

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

IN THE MATTER OF: :
 :
Soloman Enterprises, LLC t/a :
Climax Restaurant & Hookah Bar: Protest
900 Florida Ave., NW : Hearing
Retailer CT - ANC-1B :
License No. 88290 :
Case #13-PRO-00152 :
 :
(Renewal Application) :

May 21, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

FELICIA DANTZLER, ABRA Investigator

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

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

(10:15 a.m.)

CHAIRPERSON MILLER: Okay. I'm going to call the case. We are waiting for the Investigator, but maybe by the time the parties come forward and introduce themselves for the record, she will be here. She is. Okay.

Then the case is 13-PRO-00152, Climax Restaurant and Hookah Bar located at 900 Florida Avenue, N.W., License No. 88290, in ANC-1B. This is a renewal application Protest Hearing. So would the parties introduce themselves for the record, please?

MR. KLINE: Yes, good morning. Andrew Kline on behalf of the licensee.

MR. YEGZAW: Soloman Yegzaw, owner of Climax Restaurant and Hookah Bar.

CHAIRPERSON MILLER: Okay.

MS. CLARK: Eartha Clark, one of the protestants.

MR. BANERJEE: Rajat Banerjee, one

1 of the protestants.

2 CHAIRPERSON MILLER: Okay. Okay.
3 Mr. Banerjee, I have you as representing Group
4 of 14, the Floridian Group. Okay.

5 MR. BANERJEE: Yes.

6 CHAIRPERSON MILLER: And Ms.
7 Eartha Clark, Group of Five or more. Correct?

8 MS. CLARK: Yes.

9 CHAIRPERSON MILLER: Okay. So
10 this is a continuation of a hearing. Ms.
11 Dantzler, our Investigator, wasn't available
12 when we started this hearing, so we -- I
13 believe that was on April 2nd. And so we took
14 the case out of order and we have heard from
15 the owner and the protestants, I believe, and
16 what is left in this case now is to hear from
17 our Investigator and we will have
18 opportunities to ask her questions and then
19 there will be closings.

20 Okay. Ms. Dantzler, do you want
21 me to swear you in?

22 INVESTIGATOR DANTZLER: Yes.

1 Whereupon,

2 INVESTIGATOR FELICIA DANTZLER
3 was called as a witness by the ABRA Board, and
4 having been first duly sworn, assumed the
5 witness stand and was examined and testified
6 as follows:

7 INVESTIGATOR DANTZLER: I confirm.

8 CHAIRPERSON MILLER: Okay. Go
9 ahead.

10 INVESTIGATOR DANTZLER: Okay.

11 CHAIRPERSON MILLER: All right.

12 So when you are ready, could you give us a
13 report based on the written investigative
14 report that you submitted in this protest
15 case?

16 INVESTIGATOR DANTZLER: Yes.

17 CHAIRPERSON MILLER: Okay.

18 DIRECT EXAMINATION

19 INVESTIGATOR DANTZLER: As we
20 know, we are here on the protest for Climax
21 Restaurant & Hookah located at 900 Florida
22 Avenue, N.W. This is a protest of the renewal

1 of a Tavern License No. 088290.

2 This protest is being -- the
3 establishment is being protested by a Group of
4 Five or more and also a Group of 14
5 represented by Mr. Rajat Banerjee.

6 The protest issues are peace,
7 order, quiet and trash.

8 On Wednesday, January 19, 2014, I
9 telephonically interviewed Mr. Rajat Banerjee
10 who represented the Group of 14. Mr. Banerjee
11 stated that the music that is played inside of
12 Climax/Hookah Bar can be heard inside of the
13 residence.

14 Mr. Banerjee stated that on
15 several occasions the police were called by
16 residents to seek relief to have the
17 establishment reduce the volume of the music
18 and he stated that once the police arrived the
19 establishment would reduce the volume, but the
20 moment that the police leaves, the volume of
21 the music is increased.

22 Mr. Banerjee also stated that on

1 previous occasions, he had contacted or he had
2 met with the owner to discuss the loud music
3 issues. And from that discussion, the owner
4 provided Mr. Banerjee with a contact phone
5 number to assist with those issues.

6 Mr. Banerjee stated that he has
7 called the establishment and discovered that
8 the number that was provided was no longer
9 working.

10 Mr. Banerjee also stated that the
11 owner agreed to install double doors to
12 contain the music and as of the protest, he
13 was not sure if that had been done.

14 On Wednesday, February 19, 2014, I
15 interviewed Mr. Yegzaw, who identified himself
16 as the owner. Mr. Yegzaw stated that he was
17 very much aware of the concerns of the
18 community and he was doing everything he could
19 to contain the music within the establishment.

20 His actions were to apply thick
21 plywood to the rear windows, which face the
22 residential homes, and apply weather seal

1 around the door that leads to the summer
2 garden. Mr. Yegzaw stated that the
3 complainant's home faces the establishment's
4 summer garden and Mr. Yegzaw believes that one
5 of the complainants could help with the
6 reduction of the music that she hears inside
7 her home by repairing a broken window and by
8 repairing the dilapidated rear structure.

9 Nearby establishment, ABC
10 establishments, there are, approximately, 39
11 ABC establishments located within 1,200 feet
12 of Climax Restaurant and there are no schools
13 located near the establishment.

14 Climax Restaurant and Hookah Bar
15 has no on-site parking. There is a parking
16 facility, a parking lot located in the 900
17 Block of U Street, which accommodates,
18 approximately, 26 vehicles and is in walking
19 distance of the establishment. There is also
20 a subway and several bus stops that are also
21 located within walking distance of the
22 establishment.

1 As far as the structure of Climax,
2 the establishment is a two-story brick
3 building. To the right of the establishment,
4 there is a Crown gas station and to the left
5 of the establishment is an unnamed, unoccupied
6 ABC establishment.

7 The interior of Climax I described
8 as a large establishment with the first floor
9 located on the street level. Once inside, you
10 can see that there is seating and a bar, as
11 well as an area to have live performances
12 because of the stage. On the second floor is
13 where you can find additional seating, as well
14 as that is the travel that one would take to
15 also enter into the rooftop summer garden.

16 The summer garden will -- is
17 approved to accommodate 24 patrons. On page
18 7 of the report, you can see the current hours
19 of operation for the establishment as well as
20 the entertainment and the summer garden
21 operational hours.

22 Between February 14, 2014 and

1 March 22, 2014, ABRA Investigators monitored
2 Climax on eight separate occasions.

3 On February the 25th, while I was
4 monitoring Climax, I could hear music
5 emanating from the rear of the establishment.
6 However, there were no residents -- no
7 residents complained of any noise during the
8 time that I monitored the establishment on
9 February the 25th.

10 On another occasion, ABRA
11 Investigators Kofi Apraku and Earl Jones
12 visited the establishment on Thursday,
13 February 27, 2014, at approximately 1:15 a.m.
14 FL (name redacted) is a -- was the complainant
15 and she complained of the loud music that was
16 coming from the establishment.

17 Investigators Apraku and Jones
18 entered Ms. F's home, which is located at 2019
19 Vermont Avenue, N.W., in an effort to confirm
20 or unconfirm the noise complaint. Although
21 Ms. L's residence is located in an area -- in
22 a zone that is not regulated by ABRA, the

1 Investigators went to document her concern,
2 because of the protest.

3 In the area inside of the home
4 where Ms. L stated that music could be heard
5 inside her bedroom, the Investigators reported
6 that no music could be heard. However, once
7 that was established, Ms. L directed the
8 Investigators to enter into a bedroom, which
9 was occupied by a male who was also asleep
10 inside the bedroom and he did not complain of
11 the noise.

12 Investigator Jones felt
13 uncomfortable. Correction. Investigator
14 Apraku felt uncomfortable entering the room of
15 a sleeping tenant. However, Mr. Jones went
16 inside the room and could not hear anything.
17 He actually had to get in front of the window
18 in order to determine that the music could be
19 heard.

20 Further, as far as the operations
21 of the establishment, there were no ABRA
22 violations found during the monitoring as well

1 as no loitering was discovered.

2 On Tuesday, February 25, 2014, I
3 monitored the establishment and during the
4 monitoring at the rear of the establishment,
5 I could hear music emanating from
6 establishments in the area. I determined that
7 the music that I was actually hearing was from
8 Velvet Lounge's summer garden, which faced the
9 entrance to the alley as I -- which faces the
10 entry to the alley as I entered the alley from
11 the 2000 Block of Vermont Avenue. And that
12 particular alley leads to the rear of Climax.

13 And Velvet Lounge is located at
14 915 U Street, N.W., and I could hear loud
15 talking from Nellie's Restaurant, which is
16 located at the corner of 9th and U Street.

17 Also in the investigation, I
18 noticed that Climax had a trade name
19 violation. What I notice on the marquee was
20 that the establishment has Climax Sports Bar
21 and Lounge instead of Climax Restaurant and
22 Hookah Bar. And the Board -- as I checked

1 into ABRA's records, I did find that the Board
2 granted the trade name change as requested.

3 I investigated the allegation
4 through the protest that Climax had erected an
5 illegal summer garden. And I reached out to
6 the Department of Consumer and Regulatory
7 Affairs and discovered that the establishment
8 was granted proper certificates and licenses
9 to erect a summer garden.

10 And that is the end of my protest
11 -- testimony.

12 CHAIRPERSON MILLER: Thank you
13 very much. Are there Board questions?

14 MEMBER SHORT: I have one.

15 CHAIRPERSON MILLER: Yes, Mr.
16 Short?

17 MEMBER SHORT: Good morning.

18 INVESTIGATOR DANTZLER: Good
19 morning.

20 MEMBER SHORT: You testified that
21 there are no schools within what distance of
22 the establishment?

1 INVESTIGATOR DANTZLER: That's
2 within 400 feet, I believe.

3 MEMBER SHORT: That's your
4 testimony?

5 INVESTIGATOR DANTZLER: Yes, sir.

6 MEMBER SHORT: Okay. Thank you.
7 That's all I have.

8 CHAIRPERSON MILLER: Okay.
9 Others? Ms. Dantzler, I just wonder if I
10 could get you to clarify for me a little bit
11 the noise issues. What's from the front and
12 what's from the back? Are there two types of
13 noise complaints? We heard this case like six
14 weeks ago, so I don't remember it all exactly.
15 But I know there is a rear deck and then I
16 know that -- I remember that there was
17 discussion about double doors being put, I
18 thought, in the front.

19 So are there two different noise
20 issues that are at issue here?

21 INVESTIGATOR DANTZLER: Yes. I
22 understand the noise issues to be just general

1 noise and music emanating from within and also
2 on the summer garden.

3 CHAIRPERSON MILLER: And the
4 summer garden, is the noise -- is the music
5 from inside or is it playing on the summer
6 garden?

7 INVESTIGATOR DANTZLER: During the
8 times that I monitored, I heard the music from
9 within the establishment. I saw no speakers
10 erected on the summer garden.

11 CHAIRPERSON MILLER: Okay. And I
12 think your report talks about plywood being
13 put up to act as a barrier inside to noise.
14 Did you actually see that?

15 INVESTIGATOR DANTZLER: Yes. On
16 one of the visits to the establishment where
17 I initially met the owner, the establishment
18 was in the process of applying plywood to the
19 rear windows and I saw that actually being
20 done.

21 And on my subsequent visits, I saw
22 that the plywood was erected on the rear

1 windows. What I also noticed as well during
2 one of the visits was that the establishment,
3 the door to the summer garden would not close
4 on its own, so it left a crack where the door
5 meets the seal. So quite possibly, I believe
6 that some of the music or noise was being
7 escaped in that manner.

8 CHAIRPERSON MILLER: So that issue
9 with the back door, does that just effect the
10 immediate neighbor in the rear or does that
11 affect anybody else that you know of?

12 INVESTIGATOR DANTZLER: Because --
13 in my opinion, the music during each visit was
14 not as loud as compared to the other visits.
15 Sometimes someone would come out the rear
16 entrance and close the door where it -- so it
17 made contact to the frame, but I didn't think
18 that the music was loud enough to interfere
19 with the residents' homes.

20 The loudest music -- the loudest
21 voices and music that I heard was either from
22 Nellie's or from Velvet Lounge.

1 CHAIRPERSON MILLER: Which affects
2 the neighbor in the rear or no?

3 INVESTIGATOR DANTZLER: I can't
4 say that that volume would impact the
5 neighbors, because I would need to be inside
6 their home to see. But as the music traveled,
7 the further into the alley that I went, the
8 sounds diminished.

9 CHAIRPERSON MILLER: Okay. And I
10 might be remembering incorrectly, but so is
11 there also another issue about the front and,
12 therefore, they were going to put in possibly
13 a double door?

14 INVESTIGATOR DANTZLER: Right. I
15 did not focus on the front of the
16 establishment, because the complaints were
17 because of the summer garden.

18 CHAIRPERSON MILLER: Okay. And is
19 the front the commercial face -- commercial
20 residences that are in a Commercial Zone?

21 INVESTIGATOR DANTZLER: The front
22 of the establishment, yes.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR DANTZLER: It shares
3 -- the front shares an intersection with the
4 9:30 Club is located. I saw no residences
5 immediately across the street on the Florida
6 Avenue side.

7 CHAIRPERSON MILLER: Okay.
8 Finally, do you know anything about the double
9 doors being installed or whether that is just
10 something they plan to do or said they will do
11 or do you know if it has been done?

12 INVESTIGATOR DANTZLER: I
13 understand that was something the
14 establishment planned to do.

15 CHAIRPERSON MILLER: Okay. Okay.
16 Thank you. Other questions? Okay. Then
17 licensee?

18 CROSS-EXAMINATION

19 MR. KLINE: Good morning,
20 Investigator Dantzler.

21 INVESTIGATOR DANTZLER: Good
22 morning.

1 MR. KLINE: You interviewed Mr.
2 Banerjee, you said, correct?

3 INVESTIGATOR DANTZLER: Yes.

4 MR. KLINE: Do you know where he
5 lives? Doesn't he live up the street on
6 Florida Avenue, if you know?

7 INVESTIGATOR DANTZLER: I don't
8 know.

9 MR. KLINE: Oh, you don't know.
10 Okay. And you indicated that you heard noises
11 from Velvet Lounge and from the Brixton,
12 correct?

13 INVESTIGATOR DANTZLER: The Velvet
14 Lounge and Nellie's.

15 MR. KLINE: Oh, and Nellie's. I'm
16 sorry.

17 INVESTIGATOR DANTZLER: Yes.

18 MR. KLINE: Okay. And in that,
19 you heard when you were situated in the alley,
20 correct?

21 INVESTIGATOR DANTZLER: Correct.

22 MR. KLINE: And at least two other

1 Investigators did have the opportunity to go
2 into Ms. Banks' home and -- to see if the
3 music could be heard, correct?

4 INVESTIGATOR DANTZLER: Inside of
5 Ms. L's home.

6 MR. KLINE: Ms. L's home.

7 INVESTIGATOR DANTZLER: Yes.

8 MR. KLINE: Okay. And it could
9 not be heard?

10 INVESTIGATOR DANTZLER: No, not
11 exactly. They could not hear in the room
12 identified by Ms. L as her own sleeping
13 quarters. They had to go to another tenant's
14 room who was -- and that person was asleep to
15 document the noise or music.

16 MR. KLINE: And the music could
17 only be heard when they got close to the
18 window, right?

19 INVESTIGATOR DANTZLER: Closer to
20 the window, correct.

21 MR. KLINE: And it would appear,
22 based on your professional experience, that

1 the sleeping person was not disturbed by the
2 music?

3 INVESTIGATOR DANTZLER: Correct.

4 MR. KLINE: Okay. And then do you
5 know if the back door seal -- you indicated
6 that there seemed to be leakage if the back
7 door to the summer garden area didn't close
8 all the way and there was leakage of noise
9 from that, correct?

10 INVESTIGATOR DANTZLER: Correct.

11 MR. KLINE: Do you know if that
12 has been fixed?

13 INVESTIGATOR DANTZLER: My last
14 visit, I don't know which date it is, had not
15 been fixed. I spoke with the owner and
16 inquired of the connection to the door and the
17 owner stated that he had someone positioned
18 behind the door to ensure that the door will
19 meet the contact to the frame.

20 MR. KLINE: And thereby minimize
21 the noise?

22 INVESTIGATOR DANTZLER: Correct.

1 MR. KLINE: All right. Now, you
2 also in your report indicated that Ms. Banks'
3 house is immediately to the rear of this
4 establishment, correct?

5 INVESTIGATOR DANTZLER: I haven't
6 spoken to a Ms. Banks. Ms. L's home rear
7 faces the summer garden.

8 MR. KLINE: Okay. All right. The
9 dilapidated structure that you referenced in
10 your report, who did that belong to, if you
11 know?

12 INVESTIGATOR DANTZLER: I
13 understand that to be Ms. L's home.

14 MR. KLINE: All right. And based
15 on your experience, is it your impression that
16 repair of the window and repair of the back of
17 that structure might have an effect in
18 mitigating the noise?

19 INVESTIGATOR DANTZLER: Yes. The
20 window looked as if it maybe a softball or
21 something may have penetrated it, which caused
22 a hole. And although I'm not a contractor, I

1 deduce that the structure was in poor
2 condition.

3 MR. KLINE: Okay. Now, your
4 report references the zoning and references
5 that this is in the ARTS Overlay District,
6 correct?

7 INVESTIGATOR DANTZLER: For the
8 establishment I believe, yes.

9 MR. KLINE: Right. And also the
10 homes behind it, correct?

11 INVESTIGATOR DANTZLER: The homes
12 behind it are in a residential -- correction,
13 a Commercial Zone.

14 MR. KLINE: Right.

15 INVESTIGATOR DANTZLER: That's not
16 covered under ABRA's Regulations --

17 MR. KLINE: Okay.

18 INVESTIGATOR DANTZLER: -- for
19 enforcement.

20 MR. KLINE: But do you know if it
21 is in the Overlay?

22 INVESTIGATOR DANTZLER: That I do

1 not know.

2 MR. KLINE: Okay. Now, you gave a
3 pretty detailed description of the Overlay to
4 encourage retail, entertainment and
5 residential uses, an increased presence and
6 integration of the arts and related cultural
7 and arts-related sport uses and you go on to
8 list the criteria of the ARTS Overlay in your
9 report, correct?

10 INVESTIGATOR DANTZLER: Yes.

11 MR. KLINE: Well, one of the
12 things that doesn't seem to be here, however,
13 is there is also a provision in the ARTS
14 Overlay that says it is designed to promote
15 18-hour activity, isn't there?

16 INVESTIGATOR DANTZLER: If it's in
17 the report, that's what I put in the report.
18 I can't -- I don't know enough about the
19 zoning to elaborate.

20 MR. KLINE: Fair enough. That is
21 all I have of this witness, at this time.
22 Thank you.

1 CHAIRPERSON MILLER: Do the
2 protestants have any questions for the
3 Investigator?

4 MR. BANERJEE: Yes, please.

5 CHAIRPERSON MILLER: Based on her
6 testimony?

7 MR. BANERJEE: Yes, please.

8 CHAIRPERSON MILLER: Okay.

9 MR. BANERJEE: The first question
10 -- good morning, Ms. Dantzler.

11 INVESTIGATOR DANTZLER: Good
12 morning.

13 MR. BANERJEE: Okay. The first
14 question is were you ever able to observe the
15 noise coming out of the front of the Climax
16 Lounge?

17 INVESTIGATOR DANTZLER: No, sir.

18 MR. BANERJEE: Are you aware that
19 some of the Group of 14 protestants live
20 across the street of Florida Avenue and those
21 members there have been calling the police for
22 over a year?

1 INVESTIGATOR DANTZLER: No, sir.

2 MR. BANERJEE: In regard to this?

3 INVESTIGATOR DANTZLER: No, sir.

4 MR. BANERJEE: Was that not in the
5 protest that you received from the Floridian
6 Group about investigating this property?

7 INVESTIGATOR DANTZLER: The way I
8 go about establishing the issues, I look in
9 the protest file and I go by that as well as
10 the interviews of the designated person to
11 speak on behalf of the protestants.

12 So after speaking with you or
13 during our conversation that was not -- you
14 didn't bring that up that the complainants
15 lived across on Florida Avenue.

16 MR. BANERJEE: Okay. But you had
17 our address, right?

18 INVESTIGATOR DANTZLER: Yes.

19 MR. BANERJEE: As part of the
20 protest?

21 INVESTIGATOR DANTZLER: Yes.

22 MR. BANERJEE: So it's directly

1 across the street from the Climax Lounge on
2 the front side of the building and the music
3 is definitely coming out of the front, that's
4 part of our protest. So I would like to note
5 that the music was not measured from the front
6 side of the building, only from the back side.

7 So we are a Group of 14
8 protestants. Do you know how many times or
9 how many different people called the police
10 through that one year period leading up to the
11 report?

12 INVESTIGATOR DANTZLER: I don't
13 because the normal avenue that our
14 investigators take to obtain police runs, that
15 information wasn't available to us, because of
16 a new reporting procedure.

17 MR. BANERJEE: Okay. May I ask
18 the ABC Board, would it be helpful if we were
19 able to provide this report, the police report
20 on how many calls from how many different
21 people and at what addresses they complained--
22 the noise complaints came out at? Just to

1 prove that there are many complaints from many
2 different people.

3 CHAIRPERSON MILLER: I understand
4 that. It would have been helpful, but the
5 time to submit evidence was --

6 MR. BANERJEE: Okay.

7 CHAIRPERSON MILLER: -- during
8 this case, yeah.

9 MR. BANERJEE: Okay. All right.
10 Were the owners of Climax Lounge, were they
11 aware that you were monitoring the building,
12 the premise at that time?

13 INVESTIGATOR DANTZLER: Yes.

14 MR. BANERJEE: So in theory, they
15 could have kept the volume down, because they
16 knew you were going to be monitoring them.

17 INVESTIGATOR DANTZLER: Yes and
18 no. They were -- the owner was very much
19 aware we were monitoring. However, I did not
20 nor did the other Investigators apprise him of
21 when we would be coming through.

22 MR. BANERJEE: Okay. Would it

1 have been possible for him to keep the volume
2 down for two weeks to -- and raise it again
3 afterwards after the investigation was over?

4 INVESTIGATOR DANTZLER: Yes.

5 MR. BANERJEE: That's the feeling
6 we are getting.

7 MR. KLINE: Objection.

8 CHAIRPERSON MILLER: I'm very
9 sorry, could you --

10 MR. KLINE: To the testimony.

11 CHAIRPERSON MILLER: -- repeat
12 that, please?

13 MR. BANERJEE: My question was
14 would it have been possible for the owners to
15 have kept the volume low for the two weeks,
16 two or three weeks that they knew they were
17 under investigation.

18 MR. KLINE: Asked and answered.

19 CHAIRPERSON MILLER: I didn't hear
20 the answer, I'm sorry. Did you answer that?

21 INVESTIGATOR DANTZLER: Yes. I
22 said yes.

1 CHAIRPERSON MILLER: Okay.

2 MR. BANERJEE: That's all of my
3 questions. Do you have any questions you
4 would like to ask?

5 MS. CLARK: Yes. My name is
6 Eartha Clark and I am one of the Protestors of
7 Five. I live directly behind the summer
8 garden. And my window is the one that has the
9 hole in the window and that is a sealed
10 window, so no noise comes in or out of that
11 window. It's always been sealed. It does
12 have that hole there now, but it's still been
13 sealed from the inside or whatever, so I don't
14 get no noise.

15 I do get the noise directly from
16 Climax from the doors and --

17 MR. KLINE: Madam Chair?

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: Objection.

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: There is no question
22 pending.

1 CHAIRPERSON MILLER: Right. This
2 is the time to ask Ms. Dantzler questions
3 about her report, not to testify.

4 MS. CLARK: Well, I'm getting to
5 that part.

6 CHAIRPERSON MILLER: We did --
7 okay. We did hear your testimony.

8 MS. CLARK: Prior to this?

9 CHAIRPERSON MILLER: Yeah.

10 MS. CLARK: Yes, you did.

11 CHAIRPERSON MILLER: Did we not?
12 Yes, right, so that's in the record.

13 MS. CLARK: Oh, okay.

14 CHAIRPERSON MILLER: So at this
15 point --

16 MS. CLARK: Then I have to ask her
17 the questions?

18 CHAIRPERSON MILLER: -- is the
19 time to ask her any questions based on her
20 report, yes.

21 MS. CLARK: I'm referring to the
22 back door. You testified that you -- when the

1 door was not closed and the seal were -- there
2 was a gap, basically, in the door or the seal
3 was not closed when the door was opening and
4 shutting?

5 INVESTIGATOR DANTZLER: Correct.

6 MS. CLARK: You said you didn't
7 know whether they had rectified that or he was
8 supposed to do some work, so you haven't
9 checked that since you did your monitoring?

10 INVESTIGATOR DANTZLER: Are you
11 asking if --

12 MS. CLARK: About the door. What
13 -- has it been repaired?

14 INVESTIGATOR DANTZLER: Right. On
15 my last visit to the establishment, it was
16 still -- the door was not making contact to
17 the frame and the owner advised that he had
18 someone positioned behind the door to keep
19 that door closed.

20 MS. CLARK: So then you heard --
21 you testified about the noise from Velvet
22 Lounge, Dodge City is also next door, and

1 Nellie's. How far up the alley were you? I
2 live directly behind Climax, so where were you
3 in the alley when you testified about that
4 door?

