned
9 it down a great deal and was speaking with the
10 agreement like you brought up. That was
11 something that we discussed with them. They
12 were so worried about it turning into a
13 nightclub with DJs. Because people's
14 understanding is DJ -- when you're a DJ, you
15 think nightclub or you think wedding. You
16 know, one or the other.

17 And we do have someone there yes,
18 you know, that -- you know, takes care of the
19 iPod to make sure that, you know, the music is
20 on. It doesn't cut off, but by no means does
21 he try to get the crowd up and dance and speak
22 or take, you know, recommendations or song

1 requests for --

2 CHAIRPERSON MILLER: Right. I
3 understand that. My question was -- I
4 actually have a question that goes to your
5 franchise agreement.

6 Like if you didn't have a person
7 there Friday and Saturday night, I didn't know
8 if that was a provision in your agreement.
9 Whether you would be in violation of the
10 franchise agreement.

11 MS. GALLOWAY: In default. In
12 default. Yes, they -- they -- we have to have
13 the -- the music, the DJ, someone up there
14 working those sounds. Yes. Um-hum.

15 CHAIRPERSON MILLER: Okay. My
16 second question is, and then I'll let other
17 Board Members also come in, there a problem
18 with your seeking an entertainment
19 endorsement?

20 MS. DON: Is there a problem?

21 MR. BARLOW: No.

22 CHAIRPERSON MILLER: No. Okay.

1 MR. BARLOW: I don't think that we
2 have a problem with applying for one if we had
3 to, if your interpretation is that we need to
4 apply for one. That, you know, we would.

5 We just believe that there has
6 been no change in the operations. It's been
7 consistent.

8 So, obviously, if we were to
9 require us to apply for one, we will. You
10 know, still contend that there has been no
11 substantial change. That this is the way the
12 business operates and we would just want be
13 able to move on as seamlessly as possible.

14 CHAIRPERSON MILLER: Okay. Other
15 questions? Mr. Silverstein.

16 MEMBER SILVERSTEIN: If you had
17 someone putting on a television set or a radio
18 or something like that or turning on elevator
19 music, they would be doing a certain amount of
20 work. How much more work does your DJ do here
21 than that? You know, somebody at a bar would
22 maybe turn on -- would switch channels once an

1 hour.

2 MS. DON: That's it.

3 MEMBER SILVERSTEIN: I mean what
4 more work?

5 MS. DON: None whatsoever. All he
6 does is basically control the sound like I
7 said and push -- shuffle over or pick a song
8 and play it and that's it. That's is his only
9 job.

10 MEMBER SILVERSTEIN: A song?

11 MS. DON: Not a song. I'm sorry.
12 Or a play list. Yes, there are several lists
13 that he chooses from.

14 MEMBER SILVERSTEIN: Doesn't work
15 the volume at all?

16 MS. GALLOWAY: No, it's volume on
17 a Friday and Saturday night when the
18 restaurant becomes full. At that point, he
19 will bring the volume up. Yes. So, that way
20 people can hear it. You can hear the music
21 over everyone speaking.

22 MEMBER SILVERSTEIN: But, not

1 switching?

2 MS. GALLOWAY: No. No. No. No.

3 MEMBER SILVERSTEIN: Why don't you
4 go and get a chance in your VA? You wouldn't
5 be here.

6 CHAIRPERSON MILLER: I think the
7 VA is okay. Is the VA okay?

8 Well, Mr. Shakoor, what was your
9 concern? Was it with the VA or the statute?

10 INVESTIGATOR SHAKOOR: No, it
11 actually was just more -- it seemed that they
12 were trying to almost comply so strictly with
13 the VA that they were afraid to get an
14 entertainment endorsement.

15 The VA actually allows them to get
16 an entertainment endorsement. It just says
17 you have to play music at background levels.
18 Which you are doing and that's it.

19 MS. DON: I mean we have no
20 problem with applying for an entertainment
21 endorsement at all. We'll just -- we're
22 trying just -- we want to make it as easy as

1 possible.

2 MS. SALGUERO: To be able to
3 transition and not stop their current
4 operation and that's why basically we're here.
5 So, that it -- they can continue because it is
6 part of their franchise agreement and, you
7 know, having to stop for an extended period of
8 time, you know, when they've been operating
9 the exact same way and, you know, with that
10 other letter, that we did come to the Board
11 previously and, you know, prior to them even
12 operating to say this is our concept and ask
13 the Board if this is okay so that they could
14 move forward and I think that that's the only
15 problem, you know, in having to apply.

16 MR. BARLOW: Yes, I think the
17 short story, to clear any confusion with the
18 Board, is we're pretty much in agreement in
19 what we're saying here. It's just a matter of
20 interpretation of whether an entertainment
21 endorsement is required.

22 The Board previously determined

1 that that wasn't required and now, there's new
2 members to this Board and we understand you
3 have a different interpretation.

4 What we do need is some clarity
5 because this has happened in terms of the
6 investigator coming and questioning whether we
7 need one or not.

