

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

p-----»
IN THE MATTER OF: :
:
Mimi & D, LLC :
t/a Mood :
1318 9th Street, NW :
Retailer CT :
License No. 86037 :
Case No. 12-251-00001 : Show Cause
Case No. 11-CMP-00470 : Hearing
Case No. 11-CMP-00511 :
ANC 2F :
Interfered with an ABRA :
Investigation; Failed to :
Comply With Security Plan; :
Allowed a Controlled Substance:
to be Used in the :
Establishment; Violation of :
Voluntary Agreement :
p-----¼

JUNE 13, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th

Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

CALVIN NOPHLIN, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

LOUISE PHILLIPS, OAG

JABRIEL SHAKOOR, ABRA

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

Opening Statement for the Government
 by Mr. Stern 8
 by Ms. Phillips. 11
 Opening Statement for the Licensee. 14
 Closing Statement for the Government.
 by Mr. Stern. 167
 by Ms. Phillips 175
 Closing Statement for the Licensee. 180

WITNESSES:

George Danilovics 24
 Martin Smith. 51
 Jabriel Shakoor 119

EXHIBITS

Government

1 Transcript of January 13, 2012 summary
 suspension hearing 20
 A Investigative report. 55
 B Investigative report. 25
 C-F Photographs of neighborhood near Mood
 Lounge. 31

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

1:28 p.m.

CHAIRPERSON MILLER: Okay. We are back on the record for our afternoon session first case in the afternoon is Case No. 12-251-00001, No. 11-CMP-00470 and 11-CMP-00511 of Mood located at 1318 9th Street, NW, License No. 86037 in ANC 2F.

And we're one minute early, but I think all the parties are here. Correct? If you would identify yourselves then for the record?

MR. STERN: Good morning. Michael Stern representing the District of Columbia.

MS. PHILLIPS: Good afternoon. Louise Phillips representing the District of Columbia also.

CHAIRPERSON MILLER: Okay.

MS. WILLIFORD: Good afternoon. Kwamina Williford of Holland & Knight representing the Licensee, Mood Lounge. To my left is the owner of Mood Lounge, Abeba

1 Beyene.

2 CHAIRPERSON MILLER: Okay. Good.
3 All right. I just want to ask you quick
4 preliminary questions. Could you just give us
5 an idea of the number of witnesses you might
6 be calling today?

7 MR. STERN: Well, even preliminary
8 to that I should tell the Chair and the Board
9 that as there are five charges in the notice.
10 As to charges 1, 2 and 3, I will be handling
11 the facts and arguments. As to charges 4 and
12 5, Ms. Phillips will be handling the evidence
13 and arguments.

14 CHAIRPERSON MILLER: So you're
15 handling 1, 2 and 3?

16 MR. STERN: Yes.

17 CHAIRPERSON MILLER: Okay. And
18 Ms. Phillips is 4 and 5? All right.

19 MR. STERN: As to charge 1, 2 and
20 3, the Government, when we get to the record,
21 will be introducing the transcript of the
22 summary suspension hearing and relying on th

1 at transcript for the facts supporting charges
2 1, 2 and 3.

3 CHAIRPERSON MILLER: That's for
4 charges 1, 2 and 3. So you won't be
5 presenting any witnesses?

6 MR. STERN: No additional live
7 witnesses.

8 CHAIRPERSON MILLER: Okay. All
9 right. Anything else?

10 MS. WILLIFORD: Well, regarding 1,
11 2 and 3, we're going to do the same in terms
12 of relying on the transcript, so there will be
13 no witnesses relating to that. We'll just be
14 pointing out parts of the transcript that are
15 relevant to your determination for that.

16 CHAIRPERSON MILLER: Okay. Are
17 there any witnesses on the other charges?

18 MS. PHILLIPS: Yes, Madam Chair.
19 The charges 4 and 5 represent two notices.
20 They're both noise violations. I'll be
21 calling two civilian witnesses and one
22 investigator.

1 CHAIRPERSON MILLER: Ms.

2 Williford?

3 MS. WILLIFORD: Depending on what
4 they provide, we will either be providing no
5 witnesses or one witness in response to that.

6 CHAIRPERSON MILLER: Okay. And is
7 anybody going to be invoking the rule on
8 witnesses?

9 MS. WILLIFORD: Yes, I'd like to
10 invoke the rule on witnesses.

11 CHAIRPERSON MILLER: Okay. All
12 right. Does the Government have any opening
13 statements?

14 MR. STERN: Yes, this will be a
15 two-part opening as well. As I said, we're
16 handling separate charges before the Board.

17 CHAIRPERSON MILLER: So but you're
18 doing it -- each thing all at once, so opening
19 statements to all of them and you're
20 presenting witnesses, whatever, to all five.
21 All right. We're not bifurcating it in a
22 different way. Okay. All right.

1 All right, Mr. Stern?

2 MR. STERN: The District will be
3 presenting the transcript of the hearing on
4 the summary suspension. The District contends
5 that the evidence will show that on December
6 30th, 2011 there was an altercation inside the
7 establishment, that in the course of breaking
8 up that altercation the establishment violated
9 their own security rules.

10 Shortly after that altercation was
11 forced outside, there was a subsequent or
12 secondary altercation between two persons
13 outside which resulted in one of them being
14 very seriously wounded by a stab wound. That
15 person then returned inside while bleeding
16 seeking a ride to the hospital, walking by
17 what the testimony has shown was a security
18 guard at the front door, and then returning
19 outside, getting no assistance from the
20 establishment, and eventually about a block up
21 from there being stopped by a police officer
22 who then went back to the scene.

1 The evidence will also show that
2 when the police officer went back to the
3 scene, there was an ample amount of blood all
4 around the front entrance to the
5 establishment, but significantly once inside
6 the establishment there was no blood remaining
7 at the time the police officer went inside.

8 When the police officer went
9 inside the establishment he was immediately
10 impressed, as was the female officer who
11 testified, by the pervasive smell of marijuana
12 smoke that was going on inside the
13 establishment such that anyone would have
14 known that marijuana was being used inside,
15 including, we would allege, the
16 establishment's employees who did nothing to
17 call the police, did nothing to call the
18 police to assist the victim and ultimately
19 violated their own security plan and allowed
20 the use of marijuana in the establishment.

21 Additionally, when the police and
22 later ABRA investigators investigated this

1 incident, they received several conflicting
2 reports from various employees, and even the
3 owner herself gave conflicting reports to both
4 the police and to the ABRA investigators as to
5 what happened and who had observed what during
6 the course of the evening.

7 That, in addition to what was
8 clearly a fairly pervasive bloody scene right
9 immediately outside but no blood inside the
10 establishment, and the failure to call the
11 police, and the failure to provide any
12 assistance, we believe will establish that the
13 establishment was attempting to interfere or
14 minimize any investigation by ABRA or the
15 police as to what had occurred that evening.

16 At the conclusion of the case, we
17 will ask the Board to find the establishment
18 has violated charges 1, 2 and 3.

19 As to charge 3, if there is a
20 violation, it is a mandatory revocation since
21 it is the use of drugs within the schedule
22 inside the establishment.

1 As to charge 1 and 2, we would be
2 asking for two \$1,000 fines and a 10-day
3 suspension, five days for each of the two
4 offenses. Thank you.

5 CHAIRPERSON MILLER: Did you say a
6 10-day suspension, five days served? Is that
7 what you're saying?

8 MR. STERN: Yes, served.

9 CHAIRPERSON MILLER: Okay.

10 MR. STERN: The entire 10 days
11 served.

12 CHAIRPERSON MILLER: Ten days
13 served? Okay.

14 MR. STERN: Five days for each of
15 the offenses.

16 CHAIRPERSON MILLER: Oh five days
17 for each offense?

18 MR. STERN: Yes.

19 CHAIRPERSON MILLER: Okay.

20 Okay. Ms. Phillips?

21 MS. PHILLIPS: Thank you. The
22 final two charges 4 and 5 are two different

1 noise violations. They occurred -- the
2 initial complaint for the first was, I
3 believe, on September 2nd. The initial
4 complaint on the second was October 29th. The
5 investigator went out and made determinations
6 and then at the end of the 30-day time to
7 cure, which is part of the voluntary
8 agreement, declared on October 15th for the
9 first case and November 28th for the second
10 case that they had gotten notice and had 30
11 days to cure and did not do so.

12 And so, at the end of this case we
13 will believe that you will find for the
14 District on both noise complaints and we will
15 be asking for \$1,000 for each case and for one
16 day served for each case. That would be a
17 total of \$2,000 and two days, both served, for
18 both cases. Do you need the cases?

19 CHAIRPERSON MILLER: No.

20 MS. PHILLIPS: Okay.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: Thank you.

1 CHAIRPERSON MILLER: Thank you.

2 MEMBER NOPHLIN: I hate to ask you
3 this. Would you repeat that, please? Would
4 you please repeat that? I could vaguely hear
5 the last part of your --

6 MS. PHILLIPS: Which part?

7 MEMBER ALBERTI: the penalty, I
8 believe.

9 MEMBER NOPHLIN: The \$2,000.

10 MS. PHILLIPS: One thousand for
11 each count.

12 MEMBER NOPHLIN: Each case?

13 MS. PHILLIPS: Yes. And then one
14 day served for each case.

15 MEMBER NOPHLIN: Okay. Thank you.

16 MS. PHILLIPS: Which is also each
17 count.

18 MEMBER NOPHLIN: Thank you.

19 MS. PHILLIPS: You're welcome.

20 MEMBER NOPHLIN: Thank you, Madam
21 Chair.

22 CHAIRPERSON MILLER: Okay.

1 MS. WILLIFORD: There are five
2 charges that are at issue that we're going to
3 discuss hopefully briefly this afternoon. The
4 first three charges, 1, 2 and 3, all stem from
5 the December 30th incident that was discussed
6 at length during the summary suspension
7 hearing on January 13th. Because of the
8 extensive testimony that was heard on that, we
9 are going to rely on that transcript for
10 certain things that we will point out during
11 the discussion regarding those charges.

12 First, charge 1 talks about
13 interference with an investigation and
14 attempts to hinder the investigation. It's
15 true there were several mixed accounts of what
16 happened that night, but I will point you
17 directly to testimony that was heard that
18 evening from Investigator Parker where he was
19 specifically asked whether the establishment
20 was being cooperative and he unequivocally
21 said yes.

22 Two, regarding charge 2 that deals

1 with the failure to follow the security plan,
2 there's testimony within from Investigator
3 Parker again that talks about both being
4 escorted out of the facility. And where he's
5 getting that information from came from the
6 alleged victim and he says, I quote -- he was
7 only -- his understanding of what happened;
8 that was being escorted, was not a direct
9 question that was actually made. He only
10 wanted to allude to the testimony that the
11 victim was being escorted out. His line of
12 questioning was not focused on that. So
13 there's very limited within the actual
14 transcript itself or that was fleshed out
15 regarding what actually happened and the
16 circumstances regarding the escorting being
17 out.

18 And there's also testimony that
19 we'll point to specifically regarding the
20 capability of the security system where again
21 Investigator Parker did actually state that
22 the system had the capacity to broadcast an

1 image on a monitor, which is exactly what the
2 security plan states.

3 With respect to charge 3, which is
4 a serious charge about permitting the use of
5 controlled substances within the premises, we
6 will point you directly to testimony within
7 the transcript where Officer Wilcox, who's the
8 officer who made the statement regarding the
9 marijuana, saying that there was a scent of it
10 in the air. She was specifically asked
11 whether she saw anyone smoking marijuana. Her
12 response was no. She was specifically asked
13 whether she brought this to the attention of
14 any owner or anyone within the lounge. She
15 specifically said no.

16 At the very best, all that we have
17 is a reference to her colleague saying that
18 someone told her that patrons -- they noticed
19 patrons smoking marijuana and kicked them out.
20 That's all we have. There's extensive
21 testimony about it being cigarette smoke
22 versus marijuana smoke. And based on that

1 testimony I submit that that is not sufficient
2 to come to the conclusion that in fact Mood
3 Lounge permitted the use of controlled
4 substances within the premises.

5 Regarding charges 4 and 5, we have
6 to admit that based on the Board's past two
7 orders, which basically say if there's any
8 sound heard within a neighboring residence
9 that it could be a violation under the
10 agreement, that we're somewhat at a crossroads
11 here and it puts the Licensee in a very
12 difficult situation. I mean, here, according
13 to the investigative reports that we will see,
14 it talks specifically about there being bass
15 or music heard within one of the residences,
16 and specifically within the investigative
17 report it said it should be noted that the
18 levels of noise heard within the residence are
19 not audible over normal conversation levels
20 with all doors and windows closed.

21 So taking that into consideration
22 and taking the Board's previous orders, at

1 this point is the Board in a position -- to
2 find that sound being heard that cannot be
3 audible over normal conversations will be
4 something that we will be exploring during
5 this hearing. We would ask that these types of
6 facts that go to support a potential violation
7 are insufficient to find that the Licensee was
8 in fact in violation of the voluntary
9 agreement, or if it was in fact in violation
10 that it wasn't material. It was nominal and
11 that no additional fines need to be levied.
12 Thank you very much.

13 CHAIRPERSON MILLER: Okay. Before
14 the Government calls you first witness, I just
15 want to remind you that each side will have up
16 to an hour-and-a-half, but it doesn't sound
17 like you're going to need even that much time.

18 MS. WILLIFORD: For charges 4 and
19 5, in the interest of time, we'd be willing to
20 stipulate to the investigative report, if that
21 will save time as well.

22 CHAIRPERSON MILLER: I've just

1 been corrected. There's no time limit on you
2 in this case.

3 MS. WILLIFORD: We wouldn't mind.

4 CHAIRPERSON MILLER: Okay.

5 MS. PHILLIPS: Has the afternoon
6 hearing been canceled? Is that what the
7 Board's telling us?

8 CHAIRPERSON MILLER: No.

9 MS. PHILLIPS: Oh, okay.

10 CHAIRPERSON MILLER: No, I had
11 just put a time limit on, which I put on in
12 protests.

13 MS. PHILLIPS: Oh.

14 CHAIRPERSON MILLER: But actually
15 there's not a time limit in show cause
16 hearings, so I took it back.

17 MS. PHILLIPS: All right.

18 CHAIRPERSON MILLER: Okay.

19 MS. PHILLIPS: Okay. Thank you.
20 Just a take back?

21 CHAIRPERSON MILLER: Okay. That's
22 it. So we're ready when you are.

1 MR. STERN: On behalf of the
2 District of Columbia, first, as a preliminary
3 matter we would move the admission of the
4 transcript and exhibits from the summary
5 suspension hearing before the Board. They are
6 part of the record. I actually spoke with the
7 counsel for the Board earlier and she
8 indicated you wouldn't need them physically to
9 be handed to you because you have them on your
10 computer already. So we would ask that they
11 be admitted, judicial notice be taken of them
12 and that they be admitted in this hearing.

13 CHAIRPERSON MILLER: Okay. Do you
14 want them to be Government's Exhibit No. 1, or
15 you just want us to take judicial notice?

16 MR. STERN: We can call it
17 Government's Exhibit No. 1.

18 CHAIRPERSON MILLER: Okay.

19 MS. WILLIFORD: We have no
20 objection to that.

21 CHAIRPERSON MILLER: Obviously.
22 Okay. So then that is admitted into evidence.

1 Okay.

2 MR. STERN: Thank you.

3 CHAIRPERSON MILLER: Okay.

4 MS. PHILLIPS: Are you ready for
5 me now?

6 CHAIRPERSON MILLER: I'm not sure.
7 Now is that it for --

8 MR. STERN: That is it for charges
9 1, 2 and 3 in terms of the evidence.

10 CHAIRPERSON MILLER: Well, then I
11 have to turn to opposing counsel then and
12 see --

13 MS. WILLIFORD: Okay.

14 CHAIRPERSON MILLER: That's your
15 that you've put on?

16 MR. STERN: Yes, though I think
17 that the Government completes its case and
18 then opposing counsel will have an opportunity
19 to --

20 CHAIRPERSON MILLER: Oh, it is a
21 little bit confusing. So you're going through
22 all five and then we'll turn to the other

1 side? Okay. So we're now up to charge 4,
2 which is you, Ms. Phillips.

3 MS. PHILLIPS: Yes, thank you.
4 All right. I have to see if my second witness
5 has come in. I had three witnesses and I only
6 saw one before the hearing.

7 Are you here, Mr. Danilovics or
8 Mr. Smith?

9 And if the Board would grant me, I
10 put the exhibits that I intend to use on
11 behalf of the District -- I sent email copies
12 to both counsel and the Board so that you
13 could have them on your computer, if you need
14 them.

15 CHAIRPERSON MILLER: You're not
16 moving them into evidence yet though, is that
17 right? I'm sorry, I just wanted to see. If
18 you were, then I would ask opposing counsel if
19 she's had a chance to look at them. So I can
20 wait.

21 MS. PHILLIPS: All right. I can
22 move them all in right this second, if you

1 would like.

2 CHAIRPERSON MILLER: If there's
3 not --

4 MS. PHILLIPS: If you do not
5 object.

6 MS. WILLIFORD: Yes, I'd rather
7 just walk through them.

8 MS. PHILLIPS: Right, that's what
9 I was going to do.

10 CHAIRPERSON MILLER: Walk through
11 them one-by-one, or move them all in? What do
12 you want to do?

13 MS. PHILLIPS: She's objecting, so
14 she wants to walk --

15 CHAIRPERSON MILLER: Oh, she's
16 objecting? Okay. Let's do that then.

17 MS. PHILLIPS: -- through them
18 one-by-one.

19 CHAIRPERSON MILLER: Okay. It's
20 not like the transcript. Okay.

21 MS. PHILLIPS: No.

22 Good afternoon.

1 MR. DANILOVICS: Good afternoon.

2 MS. PHILLIPS: Would you stand and
3 raise your -- whichever hand you can do,
4 because I understand you have a disability
5 here, for the oath?

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

9 MR. DANILOVICS: I do.

10 CHAIRPERSON MILLER: Okay. Thank
11 you.

12 MS. PHILLIPS: And the record will
13 reflect that you can't raise your right hand
14 because it's --

15 MR. DANILOVICS: Doctor says don't
16 do it.

17 MS. PHILLIPS: All right. There
18 you have it. If you'll state your name for
19 the record?

20 MR. DANILOVICS: George
21 Danilovics, and that's spelled D-A-N-I-L-O-V-
22 I-C-S.

1 MS. PHILLIPS: Okay. Mr.
2 Danilovics, I believe you've been here before
3 and testified. Was it the first or second
4 case? I think it was the first one.

5 MR. DANILOVICS: The first case.

6 MS. PHILLIPS: All right. And I
7 also believe that we need to take you out of
8 order because my second civilian witness
9 wasn't here. So if you'll look at the
10 notebook, and you'll look at the -- I think it
11 will be the Exhibit B. That will be the case
12 that I believe you had the initial complaint
13 on, if I am correct.

14 MR. DANILOVICS: Correct.

15 MS. PHILLIPS: All right. Can you
16 briefly tell me where you live and how long
17 you've lived there?

18 MR. DANILOVICS: I live at 1316
19 Naylor Court, which is adjacent to Mood
20 Lounge. We are directly south of Mood Lounge.
21 I moved into my condo in January of two-
22 thousand -- what is this '12 -- '10.

1 MS. PHILLIPS: And is this
2 sometimes referred as the NINE?

3 MR. DANILOVICS: Correct, the name
4 of the building is the NINE. It's four
5 residential units and two commercial.

6 MS. PHILLIPS: And I always have
7 to ask this, do you share a wall with Mood
8 Lounge?

9 MR. DANILOVICS: I do not share a
10 wall with Mood Lounge. My unit is on the
11 third and fourth floor, so I'm airspace above
12 Mood Lounge.

13 MS. PHILLIPS: Okay. If you will
14 turn to the back, I believe it's C, E and F.
15 I believe there might be a picture of your
16 condo.

17 MR. DANILOVICS: Correct. Exhibit
18 F, correct.

19 MS. PHILLIPS: Exhibit what?

20 MR. DANILOVICS: F.

21 MS. PHILLIPS: F? Is that the one
22 with the flowers?

1 MR. DANILOVICS: No, that is
2 another owner's. Mine is the unit -- you can
3 see the deck with the DIRECTV dish. So you
4 can see the third and fourth floor of mine.

5 MS. PHILLIPS: Okay. But we're
6 looking at this exhibit with the flowers,
7 correct?

8 MR. DANILOVICS: Oh, that's not
9 the one I have for F.

10 MS. PHILLIPS: All right. Okay.
11 Thank you. All right. Okay. So you can see
12 -- so what I see here, and that is you said
13 you had -- this is your balcony?