5 INVESTIGATOR DANTZLER: Just a
6 brief indulgence. I can show you. If you
7 look at exhibit -- page 6 --

8 MS. CLARK: I don't have any
9 exhibits.

10 INVESTIGATOR DANTZLER: -- at
11 the --

12 MS. CLARK: I don't have exhibits.
13 I haven't seen them.

14 INVESTIGATOR DANTZLER: Okay.
15 Well, perhaps they can give -- someone can
16 share the exhibit with you?

17 CHAIRPERSON MILLER: This is an
18 exhibit to your investigative report?

19 INVESTIGATOR DANTZLER: I'm sorry?

20 CHAIRPERSON MILLER: Is it the
21 exhibit to your investigative report?

22 INVESTIGATOR DANTZLER: It is.

1 CHAIRPERSON MILLER: Do any of you
2 have that?

3 MEMBER ALBERTI: Maybe she can
4 describe it, based on the exhibit.

5 CHAIRPERSON MILLER: I don't have
6 a copy of it either, which exhibit this is.

7 MEMBER ALBERTI: Can you ask her
8 if she --

9 INVESTIGATOR DANTZLER: Page 2 and
10 page 6.

11 MEMBER ALBERTI: Madam Chair,
12 would you ask her if she is able to describe
13 it --

14 CHAIRPERSON MILLER: Well, I am
15 waiting to see --

16 MEMBER ALBERTI: -- for the
17 record?

18 CHAIRPERSON MILLER: I'm waiting
19 to see it. Mr. Kline, do you have it?

20 MR. KLINE: I just handed it.

21 CHAIRPERSON MILLER: You handed it
22 to them.

1 MR. KLINE: Exhibit 6, I think is
2 what we are talking about.

3 CHAIRPERSON MILLER: Okay.

4 MR. KLINE: Correct?

5 MS. CLARK: Yes.

6 CHAIRPERSON MILLER: So she does
7 have a copy in front of her now. And Exhibit
8 6 is what?

9 MS. CLARK: If you could --
10 someone could indulge you as what -- I mean,
11 accommodate you as well with page 2.

12 MR. KLINE: Page 2 or Exhibit 2?

13 MS. CLARK: Here it's stating page
14 2.

15 MR. KLINE: Oh.

16 CHAIRPERSON MILLER: I don't --

17 MS. CLARK: Of the exhibits.

18 CHAIRPERSON MILLER: Do you want
19 to hold it up? I'm not sure what you are
20 referring to?

21 INVESTIGATOR DANTZLER: I have a
22 black and white.

1 CHAIRPERSON MILLER: Okay. Page 2
2 of Exhibit 6?

3 MEMBER ALBERTI: Well --

4 CHAIRPERSON MILLER: Do you --

5 MEMBER ALBERTI: -- is -- oh, page
6 2 of Exhibit 6?

7 CHAIRPERSON MILLER: Do you have
8 that in front of you?

9 MS. CLARK: No, I just have
10 exhibits listed. This doesn't explain what
11 I'm asking her anyway.

12 INVESTIGATOR DANTZLER: That's not
13 what I have.

14 MR. KLINE: What's the --

15 INVESTIGATOR DANTZLER: What is
16 the --

17 MR. KLINE: Can I have the
18 question again?

19 CHAIRPERSON MILLER: Right. What
20 was the question? I'm now not sure why we
21 are --

22 MS. CLARK: I asked her and she

1 said about the noise from Nellie's, Velvet
2 Lounge and I said Dodge City was also next to
3 that and it's down at the end of the alley.
4 Nellie's is across U Street on the other side.
5 And she said as she came up the alley, the
6 noise diminished.

7 So I said we live on the end of
8 the alley behind Climax. How far up the alley
9 was she when the noise diminished from those
10 establishments that she --

11 CHAIRPERSON MILLER: From the
12 other two establishments?

13 MS. CLARK: The other three, yes.

14 CHAIRPERSON MILLER: Three. Okay.
15 So we don't necessarily need to look at that
16 exhibit, do we?

17 INVESTIGATOR DANTZLER: Okay.
18 Well, I understood the question to be where
19 was I located --

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR DANTZLER: -- in the
22 alley to hear the noise. And that's what I

1 was going to show my position as it relates to
2 where Nellie's is located and where Velvet
3 Lounge is located.

4 CHAIRPERSON MILLER: Okay. Can
5 you describe it?

6 INVESTIGATOR DANTZLER: Yes. If
7 the -- the summer garden, as I stated, is in
8 the rear of the establishment. My -- the
9 alley -- the direction I was facing faces a
10 deadend. To the right is the summer garden
11 and to the left are the homes. I was,
12 approximately, the third car length in the
13 alley which did not put me directly under the
14 summer garden, but probably about 20 feet away
15 from the summer garden.

16 Facing the rear of my vehicle is
17 an entrance directly off of U Street.
18 Directly on U Street as you enter into the
19 alley there is Nellie's and to the west of U
20 Street is Velvet Lounge. So I'm,
21 approximately, half a block into the alley
22 where I can hear Velvet Lounge as well as

1 Nellie's patrons.

2 CHAIRPERSON MILLER: Thank you.

3 MR. BANERJEE: So where are your
4 cars?

5 CHAIRPERSON MILLER: No, wait.
6 No. I'm sorry.

7 MR. BANERJEE: My apologies.

8 CHAIRPERSON MILLER: That's okay.
9 She is asking the questions right now. Okay.

10 MS. CLARK: So you were three car
11 lengths coming to the deadend from U Street?

12 INVESTIGATOR DANTZLER: Correct.

13 MS. CLARK: So you would have been
14 -- that would be the length of the -- it would
15 have been about three houses from the second
16 alley or the first one? There is two. When
17 you said the one that is coming off of 2000
18 Vermont Avenue. The other one comes straight
19 up like this table is off of U Street, which
20 is 9 1/2 of alley across.

21 So you were coming this way, that
22 would put you say what 20 feet from where

1 Climax would be from that end of that alley?

2 INVESTIGATOR DANTZLER: Right. My
3 entrance into the rear of the establishment
4 was always off of the 2000 Block of Vermont
5 Avenue. The homes facing Climax are in the
6 2000 Block of Vermont Avenue in the rear.

7 MS. CLARK: Okay. So you know how
8 many houses are within that block?

9 INVESTIGATOR DANTZLER: The number
10 of houses?

11 MS. CLARK: Yes.

12 INVESTIGATOR DANTZLER: I didn't
13 count. But what I did count was the number of
14 houses from the deadend point working my way
15 back towards U Street and that was,
16 approximately, four.

17 MS. CLARK: So it's nine in that
18 block.

19 INVESTIGATOR DANTZLER: Okay.

20 MS. CLARK: And I'm at the
21 deadend. So you were closer to Velvet Lounge
22 at U Street and if you were at that deadend,

1 that's the beginning of where the houses come
2 up at that deadend. And I am directly behind
3 Climax. I can't hear the noise --

4 CHAIRPERSON MILLER: Is there a
5 question?

6 MR. KLINE: Objection.

7 CHAIRPERSON MILLER: It's not a
8 time for testimony --

9 MR. KLINE: She is testifying.

10 MS. CLARK: Okay.

11 CHAIRPERSON MILLER: -- or
12 argument. It's only a time for questions
13 based on her report.

14 MS. CLARK: Then I don't
15 understand. You can't hear the noise.

16 CHAIRPERSON MILLER: It's not time
17 for your statements.

18 MS. CLARK: Were you -- then I can
19 ask this. Were you closer -- from my
20 understanding, you were closer to Velvet
21 Lounge than you were to the houses in the
22 alley?

1 INVESTIGATOR DANTZLER: No.

2 MS. CLARK: Your answer is no?

3 INVESTIGATOR DANTZLER: That is my
4 answer, no.

5 MS. CLARK: You weren't closer to
6 Velvet Lounge?

7 MR. KLINE: Objection.

8 CHAIRPERSON MILLER: Okay.

9 MR. KLINE: Asked and answered.

10 CHAIRPERSON MILLER: That was
11 asked and answered. You have got your answer.

12 MS. CLARK: No, I'm asking her
13 that she said no.

14 CHAIRPERSON MILLER: She said no.
15 And you are asking her the same question
16 again. You can't do that.

17 MS. CLARK: It wasn't answered,
18 because I know it's incorrect.

19 CHAIRPERSON MILLER: Okay. Does
20 that conclude your questions?

21 MS. CLARK: Well, she can't answer
22 the other one that I asked.

1 CHAIRPERSON MILLER: No. Not your
2 commentary.

3 MS. CLARK: No, no. I asked her
4 the other one and she couldn't answer it and
5 that was about the door and the repairs. She
6 couldn't answer those, because she hasn't been
7 back.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Banerjee, I just wanted to get back to I
10 answered your question pretty quickly as our
11 normal rule about this is a time for evidence.
12 And I just -- I'm sorry, I think I should let
13 you get on the record at least.

14 You were asking about submitting
15 police records of complaints, noise
16 complaints. And so I need to ask you why
17 weren't you able to submit them prior to this
18 hearing or for this hearing?

19 MR. BANERJEE: It was my own
20 personal failing. I travel a lot for work and
21 I haven't been in the area enough to get to
22 the police district to pick up the report.

1 CHAIRPERSON MILLER: Okay.

2 MR. BANERJEE: I wish I had, but I
3 didn't.

4 CHAIRPERSON MILLER: Okay. And I
5 just want to, for the record, ask Mr. Kline if
6 you object to his submitting them after this
7 hearing?

8 MR. KLINE: Yes, they haven't been
9 -- there weren't disclosed on the PIF. I
10 mean, the only reason we are here today is
11 because the Investigator was unavailable. I
12 mean, at this late date, we have no
13 opportunity to prepare, present them to note
14 that they would have been part of the record.
15 They weren't part of the investigative report
16 we were presented.

17 MR. BANERJEE: The Investigator's
18 report was available extremely close to --
19 maybe it was just overnight before the day
20 that the PIF was submitted, that the PIF was
21 obligated to be in. And so that didn't give
22 us enough time to read through the report,

1 notice that the police report was missing and
2 go to the station to pick it up.

3 MR. KLINE: Madam Chair, it has
4 been six weeks since then.

5 CHAIRPERSON MILLER: Right.

6 That's --

7 MR. KLINE: I mean, that could
8 have been -- that issue could have been raised
9 long before today. If it had been, we would
10 have had an opportunity to prepare for it.

11 CHAIRPERSON MILLER: Right. I
12 would say that there has been a six week
13 period since the report. And I think had you
14 raised it before, and we did have a
15 continuation of this hearing, that I would
16 have said that you probably should have been
17 able to add it in, even though it was late
18 because then Mr. Kline would have an
19 opportunity to look at it and do any kind of
20 cross-examination related to it. Okay.

21 MR. KLINE: Madam Chair, I also
22 want to add for the record that of course

1 calls to police are evidence, but, I mean, the
2 Board has been skeptical in the past in terms
3 of giving them much weight because if the
4 Board did give those much weight, then the
5 parties would be encouraged to waste the
6 Department's time filtering the records for
7 these hearings. And the Board has been
8 sensitive to that issue in the past.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: I have problems
11 with Mr. Kline imputing our motives and
12 thoughts here. You don't know what goes
13 through our minds in terms of what weight we
14 give these things.

15 MR. KLINE: I can only go by
16 what --

17 MEMBER ALBERTI: I don't believe
18 it has ever been recorded in any of our orders
19 that discussion of how much weight we have
20 given police reports. So you are imputing,
21 you are assuming things about the thought
22 process of the Board and I just -- for the

1 record, I want that to be clear that you have
2 no inside knowledge.

3 MR. KLINE: Mr. Alberti, you are
4 correct. However, I can only go on statements
5 that have been made during previous Board
6 hearings when the issue has been raised.
7 That's the only thing I can go on. I don't
8 pretend to --

9 MEMBER ALBERTI: Fine.

10 MR. KLINE: -- know what goes on.

11 MEMBER ALBERTI: And that's --
12 then that's your conclusion.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Your personal
15 conclusion, not substantiated, correct?

16 MR. KLINE: I'll go pull
17 transcripts, Mr. Alberti, if --

18 MEMBER ALBERTI: Fine, fine.

19 MR. KLINE: -- you --

20 MEMBER ALBERTI: I know. We will
21 be all -- that is your interpretation of what
22 you --

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: -- have heard.

3 CHAIRPERSON MILLER: All right. I
4 don't think we should belabor this issue. I
5 just wanted to address that issue a little bit
6 more fully. Okay. So we are now -- are there
7 any other rebuttal questions?

8 MR. KLINE: Just one.

9 CHAIRPERSON MILLER: Okay.

10 MR. KLINE: I think this helps.
11 Just so we are clear, Investigator Dantzler,
12 when you were in the alley, this long
13 discussion that we had about where you were
14 positioned, is it fair to say that you were
15 behind the building next to Climax when you
16 were listening to -- when you heard this
17 noise?

18 INVESTIGATOR DANTZLER: It's fair
19 to say that the position I took during each
20 monitoring was just a few feet at the base of
21 the summer garden.

22 MR. KLINE: All right.

1 INVESTIGATOR DANTZLER: I wasn't
2 directly under the summer garden, just about
3 20 feet away from it.

4 MR. KLINE: All right. I would
5 ask you to pull back out Exhibit 6 and let us
6 know if that refreshes your recollection. You
7 will see Climax Restaurant clearly labeled on
8 your Exhibit 6. And then you see the building
9 to the south of that. We can only guess in
10 terms of how wide that building is, 10 feet,
11 20 feet, but it certainly looks wider than the
12 houses.

13 And does that help you in terms of
14 establishing your position in the alley when
15 you are doing these observations?

16 INVESTIGATOR DANTZLER: I want to
17 ensure that you and I are referencing the --
18 I don't have that. I don't have that.

19 MR. KLINE: May I approach the
20 witness?

21 CHAIRPERSON MILLER: Yes, yes.

22 INVESTIGATOR DANTZLER: Could you

1 repeat your question?

2 MR. KLINE: My question is in
3 looking at Exhibit 6, you will see Climax
4 clearly labeled, in looking at that drawing,
5 noticing that the building to the south of it
6 appears from the diagram to be wider than the
7 residential houses to the west that face
8 Vermont Avenue, does that help reference --
9 refresh your recollection or help you clearly
10 identify where you might have been when you
11 made the audio observations that have been
12 discussed?

13 INVESTIGATOR DANTZLER: Yes. I'm
14 understanding this diagram to show Climax.
15 The front is on Florida Avenue and to the rear
16 is where the summer garden is. The space
17 between Climax and the residence is the actual
18 alley.

19 MR. KLINE: Right. And you see a
20 series of blocks south of -- or as you are
21 looking at the page towards the bottom of the
22 page, below Climax that represent other

1 buildings fronting Florida Avenue, correct?

2 INVESTIGATOR DANTZLER: Correct.

3 MR. KLINE: Okay. So in looking
4 at that and having placed Climax, are you able
5 to now, looking at that diagram, more clearly
6 locate where you were in the alley when you
7 made the audio observations that have been
8 discussed? Were you behind the building next
9 to Climax? Is that fair?

10 INVESTIGATOR DANTZLER: It is fair
11 to say that, yes, I was behind the building.
12 In this photograph where it has the word 900,
13 there is a plus sign, I was approximately two
14 buildings away from the establishment. Two
15 buildings below the plus sign is the
16 approximate location where I was parked.

17 MR. KLINE: All right. And where
18 you were parked, but you got out of your car,
19 correct?

20 INVESTIGATOR DANTZLER: Yes. I
21 monitored from within the vehicle with the
22 windows up and then I monitored -- I got out

1 and sat on the hood, because of the rats. I
2 was a little afraid of the rats, so --

3 MR. KLINE: Understandable.

4 INVESTIGATOR DANTZLER: -- I sat
5 on the hood.

6 MR. KLINE: And when you say two
7 buildings, are you talking about the
8 residential buildings to the left or the
9 commercial buildings to the right?

10 INVESTIGATOR DANTZLER: Commercial
11 buildings to the right.

12 MR. KLINE: All right. May I
13 approach and get the diagram, because I gave
14 her my only copy?

15 CHAIRPERSON MILLER: Certainly.
16 Okay.

17 MR. KLINE: I'm sorry, because I
18 didn't have that in front of me, so it's a
19 little confusing. So you are saying that you
20 were near where the plus sign is?

21 INVESTIGATOR DANTZLER: I was two
22 blocks below the plus sign.

1 MR. KLINE: Okay. Two buildings
2 below. Okay. Got it. Okay. Great.

3 MEMBER ALBERTI: Two buildings
4 below? What's that mean?

5 INVESTIGATOR DANTZLER: Two
6 blocks.

7 MEMBER ALBERTI: South, north?
8 What's it mean?

9 INVESTIGATOR DANTZLER: South.
10 Two blocks south.

11 MEMBER ALBERTI: Okay. Thank you.
12 For the record.

13 MR. KLINE: That's all I have.
14 Thank you.

15 CHAIRPERSON MILLER: Okay. No,
16 I'm sorry, it's the order of procedures that
17 licensee and then the protestants and they get
18 rebuttal. They get the last word. So that
19 concludes your testimony. Thank you very
20 much.

21 MR. KLINE: Oh, wait. I have one--

22 CHAIRPERSON MILLER: You have

1 another one?

2 MR. KLINE: I'm sorry, I have one
3 more question.

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: Just one more. The
6 monitoring period, you were asked about the
7 monitoring period and whether the licensee
8 might have known. You said that they -- you
9 knew -- they knew you were monitoring, but
10 they didn't know what two week period you were
11 going to be there, did they?

12 INVESTIGATOR DANTZLER: That is
13 correct.

14 MR. KLINE: They didn't have any
15 idea when you were going to be monitoring the
16 establishment, did they?

17 INVESTIGATOR DANTZLER: Correct.

18 MR. KLINE: Okay. Thank you.

19 CHAIRPERSON MILLER: Okay.

20 MR. KLINE: That's all I have.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Ms. Miller,

1 before we complete this case.

2 CHAIRPERSON MILLER: Oh, do you
3 have a Board question?

4 MEMBER ALBERTI: Well, no. I have
5 a comment. This report that we have in front
6 of us is -- from the Investigator is
7 incomplete. Normally, we ask the
8 Investigators to give us information from
9 police runs as part of the report, that is our
10 normal procedure.

11 This is out of the norm. It's
12 incomplete. I'm not faulting anyone. I
13 realize that the Investigator had difficulty
14 getting them, but I would like -- since the
15 protestants have that information, I would
16 like them to be submitted to this Board.

17 I mean, it's really kind of this
18 Agency's error that we don't have this here
19 and I think that's -- we have put the
20 protestants at a disadvantage by not having it
21 as part of this report.

22 Now, of course, we won't hear

1 testimony on any of that, but I think the
2 information should be available to the Board.

3 MEMBER RODRIGUEZ: I agree with
4 that.

5 CHAIRPERSON MILLER: Okay. So we
6 are going back to the question of whether the
7 protestant may submit, late or whatever,
8 police reports. And you know, if the Board
9 wants to do that, that's fine. I would note
10 though, I don't think this is the first
11 instance in which the investigative report has
12 said that they weren't able to get this
13 information, but I --

14 MEMBER ALBERTI: Well, but we do
15 have the protestants having an objection to
16 that missing and they feel disadvantaged and
17 I think that since they brought that to our
18 attention, that we should respond. And it's--
19 you know, part of the fault is the Agency's
20 fault.

21 CHAIRPERSON MILLER: So --

22 MR. BANERJEE: Mr. Alberti?

1 CHAIRPERSON MILLER: Wait a
2 second. I certainly agree that we should make
3 -- that we just realize that this is, you
4 know, what we may do in the future. And I
5 understand that if we do this, then it means
6 that the applicant doesn't have a chance to
7 cross-examine anybody, but we understand that.

8 MEMBER ALBERTI: Well, no one is
9 providing testimony.

10 CHAIRPERSON MILLER: We can take
11 that --

12 MEMBER ALBERTI: No one would --
13 there would be no testimony on that document.
14 It would stand alone and so both sides have
15 the same access to testimony with respect to
16 that document. I don't --

17 CHAIRPERSON MILLER: Okay.

18 MEMBER ALBERTI: -- see why it is
19 a disadvantage to the protestant that they
20 don't get to cross-examine it.

21 CHAIRPERSON MILLER: Mr. Kline, do
22 you want to address this since we have opened

1 this up again?

2 MR. KLINE: If Mr. Alberti is
3 correct and my understanding of the Board's
4 treatment of police runs is not correct, then
5 I would like to be heard as to certainly the
6 Board can accept whatever it wants to accept,
7 but I think the Board, particularly for the
8 two newer Board Members, should have the
9 benefit of argument as to why that evidence is
10 not particularly reliable and why, from a
11 public policy standpoint, there should be --
12 it should be taken with a grain of salt and
13 that protestants should not be encouraged to
14 rely on police runs.

15 So I would certainly like to
16 address that if the Board is going to accept
17 police runs and try to draw conclusions from
18 complaints that might have been filed that
19 resulted in police runs.

20 CHAIRPERSON MILLER: Okay. My
21 understanding is if we allow this evidence to
22 be submitted after this hearing, that we

1 certainly would give you the opportunity to
2 respond to it. Are you suggesting you need to
3 say something ahead of time?

4 MR. KLINE: That's fine. I mean,
5 if that's what the Board's preference is, I
6 can do it in writing. I don't -- you know,
7 you don't need to hear me.

8 MEMBER ALBERTI: Well --

9 CHAIRPERSON MILLER: Either way.
10 I just think that you have that opportunity
11 one way or the other, but it's --

12 MEMBER ALBERTI: Well, you know,
13 Ms. Miller, I think that the proper -- first
14 of all, I would state that this Board is quite
15 capable of interpreting those documents on its
16 own without assistance.

17 But having said that, I think the
18 proper vehicle is if the protestant wants to
19 comment on that, I think the proper vehicle
20 would be, document, through findings of fact
21 and conclusions of law.

22 CHAIRPERSON MILLER: I know.

1 raised?

2 MR. KLINE: No. They don't have a
3 chance to respond, that's not the way this
4 procedure works.

5 CHAIRPERSON MILLER: No.

6 MR. KLINE: You have been here
7 long enough to know that. The protestants --

8 MEMBER ALBERTI: Well, this is
9 not --

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: -- our usual
12 procedure isn't to have Government documents
13 commented after the fact by the parties. I
14 mean --

15 CHAIRPERSON MILLER: Okay.

16 MR. KLINE: Mr. Alberti, I'm
17 sorry, but if it is coming in the record, then
18 we get an opportunity to comment on it.
19 That's the Administrative Procedures Act.

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: That's basic.

22 MEMBER ALBERTI: And so do the

1 protestants.

2 CHAIRPERSON MILLER: That's right.
3 No. Okay.

4 MEMBER ALBERTI: So do the
5 protestants.

6 CHAIRPERSON MILLER: Mr. Alberti?

7 MR. KLINE: It's their evidence.
8 They don't need to comment on it. It's their
9 evidence.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: This is actually
12 evidence that should have been part of a
13 report, so I don't really know if I consider
14 this as their evidence. This is really the
15 Board's evidence. This -- the protest is the
16 Board's --

17 CHAIRPERSON MILLER: No. It's not
18 the Board's evidence if the protestants are
19 going to put it in the record. If we are
20 going to ask Ms. Dantzler to put something in
21 the record, that's different. But the
22 protestants have asked to put something in the

1 record out of time and that's not unheard of
2 in administrative proceedings.

3 MEMBER ALBERTI: Then I think we
4 ought to ask Ms. Dantzler to --

5 CHAIRPERSON MILLER: And so --

6 MEMBER ALBERTI: -- do that.

7 CHAIRPERSON MILLER: No.

8 MEMBER ALBERTI: I think we ought
9 to ask our Investigator to put those reports
10 in the record as they should have been in the
11 original report.

12 CHAIRPERSON MILLER: Well, if Ms.
13 Dantzler does it, then each party may have an
14 opportunity to comment.

15 MEMBER ALBERTI: Absolutely,
16 absolutely. And i think that's probably the
17 cleaner and best procedure to do here.

18 INVESTIGATOR DANTZLER: Chairman?
19 Okay. We -- since I have been here since
20 2007, ABRA had a go-to person to obtain police
21 run, the history for a particular address.
22 That go-to person is no longer in that

1 position.

2 However, MPD, Metropolitan Police
3 Department, has not provided ABRA with a
4 contact person to move forward on our cases.
5 So we don't have a clear direct person any
6 longer to get information when it comes to the
7 police runs or service history for that
8 address.

9 CHAIRPERSON MILLER: So are you
10 saying that you are not sure you can do that?

11 INVESTIGATOR DANTZLER: I'm saying
12 that it would be the same response that I had
13 probably in the beginning, as far as who do we
14 go to. We have no go-to person. So I can
15 work -- I used to be a police officer.
16 Perhaps I can get some insight of who we can
17 go to to assist us with police runs for
18 particular addresses.

19 MEMBER ALBERTI: Madam Chair, I
20 think this is an issue that we need to take up
21 with Director Moosally. I mean, we --

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: The Board is
2 asking for those to be included in these
3 protest reports. We are hearing that
4 Investigators are having problems. I think
5 Director Moosally is the person who should be
6 handling this issue.

7 CHAIRPERSON MILLER: Okay. But we
8 have a hearing right now and we can take that
9 up in general, but, at this point, I believe
10 that you reopened the question and said that
11 you would like to -- the protestants to have
12 the opportunity to put into the record the
13 police reports.