8 So, that's all this is. It's a
9 fairly simple issue.

10 CHAIRPERSON MILLER: And there
11 have been no complaints by neighbors or
12 anything. Is that correct?

13 MS. SALGUERO: In the
14 investigative report, the only thing is, you
15 know, there's no --

16 MR. BARLOW: We don't know of any.

17 MS. SALGUERO: -- no problem and
18 they -- I communicate with the ANC.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Shakoor, did you have something else?

21 INVESTIGATOR SHAKOOR: Regarding
22 the complaints, I've only received complaints

1 of outdoor noise, but never regarding their
2 music or their operation inside. So, no issue
3 with that.

4 CHAIRPERSON MILLER: Okay. Okay.
5 Good. And Mr. Jones.

6 MEMBER JONES: Thank you. Just
7 for a quick -- I may have missed it, but did
8 we establish who these individuals were at the
9 table? You know their roles? All right.

10 CHAIRPERSON MILLER: Do you need
11 to -- I mean they could --

12 MEMBER JONES: Sir, just for
13 clarification purposes, what is your role with
14 this specific establishment here in D.C.?

15 MR. BARLOW: I'm an attorney.

16 MEMBER JONES: You're just their
17 attorney?

18 MR. BARLOW: Yes.

19 MEMBER JONES: Okay. The nature
20 of your franchise agreement, that requires you
21 to have an employee there listed as a DJ. Did
22 I understand that correctly?

1 MR. BARLOW: I believe that's
2 correct.

3 MS. GALLOWAY: To prove our
4 concept, yes.

5 MEMBER JONES: Okay. All right.
6 Thank you. Thank you, Madam Chair.

7 CHAIRPERSON MILLER: Okay. Just
8 for clarity, I don't know what the franchise
9 provision says. Whether -- I mean Mr. Jones
10 says that you're required to have "a DJ" and
11 I don't know if that -- is that what it says
12 or it says you need somebody there to change
13 the music or what?

14 MS. GALLOWAY: You know, I don't
15 even know --

16 CHAIRPERSON MILLER: Okay.

17 MS. GALLOWAY: -- honestly what
18 he --

19 MS. DON: We could pull it and
20 find out. But, it is -- I don't know if it
21 necessarily uses the verbiage that it has to
22 be a DJ up there, but it definitely states

1 that somebody has to be up there to control
2 the music.

3 CHAIRPERSON MILLER: Okay.
4 Anyway, I don't think that the issue is
5 whether you can do what you're doing. The
6 issue is whether you need an entertainment
7 endorsement to do it or not.

8 MS. DON: Yes.

9 CHAIRPERSON MILLER: Okay. Oh,
10 any other Board questions? Mr. Nophlin.

11 MEMBER NOPHLIN: One quick
12 question. I want to make -- and I think the
13 investigator had said -- had suggested that
14 there's no problem. In the discussion
15 earlier, was the noise factor a problem?

16 INVESTIGATOR SHAKOOR: No, the
17 noise was not.

18 MEMBER NOPHLIN: It was not.

19 INVESTIGATOR SHAKOOR: No, the
20 noise was never a factor.

21 MEMBER NOPHLIN: Okay. Just a
22 question, interpretation of the DJ or whatever

1 we may name that person.

2 INVESTIGATOR SHAKOOR: Correct.

3 Just the --

4 MEMBER NOPHLIN: Whether it's a
5 music director or whatever.

6 INVESTIGATOR SHAKOOR: Correct.

7 In the voluntary agreement, that's where that
8 discrepancy comes into play.

9 MEMBER NOPHLIN: Okay. Thank you,
10 Madam Chair.

11 CHAIRPERSON MILLER: Okay. Okay.

12 Any other questions? All right. Just going
13 to take a moment to decide how we're going to
14 proceed on this.

15 Okay. So, basically, what we're
16 going to do is take this under advisement.
17 We're not going to decide it right this
18 minute. But, I don't believe that we'll take
19 too long in deciding this.

20 So, I'm just going to read
21 instructions for our closed meeting on this
22 and then we'll get back to you, you know, when

1 we have a decision on this.

2 So, I'm about to read our
3 instructions for closed meetings.

4 As Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia and in accordance with Section 405 of
7 the Open Meetings Amendment Act of 2010, I
8 move that the ABC Board hold a closed meeting
9 for the purpose of seeking legal advice from
10 our counsel and deliberating upon Case Number
11 11-CMP-00563, Buddha Bar per Section 405(b)(4)
12 of the Open Meetings Amendment Act of 2010.

13 Do I have a second?

14 MEMBER NOPHLIN: Second.

15 CHAIRPERSON MILLER: Any other
16 comments at this point?

17 Okay. I'm going to take a roll
18 call vote on the closed meeting.

19 Mr. Nophlin?

20 MEMBER NOPHLIN: I agree.

21 CHAIRPERSON MILLER: Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Ms. Miller

4 agrees.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON MILLER: Ms. Mobley?