14 MR. DANILOVICS: Correct.

15 MS. PHILLIPS: Above the flowers?

16 MR. DANILOVICS: Correct.

17 MS. PHILLIPS: And then your condo
18 is two stories?

19 MR. DANILOVICS: Correct.

20 MS. PHILLIPS: And is it better
21 visualized in this exhibit, which is --

22 MR. DANILOVICS: Yes.

1 MS. PHILLIPS: You'll have to look
2 at it. Tell me what it is.

3 MR. DANILOVICS: That is Exhibit
4 D.

5 MS. PHILLIPS: D? So in Exhibit D
6 it is the yellow part of the building in this
7 picture?

8 MR. DANILOVICS: Correct, where
9 the sun's hitting.

10 MS. PHILLIPS: Right. Actually
11 the sun's yellow, but -- all right. So I
12 understand, did you make a noise complaint,
13 and on what date, and did you do it in
14 writing?

15 MR. DANILOVICS: It was -- yes, I
16 did. The night of October 28th until the
17 29th. It was an email message to ABRA and
18 also Mimi via info@moodlounge.

19 MS. PHILLIPS: Okay. I want you
20 to turn in Exhibit B -- I believe it is
21 exhibit to the report 1. Is that correct?

22 MR. DANILOVICS: Correct.

1 MS. PHILLIPS: Is that your email?

2 MR. DANILOVICS: That is correct.

3 MS. PHILLIPS: Okay. And what
4 kinds of noises were you complaining about?

5 MR. DANILOVICS: This evening,
6 this email was at about 1:49 in the morning.
7 I was awoken from noise from Mood Lounge next
8 door. The noise -- when I went downstairs to
9 do a comparison, as I'd done before. Turned
10 on the TV. My TV is about six feet in front
11 of my couch and just for a reference, like I'd
12 done before, the noise from Mood Lounge could
13 be heard over my TV at a normal volume. So
14 that's been my reference as what would be
15 acceptable.

16 MS. PHILLIPS: Now is it noise --
17 can you hear the music? Is it the bass? Is
18 it the DJ?

19 MR. DANILOVICS: This night --

20 MS. PHILLIPS: Your description.

21 MR. DANILOVICS: This night it was
22 -- it was the noise, the music itself. Could

1 clearly hear the lyrics of the song and bass.
2 It was not an issue this night of somebody on
3 the microphone. Those have been the three
4 factors.

5 MS. PHILLIPS: Okay. As a result
6 of your complaint did Mr. Shakoor come to
7 visit you at any time during the 30 days
8 following your complaint on September 2nd?

9 MR. DANILOVICS: He did not visit
10 me personally.

11 MS. PHILLIPS: Okay. Did you
12 speak with him over the phone about your
13 complaints?

14 MR. DANILOVICS: I spoke with him
15 over email about the complaint.

16 MS. PHILLIPS: Okay. Did you make
17 subsequent complaints with regard to noise in
18 the next 30 days?

19 MR. DANILOVICS: It wasn't
20 specifically within 30 days, but it was on the
21 night of December 4th and 5th.

22 MS. PHILLIPS: That you made

1 actually written complaints?

2 MR. DANILOVICS: Correct.

3 MS. PHILLIPS: Okay. Did the
4 noise ameliorate in any shape or fashion when
5 Mood Lounge was open during the 30 days
6 following your first complaint on September
7 2nd?

8 MR. DANILOVICS: I can't comment
9 on that. I was out of town every weekend in
10 November.

11 MS. PHILLIPS: Okay. What about
12 every weekend in October?

13 MR. DANILOVICS: Prior to the
14 initial complaint on the 28th, I don't recall.

15 MS. PHILLIPS: Okay. All right.
16 Thank you. Are there any other exhibits that
17 would help you explain the distance between
18 you and Mood Lounge that you see in that book?

19 MR. DANILOVICS: Exhibit C shows a
20 bird's eye top down to show that we're
21 adjoining. So I think that shows. Yes,
22 Exhibit C.

1 MS. PHILLIPS: Was your complaint
2 sent to Ms. Beyene?

3 MR. DANILOVICS: Yes, it was.

4 MS. PHILLIPS: Did you also send
5 it to Mr. Shakoor?

6 MR. DANILOVICS: To Mr. -- I think
7 it was Mr. Moseley, who's the ABRA contract on
8 the form to get sent to.

9 MS. PHILLIPS: Oh.

10 MR. DANILOVICS: But I also copied
11 Mr. Shakoor because he'd been dealing with
12 issues we'd been having with Mood Lounge.

13 MS. PHILLIPS: Mr. Moosally?

14 MR. DANILOVICS: Moosally. Thank
15 you.

16 MS. PHILLIPS: Okay. Is there
17 anything that I have not covered about the
18 disturbances that you experienced from the
19 dates that you complained or 30 days hence
20 Okay.

21 MR. DANILOVICS: The --

22 MS. PHILLIPS: -- that we haven't

1 discussed?

2 MR. DANILOVICS: The night of
3 Sunday, December 4th until Monday, December
4 5th, I explicitly remember that evening. The
5 issue was not only noise from the music and
6 bass, which had been problems, but also
7 somebody on the microphone. And that night
8 actually stands out specifically because it was a
9 Sunday and normally we hadn't had problems on
10 a Sunday.

11 MS. PHILLIPS: And when you say
12 "mic," what is that? You mean a DJ?

13 MR. DANILOVICS: Somebody -- a DJ
14 on the microphone, I'm guessing.

15 MS. PHILLIPS: Okay. Could you
16 hear words or just noise?

17 MR. DANILOVICS: You could hear
18 talking, but couldn't really make out exactly
19 what somebody was saying. You could tell it
20 was a person on a microphone and not a
21 recording.

22 MS. PHILLIPS: Let me ask you

1 this: Did you do your normal test that you
2 described to the Board before, go down and
3 turn on your television so that you could hear
4 the noise on the microphone over --

5 MR. DANILOVICS: Yes.

6 MS. PHILLIPS: -- the TV?

7 MR. DANILOVICS: That night,
8 Sunday night the 4th until Monday morning, it
9 was probably one of the loudest nights we had
10 in the past year.

11 MS. PHILLIPS: I have no further
12 questions.

13 CHAIRPERSON MILLER: Cross-
14 examination?

15 MS. WILLIFORD: Yes, very quickly.
16 A point of clarification: Did Investigator
17 Shakoor ever come to your premises to test f
18 or sound?

19 MR. DANILOVICS: During this 30-
20 day period?

21 MS. WILLIFORD: Yes.

22 MR. DANILOVICS: No, he did not to

1 -- to my knowledge he did not contact me.

2 MS. WILLIFORD: Okay. He did not
3 contact you to come to the premises and he was
4 not in your premises? I just wanted to be
5 clear on that.

6 MR. DANILOVICS: Correct.

7 MS. WILLIFORD: Okay. And you
8 mention that there was a -- was there any
9 other investigator, ABRA investigator who came
10 to your premises to test for the sound?

11 MR. DANILOVICS: There was not
12 somebody from ABRA who contacted me.

13 MS. WILLIFORD: Okay. You mention
14 that you did a test, you had a test where you
15 would turn the TV on and indeed that would be
16 your barometer. Were there any -- did you
17 ever use like a decibel tester or anything
18 like that to -- in connection with your
19 determination of the sound coming out of Mood?

20 MR. DANILOVICS: No, the measure
21 we've always used is reasonable noise. And my
22 take was anything that could be overheard from

1 a TV six feet in front of me would be
2 unreasonable.

3 MS. WILLIFORD: And you say "we."
4 Who do you refer to by "we?"

5 MR. DANILOVICS: The other tenants
6 in the building also use that as the
7 benchmark.

8 MS. WILLIFORD: Okay. So there
9 was a discussion that the benchmark was --

10 MR. DANILOVICS: That's what we
11 decided is reasonable, is.

12 MS. WILLIFORD: Okay. No further
13 questions.

14 CHAIRPERSON MILLER: Okay. Board
15 questions?

16 MEMBER NOPHLIN: One thing, Madam
17 Chair, I would like the counsel to do is --
18 could you move that microphone a little closer
19 to you, please?

20 MS. WILLIFORD: Oh.

21 MEMBER NOPHLIN: I can vaguely
22 hear you.

1 CHAIRPERSON MILLER: Okay. Mr.
2 Alberti?

3 MEMBER ALBERTI: Yes. Mr.
4 Danilovics, you mention that the TV was at
5 normal levels. Do you have a standard for
6 that? Well, first let me ask: Let me further
7 expound on my question. Do you have a
8 standard for that? On October 28th and
9 December 4th do you know that your TV was at
10 the same volume?

11 MR. DANILOVICS: My TV, the sound
12 bar that I have for the speaker system is
13 usually between 40 and 50, whatever that
14 means. That's what the dial is normally at.

15 MEMBER ALBERTI: Okay.

16 MR. DANILOVICS: But my standard
17 myself would be something where I can hear it
18 but the tenants who live right below me don't
19 hear it, or at least have never called me to
20 complain that the noise from my TV is too
21 loud.

22 MEMBER ALBERTI: So do you know

1 what that sound bar registers when you --
2 Monday evening when it's quiet and you're
3 watching TV --

4 MR. DANILOVICS: I can --

5 MEMBER ALBERTI: -- do you know
6 what that sound bar is?

7 MR. DANILOVICS: It's always
8 between 40 and 50.

9 MEMBER ALBERTI: Okay.

10 MR. DANILOVICS: And that's what I
11 would listen to at -- the News at 5:00 in the
12 afternoon or a movie at 8:00 at night.

13 MEMBER ALBERTI: Okay. And you're
14 sure that on those two occasions; October 28th
15 and December 4th, the sound bar was between 40
16 and 50?

17 MR. DANILOVICS: Yes, because I
18 went downstairs and turned it on. I hit one
19 button and the whole system turns on, so I
20 don't have to adjust the volume.

21 MEMBER ALBERTI: And the sound
22 stays the same whenever you turn it off and

1 turn it on?

2 MR. DANILOVICS: Correct.

3 MEMBER ALBERTI: Thank you very
4 much.

5 CHAIRPERSON MILLER: Others?

6 (No audible response.)

7 CHAIRPERSON MILLER: Okay. I have
8 a few. So how many noise complaints against
9 Mood Lounge have you made?

10 MR. DANILOVICS: In totality?

11 CHAIRPERSON MILLER: Okay. Well,
12 you've been there since January 2010, is that
13 correct? Is that what you said?

14 MR. DANILOVICS: I moved in
15 January of 2010, correct.

16 CHAIRPERSON MILLER: Okay.

17 MR. DANILOVICS: I would say
18 between 5 and 10 I've emailed.

19 CHAIRPERSON MILLER: Okay. And
20 for the period that's at issue here, I think
21 it was between September and December, is th
22 at correct?

1 MR. DANILOVICS: October 28th-29th
2 to December 4th-5th.

3 CHAIRPERSON MILLER: October
4 through December?

5 MR. DANILOVICS: Yes.

6 CHAIRPERSON MILLER: Okay. You
7 made how many complaints, two?

8 MR. DANILOVICS: The initial and
9 then the follow-up.

10 CHAIRPERSON MILLER: Follow-up?
11 Okay. For each one?

12 MR. DANILOVICS: Correct.

13 CHAIRPERSON MILLER: Okay. So
14 were there other instances where the noise
15 bothered you where you didn't make complaints
16 or is --

17 MR. DANILOVICS: During that time
18 period?

19 CHAIRPERSON MILLER: Yes.

20 MR. DANILOVICS: There was not. I
21 was out of town every weekend in November.
22 And even during the week I've actually stayed

1 at a friend's house on Thursday nights so that
2 -- we've had issues with noise Thursdays as
3 well. But I have to work early Fridays, so I
4 didn't take the chance.

5 CHAIRPERSON MILLER: So the
6 complaints have normally been Friday, Saturday
7 night and then there was a Sunday?

8 MR. DANILOVICS: Yes. Typically
9 it's Friday and Saturday, and that's why this
10 Sunday stood out as odd.

11 CHAIRPERSON MILLER: Okay. How
12 many residents are there in the residential
13 part of this building?

14 MR. DANILOVICS: In my unit
15 there's just me. The unit below me, there are
16 two residents. In another unit there are two
17 residents. And in the fourth unit, I believe
18 there are two.

19 CHAIRPERSON MILLER: Okay.

20 MR. DANILOVICS: There may only be
21 one.

22 CHAIRPERSON MILLER: And your

1 residence doesn't share a wall with Mood,
2 correct?

3 MR. DANILOVICS: Correct, I do not
4 have an adjoining wall with Mood Lounge.

5 CHAIRPERSON MILLER: Okay. And
6 are you aware of complaints by the other
7 residents against Mood?

8 MR. DANILOVICS: Yes.

9 CHAIRPERSON MILLER: Okay. Did
10 they make them during the same time period as
11 this?

12 MR. DANILOVICS: The night of the
13 4th and 5th I do know that other tenants in
14 the building also complained.

15 CHAIRPERSON MILLER: Yes.

16 MR. DANILOVICS: I believe one
17 even called the police to do a report as well.
18 So I'm aware specifically that multiple people
19 in the building filed complaints through
20 different channels that night.

21 CHAIRPERSON MILLER: Okay. And
22 how long does the noise persist? Or maybe it

1 varies. But with respect to the complaints
2 that you filed, I mean, it got to a point
3 where it bothered you so much you made a
4 complaint or whatever. How long does it last?

5 MR. DANILOVICS: The music usually
6 starts around 10:00 and it's -- 10:00 is
7 acceptable. You know, there's a level of
8 noise you can tell the sound system's on, but
9 the noise is not a level that is disturbing.
10 I can hear my TV over top of sound coming from
11 the club. The noise, be it the music and the
12 bass or somebody on the microphone, usually
13 starts around midnight to 2:00.

14 CHAIRPERSON MILLER: Okay. So and
15 you said during some of this period you were
16 out of town?

17 MR. DANILOVICS: Correct.

18 CHAIRPERSON MILLER: When you are
19 in town, certainly at least for the period for
20 which there are these charges, was the noise
21 at a disturbing level every weekend?

22 MR. DANILOVICS: During the period

1 in question here I wasn't in town any weekend.
2 I was gone every weekend in November.

3 CHAIRPERSON MILLER: All right.
4 Okay.

5 MR. DANILOVICS: Back on December
6 4th from New York, and I very clearly remember
7 that night.

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

10 Any redirect?

11 MS. PHILLIPS: I have a follow-up
12 questions.

13 CHAIRPERSON MILLER: Okay.

14 MS. PHILLIPS: In response to a
15 question that Chairperson Miller asked you, I
16 want to make sure I heard correctly. Did you
17 say that you preemptively left your house on
18 a Thursday night because you couldn't take the
19 chance that there would be music that night?
20 Did I hear you say that?

21 MR. DANILOVICS: That is correct.
22 Thursday night is not a scheduled night for

1 Mood Lounge to be open. My understanding
2 their regular is Saturday and Sunday, but they
3 had been having events on Thursdays, which
4 have been issues. And I had some big meetings
5 in November where I needed to make sure I
6 could get sleep and I stayed at a friend's
7 house.

8 MS. PHILLIPS: And how many
9 Thursdays during this 30-day time period that
10 we're talking about -- I believe it was the
11 weekend before Halloween to December --

12 MR. DANILOVICS: Two.

13 MS. PHILLIPS: Two?

14 MR. DANILOVICS: Two.

15 MS. PHILLIPS: Two Thursdays?

16 MR. DANILOVICS: Because I believe
17 the last one would have been Thanksgiving, so
18 I wasn't in town.

19 MS. PHILLIPS: Okay. Thank you,
20 Madam Chair.

21 MS. WILLIFORD: I have one just to
22 follow-up. In response to -- as a follow-up

1 to Ms. Phillips' question about Thursday
2 nights and you preemptively going to a
3 friend's house, where there any complaints
4 that you made during this period to Mood
5 Lounge regarding the Thursday nights?

6 MR. DANILOVICS: In November?

7 MS. WILLIFORD: During this
8 period, yes.

9 MR. DANILOVICS: I did not because
10 my understanding is during that 30-day period
11 I can't make complaints because of the cure
12 period taking place. And also, I wasn't home
13 on the Thursday nights because I was staying
14 somewhere else. So I couldn't make a
15 complaint.

16 MS. WILLIFORD: Okay. During the
17 period prior to that when you said that it was
18 there and it was your understanding that they
19 started to do Thursday nights, did you make a
20 complaint to Mood Lounge during that period?

21 MS. PHILLIPS: I'm going to object
22 to vague. I don't understand. Before this

1 30-day period that we're discussing? Just
2 objection. Vague.

3 CHAIRPERSON MILLER: Could you
4 state your question again?

5 MS. WILLIFORD: You mentioned
6 during your testimony that you took preemptive
7 measures to not stay in your home on Thursday
8 night. At what point did you come to learn
9 there were -- Mood Lounge was opening up on
10 Thursday nights?

11 MR. DANILOVICS: It was probably
12 in September or October.

13 MS. WILLIFORD: Okay. And during
14 September or October is that when the noise
15 levels were unbearable for you?

16 MR. DANILOVICS: On some Thursday
17 nights, yes.

18 MS. WILLIFORD: Okay. On any of
19 those nights did you submit a complaint to
20 ABRA regarding that?

21 MR. DANILOVICS: I did not, but
22 other tenants in the building did.

1 CHAIRPERSON MILLER: I'm sorry, I
2 didn't hear that.

3 MS. WILLIFORD: A complaint --

4 CHAIRPERSON MILLER: To the
5 Licensee.

6 MS. WILLIFORD: -- to either the
7 Licensee or ABRA regarding that.

8 No further questions.

9 CHAIRPERSON MILLER: I have one
10 follow-up question. I just want to clarify.
11 Did you say that -- did you only submit one
12 complaint per 30 days because of the 30-day
13 cure section in the voluntary agreement?

14 MR. DANILOVICS: Correct.

15 CHAIRPERSON MILLER: So that would
16 you have filed additional complaints during
17 this period but for that -- but for your
18 understanding or reading of that provision?

19 MR. DANILOVICS: I'm not sure.
20 Can you ask the question again?

21 CHAIRPERSON MILLER: Okay. What
22 you said before, as I understand it, was that

1 you filed only one complaint with ABRA every
2 30 days because of the provision in the
3 voluntary agreement that talks about an
4 opportunity to cure for 30 days.

5 MR. DANILOVICS: Correct.

6 CHAIRPERSON MILLER: So my
7 question is were there other times that you
8 would have filed a complaint regarding the
9 noise from Mood, but for your understanding
10 that you couldn't do it in light of that
11 provision regarding the right to cure?

12 MR. DANILOVICS: In other
13 complaints, yes. But during this period, no,
14 because I was not home during the weekend to
15 observe the noise.

16 CHAIRPERSON MILLER: What do you
17 mean in other complaints? That aren't at
18 issue in this complaint?

19 MR. DANILOVICS: There are --
20 correct, there are additional -- subsequent to
21 this matter, there are other complaints --

22 CHAIRPERSON MILLER: Okay.

1 MR. DANILOVICS: -- where I
2 followed the same process of an initial
3 complaint and then waiting the 30 days.
4 Investigator Shakoor would usually contact now
5 by email to see if the noise is still an
6 issue, and then I would respond affirmatively.

7 CHAIRPERSON MILLER: So would you
8 not even contact the investigator to let him
9 know that there was any problem because of
10 your understanding of that provision?

11 MR. DANILOVICS: Mr. Shakoor has
12 been very proactive, reaching out on a regular
13 basis now. So subsequent to this, yes, he has
14 been checking in and asking how things have
15 been going. So there has been more dialogue
16 with him throughout the winter.

17 CHAIRPERSON MILLER: Okay. Just
18 to clarify, so during this period, okay, there
19 wouldn't have been anymore complaints, number
20 one, because primarily you were out of town
21 during those other weekends?

22 MR. DANILOVICS: Correct.

1 CHAIRPERSON MILLER: Okay. Thank
2 you.

3 MS. PHILLIPS: May this witness be
4 excused?

5 CHAIRPERSON MILLER: Yes, unless
6 there's any redirect from my questions.

7 Thank you very much.

8 MS. PHILLIPS: All right. Stand.
9 Keep standing until you get sworn in.

10 CHAIRPERSON MILLER: I'll swear
11 you in. Hello. Do you swear to tell the
12 truth, the whole truth, nothing but the truth?

13 MR. SMITH: I do.

14 CHAIRPERSON MILLER: Okay. Thank
15 you. Have a seat.

16 MS. PHILLIPS: Good afternoon.
17 Will you state your name for the record,
18 please?

19 MR. SMITH: Certainly. My name is
20 Martin Smith.

21 CHAIRPERSON MILLER: I'm sorry, I
22 didn't catch the last name.

1 MR. SMITH: Smith.

2 CHAIRPERSON MILLER: Smith?

3 MR. SMITH: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MR. SMITH: Is there a mic here I
6 should be -- there we go.