14 And then it switched to Ms.
15 Dantzler, who said she may have problems
16 getting it. So, at this point, if you are
17 saying that they are important to get in the
18 record and the protestants say that they are
19 going to -- they want to do it, then I think
20 we should just let them do it.

21 MEMBER ALBERTI: Well, you know, I
22 think it defies logic to believe that the

1 protestants can get it, but our own
2 Investigator can't get it. So I think that we
3 ought to work through Mr. Moosally and direct
4 him to get those reports for us.

5 CHAIRPERSON MILLER: Okay. Let's
6 finish this case though. So then is it your
7 recommendation --

8 MEMBER ALBERTI: Well, I'm trying
9 to.

10 CHAIRPERSON MILLER: -- that we
11 keep the record open for how many days for the
12 Investigator to put into the record the police
13 reports?

14 MEMBER ALBERTI: 10 days, that's
15 my suggestion.

16 MR. KLINE: Madam Chair, if they
17 are going to come in, then I would like to
18 reserve the right to --

19 CHAIRPERSON MILLER: Absolutely.

20 MR. KLINE: -- call officers or
21 additional witnesses to potentially discuss
22 the complaints that have been filed, because

1 the fact that there are complaints, doesn't
2 mean that there are violations.

3 And as I said earlier, I mean, if
4 the Board's policy is that complaints are so
5 important, then expect the police department
6 to be saddled with a lot of unnecessary calls
7 as certain parties try to build records for
8 this Board in other proceedings.

9 And Mr. Alberti may scoff at that,
10 but --

11 MEMBER ALBERTI: That's pure
12 speculation.

13 MR. KLINE: -- there are certain
14 parties --

15 MEMBER ALBERTI: That's pure
16 speculation, Mr. Kline. You have nothing to
17 back that up.

18 MR. KLINE: I have 30 years of
19 experience --

20 MEMBER ALBERTI: That's pure
21 speculation.

22 MR. KLINE: -- to back that up,

1 Mr. Alberti, with all due respect.

2 MEMBER ALBERTI: Right.

3 MR. BANERJEE: There could also be
4 a lot of other things in those reports,
5 fights, violence, other things besides noise.
6 I'm not speculating because I haven't seen
7 them, but that's what normally would fill up
8 a police report.

9 MR. KLINE: We're not talking
10 about reports, Madam Chairman. We're talking
11 about police runs.

12 CHAIRPERSON MILLER: Are you --

13 MR. KLINE: That's what we are
14 talking about.

15 CHAIRPERSON MILLER: -- talking
16 about noise complaint? Only dealing with
17 noise complaints? If we open -- if we extend
18 the record in this case, we are not going to
19 open up a whole new world of complaints,
20 because that's not fair, at this point.

21 MR. BANERJEE: That is not the
22 intent.

1 CHAIRPERSON MILLER: Right. Okay.
2 So let me just ask you this, Mr. Kline, if we
3 get in the police reports, you have an
4 opportunity to argue the reliability issue,
5 which is not new to the Board. That does not
6 mean -- do you really think you are asking
7 that a police officer has to come in?

8 MR. KLINE: I don't know. I don't
9 know what is in the report.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: And that's his
12 choice.

13 MR. KLINE: You're asking me --

14 MEMBER ALBERTI: That's his
15 choice.

16 MR. KLINE: -- to make decisions
17 about --

18 CHAIRPERSON MILLER: Okay.

19 MR. KLINE: -- rebutting evidence
20 that I haven't seen and hasn't been
21 identified. I just want the record to be
22 clear that we want the right to be able to

1 rebut evidence that hasn't previously been
2 identified and hasn't been introduced. That's
3 all.

4 CHAIRPERSON MILLER: Okay. So --

5 MR. KLINE: That's our right under
6 the Administrative Procedures Act.

7 CHAIRPERSON MILLER: Right,
8 correct. Okay. So what I hear Mr. Alberti
9 asking is that Ms. Dantzler supplement the
10 record within 10 days and then I would suggest
11 -- and that would be served on all the parties
12 and that all the parties -- each of the
13 parties have 10 days for which to respond to
14 that supplement. And in that response if you
15 care to ask for a hearing or whatever, that
16 will be your right to put it in there. I
17 don't think we have to decide that today,
18 because we don't know what they are going to
19 decide. Okay.

20 MEMBER SHORT: Ms. Chair?

21 CHAIRPERSON MILLER: Yes?

22 MEMBER SHORT: Just for the record

1 --

2 CHAIRPERSON MILLER: Okay.

3 MEMBER SHORT: -- there was a
4 question that was asked were there any schools
5 in that area.

6 CHAIRPERSON MILLER: That was your
7 question, yes.

8 MEMBER SHORT: Yeah, and there is
9 Garnet-Patterson Junior High School which is
10 less than a block away from Climax.

11 CHAIRPERSON MILLER: Do you want
12 to ask Ms. Dantzler? She has already --

13 MEMBER SHORT: Well, she might --
14 I might want to refresh her memory, just for
15 the record.

16 CHAIRPERSON MILLER: All right.
17 Since you are still here. Did you hear, there
18 is a Board question about whether you are
19 familiar with this school?

20 MEMBER SHORT: Garnet-Patterson
21 Junior High School?

22 INVESTIGATOR DANTZLER: Right. I

1 just --

2 MEMBER SHORT: Located at 10th
3 Street and U Street.

4 INVESTIGATOR DANTZLER: At 10th and
5 U?

6 MEMBER SHORT: Yeah. They closed
7 down old Shaw Junior High School and they
8 combined them. Garnet-Patterson has been
9 there for as long as I can remember. I just
10 wanted to clear the record.

11 MR. KLINE: Madam Chair, the Board
12 can take administrative notice if there is a
13 school there.

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: We don't have any
16 objection to the Board taking administrative
17 notice.

18 CHAIRPERSON MILLER: Okay. You
19 can get back to us. You are doing to do a
20 supplemental report anyway.

21 INVESTIGATOR DANTZLER: Okay.
22 Yes, I did look into the school, but that

1 school was closed.

2 CHAIRPERSON MILLER: Oh, all
3 right.

4 INVESTIGATOR DANTZLER: Garnet-
5 Patterson is closed.

6 CHAIRPERSON MILLER: That is your
7 answer then.

8 INVESTIGATOR DANTZLER: It was
9 closed.

10 CHAIRPERSON MILLER: Okay. To the
11 best of her knowledge, it's closed.

12 MEMBER SHORT: Closed now?

13 INVESTIGATOR DANTZLER: Yes.

14 CHAIRPERSON MILLER: Okay. All
15 right. I think --

16 MS. CLARK: Could I ask a
17 question?

18 CHAIRPERSON MILLER: No. She is
19 finished. This was an out-of-order. Thank
20 you very much.

21 MS. CLARK: You're welcome.

22 CHAIRPERSON MILLER: So we will

1 expect a supplemental report within 10 days
2 with the police --

3 INVESTIGATOR DANTZLER: Police
4 runs.

5 CHAIRPERSON MILLER: -- runs, um-
6 hum.

7 INVESTIGATOR DANTZLER: Police
8 runs or police reports?

9 CHAIRPERSON MILLER: What is it
10 that -- I'm not sure. Which is it?

11 MEMBER ALBERTI: Well, what
12 distinction are you making?

13 INVESTIGATOR DANTZLER: Is the
14 Board asking for police runs or police
15 reports?

16 MEMBER ALBERTI: Meaning what?

17 INVESTIGATOR DANTZLER: Meaning
18 that --

19 MEMBER ALBERTI: Articulate those
20 two for us, so I understand what you are
21 asking.

22 INVESTIGATOR DANTZLER: A radio

1 run doesn't always result in a police report.

2 MEMBER ALBERTI: All right. So
3 usually we get a list, a table that lists
4 police runs, right?

5 INVESTIGATOR DANTZLER: Correct.

6 CHAIRPERSON MILLER: For service?

7 MEMBER SILVERSTEIN: Calls for
8 service.

9 MEMBER ALBERTI: Calls for
10 service.

11 INVESTIGATOR DANTZLER: Right.

12 MEMBER ALBERTI: It's really calls
13 for service. Do you understand what we are
14 asking when I say calls for service?

15 INVESTIGATOR DANTZLER: Now, I
16 understand you are asking for calls for
17 service. Prior there was talk about police
18 runs and police reports, so I wanted to make
19 sure I'm getting the Board exactly what they
20 are asking.

21 MEMBER ALBERTI: You can discuss
22 that with Director Moosally. He will -- I'm

1 sure he will --

2 CHAIRPERSON MILLER: In your --

3 MEMBER ALBERTI: -- be able to
4 help you out with that.

5 CHAIRPERSON MILLER: In your
6 report --

7 INVESTIGATOR DANTZLER: Director
8 Moosally is not here. I'm asking of the Board
9 what exactly do you want --

10 CHAIRPERSON MILLER: Right.

11 INVESTIGATOR DANTZLER: -- from
12 me?

13 CHAIRPERSON MILLER: Exactly.

14 MR. KLINE: We want to know on the
15 record exactly what you --

16 CHAIRPERSON MILLER: Exactly.

17 MR. KLINE: -- are requiring.

18 MEMBER ALBERTI: Yes, I think
19 calls for service like what -- is what we
20 normally get.

21 MR. KLINE: Calls for service.

22 Okay.

1 MEMBER ALBERTI: Calls for
2 service.

3 MR. KLINE: I'm clear.

4 INVESTIGATOR DANTZLER: I'm now
5 clear. Thank you.

6 MEMBER ALBERTI: Yes, calls for
7 service.

8 MR. KLINE: I don't know about
9 everybody else, but I'm clear.

10 INVESTIGATOR DANTZLER: Thank you.

11 CHAIRPERSON MILLER: On page 10
12 you have your report, you say records search
13 and you reference calls for service that, you
14 know, you weren't able to get. So that that's
15 what we want.

16 INVESTIGATOR DANTZLER: Okay.

17 CHAIRPERSON MILLER: Okay.

18 Everybody agree?

19 MR. BANERJEE: Does that include
20 the report of what actually happened, if there
21 was a violation? What the police actually
22 reported when they came back from the club?

1 INVESTIGATOR DANTZLER: Well, in
2 keeping with the policy of our reports, we do
3 not report any -- we do not report or we do
4 not place in the protest report any action
5 from MPD. It just tells us there was a call
6 for service, i.e., assault, fight, and it
7 doesn't state -- we are not required to put in
8 what type of report was issued.

9 MR. BANERJEE: So if there is a
10 fine or someone was arrested, it doesn't --

11 CHAIRPERSON MILLER: Let me just
12 interrupt for one second. You do have in the
13 record the investigative report, which does
14 reference police actions and fines that ABRA
15 made with respect to the establishment.
16 That's in the record --

17 MR. BANERJEE: Okay.

18 CHAIRPERSON MILLER: -- already.
19 So this is just calls for service, which under
20 her records search heading had not been
21 submitted in the report. Okay.

22 INVESTIGATOR DANTZLER: Okay.

1 Thank you.

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

4 INVESTIGATOR DANTZLER: My
5 pleasure.

6 MR. KLINE: Madam Chairman, I have
7 one rebuttal witness.

8 CHAIRPERSON MILLER: A rebuttal
9 witness to the --

10 MR. KLINE: To the underlying
11 case.

12 CHAIRPERSON MILLER: Okay. I
13 didn't remember whether you had done rebuttal.
14 No, you didn't. It was a while ago.

15 MR. KLINE: No, because we didn't
16 conclude --

17 CHAIRPERSON MILLER: Because we
18 didn't have the whole case.

19 MR. KLINE: -- when we were here.

20 CHAIRPERSON MILLER: Correct.
21 Okay.

22 MR. KLINE: I call to the stand

1 Soloman Yegzaw.

2 CHAIRPERSON MILLER: Good morning.

3 Whereupon,

4 SOLOMAN YEGZAW

5 was called as a witness by Counsel for the
6 Licensee, and having been first duly sworn,
7 assumed the witness stand and was examined and
8 testified as follows:

9 MR. YEGZAW: Yes, I do.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. Have a seat.

12 DIRECT EXAMINATION

13 MR. KLINE: Mr. Yegzaw, have you
14 during the course of the last year had visits
15 from DCRA inspectors for purposes of checking
16 on noise levels?

17 MR. YEGZAW: Yes.

18 MR. KLINE: How many times has
19 that occurred?

20 MR. YEGZAW: About this one month,
21 they came three times.

22 MR. KLINE: Three times?

1 MR. YEGZAW: Three times in this
2 month. The last month and this month.

3 MR. KLINE: The last month and
4 this month?

5 MR. YEGZAW: And this month. Two,
6 three times.

7 MR. KLINE: Is that three times
8 total or six times total?

9 MR. YEGZAW: No, three times
10 total.

11 MR. KLINE: Three times total.

12 MR. YEGZAW: Yes.

13 MR. KLINE: Okay.

14 MR. YEGZAW: Random.

15 MR. KLINE: So that was within the
16 last 60 days or so?

17 MR. YEGZAW: Yes.

18 MR. KLINE: And did they use a
19 decibel meter or noise meter of some kind?

20 MR. YEGZAW: Yes, the DCRA
21 Investigator had a sound check and they were
22 in the back and I didn't know. They come

1 randomly. DCRA and Metropolitan Police and
2 the Sergeant and ABC Board Investigator --

3 MR. KLINE: Okay.

4 MR. YEGZAW: -- they joined
5 together and they came in the alley and they
6 run it and they came to the front and they ask
7 for license manager or owner and I was there.
8 I went downstairs and then they told me we
9 been requested running by police, because the
10 neighborhood calls a lot of times, so the
11 police said we have hard time to respond to
12 calls.

13 And we have hard time to come here
14 every day two or three times. So we need to
15 finalize this. We need to call DCRA and they
16 called us and they came down there. They run
17 it and they said this is the report that they
18 should -- they told me that they should fax it
19 or mail it or email it to ABC Board, because
20 there was also the ABC Investigator that had
21 done this.

22 So three times I was low by the

1 law, which --

2 MR. KLINE: Okay.

3 MR. YEGZAW: -- means the law says
4 64. I don't know my area is 64, but I was
5 52.9, 53.9 and 50.1, three times.

6 MR. KLINE: And do you know the
7 Investigator? Do you happen to know who the
8 Investigator was that accompanied DCRA and MPD
9 on these visits?

10 MR. YEGZAW: Yes, I know them.

11 MR. KLINE: Who was it?

12 MR. YEGZAW: Yes. Who was that?

13 MR. KLINE: Who was the
14 Investigator?

15 MR. YEGZAW: The ABC or --

16 MR. KLINE: Yes, the ABC
17 Investigator.

18 MR. YEGZAW: The ABC, like I said,
19 I didn't catch his name, but I know him when
20 he comes all the time. He is the one --

21 MR. KLINE: All right.

22 MR. YEGZAW: -- he is the wearing

1 glasses I think. The newest --

2 MR. KLINE: All right. If you
3 don't know his name --

4 MR. YEGZAW: Right. I don't know
5 the name.

6 MR. KLINE: All right. And have
7 you had other visits from the police
8 department in response to noise complaints?

9 MR. YEGZAW: Well, every day.
10 Between this two weeks, two times a day, three
11 times a day and then they already know we have
12 a case. They try to make it stronger the
13 case, that's why I'm having a hard time also
14 calling the police every day two or three
15 times working first floor, second floor and
16 making -- scare all my customers. I'm not
17 feeling comfortable for that. So that's why
18 police decided to run sound check and DCRA.

19 If you actually didn't get the
20 report, I can get the report and I show it to
21 you or you can request it. I can -- I thought
22 they send it to you.

1 MR. KLINE: All right. Well, just
2 one last question. The rear door that we have
3 had so much conversation about.

4 MR. YEGZAW: Um-hum.

5 MR. KLINE: Has that been fixed?

6 MR. YEGZAW: Yes, I do. I did the
7 double door. And they already saw it.

8 MR. KLINE: Okay. And then --

9 MR. YEGZAW: So --

10 MR. KLINE: -- what about the door
11 itself? Did you fix it so that it seals?

12 MR. YEGZAW: I fix the door by
13 itself and then I made a double door after
14 that.

15 MR. KLINE: All right.

16 MR. YEGZAW: So --

17 MR. KLINE: That's all the
18 questions I have of this witness.

19 CHAIRPERSON MILLER: Okay. Do you
20 have questions?

21 MR. BANERJEE: Okay. When the
22 Investigators came, were you aware that they

1 were coming?

2 MR. YEGZAW: No, I didn't know.
3 No nobody let me know when they come, either
4 police, either DCRA, ABC, they won't let me
5 know when they coming. They just came any
6 time they want.

7 MR. BANERJEE: Okay. Were there
8 customers out on the summer garden talking and
9 making noise when they came?

10 MR. YEGZAW: Some times were, some
11 times no. I have --

12 MR. BANERJEE: You only met them
13 once?

14 MR. YEGZAW: Huh?

15 MR. BANERJEE: I thought you only
16 met them once.

17 MR. YEGZAW: No some times there
18 were customers and some times not. So I'm not
19 sure. When they come in the back alley, they
20 didn't let me know. I couldn't even see them.
21 I'm inside. And then they come the front door
22 and they ask for me and then, you know, the

1 security guy come upstairs and then I went
2 downstairs and talked to them. So I didn't
3 even know there is a customer on the patio or
4 not. But I have a license. I can have some
5 people out there.

6 MR. BANERJEE: Okay. Do you know
7 who is calling the police?

8 MR. YEGZAW: I don't know. The
9 police they don't tell me that. They say
10 whenever they call us, we have to come. We
11 know it's the same story, same problem. We
12 cannot do it, but we have to respond to the
13 call. But I never get no violations since I
14 start this business about the sound. I never
15 get from police or anything, any violation
16 about it.

17 MR. BANERJEE: Do the police
18 really respond two or three times a day to
19 calls?

20 MR. YEGZAW: A day, yes. Two or
21 three times a day and then finally they got
22 tired of it and they -- some of the officers,

1 they got my number and they say hey, they just
2 called, just reduce it. I can tell you that,
3 so I don't know what to do with that.

4 MR. BANERJEE: You have no idea
5 who is calling?

6 MR. KLINE: Objection. Asked and
7 answered.

8 MR. YEGZAW: I don't know.

9 MR. KLINE: He has already said he
10 doesn't know who is calling.

11 MR. YEGZAW: They don't tell me.

12 CHAIRPERSON MILLER: Okay. They
13 don't say? The police don't identify
14 themselves?

15 MR. KLINE: No, the complaint.
16 The --

17 CHAIRPERSON MILLER: Oh, the
18 complainants. Okay.

19 MR. BANERJEE: It sounds a little
20 strange, but I --

21 MR. KLINE: Objection. To the
22 argument.

1 CHAIRPERSON MILLER: Okay. This
2 is questions, just questions.

3 MR. BANERJEE: Okay.

4 MS. CLARK: When did those calls--
5 you said within three --

6 MR. KLINE: Madam Chair, I let it
7 go before, but I thought the Board had a
8 policy of designation of one person to
9 question witnesses? I let it go, but I mean,
10 it seems enough at this point.

11 MS. CLARK: We are two different.

12 CHAIRPERSON MILLER: I think the
13 APA allows each party to cross-examine.

14 MR. KLINE: The Board's policy,
15 however, is to have one person designated to--

16 CHAIRPERSON MILLER: What we don't
17 allow is more than one person in a party to
18 cross-examine. So there is only -- it has to
19 be one representative of a party. And it is
20 preferable to have one person represent both
21 parties, but if each party wants to do that,
22 then my understanding, and I can pull it, is

1 that under the APA they are entitled to ask
2 their questions.

3 MR. KLINE: My understanding of
4 this Board's practice, at least with respect
5 to the same witness, the Board has required
6 that one party be designated. In fact, I'll
7 pull the transcript of the first part of this
8 hearing, we had exactly this situation and I
9 objected and the Board ruled that that was
10 correct.

11 That, you know, I think I said I
12 was getting double-teamed and the Board said
13 yeah, that's not proper. And that has been
14 the Board's consistent policy, but I'll leave
15 it to the Board.

16 CHAIRPERSON MILLER: Okay. I
17 don't know what was said, that was six weeks
18 ago. I don't know, but that has been my
19 policy as the Chair to certainly encourage the
20 parties to coordinate for efficiency sake.
21 But not to require it, because of the words of
22 the Administrative Procedures Act.

1 "Every party shall have the right
2 to present in person or by counsel his case or
3 defense by oral and documentary evidence, to
4 submit rebuttal evidence and to conduct such
5 cross-examinations as may be required for a
6 full and true disclosure of the facts," and
7 that's 2-509(b).

8 MR. KLINE: Right. I understand
9 that.

10 CHAIRPERSON MILLER: Okay.

11 MR. KLINE: But we have protest
12 parties who the Board has considered as one
13 and for purposes of efficiency, but I just
14 want to know what the rules are.

15 CHAIRPERSON MILLER: That's what
16 the rules is in this case. These two actually
17 have a little bit of different perspectives,
18 I believe. One is in one side of the building
19 and one is on the other side.

20 So why don't you continue if you
21 have just a few questions. Go ahead.

22 MS. CLARK: I want to ask when did

1 these, you said, two or three times -- when
2 did these -- I mean, we were here what about
3 six weeks ago? I think we kind of resolved
4 most of that or testified about that.

5 So this is something that happened
6 after those times that the two or three calls
7 came in or something like that?

8 MR. YEGZAW: Are you talking about
9 the DCRA sound check?

10 MS. CLARK: No, no, no. The
11 calls.

12 MR. YEGZAW: The police calls?

13 MS. CLARK: You said that -- from
14 the police came in.

15 MR. YEGZAW: Um-hum.

16 MS. CLARK: When we were here
17 about six weeks ago --

18 CHAIRPERSON MILLER: Okay. Ask a
19 question. When did the calls come in? Did
20 they come in --

21 MS. CLARK: No. I'm asking him
22 now when did these last calls come in? We

1 were here like six weeks ago.

2 CHAIRPERSON MILLER: Okay.

3 MS. CLARK: We testified to those
4 things, I'm saying. So is this something
5 added after that time that we had that
6 hearing?

7 MR. YEGZAW: Yes, after we left
8 here.

9 MS. CLARK: That's what I'm
10 saying, after that time. That's what I'm
11 saying.

12 MR. YEGZAW: After. Every day,
13 every day.

14 MS. CLARK: So that was after we
15 were here like six weeks ago, basically? This
16 is something added to that differently, is
17 what I'm asking.

18 MR. YEGZAW: Well, since after we
19 left here --

20 MS. CLARK: Okay.

21 MR. YEGZAW: -- until yesterday,
22 I've been receiving the police every day.

1 MS. CLARK: Oh, that's what I'm
2 asking.

3 CHAIRPERSON MILLER: Okay.

4 MR. YEGZAW: Every day. And then
5 they already know. They said okay, they
6 trying to build a case, but they can call and
7 we have to come.

8 MS. CLARK: Okay. I'm just trying
9 to clarify.

10 MR. YEGZAW: Right.

11 MS. CLARK: The difference, that's
12 why I asked that question.

13 MR. YEGZAW: Every day.

14 CHAIRPERSON MILLER: Okay.

15 MR. YEGZAW: And before that, too,
16 before we here is since we have a protestor
17 problem, and I've been getting a lot of calls.

18 CHAIRPERSON MILLER: Okay. Any
19 other questions?

20 MS. CLARK: The other question was
21 did you ask him did he do the repairs for the
22 back door? You testified?

1 MR. YEGZAW: Yes, I did, right.

2 MS. CLARK: You just answered that
3 question, right?

4 MR. YEGZAW: Yes. Answer to what?

5 MS. CLARK: He -- you called me.
6 I didn't get a chance to see this last part of
7 it. I knew you started, but I didn't see the
8 finished product. Okay. I saw it on the
9 back. I just didn't --

10 CHAIRPERSON MILLER: Okay. It's
11 not time for testimony. Just time for --

12 MS. CLARK: No, no. He asked me,
13 that's why I'm saying he did call me to come
14 and see that.

15 CHAIRPERSON MILLER: Okay.

16 MS. CLARK: I didn't get around
17 for the finished product of it. That's all I
18 want to say.

19 CHAIRPERSON MILLER: Okay. Thank
20 you. All right. Are there Board questions?
21 Yes, Mr. Alberti?

22 MEMBER ALBERTI: Good morning, Mr.

1 Yegzaw.

2 MR. YEGZAW: Good morning, sir.

3 MEMBER ALBERTI: Okay. So in your
4 first part of your testimony, it wasn't real
5 clear to me because you said something about
6 fixing a door and a double door. So when you
7 say fix a door, which door are you referring
8 to?

9 MR. YEGZAW: Okay. We fix door is
10 the first door.

11 MEMBER ALBERTI: Which first door?

12 MR. YEGZAW: I mean, are we
13 talking about the front, back, second, the
14 top?

15 MEMBER ALBERTI: Tell me where the
16 door is, front, back?

17 MR. YEGZAW: In the back.

18 MEMBER ALBERTI: Okay. So you
19 fixed a back door?

20 MR. YEGZAW: Yeah, which is when I
21 fix it --

22 MEMBER ALBERTI: Okay. So what

1 does it mean that -- what did you do to it to
2 fix it?

3 MR. YEGZAW: Okay. It used to
4 close by itself.

5 MEMBER ALBERTI: Okay.

6 MR. YEGZAW: And it didn't click
7 all the way. It closed, but it didn't click
8 all the way.

9 MEMBER ALBERTI: Okay.

10 MR. YEGZAW: So I repaired that
11 one, which is a new one. Now, you open it and
12 then even though you left it, that will close
13 by itself.