8 MEMBER MOBLEY: I agree.

9 CHAIRPERSON MILLER: Mr. Jones?

10 MEMBER JONES: I agree.

11 CHAIRPERSON MILLER: Okay. The
12 motion passes 7-0. We'll be taking this up in
13 a closed meeting and get back to you.

14 Thank you very much.

15 MS. DON: Okay.

16 MS. SALGUERO: Thank you.

17 (Whereupon, at 3:02 p.m., the
18 hearing was adjourned.)

19

20

21

22

A	<p>Andre 3:9,11 and/or 17:17 Anna 2:12,17 Anna's 3:5 announce 13:16 32:19 Anyway 44:4 appearance 29:12 appears 20:15 applicant 12:6 apply 13:7 37:4,9 40:15 applying 37:2 39:20 approval 12:17 APRIL 1:11 argument 17:18 arrived 7:16 Asian 22:17 attempted 32:8 attempts 14:1 attention 11:13 attorney 3:18,19,20 4:14 21:1 42:15 42:17 Avenue 1:7 2:6 a.m 8:3</p> <hr/> <p style="text-align: center;">B</p> <p>back 45:22 47:13 background 6:5,10 8:6,9,13 9:5,8 10:12 13:11,19 14:15,19 18:1,5 19:18 26:20 39:17 bands 14:5 bar 1:6 2:5 3:16 6:2 6:8 12:18 13:12 13:14 18:3,10 19:6,14 20:13 21:12 22:14 28:20 32:14 33:1,5,9,12 37:21 46:11 Barlow 3:9,9,10,13 3:13,16,19 4:11 31:17 32:5 34:18 35:3 36:21 37:1</p>	<p>40:16 41:16 42:15 42:18 43:1 Bars 25:7 34:20,22 35:7 basically 7:3 19:5 19:20 29:10,15 38:6 40:4 45:15 began 19:15 believe 28:3 33:11 34:3 37:5 43:1 45:18 better 21:21 24:18 Beverage 1:2,12,13 46:5 Board 1:2,13 7:6 12:17 17:20 21:3 34:3 36:17 40:10 40:13,18,22 41:2 44:10 46:5,8 booth 6:4,15 bring 38:19 Brooks 1:18 10:19 11:1,7,16 25:3,4 25:11,14,16,18,21 26:2,6,10,21 27:4 27:7,10 46:21,22 brought 35:10 Buddha 1:6 2:5 6:2 6:8 12:18 13:12 13:14 18:3,10 19:5,10,14 20:13 21:12 22:14 23:9 25:7 28:20 32:14 33:1,5,9,12 34:20 34:22 35:6 46:11 Building 1:13 busboy 30:8 business 11:21 37:12 buy 24:6 B-A-R-L-O-W 3:13</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 call 11:13 27:22 30:2,2 31:9 46:18</p>	<p>called 30:6 calling 31:6 CALVIN 1:19 care 35:18 case 1:5 2:3,5,9 5:14 29:3 32:3 46:10 cause 5:13 CD 27:16 28:1,6,7 CDs 18:3,6,11 19:3 19:13 21:12,17 24:2 25:6 27:15 27:18 centerpiece 19:11 certain 37:19 Chair 3:22 10:16 27:8 43:6 45:10 Chairperson 1:14 1:17 2:3,14,17,19 2:22 3:4,7,11,14 3:17,20 4:1,6,16 4:18,22 5:3 6:21 7:2,10 9:20 10:17 10:21 15:4,8,12 15:18,22 16:4,9 16:15,18 17:10,16 17:19 22:6 25:2 27:9 31:4,18 34:6 34:10,15 36:2,15 36:22 37:14 39:6 41:10,19 42:4,10 43:7,16 44:3,9 45:11 46:4,15,21 47:1,3,7,9,11 chance 39:4 chandeliers 23:10 change 12:13,15 13:3 21:16 33:16 37:6,11 43:12 changed 21:9 33:13 channels 37:22 charge 25:22 26:2 charges 32:16 chattering 26:16 chill 28:1 chooses 38:13 Chris 6:6</p>	<p>circumstance 21:9 circumstances 17:22 21:3 clarification 27:14 42:13 clarity 41:4 43:8 clause 6:8 clear 40:17 clearly 14:3 closed 45:21 46:3,8 46:18 47:13 closer 4:3 club 9:9 code 20:21,21 Columbia 1:1 46:6 come 12:21 32:9,14 36:17 40:10 comedy 14:6 comes 45:8 coming 21:8 41:6 comments 26:17 46:16 communicate 41:18 complaints 41:11 41:22,22 comply 39:12 computer 18:22 concept 20:8 21:5 21:15,21 23:2,5 24:1 28:20,20 29:7 33:5 34:19 40:12 43:4 concern 12:16 39:9 conclusions 7:4 conduct 6:2 conducted 34:2 conducting 5:17,18 conduit 20:1 confusion 40:17 consider 10:12 considered 12:14 consistent 20:20,21 21:5 37:7 constitute 6:11 13:20 contend 20:18</p>
----------	---	---	---	--