7 MS. PHILLIPS: Just move a little
8 closer. You don't have to lean into,
9 otherwise, it becomes too loud.

10 MR. SMITH: Sure.

11 MS. PHILLIPS: Is that the normal
12 spelling of Smith, S-M-I-T-H?

13 MR. SMITH: Yes.

14 MS. PHILLIPS: And spell your
15 first name, make sure we get it right in the
16 record, please.

17 MR. SMITH: Martin, M-A-R-T-I-N.

18 MS. PHILLIPS: And where do you
19 live?

20 MR. SMITH: I live at 1326 Naylor
21 Court, N.W., Washington, D.C.

22 MS. PHILLIPS: And just for the

1 record, that's not the NINE, correct?

2 MR. SMITH: No, I have a separate
3 freestanding town house.

4 MS. PHILLIPS: Okay. I would like
5 for you to look starting with Exhibit C and
6 discuss if any of these -- first, I want you
7 to identify the exhibit you're looking and
8 then I want you to tell me if it shows your
9 house.

10 MR. SMITH: It certainly does.
11 The exhibit that I'm looking at appears to be
12 an aerial photograph.

13 MS. PHILLIPS: And that is No. --
14 Exhibit C?

15 MR. SMITH: Yes, Exhibit C. And
16 it showcases the location of the Mood Lounge,
17 Scripture Cathedral, Bishop Lamont Art
18 Gallery, which is actually is now closed, a
19 band studio, the No. NINE, Salem Baptist
20 Church, and a photography studio.

21 MS. PHILLIPS: Okay. And can you
22 see your home there?

1 MR. SMITH: Yes, I can. If you
2 look to the photography studio that's
3 identified on Exhibit C, across the alley
4 there is a tiny white rectangle. That little
5 white rectangle is my home.

6 MS. PHILLIPS: Okay. Can you tell
7 me the distance that your home is from the
8 Mood Lounge, approximately?

9 MR. SMITH: It's a little over 100
10 feet.

11 MS. PHILLIPS: Okay. And I take
12 it that means you do not share a wall with
13 Mood Lounge.

14 MR. SMITH: No, my home doesn't
15 share walls with any other building.

16 MS. PHILLIPS: Okay. Would you
17 look at any of the other exhibits after C and
18 tell me if they identify -- first, tell me
19 what the exhibit is and then tell me if it
20 shows your home.

21 MR. SMITH: Exhibit D just shows
22 the NINE, not my home. Exhibit E shows the

1 rear of the Mood Lounge and does not show my
2 home. Exhibit F does show my home. Looking
3 at it from right to left, the structure on the
4 far right is a sandwich shop, then the No.
5 NINE, then the Mood Lounge in gray. There's
6 another property that's being renovated past
7 that in yellow. Past that there's a small
8 brown garage that's part of a vacant lot.
9 Past that is the vacant lot. And past that is
10 the Smurf blue property that's my house.

11 MS. PHILLIPS: The little blue
12 house, right?

13 MR. SMITH: The little blue house
14 on the other corner.

15 MS. PHILLIPS: Okay. All right.
16 Now Exhibit A I believe is the investigative
17 report in which you are the primary
18 complainant. Is that correct?

19 MR. SMITH: Give me just a moment
20 to review it, please.

21 MS. PHILLIPS: I think it's the
22 fourth line down.

1 MR. SMITH: Yes, this is the one
2 that lists myself.

3 MS. PHILLIPS: Okay. And I
4 believe it is Exhibit 1 to the report, which
5 I've labeled A, as I always do. Is that an
6 email which you sent about complaints of noise
7 in your home?

8 MR. SMITH: Yes, I was told by
9 Inspector Shakoor with ABRA that I needed to
10 provide notice to the owner of the Mood Lounge
11 that the noise was causing a problem. So this
12 is one of those emails.

13 MS. PHILLIPS: Okay. And I note
14 that the date on this one is September 2nd.
15 Is that correct?

16 MR. SMITH: Yes, ma'am.

17 MS. PHILLIPS: And what is the
18 time?

19 MR. SMITH: 11:37 p.m.

20 MS. PHILLIPS: Okay. And you sent
21 it to which email address?

22 MR. SMITH: I sent it to an email

1 that I believed to be a personal email account
2 of Mimi, the owner of the Mood Lounge, in
3 addition to several others.

4 MS. PHILLIPS: And how would you
5 describe the level of noise in your home,
6 which is -- how far away did you say it was?

7 MR. SMITH: It's over 100 feet.

8 MS. PHILLIPS: Greater than 100
9 feet, but not 150?

10 MR. SMITH: No, I believe it was
11 -- actually got out a tape measure and
12 measured it. I believe it was 114 feet, but
13 don't quote me on that number. I just recall
14 it was slightly over 100.

15 MS. PHILLIPS: Okay. Describe the
16 noise as best you can that you heard in your
17 home on the night of September 2nd that caused
18 you to complain to the owner of Mood Lounge
19 and ABRA.

20 MR. SMITH: Certainly. Noise from
21 the Mood Lounge has varied on different weeks
22 that I've been there. This particular

1 occasion the bass from the nightclub was
2 particularly loud and caused vibrations. In
3 addition, there was also a very substantial
4 amount of the actual music that I was able to
5 hear in my home. Typically my rule of thumb
6 is that if all of my doors and windows are
7 closed and I have my television on and I'm not
8 able to hear the noise, then at that point I
9 won't complain.

10 MS. PHILLIPS: And Board Member
11 Alberti asked a great question for the last
12 question.

13 MR. SMITH: Sure.

14 MS. PHILLIPS: And I'm going to
15 repeat it, if I can. Do you have a sound bar
16 on your television? And if you do, is it set
17 at a particular number where you always leave
18 it?

19 MR. SMITH: Certainly.

20 MS. PHILLIPS: What is it?

21 MR. SMITH: I have an LG
22 television and the sound ranges anywhere from

1 1 to 100. Typically I leave it around 20 or
2 25, although certainly for action movies and
3 things of the like, I like to go a little
4 louder than that.

5 MS. PHILLIPS: Okay. So when you
6 are talking about not being able -- or no,
7 strike that. I'll start again. When you're
8 talking about your rule of thumb, that if you
9 can hear the music and the bass or whatever
10 above what you normally have your TV set at
11 with windows and doors closed, what would be
12 the level that you would have the television
13 set at before you would make a complaint?

14 MR. SMITH: Usually between 20 and
15 25.

16 MS. PHILLIPS: Okay. So if you
17 have it at let's just say 25 and you can hear
18 the music loudly, softly, clearly?

19 MR. SMITH: If it's soft, I'll
20 just turn my TV up more.

21 MS. PHILLIPS: Okay.

22 MR. SMITH: If it's loudly, then

1 certainly I will call. If it's clearly, at
2 that point I usually just give up and leave
3 the house for the night and go out.

4 MS. PHILLIPS: Okay.

5 MR. SMITH: Because it's not going
6 to get better.

7 MS. PHILLIPS: And so when you
8 mean clearly, you mean you hear all the
9 lyrics? Is that a good --

10 MR. SMITH: Yes.

11 MS. PHILLIPS: -- description of
12 clearly?

13 MR. SMITH: Yes, there have been
14 multiple occasions where I've been inside my
15 home and I've been able to identify the song
16 that has been playing in the Mood Lounge
17 several doors down.

18 MS. PHILLIPS: Okay. Did Mr.
19 Shakoor visit your home during this time
20 period of your complaint?

21 MR. SMITH: On the 2nd of
22 September?

1 MS. PHILLIPS: Or anytime shortly
2 thereafter.

3 MR. SMITH: Oh, yes. Mr.
4 Shakoor's been at my home many times.

5 MS. PHILLIPS: And I'm going to
6 confine myself to approximately the date of
7 your complaint to 30 days, 35 days thereafter.
8 Did he come to your house once, twice? Do you
9 recall the dates? And you can check the
10 dates, if you agree with them, in the
11 report --

12 MR. SMITH: Certainly.

13 MS. PHILLIPS: -- which should be
14 A.

15 MR. SMITH: I do know that it was
16 more than once. Let's see. Certainly on
17 Friday the 2nd. It appears that also on
18 Friday, October 15th.

19 MS. PHILLIPS: Did he visit your
20 house on the 15th?

21 MR. SMITH: I believe he did.

22 MS. PHILLIPS: Aha. Yes, I see.

1 MR. SMITH: Yes.

2 MS. PHILLIPS: All right. When
3 Mr. Shakoor visited the first time on
4 September 2nd, when he got there was the noise
5 the same, less, more? How would you describe
6 it from when you complained to him?

7 MR. SMITH: It was less, but not
8 -- I wouldn't say substantially less, but it
9 was less.

10 MS. PHILLIPS: Okay.

11 MR. SMITH: It had been reduced.

12 MS. PHILLIPS: What about on
13 October 15th when he visited again? How would
14 you describe the noise the day that you
15 complained at that time? Or if you complained
16 the 15th. I don't know if you complained the
17 15th, or that was when he just visited you.

18 MR. SMITH: I believe that he
19 visited my home on the 15th. Yes, he did. I
20 would say that it was not as loud as it has
21 been on other occasions while he was in my
22 home. Certainly later that evening, as is

1 often the case, as patrons left the Mood
2 Lounge after closing, it became substantially
3 louder.

4 MS. PHILLIPS: Was that from noise
5 of the music and bass, or was that from noise
6 of patrons leaving?

7 MR. SMITH: That was the noise
8 from the patrons leaving. That was several
9 hours later, around 3:00 a.m.

10 MS. PHILLIPS: Okay. When you
11 complain about the noise in your apartment,
12 with regard to -- you said the music was loud
13 and sometimes you could hear the words, do you
14 have trouble with the bass at all?

15 MR. SMITH: The bass is usually
16 the most significant problem.

17 MS. PHILLIPS: I know that there
18 have been other complaints where the
19 complainants have said that their walls
20 rattle. As far as your home is from this, I
21 would assume that's not the case, but please
22 tell me if it is the case.

1 MR. SMITH: My walls don't tend to
2 rattle. My home's well over 100 years old and
3 it's very sturdily built. My door has had a
4 little bit of rattling from time to time, but
5 I would say that that's been minor.

6 MS. PHILLIPS: Okay. All right.
7 After you made the complaint on the 2nd of
8 September, did you notice any amelioration in
9 the noise in your home on the days that Mood's
10 was open to show that they were trying to
11 comply with the voluntary agreement?

12 MR. SMITH: In general, no, if I'm
13 confining myself to that 45-day span.

14 MS. PHILLIPS: I also meant to ask
15 you, where do you work?

16 MR. SMITH: I am the executive
17 director for the Barracks Row Main Street
18 Program on Capitol Hill.

19 MS. PHILLIPS: And what is that?

20 MR. SMITH: The Main Street
21 Program is a program sponsored by the National
22 Trust. We work with small businesses to

1 encourage a revitalization of the commercial
2 corridor. So I work with over 160 small
3 businesses every day. So that was one of the
4 things that had given me a great deal of
5 optimism that we would be able to resolve
6 things successfully as community members.
7 I've certainly had a number of the businesses
8 that I represent who've received ABRA licenses
9 and a handful who've even been here before the
10 Board, and typically it's something that
11 you're able to resolve constructively.

12 MS. PHILLIPS: Did you meet with
13 Mimi during this 30, 35-day period?

14 MR. SMITH: I did.

15 MS. PHILLIPS: And what was your
16 impression and your results from those
17 conversations or those meetings? One, two,
18 three? Just tell me.

19 MR. SMITH: Well, the most
20 significant was actually the evening of
21 Halloween. I don't recall the day of the week
22 that that was, but I had met with Mimi a few

1 days beforehand, maybe a week or two before;
2 and I honestly don't recall the exact date,
3 outside of the Mood Lounge. And I had
4 exchanged phone numbers with her and I had
5 told her that I wanted to see if it was
6 something that we could resolve within the
7 community.

8 That evening I received a text
9 message from Mimi indicating that she would be
10 present at the Mood Lounge that night, that
11 the establishment would be closed for the
12 night, but that they would be doing some sound
13 checks. And she invited for me to come by and
14 discuss some of the issues with noise and also
15 to work with a gentleman who she had present
16 on some of the sound issues.

17 MS. PHILLIPS: Did you avail
18 yourself of that opportunity?

19 MR. SMITH: I certainly did,
20 myself, my immediate neighbor Orestes del
21 Castillo. And towards the end of that evening
22 several of the other neighbors from the NINE

1 all joined and we went from inside to outside.
2 Mimi was quite friendly and helpful. We
3 turned music levels up and down. And then we
4 would go back and forth from the inside of the
5 establishment out to the front, out to the
6 back towards the alley, up and down the alley,
7 and we identified different sound levels at
8 which we could clearly hear music and at which
9 music was more acceptable.

10 MS. PHILLIPS: And do you recall
11 when that meeting was?

12 MR. SMITH: That was the evening
13 of Halloween, October 31st.

14 MS. PHILLIPS: Okay. Thank you.
15 And after that date when you had this
16 meeting --

17 MR. SMITH: Yes.

18 MS. PHILLIPS: -- did that
19 ameliorate the noise concerns thereafter?

20 MR. SMITH: I seem to recall that
21 things were improved the next night that Mood
22 was open. However subsequently, obviously on

1 October 15th -- or, sorry, subsequently on --
2 towards Thanksgiving the noise level had
3 gotten back up to where it had previously
4 been.

5 MS. PHILLIPS: All right. I think
6 that's the sum total of my questions. Thank
7 you.

8 MR. SMITH: Sure.

9 CHAIRPERSON MILLER: Cross?

10 MR. SMITH: Thank you.

11 MS. WILLIFORD: Thank you. On
12 September 2nd you stated that Investigator
13 Shakoor came to your apartment. Did you call
14 him to come?

15 MR. SMITH: I didn't call for
16 Inspector Shakoor specifically, but I called
17 the ABRA hotline.

18 MS. WILLIFORD: All right. So you
19 called the ABRA hotline to -- and is that in
20 connection with the complaint regarding Mood
21 Lounge noise?

22 MR. SMITH: Yes.

1 MS. WILLIFORD: And how long
2 between when you called and -- did someone
3 arrive?

4 MR. SMITH: I don't recall.

5 MS. WILLIFORD: But Investigator
6 Shakoor arrived that evening?

7 MR. SMITH: Yes. Well, either
8 that evening or very early the subsequent
9 morning. I don't recall. Actually, it was
10 that evening because I had emailed saying th
11 at he had already been there after 11:00 p.m.,
12 so --

13 MS. WILLIFORD: And you mentioned
14 that night that the sound was reduced when
15 Investigator Shakoor was there, is that
16 correct?

17 MR. SMITH: Yes, the sound level
18 with Mood Lounge does tend to fluctuate with
19 some songs. Some are naturally louder than
20 others.

21 MS. WILLIFORD: So it was produced
22 from that evening from when you initially

1 called?

2 MR. SMITH: Yes.

3 MS. WILLIFORD: Did you
4 communicate with the owner regarding the noise
5 level as well?

6 MR. SMITH: Yes, I sent an email
7 to her later that evening.

8 MS. WILLIFORD: Before or after
9 Investigator Shakoor arrived?

10 MR. SMITH: After.

11 MS. WILLIFORD: So the noise level
12 decreased between the time that you called and
13 Investigator Shakoor arrived?

14 MR. SMITH: That's my
15 recollection, yes.

16 MS. WILLIFORD: Okay. Can you
17 please state what's the standard for noise
18 that you've set that's bearable or you
19 consider reasonable?

20 MR. SMITH: If I am not able to
21 hear it while I have my television on, then
22 typically that's something that I would not

1 object to strongly.

2 MS. WILLIFORD: And that's when
3 your television is set between 20 and 25?

4 MR. SMITH: Yes.

5 MS. WILLIFORD: Now if you're able
6 to have a normal conversation and still hear
7 the music, would that be considered
8 reasonable? And could not hear the music.
9 I'm sorry. I'm going to repeat that. If
10 you're able to have a conversation with a
11 guest in your apartment and you're unable to
12 hear the music when you're having a
13 conversation, would you consider that
14 reasonable?

15 MR. SMITH: Generally so.

16 MS. WILLIFORD: Okay. You
17 mentioned on October 15th Investigator Shako
18 or also came to your condo, is that correct?

19 MR. SMITH: It's a town house.
20 Yes.

21 MS. WILLIFORD: Your town house.
22 I'm sorry. To your town house. And were

1 those levels when Investigator Shakoor was
2 there -- were those levels consistent with the
3 levels that you deem are unreasonable to be
4 coming from Mood?

5 MR. SMITH: At the point that he
6 arrived I would have said that they had gotten
7 much closer to reasonable.

8 MS. WILLIFORD: Did you have a
9 communication with the owner, anyone at Mood
10 between the time you called and the time that
11 he arrived?

12 MR. SMITH: You know, I --

13 MS. PHILLIPS: Excuse me. I'm
14 going to object to the question. Are you
15 still talking about October 15th?

16 MS. WILLIFORD: Yes.

17 MR. SMITH: I can't recall.

18 CHAIRPERSON MILLER: What was your
19 answer?

20 MR. SMITH: I said I could not
21 recall.

22 CHAIRPERSON MILLER: Oh.

1 MS. WILLIFORD: No further
2 questions.

3 CHAIRPERSON MILLER: Board
4 questions? Yes, Mr. Brooks?

5 MEMBER BROOKS: Thank you, Madam
6 Chair.

7 Mr. Smith, how long have you lived
8 in your home?

9 MR. SMITH: Just over a year.

10 MEMBER BROOKS: Over a year?
11 Okay. And can you hear street noise from
12 inside your home?

13 MR. SMITH: Generally not. Naylor
14 Court is generally a relatively quiet
15 alleyway. There is no direct cut-through from
16 any two streets. It all involves right turns
17 or left turns. So we don't get a great deal
18 of vehicular traffic and the noise from 9th
19 Street is generally fairly muffled.

20 MEMBER BROOKS: Okay. And how far
21 are you from the Convention Center? The
22 Convention Center. How far do you live from

1 there?

2 MR. SMITH: The Convention Center
3 is at the southernmost corner of the block
4 where I am. So if you were to look at Exhib
5 it C where the wording on that exhibit "Bishop
6 Lamont Art Gallery" is --

7 MEMBER BROOKS: Yes.

8 MR. SMITH: -- slightly south of
9 that by maybe a half an inch in the northern
10 end of the Convention Center.

11 MEMBER BROOKS: Okay. And you
12 don't hear noise, street noise when there are
13 events at the Convention Center?

14 MR. SMITH: Oh, certainly not.
15 The majority of the events at the Convention
16 Center seem to be down towards the front
17 entrance of it at Mount Vernon Square.

18 MEMBER BROOKS: Okay.

19 MR. SMITH: So rarely.

20 MEMBER BROOKS: And people coming
21 and leaving at any hours of the night, do you
22 hear anything from the streets?

1 MR. SMITH: It's -- well, on
2 nights when Mood is open, or when Mood is
3 closed? There's a difference.

4 MEMBER BROOKS: Either.

5 MR. SMITH: Generally no. The
6 neighborhood is fairly quiet most of the time.

7 MEMBER BROOKS: Okay.

8 MR. SMITH: When Mood is open, at
9 roughly 3:00 in the morning when Mood let's
10 out, there's always audible noise coming from
11 9th Street, either from patrons or from police
12 on bullhorns who are trying to disperse
13 patrons.

14 MEMBER BROOKS: Okay. And your
15 living room, is that where the TV is located?

16 MR. SMITH: I have one in my
17 living room and one in my bedroom.

18 MEMBER BROOKS: Okay. And your
19 bedroom is facing which way, or is toward
20 Mood?

21 MR. SMITH: The bedroom is the
22 entirety of the second floor of the house, and

1 so it faces all directions.

2 MEMBER BROOKS: Okay. And any
3 particular night that it's more noisy?

4 MR. SMITH: As far as nights of
5 the week when Mood is open?

6 MEMBER BROOKS: Yes.

7 MR. SMITH: They tend to be open
8 on Fridays and Saturdays. Are you speaking in
9 a more generalized scope here of the entirety
10 of my time living at the home, or is this
11 still restricted to that 45 days?

12 MEMBER BROOKS: Either night. Is
13 Friday noisier than Saturday, or vice versa?

14 MR. SMITH: No, I wouldn't say
15 that one of them is typically louder than the
16 other. Certainly there have been occasions
17 where Friday was worse than Saturday and
18 Saturday was worse than Friday, but I don't
19 believe that there's a consistent pattern
20 there.

21 MEMBER BROOKS: And approximately
22 what time do you recall get the most noise?

1 MR. SMITH: It's really varied.
2 There have been occasions where as soon as
3 Mood has opened, which is typically around
4 10:00 p.m., the noise starts right away.
5 There have been other occasions where it
6 really waits until probably 1:00 or so in the
7 morning and continues for the final two hours.

8 You know, another related issue,
9 usually at around 4:00 to 5:00 a.m., somewhere
10 in that time frame, the staff at Mood is
11 emptying the trash cans for the evening where
12 they dump a dozen or so large trash bins full
13 of glass bottles into metal dumpsters. So
14 that also wakes me up once they've come out to
15 do that.