14 MEMBER ALBERTI: Okay. And it
15 closes all the way?

16 MR. YEGZAW: All the way.

17 MEMBER ALBERTI: It sort of
18 engages --

19 MR. YEGZAW: Right.

20 MEMBER ALBERTI: -- the latch?

21 MR. YEGZAW: Right.

22 MEMBER ALBERTI: Is that what you

1 are telling me?

2 MR. YEGZAW: Right.

3 MEMBER ALBERTI: Okay. Thank you.

4 So I'm trying to understand. All right.

5 MR. YEGZAW: And after that I did
6 a double door again.

7 MEMBER ALBERTI: Okay. Double
8 door where in the rear?

9 MR. YEGZAW: In the rear, in the
10 back to both side.

11 MEMBER ALBERTI: In the rear to
12 both sides?

13 MR. YEGZAW: Yes.

14 MEMBER ALBERTI: You mean to the
15 rear and the front?

16 MR. YEGZAW: Yes.

17 MEMBER ALBERTI: Okay. So now you
18 have a double door. What does that mean,
19 double door?

20 MR. YEGZAW: When you have a
21 door --

22 MEMBER ALBERTI: You have your

1 door on your -- that is flush with your
2 building, correct?

3 MR. YEGZAW: Yes.

4 MEMBER ALBERTI: Where is the
5 second door? How far --

6 MR. YEGZAW: Second door --

7 MEMBER ALBERTI: -- from the
8 building is the second door?

9 MR. YEGZAW: -- about I would say
10 4 or 5 feet away --

11 MEMBER ALBERTI: Okay. Is there--

12 MR. YEGZAW: -- from the first
13 door.

14 MEMBER ALBERTI: Is there an
15 enclosure?

16 MR. YEGZAW: Yes, yes.

17 MEMBER ALBERTI: Is it made of --
18 what's the enclosure made of?

19 MR. YEGZAW: From the metal and
20 glass.

21 MEMBER ALBERTI: Metal and glass,
22 okay.

1 MR. YEGZAW: Metal and glass, yes.

2 MEMBER ALBERTI: And in the front,
3 is there something similar? Did you put
4 something the same sort of thing in the front.

5 MR. YEGZAW: Yes.

6 MEMBER ALBERTI: At the front
7 door?

8 MR. YEGZAW: Yes, at the front
9 door.

10 MEMBER ALBERTI: Okay. I'm just
11 trying to understand so it's clear.

12 MR. YEGZAW: Yes.

13 MEMBER ALBERTI: All right. Very
14 good. All right. Thank you. All right.
15 Now, you said that DCRA was there for a sound
16 check.

17 MR. YEGZAW: Yes.

18 MEMBER ALBERTI: Do you know what
19 dates they were there?

20 MR. YEGZAW: I don't really know
21 exactly what date is, but what I know is three
22 times.

1 MEMBER ALBERTI: Okay. Do you
2 have the reports from that?

3 MR. YEGZAW: I asked them. I
4 asked them and they give them, you know, to
5 police and ABC Board.

6 MEMBER ALBERTI: But they wouldn't
7 give them to you?

8 MR. YEGZAW: They didn't give to
9 me.

10 MEMBER ALBERTI: Okay.

11 MR. YEGZAW: But they show me the
12 report.

13 MEMBER ALBERTI: But we don't have
14 those today.

15 MR. YEGZAW: Oh. I can go get it.

16 MEMBER ALBERTI: No, no, no.

17 That's what I'm asking. We don't have those
18 today. Great. Thank you. Now, you said you
19 have officers visiting all the time.

20 MR. YEGZAW: Yes.

21 MEMBER ALBERTI: And you have to
22 have them calling you.

1 MR. YEGZAW: Yes.

2 MEMBER ALBERTI: Do you have the
3 names of any of these officers?

4 MR. YEGZAW: I know a lot of
5 officers.

6 MEMBER ALBERTI: They don't
7 identify you when they call you on the phone?

8 MR. YEGZAW: No, they identified
9 that.

10 MEMBER ALBERTI: Okay. And what's
11 their names?

12 MR. YEGZAW: Officer -- what's his
13 name? What's his name? He is --

14 MEMBER ALBERTI: If you don't
15 know, you can say you don't know.

16 MR. YEGZAW: Well, I mean, when I
17 see them I know them. You know, I can read
18 their badge.

19 MEMBER ALBERTI: Okay.

20 MR. YEGZAW: Yes.

21 MEMBER ALBERTI: So --

22 MR. YEGZAW: But I can't remember

1 them.

2 MEMBER ALBERTI: -- do you know --
3 I think you implied, I think you said or you
4 were trying to tell us that these officers
5 came because of complaints?

6 MR. YEGZAW: Yes.

7 MEMBER ALBERTI: How do you know
8 that? How do you know that the officers
9 aren't just showing up because they want to
10 show up?

11 MR. YEGZAW: No. It's not they
12 want to show up, because they --

13 MEMBER ALBERTI: Well, how do you
14 know that?

15 MR. YEGZAW: They have a call from
16 900 Florida Avenue. A neighbor call about 900
17 Florida Avenue, which means Climax, and the
18 other calls came -- calls come --

19 MEMBER ALBERTI: How do you know
20 that they came in response to a call rather
21 than deciding that they need to show up?

22 MR. YEGZAW: They told my security

1 to get me down.

2 MEMBER ALBERTI: They told your
3 security to do what?

4 MR. YEGZAW: My security, yes.

5 MEMBER ALBERTI: They --

6 MR. YEGZAW: One of the security.

7 MEMBER ALBERTI: -- told your
8 security what? Repeat that, please.

9 MR. YEGZAW: The security.

10 MEMBER ALBERTI: They told them
11 what?

12 MR. YEGZAW: Call Soloman. And I
13 usually am in my office or upstairs.

14 MEMBER ALBERTI: Right. They tell
15 him to call you.

16 MR. YEGZAW: Yes.

17 MEMBER ALBERTI: But do they tell
18 you why they were there?

19 MR. YEGZAW: Yeah.

20 MEMBER ALBERTI: What did they
21 tell you?

22 MR. YEGZAW: Soloman, noise

1 problem always.

2 MEMBER ALBERTI: Did they tell you
3 that somebody called them?

4 MR. YEGZAW: I asked them, but
5 they don't tell me no, we just have a call and
6 come. We don't know who is calling you.

7 MEMBER ALBERTI: All right.

8 MR. YEGZAW: But this is the only
9 reason they came.

10 MEMBER ALBERTI: All right. I
11 have no further questions. Thank you.

12 MR. YEGZAW: All right. Thank
13 you.

14 CHAIRPERSON MILLER: Others? I
15 just want to ask you, did the Noise Task Force
16 come to you? And they are made up of ABRA,
17 DCRA and MPD together and they have started
18 recently to go out and measure dcbs and noise
19 levels and things like that. Did they come to
20 your establishment or just DCRA?

21 MR. YEGZAW: Yes.

22 CHAIRPERSON MILLER: That group

1 came?

2 MR. YEGZAW: Yes, all together,
3 DCRA, Metropolitan and ABC.

4 CHAIRPERSON MILLER: Okay.

5 MR. YEGZAW: Three times.

6 CHAIRPERSON MILLER: And three
7 times?

8 MR. YEGZAW: Yes.

9 CHAIRPERSON MILLER: Three times
10 in how many weeks?

11 MR. YEGZAW: I would say the last
12 month and this month.

13 CHAIRPERSON MILLER: Last month
14 and this month?

15 MR. YEGZAW: Yes, I would say last
16 month.

17 CHAIRPERSON MILLER: Okay. And do
18 you remember what days they came on?

19 MR. YEGZAW: I don't remember.

20 CHAIRPERSON MILLER: Like did they
21 come -- well, did they come on a weekend?

22 MR. YEGZAW: I remember weekend

1 and work days.

2 CHAIRPERSON MILLER: Okay.

3 MR. YEGZAW: I remember them, but
4 I don't remember.

5 CHAIRPERSON MILLER: And they told
6 you the results of their --

7 MR. YEGZAW: Yes, right away they
8 tell me.

9 CHAIRPERSON MILLER: Right away
10 they tell you the results, but they didn't
11 give -- did they give it to you in writing?

12 MR. YEGZAW: Yes, they have to put
13 in the system, computer and reprint and send
14 it to you guys, but they showed me, they told
15 me also in front of the ABC Board and the MPD
16 police officers you are on 52.1, but the law
17 says 64.

18 CHAIRPERSON MILLER: Okay.

19 MR. YEGZAW: And other time I was
20 53.9.

21 CHAIRPERSON MILLER: Okay.

22 MR. YEGZAW: Still the lowest says

1 64. And the other one was for 51, 52 and
2 still the lowest 64. So I'm way low down by
3 the law.

4 CHAIRPERSON MILLER: Okay. So did
5 they ever tell you to turn the noise down, the
6 music down or anything like that?

7 MR. YEGZAW: I mean, they ask me
8 to be fair. If you want, you can do, but if
9 you don't, we are not going to say nothing
10 about it, because you are under by the law.

11 CHAIRPERSON MILLER: Okay.

12 MR. YEGZAW: So I always --
13 whenever police come, I always turn it down to
14 be fair with the neighborhood. I always.
15 Even though I under the sound, but I just keep
16 it low.

17 CHAIRPERSON MILLER: Okay. That's
18 my only question. Yes, Mr. Short?

19 MEMBER SHORT: Good morning, Mr.
20 Yegzaw. You say you cut the music down when
21 the police officers come?

22 MR. YEGZAW: Yes.

1 MEMBER SHORT: When they leave, do
2 you cut it back up?

3 MR. YEGZAW: No.

4 MEMBER SHORT: You keep it down?

5 MR. YEGZAW: I'll stay -- I always
6 stay.

7 MEMBER SHORT: And you stated you
8 have been getting calls from the police two or
9 three times a day?

10 MR. YEGZAW: Two or three times a
11 day.

12 MEMBER SHORT: So you cut it down
13 every time they come?

14 MR. YEGZAW: Yes. Whenever they
15 come, just a little bit. But not all the way
16 down, just, you know, whenever it was, just a
17 little bit down.

18 MEMBER SHORT: So when they come
19 the first time, you cut it down just a little?

20 MR. YEGZAW: Yes.

21 MEMBER SHORT: They come the
22 second time, you cut it down some more?

1 MR. YEGZAW: Yes.

2 MEMBER SHORT: And they come the--

3 MR. YEGZAW: They just ask me, but
4 I don't have to, but, you know, to be fair
5 with the police and the neighborhood, just a
6 little bit to just make them happy. But I'm
7 always low by the law.

8 MEMBER SHORT: Thank you for that.
9 That's all I have. Thank you.

10 CHAIRPERSON MILLER: Mr.
11 Rodriguez?

12 MEMBER RODRIGUEZ: Yes. Mr.
13 Yegzaw, the noise that they complained about,
14 what type of noise are they complaining about
15 when they get to you?

16 MR. YEGZAW: I don't know what
17 type of noise, but the only noise I have is,
18 I mean, the music.

19 MEMBER RODRIGUEZ: You mean they
20 just tell you you have noise and you turn it
21 down, but you don't know what noise? Is it
22 musical instruments? Is it crowd?

1 MR. YEGZAW: No, it's the music.

2 MEMBER RODRIGUEZ: The music?

3 MR. YEGZAW: The music.

4 MEMBER RODRIGUEZ: The sound from
5 the music?

6 MR. YEGZAW: The music, yes.

7 MEMBER RODRIGUEZ: Okay. Thank
8 you.

9 CHAIRPERSON MILLER: Okay. Any
10 other questions from Board Members? Any
11 questions based on Board Members questions?

12 MR. KLINE: Yes.

13 RECROSS-EXAMINATION

14 MR. KLINE: Mr. Yegzaw, just so we
15 are clear on this point, the officers told you
16 that they received complaints, right?

17 MR. YEGZAW: Yes, they receive
18 complaints.

19 MR. KLINE: Okay. They just don't
20 tell you who made the complaints, right?

21 MR. YEGZAW: No, they don't tell
22 me.

1 MR. KLINE: All right.

2 MR. YEGZAW: They told me they had
3 complaints, but they don't tell me the person
4 name.

5 MR. KLINE: So they come and they
6 say we are here, we've got another complaint?

7 MR. YEGZAW: Yes.

8 MR. KLINE: Is that the way it
9 goes?

10 MR. YEGZAW: Yes. They say --
11 well, yeah. We are here and somebody call
12 again --

13 MR. KLINE: Okay.

14 MR. YEGZAW: -- about the noise.

15 MR. KLINE: All right.

16 MR. YEGZAW: I said okay.

17 MR. KLINE: And just to clarify
18 one other point. So with respect to the
19 double doors --

20 MR. YEGZAW: Um-hum.

21 MR. KLINE: -- is it, and maybe
22 you don't know this term, a vestibule that we

1 are talking about? Do you know that term, a
2 vestibule? Do you know what that is?

3 MR. YEGZAW: I mean, you can
4 figure out the other way. I don't know --

5 MR. KLINE: But it's a door and
6 then there is an enclosure with metal and
7 glass and then another set of doors, right?

8 MR. YEGZAW: Yes, yes.

9 MR. KLINE: So it's basically a
10 buffer, a chamber in between the outside of
11 your restaurant and the inside of your
12 restaurant?

13 MR. YEGZAW: Yes.

14 MR. KLINE: Correct?

15 MR. YEGZAW: Yes.

16 MR. KLINE: And you have that on
17 the back on the second floor?

18 MR. YEGZAW: Yes, both. First
19 floor and second floor.

20 MR. KLINE: All right. All right.
21 And just so we are clear, because I know it's
22 in one Board Member's mind I have no doubt,

1 since the last hearing, you have gone back and
2 confirmed with your contractor that they have
3 done what they needed to do --

4 MR. YEGZAW: Yes.

5 MR. KLINE: -- with DCRA to have
6 approval for this, correct?

7 MR. YEGZAW: Yes, yes.

8 MR. KLINE: Okay. Thank you.

9 That's all I have.

10 CHAIRPERSON MILLER: Okay. Now,
11 do the protestants have a question, based on
12 the Board's questions?

13 MR. BANERJEE: Just one quick one.
14 Is that vestibule -- we saw pictures of it
15 earlier, is that vestibule soundproofed or is
16 there cracks? If someone is playing music
17 inside that vestibule, can that noise escape?

18 MR. YEGZAW: The sound that I put
19 the double doors?

20 MR. BANERJEE: Yes.

21 MR. YEGZAW: Yes, the double door
22 glass is a soundproof.

1 MR. BANERJEE: But are there
2 cracks around it? It looked like a homemade
3 structure. Maybe metal tubing and glass.

4 MR. YEGZAW: He is testifying now.

5 CHAIRPERSON MILLER: You are
6 testifying. And it really wasn't -- I don't
7 think it was a Board question actually, but --
8 so I think --

9 MR. BANERJEE: Okay.

10 MEMBER ALBERTI: I think -- I
11 mean, we asked about the door.

12 CHAIRPERSON MILLER: Oh, did you
13 ask about the door?

14 MEMBER SHORT: Yes.

15 CHAIRPERSON MILLER: Okay. Sorry.

16 MEMBER ALBERTI: I asked him about
17 the double door.

18 CHAIRPERSON MILLER: Okay. So
19 don't testify though. Did you --

20 MR. BANERJEE: Is the door
21 soundproof?

22 CHAIRPERSON MILLER: And he said--

1 and he answered that, yeah.

2 MR. BANERJEE: It is soundproof.

3 MR. YEGZAW: Yes.

4 CHAIRPERSON MILLER: Okay. Okay.

5 All right.

6 MR. KLINE: That's all I have.

7 CHAIRPERSON MILLER: Thank you.

8 MEMBER RODRIGUEZ: Madam Chair?

9 CHAIRPERSON MILLER: You have
10 another question?

11 MEMBER RODRIGUEZ: Yes.

12 CHAIRPERSON MILLER: Another
13 round, okay.

14 MEMBER RODRIGUEZ: I want to be
15 clear here. Now, there is a Noise Task Force
16 that went to your establishment --

17 MR. YEGZAW: Yes.

18 MEMBER RODRIGUEZ: -- three times.

19 MR. YEGZAW: Three times.

20 MEMBER RODRIGUEZ: What I want to
21 know is if somebody can answer me where is the
22 report? What were the results?

1 MR. YEGZAW: Okay. They told me
2 there is DCRA fourth floor. I didn't -- I
3 never went there. I thought, you know, they
4 sent to you officially, but they told me they
5 look at DCRA fourth floor. And if I can get
6 a chance, I can go and get it back to you if
7 it's important. I think it is, but --

8 CHAIRPERSON MILLER: We should
9 have that --

10 MEMBER RODRIGUEZ: Yes, Madam
11 Chairperson --

12 CHAIRPERSON MILLER: -- in our
13 office.

14 MEMBER RODRIGUEZ: -- somewhere
15 that report should exist, right?

16 MR. YEGZAW: Can I go get it?

17 CHAIRPERSON MILLER: Yes, it
18 should --

19 MEMBER ALBERTI: Well, --

20 CHAIRPERSON MILLER: -- exist in
21 our office.

22 MEMBER ALBERTI: -- you know, it's

1 the applicant's responsibility to provide
2 that, submit it into evidence or to ask us to
3 take administrative note. They have done
4 either, so --

5 (Simultaneous speaking.)

6 MR. YEGZAW: Well, there were --

7 MEMBER ALBERTI: -- the onus is on
8 the applicant to provide that information --

9 MR. YEGZAW: -- ABC Board --

10 MEMBER ALBERTI: -- if it exists.

11 MR. YEGZAW: -- Investigator --

12 CHAIRPERSON MILLER: Wait. Let --

13 MEMBER ALBERTI: You know.

14 MR. YEGZAW: And I thought they
15 can provide that and they share information,
16 I thought.

17 CHAIRPERSON MILLER: Okay.

18 MR. YEGZAW: It's always there is
19 ABC Investigator.

20 CHAIRPERSON MILLER: Okay.

21 MR. YEGZAW: I mean, ABC

22 Investigator could find out that where it's

1 located at or where -- how they can get the
2 report. So I don't think they missed that
3 information or I don't think I should have to
4 get it.

5 CHAIRPERSON MILLER: But that was
6 since the report, correct? That was within
7 the -- we haven't met for six weeks, so this
8 information that you are --

9 MR. YEGZAW: Okay.

10 CHAIRPERSON MILLER: -- saying
11 occurred after the original report was --

12 MR. YEGZAW: Yes.

13 CHAIRPERSON MILLER: -- filed with
14 everybody. So, okay. I just wanted to
15 clarify that. All right. Okay. Any other
16 questions for this witness? Thank you very
17 much.

18 MR. YEGZAW: All right. You're
19 welcome.

20 MR. KLINE: Madam Chairperson,
21 following up on Mr. Alberti's comments, we
22 certainly will be asking that the Board leave

1 the record open for the submission of those
2 reports, either as requested by the Board or
3 if the Board wants us to get them, either on
4 the theory that they are just principally
5 important to the issues in this case or under
6 the theory that they are probably going to
7 relate to information contained in the police
8 runs.

9 Anyway, because my understanding
10 is the Noise Task Force, and the Board knows
11 better than I do, responds to complaints. So
12 I think that they are going to be relevant and
13 should be admitted and the record should be
14 left open for them under either of those
15 theories.

16 CHAIRPERSON MILLER: Okay. I
17 would comment that it seems to me that that
18 information is pretty basic to the case. It's
19 about noise and should be included in an
20 investigative report. That information wasn't
21 available when, according to the testimony,
22 Ms. Dantzler did her report, but if she is

1 doing a supplement, I think it would be a good
2 idea to include that as well.

3 MEMBER ALBERTI: So to be clear,
4 what are we asking be included?

5 CHAIRPERSON MILLER: The results
6 of the Noise Task Force visits to this
7 establishment.

8 MEMBER ALBERTI: From what dates
9 to what dates?

10 CHAIRPERSON MILLER: I don't think
11 it has been going on that long.

12 MEMBER ALBERTI: It's the Noise
13 Task Force. From what dates to what dates?

14 CHAIRPERSON MILLER: Well --

15 MR. KLINE: Madam Chair, just so--
16 to try to put some parameters on it --

17 MEMBER ALBERTI: I mean, I would
18 like to know what we are asking for here.

19 MR. KLINE: I understand, that's
20 what I'm trying to get to. I would ask, given
21 what I know about this Noise Task Force, that
22 we request that any records or reports from

1 January 1, 2014 forward be available and I
2 defer to the Board as to whether the Board
3 will request that through ABRA or whether the
4 Board prefers that the applicant make
5 endeavors to provide those. I just want to
6 make sure that we are all clear as to who is
7 doing what with respect to production of any
8 documents or records.

9 CHAIRPERSON MILLER: Yes?

10 MR. BANERJEE: Could we possibly
11 request the results for the last year, please,
12 because this as been an ongoing problem for
13 us, rather than --

14 CHAIRPERSON MILLER: All right.

15 MEMBER ALBERTI: The Task Force
16 hasn't existed that long.

17 CHAIRPERSON MILLER: Right.

18 MR. KLINE: Yes, and that was my
19 point. I don't care.

20 CHAIRPERSON MILLER: So I think
21 since the initiation of the Task Force. I
22 don't even know if it existed in January.

1 MR. KLINE: I don't think it did.

2 CHAIRPERSON MILLER: Yeah.

3 MR. KLINE: I just was being safe.

4 CHAIRPERSON MILLER: Okay. Are
5 there any other comments then? Then I would
6 suggest that we require the Investigator to
7 include in her supplemental reports the
8 results of the Noise Task Force's visits to
9 this establishment.

10 MEMBER ALBERTI: So --

11 CHAIRPERSON MILLER: And since
12 they weren't -- since they were initiated. I
13 mean, I can't remember, but it's not that many
14 months. I don't think --

15 MEMBER ALBERTI: Right.

16 CHAIRPERSON MILLER: -- they have
17 been around more than six months, if that.

18 MEMBER ALBERTI: So just to be
19 clear, I heard testimony here that there were
20 three visits by that Task Force, so we should
21 be seeing at least three reports.

22 MEMBER RODRIGUEZ: Right, three

1 reports.

2 MEMBER ALBERTI: Okay.

3 CHAIRPERSON MILLER: Okay.

4 MR. KLINE: That's what we
5 understood.

6 MEMBER RODRIGUEZ: Right.

7 CHAIRPERSON MILLER: And again,
8 the parties would have a chance, I think, to
9 respond at once to both of these within 10
10 days, unless -- of receipt. Okay.

11 Okay. So if there are no more
12 questions on that topic, we can go to closing
13 or did you submit all these -- all the
14 evidence in that people want to put in the
15 record?

16 MR. KLINE: I mean, I can do
17 closing, based on what we have, but since the
18 record --

19 CHAIRPERSON MILLER: Based on --

20 MR. KLINE: -- is open, I'm not
21 sure. I mean, I'm prepared to proceed.

22 CHAIRPERSON MILLER: I don't --

1 MR. KLINE: I'll defer to the
2 Board.

3 CHAIRPERSON MILLER: I cannot
4 guarantee you, I don't think -- I think it's
5 not that likely that we are going to have you
6 back for a closing, so --

7 MR. KLINE: Okay.

8 CHAIRPERSON MILLER: -- it's up to
9 you whether you want to make any final
10 arguments or not.

11 MR. KLINE: I do. I absolutely
12 do.

13 CHAIRPERSON MILLER: Okay.

14 MR. KLINE: Good morning, Madam
15 Chairman, Members of the Board. This is,
16 obviously, a protest of the renewal of an ABC
17 License. There are -- there were two protest
18 groups and although there were numbers in
19 terms of numbers of petitioners in each group,
20 I can't help but be struck by the limited
21 participation at these proceedings.

22 We have heard lots of testimony of

1 lots of issues and everybody complaining and
2 everybody upset and the Board has seen many of
3 these cases. Usually when we have a situation
4 like that, we hear from a number of people in
5 the neighborhood who are here and they all
6 can't sleep and they have all got a problem.

7 In this case, we have two and they
8 are in two distinctly different areas. One is
9 in the front, one is in the back. Now, let's
10 talk about the back first and that would be
11 Ms. Banks.

12 She is really the only person on
13 Vermont Avenue who the Board heard from live
14 and says that she has been disturbed by this
15 establishment. A picture is worth a thousand
16 words and I offer this picture that was
17 introduced into evidence, which is the back of
18 Ms. Banks' house.

19 Now, Ms. Banks lives in an ARTS
20 Overlay District. This is not in the park of
21 16th Street. This is not in some residential,
22 strictly residential, neighborhood. In fact,

1 this is an areas that under the Zoning
2 Regulations is specifically designed to
3 promote 18-hour activity and arts uses and
4 eating and drinking establishments.

5 There was thought given to having
6 such an area in the center of the city. No
7 one may say well, gee, that seems to be really
8 unfair because Ms. Banks may have been there
9 before this ARTS Overlay was created, but on
10 the other hand, what have we seen in this
11 neighborhood?

12 We all know it. The property
13 values have gone through the roof. So with
14 the bad comes the good. Ms. Banks has
15 certainly been the beneficiary or will be the
16 beneficiary when she goes to sell her
17 property, so what has been created in the
18 District of Columbia, which is a wonderful
19 ARTS Overlay District with all sorts of uses.