37:10 continue 40:5 continuously 25:7 25:12 control 1:2,12,13 38:6 44:1 46:5 controlled 13:13 conversation 8:12 cookie 23:7 copy 34:12 correct 8:8 10:4,7 12:2 16:17 25:9 34:4 41:12 43:2 45:2,6 correctly 5:15 42:22 counsel 46:10 cover 25:22 26:2 32:15 CR 1:8 crowd 9:14 35:21 current 40:3 cut 35:20 cutter 23:7	definition 15:5,17 17:21 31:7 32:1,7 32:10,18,22 definitive 16:6 degree 21:19 deliberating 46:10 describe 9:8,9 described 10:1 describing 7:3 designations 4:14 designed 23:8,9,10 23:11 details 23:5 determination 34:4 determined 40:22 difference 8:5 different 11:12 18:11 19:3,13 21:11,17 27:15 41:3 dining 8:10 dinner 8:11 27:22 director 45:5 disc 14:7 discrepancy 45:8 discussed 35:11 discussion 44:14 distinction 31:14 District 1:1 46:5 DJ 6:3,4,15 9:6 13:15 14:11,14 15:1,5,9,19,21 16:7,11 17:1,1,8 17:21 23:15 25:9 29:13 30:6,17,19 31:2,6,7,15,16,22 32:7,18 35:14,14 36:13 37:20 42:21 43:10,22 44:22 DJs 35:13 DJ's 32:1 doing 16:7,10 28:18 37:19 39:18 44:5 Don 2:12,13,16,17 2:18 3:6 22:1 24:14,22 25:10,13	25:15,17,20 26:1 28:5,16,21 29:6 29:19,22 30:4,10 30:14,17,20 31:1 34:9,14,16 36:20 38:2,5,11 39:19 43:19 44:8 47:15 DONALD 1:18 door 31:12 dose 24:18 double 27:18 doubles 27:20 download 18:22 22:22 Doyle 3:10 4:11 drawing 7:5 15:5 dress 21:20 drives 15:2 due 6:7 D-O-N 2:16 D.C 1:14 19:17 20:21 34:21 42:14	12:19 13:2,7,20 13:21 14:2,3,7 16:3 21:6 31:8,22 33:10,21 36:18 39:14,16,20 40:20 44:6 entire 33:14 equipment 6:18,19 14:17 15:2 19:5 19:19,21 20:16,17 29:13 equivalent 19:2 essence 20:16 establish 42:8 establishment 10:10 13:12,18 14:18 32:21 42:14 Europe 22:16 Eve 10:2 evening 26:12 exact 40:9 exactly 6:17 23:12 28:17,21 29:14 34:20 Exhibit 18:7,13,16 18:17 exits 21:9 extended 40:7 extensive 11:10	fitting 19:16 Five 18:18 floor 1:14 9:16 20:10 25:19 focus 35:7 focusing 16:13 follow 31:5 food 12:8 22:17 force 29:7 forced 23:11 former 21:1 forth 14:21 15:3 forward 40:14 found 6:13 franchise 18:4 19:6 20:13 23:3 34:6 34:13 36:5,10 40:6 42:20 43:8 franchises 22:11 Friday 23:16 25:8 26:22 27:2 34:8 36:7 38:17 front 11:14 full 26:14 38:18 further 9:19
D		E		G
dance 9:16 14:13 20:10 25:19 35:21 dancing 9:12 12:8 12:10 13:18 32:15 32:21 date 8:20 day 7:17 days 23:18 27:5,5 deal 35:9 December 6:1 decide 45:13,17 deciding 45:19 decision 46:1 default 36:11,12 define 14:11 15:9 15:19,21 16:1 defined 17:22 20:19 defines 14:3 16:2 definitely 20:14 29:9,9 35:2 43:22	ear 24:5 earlier 44:15 ease 32:12 easy 39:22 eating 8:11 elevated 6:4 elevator 24:10,19 37:18 emit 20:5 emphasis 12:7 employee 6:9 13:14 13:15 18:10 21:16 30:7 42:21 encourage 13:18 encouraging 14:12 endorsement 1:9 5:16 6:12 12:19 13:7,21 21:7 31:22 33:10,21 36:19 39:14,16,21 40:21 44:7 entertainment 1:9 5:16 6:12 12:8,10	ear 24:5 earlier 44:15 ease 32:12 easy 39:22 eating 8:11 elevated 6:4 elevator 24:10,19 37:18 emit 20:5 emphasis 12:7 employee 6:9 13:14 13:15 18:10 21:16 30:7 42:21 encourage 13:18 encouraging 14:12 endorsement 1:9 5:16 6:12 12:19 13:7,21 21:7 31:22 33:10,21 36:19 39:14,16,21 40:21 44:7 entertainment 1:9 5:16 6:12 12:8,10	facial 22:20,21 fact 1:6 2:4 5:8,12 12:21 factor 44:15,20 facts 5:10,12 fairly 16:6 41:9 far 24:7 fault 8:3 figure 16:5 figurehead 19:12 find 24:5 43:20 finding 1:6 2:4 5:8 5:12 firm 4:12 21:2 33:1 first 12:5 13:1,6 26:12 27:21	Galloway 2:20,21 3:2 22:13 24:12 24:16 26:4,9,11 27:2,6,17 28:7,10 28:12,19 29:18 30:9,13,15 35:1,4 36:11 38:16 39:2 43:3,14,17 general 2:21 3:2,8 generally 5:18 getting 24:16 go 11:11 22:20,21 22:22 31:21 39:4 goes 24:8 36:4 going 5:9 6:21 8:11 31:20 32:14 45:12 45:13,16,17,20 46:17 good 2:9 22:18 29:4 42:5