16 MEMBER BROOKS: So speaking of the
17 trash, have you ever heard trash trucks come
18 and pick up the dumpsters?

19 MR. SMITH: Yes.

20 MEMBER BROOKS: And what time does
21 that occur?

22 MR. SMITH: Last summer it

1 typically occurred on an earlier time frame,
2 6:00, 6:30 in the morning. I complained by
3 email to Ms. Beyene. Am I pronouncing the
4 last name correctly?

5 MS. BEYENE: Yes.

6 MR. SMITH: Beyene? And
7 subsequent to that it has usually been later,
8 7:30, 8:00, 8:30, sometimes even as late as
9 9:00, which is more consistent with when trash
10 is picked up from other establishments.

11 MEMBER BROOKS: Okay. And I'm
12 looking at a picture; I'm not sure what number
13 it is, that shows trash containers in the
14 alley. And do all these containers belong to
15 the Mood Lounge?

16 MR. SMITH: On Exhibit E, those
17 appear to. And on Exhibit F, no. The large
18 metal dumpster that is on the far left of the
19 photo --

20 MEMBER BROOKS: Yes.

21 MR. SMITH: -- I believe that one
22 is Mood Lounge's dumpster.

1 MEMBER BROOKS: Okay.

2 MR. SMITH: Some or all of the
3 smaller plastic containers belong to the NINE.
4 And it's for resident use, I would assume.
5 And then the ones to the right that are in
6 front of the small yellow building belong to
7 SUNdevICH, which is the sandwich shop.

8 MEMBER BROOKS: Okay. So
9 conceivably these dumpsters, the trash trucks
10 could be picking up -- the noise could be
11 coming up from these dumpsters also, right,
12 rather than the Mood?

13 MR. SMITH: During pick up times,
14 certainly. For depositing trash into the
15 dumpsters, none of the other establishments
16 are open at that hour.

17 MEMBER BROOKS: For the pick up,
18 you know, the trash --

19 MR. SMITH: Certainly, for pick
20 ups.

21 MEMBER BROOKS: -- pick ups
22 themselves.

1 MR. SMITH: I believe that Mood
2 Lounge and SUNdeVICH have the same trash
3 provider, so I'm not sure what the schedules
4 are for either of them and I don't know if
5 they're picked up on the same day. But I
6 believe it is the provider, so it certainly
7 could be.

8 MEMBER BROOKS: Okay. Thank you,
9 Madam Chair.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. Mr. Nophlin?

12 MEMBER NOPHLIN: Yes, thank you,
13 Madam Chair.

14 I'm so sorry to ask you to do
15 this. We just received your exhibits and a
16 point of reference, your home is the one
17 that's a yellow -- I guess here. This --

18 MR. SMITH: No, no, no. That's
19 the NINE, which is immediately adjacent to t
20 he Mood Lounge on the south side.

21 MEMBER NOPHLIN: Oh, it's on the
22 other side? Okay. Now where's Mood Lounge?

1 Is that -- would you --

2 MR. SMITH: If I may, I can --

3 CHAIRPERSON MILLER: Yes, that
4 would be helpful. We didn't have the exhibits
5 as you were going through them.

6 MEMBER ALBERTI: Can we go back to
7 -- just I think this would be helpful.

8 MEMBER NOPHLIN: That's fine.

9 MR. SMITH: Sure.

10 MEMBER ALBERTI: I'm going to help
11 out Mr. Nophlin. If I may show you where it
12 is? If we go back to the exhibit that had
13 trash cans?

14 MR. SMITH: Yes, Exhibit F.

15 MEMBER ALBERTI: See that exhibit
16 here, Mr. Nophlin?

17 MEMBER NOPHLIN: Yes.

18 MEMBER ALBERTI: Okay. On the far
19 right of that, is that Mood Lounge to the far
20 right? Where's Mood Lounge in that --

21 MR. SMITH: Mood Lounge is really
22 more to the center.

1 MEMBER ALBERTI: Pardon?

2 MR. SMITH: It's the gray building
3 in the center.

4 MEMBER ALBERTI: Okay. It's the
5 gray building?

6 MR. SMITH: Yes.

7 MEMBER ALBERTI: Okay. Next, to
8 the left of that gray building as I'm looking
9 at this picture is what?

10 MR. SMITH: That's a property
11 that's currently being renovated.

12 MEMBER ALBERTI: Okay. To the
13 left of that is what?

14 MR. SMITH: An abandoned garage.

15 MEMBER ALBERTI: And it's an
16 abandoned garage and there's a vacant lot in
17 front of that --

18 MR. SMITH: Yes.

19 MEMBER ALBERTI: -- just by seeing
20 on the aerial photo?

21 MR. SMITH: Yes.

22 MEMBER ALBERTI: And then the blue

1 house is yours?

2 MR. SMITH: Yes, on the opposite
3 side of the vacant lot is mine, the blue one.

4 MEMBER ALBERTI: Does that help
5 you, Mr. Nophlin.

6 MEMBER NOPHLIN: Yes, I see. Now
7 is there an easement there or -- that's not
8 the front of your home, is it?

9 MR. SMITH: That is the front of
10 my home, yes.

11 MEMBER NOPHLIN: Okay. So and the
12 Mood Lounge is next to -- if I were at the
13 right of that building, your building is Mood
14 Lounge?

15 MR. SMITH: My building is the
16 bright blue house.

17 MEMBER NOPHLIN: Bright blue?
18 Okay.

19 MR. SMITH: The Mood Lounge is the
20 medium to dark gray property.

21 MEMBER NOPHLIN: Oh, okay. Okay.
22 So actually two buildings up would be Mood

1 Lounge?

2 MR. SMITH: Two buildings and a
3 vacant lot, yes.

4 MEMBER NOPHLIN: And a vacant lot?
5 Okay. Now Mood Lounge's entrance is where?

6 MR. SMITH: The primary entrance
7 is on 9th Street.

8 MEMBER NOPHLIN: On 9th Street?
9 Okay. This is just the alleyway?

10 MR. SMITH: Yes, this is the rear
11 of Mood Lounge and the front of mine.

12 MEMBER NOPHLIN: Okay. That
13 gives me a point of reference. Okay. And
14 someone had mentioned in their testimony that
15 there's no wall separating Mood Lounge and
16 your property. There's not a wall there at
17 all? Because you have two pieces of property
18 between Mood Lounge and your property?

19 MR. SMITH: Yes, we do not share a
20 wall --

21 MEMBER NOPHLIN: You don't share a
22 wall?

1 MR. SMITH: -- in any way, no.

2 MEMBER NOPHLIN: Okay.

3 MR. SMITH: There are two
4 completely separate structures and a vacant
5 lot between my property and the Mood Lounge.

6 MEMBER NOPHLIN: Okay. That gives
7 me a much better reference. And the other
8 picture that has the trash dumpster, is that
9 Mood Lounge where it says please do not enter,
10 or please do not --

11 MR. SMITH: It says please do not
12 urinate in the alley.

13 MEMBER NOPHLIN: Yes.

14 MR. SMITH: Yes, that's the rear
15 of the Mood Lounge.

16 MEMBER NOPHLIN: Okay. All right.
17 Thank you. That gives me a much better
18 reference.

19 MS. PHILLIPS: And just for the
20 record, what's the exhibit number on this?

21 MR. SMITH: That's Exhibit E.

22 MS. PHILLIPS: And that's the one

1 with the back of the Mood Lounge and the
2 dumpsters?

3 MR. SMITH: Yes, ma'am.

4 MS. PHILLIPS: And the one that
5 shows the little blue house nicely in the
6 alleyway with the vacant lot, the two
7 structures, and then Mood Lounge, and then the
8 NINE and then the sandwich shop --

9 MR. SMITH: Yes.

10 MS. PHILLIPS: -- what exhibit is
11 that?

12 MR. SMITH: That's labeled in this
13 package as Exhibit F.

14 MS. PHILLIPS: All right. Thank
15 you, for the record.

16 MR. SMITH: No problem.

17 MEMBER NOPHLIN: Again, we do
18 apologize because we didn't get these until
19 late. As you were describing it, we didn't
20 know.

21 MR. SMITH: That's quite all
22 right.

1 MEMBER NOPHLIN: At least I didn't
2 know.

3 Okay. Thank you, Madam Chair.

4 MR. SMITH: Thank you.

5 CHAIRPERSON MILLER: Okay. Other
6 questions?

7 MEMBER ALBERTI: Yes, I do.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER ALBERTI: Mr. Smith, okay,
10 so your house faces the alley? The front of
11 your house faces the alley?

12 MR. SMITH: The front of the house
13 faces the alley, that's correct.

14 MEMBER ALBERTI: What's behind
15 your house?

16 MR. SMITH: I actually am lucky
17 enough to have a fairly expansive rear yard.

18 MEMBER ALBERTI: And does that
19 rear yard border on 9th Street?

20 MR. SMITH: No, my rear yard abuts
21 the rear yards of some of the other properties
22 along 9th Street.

1 MEMBER ALBERTI: Okay. So this is
2 a fairly deep --

3 MR. SMITH: Yes, there's a --

4 MEMBER ALBERTI: This is actually
5 fairly deep then?

6 MR. SMITH: There's an aerial
7 photo here that I have as Exhibit C.

8 MEMBER ALBERTI: C?

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: Okay. I got it
11 now.

12 MR. SMITH: If you were to look at
13 this, you can see that my property is the
14 small right rectangle that is across Naylor
15 Court from the photography studio. Looking on
16 that, my rear neighbor is the building that
17 houses Peace Brigades International.

18 MEMBER ALBERTI: Ah, okay.

19 MR. SMITH: Roughly where the P in
20 peace is is the end of my rear yard and my
21 fence. The overwhelming majority of the
22 property between us is part of my yard. And

1 then I also have another vacant lot where a
2 twin to my house used to be historically that
3 is to the north of my lot, and that's also
4 included as a back rear yard in my property.

5 MEMBER ALBERTI: Great. Lucky
6 you.

7 MR. SMITH: I love having a yard.

8 MEMBER ALBERTI: Okay. So do you
9 have any windows on the side of the building
10 that I'll say is facing Mood Lounge?

11 MR. SMITH: No, that's the only
12 side of my home where I do not have windows.

13 MEMBER ALBERTI: Okay. So you
14 have windows on the front, in the back and --

15 MR. SMITH: And on the north face.

16 MEMBER ALBERTI: -- I guess that
17 would be the north side.

18 MR. SMITH: Yes.

19 MEMBER ALBERTI: Okay. On any of
20 the occasions between September 2nd and
21 October -- I guess the end date here is
22 October 15th --

1 MR. SMITH: Yes.

2 MEMBER ALBERTI: -- when you heard
3 noise that you -- in your apartment that rose
4 to a level that you would complain about,
5 noise coming from Mood, were your windows
6 open?

7 MR. SMITH: No.

8 MEMBER ALBERTI: Okay. Now
9 September 2nd you made a complaint to Ms.
10 Beyene?

11 MR. SMITH: Yes.

12 MEMBER ALBERTI: Okay. What
13 prompted that complaint again, just real
14 quickly? I got confused with dates and --

15 MR. SMITH: Certainly.

16 MEMBER ALBERTI: -- descriptions
17 here. So I'm sorry if I'm making you go over
18 the issues you testified to before.

19 MR. SMITH: Quite all right. On
20 that particular occasion I had been informed
21 by Inspector Shakoor with ABRA that despite
22 the way that the voluntary agreement had been

1 worded, which was that the owner of the
2 license would take immediate action to control
3 any noise that was audible outside, that the
4 interpretation had been that "immediate" was
5 defined as 30 days and that I had to provide
6 a 30-day notice for the licensee to correct
7 the violation. So that's what prompted me to
8 send it.

9 MEMBER ALBERTI: Do you remember
10 -- and I know it was awhile ago, but do you
11 remember anything about the noise levels that
12 evening?

13 MR. SMITH: Sorry?

14 MEMBER ALBERTI: Do you remember
15 much about the noise levels that evening?

16 MR. SMITH: I remember that it was
17 audible in my home.

18 MEMBER ALBERTI: Audible to -- did
19 you test it against this TV test?

20 MR. SMITH: Yes, one could say
21 that. I wouldn't really call it a test.
22 There was no scientific value, of course. But

1 typically on a Friday or a Saturday evening,
2 if I am at home, I am either trying to sleep
3 or I'm watching television.

4 MEMBER ALBERTI: Okay. So on that
5 evening was this louder than your TV?

6 MR. SMITH: It was loud enough
7 that I could still hear it with the television
8 playing, yes.

9 MEMBER ALBERTI: Okay. You
10 described a meeting in which you and some
11 neighbors met with Ms. Beyene.

12 MR. SMITH: Certainly.

13 MEMBER ALBERTI: Can you give me
14 the date of that again?

15 MR. SMITH: Yes, it was October
16 31st.

17 MEMBER ALBERTI: Okay.

18 MR. SMITH: And I received a text
19 message from Mimi at 7:08 p.m. in which she
20 said, Mr. Smith, this is Mimi, the owner of
21 Mood Lounge. As we spoke the other night, I
22 have a sound engineer here. If you can please

1 stop by so we can work on the sound system.

2 Please. Thank you.

3 MEMBER ALBERTI: Okay.

4 MR. SMITH: I responded at 7:46
5 and said, Mimi, I just saw your text. If you
6 and the engineer are still there, I'm happy to
7 come by in 15 minutes. Please let me know.
8 Thanks, Martin. She replied at 8:04, yes,
9 please stop by if you can. And at that point
10 myself and another neighbor who resides on O
11 Street who I share the north side of my fence
12 with --

13 MEMBER BROOKS: Yes.

14 MR. SMITH: -- Orestes del
15 Castillo, went to Mood Lounge. I had been
16 inside of that establishment previously when
17 it was owned and operated under a different
18 name and I was somewhat surprised to see the
19 way that it had changed since the last time
20 that I had been there, which granted was
21 several years ago and I certainly wasn't
22 studying the architecture at the time. And

1 certainly while it's a beautiful nightclub on
2 the inside, it looks fantastic, there's an
3 abundance of hard surfaces on the interior of
4 Mood. There's very little along the lines of
5 soundproofing that can help to absorb noise
6 that's coming from inside.

7 In addition the dance floor on the
8 first level now extends all the way to the
9 very rear of the building so there is not a
10 room or anything that provides a buffer
11 between the dance portion of the nightclub and
12 the rear walls and the doors.

13 We spoke with Mimi. As I said,
14 she was quite cordial. She had a gentleman
15 there who had a laptop set up, had a DJ
16 station on the first floor. She showed us a
17 closet on the first floor where there is some
18 kind of a sound limiter, I believe, is what
19 it's called. And we turned on music and we
20 went with a variety of different levels where
21 we would turn the music up and then go outside
22 and see what we could hear and then come back

1 in. We would turn it up louder, go back out,
2 turn it down, go back out. And we were there
3 for a pretty decent amount of time. It was
4 over an hour.

5 MEMBER ALBERTI: Did you ever
6 reach a point where you said, well, that's as
7 loud as it can go and then above that it's
8 going to disturb us?

9 MR. SMITH: Certainly.

10 MEMBER ALBERTI: I was in the
11 alley with the gentleman, whose name I don't
12 recall, who Mimi had brought in and we had
13 modified the sound level a dozen times or so.
14 And I had walked out with him at various
15 different volumes and I had shown him that
16 with some volumes -- and granted, this was a
17 night that the club was closed, so this was
18 not when they were open or operating. With
19 some you could very clearly make out the
20 lyrics to songs all the way out in front of my
21 home at the north side of the alley. And then
22 at other levels you could barely hear anything

1 at all in the alley.

2 And so what I had advised him at
3 that point, because he indicated that he was
4 present at the Mood Lounge frequently when
5 they are open; I don't know if he's an
6 employee or if he was otherwise retained by
7 them as a consultant or what it may be, that
8 as a good rule of thumb if you could walk past
9 my home going northward toward O Street and
10 you could still hear the music, and you could
11 hear it outside, that that was a good
12 indicator that you were getting to the point
13 where you would hear it inside.

14 MEMBER ALBERTI: So but you did
15 reach a point where you saw that the level of
16 sound would not be audible inside your house,
17 but --

18 MR. SMITH: Yes.

19 MEMBER ALBERTI: -- anything
20 louder would be?

21 MR. SMITH: Yes.

22 MEMBER ALBERTI: Did you reach

1 that point at any point during your
2 experiment?

3 MR. SMITH: Yes, sir, we did.

4 MEMBER ALBERTI: Okay. All right.
5 Did you witness those sound levels inside the
6 club?

7 MR. SMITH: As in what this sound
8 level was when it was not going to be audible
9 in my home from inside of the nightclub?

10 MEMBER ALBERTI: Yes.

11 MR. SMITH: Yes.

12 MEMBER ALBERTI: All right. Now
13 I'm going to get into your opinion here,
14 because --

15 MR. SMITH: Certainly.

16 MEMBER ALBERTI: And I'm going to
17 -- well, first of all, let me step back.
18 You're executive director of Barracks Row --

19 MR. SMITH: Yes.

20 MEMBER ALBERTI: -- Main Street?
21 So I assume that you've been in some of the
22 establishments there or late at night when

1 music's been playing?

2 MR. SMITH: I have been in every
3 establishment on Barracks Row that is open
4 after midnight at least once.

5 MEMBER ALBERTI: Okay.

6 MR. SMITH: Typically in response
7 to a resident concern or a member of my
8 board's concern.

9 MEMBER ALBERTI: How would you
10 describe the level of the music that you heard
11 in Mood Lounge that would reach the point
12 where anything louder is going to disturb --
13 you believe is going to disturb you and you go
14 into Mood Lounge and you're listening to that
15 sound level? Describe it to me.

16 MR. SMITH: I would say it's --

17 MEMBER ALBERTI: That's a good
18 question, I know, I mean, because it's -- but
19 go ahead.

20 MR. SMITH: Describe the sound
21 inside Mood Lounge?

22 MEMBER ALBERTI: Yes.

1 MR. SMITH: I would say that it's
2 very consistent with a number of other
3 nightclubs and louder bars that I have been in
4 in the city. I've been a D.C. resident for
5 over a dozen years, so --

6 MEMBER ALBERTI: Okay. So as
7 someone who's experienced with merchants, it
8 is your opinion that it would allow her to run
9 an establishment that people would enjoy --

10 MR. SMITH: Certainly, sir.

11 MEMBER ALBERTI: -- and return
12 to --

13 MR. SMITH: Certainly.

14 MEMBER ALBERTI: -- if she were
15 playing music levels that loud?

16 MR. SMITH: Certainly, sir.

17 MEMBER ALBERTI: Okay. Before
18 that meeting between September 2nd and --
19 October 31st was the meeting?

20 MR. SMITH: Yes, that was the
21 evening of Halloween.

22 MEMBER ALBERTI: Okay. During

1 September did you have other occasion to
2 complain about noise?

3 MR. SMITH: Yes and no. What I
4 had been told by Inspector Shakoor was that if
5 I was within a 30-day -- I believe he
6 described it as a cure period --

7 MEMBER ALBERTI: Okay.

8 MR. SMITH: -- that I was not
9 eligible to complain about noise.

10 MEMBER ALBERTI: Okay. After
11 October 1st did you complain at any time?

12 MR. SMITH: Yes.

13 MEMBER ALBERTI: Do you remember
14 the dates?

15 MR. SMITH: I can look through
16 here and definitely track down some of those
17 dates, but it had been --

18 MS. WILLIFORD: For the record,
19 I'd like to know what he's referring to when
20 he says "look through here."

21 MR. SMITH: There's a white binder
22 here with a number of exhibits, so look

1 through this. I could also look through my --

2 MEMBER ALBERTI: Would you tell us
3 what exhibit that is?

4 MR. SMITH: Sorry?

5 MEMBER ALBERTI: Would you tell us
6 what exhibit that is?

7 MR. SMITH: This looks like it is
8 Exhibit A and B.

9 MEMBER ALBERTI: Okay. And those
10 dates are?

11 MR. SMITH: Well, let's see. On
12 Sunday, September 18th I wrote to speak to the
13 trash and recycling being dumped into the
14 dumpsters issues.

15 MEMBER ALBERTI: Okay. Let's talk
16 about music.

17 MR. SMITH: Sure.

18 MEMBER ALBERTI: We're really
19 interested in music.

20 MR. SMITH: On Friday, September
21 30th I complained about noise coming from the
22 nightclub. On Friday, October 7th I

1 complained about noise from the nightclub.