20 The 9:30 Club is right across the
21 street. We have got condos going up. We have
22 everything going on in this neighborhood. And

1 one would argue that it's the product of an
2 ARTS Overlay District that was thought through
3 and was thought about.

4 So why is that important here?
5 Well, it's important because from where I come
6 from, it seems to me there is sort of a
7 sliding scale of what one has to live with.
8 If you live in a strictly residential
9 neighborhood that is Zoned R, that's Zoned
10 Residential, then it seems to me that you are
11 entitled to come before this Board and say we
12 should be completely insulated from noise.

13 We don't live near a commercial
14 area. There shouldn't be any overflow. What
15 are we hearing all those noise for? Probably
16 wouldn't even be before this Board because
17 there wouldn't be an ABC licensee there.

18 But this is in this commercial
19 area. Now, Ms. Banks seems to think --

20 MR. BANERJEE: Objection.

21 CHAIRPERSON MILLER: You can't
22 object to closing argument.

1 MS. CLARK: The name. I don't
2 know who he is talking about?

3 CHAIRPERSON MILLER: Oh, I'm
4 sorry.

5 MR. KLINE: I'm sorry. Do I have
6 your name wrong?

7 MR. BANERJEE: Clark.

8 MS. CLARK: You have it written
9 wrong.

10 MR. KLINE: Clark. I'm sorry. I
11 have had it wrong the whole hearing. Now, I
12 deeply apologize.

13 CHAIRPERSON MILLER: All right.
14 Okay.

15 MR. KLINE: I am sorry.

16 CHAIRPERSON MILLER: Okay.

17 MR. KLINE: Ms. Clark is who I
18 have been referring to for the record. I'm
19 embarrassed and I apologize that I have your
20 name wrong.

21 CHAIRPERSON MILLER: Okay.

22 MR. KLINE: Ms. Clark seems to

1 think that the licensee bears all the
2 responsibility for control of noise, but the
3 fact of the matter is Ms. Clark lives in this
4 Residential District. The back of her house
5 is in a state of disrepair. It is obvious to
6 the naked eye that this disrepair contributes
7 to whatever problems she is experiencing with
8 respect to noise.

9 We are not even clear what those
10 problems are, because the Investigator was out
11 there and she didn't really hear anything.
12 They went out and they went into another
13 woman's house, but it sounds like it was
14 actually Ms. Clark's house and someone was
15 sleeping through whatever noise could be heard
16 when one went up close to the window and they
17 put their ear to it and said yeah, I hear
18 something, but there was somebody sleeping
19 through it. So how much of a disturbance
20 could it have been? So that takes care of the
21 back of it.

22 Now, also with respect to the back

1 of it, you have heard substantial testimony
2 that the applicant is doing what he can to
3 address those issues. He built a vestibule
4 and he is addressing those issues.

5 Let's talk about the front of it.
6 Now, I don't know what is going on with
7 respect to the front of this place. There is
8 very little testimony in the record, at this
9 point, other than Mr. Banerjee's testimony.
10 It is 700 or 800 feet away, as I understand
11 it, according to his testimony, there is not
12 one person who was brought before the Board to
13 objectively testify that they have heard noise
14 with respect to this establishment.

15 So why is Mr. Banerjee here? And
16 when we left the hearing a few weeks ago, I
17 pondered that on the way home. And I pondered
18 it so much that when the transcript came out,
19 I figured I ought to go back and read it and
20 try to piece it together and figure it out.

21 I don't know what is at issue, but
22 I bring a few points to the Board's attention.

1 I mean, he says that "Music can be
2 clearly heard many nights across the street,
3 which is at least 700 or 800 feet away." Now,
4 this Board has heard testimony that there has
5 been Noise Task Force visits, there were some
6 police officers there. 700 or 800 feet away,
7 Mr. Banerjee claims he hears noise. No one
8 else has heard it. We haven't had not one
9 witness come before you that has heard it.

10 Then this might be very telling.
11 He says he went to the place and it was past
12 1:00 a.m. on a Sunday morning. He didn't feel
13 comfortable going in. We don't know why he
14 didn't feel comfortable, but for some reason
15 he didn't feel comfortable going into this
16 place.

17 Then states right on the heels of
18 that "The music is also clearly Ethiopian."
19 If that's somehow relevant, I don't know if
20 that relates to his comfort level or not, but
21 it's right on the heels of he didn't feel
22 comfortable going in.

1 He then says that he has called
2 himself 20 or 30 times and this goes to this
3 issue of how much weight do we give police
4 runs? He has called to complain about noise
5 20 or 30 times. His neighbors have reported
6 to him that they have also called many times.
7 We didn't see any of those neighbors at this
8 hearing.

9 Mr. Banerjee admits that he has
10 moved into a residential neighborhood. He
11 didn't seem to realize that he had moved into
12 the edge of the ARTS Overlay District, didn't
13 really seem to be -- to care about that and
14 didn't seem to think that was an issue. We
15 think it very much is an issue.

16 He also testified that he moved
17 into the area so he could take advantage of
18 the nightlife and he likes to go out on
19 weekends. And when the Board asked him well,
20 what do you think the restrictions should be
21 in terms of hours, he came up with a
22 restriction that was more limiting than an

1 establishment that is closer to his residence.

2 What's that establishment? Is it
3 an Ethiopian visited establishment? No. It's
4 an Irish bar. So the noise from the Irish bar
5 is okay, but apparently the Ethiopian music
6 has some special concern for Mr. Banerjee. I
7 don't know what that is all about, but given
8 the dearth of other witnesses to testify about
9 this, I can only speculate what it is about.

10 He also referred to the applicant
11 here as defendant, as if the applicant is some
12 sort of criminal for operating this business,
13 rather than the applicant. Perhaps it was a
14 slip of the tongue, but I think that it goes
15 to motive in terms of testimony here.

16 And he admits that people are
17 disturbed by Duffy's, which is closer to his
18 establishment, yet, wanted to impose upon this
19 business a standard more restrictive than he
20 concedes is imposed on Duffy's, which is
21 closer to his establishment.

22 What's it all about? I leave it

1 to you to figure out what the motivation may
2 be, but I point out where are his neighbors?
3 Where is everybody else? Where is the hew and
4 cry? Perhaps the complaints about noise only
5 relate to particular types of establishments
6 that are not Irish pubs. And I live you with
7 that.

8 Given the totality of the
9 evidence, I would ask that the license be
10 renewed. We believe that whatever issues may
11 exist there, of which there is no objective
12 evidence whatsoever at this point, that Mr.
13 Yegzaw is doing what he can to address them
14 and we would submit that there should be no
15 further restrictions on the license. Thank
16 you.

17 CHAIRPERSON MILLER: Thank you.
18 You know, six weeks ago when I set forth all
19 the rules, I'm pretty sure that I said closing
20 is supposed to be five minutes. So you were
21 basically there. So I just wanted to remind
22 you all that you don't have, you know,

1 unlimited time.

2 Is there going to be one closing
3 or are you going to share it?

4 MR. BANERJEE: We are going to
5 share it. Okay. I'll take the first two and
6 a half minutes.

7 CHAIRPERSON MILLER: Okay.

8 MR. BANERJEE: And then Ms. Clark
9 will take that second --

10 COURT REPORTER: Could you both be
11 sure to speak up?

12 MR. BANERJEE: Sure. Okay. So
13 for our closing arguments, I would like to
14 note that there -- in our neighborhood we do
15 live in a lively neighborhood and we are used
16 to this and we appreciate it, but there are
17 good neighbors and there is bad neighbors.

18 There are people like Duffy's Pub
19 who although he has a license to go, I think,
20 until 12:00 or 3:00 a.m., religiously closes
21 down his summer garden which makes noise at
22 10:00 or 11:00 every night. And we never see

1 it open past midnight with people making
2 noise. I cannot say the same for Climax
3 Lounge.

4 Mr. Kline was -- I'm not sure if
5 he was -- I'm not sure what exactly he was
6 implying, but I'm, obviously, not a white
7 person. And Ethiopian restaurants, I have no
8 problem with Ethiopian people, but when you
9 hear noise coming into your bedroom, you can
10 tell what type of music it is. Is it rock
11 music? Is it rap music? Is it something else
12 and it's neither of the two above and we live
13 between 9:30 Club and a number of other bars
14 and I can tell pretty easily when it's coming
15 into my bedroom what type of music it is.

16 So like I said, there is lots of
17 good neighbors in our neighborhood and there
18 is lots of -- and there is a few bad ones and
19 we are here today protesting some of the bad
20 ones. Most people are able to comply with the
21 rules and not upset the neighbors.

22 And really, that's all we are

1 asking for. All of our problems are around
2 noise. Not around cliental or nothing like
3 this, it's all around noise.

4 The reason why we did not have
5 many people talking about the same thing is
6 because specifically the Board asked the last
7 time not for us to have duplicative testimony.
8 And we have 14 protestants from my building
9 alone, many who have called the police on a
10 regular basis, all of whom are willing to sign
11 the protest. A couple of them came and sat
12 last time during the hearing.

13 If I had brought them up, they
14 would have all said the exact same thing, that
15 we can hear music from Climax Lounge in our
16 apartments and that's what we are here to
17 protest. It didn't make sense and you asked
18 us specifically not to keep bringing up the
19 same testimony, so I decided to take the
20 stand. There is a good reason for that.

21 Our closing statement is that
22 there is a significant noise impact from this

1 bar on the residents. There is 19 residents
2 who have signed protests. It's a big impact.
3 Many came and testified and you can tell that
4 some of us were visibly upset and we have been
5 dealing with this for a long time, over a
6 period of a year.

7 We would like the noise reduced.
8 The owner has taken some steps like the trash
9 and installing the doors that we sincerely
10 appreciate. And we would like to make sure
11 that whatever the Board decides to do today,
12 that there is significant rules that keep
13 these practices going on.

14 Maybe some probationary period or
15 some restrictive hours, whatever the Board
16 decides to do to help us out would be much
17 appreciated. Some stiff fines for violations,
18 things like that. Those would all be much
19 appreciated. And that's really all we are
20 asking for.

21 Ms. Clark?

22 CHAIRPERSON MILLER: Okay.

1 MS. CLARK: My comments is since
2 Mr. Kline didn't get my name right, my name is
3 Mrs. Clark, I have lived in that area before
4 the bars were there and Mr. Soloman was the
5 owner. That property has been problematic.
6 Before he came in and to clarify something, I
7 live in the Overlay District. It was all
8 residential prior to that. It became mixed-
9 use down the road as people move out of their
10 property. We had to sign agreements. As they
11 move out, it became commercial, that's what
12 happened over the years.

13 And as we've said, the noise
14 ordinance, testifying about that, the noise
15 came from that place and there were other
16 issues with that and we testified to that
17 properly and before. There were facts. You
18 can't fantasize it.

19 And no one has a problem with any
20 businesses being in the neighborhood. There
21 are just certain things you are supposed to
22 do. If you have the noise and you do the

1 violations, you go to the people, I think they
2 should do that and obey those rules.

3 The District has an Ordinance Law
4 of 12:00 at night. Since all of these
5 establishments has been in that area, our
6 lives has changed completely and you can't
7 sleep. You can't sleep. Everybody wants to
8 have it, noise or whatever business you have,
9 but nobody wants it in their back yard.

10 And I happen to be a little bit
11 proud of my neighborhood. It wasn't this
12 noisy. Since Mr. Soloman has -- we were here
13 six weeks ago, he has made improvements and
14 has been doing that. I have no objection to
15 him being in the neighborhood. I just want
16 him to stop the noise where I can -- we can
17 have peace and sleeping quiet.

18 And illegal activities have been
19 going on in there. When he complained and say
20 the structure of my house, part of that is
21 from other neighbors doing illegal activities
22 and I have been the person who receives the

1 brunt of it. And Mr. Soloman knows about
2 that. So he isn't the only one that has been
3 in the neighborhood that has created that
4 problem.

5 I just have to be the beneficiary
6 from his side across the alley and my next
7 door neighbor before. And I want to hope that
8 the Board understands those things and I don't
9 have any animosity against him or any
10 businesses. Just please keep the noise down,
11 peace and quiet. You would want that and I
12 don't think no one in here would want that
13 noise, because you can't sleep at night.

14 I think it's fair to say yes,
15 bring the noise down. I want to thank you
16 very much.

17 CHAIRPERSON MILLER: Okay. Thank
18 you very much. Okay. At this point then, I'm
19 going to close the record except for the
20 documents that we made reference to earlier
21 which are to be provided by ABRA's
22 Investigator to the Board and to be served on

1 the parties within 10 days and they are:

2 Metropolitan Police Department
3 calls for service, referenced in her
4 investigative report at page 10, but not
5 listed.

6 And then the results of the Noise
7 Task Force with respect to this particular
8 establishment, Climax Restaurant and Hookah
9 Bar, taken since its initiation. So whatever
10 reports there are on record will be given to
11 the Board and to -- and will be provided to
12 the parties within 10 days. Okay.

13 MR. KLINE: Madam Chair, this is
14 pretty technical, but it's summer and there
15 are travel schedules. Does the Board have any
16 great objection to it being 14 days instead of
17 10 days, because 10 days could really be one
18 week with two weekends and if it's calendar
19 days, --

20 CHAIRPERSON MILLER: Okay.

21 MR. KLINE: -- I would
22 respectfully request 14 days.

1 CHAIRPERSON MILLER: You mean for
2 the Board to --

3 MR. KLINE: For the parties to
4 respond to --

5 CHAIRPERSON MILLER: Oh, for the
6 parties to respond?

7 MR. KLINE: Yes.

8 CHAIRPERSON MILLER: Do you have
9 an objection?

10 MR. BANERJEE: That's fine.

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: Thank you.

13 CHAIRPERSON MILLER: Then the
14 parties will then have 14 days to respond to
15 those documents.

16 MR. KLINE: Great.

17 CHAIRPERSON MILLER: Okay.

18 MR. KLINE: I just don't want to
19 get caught asleep.

20 CHAIRPERSON MILLER: All right.
21 Now, do the parties wish to file proposed
22 findings of fact and conclusions of law after

1 they receive these documents, obviously, and
2 everyone responds to them? It would be after
3 that, 30 days when the transcript is
4 available, which is probably around the same
5 time and then 30 days after that.

6 Do you all know what I'm talking
7 about?

8 MR. BANERJEE: Not exactly.

9 CHAIRPERSON MILLER: Okay. So
10 this is not required, but some parties choose
11 to do it, not that many. Based on the whole
12 record, once we have the whole record, that
13 will include those documents and responses to
14 it that I just -- that haven't come in yet,
15 right? Plus the transcript, which is usually
16 ready within three weeks after the hearing.

17 You could, based on that it's like
18 writing a proposed order almost, identify what
19 facts you think the Board should find and then
20 what conclusions of law based on those facts
21 that the Board should draw.

22 So it's kind of like a

1 recommendation. You have already made your
2 case here, so it's really not required. It's
3 kind of a lawyerian effort. I don't know what
4 you call it, but, you know, you could look on
5 line at Board Orders if you have never seen
6 them and they are often written that way, like
7 there are findings of fact and then
8 conclusions of law.

9 MR. KLINE: Madam Chair, if I may,
10 my inclination would be to waive, but in an
11 overabundance of caution, I would like to be
12 given the opportunity to defer that decision
13 until we receive the supplemental materials,
14 because given that we are not going to have
15 the opportunity to come back before you and
16 argue it, I don't know what is going to be in
17 it and I would like to at least reserve the
18 ability to propose findings.

19 And perhaps, what I would suggest
20 and I'll leave it to the Board, but I just
21 throw this out as a suggestion, is that if and
22 when we file any supplemental material within

1 that 14 day period, that we alert the Board as
2 to whether we wish to file proposed findings
3 or waive.

4 And I'll say that I'll likely
5 waive, but I just --

6 CHAIRPERSON MILLER: Right.

7 MR. KLINE: -- with an
8 overabundance of caution want to make sure
9 that I have an opportunity to address any new
10 material that might come into the case. And
11 that would be my opportunity in proposed
12 findings.

13 CHAIRPERSON MILLER: After you
14 have received theirs. It's going to be kind
15 of simultaneous. Could you do this by email,
16 you all?

17 MR. BANERJEE: I think so.

18 CHAIRPERSON MILLER: So you get it
19 the same day? I mean, the only other thing is
20 I often hear in these cases is that well, if
21 one party is going to waive, often the other
22 party waives. But if one party is not going

1 to waive, then the other party doesn't waive.

2 MR. KLINE: Madam Chairperson, I'm
3 happy to confer with the protestants and --

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: -- try to, you know,
6 figure out this decision --

7 CHAIRPERSON MILLER: Okay.

8 MR. KLINE: -- before we
9 communicate to you.

10 CHAIRPERSON MILLER: That would be
11 good. Okay.

12 MR. BANERJEE: That's fine.

13 CHAIRPERSON MILLER: Okay. That
14 would be great. All right. All right. So
15 are you all clear on that with what the
16 process is or not? Are you clear?

17 MR. BANERJEE: Yes. If --

18 CHAIRPERSON MILLER: Okay.

19 MR. BANERJEE: -- though I feel if
20 he is going to waive that extra hearing, we
21 will as well.

22 CHAIRPERSON MILLER: Okay. So --

1 MR. BANERJEE: We don't have
2 anything additional, at this point, to bring
3 up.

4 CHAIRPERSON MILLER: Okay. So you
5 will talk to him. You all will file your
6 responses to the Investigator's report 14 days
7 after it is served on you and you will also
8 confirm within those 14 days and let us know
9 when you respond whether you waive your rights
10 to file proposed findings of fact and
11 conclusions of law. Is that --

12 MR. KLINE: Yes, I just wanted to
13 know, I just wanted to make sure that we are
14 clear on the record that any responses to
15 either the police runs or the Investigator's
16 report will relate strictly to the material
17 that is in those documents. I want to make
18 sure we are not talking about introducing any
19 new matter.

20 CHAIRPERSON MILLER: Absolutely.

21 MR. KLINE: And I just want to
22 make sure all the parties are clear on that.

1 CHAIRPERSON MILLER: Absolutely.
2 The Board won't consider anything else you put
3 in that document, so don't waste time doing
4 that.

5 MR. BANERJEE: Okay.

6 CHAIRPERSON MILLER: Okay.

7 MR. BANERJEE: Am I fetching it or
8 is Investigator Dantzler?

9 CHAIRPERSON MILLER: The
10 Investigator is going to do a supplemental
11 report and include those documents that we
12 just discussed and they will be served on you
13 and then you will have 14 days to respond and
14 also serve on the opposing party.

15 MR. BANERJEE: Okay.

16 CHAIRPERSON MILLER: Okay. Good.
17 If you have questions -- yes, go ahead.

18 MS. CLARK: Where do we get the
19 transcripts, here or --

20 CHAIRPERSON MILLER: I think they
21 are going to be sent to you. They are --
22 electronically.

1 MS. CLARK: They are going to send
2 them out? Electronically?

3 CHAIRPERSON MILLER: Do --

4 MR. BANERJEE: I'll print them for
5 you.

6 CHAIRPERSON MILLER: Yes. Within
7 about three weeks of this hearing.

8 MS. CLARK: Oh, okay.

9 CHAIRPERSON MILLER: And my last
10 thing on that is if you have any questions
11 after this hearing, you can contact our
12 General Counsel, Martha Jenkins, and she will
13 be happy to answer them. Okay.

14 All right. So all that is left is
15 for the Board to take a vote on considering
16 this case in closed session. I'm going to
17 read the instructions for that and take a
18 vote.

19 As Chairperson of the Alcoholic
20 Beverage Control Board for the District of
21 Columbia and in accordance with DC Official
22 Code Section 2-574(b) of the Open Meetings

1 Act, I move that the ABC Board hold a closed
2 meeting for the purpose of seeking legal
3 advice from our counsel on Case No. 13-PRO-
4 00152, Climax Restaurant & Hookah Bar,
5 pursuant to Section 2-574(b)(4) of the Open
6 Meetings Act and deliberating upon that case
7 for the reasons cited in Section 2-574(b)(13)
8 of the Open Meetings Act.

9 Is there a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Mr. Brooks
12 has seconded the motion. I'll now take a roll
13 call vote on the motion now that it has been
14 seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Alberti?

18 MEMBER ALBERTI: I agree.

19 CHAIRPERSON MILLER: Mr.

20 Rodriguez?

21 MEMBER RODRIGUEZ: I agree.

22 CHAIRPERSON MILLER: Ms. Miller

1 agrees.

2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIRPERSON MILLER: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIRPERSON MILLER: Okay. It
7 appears that the motion has passed by a 6-0-90
8 vote. And we will hold a closed meeting on
9 this case after the record is closed and we
10 have received your documents and we will issue
11 an order within 90 days of that date. Okay.

12 MR. KLINE: Thank you.

13 CHAIRPERSON MILLER: Thank you
14 very much.

15 MR. BANERJEE: Thank you.

16 (Whereupon, the Protest Hearing in
17 the above-entitled matter was concluded at
18 12:10 p.m.)

19

20

21

22

A				
a.m 2:2 9:13 131:12 135:20	address 25:17 47:5 56:22 57:16 59:6 62:21 63:8 130:3 134:13 146:9	64:1,21 65:8,14 66:9,11,15,20 67:1,2 68:11,14 69:8 73:11,16,19 74:2,9,12,21 75:3 75:18 76:1,6 94:21,22 95:3,11 95:15,18,22 96:5 96:9,14,17,20,22 97:3,7,11,14,17 97:22 98:4,7,11 98:14,17,21 99:2 99:6,10,13,18 100:1,6,10,13,16 100:21 101:2,6,10 101:14,19,21 102:2,7,13,19 103:2,5,7,10,14 103:17,20 104:2,7 104:10 114:10,16 116:19,22 117:7 117:10,13 120:3,8 120:12,17 121:15 122:10,15,18 123:2 151:17,18	answered 28:18 41:9,11,17 42:10 87:7 94:2 115:1	145:16
ABC 7:9,11 8:6 26:18 81:2,19,20 82:15,16,18 85:4 100:5 105:3 106:15 117:9,19 117:21 124:16 127:17 151:1	addresses 26:21 63:18	anybody 15:11 56:7	argument 40:12 57:9 87:22 127:22	
ability 145:18	addressing 130:4	anyway 35:11 71:20 119:9	arguments 124:10 135:13	
able 24:14 26:19 33:12 42:17 44:17 50:4 55:12 68:22 75:3 76:14 136:20	adequately 59:6	APA 88:13 89:1	arrested 77:10	
above-entitled 152:17	administrative 60:19 62:2 69:6 71:12,16 89:22 117:3	apartments 137:16	arrived 5:18	
ABRA 1:20 4:3 9:1 9:10,22 10:21 62:20 63:3 77:14 104:16 121:3	admits 132:9 133:16	apologies 38:7	Articulate 73:19	
ABRA's 12:1 22:16 141:21	admitted 119:13	apologize 128:12 128:19	arts 22:5 23:6,8,13 125:19 126:3,9,19 127:2 132:12	
absolutely 62:15,16 65:19 124:11 148:20 149:1	advantage 132:17	applicant 56:6 117:8 121:4 130:2 133:10,11,13	arts-related 23:7	
accept 57:6,6,16	advice 151:3	applicant's 117:1	asked 28:18 35:22 41:9,11,22 42:3 53:6 61:22 70:4 87:6 93:12 94:12 100:3,4 104:4 114:11,16 132:19 137:6,17	
access 56:15	advised 31:17	application 1:9 2:12	asking 31:11 35:11 38:9 41:12,15 42:14 64:2 68:6 68:13 69:9 73:14 73:21 74:14,16,20 75:8 91:21 92:17 93:2 100:17 118:22 120:4,18 137:1 138:20	
accommodate 8:17 34:11	Affairs 12:7	apply 6:20,22	asleep 10:9 19:14 143:19	
accommodates 7:17	affect 15:11	applying 14:18	assault 77:6	
accompanied 82:8	afraid 51:2	appreciate 135:16 138:10	assist 6:5 63:17	
act 14:13 60:19 69:6 89:22 151:1 151:6,8	Agency's 54:18 55:19	appreciated 138:17 138:19	assistance 58:16	
action 77:4	ago 13:14 78:14 89:18 91:3,17 92:1,15 130:16 134:18 140:13	appraise 27:20	assumed 4:4 79:7	
actions 6:20 77:14	agree 55:3 56:2 76:18 151:16,18 151:21 152:3,5	approach 48:19 51:13	assuming 45:21	
activities 140:18,21	agreed 6:11	approval 113:6	attention 55:18 130:22	
activity 23:15 126:3	agreements 139:10	approved 8:17	audio 49:11 50:7	
actual 49:17	agrees 152:1	approximate 50:16	available 3:11 26:15 43:18 55:2 119:21 121:1 144:4	
add 44:17,22	ahead 4:9 58:3 90:21 149:17	approximately 7:10,18 9:13 37:12,21 39:16 50:13	Ave 1:6	
added 92:5,16	Alberti 1:16 33:3,7 33:11,16 35:3,5 45:10,17 46:3,9 46:11,14,17,18,20 47:2 52:3,7,11 53:22 54:4 55:14 55:22 56:8,12,18 57:2 58:8,12 59:1 59:4,13,20 60:8 60:11,16,22 61:4 61:6,10,11 62:3,6 62:8,15 63:19	Apraku 9:11,17 10:14	avenue 2:11 4:22 9:19 11:11 17:6 18:6 24:20 25:15 26:13 38:18 39:5	
additional 8:13 59:8,14 65:21 148:2		April 3:13		
		area 8:11 9:21 10:3 11:6 20:7 42:21 70:5 82:4 126:6 127:14,19 132:17 139:3 140:5		
		areas 125:8 126:1		
		argue 68:4 127:1		