gotten 19:15 33:19	40:20 41:3 44:22	20:1 22:9,11	14:14,15 16:13,15	7:18,21 8:4,15,19
great 12:15 22:17	interrupt 8:11	29:10,12	34:1	9:2,11,18,22 10:5
23:2 35:9	introducing 2:10	know 18:21 19:9,10	LLC 1:6	10:8,15,19 11:1,7
green 4:7	investigative 18:8	19:12,15,18 20:9	loaded 28:14	11:16,17,22 12:3
group 23:4	41:14	20:10,14,15,17,20	long 45:19	18:13,15,18,20
guess 4:14 6:20	investigator 1:22	21:5,10,14,16,20	longer 23:19	22:4,8 24:9,13,20
11:18 25:6,11	5:1,2,22 7:1,12,16	21:21,22 22:3,17	looking 15:13,14	25:4,11,14,16,18
34:1,18,19	7:20 8:1,8,17,21	22:19,22 23:1	looks 19:8	25:21 26:2,6,10
guests 13:16 26:18	9:3,13 10:3,6,13	24:1,3,6 27:18	lot 22:19 24:2	26:21 27:4,7,12
32:19	11:5,8,19 12:2,4	31:2,10,20 32:6	loud 10:1	28:8,11,13,17,22
guy 28:18 30:3	15:6,10,16,20	32:10,18 33:1,4,8	lounge 20:7 24:15	29:16,20 30:1,5
guys 28:22	16:2,8,12,17,22	33:9,11 35:16,18	28:1 33:17	30:11,16,18,21
	17:14 39:10 41:6	35:18,19,22 36:7	lounge-style 6:5,9	31:3 37:16 38:3
	41:21 44:13,16,19	37:4,10,21 40:7,8	33:18	38:10,14,22 39:3
H	45:2,6	40:9,11,15 41:15	low 8:10 20:7 26:14	42:6,12,16,19
half 13:2,5	iPhone 29:2	41:16 42:9 43:8	lowest 8:13	43:5 44:11,18,21
happen 29:14	iPod 14:21 17:6	43:11,14,15,20	low-level 8:9 9:5	45:4,9 46:14,20
happened 41:5	18:9 19:1,2 21:10	45:22		46:22 47:2,6,8,10
happens 30:8	21:18,19 24:4	known 22:17 24:7	M	members 17:20
hard 15:2	25:15,16 28:15		Madam 3:22 10:16	36:17 41:2
headphones 6:4	29:2 35:19	L	27:7 43:6 45:10	mention 22:8
hear 5:10 38:20,20	iPods 18:21	lack 21:20	manage 12:6	mentioned 17:21
hearing 1:7,13 2:4	issue 5:14 12:19	language 6:10	manager 2:21 3:3,8	met 1:13
5:8,13 11:3 47:18	14:10 33:8,8,20	11:10	6:6 31:3	MICHAEL 1:19
HERMAN 1:18	41:9 42:2 44:4,6	laptop 15:2 18:8,9	manipulate 14:16	microphone 32:20
Hi 2:20 22:13	issued 21:4	19:2,21 20:16	21:19 34:7	mike 4:3
higher 9:7 10:11	It'll 25:1	21:10,17 28:15	manner 5:17	Miller 1:14,17 2:3
hit 29:3		29:2	Massachusetts 1:7	2:14,17,19,22 3:4
hold 46:8	J	large 20:3,5	2:6	3:7,11,14,17,20
honestly 43:17	Jabriel 1:22 5:2	Las 22:16	massage 22:21	4:1,6,16,18,22 5:3
hooked 18:9 20:17	January 10:2,5	law 4:12	24:17	6:21 7:2,10 9:20
hooks 19:22	JEANNETTE 1:20	lead 5:13	matter 1:4 40:19	10:17,21 15:4,8
hour 38:1	job 38:9	legal 46:9	Mazard 3:10 4:12	15:12,18,22 16:4
house 26:14	jockeys 14:7	letter 21:4 40:10	ma'am 9:22 27:12	16:9,15,18 17:10
hum 10:22	Jones 1:18 9:21,22	level 8:10 9:10 26:7	McDonald's 23:6	17:16,19 22:6
	10:5,8,15 27:10	levels 6:5,10 8:13	mean 11:3 15:12	25:2 27:9 31:4,18
I	27:12 28:8,11,13	10:12 20:7 39:17	23:14 28:22 31:10	34:6,10,15 36:2
include 14:8	28:17,22 29:16,20	License 1:8 2:6	31:11,16 34:11,11	36:15,22 37:14
including 14:5	30:1,5,11,16,18	Licensee 4:13	38:3 39:19 42:11	39:6 41:10,19
incur 32:21	30:21 31:3 42:5,6	17:12	43:9	42:4,10 43:7,16
individuals 42:8	42:12,16,19 43:5	light 4:7	means 14:4 35:20	44:3,9 45:11
information 7:14	43:9 47:9,10	lip 22:1	meeting 1:3 45:21	46:15,21 47:1,3,3
initial 34:4	jukebox 14:8,20	list 38:12	46:8,18 47:13	47:7,9,11
initially 19:14	16:20 17:3	listed 42:21	meetings 46:3,7,12	minute 45:18
inside 42:2		listened 24:17	Member 1:17,18	missed 42:7
inspection 6:3	K	lists 38:12	1:18,19,19,20	mixers 15:2
instructions 45:21	karaoke 14:6	live 13:20 14:4,4,5	3:22 4:2 7:9,11,13	Mobley 1:20 18:13
46:3	kind 6:17 19:12			
interpretation 37:3				