2 MEMBER ALBERTI: Okay. On the 7th
3 do you remember what the noise level was and
4 can you describe it?

5 MR. SMITH: It was certainly not
6 one of the worst evenings that we've had --

7 MEMBER ALBERTI: Yes.

8 MR. SMITH: -- but it was audible
9 over my television.

10 MEMBER ALBERTI: Okay.

11 MR. SMITH: I also emailed on
12 Monday, October 10th about a non-noise-related
13 issue. I emailed on Friday, October 14th
14 about the noise issue. That was one of the
15 occasions where I had sent an email in advance
16 of calling ABRA. Then on --

17 MS. PHILLIPS: And just for the
18 record, that's in Exhibit A?

19 MR. SMITH: Yes, those were in
20 Exhibit A.

21 MEMBER ALBERTI: Yes, okay.

22 MS. PHILLIPS: And you're moving

1 to?

2 MR. SMITH: I am moving to some of
3 the sub-exhibits here --

4 MS. PHILLIPS: Okay.

5 MR. SMITH: -- just to make sure
6 that there's nothing in these. And appears
7 that this is their voluntary agreement. In
8 Exhibit B I complained on what would have been
9 Monday, October 31st. This would have been
10 from -- it doesn't have the time here, but I
11 would imagine that was in reference to
12 Saturday evening, which would have been
13 October 29th through Sunday morning, October
14 30th, saying that it was certainly one of the
15 worst ones that we had ever had. At that
16 point that was definitely one of the ones that
17 was incredibly loud. And then again around
18 Thanksgiving on Thursday, November 24th, I
19 complained at that point. And it also looks
20 like that would have been -- the subsequent
21 evening, or the evening after that, Saturday
22 the 26th, Investigator Shakoor came to my home

1 again.

2 MEMBER ALBERTI: I think that wil
3 l suffice for my information. Thank you, Mr.
4 Martin -- Mr. Smith. I have no further
5 questions.

6 MR. SMITH: Thank you.

7 CHAIRPERSON MILLER: Other
8 questions?

9 (No audible response.)

10 CHAIRPERSON MILLER: To follow up
11 on that, when you say you complained, to whom
12 did you complain?

13 MR. SMITH: We complained directly
14 to ABRA through their hotline. Some of the
15 neighbors choose an online form. I have not
16 used the online form yet. So that would be by
17 telephone to ABRA. Then we have all typically
18 followed up with a written documentation that
19 we have emailed to Mimi. On occasion I have
20 complained to Mimi via text message.

21 CHAIRPERSON MILLER: When you
22 complain to her, do you do it before you call

1 ABRA or after, or it varies?

2 MR. SMITH: It varies. Sometimes
3 before, sometimes after. You know, generally
4 I would like to try and give the benefit of
5 the doubt. The issue is really that for a
6 very long time it had been such a consistent
7 issue where almost any night that Mood Lounge
8 was open, there was enough noise that it would
9 be a problem. Certainly I live 100 feet away.
10 For the people who share a wall, I can't even
11 imagine what that would be like.

12 But it got to a point where I
13 didn't -- I felt confident that Mimi was aware
14 that the noise was at a not-acceptable level
15 without having to submit a complaint. So --
16 and also we typically didn't see much of a
17 response. I became aware that some of the
18 neighbors in the NINE had previously met with
19 her and done some kind of a sound engineer
20 situation of some sort where they'd come to
21 what they felt was an acceptable level and
22 that that had not lasted. I had met with her

1 myself and done the same thing six or seven or
2 eight months later and found that that was not
3 consistent and did not stay in place.

4 CHAIRPERSON MILLER: Six or seven
5 or eight months later, you're referring to
6 eight months later than the NINE group meeting
7 with her?

8 MR. SMITH: Yes, I believe the
9 NINE met with Mimi at some point in the
10 spring.

11 CHAIRPERSON MILLER: Okay.

12 MR. SMITH: And I met with her,
13 like I said, at the end of --

14 CHAIRPERSON MILLER: Halloween?

15 MR. SMITH: -- October.

16 CHAIRPERSON MILLER: Right. Okay.

17 MR. SMITH: So I don't know the
18 date that the original meeting was. You know,
19 I had asked in numerous emails repeatedly for
20 Mimi to sit down with the community and for us
21 to discuss what was going on and to come up
22 with some reasonable solutions, because that's

1 what's always been effective for me
2 professionally in the past. We have well over
3 30 ABRA licensees on Barracks Row and in the
4 immediate neighborhood. We've had issues with
5 community members who have contested almost
6 every one of the more recent licenses that's
7 come in.

8 In fact, we even had a large
9 discussion a year or so ago about whether or
10 not a liquor license moratorium was
11 appropriate for Barracks Row. And I found
12 that communicating with the community members
13 and acting as a liaison between the restaurant
14 community and the community members was
15 actually a far more effective way than going
16 at it in an adversarial way. You know,
17 typically it's been relatively simple. When
18 we've had issues, we could communicate to the
19 licensee you really need to talk to the people
20 who are picking up your trash because they're
21 picking it up at the wrong time. They're not
22 allowed to pick it up now. So tell them to

1 come later.

2 CHAIRPERSON MILLER: So that did
3 change, is that correct, the trash?

4 MR. SMITH: That did in this case.

5 CHAIRPERSON MILLER: Okay.

6 MR. SMITH: And that also has been
7 an issue off and on on Barracks Row. You
8 know, we've had issues with the noise from
9 patrons from sidewalk seating or from, what's
10 now becoming more popular, roof decks on
11 Barracks Row.

12 CHAIRPERSON MILLER: So what
13 happened here with respect to -- there was a
14 meeting on October 31st --

15 MR. SMITH: Yes.

16 CHAIRPERSON MILLER: -- that you
17 thought was a good meeting.

18 MR. SMITH: I thought it was
19 productive.

20 CHAIRPERSON MILLER: Okay. So
21 then when was this breakdown where you felt
22 like, okay, there's no reason even to compla

1 in to her?

2 MR. SMITH: Well, before that I
3 felt that there had been a breakdown. I had
4 asked repeatedly over several weeks if she
5 would be willing to meet with us and had never
6 gotten a response. Then after we had that
7 meeting, I felt that things improved slightly
8 for awhile. But obviously by the 24th of
9 November things had deteriorated back to the
10 point where I was filing another complaint.

11 CHAIRPERSON MILLER: Okay. And
12 when you moved into your home did you know
13 Mood Lounge was there?

14 MR. SMITH: I knew that there was
15 a bar there, yes.

16 CHAIRPERSON MILLER: Did you know
17 if there were any problems associated with
18 noise from that bar?

19 MR. SMITH: No, the problems that
20 were coming from that establishment had just
21 recently started in the previous few months.
22 Mood only opened a few months before I moved

1 into the residence.

2 CHAIRPERSON MILLER: Okay. And is
3 your home a particularly old home?

4 MR. SMITH: Yes, well over 100
5 years.

6 CHAIRPERSON MILLER: All right.
7 So are you walls any shallower than others?

8 MR. SMITH: No, my walls are very
9 thick concrete and I'm lucky enough to have
10 brand new windows.

11 CHAIRPERSON MILLER: Okay.

12 MR. SMITH: It was actually
13 pointed out to me, an anecdote, that my home
14 has now survived both of the great D.C.
15 earthquakes, the one that we had last year and
16 the one that we had 100 years before this.
17 It's a very sturdy home.

18 CHAIRPERSON MILLER: All right. I
19 think that's my final question. Do you
20 coordinate somehow with the other neighbors or
21 people in the NINE with respect to the issues
22 that you have with Mood and the noise

1 complaints?

2 MR. SMITH: Certainly. Most of
3 the complaints have all of us on an email.

4 CHAIRPERSON MILLER: Okay. All
5 right. Thank you.

6 Are there any other questions,
7 Board members?

8 (No audible response.)

9 CHAIRPERSON MILLER: Any redirect?

10 MS. PHILLIPS: No, thank you,
11 Madam Chair.

12 CHAIRPERSON MILLER: All right.
13 Thank you very much.

14 MR. SMITH: Thank you.

15 MS. WILLIFORD: I have actually a
16 few points.

17 In response to a question by Chair
18 Member Alberti regarding there being a set
19 amount on the sound system that was agreed to,
20 that you said above that amount -- or it was
21 set at that amount it would be considered a
22 reasonable noise level for you, do you recall

1 responding -- saying that in response to
2 Chairman Alberti's question?

3 MR. SMITH: Yes, and now let me
4 clarify. There was not a fixed numeric amount
5 like the volume level on my television where
6 I could say anything above 18 is a problem and
7 below 18 isn't, for example, but there was a
8 level at which I had spoken with the gentleman
9 that had been working with Mimi at the time
10 where louder than that would be an issue and
11 anything at that level or below would not be
12 an issue, for me. And I was actually very
13 explicit and clear with him that I am one of
14 the furthest from the Mood Lounge. So I could
15 not speak on behalf of the people who live in
16 the NINE. Their level may be different.

17 MS. WILLIFORD: So that level that
18 is acceptable to you, as you sit here today
19 you can't articulate to us what level or
20 number that would be on the system that you
21 referred to?

22 MR. SMITH: I can't quantify it

1 because I don't believe it's quantifiable.

2 It's my understanding from the way that that
3 sound set up is established is that there is
4 a sound limiter which exists that is part of
5 what the bar has. But before you get to the
6 sound limiter, you have the ability to control
7 the output level on whatever device it is
8 that's going to it.

9 MS. WILLIFORD: Okay.

10 MR. SMITH: Maybe a laptop or iPad
11 or whatnot.

12 MS. WILLIFORD: Okay. So you said
13 it was not quantifiable. At some point you
14 said that it changed and it became to a point
15 where it was unacceptable. Did you ever go
16 back and look back at that sound system to see
17 if it was different than what you initially
18 agreed to?

19 MR. SMITH: I don't have access to
20 the sound limiter, nor am I a sound engineer,
21 so I wouldn't even know what to look for.

22 MS. WILLIFORD: Did you ask for

1 access to it?

2 MR. SMITH: Like I said, I
3 wouldn't have known what to look for, so no.

4 MS. WILLIFORD: Okay. You
5 mentioned in response to a question by
6 Chairman Miller regarding that there were no
7 problems with noise prior to a year-and-a-half
8 ago. I want to be clear. Are you saying
9 before Mood purchased the establishment you
10 had no concerns with noise from the previous
11 bar?

12 MR. SMITH: Before Mood purchased
13 the establishment I wasn't a resident there,
14 so I can't speak to what that would have been.
15 It's my understanding, although I may be wrong
16 on this, that the establishment was vacant for
17 a period of time between the previous
18 establishment that was there and when Mood
19 moved in. I don't know if that was a matter
20 of a few weeks or a few months.

21 MS. WILLIFORD: Okay.

22 MR. SMITH: And prior to that

1 there had been an establishment by the name of
2 EFN Lounge, and prior to EFN Lounge there had
3 been another establishment by the name of Be
4 Bar. Both of those predated the time that I
5 lived at my residence.

6 MS. WILLIFORD: Can you refresh my
7 recollection when you purchased your town
8 home?

9 MR. SMITH: I didn't purchase. I
10 am a renter.

11 MS. WILLIFORD: When you --

12 MR. SMITH: And that was a little
13 over a year ago. That would have been last
14 May or June. I don't recall off the top of my
15 head.

16 MS. WILLIFORD: So May or June
17 2011?

18 MR. SMITH: Yes, ma'am.

19 MS. WILLIFORD: Okay. No further
20 questions.

21 MEMBER ALBERTI: May I have one
22 more question, Madam Chair?

1 CHAIRPERSON MILLER: Okay. Board
2 Member Alberti.

3 MEMBER ALBERTI: Just real quick.
4 Just real quick.

5 MR. SMITH: Certainly.

6 MEMBER ALBERTI: I just want to
7 make sure we know who it was that you were
8 dealing with I'll say on the night that you
9 were doing the test. It was an individual who
10 you said came out that you were working with.
11 All right?

12 MR. SMITH: Yes.

13 MEMBER ALBERTI: It was a
14 gentleman?

15 MR. SMITH: Yes.

16 MEMBER ALBERTI: Okay. Do you
17 know if he was operating the controls?

18 MR. SMITH: He had been described
19 to me at the time as a sound technician, I
20 believe it was. I can double-check the text
21 message.

22 MEMBER ALBERTI: Okay.

1 MR. SMITH: But he had been --

2 MEMBER ALBERTI: But it was your
3 understanding he was operating the controls?

4 MR. SMITH: Yes, I had been told
5 that he would be present to -- he was a sound
6 engineer that Mimi had hired that evening or
7 in some other capacity. And had brought a
8 laptop computer and --

9 MEMBER ALBERTI: Okay.

10 MR. SMITH: -- the music was
11 stored on the laptop.

12 MEMBER ALBERTI: Yes, I don't need
13 all those details. All right. So he was
14 represented to you as someone that Ms. Beyene
15 had hired?

16 MR. SMITH: Yes, he was -- she
17 stated he was her sound engineer.

18 MEMBER ALBERTI: She stated that
19 to you?

20 MR. SMITH: Yes.

21 MEMBER ALBERTI: Okay. And it was
22 your understanding he was running the

1 controls?

2 MR. SMITH: Yes.

3 MEMBER ALBERTI: Thank you.

4 That's all I need to know. Thank you.

5 CHAIRPERSON MILLER: Okay. I
6 think your witness may be --

7 MS. PHILLIPS: May this witness be
8 excused?

9 CHAIRPERSON MILLER: Yes. Yes.

10 MS. PHILLIPS: Thank you.

11 CHAIRPERSON MILLER: Thank you
12 very much.

13 MR. SMITH: Thank you.

14 MS. PHILLIPS: The last witness
15 is --

16 CHAIRPERSON MILLER: You have one
17 more witness?

18 MS. PHILLIPS: -- Mr. Shakoor.

19 CHAIRPERSON MILLER: Okay. Do you
20 swear to tell the truth, the whole truth,
21 nothing but the truth?

22 INVESTIGATOR SHAKOOR: I do.

1 CHAIRPERSON MILLER: Okay. Thank
2 you.

3 MS. PHILLIPS: Will you state your
4 name and spell it for the record, please, Mr.
5 Shakoor?

6 INVESTIGATOR SHAKOOR: Jabriel
7 Shakoor. It's J-A-B-R-I-E-L. Last name is S-
8 H-A-K-O-O-R.

9 MS. PHILLIPS: And what is your
10 occupation?

11 INVESTIGATOR SHAKOOR: I'm an
12 investigator for the Alcohol Beverage
13 Regulation Administration.

14 MS. PHILLIPS: And you've been
15 such for how long?

16 INVESTIGATOR SHAKOOR: About four
17 years.

18 MS. PHILLIPS: Okay. And you've
19 conducted many investigations on behalf of
20 ABRA?

21 INVESTIGATOR SHAKOOR: Yes, I
22 have.

1 MS. PHILLIPS: Did you have an
2 occasion to visit ABRA with regard to noise
3 complaints as recorded in Exhibits A and B in
4 the little white notebook that's up there?

5 INVESTIGATOR SHAKOOR: Yes, I
6 visited Mood on these occasions.

7 MS. PHILLIPS: All right. Let's
8 start with Exhibit A, which is the complaint
9 which started, what September 2nd?

10 INVESTIGATOR SHAKOOR: October
11 15th.

12 MS. PHILLIPS: October 15th. When
13 was the first complaint that initiated the 30-
14 days on this complaint?

15 INVESTIGATOR SHAKOOR: September
16 2nd, 2011.

17 MS. PHILLIPS: Right. And did you
18 investigate the noise complaint that you
19 received on that day from Mr. Smith?

20 INVESTIGATOR SHAKOOR: Yes, I did.

21 MS. PHILLIPS: And during the 30-
22 day period referenced in the voluntary

1 agreement did you receive other complaints of
2 noise from the NINE?

3 INVESTIGATOR SHAKOOR: Yes, I did.

4 MS. PHILLIPS: Mr. Smith, did you
5 visit his home?

6 INVESTIGATOR SHAKOOR: Yes, I
7 visited his home.

8 MS. PHILLIPS: And what was your
9 determination when you visited his home with
10 regard to the noise level?

11 INVESTIGATOR SHAKOOR: You can
12 hear the noise inside of his place, but it's
13 extremely low. It's not what I would call a
14 disturbance.

15 MS. PHILLIPS: Do you recall how
16 long it took you to get to his house after the
17 complaint that initiated this particular
18 investigation?

19 INVESTIGATOR SHAKOOR: I don't
20 recall, no.

21 MS. PHILLIPS: Okay. When you
22 conduct these investigations with regard to

1 noise at the Mood Lounge you reference a
2 voluntary agreement, is that correct?

3 INVESTIGATOR SHAKOOR: That's
4 correct.

5 MS. PHILLIPS: And you attach it
6 as part of the investigation report, is that
7 correct?

8 INVESTIGATOR SHAKOOR: That's
9 correct.

10 MS. PHILLIPS: What exhibit is it
11 in Exhibit A?

12 INVESTIGATOR SHAKOOR: That's
13 Exhibit 2.

14 MS. PHILLIPS: All right. What
15 clauses do you use in regard to the voluntary
16 agreement when you're conducting these noise
17 violations? Which sections?

18 INVESTIGATOR SHAKOOR: That's
19 Section 6, Noise and Privacy.

20 MS. PHILLIPS: Okay. And what
21 does that tell you with regard to the -- well,
22 let's strike that and start with there's a

1 Code section in D.C. Code with regard to
2 noise. Is that applicable to the NINE and the
3 environs in which Mr. Smith has his house on
4 Naylor Court?

5 INVESTIGATOR SHAKOOR: No.

6 MS. PHILLIPS: So then you move
7 beyond that in Section 6, and what such part
8 of that section are you looking at? What
9 phrases do you use in Section 6?

10 INVESTIGATOR SHAKOOR: Under the
11 second sentence it says Applicant will also
12 take all necessary steps to ensure that the
13 music, noise and vibrations are not disruptive
14 to the adjacent residential property
15 occupants.

16 MS. PHILLIPS: And does it say
17 something about reasonableness?

18 INVESTIGATOR SHAKOOR: Reasonable
19 use of outdoor areas of their property.

20 MS. PHILLIPS: Now I notice that
21 in earlier sections, in earlier clauses in
22 that particular Section 6 says they're to take

1 all necessary actions to ensure that music,
2 noise, vibrations from the establishment are
3 not audible, is that correct?

4 INVESTIGATOR SHAKOOR: That's
5 correct.

6 MS. PHILLIPS: Do you use the not
7 audible test when you are conducting your
8 investigation?

9 INVESTIGATOR SHAKOOR: Correct.

10 MS. PHILLIPS: That means you
11 don't use the not audible test. When you go
12 to Mr. Smith's house, if you can hear the
13 music, does that violate Section 6?

14 INVESTIGATOR SHAKOOR: That's
15 correct, it would.

16 MS. PHILLIPS: It does?

17 INVESTIGATOR SHAKOOR: Yes.

18 MS. PHILLIPS: Okay. So during
19 this investigation, or this particular
20 investigative report the investigation began
21 on September 2nd. Would that be fair?

22 INVESTIGATOR SHAKOOR: Yes.

1 MS. PHILLIPS: Did you have other
2 complaints during the 30-day window that Ms.
3 Beyene has to cure, which is referenced in the
4 voluntary agreement?

5 INVESTIGATOR SHAKOOR: Yes,
6 numerous complaints I received.

7 MS. PHILLIPS: Did you talk to Ms.
8 Beyene about the noise levels? And if so,
9 which days did you speak to her?

10 INVESTIGATOR SHAKOOR: I believe
11 that the first day I was there, the Friday,
12 September 2nd. Like I said, I visited the
13 establishment numerous times throughout this
14 whole process.

15 MS. PHILLIPS: And each time what
16 happened in general with those meetings?

17 INVESTIGATOR SHAKOOR: She
18 indicated that from -- previously we had set
19 noise levels and that she hasn't changed them
20 at all.

21 MS. PHILLIPS: Okay. During the
22 30-day period that you conducted this

1 investigation in Exhibit A, did you look at
2 the limiter? Did you conduct any sound tests?

3 INVESTIGATOR SHAKOOR: Not after
4 those, no.

5 MS. PHILLIPS: Did you visit any
6 other condominium? Did you visit anything in
7 the NINE, any unit in the NINE during this 30-
8 day window, if you conducted it, starting with
9 complaint on September 2nd for the 30-window
10 outlined in the voluntary agreement?

11 INVESTIGATOR SHAKOOR: For this
12 one, no. Just Mr. Smith's.

13 MS. PHILLIPS: Mr. Smith is, I
14 think he testified, 100 yards -- feet away
15 from the establishment. He's not within the
16 NINE, is that correct?

17 INVESTIGATOR SHAKOOR: That's
18 correct.

19 MS. PHILLIPS: And he does not
20 share a wall, is that correct?

21 INVESTIGATOR SHAKOOR: That's
22 correct.

1 MS. PHILLIPS: And there are
2 several buildings and an empty space between
3 the Mood and his --

4 INVESTIGATOR SHAKOOR: That's
5 correct.

6 MS. PHILLIPS: -- home.

7 INVESTIGATOR SHAKOOR: That's
8 correct.

9 MS. PHILLIPS: The other
10 complaints during this 30-day period of time,
11 were they from the NINE?

12 INVESTIGATOR SHAKOOR: Yes, I
13 received a few.

14 MS. PHILLIPS: Were there people
15 who had complained before whose apartments or
16 condos you had visited?

17 INVESTIGATOR SHAKOOR: That's
18 correct.

19 MS. PHILLIPS: So did you make a
20 determination that you did not need to visit
21 these units in the NINE because you had been
22 there before?