39:6 49:8,15 50:1 102:16,17 125:13 aware 6:17 24:18 27:11,19 84:22	126:8,14 127:19 bar 1:6 2:10,18 5:12 7:14 8:10 11:20,22 133:4,4 138:1 142:9 151:4 barrier 14:13 bars 136:13 139:4 base 47:20 based 4:13 19:22 21:14 24:5 30:19 33:4 40:13 110:11 113:11 123:17,19 144:11,17,20 basic 60:21 119:18 basically 31:2 92:15 112:9 134:21 basis 137:10 bears 129:1 bedroom 10:5,8,10 136:9,15 beginning 40:1 63:13 behalf 2:16 25:11 belabor 47:4 believe 3:13,15 13:2 15:5 22:8 45:17 64:9,22 90:18 134:10 believes 7:4 belong 21:10 beneficiary 126:15 126:16 141:5 benefit 57:9 best 62:17 72:11 better 119:11 Beverage 1:2,11,12 150:20 big 138:2 bit 13:10 47:5 90:17 108:15,17 109:6 140:10 black 34:22 blank 59:10 block 7:17 11:11 37:21 39:4,6,8,18 70:10	blocks 49:20 51:22 52:6,10 Board 1:2,12 4:3 11:22 12:1,13 26:18 45:2,4,7,22 46:5 54:3,16 55:2 55:8 57:6,7,8,16 58:14 64:1 66:8 68:5 70:18 71:11 71:16 73:14 74:19 75:8 81:2,19 88:7 89:5,9,12,15 90:12 94:20 100:5 106:15 110:10,11 112:22 114:7 117:9 118:22 119:2,3,10 121:2 121:2,4 124:2,15 125:2,13 127:11 127:16 130:12 131:4 132:19 137:6 138:11,15 141:8,22 142:11 142:15 143:2 144:19,21 145:5 145:20 146:1 149:2 150:15,20 151:1 Board's 57:3 58:5 61:15,16,18 66:4 88:14 89:4,14 113:12 130:22 bottom 49:21 brick 8:2 brief 32:6 bring 25:14 130:22 141:15 148:2 bringing 137:18 Brixton 18:11 broken 7:7 Brooks 1:16 151:10 151:11,15,16 brought 55:17 130:12 137:13 brunt 141:1 buffer 112:10 build 66:7 93:6	building 1:12 8:3 26:2,6 27:11 47:15 48:8,10 49:5 50:8,11 90:18 98:2,8 137:8 buildings 50:1,14 50:15 51:7,8,9,11 52:1,3 built 130:3 bus 7:20 business 86:14 133:12,19 140:8 businesses 139:20 141:10	3:16 4:15 13:13 27:8 54:1 65:6 67:18 78:11,18 83:12,13 90:2,16 93:6 119:5,18 125:7 145:2 146:10 150:16 151:3,6 152:9 cases 63:4 125:3 146:20 catch 82:19 caught 143:19 caused 21:21 caution 145:11 146:8 center 126:6 certain 66:7,13 139:21 certainly 48:11 51:15 56:2 57:5 57:15 58:1 59:2 89:19 118:22 126:15 certificates 12:8 Chair 29:17 33:11 44:3,21 63:19 65:16 69:20 71:11 88:6 89:19 115:8 120:15 142:13 145:9 Chairman 62:18 67:10 78:6 124:15 Chairperson 1:13 1:15 2:3,19 3:2,6 3:9 4:8,11,17 12:12,15 13:8 14:3,11 15:8 16:1 16:9,18 17:1,7,15 24:1,5,8 27:3,7 28:8,11,19 29:1 29:18,20 30:1,6,9 30:11,14,18 32:17 32:20 33:1,5,14 33:18,21 34:3,6 34:16,18 35:1,4,7 35:19 36:11,14,20 37:4 38:2,5,8 40:4
back 13:12 15:9 20:5,6 21:16 26:6 30:22 39:15 42:7 42:9 48:5 55:6 66:17,22 71:19 76:22 80:22 85:19 93:22 94:9 95:13 95:16,17,19 97:10 108:2 112:17 113:1 116:6 124:6 125:9,10,17 129:4 129:21,22 130:19 140:9 145:15 bad 126:14 135:17 136:18,19 badge 101:18 Banerjee 2:22,22 3:3,5 5:5,9,10,14 5:22 6:4,6,10 18:2 24:4,7,9,13,18 25:2,4,16,19,22 26:17 27:6,9,14 27:22 28:5,13 29:2 38:3,7 42:9 42:19 43:2,17 55:22 67:3,21 76:19 77:9,17 84:21 85:7,12,15 86:6,17 87:4,19 88:3 113:13,20 114:1,9,20 115:2 121:10 127:20 128:7 130:15 131:7 132:9 133:6 135:4,8,12 143:10 144:8 146:17 147:12,17,19 148:1 149:5,7,15 150:4 152:15 Banerjee's 130:9 Banks 19:2 21:2,6 125:11,18,19	B	calendar 142:18 call 2:4 65:20 77:5 78:22 81:15 86:10 86:13 93:6 94:13 101:7 102:15,16 102:20 103:12,15 104:5 111:11 145:4 151:13 called 4:3 5:15 6:7 26:9 79:5 81:16 87:2 94:5 104:3 132:1,4,6 137:9 calling 24:21 83:14 86:7 87:5,10 100:22 104:6 calls 26:20 45:1 66:6 74:7,9,12,14 74:16 75:19,21 76:1,6,13 77:19 81:10,12 86:19 88:4 91:6,11,12 91:19,22 93:17 102:18,18 108:8 142:3 capable 58:15 car 37:12 38:10 50:18 care 69:15 121:19 129:20 132:13 cars 38:4 case 1:8 2:4,9 3:14	C	

40:7,11,16 41:8 41:10,14,19 42:1 42:8 43:1,4 44:5 44:11 45:9 46:13 47:1,3,9 48:21 51:15 52:15,22 53:4,19,21 54:2 55:5,21 56:1,10 56:17,21 57:20 58:9,22 60:5,10 60:15,20 61:2,6 61:10,17 62:5,7 62:12 63:9,22 64:7 65:5,10,19 67:12,15 68:1,10 68:18 69:4,7,21 70:2,6,11,16 71:14,18 72:2,6 72:10,14,18,22 73:5,9 74:6 75:2,5 75:10,13,16 76:11 76:17 77:11,18 78:2,8,12,17,20 79:2,10 84:19 87:12,17 88:1,12 88:16 89:16 90:10 90:15 91:18 92:2 93:3,14,18 94:10 94:15,19 104:14 104:22 105:4,6,9 105:13,17,20 106:2,5,9,18,21 107:4,11,17 109:10 110:9 113:10 114:5,12 114:15,18,22 115:4,7,9,12 116:8,11,12,17,20 117:12,17,20 118:5,10,13,20 119:16 120:5,10 120:14 121:9,14 121:17,20 122:2,4 122:11,16 123:3,7 123:19,22 124:3,8 124:13 127:21 128:3,13,16,21	134:17 135:7 138:22 141:17 142:20 143:1,5,8 143:11,13,17,20 144:9 146:6,13,18 147:2,4,7,10,13 147:18,22 148:4 148:20 149:1,6,9 149:16,20 150:3,6 150:9,19 151:11 151:17,19,22 152:4,6,13 chamber 112:10 chance 56:6 59:22 60:3 94:6 116:6 123:8 change 12:2 changed 140:6 check 80:21 83:18 91:9 99:16 checked 11:22 31:9 checking 79:15 choice 68:12,15 choose 144:10 cited 151:7 city 31:22 36:2 126:6 claims 131:7 clarify 13:10 93:9 111:17 118:15 139:6 Clark 2:20,20 3:7,8 29:5,6 30:4,8,10 30:13,16,21 31:6 31:12,20 32:8,12 34:5,9,13,17 35:9 35:22 36:13 38:10 38:13 39:7,11,17 39:20 40:10,14,18 41:2,5,12,17,21 42:3 72:16,21 88:4,11 90:22 91:10,13,16,21 92:3,9,14,20 93:1 93:8,11,20 94:2,5 94:12,16 128:1,7 128:8,10,17,22	129:3 135:8 138:21 139:1,3 149:18 150:1,8 Clark's 129:14 cleaner 62:17 clear 46:1 47:11 63:5 68:22 71:10 76:3,5,9 95:5 99:11 110:15 112:21 115:15 120:3 121:6 122:19 129:9 147:15,16 148:14 148:22 clearly 48:7 49:4,9 50:5 131:2,18 click 96:6,7 cliental 137:2 Climax 1:6 2:10,18 4:20 7:12,14 8:1,7 9:2,4 11:12,18,20 11:21 12:4 24:15 26:1 27:10 29:16 32:2 36:8 39:1,5 40:3 47:15 48:7 49:3,14,17,22 50:4,9 70:10 102:17 136:2 137:15 142:8 151:4 Climax/Hookah 5:12 close 15:3,16 19:17 20:7 43:18 96:4 96:12 129:16 141:19 closed 31:1,3,19 71:6 72:1,5,9,11 72:12 96:7 150:16 151:1 152:8,9 closer 19:19 39:21 40:19,20 41:5 133:1,17,21 closes 96:15 135:20 closing 123:12,17 124:6 127:22 134:19 135:2,13	137:21 closings 3:19 club 17:4 76:22 126:20 136:13 Code 150:22 Columbia 1:1 126:18 150:21 combined 71:8 come 2:6 15:15 40:1 65:17 68:7 80:22 81:13 85:3 85:19,21 86:1,10 91:19,20,22 93:7 94:13 102:18 104:6,16,19 105:21,21 107:13 107:21 108:13,15 108:18,21 109:2 111:5 127:5,11 131:9 144:14 145:15 146:10 comes 29:10 38:18 63:6 82:20 126:14 comfort 131:20 comfortable 83:17 131:13,14,15,22 coming 9:16 24:15 26:3 27:21 38:11 38:17,21 60:17 85:1,5 136:9,14 comment 54:5 58:19 60:18 61:8 62:14 119:17 commentary 42:2 commented 60:13 comments 118:21 122:5 139:1 commercial 16:19 16:19,20 22:13 51:9,10 127:13,18 139:11 communicate 147:9 community 6:18 compared 15:14 complain 10:10 132:4	complainant 9:14 complainant's 7:3 complainants 7:5 25:14 87:18 complained 9:7,15 26:21 109:13 140:19 complaining 109:14 125:1 complaint 9:20 67:16 87:15 111:6 complaints 13:13 16:16 26:22 27:1 42:15,16 57:18 65:22 66:1,4 67:17,19 83:8 102:5 110:16,18 110:20 111:3 119:11 134:4 complete 54:1 completely 127:12 140:6 comply 136:20 computer 106:13 concedes 133:20 concern 10:1 133:6 concerns 6:17 conclude 41:20 78:16 concluded 152:17 concludes 52:19 conclusion 46:12 46:15 conclusions 57:17 58:21 143:22 144:20 145:8 148:11 condition 22:2 condos 126:21 conduct 90:4 confer 147:3 confirm 4:7 9:19 148:8 confirmed 113:2 confusing 51:19 connection 20:16 consider 61:13
---	---	--	---	--

149:2 considered 90:12 considering 150:15 consistent 89:14 Consumer 12:6 contact 6:4 15:17 20:19 31:16 63:4 150:11 contacted 6:1 contain 6:12,19 contained 119:7 continuation 3:10 44:15 continue 90:20 contractor 21:22 113:2 contributes 129:6 control 1:2,11,12 129:2 150:20 conversation 25:13 84:3 coordinate 89:20 copy 33:6 34:7 51:14 corner 11:16 correct 3:7 18:2,12 18:20,21 19:3,20 20:3,9,10,22 21:4 22:6,10 23:9 31:5 34:4 38:12 46:4 46:15 50:1,2,19 53:13,17 57:3,4 69:8 74:5 78:20 89:10 98:2 112:14 113:6 118:6 correction 10:13 22:12 counsel 79:5 90:2 150:12 151:3 count 39:13,13 couple 137:11 course 44:22 54:22 79:14 COURT 135:10 covered 22:16 crack 15:4 cracks 113:16	114:2 created 126:9,17 141:3 criminal 133:12 criteria 23:8 cross-examination 17:18 44:20 cross-examinatio... 90:5 cross-examine 56:7 56:20 88:13,18 crowd 109:22 Crown 8:4 cry 134:4 CT 1:7 cultural 23:6 current 8:18 customer 86:3 customers 83:16 85:8,18 cut 107:20 108:2,12 108:19,22 <hr/> D <hr/> D.C 1:13 Dantzler 1:20 3:11 3:20,22 4:2,7,10 4:16,19 12:18 13:1,5,9,21 14:7 14:15 15:12 16:3 16:14,21 17:2,12 17:20,21 18:3,7 18:13,17,21 19:4 19:7,10,19 20:3 20:10,13,22 21:5 21:12,19 22:7,11 22:15,18,22 23:10 23:16 24:10,11,17 25:1,3,7,18,21 26:12 27:13,17 28:4,21 30:2 31:5 31:10,14 32:5,10 32:14,19,22 33:9 34:21 35:12,15 36:17,21 37:6 38:12 39:2,9,12 39:19 41:1,3 47:11,18 48:1,16	48:22 49:13 50:2 50:10,20 51:4,10 51:21 52:5,9 53:12,17 61:20 62:4,13,18 63:11 64:15 69:9 70:12 70:22 71:4,21 72:4,8,13 73:3,7 73:13,17,22 74:5 74:11,15 75:7,11 76:4,10,16 77:1 77:22 78:4 119:22 149:8 date 20:14 43:12 99:21 152:11 dates 99:19 120:8,9 120:13,13 day 43:19 81:14 83:9,10,11,14 86:18,20,21 92:12 92:13,22 93:4,13 108:9,11 146:1,19 days 65:11,14 69:10,13 73:1 80:16 105:18 106:1 123:10 142:1,12,16,17,17 142:19,22 143:14 144:3,5 148:6,8 149:13 152:11 DC 150:21 dcbs 104:18 DCRA 79:15 80:20 81:1,15 82:8 83:18 85:4 91:9 99:15 104:17,20 105:3 113:5 116:2 116:5 deadend 37:10 38:11 39:14,21,22 40:2 dealing 67:16 138:5 dearth 133:8 decibel 80:19 decide 69:17,19 decided 83:18	137:19 decides 138:11,16 deciding 102:21 decision 145:12 147:6 decisions 68:16 deck 13:15 deduce 22:1 deeply 128:12 defendant 133:11 defense 90:3 defer 121:2 124:1 145:12 defies 64:22 definitely 26:3 deliberating 151:6 department 12:6 63:3 66:5 83:8 142:2 Department's 45:6 describe 33:4,12 37:5 described 8:7 description 23:3 designated 25:10 88:15 89:6 designation 88:8 designed 23:14 126:2 detailed 23:3 determine 10:18 determined 11:6 diagram 49:6,14 50:5 51:13 difference 93:11 different 13:19 26:9,20 27:2 61:21 88:11 90:17 125:8 differently 92:16 difficulty 54:13 dilapidated 7:8 21:9 diminished 16:8 36:6,9 direct 4:18 63:5 65:3 79:12	directed 10:7 direction 37:9 directly 25:22 29:7 29:15 32:2 37:13 37:17,18 40:2 48:2 Director 63:21 64:5 74:22 75:7 disadvantage 54:20 56:19 disadvantaged 55:16 disclosed 43:9 disclosure 90:6 discovered 6:7 11:1 12:7 discuss 6:2 65:21 74:21 discussed 49:12 50:8 149:12 discussion 6:3 13:17 45:19 47:13 disrepair 129:5,6 distance 7:19,21 12:21 distinction 73:12 distinctly 125:8 district 1:1 22:5 42:22 125:20 126:18,19 127:2 129:4 132:12 139:7 140:3 150:20 disturbance 129:19 disturbed 20:1 125:14 133:17 document 10:1 19:15 56:13,16 58:20 59:3,7,9 149:3 documentary 90:3 documents 58:15 60:12 121:8 141:20 143:15 144:1,13 148:17 149:11 152:10 Dodge 31:22 36:2
--	---	---	--	---

doing 6:18 48:15 71:19 120:1 121:7 130:2 134:13 140:14,21 149:3	29:6 easily 136:14 eating 126:4 edge 132:12 effect 15:9 21:17 efficiency 89:20 90:13 effort 9:19 145:3 eight 9:2 either 15:21 33:6 58:9 85:3,4 117:4 119:2,3,14 148:15	escaped 15:7 established 10:7 establishing 25:8 48:14 establishment 5:3 5:17,19 6:7,19 7:9 7:13,19,22 8:2,3,5 8:6,8,19 9:5,8,12 9:16 10:21 11:3,4 11:20 12:7,22 14:9,16,17 15:2 16:16,22 17:14 21:4 22:8 31:15 37:8 39:3 50:14 53:16 77:15 104:20 115:16 120:7 122:9 125:15 130:14 133:1,2,3,18,21 142:8	34:7,12 35:2,6 36:16 48:5,8 49:3 exhibits 32:9,12 34:17 35:10 exist 116:15,20 134:11 existed 121:16,22 exists 117:10 expect 66:5 73:1 experience 19:22 21:15 66:19 experiencing 129:7 explain 35:10 extend 67:17 extra 147:20 extremely 43:18 eye 129:6	feel 55:16 131:12 131:14,15,21 147:19 feeling 28:5 83:17 feet 7:11 13:2 37:14 38:22 47:20 48:3 48:10,11 98:10 130:10 131:3,6 FELICIA 1:20 4:2 felt 10:12,14 fetching 149:7 fight 77:6 fight 67:5 figure 112:4 130:20 134:1 147:6 figured 130:19 file 25:9 143:21 145:22 146:2 148:5,10 filed 57:18 65:22 118:13 fill 67:7 filtering 45:6 final 124:9 finalize 81:15 finally 17:8 86:21 find 8:13 12:1 117:22 144:19 findings 58:20 143:22 145:7,18 146:2,12 148:10 fine 46:9,18,18 55:9 58:4 77:10 143:10 147:12 finer 77:14 138:17 finish 65:6 finished 72:19 94:8 94:17 first 4:4 8:8 24:9,13 38:16 55:10 58:13 79:6 83:15 89:7 95:4,10,11 98:12 108:19 112:18 125:10 135:5 five 3:7 5:4 29:7 134:20 fix 84:11,12 95:7,9				
doors 6:11 13:17 17:9 29:16 111:19 112:7 113:19 138:9	embarrassed 128:19	establishment's 7:3 establishments 7:10,11 11:6 36:10,12 126:4 134:5 140:5	<hr/> F <hr/> F's 9:18 face 6:21 16:19 49:7 faced 11:8 faces 7:3 11:9 21:7 37:9 facility 7:16 facing 37:9,16 39:5 fact 58:20 60:13 66:1 89:6 125:22 129:3 143:22 145:7 148:10 facts 59:8,15,22 90:6 139:17 144:19,20 failing 42:20 fair 23:20 47:14,18 50:9,10 67:20 107:8,14 109:4 141:14 familiar 70:19 fantasize 139:18 far 8:1 10:20 32:1 36:8 63:13 98:5 fault 55:19,20 faulting 54:12 fax 81:18 February 6:14 8:22 9:3,9,13 11:2	double 6:11 13:17 16:13 17:8 84:7 84:13 95:6 97:6,7 97:18,19 111:19 113:19,21 114:17	elaborate 23:19 electronically 149:22 150:2 email 81:19 146:15 emanating 9:5 11:5 14:1 enclosure 98:15,18 112:6 encourage 23:4 89:19 encouraged 45:5 57:13 endeavors 121:5 enforcement 22:19 engages 96:18 ensure 20:18 48:17 enter 8:15 10:8 37:18 entered 9:18 11:10 entering 10:14 Enterprises 1:5 entertainment 8:20 23:4 entitled 89:1 127:11 entrance 11:9 15:16 37:17 39:3 entry 11:10 erect 12:9 erected 12:4 14:10 14:22 error 54:18 escape 113:17	everybody 76:9,18 118:14 125:1,2 134:3 140:7 evidence 27:5 42:11 45:1 57:9 57:21 61:7,9,12 61:14,15,18 68:19 69:1 90:3,4 117:2 123:14 125:17 134:9,12 exact 137:14 exactly 13:14 19:11 74:19 75:9,13,15 75:16 89:8 99:21 136:5 144:8 EXAMINATION 4:18 79:12 examined 4:5 79:7 exhibit 32:7,16,18 32:21 33:4,6 34:1	double-teamed 89:12 doubt 112:22 downstairs 81:8 86:2 draw 57:17 144:21 drawing 49:4 drinking 126:4 due 67:1 Duffy's 133:17,20 135:18 duly 4:4 79:6 duplicative 137:7	<hr/> E <hr/> ear 129:17 Earl 9:11 earlier 66:3 113:15 141:20 Eartha 2:20 3:7

95:21 96:2	gap 31:2	27:16 37:1 53:11	150:13	home 7:3,7 9:18
fixed 20:12,15 84:5	garden 7:2,4 8:15	53:15 55:6 57:16	hard 81:11,13	10:3 16:6 19:2,5,6
95:19	8:16,20 11:8 12:5	61:19,20 64:19	83:13	21:6,13 130:17
fixing 95:6	12:9 14:2,4,6,10	65:17 67:18 69:18	heading 77:20	homemade 114:2
FL 9:14	15:3 16:17 20:7	107:9 119:6,12	hear 3:16 9:4 10:16	homes 6:22 15:19
floor 8:8,12 83:15	21:7 29:8 37:7,10	120:11 124:5	11:5,14 19:11	22:10,11 37:11
83:15 112:17,19	37:14,15 47:21	126:21,22 130:6	28:19 30:7 36:22	39:5
112:19 116:2,5	48:2 49:16 85:8	131:13,15,22	37:22 40:3,15	hood 51:1,5
Florida 1:6 2:11	135:21	135:2,3,4 138:13	54:22 58:7 69:8	Hookah 1:6 2:10
4:21 17:5 18:6	Garnet 72:4	140:19 141:19	70:17 125:4	2:18 4:21 7:14
24:20 25:15 49:15	Garnet-Patterson	145:14,16 146:14	129:11,17 136:9	11:22 142:8 151:4
50:1 102:16,17	70:9,20 71:8	146:21,22 147:20	137:15 146:20	hope 141:7
Floridian 3:4 25:5	gas 8:4	149:10,21 150:1	heard 3:14 5:12	hours 8:18,21
flush 98:1	gee 126:7	150:16	10:4,6,19 13:13	132:21 138:15
focus 16:15	general 13:22 64:9	good 2:15 12:17,18	14:8 15:21 18:10	house 21:3 125:18
following 118:21	150:12	17:19,21 24:10,11	18:19 19:3,9,17	129:4,13,14
follows 4:6 79:8	getting 28:6 30:4	79:2 94:22 95:2	31:20 47:2,16	140:20
Force 104:15	54:14 64:16 74:19	99:14 107:19	57:5 122:19	houses 38:15 39:8
115:15 119:10	89:12 93:17 108:8	120:1 124:14	124:22 125:13	39:10,14 40:1,21
120:6,13,21	give 4:12 32:15	126:14 135:17	129:15 130:1,13	48:12 49:7
121:15,21 122:20	43:21 45:4,14	136:17 137:20	131:2,4,8,9	Huh 85:14
131:5 142:7	54:8 58:1 100:4,7	147:11 149:16	hearing 1:6,12 2:13	hum 73:6
Force's 122:8	100:8 106:11,11	Government 60:12	3:10,12 11:7	
forth 134:18	132:3	grain 57:12	42:18,18 43:7	I
forward 2:6 63:4	given 45:20 120:20	granted 12:2,8	44:15 57:22 64:3	i.e 77:6
121:1	126:5 133:7 134:8	great 52:2 100:18	64:8 69:15 89:8	idea 53:15 87:4
found 10:22	142:10 145:12,14	142:16 143:16	92:6 113:1 127:15	120:2
four 39:16	giving 45:3	147:14	128:11 130:16	identified 6:15
fourth 116:2,5	glass 98:20,21 99:1	group 3:3,4,7 5:3,4	132:8 137:12	19:12 68:21 69:2
frame 15:17 20:19	112:7 113:22	5:10 24:19 25:6	144:16 147:20	101:8
31:17	114:3	26:7 104:22	150:7,11 152:16	identify 49:10
front 10:17 13:11	glasses 83:1	124:19	hearings 45:7 46:6	87:13 101:7
13:18 16:11,15,19	go 4:8 19:1,13 23:7	groups 124:18	hears 7:6 131:7	144:18
16:21 17:3 24:15	25:8,9 44:2 45:15	guarantee 124:4	HECTOR 1:17	illegal 12:5 140:18
26:2,3,5 34:7 35:8	46:4,7,16 63:14	guess 48:9	heels 131:17,21	140:21
49:15 51:18 54:5	63:17 88:7,9	guy 86:1	help 7:5 48:13 49:8	immediate 15:10
81:6 85:21 95:13	90:21 100:15	guys 106:14	49:9 75:4 124:20	immediately 17:5
95:16 97:15 99:2	104:18 116:6,16		138:16	21:3
99:4,6,8 106:15	123:12 130:19	H	helpful 26:18 27:4	impact 16:4 137:22
125:9 130:5,7	132:18 135:19	half 37:21 135:6	helps 47:10	138:2
fronting 50:1	140:1 149:17	hand 126:10	hew 134:3	implied 102:3
full 90:6	go-to 62:20,22	handed 33:20,21	hey 87:1	implying 136:6
fully 47:6	63:14	handling 64:6	High 70:9,21 71:7	important 64:17
further 10:20 16:7	goes 45:12 46:10	happen 82:7	history 62:21 63:7	66:5 116:7 119:5
104:11 134:15	111:9 126:16	140:10	hold 34:19 151:1	127:4,5
future 56:4	132:2 133:14	happened 76:20	152:8	impose 133:18
	going 2:4 16:12	91:5 139:12	hole 21:22 29:9,12	imposed 133:20
G		happy 109:6 147:3		impression 21:15