18:15,18,20 47:7 47:8 model 12:13 19:17 moment 45:13 morning 8:2 motion 47:12 move 4:3 17:11 37:13 40:14 46:8 moving 9:15,17 music 5:17 6:5,9 8:7,9 9:5,6,10 13:12,13,20 14:4 14:9,13,15,19 16:21 18:1,2,11 18:22 19:19 20:5 20:7,18,19 21:11 21:15 22:11,18,19 23:2,8,20 24:8,11 26:20 27:21 33:18 33:22 34:7 35:8 35:19 36:13 37:19 38:20 39:17 42:2 43:13 44:2 45:5	44:15,17,20 Nophlin 1:19 22:4 22:8 24:9,13,20 44:10,11,18,21 45:4,9 46:14,19 46:20 normally 14:20 26:22 number 2:5,6 6:16 46:10 numerous 12:21 N.W 1:7,14 2:6	16:20 32:16 33:10 34:20 operates 37:12 operating 33:14,17 40:8,12 operation 12:15 14:8,13 40:4 42:2 operations 6:16 37:6 opportunity 32:4 order 20:5 outdoor 42:1 overall 34:18 oversee 29:13 owner 3:6,7 o'clock 8:2	photos 6:17 pick 38:7 piece 5:5 22:9 placarded 13:4 place 25:7 play 8:9 18:6 22:12 28:2 38:8,12 39:17 45:8 played 13:12 34:1 playing 6:5,9 8:14 9:4 13:19 19:3,12 22:12 33:18 plays 18:10 23:19 23:20 25:12 please 2:11 4:2,3 10:20 11:2 plug 29:3 poetry 14:6 point 7:7 13:22 17:15 38:18 46:16 portion 12:12 possible 37:13 40:1 possibly 5:13 preappointed 14:9 prerecorded 16:21 18:2 20:19 21:11 33:22 present 1:15,21 17:18 18:1,4 presented 21:2 presiding 1:14 pretty 12:9 40:18 previously 40:11 40:22 primarily 5:15 prior 12:16 40:11 privacy 13:10 probably 15:16 24:17 31:14 34:21 problem 32:6 36:17,20 37:2 39:20 40:15 41:17 44:14,15 proceed 45:14 programmed 25:6 promote 21:15 protested 13:4	prove 43:3 provide 19:18 20:10 34:12 provision 36:8 43:9 pull 43:19 purchased 23:4 purpose 46:9 purposes 27:14 42:13 push 29:9 38:7 pushes 29:15 put 19:1 24:5 29:1 34:11 putting 37:17 P-R-O-C-E-E-D-... 2:1 p.m 2:2 47:17
N	O	P	Q	
name 2:12,15 3:12 4:10 31:21 45:1 nature 11:20 42:19 necessarily 43:21 need 5:16 6:11 21:6 23:6,6 29:4 31:22 37:3 41:4,7 42:10 43:12 44:6 needs 33:9 neighbors 41:11 never 20:9 33:19 42:1 44:20 new 8:22 9:7 10:2 24:3 41:1 NICK 1:17 night 14:20 26:8 36:7 38:17 nightclub 32:15,16 35:13,15 nights 23:16 noise 11:4 13:9 26:7,18 42:1	oath 5:9 observed 6:3,15 obviously 33:18 37:8 occasions 9:4 occupancy 20:4 offensive 26:19 offer 23:2 offering 6:19 7:14 oh 11:22 25:4 31:21 35:1 44:9 okay 2:9,19 3:4,7 3:21 4:16,18,21 5:4,6,18 7:2,5,10 8:4,10,15 9:2,18 9:18,20 10:8,16 10:17 12:1 15:19 16:4 17:4,16 22:13 25:4,14,18 25:21 26:3,6 29:16 30:21 31:4 36:15,22 37:14 39:7,7 40:13 41:19 42:4,4,19 43:5,7,16 44:3,9 44:21 45:9,11,11 45:15 46:17 47:11 47:15 once 37:22 open 27:5 46:7,12 opening 31:12 33:13 operate 12:7 15:1	page 11:17,20 12:1 13:10 15:10 paper 5:6 paragraph 12:5,6 12:13 13:10 part 13:6 16:13 18:4 23:1 24:1 28:19 32:6 33:4 40:6 parties 2:8 12:14 13:19 pass 15:11 passes 47:12 patrons 17:9 20:6 pay 29:4 people 9:11,14,16 14:12 22:1 24:2,4 24:10 26:15,16 38:20 people's 35:13 perform 17:9 performance 14:4 16:14,16 34:2 period 40:7 person 6:18 14:5 14:14,16 15:1 16:14 30:2 31:6 31:14 33:5,6 34:7 36:6 45:1	question 10:19 22:5 25:5 36:3,4 36:16 44:12,22 questioning 41:6 questions 7:6,7 9:19 10:18 17:11 17:17 27:11 37:15 44:10 45:12 quick 42:7 44:11	
			R	
			radio 14:9,21,21 16:20 17:5 37:17 raised 12:20 read 45:20 46:2 readings 14:6 reads 12:6,13,22 13:11 really 23:15 33:19 reason 11:8 17:2 28:13 35:5 received 41:22 recommendations 35:22 record 2:11 4:12,19 recorded 13:11 redefine 14:1 Reeves 1:13 regarding 41:21	