1 INVESTIGATOR SHAKOOR: That's
2 correct.

3 MS. PHILLIPS: Did you find the
4 people who complained who lived in the NINE to
5 be -- from previous occasions to be accurate
6 reporters of the noise level in their
7 condominium?

8 MS. WILLIFORD: Objection.

9 CHAIRPERSON MILLER: What's the
10 basis if your objection?

11 MS. WILLIFORD: Speculative. No
12 foundation. The question was did he find
13 certain people to be accurate in terms of when
14 they reported back. I mean, it's various
15 layers of speculation involved in that and I
16 object on that basis.

17 MS. PHILLIPS: I'm sorry --

18 CHAIRPERSON MILLER: Do you have a
19 response to that.

20 MS. PHILLIPS: I'm asking if the
21 people who -- because he didn't go to their
22 units and he'd been to their units before when

1 they had complained about very, very loud
2 noise levels, I'm asking him did he make a
3 determination that he didn't need to visit
4 because they'd been accurate reporters before.
5 That's what I was asking.

6 CHAIRPERSON MILLER: I don't see a
7 problem with that. I mean, he's an
8 investigator and it's part of his job I think
9 to make assessments whether people are
10 reliable or accurate.

11 INVESTIGATOR SHAKOOR: Some of
12 them, yes.

13 MS. PHILLIPS: Yes. I'm speaking
14 of in particular of Ms. Orzolli, and I think
15 she lives with Jonathan Frohlich.

16 INVESTIGATOR SHAKOOR: That's
17 correct. They share a wall with the
18 establishment.

19 MS. PHILLIPS: Right. And so when
20 they reported very loud music and they
21 reported accurately from previous visits, is
22 that fair?

1 INVESTIGATOR SHAKOOR: Yes, it is.

2 MS. PHILLIPS: All right. At the
3 end of the 30-day window period of time did
4 you make a determination that Ms. Beyene had
5 not made efforts to ameliorate the noise such
6 that the voluntary agreement was reached?

7 INVESTIGATOR SHAKOOR: No, I made
8 a determination that the noise was still
9 audible and they were still having complaints.

10 MS. PHILLIPS: And so you
11 determined that there was a violation of the
12 voluntary agreement?

13 INVESTIGATOR SHAKOOR: Yes.

14 MS. PHILLIPS: Okay. All right.
15 Now we'll move to Exhibit B. Oh, in Exhibit
16 A when you -- all of these findings you
17 rendered into a report, which is Exhibit A, is
18 that correct?

19 INVESTIGATOR SHAKOOR: Yes, it is.

20 MS. PHILLIPS: Okay. And you
21 signed that on the last page of the report.
22 Is that fair?

1 INVESTIGATOR SHAKOOR: That's
2 correct.

3 MS. PHILLIPS: Okay. Now we'll
4 move to Exhibit B. What date is this
5 complaint again?

6 INVESTIGATOR SHAKOOR: October
7 28th, 2011.

8 MS. PHILLIPS: All right. And who
9 made that complaint?

10 MR. SMITH: There were two
11 complaints. I believe the complainants were
12 Mr. Smith. The second one -- I don't have in
13 front of me the second one.

14 MS. PHILLIPS: Well, turn to
15 Exhibit 1 attached to Exhibit B, which is your
16 report. Is that an email from George
17 Danilovics?

18 INVESTIGATOR SHAKOOR: Yes,
19 complainants were George Danilovics and Mart
20 in Smith.

21 MS. PHILLIPS: Okay. And the date
22 of the email was Saturday, October 29th?

1 INVESTIGATOR SHAKOOR: That's
2 correct.

3 MS. PHILLIPS: And that email was
4 sent to Ms. Beyene as well you, is that
5 correct?

6 INVESTIGATOR SHAKOOR: That's
7 correct.

8 MS. PHILLIPS: And that began this
9 30-day investigation period, is that correct?

10 INVESTIGATOR SHAKOOR: That's
11 correct.

12 MS. PHILLIPS: All right. As a
13 result of the complaint from Mr. Danilovics,
14 did you visit his home?

15 INVESTIGATOR SHAKOOR: Yes, I did.

16 MS. PHILLIPS: And did you make a
17 determination about the noise level?

18 INVESTIGATOR SHAKOOR: Yes, it was
19 clearly audible and the bass was pretty heavy.

20 MS. PHILLIPS: So would you say it
21 was disruptive?

22 INVESTIGATOR SHAKOOR: Yes, the

1 location of his home is actually above the
2 establishment. He does share a wall, but it's
3 not a connecting wall to a room. It's like
4 right below them. So when it's audible inside
5 of his home, it's actually a lot louder than
6 the other places.

7 MS. PHILLIPS: So because Mr.
8 Danilovics doesn't share a wall with the Moo
9 d Lounge, if it's very loud in his unit, it's
10 even louder in the other units that share a
11 wall. Is that what you just told me?

12 INVESTIGATOR SHAKOOR: That's
13 correct.

14 MS. PHILLIPS: Okay. I understand
15 there's a 30-day period during which this
16 investigation ran that started on September
17 2nd. Did you have numerous complaints?

18 INVESTIGATOR SHAKOOR: Yes, I did.

19 MS. PHILLIPS: Did you talk to Ms.
20 Beyene about the noise levels?

21 INVESTIGATOR SHAKOOR: I'm pretty
22 sure, yes.

1 MS. PHILLIPS: Okay. When you
2 spoke to her, did she agree to try to
3 ameliorate the noise?

4 INVESTIGATOR SHAKOOR: Yes, it's
5 been an ongoing process. So she's responsive
6 and we've done things in the past, but the
7 complaints still come in.

8 MS. PHILLIPS: Okay.

9 CHAIRPERSON MILLER: Could you
10 repeat that? I didn't hear.

11 INVESTIGATOR SHAKOOR: I said
12 we've made adjustments in the past and she's
13 responsive, but the complaints are still
14 coming in.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: And did you make a
17 determination at the end of the 30-day cure
18 period for the investigation started on
19 October 29th with the complaint of Mr.
20 Danilovics that Mood Lounge had violated the
21 voluntary agreement?

22 INVESTIGATOR SHAKOOR: Yes.

1 MS. PHILLIPS: And therefore you
2 wrote this report?

3 INVESTIGATOR SHAKOOR: That's
4 correct.

5 MS. PHILLIPS: And the report is
6 Exhibit 2?

7 INVESTIGATOR SHAKOOR: That's
8 correct.

9 MS. PHILLIPS: I mean Exhibit B?

10 INVESTIGATOR SHAKOOR: Yes.

11 MS. PHILLIPS: And you signed that
12 report at the end?

13 INVESTIGATOR SHAKOOR: Yes.

14 MS. PHILLIPS: Now I notice that
15 in the middle of report B there's something
16 about meeting with a police officer. Can you
17 tell me what happened there?

18 INVESTIGATOR SHAKOOR: I believe
19 we got a call from either MPD themselves
20 saying that they had received a complaint for
21 noise and wanted us to assist. They were
22 going to be doing a noise meter reading.

1 MS. PHILLIPS: Okay. Did you go?

2 INVESTIGATOR SHAKOOR: Yes. Yes,
3 I did.

4 MS. PHILLIPS: When you got there
5 did you hear noise in the outside from the
6 establishment?

7 INVESTIGATOR SHAKOOR: Yes, you
8 can hear it from the back a little bit.
9 Depends on what's going on inside.

10 MS. PHILLIPS: Did somebody
11 conduct a test?

12 INVESTIGATOR SHAKOOR: Yes, MPD
13 Officer Justin Springer did.

14 MS. PHILLIPS: Okay. And what was
15 the result of that test?

16 INVESTIGATOR SHAKOOR: What we did
17 was we took a reading from the front of the
18 establishment with the door open with the
19 music on. And then he took one from the rear
20 of the establishment in the alley with the
21 music on also. He then had the establishment
22 turn the music off so he could take a reading

1 of the ambient noise. After that he was able
2 to make a determination from the plus and the
3 minus of the noise he received that the
4 reading was 18.7 decibels.

5 MS. PHILLIPS: And what does that
6 mean to somebody who has no idea what you're
7 even talking about?

8 INVESTIGATOR SHAKOOR: That they
9 were not in violation.

10 MS. PHILLIPS: And that would be
11 violation of D.C. Code?

12 INVESTIGATOR SHAKOOR: DCMR 20.

13 MS. PHILLIPS: Okay. Which
14 governs noise levels in certain areas of the
15 city?

16 INVESTIGATOR SHAKOOR: That's
17 correct.

18 MS. PHILLIPS: Okay. Is this are
19 a applicable?

20 INVESTIGATOR SHAKOOR: Yes, it is.

21 MS. PHILLIPS: Okay. Now what
22 else did you do on the 13th when MPD Officer

1 Springer did this test? Anything else?

2 INVESTIGATOR SHAKOOR: I believe
3 that was it.

4 MS. PHILLIPS: Okay. So let me
5 ask you this: Did Officer Springer take his
6 little machine into say the condo unit at the
7 NINE which shares the wall and make a
8 determination of what the decibel level was
9 inside that condo unit, which would be the
10 Orzolli/Frohlich condo unit?

11 INVESTIGATOR SHAKOOR: Yes.

12 MS. PHILLIPS: Is that right?

13 INVESTIGATOR SHAKOOR: No, he did
14 not.

15 MS. PHILLIPS: He did not? And
16 did you go into that unit while the officer
17 was doing the test outside to make
18 a determination about what the noise levels
19 were in that particular condo, which I believe
20 is the most susceptible to loud noise coming
21 from the Mood?

22 INVESTIGATOR SHAKOOR: No, I did

1 not.

2 MS. PHILLIPS: All right. Thank
3 you. I believe I have no further questions.

4 CHAIRPERSON MILLER: Okay.

5 MS. PHILLIPS: I would like to
6 move all of the exhibits in that book, which
7 would be A and B, and all of the pictures,
8 which would be C through, I believe, F. Is
9 the last exhibit F?

10 INVESTIGATOR SHAKOOR: No, it
11 looks like E.

12 MS. PHILLIPS: E. C through E.

13 INVESTIGATOR SHAKOOR: Oh, you
14 have F also.

15 MS. PHILLIPS: All right. A
16 through F I would like to move in. A and B
17 are the two investigative reports with their
18 attachments.

19 CHAIRPERSON MILLER: Yes.

20 MS. PHILLIPS: Which are Exhibits
21 like 1, 2, 3 and 4. And then the rest are the
22 pictures that were identified by the various

1 civilian witnesses.

2 CHAIRPERSON MILLER: Okay. Any
3 objections?

4 MS. WILLIFORD: No objection.

5 CHAIRPERSON MILLER: No objection?
6 Okay. They're admitted.

7 MS. PHILLIPS: Thank you.

8 CHAIRPERSON MILLER: Did you
9 physically give them to anybody to --

10 MS. PHILLIPS: I did not. I gave
11 them through email to --

12 CHAIRPERSON MILLER: They're all
13 in email?

14 MS. PHILLIPS: -- you know, but --

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: -- what I usually
17 do is once we're finished I give this --
18 what's in the notebook to --

19 CHAIRPERSON MILLER: Oh, right
20 here?

21 MS. PHILLIPS: -- what every
22 witness used --

1 CHAIRPERSON MILLER: That's it.

2 Okay.

3 MS. PHILLIPS: -- I give to D.P.

4 Walker so that --

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: -- officially the
7 one they actually --

8 CHAIRPERSON MILLER: Perfect.

9 MS. PHILLIPS: That's what I
10 usually do.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: Is that acceptable?

13 CHAIRPERSON MILLER: Yes. Yes,
14 and I realize we're not ready for that because
15 we're going --

16 MS. PHILLIPS: Thank you.

17 CHAIRPERSON MILLER: -- to do
18 cross, etcetera. Okay. So, Ms. Williford, do
19 you have some cross?

20 MS. WILLIFORD: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. WILLIFORD: Very briefly.

1 Investigator Shakoor, you mentioned that you
2 spoke to Mimi in response to complaints and,
3 quote, you described her as being
4 "responsive." Can elaborate on that. What do
5 you mean by her being "responsive" to the
6 complaints when you spoke with her.

7 INVESTIGATOR SHAKOOR: She was not
8 dismissive of the complaints. She
9 acknowledged that it was there, that -- again,
10 we've done -- we've been over the process
11 numerous times, lowering it down, making
12 tests, so forth. So she's always been
13 responsive as far as what can I do? Can I
14 make it lower? You know, if it's any lower,
15 then it'll be turned off pretty much. So
16 responsive.

17 MS. WILLIFORD: So by responsive
18 she would lower the music if there was a
19 complaint that was brought to her attention
20 through you?

21 INVESTIGATOR SHAKOOR: Yes.

22 MS. WILLIFORD: And did I hear you

1 correctly when you said if she would turn it
2 any lower the music would be off?

3 INVESTIGATOR SHAKOOR: At some
4 point in time.

5 MS. WILLIFORD: And in your
6 opinion is there anything more that she could
7 do other than turning the music off to satisfy
8 the complaints that are coming in?

9 INVESTIGATOR SHAKOOR: Unless they
10 change their style of operation, you know,
11 type of music, DJ, something like that,
12 there's very little. It's the close proximity
13 of the buildings and where they live at.
14 There's not much more they can do.

15 MS. WILLIFORD: Elaborate on that.
16 When you say "type of music," what do you mean
17 by that?

18 INVESTIGATOR SHAKOOR: It would
19 have to be something, you know, not a club-
20 oriented-type of music. But again, that's not
21 how they operate and the type of crowd they're
22 going for, so --

1 MS. WILLIFORD: So would that have
2 to do with the actual -- I'm just trying to
3 get an understanding. You say club-oriented.
4 Would it have to do with the type -- the level
5 of the sound that's coming out of there,
6 because it can be --

7 INVESTIGATOR SHAKOOR: It would
8 probably be more the type of music, or the
9 selection of music that they're playing.

10 MS. WILLIFORD: Okay.

11 INVESTIGATOR SHAKOOR: But again,
12 the music would not be adequate for night
13 operations of an establishment.

14 MS. WILLIFORD: Okay. Now I want
15 to draw your attention to -- I believe it's
16 Exhibit A, your investigative report that
17 stems of the Friday, September 2nd initial
18 complaint. Here you reference that you were
19 within Mr. Martin's town home and that the
20 levels of noise heard inside Mr. Smith's
21 residence are not audible over normal
22 conversation levels with all doors and windows

1 closed. Do you still agree with that
2 assessment?

3 INVESTIGATOR SHAKOOR: Yes.

4 MS. WILLIFORD: Okay. Is there
5 any time that you had been within Mr. Smith's
6 residence where you had -- during this time
7 period in question, the October-November time
8 period, where the noise levels were higher
9 than that level, meaning higher than -- or
10 meaning that they were in fact audible over
11 noise conversation levels?

12 INVESTIGATOR SHAKOOR: No, every
13 time I've been to his place, on the street or
14 in the back alley you can hear it, but inside,
15 if we're having a conversation, I can't hear
16 it. And that's what I use as a judge or a
17 gauge. If I can't hear it over normal
18 conversation levels, if I have to stop and
19 hold my breath, then you have to be completely
20 silent, which was the issue there.

21 MS. WILLIFORD: No further
22 questions. Thank you.

1 CHAIRPERSON MILLER: Okay. Board
2 members? Mr. Alberti?

3 MEMBER ALBERTI: Investigator
4 Shakoor, okay, I want to go to -- follow up on
5 a question that Ms. Phillips asked you about
6 accuracy of reporting of some of the other
7 residents.

8 You said that there were other
9 residents who had complained during the period
10 of these reports whose homes you didn't visit.
11 In the past have you been in any of those
12 people's homes and -- let me step back. You
13 described -- on September 2nd you described
14 the noise level in Mr. Smith's home when you
15 visited, all right, as at a level where it
16 couldn't be heard over normal conversations.

17 INVESTIGATOR SHAKOOR: That's
18 correct.

19 MEMBER ALBERTI: All right. So
20 let's use that as a barometer. And so how
21 would you categorize noise levels over that?

22 INVESTIGATOR SHAKOOR: Some places

1 you walk into, as soon as you open the front
2 door it's blasting. I've been in places where
3 tables are shaking and microwaves are shaking
4 and it's insane. This was nowhere near that.

5 MEMBER ALBERTI: Was nowhere near
6 that?

7 INVESTIGATOR SHAKOOR: Right. I
8 mean, this --

9 MEMBER ALBERTI: But if it was
10 over that, would it be disturbing?

11 INVESTIGATOR SHAKOOR: Yes, I
12 would categorize what I heard there as
13 something like if a neighbor had their TV up
14 loud. Yes, you can hear it, but --

15 MEMBER ALBERTI: Okay. These
16 people who you didn't visit who had complained
17 during this period, had you ever been in any
18 of those residences and hear noise level that
19 you would consider beyond acceptable?

20 INVESTIGATOR SHAKOOR:
21 Specifically, to some of the people who
22 submitted complaints, because there are a

1 number of people in that area who have
2 complained. All of them would not allow me to
3 get inside their residence to verify it.

4 Specifically, the complaints from Christina
5 Amoruso. I've made numerous attempts --

6 MEMBER ALBERTI: No, no, no, no.
7 My question is any time during any of your
8 investigations related to Mood Lounge have you
9 -- there are people you said who complained
10 who you didn't visit their residence.

11 INVESTIGATOR SHAKOOR: Correct.

12 MEMBER ALBERTI: And the
13 implication I thought was, well, you didn't
14 visit their residence because you know
15 something about how accurate they are in
16 reporting. Is that the inference? Why didn't
17 you visit their residences?

18 INVESTIGATOR SHAKOOR: No, not
19 necessarily. One is how the complaints come
20 in. Some of them are emails the day after,
21 towards the end of the night, things like
22 that. One of the things is why I would put it

1 in the report. I guess that would lead more
2 to how believable they are, the people who I
3 have been and visited numerous times such as
4 Ms. Orzolli. I've been to her residence a
5 number of times. I've conducted sound tests
6 there. So it's very little she can't hear.
7 Okay? The other --

8 MEMBER ALBERTI: So you know when
9 she complains that she can hear it?

10 INVESTIGATOR SHAKOOR: Correct.

11 MEMBER ALBERTI: Is that what
12 you're telling me?

13 INVESTIGATOR SHAKOOR: Pretty
14 much.

15 MEMBER ALBERTI: Okay. Is there
16 anyone else like that?

17 INVESTIGATOR SHAKOOR: One of the
18 residents, J. Tanzie, on September 17th when
19 he complained, I was actually inside of Mood
20 Lounge that night monitoring and it was loud.

21 MEMBER ALBERTI: And you could
22 hear it in his --

1 INVESTIGATOR SHAKOOR: He is an
2 actual tenant of another complainant, Rishi
3 Hingoraney.

4 MEMBER ALBERTI: Okay.

5 INVESTIGATOR SHAKOOR: And I've
6 been inside of his place and conducted sound
7 tests also.

8 MEMBER ALBERTI: Okay. So you
9 know when there's a complaint from Mr. Rishi's
10 residence --

11 INVESTIGATOR SHAKOOR: Correct,
12 from that unit I --

13 MEMBER ALBERTI: -- that it's
14 accurate?

15 INVESTIGATOR SHAKOOR: Correct.

16 MEMBER ALBERTI: Okay. And did
17 you get complaints during this period from
18 those residents?

19 INVESTIGATOR SHAKOOR: Correct,
20 they're in the report.

21 MEMBER ALBERTI: Okay. Who is Ms.
22 Amoruso?

1 INVESTIGATOR SHAKOOR: She's a
2 complainant who lives on -- I think towards
3 the end of the alley. I believe it's O
4 Street.

5 MEMBER ALBERTI: Okay.

6 INVESTIGATOR SHAKOOR: She
7 submitted a number of complaints. I don't try
8 to dismiss anyone's complaint, but if I cannot
9 follow up at some point in time to verify it,
10 then I can't substantiate it. So at this
11 point in time it's just a complaint.

12 MEMBER ALBERTI: If I look at
13 Exhibit F, she's the last house on the alley,
14 the one where the back of the house is facing
15 the side of Mr. Smith's?

16 INVESTIGATOR SHAKOOR: That would
17 be correct.

18 MEMBER ALBERTI: Okay. And she
19 has been either attached to your report, or
20 there's an email from her in her complaint.
21 So I won't read that here, but it's attached
22 to your report?