improvements 140:13	interpreting 58:15	62:9,18 63:11	kept 27:15 28:15	124:7,11,14 128:5
imputing 45:11,20	interrupt 77:12	65:2,12 70:22	kind 44:19 54:17	128:10,15,17,22
inclination 145:10	intersection 17:3	71:4,21 72:4,8,13	80:19 91:3 144:22	136:4 139:2
include 76:19	interviewed 5:9	73:3,7,13,17,22	145:3 146:14	142:13,21 143:3,7
120:2 122:7	6:15 18:1	74:5,11,15 75:7	Kline 2:15,16 17:19	143:12,16,18
144:13 149:11	interviews 25:10	75:11 76:4,10,16	18:1,4,9,15,18,22	145:9 146:7 147:2
included 64:2	introduce 2:6,14	77:1,22 78:4	19:6,8,16,21 20:4	147:5,8 148:12,21
119:19 120:4	59:14	80:21 81:2,20	20:11,20 21:1,8	152:12
incomplete 54:7,12	introduced 69:2	82:7,8,14,17	21:14 22:3,9,14	knew 27:16 28:16
incorrect 41:18	125:17	117:11,19,22	22:17,20 23:2,11	53:9,9 94:7
incorrectly 16:10	introducing 59:8	122:6 129:10	23:20 28:7,10,18	know 4:20 13:15,16
increased 5:21 23:5	148:18	141:22 149:8,10	29:17,19,21 33:19	15:11 17:8,11
indicated 18:10	investigated 12:3	Investigator's	33:20 34:1,4,12	18:4,6,8,9 20:5,11
20:5 21:2	investigating 25:6	43:17 148:6,15	34:15 35:14,17	20:14 21:11 22:20
indulge 34:10	investigation 11:17	investigators 9:1	40:6,9 41:7,9 43:5	23:1,18 26:8 31:7
indulgence 32:6	28:3,17	9:11,17 10:1,5,8	43:8 44:3,7,18,21	39:7 41:18 45:12
information 26:15	investigative 4:13	19:1 26:14 27:20	45:11,15 46:3,10	46:10,20 48:6
54:8,15 55:2,13	32:18,21 43:15	54:8 64:4 84:22	46:16,19 47:8,10	53:10 55:8,19
63:6 117:8,15	55:11 77:13	Irish 133:4,4 134:6	47:22 48:4,19	56:4 58:6,12,22
118:3,8 119:7,18	119:20 142:4	issue 13:20 15:8	49:2,19 50:3,17	59:5,10,11 60:7
119:20	Investigator 1:20	16:11 44:8 45:8	51:3,6,12,17 52:1	61:13 64:21 68:8
initially 14:17	2:5 3:11,17,22 4:2	46:6 47:4,5 63:20	52:13,21 53:2,5	68:9 69:18 75:14
initiated 122:12	4:7,10,16,19	64:6 68:4 130:21	53:14,18,20 56:21	76:8,14 80:22
initiation 121:21	10:12,13 12:18	132:3,14,15	57:2 58:4 59:4,17	82:4,6,7,10,19
142:9	13:1,5,21 14:7,15	152:10	60:2,6,16,21 61:7	83:3,4,11 85:2,3,5
inquired 20:16	15:12 16:3,14,21	issued 77:8	65:16,20 66:13,16	85:20,22 86:3,6,8
inside 5:11,12 7:6	17:2,12,20,21	issues 5:6 6:3,5	66:18,22 67:9,13	86:11 87:3,8,10
8:9 10:3,5,10,16	18:3,7,13,17,21	13:11,20,22 25:8	68:2,8,13,16,19	89:11,17,18 90:14
14:5,13 16:5 19:4	19:4,7,10,19 20:3	119:5 125:1 130:3	69:5 71:11,15	93:5 99:18,20,21
29:13 46:2 85:21	20:10,13,22 21:5	130:4 134:10	75:14,17,21 76:3	100:4 101:4,15,15
112:11 113:17	21:12,19 22:7,11	139:16	76:8 78:6,10,15	101:17,17 102:2,7
insight 63:16	22:15,18,22 23:10		78:19,22 79:13,18	102:8,14,19 104:6
inspectors 79:15	23:16 24:3,11,17	J	79:22 80:3,7,11	108:16 109:4,16
install 6:11	25:1,3,7,18,21	JAMES 1:18	80:13,15,18 81:3	109:21 111:22
installed 17:9	26:12 27:13,17	January 5:8 121:1	82:2,6,11,13,16	112:1,2,4,21
installing 138:9	28:4,21 31:5,10	121:22	82:21 83:2,6 84:1	115:21 116:3,22
instance 55:11	31:14 32:5,10,14	Jenkins 150:12	84:5,8,10,15,17	117:13 120:18,21
instructions 150:17	32:19,22 33:9	joined 81:4	87:6,9,15,21 88:6	121:22 126:12
instruments 109:22	34:21 35:12,15	Jones 9:11,17	88:14 89:3 90:8	128:2 130:6,21
insulated 127:12	36:17,21 37:6	10:12,15	90:11 110:12,14	131:13,19 133:7
integration 23:6	38:12 39:2,9,12	Junior 70:9,21 71:7	110:19 111:1,5,8	134:18,22 144:6
intent 67:22	39:19 41:1,3		111:13,15,17,21	145:3,4,16 147:5
interfere 15:18	43:11 47:11,18	K	112:5,9,14,16,20	148:8,13
interior 8:7	48:1,16,22 49:13	keep 28:1 31:18	113:5,8 115:6	knowledge 46:2
interpretation	50:2,10,20 51:4	65:11 107:15	118:20 120:15,19	72:11
46:21	51:10,21 52:5,9	108:4 137:18	121:18 122:1,3	known 53:8
	53:12,17 54:6,13	138:12 141:10	123:4,16,20 124:1	knows 119:10
		keeping 77:2		

141:1	list 23:8 74:3	loudest 15:20,20	114:11 117:21	103:17,20 104:2,7
Kofi 9:11	listed 35:10 142:5	Lounge 11:13,21	120:17 122:13	104:10 107:19
<hr/> L <hr/>	listening 47:16	15:22 18:11,14	123:16,21 131:1	108:1,4,7,12,18
L 10:4,7 19:12	lists 74:3	24:16 26:1 27:10	143:1 146:19	108:21 109:2,8,12
L's 9:21 19:5,6	little 13:10 47:5	31:22 36:2 37:3	Meaning 73:16,17	109:19 110:2,4,7
21:6,13	51:2,19 87:19	37:20,22 39:21	means 56:5 82:3	114:10,14,16
labeled 48:7 49:4	90:17 108:15,17	40:21 41:6 136:3	102:17	115:8,11,14,18,20
large 8:8	108:19 109:6	137:15	measure 104:18	116:10,14,19,22
latch 96:20	130:8 140:10	Lounge's 11:8	measured 26:5	117:7,10,13 120:3
late 43:12 44:17	live 8:11 18:5 24:19	low 28:15 81:22	meet 20:19	120:8,12,17
55:7	29:7 32:2 36:7	106:16 107:2,16	meeting 1:3 151:2	121:15 122:10,15
law 58:21 82:1,3	125:13 127:7,8,13	109:7	152:8	122:18,22 123:2,6
107:3,10 109:7	134:6 135:15	lowest 106:22	Meetings 150:22	151:10,16,18,21
140:3 143:22	136:12 139:7	107:2	151:6,8	152:3,5
144:20 145:8	lived 25:15 139:3	<hr/> M <hr/>	meets 15:5	Member's 112:22
148:11	lively 135:15	Madam 29:17	Member 1:16,16	members 24:21
lawyerian 145:3	lives 18:5 125:19	33:11 44:3,21	1:17,17,18 12:14	57:8 110:10,11
leading 26:10	129:3 140:6	63:19 65:16 67:10	12:17,20 13:3,6	124:15
leads 7:1 11:12	LLC 1:5	71:11 78:6 88:6	33:3,7,11,16 35:3	memory 70:14
leakage 20:6,8	locate 50:6	115:8 116:10	35:5 45:10,17	met 1:12 6:2 14:17
leave 89:14 108:1	located 2:10 4:21	118:20 120:15	46:9,11,14,18,20	85:12,16 118:7
118:22 133:22	7:11,13,16,21 8:9	124:14 142:13	47:2 52:3,7,11	metal 98:19,21
145:20	9:18,21 11:13,16	145:9 147:2	53:22 54:4 55:3	99:1 112:6 114:3
leaves 5:20	17:4 36:19 37:2,3	mail 81:19	55:14 56:8,12,18	meter 80:19,19
left 3:16 8:4 15:4	71:2 118:1	making 31:16	58:8,12 59:1,13	Metropolitan 63:2
37:11 51:8 92:7	location 50:16	73:12 83:16 85:9	59:20 60:8,11,22	81:1 105:3 142:2
92:19 96:12	logic 64:22	136:1	61:4,11 62:3,6,8	midnight 136:1
119:14 130:16	loitering 11:1	male 10:9	62:15 63:19 64:1	MIKE 1:17
150:14	long 44:9 47:12	manager 81:7	64:21 65:8,14	Miller 1:13,15 2:3
legal 151:2	60:7 71:9 120:11	manner 15:7	66:11,15,20 67:2	2:19 3:2,6,9 4:8
length 37:12 38:14	121:16 138:5	March 9:1	68:11,14 69:20,22	4:11,17 12:12,15
lengths 38:11	longer 6:8 62:22	marquee 11:19	70:3,8,13,20 71:2	13:8 14:3,11 15:8
let's 65:5 125:9	63:6	Martha 150:12	71:6 72:12 73:11	16:1,9,18 17:1,7
130:5	look 25:8 32:7	material 145:22	73:16,19 74:2,7,9	17:15 24:1,5,8
level 8:9 131:20	36:15 44:19 71:22	146:10 148:16	74:12,21 75:3,18	27:3,7 28:8,11,19
levels 79:16 104:19	116:5 145:4	materials 145:13	76:1,6 94:22 95:3	29:1,18,20 30:1,6
license 1:7 2:11 5:1	looked 21:20 114:2	matter 1:4 129:3	95:11,15,18,22	30:9,11,14,18
81:7 86:4 124:17	looking 49:3,4,21	148:19 152:17	96:5,9,14,17,20	32:17,20 33:1,5
134:9,15 135:19	50:3,5	mean 34:10 43:10	96:22 97:3,7,11	33:14,18,21 34:3
licensee 2:16 17:17	looks 48:11	43:12 44:7 45:1	97:14,17,22 98:4	34:6,16,18 35:1,4
52:17 53:7 79:6	lot 7:16 42:20 66:6	52:4,8 54:17 58:4	98:7,11,14,17,21	35:7,19 36:11,14
127:17 129:1	67:4 81:10 93:17	59:6,9 60:14	99:2,6,10,13,18	36:20 37:4 38:2,5
licenses 12:8	101:4	63:21 66:2,3 68:6	100:1,6,10,13,16	38:8 40:4,7,11,16
likes 132:18	lots 124:22 125:1	88:9 91:2 95:12	100:21 101:2,6,10	41:8,10,14,19
limited 124:20	136:16,18	96:1 97:14,18	101:14,19,21	42:1,8 43:1,4 44:5
limiting 132:22	loud 6:2 9:15 11:14	101:16 107:7	102:2,7,13,19	44:11 45:9 46:13
line 145:5	15:14,18	109:18,19 112:3	103:2,5,7,10,14	47:1,3,9 48:21

51:15 52:15,22	147:4,7,10,13,18	music 5:11,17,21	15:22 18:14,15	normally 54:7 67:7
53:4,19,21,22	147:22 148:4,20	6:2,12,19 7:6 9:4	32:1 36:1,4 37:2	75:20
54:2 55:5,21 56:1	149:1,6,9,16,20	9:15 10:4,6,18	37:19 38:1	north 52:7
56:10,17,21 57:20	150:3,6,9 151:11	11:5,7 14:1,4,8	never 86:13,14	note 26:4 43:13
58:9,13,22 60:5	151:17,19,22,22	15:6,13,18,20,21	116:3 135:22	55:9 117:3 135:14
60:10,15,20 61:2	152:4,6,13	16:6 19:3,15,16	145:5	notice 11:19 44:1
61:6,10,17 62:5,7	mind 112:22	20:2 26:2,5 107:6	new 26:16 67:19	71:12,17
62:12 63:9,22	minds 45:13	107:20 109:18	68:5 96:11 146:9	noticed 11:18 15:1
64:7 65:5,10,19	minimize 20:20	110:1,2,3,5,6	148:19	noticing 49:5
67:12,15 68:1,10	minutes 134:20	113:16 131:1,18	newer 57:8	number 6:5,8 39:9
68:18 69:4,7,21	135:6	133:5 136:10,11	newest 83:1	39:13 87:1 125:4
70:2,6,11,16	missed 118:2	136:11,15 137:15	NICK 1:16	136:13
71:14,18 72:2,6	missing 44:1 55:16	musical 109:22	night 135:22 140:4	numbers 124:18,19
72:10,14,18,22	mitigating 21:18		141:13	NW 1:6
73:5,9 74:6 75:2,5	mixed 139:8	N	nightlife 132:18	
75:10,13,16 76:11	moment 5:20	N.W 1:13 2:11 4:22	nights 131:2	O
76:17 77:11,18	monitored 9:1,8	9:19 11:14	nine 39:17	obey 140:2
78:2,8,12,17,20	11:3 14:8 50:21	naked 129:6	noise 9:7,20 10:11	object 43:6 127:22
79:2,10 84:19	50:22	name 9:14 11:18	13:11,13,19,22	objected 89:9
87:12,17 88:1,12	monitoring 9:4	12:2 29:5 82:19	14:1,4,13 15:6	objection 28:7
88:16 89:16 90:10	10:22 11:4 27:11	83:3,5 101:13,13	19:15 20:8,21	29:19 40:6 41:7
90:15 91:18 92:2	27:16,19 31:9	111:4 128:1,6,20	21:18 24:15 26:22	55:15 71:16 87:6
93:3,14,18 94:10	47:20 53:6,7,9,15	139:2,2	29:10,14,15 31:21	87:21 127:20
94:15,19 104:14	month 79:20 80:2,2	names 101:3,11	36:1,6,9,22 40:3	140:14 142:16
104:22 105:4,6,9	80:2,3,4,5 105:12	near 7:13 51:20	40:15 42:15 47:17	143:9
105:13,17,20	105:12,13,14,16	127:13	67:5,16,17 79:16	objective 134:11
106:2,5,9,18,21	months 122:14,17	Nearby 7:9	80:19 83:8 85:9	objectively 130:13
107:4,11,17	Moosally 63:21	necessarily 36:15	103:22 104:15,18	obligated 43:21
109:10 110:9	64:5 65:3 74:22	need 16:5 36:15	107:5 109:13,14	observations 48:15
113:10 114:5,12	75:8	42:16 58:2,7 61:8	109:17,17,20,21	49:11 50:7
114:15,18,22	morning 2:15	63:20 81:14,15	111:14 113:17	observe 24:14
115:4,7,9,12	12:17,19 17:19,22	102:21	115:15 119:10,19	obtain 26:14 62:20
116:8,12,17,20	24:10,12 79:2	needed 113:3	120:6,12,21 122:8	obvious 129:5
117:12,17,20	94:22 95:2 107:19	neighbor 15:10	127:12,15 129:2,8	obviously 124:16
118:5,10,13	124:14 131:12	16:2 102:16 141:7	129:15 130:13	136:6 144:1
119:16 120:5,10	motion 151:12,13	neighborhood	131:5,7 132:4	occasion 9:10
120:14 121:9,14	152:7	81:10 107:14	133:4 134:4	occasions 5:15 6:1
121:17,20 122:2,4	motivation 134:1	109:5 125:5,22	135:21 136:2,9	9:2
122:11,16 123:3,7	motive 133:15	126:11,22 127:9	137:2,3,22 138:7	occupied 10:9
123:19,22 124:3,8	motives 45:11	132:10 135:14,15	139:13,14,22	occurred 79:19
124:13 127:21	move 63:4 139:9,11	136:17 139:20	140:8,16 141:10	118:11
128:3,13,16,21	151:1	140:11,15 141:3	141:13,15 142:6	offer 125:16
134:17 135:7	moved 132:10,11	neighbors 16:5	noises 18:10	office 103:13
138:22 141:17	132:16	132:5,7 134:2	noisy 140:12	116:13,21
142:20 143:1,5,8	MPD 63:2 77:5	135:17,17 136:17	norm 54:11	officer 63:15 68:7
143:11,13,17,20	82:8 104:17	136:21 140:21	normal 26:13	101:12
144:9 146:6,13,18	106:15	neither 136:12	42:11 54:10	officers 65:20
		Nellie's 11:15		86:22 100:19

101:3,5 102:4,8 106:16 107:21 110:15 131:6 Official 150:21 officially 116:4 oh 18:9,15 30:13 34:15 35:5 52:21 54:2 72:2 87:17 93:1 100:15 114:12 128:3 143:5 150:8 okay 2:3,8,19 3:2,2 3:4,9,20 4:8,10,17 13:6,8 14:11 16:9 16:18 17:1,7,15 17:15,16 18:10,18 19:8 20:4 21:8 22:3,17 23:2 24:8 24:13 25:16 26:17 27:6,9,22 29:1,18 29:20 30:7,13 32:14 34:3 35:1 36:14,17,20 37:4 38:8,9 39:7,19 40:10 41:8,19 42:8 43:1,4 44:20 45:9 46:13 47:1,6 47:9 50:3 51:16 52:1,2,2,11,15 53:4,18,19,21 55:5 56:17 57:20 60:10,15,20 61:3 62:19 63:22 64:7 65:5 68:1,10,18 69:4,8,19 70:2 71:14,18,21 72:10 72:14 75:22 76:16 76:17 77:17,21,22 78:2,12,21 79:10 80:13 81:3 82:2 84:8,19,21 85:7 86:6 87:12,18 88:1,3 89:16 90:10 91:18 92:2 92:20 93:3,5,8,14 93:18 94:8,10,15 94:19 95:3,9,18	95:22 96:3,5,9,14 97:3,7,17 98:11 98:22 99:10 100:1 100:10 101:10,19 105:4,17 106:2,18 106:21 107:4,11 107:17 110:7,9,19 111:13,16 113:8 113:10 114:9,15 114:18 115:4,4,13 116:1 117:17,20 118:9,14,15 119:16 122:4 123:2,3,10,11 124:7,13 128:14 128:16,21 133:5 135:5,7,12 138:22 141:17,18 142:12 142:20 143:11,17 144:9 147:4,7,11 147:13,18,22 148:4 149:5,6,15 149:16 150:8,13 152:6,11 old 71:7 on-site 7:15 once 5:18 8:9 10:6 85:13,16 123:9 144:12 ones 136:18,20 ongoing 121:12 onus 117:7 open 65:11 67:17 67:19 96:11 119:1 119:14 123:20 136:1 150:22 151:5,8 opened 56:22 opening 31:3 operating 133:12 operation 8:19 operational 8:21 operations 10:20 opinion 15:13 opportunities 3:18 opportunity 19:1 43:13 44:10,19	58:1,10 59:2 60:18 62:14 64:12 68:4 145:12,15 146:9,11 opposing 149:14 oral 90:3 order 3:14 5:7 10:18 52:16 144:18 152:11 orders 45:18 145:5 ordinance 139:14 140:3 original 62:11 118:11 ought 62:4,8 65:3 130:19 out-of-order 72:19 outside 112:10 overabundance 145:11 146:8 overflow 127:14 Overlay 22:5,21 23:3,8,14 125:20 126:9,19 127:2 132:12 139:7 overnight 43:19 owner 2:17 3:15 6:2,3,11,16 14:17 20:15,17 27:18 31:17 81:7 138:8 139:5 owners 27:10 28:14	54:9,21 55:19 61:12 89:7 94:6 95:4 140:20 participation 124:21 particular 11:12 62:21 63:18 134:5 142:7 particularly 57:7 57:10 parties 2:6,13 45:5 60:13 66:7,14 69:11,12,13 88:21 89:20 90:12 123:8 142:1,12 143:3,6 143:14,21 144:10 148:22 party 62:13 88:13 88:17,19,21 89:6 90:1 146:21,22,22 147:1 149:14 passed 152:7 patio 86:3 patrons 8:17 38:1 Patterson 72:5 peace 5:6 140:17 141:11 pending 29:22 penetrated 21:21 people 26:9,21 27:2 86:5 123:14 125:4 133:16 135:18 136:1,8,20 137:5 139:9 140:1 performances 8:11 period 26:10 44:13 53:6,7,10 138:6 138:14 146:1 person 19:14 20:1 25:10 62:20,22 63:4,5,14 64:5 88:8,15,17,20 90:2 111:3 125:12 130:12 136:7 140:22 personal 42:20 46:14	perspectives 90:17 petitioners 124:19 phone 6:4 101:7 photograph 50:12 pick 42:22 44:2 picture 125:15,16 pictures 113:14 piece 130:20 PIF 43:9,20,20 place 77:4 130:7 131:11,16 139:15 placed 50:4 plan 17:10 planned 17:14 played 5:11 playing 14:5 113:16 please 2:14 24:4,7 28:12 103:8 121:11 141:10 pleasure 78:5 plus 50:13,15 51:20 51:22 144:15 plywood 6:21 14:12 14:18,22 point 30:15 39:14 59:5 64:9,16 67:20 88:10 110:15 111:18 121:19 130:9 134:2,12 141:18 148:2 points 130:22 police 5:15,18,20 24:21 26:9,14,19 42:15,22 44:1 45:1,20 54:9 55:8 57:4,14,17,19 62:20 63:2,7,15 63:17 64:13 65:12 66:5 67:8,11 68:3 68:7 73:2,3,7,8,14 73:14 74:1,4,17 74:18 76:21 77:14 81:1,9,11 83:7,14 83:18 85:4 86:7,9 86:15,17 87:13
P				
P-R-O-C-E-E-D-...				
2:1				
p.m 152:18				
page 8:17 32:7 33:9 33:10 34:11,12,13 35:1,5 49:21,22 59:11 76:11 142:4				
pages 59:11				
parameters 120:16				
park 125:20				
parked 50:16,18				
parking 7:15,15,16				
part 25:19 26:4 30:5 43:14,15				

91:12,14 92:22 100:5 106:16 107:13,21 108:8 109:5 119:7 131:6 132:3 137:9 142:2 148:15 policy 57:11 66:4 77:2 88:8,14 89:14,19 pondered 130:17 130:17 poor 22:1 position 37:1 47:19 48:14 63:1 positioned 20:17 31:18 47:14 possible 28:1,14 possibly 15:5 16:12 121:10 potentially 65:21 practice 89:4 practices 138:13 preferable 88:20 preference 58:5 prefers 121:4 premise 27:12 prepare 43:13 44:10 prepared 123:21 presence 23:5 present 1:14,19 43:13 90:2 presented 43:16 presiding 1:13 presume 59:6 pretend 46:8 pretty 23:3 42:10 119:18 134:19 136:14 142:14 previous 6:1 46:5 previously 69:1 principally 119:4 print 150:4 prior 30:8 42:17 74:17 139:8 probably 37:14 44:16 62:16 63:13	119:6 127:15 144:4 probationary 138:14 problem 86:11 93:17 104:1 121:12 125:6 136:8 139:19 141:4 problematic 139:5 problems 45:10 64:4,15 129:7,10 137:1 procedure 26:16 54:10 60:4,12 62:17 procedures 52:16 60:19 69:6 89:22 proceed 123:21 proceeding 59:18 proceedings 62:2 66:8 124:21 process 14:18 45:22 147:16 product 94:8,17 127:1 production 121:7 professional 19:22 promote 23:14 126:3 proper 12:8 58:13 58:18,19 89:13 properly 139:17 property 25:6 126:12,17 139:5 139:10 propose 145:18 proposed 143:21 144:18 146:2,11 148:10 protest 1:6 2:13 4:14,20,22 5:2,6 6:12 10:2 12:4,10 25:5,9,20 26:4 61:15 64:3 77:4 90:11 124:16,17 137:11,17 152:16	protestant 55:7 56:19 58:18 protestants 2:21 3:1,15 24:2,19 25:11 26:8 52:17 54:15,20 55:15 57:13 59:16 60:7 61:1,5,18,22 64:11,18 65:1 113:11 137:8 147:3 protested 5:3 protesting 136:19 protestor 93:16 Protestors 29:6 protests 138:2 proud 140:11 prove 27:1 provide 26:19 117:1,8,15 121:5 provided 6:4,8 63:3 141:21 142:11 providing 56:9 provision 23:13 Pub 135:18 public 57:11 pubs 134:6 pull 46:16 48:5 88:22 89:7 pure 66:11,15,20 purpose 151:2 purposes 79:15 90:13 pursuant 151:5 put 13:17 14:13 16:12 23:17 37:13 38:22 54:19 61:19 61:20,22 62:9 64:12 65:12 69:16 77:7 99:3 106:12 113:18 120:16 123:14 129:17 149:2	35:20 36:18 40:5 41:15 42:10 49:1 49:2 53:3 54:3 55:6 64:10 70:4,7 70:18 72:17 84:2 88:9 91:19 93:12 93:20 94:3 107:18 113:11 114:7 115:10 questions 3:18 12:13 17:16 24:2 29:3,3 30:2,17,19 38:9 40:12 41:20 47:7 84:18,20 88:2,2 89:2 90:21 93:19 94:20 104:11 110:10,11 110:11 113:12 118:16 123:12 149:17 150:10 quick 113:13 quickly 42:10 quiet 5:7 140:17 141:11 quite 15:5 58:14	129:11 132:13 136:22 138:19 142:17 145:2 rear 6:21 7:8 9:5 11:4,12 13:15 14:19,22 15:10,15 16:2 21:3,6 37:8 37:16 39:3,6 49:15 84:2 97:8,9 97:11,15 reason 43:10 104:9 131:14 137:4,20 reasons 151:7 rebut 69:1 rebuttal 47:7 52:18 59:15,18 78:7,8 78:13 90:4 rebutting 68:19 receipt 123:10 receive 110:17 144:1 145:13 received 25:5 110:16 146:14 152:10 receives 140:22 receiving 92:22 recollection 48:6 49:9 recommendation 65:7 145:1 record 2:7,14 30:12 33:17 42:13 43:5 43:14 44:22 46:1 52:12 60:17 61:19 61:21 62:1,10 64:12,18 65:11,12 67:18 68:21 69:10 69:22 70:15 71:10 75:15 77:13,16 119:1,13 123:15 123:18 128:18 130:8 141:19 142:10 144:12,12 148:14 152:9 recorded 45:18 records 12:1 42:15 45:6 66:7 76:12
R				
R 127:9 radio 73:22 raise 28:2 raised 44:8,14 46:6 60:1 Rajat 2:22 5:5,9 Random 80:14 randomly 81:1 rap 136:11 rats 51:1,2 reached 12:5 read 43:22 101:17 130:19 150:17 ready 4:12 144:16 real 95:4 realize 54:13 56:3 132:11 really 54:17 61:13 61:14 68:6 74:12 86:18 99:20 114:6 125:12 126:7				
Q				
quarters 19:13 question 24:9,14 28:13 29:21 35:18				