42:1	run 19:20	17:14,17 39:8,10	23:12	26:13 42:9
register 24:6	RUTHANNE 1:17	41:20,21 44:16,19	spoke 6:6 12:18	take 4:19 26:15
regs 32:8		45:2,6	stand 14:16	35:22 45:13,16,18
regular 10:11 31:2	S	Shelly 2:20	standalone 14:22	46:17
regulation 15:14	Salguero 4:10,11	short 40:17	standard 22:10	takes 35:18
15:14	4:17,21 17:19	show 5:13 6:17	stands 30:13	talk 13:16 32:19
regulations 14:2	18:14,17,19,21	19:5 34:16	start 2:10 5:20	talking 22:12
15:7 19:8	22:3 40:2 41:13	shows 14:6	32:14	tame 34:22
regulatory 6:2	41:17 47:16	shuffle 29:3,10,15	starts 26:12	technically 29:17
relax 25:1	salons 22:20	38:7	stated 6:7	technology 22:9
relaxing 23:22	Sansbury 6:7	shuffling 29:11	states 43:22	24:4
24:14	satellite 14:21 17:5	side 19:22	statute 15:13,15,17	television 14:9
relevant 6:14 13:9	Saturday 6:1 23:16	signed 5:5	15:18 16:10 31:16	37:17
report 18:8 41:14	25:8 26:22 27:3	significantly 10:11	39:9	ten 22:14 28:5
represent 3:16	34:8 36:7 38:17	Silverstein 1:19	statutory 32:8	tenets 35:6
representing 4:13	saw 7:3 21:12	37:15,16 38:3,10	stereo 20:17	term 14:7 31:20
requests 36:1	saying 11:1 21:4	38:14,22 39:3	stereos 20:2,5	terms 33:17 41:5
require 14:15,22	23:13 31:6 40:19	47:5,6	stop 6:20,22 40:3,7	testifying 5:9
37:9	says 11:12 13:1,2	simple 41:9	stopped 11:9	thank 5:22 9:19,22
required 33:21	16:13 39:16 43:9	sir 3:8 7:12 42:12	Stores 23:1	10:16,16 12:3
34:5 40:21 41:1	43:10,11,12	sitting 21:3	story 40:17	18:18,20 24:20,20
43:10	scant 7:13	skilled 15:1	straightforward	27:7,9,12 30:22
requires 12:16 34:7	seamlessly 37:13	sleep 24:22	12:9	31:3 42:6 43:6,6
42:20	second 12:12 13:2	small 9:14	Street 1:14	45:9 47:14,16
requiring 13:21	13:5,8,10 28:1	soft 27:21	strict 19:8	thing 31:11 41:14
residents 12:16	36:16 46:13,14	somebody 16:19	strictly 20:11 39:12	things 11:12
32:12 33:2	section 11:14,20	29:5,8 37:21	style 9:6,10,16	think 5:14,20 31:7
restaurant 12:7,11	13:8,9 14:1 46:6	43:12 44:1	24:15	31:13,17 32:2,5,6
20:3 21:13 38:18	46:11	song 24:5 35:22	substantial 12:15	32:8 33:1,22
restaurants 1:6	sections 6:14	38:7,10,11	33:15 37:11	35:15,15 37:1
19:7	see 4:18 14:19	songs 27:15 28:4,14	subtle 23:22	39:6 40:14,16
Retailer 1:8	15:12 18:8 19:21	29:1	suggested 44:13	44:4,12
reviewed 6:13	19:22 22:20 31:14	sophisticated 14:16	summary 11:9	Thirteen 28:10,11
right 4:4,7 5:19 7:4	seeking 36:18 46:9	19:16 20:15	Sunday 25:11	Thursday 25:12
11:22 15:6 17:11	sell 23:7 24:2	sorry 2:22 7:8 8:1,2	supersede 13:6	time 6:3 7:14 8:22
18:19 29:18 30:1	sentence 16:19	11:3 18:12,14	sure 2:12 19:9 23:8	9:19 10:1,14,15
30:6,21 32:6,12	sentences 12:5	22:7 26:5 38:11	23:11 29:12 32:13	17:2,9,13 21:6
34:13 35:1,3 36:2	set 17:3,4,6 37:17	sort 22:10 32:10	35:19	33:14 40:8
42:9 43:5 45:12	seven 23:17 27:4,5	sound 13:14,17	switch 37:22	times 8:16 10:9
45:17	Shakoor 1:22 5:1,2	19:16 32:20 38:6	switching 39:1	12:21 27:19 28:8
right-hand 19:22	5:3,21,22 7:1,11	sounds 36:14	syncing 22:2	28:9
role 42:13	7:12,16,20 8:1,8	speak 4:8 35:21	system 13:14,17	title 30:6,12,16,19
roles 42:9	8:17,21 9:3,13	speaking 14:12	29:20 32:20	toned 35:8
roll 46:17	10:3,6,13 11:5,8	35:9 38:21	systems 19:16	Tower 23:1
Room 1:13	11:19 12:2,4 15:4	specific 14:22 17:1		trained 15:1
Rosemarie 4:11	15:6,10,16,20	17:2 23:4 42:14	T	transition 40:3
roughly 27:16	16:2,8,12,17,22	specifications	table 2:8 4:9 5:6	trouble 33:19