1 INVESTIGATOR SHAKOOR: Correct.

2 MEMBER ALBERTI: Okay. All right.

3 I want to talk to you about your comment about
4 if they turn the music lower, you wouldn't be
5 able to hear it. What's that mean? I'm not
6 sure what that's in reference to, what you
7 mean by that.

8 INVESTIGATOR SHAKOOR: Just there
9 was conversations and the sound tests that
10 we've had with the establishment where we had
11 reached a level that we thought was
12 acceptable, and the complaints came back.
13 These were -- at those points in time where if
14 you did turn it any lower, it would be off.
15 But over times of conversing with the owner,
16 those comments have come back up also.

17 MEMBER ALBERTI: So that
18 assessment was made in relationship to what
19 tests, sound tests you were doing when, and
20 with who, and which residents?

21 INVESTIGATOR SHAKOOR: The two
22 sound tests that we conducted with Ms. Orzolli

1 and Jon Frohlich and Mr. Hingoraney.

2 MEMBER ALBERTI: And who was the
3 last person?

4 INVESTIGATOR SHAKOOR: Mr. Rishi
5 Hingoraney.

6 MEMBER ALBERTI: Okay. And all of
7 those people are residents are the NINE?

8 INVESTIGATOR SHAKOOR: Correct.

9 MEMBER ALBERTI: Okay. So did you
10 ever conduct a sound test where you reached
11 that assessment using Mr. Smith's residence as
12 a benchmark?

13 INVESTIGATOR SHAKOOR: No, we
14 never did a sound test with Mr. Smith.

15 MEMBER ALBERTI: Okay. I have no
16 further questions. Thank you.

17 CHAIRPERSON MILLER: Others?

18 (No audible response.)

19 CHAIRPERSON MILLER: I just want
20 to follow up on Mr. Alberti's question about
21 the sound tests just so I really understand
22 your position. And I don't know if I'm mixing

1 up evidence from the other case. I think it's
2 been blended in here about the other case
3 where there was sound testing. But it seems
4 like I heard in both cases maybe that at one
5 point the neighbors felt that they got an
6 agreement and it was working, and so there w
7 as something that worked, and that later on it
8 broke down because the noise went back to the
9 previous levels.

10 INVESTIGATOR SHAKOOR: That's
11 correct. I'm not aware that they actually
12 turned the noise up, the sound up. One thing
13 I can say, which was said before in past
14 hearings, that the DJ amplifications over the
15 microphone, the sound effects, those are a lot
16 worse, okay, and don't necessarily have a
17 volume to it. It's an explosion or things
18 like that. That's a lot worse. And someone
19 on a microphone is a lot worse and louder. So
20 those things are things that have continued at
21 the points of these cases.

22 CHAIRPERSON MILLER: Okay. So

1 it's the DJ and the microphone piece, which is
2 separate from the sound level?

3 INVESTIGATOR SHAKOOR: Right.

4 CHAIRPERSON MILLER: Okay. And
5 then there's the bass, but the bass could be
6 controlled to a point where they could still
7 have the music that they need to have without
8 disturbing the neighbors?

9 INVESTIGATOR SHAKOOR: I would say
10 so, but again it depends on the type of music
11 they're playing. If it's a song that's
12 heavier bass and a faster pace, it's going to
13 be -- have more impact on the residents there.

14 CHAIRPERSON MILLER: Okay. So my
15 basic question is, is it your bottom line th
16 at they can't play any club-like music or
17 whatever without disturbing the neighbors,
18 without violating the voluntary agreement?

19 INVESTIGATOR SHAKOOR: Not from
20 what I've seen. I mean, I've heard -- I've
21 spoken to DJs there and they say I can't
22 operate the way I want to. So they've

1 obviously been told not to play loud, but you
2 know, they're pushing as much as they can, but
3 they can't play the way they want to.

4 CHAIRPERSON MILLER: Okay. They
5 can't play the way they want to, but can the
6 establishment still have music, or you know,
7 some type of business there without a DJ, or
8 without the DJ being as loud as he wants to?

9 INVESTIGATOR SHAKOOR: I don't
10 know if I can make that assessment.

11 CHAIRPERSON MILLER: Okay. I
12 guess my question then goes to the voluntary
13 agreement which talks about taking all
14 necessary actions to ensure that music, noise
15 and vibrations from the establishment are not
16 audible with any adjacent residential
17 properties. Has the establishment done that,
18 in your view?

19 INVESTIGATOR SHAKOOR: In my
20 experience I would say they've been responsive
21 and have made adjustments. Also every
22 establishment that I've encountered where

1 someone shares a wall, it's very little you
2 can do.

3 CHAIRPERSON MILLER: Okay. We've
4 heard testimony though from an individual; at
5 least Mr. Smith, who doesn't share a wall and
6 hears noise. Has the establishment taken all
7 necessary actions to avoid having noise being
8 audible within his home?

9 INVESTIGATOR SHAKOOR: To that
10 fact I would say no because it is still
11 audible.

12 CHAIRPERSON MILLER: Okay. Thank
13 you. Any other questions?

14 MEMBER SILVERSTEIN: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SILVERSTEIN: I know we're
17 starting to run late, but the very worst that
18 you experienced which was outside of the
19 parameters of this particular violation --
20 well, I think there's a place where you said
21 there were people you couldn't believe that
22 they were able to live in their homes because

1 of the noise that was occurring, something
2 like that.

3 INVESTIGATOR SHAKOOR: Not this
4 place. I was speaking in general terms of my
5 experiences handling noise cases in the city,
6 other establishments where I've been. One in
7 particular I believe a person lived above an
8 establishment and the table and microwave was
9 actually shaking. But this was not this
10 establishment.

11 MEMBER SILVERSTEIN: Not in a
12 previous case where you spoke of this. This
13 particular establishment in a previous
14 violation.

15 INVESTIGATOR SHAKOOR: I couldn't
16 recall that.

17 MEMBER SILVERSTEIN: Was there a
18 major improvement from where things started
19 until the most recent complaints?

20 INVESTIGATOR SHAKOOR: As far as
21 these two complaints goes, it was -- is
22 continuing. As far as today itself, I haven't

1 received complaints in awhile.

2 MEMBER SILVERSTEIN: You said
3 there were a good number of complaints, places
4 that you were unable to visit for various
5 reasons. Is there any reason to believe or to
6 disbelieve those particular complainants?

7 INVESTIGATOR SHAKOOR: Yes.

8 MEMBER SILVERSTEIN: Tell me.

9 INVESTIGATOR SHAKOOR: I asked
10 someone point blank can you hear it inside
11 your house and they said no.

12 MEMBER SILVERSTEIN: Okay. We're
13 running late.

14 CHAIRPERSON MILLER: I'm sorry, I
15 just have two more questions.

16 I'm not clear in the charges that
17 have been brought with respect to the noise
18 complaints. How many noise complaints do you
19 have in your reports? How many are here
20 before us?

21 INVESTIGATOR SHAKOOR: How many
22 have I done altogether?

1 CHAIRPERSON MILLER: No, in this
2 case how many noise complaints are there? Are
3 there four? Are there more?

4 INVESTIGATOR SHAKOOR: About 13 in
5 the first one.

6 CHAIRPERSON MILLER: Thirteen?
7 Thirteen by different people, by thirteen
8 different people, or thirteen by less?

9 INVESTIGATOR SHAKOOR: Well, 13
10 different people over --

11 CHAIRPERSON MILLER: Okay.

12 INVESTIGATOR SHAKOOR: -- a couple
13 different weekends.

14 CHAIRPERSON MILLER: Okay. And my
15 last question goes to the provision in the
16 voluntary agreement that talks about notice
17 and a 30-day period to cure. So when you were
18 advising residents about this provision, did
19 you interpret that as meaning if they heard or
20 were disturbed by noise one night then they
21 had to wait 30 days before they complained
22 about any other noise?

1 INVESTIGATOR SHAKOOR: No,
2 absolutely not.

3 CHAIRPERSON MILLER: No? Okay.
4 Good.

5 INVESTIGATOR SHAKOOR: No, I
6 was --

7 CHAIRPERSON MILLER: So if there
8 was another incident on another night, they
9 could complain?

10 INVESTIGATOR SHAKOOR: That's why
11 in the reports you have numerous complaints
12 coming in. I advise someone once I receive
13 your complaint, it has to be open for 30
14 days --

15 CHAIRPERSON MILLER: Right.

16 INVESTIGATOR SHAKOOR: -- before I
17 can find them in violation. So by all means,
18 complain and call and keep us notified and
19 we'll come out as much as we can.

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR SHAKOOR: But it
22 won't be a violation until after that 30-day

1 window.

2 CHAIRPERSON MILLER: Okay. I
3 thought I had heard a witness say that he had
4 to wait 30 days to make another complaint.

5 INVESTIGATOR SHAKOOR: I've heard
6 that numerous times --

7 CHAIRPERSON MILLER: Yes.

8 INVESTIGATOR SHAKOOR: -- and
9 we've spoken to and addressed it, but I advise
10 everyone just as the establishment has to
11 follow the VA, so do the complainants.

12 CHAIRPERSON MILLER: Okay. Thank
13 you. Anybody else?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. Any
16 redirect?

17 MS. PHILLIPS: I understand that
18 in both of these cases that are reflected in
19 Exhibit A and B you found noise violations in
20 violation of the voluntary agreement. Is that
21 correct?

22 INVESTIGATOR SHAKOOR: Yes.

1 MS. PHILLIPS: And at least on the
2 October 29th; and this would be in Exhibit B,
3 you went to Mr. Danilovics' residence. Is
4 that fair?

5 INVESTIGATOR SHAKOOR: Yes.

6 MS. PHILLIPS: And I believe you
7 described the noise as hear loud volumes of
8 bass?

9 INVESTIGATOR SHAKOOR: Yes.

10 MS. PHILLIPS: It was clearly
11 audible and disruptive?

12 INVESTIGATOR SHAKOOR: Yes.

13 MS. PHILLIPS: Okay. And did you
14 find that sort of level of noise in any other
15 condo during the two time periods of the two
16 complaints?

17 INVESTIGATOR SHAKOOR: I believe
18 -- just his I believe. His only I visited
19 besides Mr. Smith's, I believe.

20 MS. PHILLIPS: So before you
21 visited Mr. Smith and you visited Mr.
22 Danilovics establishment -- one's a condo and

1 one's a freestanding town house. And those
2 are the sum total of the visits over the two
3 reports?

4 INVESTIGATOR SHAKOOR: I believe
5 so.

6 MS. PHILLIPS: And so when Mr.
7 Tanzie complained -- he's Mr. --

8 INVESTIGATOR SHAKOOR:
9 Hingoraney's tenant.

10 MS. PHILLIPS: -- Hingoraney's
11 tenant. You've been in that place before and
12 understood what the level of noise was. Is
13 that fair?

14 INVESTIGATOR SHAKOOR: Correct.
15 And I was also inside of Mood Lounge that
16 night.

17 MS. PHILLIPS: Okay. And so you
18 knew that it was very loud?

19 INVESTIGATOR SHAKOOR: Yes.

20 MS. PHILLIPS: Okay. So I think
21 what you told me before, that you believed the
22 complaints of Mr. Tanzie and Ms. Orzolli, is

1 that fair, when they complained about loud
2 music? Since you've been there before you
3 believed their complaints were accurate. Is
4 that fair?

5 INVESTIGATOR SHAKOOR: Yes.

6 MS. PHILLIPS: And it was the same
7 with Mr. Danilovics since you visited his
8 place this time?

9 INVESTIGATOR SHAKOOR: Yes.

10 MS. PHILLIPS: Okay. And in both
11 reports you found noise violations?

12 INVESTIGATOR SHAKOOR: Yes.

13 MS. PHILLIPS: Thank you.

14 CHAIRPERSON MILLER: Okay. Thank
15 you very much.

16 INVESTIGATOR SHAKOOR: You're
17 welcome.

18 CHAIRPERSON MILLER: Ms.
19 Williford, are you going to have witnesses?

20 MS. WILLIFORD: No, and I would
21 like to respond though to the putting in of
22 the transcript for charges 1, 2 and 3. I'm

1 not going to have a witness, but I do want to
2 actually -- in response to him putting him, I
3 wanted to designate specific points for the
4 Board to take into consideration. I can
5 either do that in closing argument or I can do
6 that as a part of the case. Really it's up to
7 the Board.

8 MR. STERN: I think that that's
9 appropriate. She can argue specific portions
10 in the transcript if she'd like to for the
11 Board to know. I'm not going to do it that
12 way, but she's certainly welcome to do that.
13 I don't think it should be separately put in
14 now before closing arguments so I have to
15 respond to it and then she gets to respond to
16 me again.

17 CHAIRPERSON MILLER: But you're
18 saying she should put it in before her closing
19 statement?

20 MR. STERN: No, no. No, in part
21 of her closing argument she can point towards
22 any portion of the transcript she thinks is

1 appropriate for the Board to use.

2 CHAIRPERSON MILLER: Right,
3 because it'll be testimony she would be
4 referencing in her argument.

5 MR. STERN: Right.

6 CHAIRPERSON MILLER: Okay. So
7 then --

8 MS. WILLIFORD: I'll save it for
9 closing argument.

10 CHAIRPERSON MILLER: Okay. So
11 does that bring us to closing arguments then?

12 MS. WILLIFORD: It does for me.

13 MR. STERN: I think it does.

14 CHAIRPERSON MILLER: Okay. All
15 right. We're ready for your closing.

16 MR. STERN: On behalf of the
17 District I'd like to discuss the events of
18 December 30th, 2011, that Friday-Saturday
19 morning, I believe it was.

20 What the Board has to do in this
21 case is determine first what occurred, and
22 that's somewhat of a difficult job because of

1 the many different versions the Board heard
2 during the summary suspension hearing, both
3 the Board needs to decide the veracity of the
4 people who gave differing versions of what
5 happened and then decide which is the most
6 likely scenario, or which they believe by
7 clear and convincing evidence.

8 Before I do that I would just
9 point out that there was some mention of the
10 officer's testimony saying that Ms. Beyene had
11 been cooperative. I think taken standing
12 alone the way that it is, it is very
13 misleading. If I see someone run past me and
14 run out the back door and an officer comes to
15 me and says did you see that guy running past
16 you and I said, yes, he ran through that front
17 door, well, I've been very cooperative with
18 the officer, but I have misled or hampered his
19 investigation. And that's what happened here
20 and here are a few examples of that.

21 First, what happened when this
22 whole set of incidents started is there was an

1 altercation inside the establishment. The
2 security guards from Mood broke it up and
3 hurried all the people involved in that out
4 the front door. How do we know that's what
5 happened? Well, the witnesses who were
6 victims testified to that. It didn't have
7 anything to do with their specific injury.
8 There was no reason for them to have lied
9 about that. It was just an ancillary event
10 that they happened to speak about.

11 And how do we know they were
12 telling the truth? Because the security guard
13 from Mood also told the police that there was
14 an incident inside the establishment.
15 However, what did we hear from Ms. Beyene?
16 She said I was tending bar. Nothing happened.
17 It was all right in front of me. There was no
18 incident whatsoever. I believe the Board can
19 -- that is one of the incidences which the
20 Board can take that show that she was trying
21 to divert or hamper the investigation.

22 Additionally, she told the

1 investigators when she was interviewed that
2 they had already closed up at 12:30. Well,
3 how do we know that isn't true? Well, it
4 wasn't until about 1:00 when the stabbing
5 takes place and we know that the person who
6 was stabbed testified he went inside. Again,
7 there's no reason for him to have lied about
8 that. It was not an essential element of any
9 of the offenses. It had nothing to do with
10 anything that happened to him or what the
11 police -- the police were asking who did it
12 and what happened? He volunteered that
13 information only because it's what actually
14 happened.

15 More importantly, then the police
16 officer showed up at about 1:15. He testified
17 he saw patrons in the establishment and
18 walking out. Again, the statement that the
19 establishment was closing at 12:30 was an
20 attempt to divert or interfere with the
21 investigation, throw suspicion away.

22 Additionally, she was asked about

1 people smoking marijuana in the establishment.
2 Again, she stated, oh, no, never happens.
3 Never saw it. Well, we know that's not true.
4 Besides from the officer coming in there and
5 saying that the reeked, was -- overwhelming
6 had a smell from marijuana. We also know that
7 the security guard said that the reason he was
8 throwing out that ended in this scuffle was
9 because they were smoking marijuana. And all
10 of this again is happening directly in front
11 of where Ms. Beyene is standing. I contend
12 the only reason that she would have made these
13 statements would be to throw the investigators
14 off the scent of exactly what happened.

15 Additionally, what else does the
16 establishment do? Well, the evidence is that
17 what happened that evening is after the
18 victims stepped outside there was apparently
19 -- they were involved in the altercation just
20 outside the front door. They came back inside
21 looking for a ride, they stated. Didn't find
22 his friend and went immediately back outside.

1 The Board can look at the pictures of this
2 event. There are multiple areas outside where
3 there is not a little bit of blood, but
4 splatters of blood all over the place.

5 I think the only reasonable
6 conclusion the Board can draw is that, one,
7 the person who testified here that he never
8 left the door, was standing looking outward
9 the entire time, one, must have seen what was
10 going on. And, two, there must have been
11 blood or some evidence inside of this
12 altercation, because there's so much outside,
13 and he came in after he had been stabbed. And
14 the establishment must have cleaned it up,
15 because there's none inside. Zero. Again,
16 evidence of an attempt to hinder or mislead
17 the investigation.

18 In addition, the establishment is
19 charged with failure to follow its own
20 security plan. There are two elements that it
21 have failed to follow its security plan, which
22 are most important: One is of course the

1 recording, the DVD recordings. The DVD was
2 full. It was disconnected, the testimony was.
3 This wasn't just something that was broken,
4 but the establishment by disconnecting it
5 evidences a knowledge that it was broken and
6 not working, and yet they continued not to
7 have it fixed, not to have what their security
8 plan required.

9 The other evidence of the failure
10 to follow the security plan is that neither
11 when the first altercation occurs inside and
12 they throw them out, by the testimony of their
13 employee, or later on when this scuffle
14 happens immediately outside and there's blood
15 all over the front of -- the sidewalk in front
16 of the establishment, and the guys comes in
17 and then exits again -- neither time is there
18 either a call to the police or an incident
19 report. That's a failure to follow their
20 security plan.

21 And lastly, I spoke a little bit
22 about the use of the marijuana. When you as

1 a security guard know that people are smoking
2 marijuana and you throw them out but do not
3 call the police, do not write an incident
4 report, you are allowing that to go on. It
5 gets around. Other people know you can smoke
6 inside, because if you do, they're not going
7 to call the police. That's allowing it to
8 happen. And that's where the Respondent is
9 responsible.

10 Now as I stated in my opening
11 statement, we believe each of these three
12 charges have been proven. We believe a \$2,000
13 fine for charge 1 and charge 2 are
14 appropriate, including five days served
15 suspension. However, if the Board finds
16 charge 3 a violation, that overtakes the
17 events of the suspension because that requires
18 a revocation of the license and we'd ask the
19 Board to do what is appropriate in this
20 circumstance.

21 CHAIRPERSON MILLER: Thank you.

22 MS. PHILLIPS: If I can retrieve

1 these right now? Thank you.

2 Charges 4 and 5 are noise
3 violations. This would be in the scheme of an
4 investigative history the third and fourth
5 violations, two of which have already been
6 adjudicated previously.

7 The first noise violation was
8 found to have been effectuated on October
9 15th, 2011 by a report which is Exhibit A.
10 11-CMP-00470 was initiated by a complaint by
11 Mr. Smith on September 2nd. In Exhibits C and
12 F, both of which are pictures, Mr. Smith has
13 shown you how far away from Mood his
14 establishment, his home is. He has testified
15 that the noise violations in his home at the
16 times he complained were louder than -- and he
17 described it to the Board -- than when Mr.
18 Shakoor eventually came to listen to the
19 noise.

20 But what's more important about
21 Mr. Smith's complaints is the fact that he is
22 that far away from Mood, and when he is

1 complaining of noises that are above his
2 television set, at whatever volume it is, he
3 is complaining from I would say a far distance
4 from Mood. The same people in the condominium
5 are also complaining during this period of
6 time. They did not initiate the complaint,
7 the time running, but they are complaining of
8 noise that to them is unbearable. Not in this
9 particular case, but in previous cases the
10 condominium that was Rishi Hingoraney's, which
11 are the Tanzies are renting and Mr.
12 Danilovics. They had an agreement with Mimi
13 Beyene about the noise level and it was
14 acceptable to both of them. And they
15 described what that noise level was and the
16 noise level was a reasonable noise level above
17 television, above normal conversation that
18 interrupted their sleep.

19 That's the same description that
20 Mr. Danilovics used here today that the noise
21 level when he complained was -- and that would
22 be in Exhibit B, was so loud that he couldn't

1 enjoy his television at a level when he
2 normally played it and he couldn't sleep. He
3 also told us something else important, and
4 that was that he vacated his premises
5 preemptively so that he could get sleep for
6 important meetings.