77:20 120:22 121:8 RECROSS-EXA... 110:13 rectified 31:7 redacted 9:14 reduce 5:17,19 87:2 reduced 138:7 reduction 7:6 Reeves 1:12 reference 49:8 76:13 77:14 141:20 referenced 21:9 142:3 references 22:4,4 referencing 48:17 referred 133:10 referring 30:21 34:20 95:7 128:18 refresh 49:9 70:14 refreshes 48:6 regard 25:2 regular 137:10 regulated 9:22 Regulations 22:16 126:2 Regulatory 12:6 relate 119:7 134:5 148:16 related 23:6 44:20 relates 37:1 131:20 relevant 119:12 131:19 reliability 68:4 reliable 57:10 relief 5:16 religiously 135:20 rely 57:14 remember 13:14 13:16 71:9 78:13 101:22 105:18,19 105:22 106:3,4 122:13 remembering 16:10	remind 134:21 renewal 1:9 2:12 4:22 124:16 renewed 134:10 reopened 64:10 repair 21:16,16 repaired 31:13 96:10 repairing 7:7,8 repairs 42:5 93:21 repeat 28:11 49:1 103:8 report 4:13,14 8:18 14:12 21:2,10 22:4 23:9,17,17 26:11,19,19 30:3 30:20 32:18,21 40:13 42:22 43:15 43:18,22 44:1,13 54:5,9,21 55:11 61:13 62:11 67:8 68:9 71:20 73:1 74:1 75:6 76:12 76:20 77:3,3,4,8 77:13,21 81:17 83:20,20 100:12 115:22 116:15 118:2,6,11 119:20 119:22 142:4 148:6,16 149:11 reported 10:5 76:22 132:5 REPORTER 135:10 reporting 26:16 reports 45:20 55:8 62:9 64:3,13 65:4 65:13 67:4,10 68:3 73:8,15 74:18 77:2 100:2 119:2 120:22 122:7,21 123:1 142:10 represent 49:22 88:20 representative 88:19	represented 5:5,10 representing 3:3 reprint 106:13 request 83:21 120:22 121:3,11 142:22 requested 12:2 81:9 119:2 require 89:21 122:6 required 77:7 89:5 90:5 144:10 145:2 requiring 75:17 reserve 65:18 145:17 residence 5:13 9:21 49:17 133:1 residences 16:20 17:4 residential 6:22 22:12 23:5 49:7 51:8 125:21,22 127:8,10 129:4 132:10 139:8 residents 5:16 9:6,7 15:19 138:1,1 resolved 91:3 respect 56:15 67:1 77:15 89:4 111:18 121:7 129:8,22 130:7,14 142:7 respectfully 142:22 respond 55:18 58:2 59:22 60:3 69:13 81:11 86:12,18 123:9 143:4,6,14 148:9 149:13 responds 119:11 144:2 response 63:12 69:14 83:8 102:20 responses 144:13 148:6,14 responsibility 117:1 129:2 restaurant 1:6 2:10 2:18 4:21 7:12,14	11:15,21 48:7 112:11,12 142:8 151:4 restaurants 136:7 restriction 132:22 restrictions 132:20 134:15 restrictive 133:19 138:15 result 74:1 resulted 57:19 results 106:6,10 115:22 120:5 121:11 122:8 142:6 retail 23:4 Retailer 1:7 right 4:11 8:3 16:14 19:18 21:1 21:8,14 22:9,14 25:17 27:9 30:1 30:12 31:14 35:19 37:10 38:9 39:2 44:5,11 47:3,22 48:4 49:19 50:17 51:9,11,12 61:2 64:8 65:18 67:2 68:1,22 69:5,7,16 70:16,22 72:3,15 74:2,4,11 75:10 82:21 83:2,4,6 84:1,15 90:1,8 93:10 94:1,3,20 96:19,21 97:2,4 99:13,14,14 103:14 104:7,10 104:12 106:7,9 110:16,20 111:1 111:15 112:7,20 112:20 115:5 116:15 118:15,18 121:14,17 122:15 122:22 123:6 126:20 128:13 131:17,21 139:2 143:20 144:15 146:6 147:14,14	150:14 rights 148:9 road 139:9 rock 136:10 Rodriguez 1:17 55:3 109:11,12,19 110:2,4,7 115:8 115:11,14,18,20 116:10,14 122:22 123:6 151:20,21 roll 151:12 roof 126:13 rooftop 8:15 room 1:12 10:14,16 19:11,14 round 115:13 rule 42:11 ruled 89:9 rules 59:19 90:14 90:16 134:19 136:21 138:12 140:2 run 62:21 74:1 81:6 81:16 83:18 running 81:9 runs 26:14 54:9 57:4,14,17,19 63:7,17 67:11 73:4,5,8,14 74:4 74:18 119:8 132:4 148:15 Ruthanne 1:13,15
S				
			saddled 66:6 safe 122:3 sake 89:20 salt 57:12 sat 51:1,4 137:11 saw 14:9,19,21 17:4 84:7 94:8 113:14 saying 51:19 63:10 63:11 64:17 92:4 92:10,11 94:13 118:10 says 23:14 82:3 106:17,22 125:14 131:1,11 132:1	

scale 127:7	series 49:20	sincerely 138:9	space 49:16	36:4 37:17,18,20
scare 83:16	serve 149:14	sir 13:5 24:17 25:1	speak 25:11 135:11	38:11,19 39:15,22
schedules 142:15	served 69:11	25:3 95:2	speakers 14:9	71:3,3 125:21
school 70:9,19,21	141:22 148:7	situated 18:19	speaking 25:12	126:21 131:2
71:7,13,22 72:1	149:12	situation 89:8	117:5	strictly 125:22
schools 7:12 12:21	service 63:7 74:6,8	125:3	special 133:6	127:8 148:16
70:4	74:10,13,14,17	six 13:13 44:4,12	specifically 126:2	stronger 83:12
scoff 66:9	75:19,21 76:2,7	80:8 89:17 91:3	137:6,18	struck 124:20
seal 6:22 15:5 20:5	76:13 77:6,19	91:17 92:1,15	speculate 133:9	structure 7:8 8:1
31:1,2	142:3	118:7 122:17	speculating 67:6	21:9,17 22:1
sealed 29:9,11,13	session 150:16	134:18 140:13	speculation 66:12	114:3 140:20
seals 84:11	set 112:7 134:18	skeptical 45:2	66:16,21	submission 119:1
search 76:12 77:20	share 32:16 117:15	sleep 125:6 140:7,7	spoke 20:15	submit 27:5 42:17
seat 79:11	135:3,5	141:13	spoken 21:6	55:7 90:4 117:2
seating 8:10,13	shares 17:2,3	sleeping 10:15	sport 23:7	123:13 134:14
second 8:12 38:15	Shaw 71:7	19:12 20:1 129:15	Sports 11:20	submitted 4:14
56:2 77:12 83:15	Short 1:18 12:14	129:18 140:17	stage 8:12	43:20 54:16 57:22
95:13 98:5,6,8	12:16,17,20 13:3	sliding 127:7	stand 4:5 56:14	77:21
108:22 112:17,19	13:6 69:20,22	slip 133:14	78:22 79:7 137:20	submitting 42:14
135:9 151:9,10	70:3,8,13,20 71:2	softball 21:20	standard 133:19	43:6
seconded 151:12	71:6 72:12 107:18	Soloman 1:5 2:17	standpoint 57:11	subsequent 14:21
151:14	107:19 108:1,4,7	79:1,4 103:12,22	start 86:14	substantial 130:1
Section 150:22	108:12,18,21	139:4 140:12	started 3:12 94:7	substantiated
151:5,7	109:2,8 114:14	141:1	104:17	46:15
security 86:1	152:4,5	somebody 104:3	state 58:14 77:7	subway 7:20
102:22 103:3,4,6	show 32:6 37:1	111:11 115:21	129:5	suggest 69:10
103:8,9	49:14 83:20	129:18	stated 5:11,14,18	122:6 145:19
see 8:10,18 14:14	100:11 102:10,12	sorry 18:16 28:9,20	5:22 6:6,10,16 7:2	suggesting 58:2
16:6 19:2 33:15	102:21	32:19 38:6 42:12	10:4 20:17 37:7	59:14
33:19 48:7,8 49:3	showed 106:14	51:17 52:16 53:2	108:7	suggestion 65:15
49:19 56:18 85:20	showing 102:9	60:17 114:15	statement 137:21	145:21
94:6,7,14 101:17	shutting 31:4	128:4,5,10,15	statements 40:17	Suite 1:13
132:7 135:22	side 17:6 26:2,6,6	sort 96:17 99:4	46:4	summer 7:1,4 8:15
seeing 122:21	36:4 90:18,19	127:6 133:12	states 131:17	8:16,20 11:8 12:5
seek 5:16	97:10 141:6	sorts 126:19	stating 34:13	12:9 14:2,4,5,10
seeking 151:2	sides 56:14 97:12	sound 80:21 83:18	station 8:4 44:2	15:3 16:17 20:7
seen 32:13 59:7,9	sign 50:13,15 51:20	86:14 91:9 99:15	stay 108:5,6	21:7 29:7 37:7,10
67:6 68:20 125:2	51:22 137:10	107:15 110:4	steps 138:8	37:14,15 47:21
126:10 145:5	139:10	113:18	stiff 138:17	48:2 49:16 85:8
sell 126:16	signed 138:2	soundproof 113:22	stop 140:16	135:21 142:14
send 83:22 106:13	significant 137:22	114:21 115:2	stops 7:20	Sunday 131:12
150:1	138:12	soundproofed	story 86:11	supplement 69:9
sense 137:17	Silverstein 1:17	113:15	straight 38:18	69:14 120:1
sensitive 45:8	74:7 152:2,3	sounds 16:8 87:19	strange 87:20	supplemental
sent 116:4 149:21	similar 99:3	129:13	street 1:13 7:17 8:9	71:20 73:1 122:7
separate 9:2	simultaneous 117:5	south 48:9 49:5,20	11:14,16 17:5	145:13,22 149:10
Sergeant 81:2	146:15	52:7,9,10	18:5 24:20 26:1	supposed 31:8

134:20 139:21
sure 6:13 34:19
 35:20 63:10 73:10
 74:19 75:1 85:19
 121:6 123:21
 134:19 135:11,12
 136:4,5 138:10
 146:8 148:13,18
 148:22
swear 3:21
switched 64:14
sworn 4:4 79:6
system 106:13

T

t/a 1:5
table 38:19 74:3
take 8:14 26:14
 56:10 63:20 64:8
 71:12 117:3
 132:17 135:5,9
 137:19 150:15,17
 151:12
taken 57:12 138:8
 142:9
takes 129:20
talk 74:17 125:10
 130:5 148:5
talked 86:2
talking 11:15 34:2
 51:7 67:9,10,14
 67:15 85:8 91:8
 95:13 112:1 128:2
 137:5 144:6
 148:18
talks 14:12
Task 104:15
 115:15 119:10
 120:6,13,21
 121:15,21 122:8
 122:20 131:5
 142:7
Tavern 5:1
technical 142:14
telephonically 5:9
tell 86:9 87:2,11
 95:15 102:4
 103:14,17,21

104:2,5 106:8,10
 107:5 109:20
 110:20,21 111:3
 136:10,14 138:3
telling 97:1 131:10
tells 77:5
tenant 10:15
tenant's 19:13
term 59:21 111:22
 112:1
terms 45:2,13
 48:10,13 124:19
 132:21 133:15
testified 4:5 12:20
 30:22 31:21 32:3
 79:8 91:4 92:3
 93:22 132:16
 138:3 139:16
testify 30:3 114:19
 130:13 133:8
testifying 40:9
 114:4,6 139:14
testimony 12:11
 13:4 24:6 28:10
 30:7 40:8 52:19
 55:1 56:9,13,15
 94:11 95:4 119:21
 122:19 124:22
 130:1,8,9,11
 131:4 133:15
 137:7,19
thank 12:12 13:6
 17:16 23:22 38:2
 52:11,14,19 53:18
 72:19 76:5,10
 78:1,2 79:10
 94:19 97:3 99:14
 100:18 104:11,12
 109:8,9 110:7
 113:8 115:7
 118:16 134:15,17
 141:15,17 143:12
 152:12,13,15
theirs 146:14
theories 119:15
theory 27:14 119:4
 119:6

thick 6:20
thing 46:7 99:4
 137:5,14 146:19
 150:10
things 23:12 45:14
 45:21 67:4,5 92:4
 104:19 138:18
 139:21 141:8
think 14:12 15:17
 34:1 42:12 44:13
 47:4,10 54:19
 55:1,10,17 57:7
 58:10,13,17,19
 62:3,8,16 63:20
 64:4,19,22 65:2
 68:6 69:17 72:15
 75:18 83:1 88:12
 89:11 91:3 102:3
 102:3 114:7,8,10
 116:7 118:2,3
 119:12 120:1,10
 121:20 122:1,14
 123:8 124:4,4
 127:19 129:1
 132:14,15,20
 133:14 135:19
 140:1 141:12,14
 144:19 146:17
 149:20
third 37:12
thought 13:18
 45:21 83:21 85:15
 88:7 116:3 117:14
 117:16 126:5
 127:2,3
thoughts 45:12
thousand 125:15
three 28:16 36:13
 36:14 38:10,15
 79:21,22 80:1,6,7
 80:9,11 81:14,22
 82:5 83:10,14
 86:18,21 88:5
 91:1,6 99:21
 105:5,6,9 108:9
 108:10 115:18,19
 122:20,21,22

144:16 150:7
throw 145:21
Thursday 9:12
time 2:5 9:8 23:21
 27:5,12 30:2,19
 40:8,12,16 42:11
 43:22 45:6 58:3
 62:1 81:11,13
 82:20 83:13 85:6
 92:5,10 94:11,11
 100:19 106:19
 108:13,19,22
 135:1 137:7,12
 138:5 144:5 149:3
times 14:8 26:8
 79:18,21,22 80:1
 80:6,7,8,9,11
 81:10,14,22 82:5
 83:10,11,15 85:10
 85:11,17,18 86:18
 86:21 91:1,6
 99:22 105:5,7,9
 108:9,10 115:18
 115:19 132:2,5,6
tired 86:22
today 43:10 44:9
 69:17 100:14,18
 136:19 138:11
told 81:8,18 102:22
 103:2,7,10 106:5
 106:14 110:15
 111:2 116:1,4
tongue 133:14
top 95:14
topic 123:12
total 80:8,8,10,11
totality 134:8
trade 11:18 12:2
transcript 89:7
 130:18 144:3,15
transcripts 46:17
 149:19
trash 5:7 138:8
travel 8:14 42:20
 142:15
traveled 16:6
treatment 57:4

true 90:6
try 57:17 66:7
 83:12 120:16
 130:20 147:5
trying 65:8 93:6,8
 97:4 99:11 102:4
 120:20
tubing 114:3
Tuesday 11:2
turn 107:5,13
 109:20
two 13:12,19 18:22
 28:2,15,16 36:12
 38:16 50:13,14
 51:6,21 52:1,3,5
 52:10 53:10 57:8
 73:20 80:5 81:14
 83:10,10,14 86:18
 86:20 88:11 90:16
 91:1,6 108:8,10
 124:17 125:7,8
 135:5 136:12
 142:18
two-story 8:2
type 77:8 109:14,17
 136:10,15
types 13:12 134:5

U

U 7:17 11:14,16
 36:4 37:17,18,19
 38:11,19 39:15,22
 71:3,5
um 73:5
Um-hum 84:4
 91:15 111:20
unavailable 43:11
uncomfortable
 10:13,14
unconfirm 9:20
underlying 78:10
understand 13:22
 17:13 21:13 27:3
 40:15 56:5,7
 73:20 74:13,16
 90:8 97:4 99:11
 120:19 130:10
Understandable

51:3	visit 15:13 20:14 31:15	114:6 119:20 140:11	19:18,20 21:16,20 29:8,9,10,11 129:16	6:15,16 7:2,4 79:1 79:4,9,13,17,20 80:1,5,9,12,14,17 80:20 81:4 82:3 82:10,12,15,18,22 83:4,9 84:4,6,9,12 84:16 85:2,10,14 85:17 86:8,20 87:8,11 91:8,12 91:15 92:7,12,18 92:21 93:4,10,13 93:15 94:1,4 95:1 95:2,9,12,17,20 96:3,6,10,16,19 96:21 97:2,5,9,13 97:16,20 98:3,6,9 98:12,16,19 99:1 99:5,8,12,17,20 100:3,8,11,15,20 101:1,4,8,12,16 101:20,22 102:6 102:11,15,22 103:4,6,9,12,16 103:19,22 104:4,8 104:12,21 105:2,5 105:8,11,15,19,22 106:3,7,12,19,22 107:7,12,20,22 108:3,5,10,14,20 109:1,3,13,16 110:1,3,6,14,17 110:21 111:2,7,10 111:14,16,20 112:3,8,13,15,18 113:4,7,18,21 114:4 115:3,17,19 116:1,16 117:6,9 117:11,14,18,21 118:9,12,18 134:13
understanding 40:20 49:14 57:3 57:21 88:22 89:3 119:9	visited 9:12 133:3	waste 45:5 149:3	windows 6:21 14:19 15:1 50:22	yesterday 92:21
understands 141:8	visiting 100:19	way 20:8 25:7 38:21 39:14 58:9 58:11 60:3 96:7,8 96:15,16 107:2 108:15 111:8 112:4 130:17 145:6	wish 43:2 143:21 146:2	<hr/> Z <hr/>
understood 36:18 123:5	visits 14:16,21 15:2 15:14 79:14 82:9 83:7 120:6 122:8 122:20 131:5	We're 67:9,10	witness 4:3,5 23:21 48:20 78:7,9 79:5 79:7 84:18 89:5 118:16 131:9	zone 9:22 16:20 22:13
unfair 126:8	voices 15:21	we've 111:6 139:13	witnesses 65:21 88:9 133:8	Zoned 127:9,9
unheard 62:1	volume 5:17,19,20 16:4 27:15 28:1 28:15	wearing 82:22	woman's 129:13	zoning 22:4 23:19 126:1
unlimited 135:1	vote 150:15,18 151:13 152:8	weather 6:22	wonder 13:9	
unnamed 8:5	<hr/> W <hr/>	Wednesday 5:8 6:14	wonderful 126:18	
unnecessary 66:6	wait 38:5 52:21 56:1 117:12	week 44:12 53:10 142:18	word 50:12 52:18	
unoccupied 8:5	waiting 2:4 33:15 33:18	weekend 105:21,22	words 89:21 125:16	
upset 125:2 136:21 138:4	waive 145:10 146:3 146:5,21 147:1,1 147:20 148:9	weekends 132:19 142:18	work 31:8 42:20 63:15 65:3 106:1	
upstairs 86:1 103:13	waives 146:22	weeks 13:14 28:2 28:15,16 44:4 83:10 89:17 91:3 91:17 92:1,15 105:10 118:7 130:16 134:18 140:13 144:16 150:7	working 6:9 39:14 83:15	
use 80:18 139:9	walking 7:18,21	weight 45:3,4,13,19 132:3	works 60:4	
uses 23:5,7 126:3 126:19	walks 7:18,21	welcome 72:21 118:19	world 67:19	
usual 60:11	want 3:20 34:18 43:5 44:22 46:1 48:16 56:22 64:19 68:21,22 70:11,14 75:9,14 76:15 85:6 90:14,22 94:18 102:9,12 104:15 107:8 115:14,20 121:5 123:14 124:9 140:15 141:7,11 141:12,15 143:18 146:8 148:17,21	went 10:1,15 16:7 81:8 86:1 115:16 116:3 129:12,12 129:16 131:11	worth 125:15	
usually 74:3 103:13 125:3 144:15	wanted 42:9 47:5 71:10 74:18 118:14 133:18 134:21 148:12,13	weren't 41:5 42:17 43:9,15 55:12 76:14 122:12	wouldn't 100:6 127:16,17	
<hr/> V <hr/>	wants 55:9 57:6 58:18 88:21 119:3 140:7,9	west 37:19 49:7	writing 58:6 106:11 144:18	
values 126:13	Washington 1:13	whatsoever 134:12	written 4:13 128:8 145:6	
vehicle 37:16 50:21 58:18,19	wasn't 3:11 26:15 41:17 48:1 95:4	white 34:22 136:6	wrong 59:21 128:6 128:9,11,20	
vehicles 7:18		wide 48:10	<hr/> X <hr/>	
Velvet 11:8,13 15:22 18:11,13 31:21 36:1 37:2 37:20,22 39:21 40:20 41:6		wider 48:11 49:6	<hr/> Y <hr/>	
Vermont 9:19 11:11 38:18 39:4 39:6 49:8 125:13		willing 137:10	yard 140:9	
vestibule 111:22 112:2 113:14,15 113:17 130:3		window 7:7 10:17	yeah 27:8 30:9 70:8 71:6 89:13 95:20 103:19 111:11 115:1 122:2 129:17	
violation 11:19 76:21 86:15			year 24:22 26:10 79:14 121:11 138:6	
violations 10:22 66:2 86:13 138:17 140:1			years 66:18 139:12	
violence 67:5			Yegzaw 2:17,17	
visibly 138:4				

0	2014 1:10 5:8 6:14 8:22 9:1,13 11:2 121:1	88290 1:7 2:11		
00152 151:4 088290 5:1	2019 9:18	9		
1	21 1:10 22 9:1 24 8:17 25 11:2 25th 9:3,9 26 7:18 27 9:13 2nd 3:13			
1 121:1 1,200 7:11 1/2 38:20 1:00 131:12 1:15 9:13 10 48:10 65:14 69:10,13 73:1 76:11 123:9 142:1 142:4,12,17,17 10:00 135:22 10:15 2:2 10th 71:2,4 11:00 135:22 12:00 135:20 140:4 12:10 152:18 13-PRO 151:3 13-PRO-00152 1:8 2:9 14 3:4 5:4,10 8:22 24:19 26:7 137:8 142:16,22 143:14 146:1 148:6,8 149:13 14th 1:12 16th 125:21 18-hour 23:15 126:3 19 5:8 6:14 138:1	3			
	3:00 135:20 30 66:18 132:2,5 144:3,5 39 7:10			
	4			
	4 98:10 400 13:2 400S 1:13			
	5			
	5 98:10 50 59:11 50.1 82:5 51 107:1 52 107:1 52.1 106:16 52.9 82:5 53.9 82:5 106:20			
	6			
	6 32:7 33:10 34:1,8 35:2,6 48:5,8 49:3 6-0-90 152:7 60 80:16 64 82:4,4 106:17 107:1,2			
	7			
	7 8:18 700 130:10 131:3,6			
	8			
	800 130:10 131:3,6			
2				
2 33:9 34:11,12,12 34:14 35:1,6 2-509(b) 90:7 2-574(b) 150:22 2-574(b)(13) 151:7 2-574(b)(4) 151:5 20 37:14 38:22 48:3 48:11 132:2,5 2000 1:12 11:11 38:17 39:4,6 20009 1:13 2007 62:20				