try 21:22 35:21 trying 14:11 16:5 39:12,22 turn 37:22 turning 35:12 37:18 TV 16:20 17:4 two 6:13 11:12 12:4 13:1 33:13 type 9:5 18:5 t/a 1:6	<hr/> W <hr/> walk 17:4,5,6 want 4:7 5:7,10 15:11 31:5,9 32:3 37:12 39:22 44:12 wanted 19:17 20:9 32:13 Washington 1:6,14 wasn't 32:14 41:1 way 14:10 16:22 21:14 24:18 32:19 33:6,10,14,16,16 33:16 37:11 38:19 40:9 ways 13:1 wedding 35:15 week 23:18 weekend 23:17 weekends 28:2 went 35:5 we'll 39:21 45:18 45:22 47:12 we're 17:20 21:8 22:17 24:7 26:17 31:20 39:21 40:4 40:18,19 45:13,15 45:17 whatsoever 38:5 window 21:20 window-dressing 28:18 30:3 worded 14:10 work 4:11 30:8 32:11 37:20,20 38:4,14 working 36:14 works 34:19 world 19:7 22:15 35:7 worldly 23:21 worried 35:12 wouldn't 39:4 Wow 23:1	<hr/> P <hr/> p 1:4,10 <hr/> # <hr/> #11-CMP-00563 1:5 #81339 1:8 <hr/> 1 <hr/> 1 11:20 1st 10:2,5 1:00 7:17,18 1:10 8:2 10th 6:1 11-CMP-00563 2:5 46:11 13 18:3,6,11 19:3 19:13 21:11,17 25:5 27:15,18,19 28:3,4,8 14th 1:13 15 28:5 18 15:10 <hr/> 2 <hr/> 2 11:14,20 12:1 13:10 27:19 28:8 2:26 2:2 2000 1:13 20009 1:14 2010 21:2 46:7,12 2011 6:1 2012 1:11 21(a) 14:3 15:19 26 27:19 28:8 290 20:4 <hr/> 3 <hr/> 3:02 47:17 300 26:15 <hr/> 4 <hr/> 4 1:11 11:18,20 13:10 18:13,16 4th 1:14 405 46:6 405(b)(4) 46:11 455 1:7 2:5	<hr/> 5 <hr/> 5 13:9 18:7,17 <hr/> 6 <hr/> 6C 1:9 2:7 <hr/> 7 <hr/> 7-0 47:12 <hr/> 8 <hr/> 81339 2:7
<hr/> U <hr/> Um 10:21 Um-hum 2:18 10:21 11:16 25:10 25:13,17 27:3,6 28:12 34:9 36:14 understand 5:15 31:15 36:3 41:2 42:22 understanding 12:22 35:14 Unfortunately 29:6 upscale 12:7 use 23:14 25:5 31:21 uses 43:21 usually 28:2	<hr/> Y <hr/> years 22:15 33:13 Year's 9:1,7 10:2		
<hr/> V <hr/> VA 6:8,11,13 8:13 11:14 14:1 39:4,7 39:7,9,13,15 Vegas 22:16 verbiage 43:21 versus 14:13 violates 33:7 violation 11:2 36:9 visited 6:2 volume 8:14 9:7 10:10 26:10 38:15 38:16,19 voluntary 11:10,12 12:20 20:22 32:9 33:3,7 35:5 45:7 vote 46:18			