7 Ms. Beyene has made agreements
8 with these owners before and they found an
9 acceptable level that Mr. Shakoor has
10 testified to and that everybody was happy, and
11 that those noise levels would be breached.
12 Those noise levels that were breached during
13 and acceptable agreement between the
14 establishment owner and the condo owners is a
15 level of noise that was exceeded in the two
16 complaints that we're here today. Ms. Beyene
17 has made changes, agreed to make changes and
18 then has breached that agreement because the
19 noise levels have risen above the reasonably
20 agreed upon levels in previous tests. That's
21 what you're hearing today and that's what
22 you're seeing in the investigative reports.

1 Each time these residents make a
2 complaint and an investigation is initiated at
3 ABRA, there has to be a 30-day cure period.
4 And each time in the two reports that we're
5 here to discuss today, the 30-day cure period
6 has passed and the agreed upon reasonable
7 levels of noise which the establishment has
8 agreed not to exceed have been exceeded, as by
9 the testimony of the witnesses and also by the
10 reports of the condo owners within the bodies
11 of these reports A and B.

12 If you wish to discount some of
13 the reports that are in here, Mr. Shakoor has
14 given you the names of the accounts that you
15 may discount because he's never been able to
16 prove them because he has not entered into
17 those establishments. But the complaints of
18 J. Tanzie, the complaints of Mr. Danilovics,
19 the complaints of Bettina Orzolli and J.
20 Frohlich, if they are mentioned in Exhibit A
21 and B, those are the complaints that Mr.
22 Shakoor said he believed and that those

1 exceeded the reasonable levels that had been
2 established among the establishment and the
3 condo owners previously.

4 We have two violations found by an
5 ABRA investigator and we have two sets of
6 civilian witnesses. I purposely don't call
7 all of them. We would be here all day.
8 That's why I admit the reports and I have the
9 discussions with the investigators about is
10 there possibly some person that you might not
11 believe if you were able to go to their homes?
12 That's why I asked those questions. And he
13 agreed and he told you who they were.

14 So I believe that if you look at
15 the testimony of the witnesses that you've
16 seen today, you look at the exhibits which
17 show you where Mr. Smith's home is, so he's
18 hearing it, even at Mr. Shakoor's level of you
19 can hear it over normal conversation, what is
20 that doing to the condo owners on the same
21 days in question when he complains? You'll
22 see those in the complaint.

1 You have two noise violations
2 here. I believe the evidence has shown those
3 to be carried. And the evidence has shown
4 that you should charge them with noise
5 violations and you should charge them, the
6 Districts recommends, \$1,000 for each
7 violation. That would be report A and report
8 B. And that figure is reached through the
9 statute because they have had two violations
10 before and the Board has charged them at \$500
11 and \$750, and therefore the next step is
12 \$1,000 fine statutorily. And then they should
13 each -- for each complaint they should have
14 one day when they are open suspended and
15 served. So that would be a \$2,000 fine and
16 two days served for both violations. Thank
17 you very much.

18 CHAIRPERSON MILLER: Thank you.

19 Okay.

20 MS. WILLIFORD: Good afternoon.

21 Wanted to thank you for hearing the
22 testimony --

1 CHAIRPERSON MILLER: I'm sorry. I
2 notice that a lot of people have entered the
3 hearing room. And we're just finishing up our
4 1:30 case, so we're not going to be starting
5 Hank's Oyster case at 4:00. Mostly likely we
6 will -- I don't believe we'd start before
7 4:20. So if you want to take a walk and come
8 back or listen here, it's up to you. But I
9 just wanted to let you know the status.

10 Okay. Thank you.

11 MS. WILLIFORD: I respectfully
12 submit that the Government has not met its
13 burden for charges 1 through 5 and that they
14 should be dismissed outright for the following
15 reasons:

16 Regarding charge 1, the charge is
17 interfering with an investigation and attempts
18 to hinder the investigation by Mood Lounge,
19 and the Government specifically pointed to
20 mixed accounts about what happened. I spent
21 12 hours, as many of these Boards, actually
22 listening to the testimony of that day, which

1 we are submitting this transcript for. The
2 transcript is over 700 pages. I painfully
3 read through those.

4 The bottom line is I don't think
5 anyone in this room or anyone who was there
6 that night knows exactly what happened.
7 They're mixed accounts because they're mixed
8 perspectives. And the bottom line is no one
9 here should be able to pick and choose and
10 paste together what they think could be the
11 actual story and then look to Mood Lounge and
12 say because we don't agree with that
13 particular part, you were lying. You were
14 hindering the investigation.

15 Point blank when Investigator
16 Parker, who was in charge with putting all
17 this together and trying to decipher the
18 truth, he had two weeks to reflect on how Mood
19 Lounge was cooperating. And I want to direct
20 you specifically to page 534, lines 17 through
21 22, and page 477, lines 11 through 17, where
22 he was specifically asked a question about

1 Mood Lounge and their cooperation, and he flat
2 out said yes. And I think that speaks volumes
3 and kind of goes through. There is a lot of
4 testimony that is inconsistent throughout, but
5 because it's inconsistent testimony that in
6 and of itself should not be a conclusion that
7 can be reached to say in fact that Mood Lounge
8 was not cooperative and somehow impeded the
9 investigation. They were cooperative, as its
10 own investigator pointed out.

11 Two, with respect to charge 2,
12 failure to follow the security plan, there ere
13 two points that I want to direct the Board's
14 attention to. Regarding the closed-circuit
15 cameras, in particular, if you look to page
16 487, line 6 through 492, line 6, you will see
17 an extensive dialogue where specifically they
18 talked about the closed-circuit TV. And in
19 particular, it talks about the capability of
20 the Mood Lounge security system having the
21 capacity to broadcast an image on the monitor.
22 And they were actually pointed directly to the

1 screen in the exhibit that showed that that
2 was being broadcast. If you look at that
3 testimony compared directly to the security
4 plan, the security plan states Mood will have
5 in place a system with the capacity to
6 broadcast an image on a monitor and toggle
7 between different views. They met their
8 security requirements.

9 Now while the Government may think
10 that it wasn't sufficient and while there were
11 subsequent steps that were taken to improve
12 that, that's one thing and that's something
13 that they have done, but in terms of the
14 existing security plan that was in place, it
15 was followed. It was a bad fact that it
16 wasn't actually connected and couldn't tape
17 it, which I actually think would have helped
18 a lot in this situation, but that was not a
19 requirement of the security plan. That was
20 something that was inadvertent and it was
21 subsequently fixed.

22 In addition, regarding the

1 testimony about there being an altercation
2 inside and being escorted out, there was a lot
3 of varying testimony about what actually
4 happened. Specifically, Investigator Parker,
5 he provided testimony regarding a Mr. Bond,
6 one of the alleged victims here, who said that
7 he was escorted out with some of the others
8 and that that was a basis for somehow a
9 violation of the security plan. But when
10 Investigator Parker was questioned even
11 further, he said that he was unsure about and
12 his line of questioning to Mr. Bond was not,
13 you know, directed at that and he was unsure
14 about the manner in which the people were
15 actually escorted out. So there really is no
16 firm understanding of what actually happened
17 on that night. And I want to point you to
18 page 486, lines 2 through 11 of the transcript
19 regarding that testimony.

20 Regarding charge 3, and this is
21 actually a very important charge because of
22 its potential implications, but it charges

1 that the establishment permitted the use of a
2 controlled substance within the premise. And
3 the Attorney General, Assistant AG argues that
4 because she didn't call the police that
5 somehow that's permitting the use of a
6 controlled substance, but that's actually
7 making quite a bit of assumptions before you
8 even get there.

9 First of all, the only testimony
10 that was on file regarding the owner somehow
11 knowing or someone within Mood Lounge knowing
12 that there was patrons smoking marijuana was
13 at 261, line 18 through 262, line 2. And I'd
14 ask you to look at that very carefully,
15 because it's very limited. And at the very
16 best all that it says was that an officer was
17 saying that his partner told him that the
18 owner had noticed patrons smoking marijuana
19 and kicked them out. Subsequent follow up to
20 that, there was a large amount of discussion
21 about the smoke and being smoking cigarettes,
22 not marijuana. It was contradicted on

1 numerous levels.

2 And further questioning of Officer
3 Wilcox specifically said did you see anyone
4 within Mood Lounge smoking marijuana, the
5 response was blatantly no. Did you bring it
6 to the attention of anyone within Mood Lounge?
7 The response was no. Did you bring it to the
8 attention of the owner within Mood Lounge?
9 The response was blatantly no. So in order to
10 -- they're asking basically on this very
11 limited testimony regarding no marijuana being
12 seen, the owners -- it not being brought to
13 their attention, and second and third-hand
14 information regarding what the owner may have
15 said that they saw is not sufficient to reach
16 a conclusion that in fact Mood Lounge
17 permitted the use of marijuana within the
18 establishment.

19 At the very best, if you believe
20 the testimony that an officer -- the owner
21 told the officer that and that they kicked him
22 out immediately, that basically she was

1 saying, look, it should not be within here.
2 So I ask you to take that into consideration.
3 And specifically look at pages 238, line 10
4 through page 239, line 4 that goes through
5 information regarding the controlled substance
6 and the questioning of Officer Wilcox.

7 Regarding charges 4 and 5, it
8 presents a bit of an issue, but I'm going to
9 -- I wanted to draw the attention of the Board
10 to three provisions within the voluntary
11 agreement, because I think they're extremely
12 key to making any determination regarding a
13 violation of this VA.

14 One is Section 6, which is the
15 provision on noise and privacy, and that's the
16 provision that was focused on quite a bit
17 during this hearing regarding the Licensee
18 taking all necessary action to ensure that
19 noise, music and vibrations from the
20 establishment are not audible within the
21 adjacent residential properties.

22 But I also want you to take a look

1 and focus upon Section 10 of the voluntary
2 agreement which says Applicant intends to
3 offer recorded as well live music and
4 providing a space for dancing. So it was
5 clearly contemplated that the Licensee and the
6 signatories to this VA -- that there would be
7 music, recorded and live, within this
8 establishment.

9 In addition, I want to point you
10 to Section 16 of the voluntary agreement which
11 talks about a material violation of the
12 agreement which has not been cured shall
13 constitute a cause for seeking a show cause to
14 the ABC Board.

15 And I bring up those three
16 provisions because in light of the testimony
17 that we heard from Investigator Shakoor
18 regarding the volume being -- having to be
19 turned completely down in order to reach the
20 standard of not being audible, I think if you
21 believe his account, then there's no way that
22 you can read this voluntary agreement to be

1 reasonable and to be a working document that
2 any establishment who's licensed and permitted
3 by law to play music and to permit dancing
4 within the establishment to operate.

5 So like many of -- and that comes
6 to an issue that we've been facing, we've been
7 kind of addressing through most of the hearing
8 is what is this standard? If the standard is
9 noise is not audible, what's reasonable? What
10 are people's barometers for what can be heard
11 within the adjacent property? And I was
12 taking notes, because it's all over the place.
13 Until this day I don't know what's considered
14 reasonable. We heard testimony from the -- we
15 heard closing arguments from the Assistant AG
16 that there was some set level that was reached
17 and somehow Mood reached it, but to this day
18 I don't know what that is and I don't know if
19 any of us can articulate it.

20 I've heard things from all doors
21 and windows being closed and I can't hear it,
22 if I can identify the song, if 20 to 25 on my

1 LG TV -- if I can hear it above that, then
2 somehow it's not reasonable, if the music was
3 -- if I can hear it above the noise of the TV.
4 I mean, the standards are all over the place.
5 And what becomes very difficult as we sit here
6 trying to figure out what to do to whether or
7 not this is a violation is how is the owner
8 supposed to know what's acceptable and what's
9 not under this agreement, if you read it to a
10 T? Even the neighbors seem to have an
11 understanding that some level of audibility is
12 reasonable, so they're not even reading this
13 to the very T in which it's here. But the
14 question is what level?

15 And I implore the Board to think
16 about what testimony we heard today, testimony
17 from Investigator Shakoore where he stated that
18 when he went into George Martin's -- I'm
19 sorry, Martin Smith's apartment he basically
20 said that he couldn't -- the levels of music
21 could not be heard above reasonable
22 conversation. Is that something that if

1 reading this voluntary agreement that should
2 be considered reasonable and an actual
3 violation of it? And I implore to you to
4 think through that and to come to the
5 conclusion that it should not be a violation
6 of this voluntary agreement. Or if the Board
7 decides to look at the actual words and deems
8 it to be in violation, that it is not one that
9 deserves any form of statutory fine or
10 closure, because the actual actions should fit
11 the -- should fit what is actually recourse as
12 provided by the Board.

13 And one last point that I want to
14 point out is the Assistant Attorney General
15 referenced that by statute you are required to
16 levy a certain amount, a certain statutory
17 fine. I implore you to look at DCMR, I
18 believe it's 800 and specifically the
19 violation that's listed within the charge,
20 which is violation of D.C. Code 25-446 is not
21 enumerated specifically as a primary or
22 secondary violation. And so you are not

1 required to statutorily apply the certain fee
2 elevated offense level. And so I ask for you
3 to -- if you can please utilize your
4 discretion, if there is a violation, which we
5 implore there is not for charges 4 and 5.

6 And with that, I'd ask for the
7 Board to, one, find that the Government has
8 not met its burden regarding charges 1, 2, 3,
9 4 and 5. And, two, if the Board does in fact
10 find that it would like to read the voluntary
11 agreement to read -- to state that there's no
12 audible level that can be heard within the
13 neighboring residences, that in fact the
14 evidence that's put on here today does not
15 warrant any fine or statutory closure. Thank
16 you.

17 CHAIRPERSON MILLER: Okay. Thank
18 you. So at this point then, unless I hear
19 otherwise from you right now, the record will
20 be closed. So everything's in the record
21 that's intended to be?

22 MS. PHILLIPS: I'll get it up

1 there, Madam Chair.

2 CHAIRPERSON MILLER: Okay. We'll
3 include that. They're a little busy right
4 this second.

5 All right. And let me ask the
6 parties if they want to file proposed findings
7 of fact and conclusions of law, or waive your
8 right to do so?

9 MS. WILLIFORD: We'll waive.

10 CHAIRPERSON MILLER: Okay.

11 MR. STERN: We'll waive.

12 MS. PHILLIPS: This half of the
13 District will waive, too.

14 CHAIRPERSON MILLER: Okay. Good.
15 Okay. Then the Board will take this matter
16 under advisement and issue an order within 90
17 days. And I'm going to just read the open
18 meeting instructions that relate to the closed
19 meeting that we will have on this case.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 for the purpose of seeking legal advice from
4 our counsel on Case Nos. 12-251-00001, 11-CMP-
5 00470 and 11-CMP-00511 per Section 405(b)(4)
6 of the Open Meetings Amendment Act of 2010 and
7 deliberating upon these cases for the reasons
8 cited in Section 405(b)(13) of the Open
9 Meetings Amendment Act of 2010.

10 Is there a second?

11 MEMBER NOPHLIN: Second.

12 CHAIRPERSON MILLER: Now that the
13 motion's been seconded, I'll call a roll call
14 vote. Mr. Nophlin?

15 MEMBER NOPHLIN: I agree.

16 CHAIRPERSON MILLER: Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
21 agrees. Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Okay. Then
2 the motion passes by a vote of 5-0-0 and I
3 hereby give notice that the ABC Board will
4 hold a closed meeting in the ABC Board
5 conference room today pursuant to the Open
6 Meetings Amendment Act of 2010 and issue an
7 order within 90 days.

8 Thank you very much.

9 Okay. The Board's going to take a
10 short recess and we'll be back hopefully by
11 4:30. Thank you.

12 (Whereupon, the hearing was
13 concluded at 4:15 a.m.)

14
15
16
17
18
19
20
21
22

A	
abandoned 82:14 82:16	Act 195:1,6,9 196:6
ABC 189:14 195:2 196:3,4	acting 107:13
Abeba 4:22	action 59:2 91:2 188:18
ability 113:6	actions 124:1 156:14 157:7 192:10
able 58:4,8 59:6 60:15 65:5,11 70:20 71:5,10 137:1 152:5 157:22 178:15 179:11 182:9	actual 15:13 58:4 144:2 150:2 182:11 192:2,7,10
ABRA 1:12 2:13 9:22 10:4,14 28:17 32:7 35:9 35:12 47:20 48:7 49:1 56:9 57:19 65:8 68:17,19 90:21 102:16 104:14,17 105:1 107:3 119:20 120:2 178:3 179:5	addition 10:7 57:3 58:3 94:7 172:18 184:22 189:9
absolutely 161:2	additional 6:6 18:11 48:16 49:20
absorb 94:5	Additionally 9:21 169:22 170:22 171:15
abundance 94:3	address 56:21
abuts 87:20	addressed 162:9
acceptable 29:15 43:7 67:9 105:21 112:18 141:12 147:19 152:12 176:14 177:9,13 191:8	addressing 190:7
access 113:19 114:1	adequate 144:12
account 57:1 189:21	adetermination 138:18
accounts 14:15 178:14 181:20 182:7	adjacent 25:19 80:19 123:14 156:16 188:21 190:11
accuracy 146:6	adjoining 31:21 42:4
accurate 128:5,13 129:4,10 148:15 150:14 165:3	adjudicated 175:6
accurately 129:21	adjust 38:20
acknowledged 142:9	adjustments 134:12 156:21
	Administration 119:13
	admission 20:3
	admit 17:6 179:8
	admitted 20:11,12 20:22 140:6
	advance 102:15
	adversarial 107:16
	advice 195:3
	advise 161:12 162:9
	advised 96:2
	advisement 194:16
	advising 160:18
	aerial 53:12 82:20 88:6
	affirmatively 50:6
	afternoon 4:4,5,15 4:19 14:3 19:5 23:22 24:1 38:12 51:16 180:20
	AG 186:3 190:15
	ago 91:10 93:21 107:9 114:8 115:13
	agree 61:10 134:2 145:1 182:12 195:15,17,19,22
	agreed 111:19 113:18 177:17,20 178:6,8 179:13
	agreement 1:15 12:8 17:10 18:9 48:13 49:3 64:11 90:22 103:7 121:1 122:2,16 125:4 126:10 130:6,12 134:21 154:6 155:18 156:13 160:16 162:20 176:12 177:13,18 188:11 189:2,10 189:12,22 191:9 192:1,6 193:11
	agreements 177:7
	agrees 195:21
	Ah 88:18
	Aha 61:22
	ahead 98:19
	air 16:10
	airspace 26:11
	Alberti 1:23 13:7 37:2,3,15,22 38:5 38:9,13,21 39:3 58:11 81:6,10,15 81:18 82:1,4,7,12 82:15,19,22 83:4 87:7,9,14,18 88:1 88:4,8,10,18 89:5 89:8,13,16,19
	90:2,8,12,16 91:9 91:14,18 92:4,9 92:13,17 93:3 95:5,10 96:14,19 96:22 97:4,10,12 97:16,20 98:5,9 98:17,22 99:6,11 99:14,17,22 100:7 100:10,13 101:2,5 101:9,15,18 102:2 102:7,10,21 104:2 111:18 115:21 116:2,3,6,13,16 116:22 117:2,9,12 117:18,21 118:3 146:2,3,19 147:5 147:9,15 148:6,12 149:8,11,15,21 150:4,8,13,16,21 151:5,12,18 152:2 152:17 153:2,6,9 153:15 195:18,19
	Alberti's 112:2 153:20
	Alcohol 119:12
	Alcoholic 1:2,18,19 194:20
	allege 9:15
	alleged 15:6 185:6
	alley 54:3 67:6,6 78:14 85:12 87:10 87:11,13 95:11,21 96:1 136:20 145:14 151:3,13
	alleyway 73:15 84:9 86:6
	allow 99:8 148:2
	allowed 1:13 9:19 107:22
	allowing 174:4,7
	allude 15:10
	altercation 8:6,8,10 8:12 169:1 171:19 172:12 173:11 185:1
	altogether 159:22
	ambient 137:1
	ameliorate 31:4 67:19 130:5 134:3
	amelioration 64:8
	Amendment 195:1 195:6,9 196:6
	Amoruso 148:5 150:22
	amount 9:3 58:4 95:3 111:19,20,21 112:4 186:20 192:16
	ample 9:3
	amplifications 154:14
	ANC 1:11 4:8
	ancillary 169:9
	anecdote 110:13
	answer 72:19
	anybody 7:7 140:9 162:13
	anymore 50:19
	anyone's 151:8
	anytime 61:1
	apartment 63:11 68:13 71:11 90:3 191:19
	apartments 127:15
	apologize 86:18
	apparently 171:18
	appear 78:17
	appears 53:11 61:17 103:6
	applicable 123:2 137:19
	Applicant 123:11 189:2
	apply 193:1
	appropriate 107:11 166:9 167:1 174:14,19
	approximately 54:8 61:6 76:21
	architecture 93:22
	ard 1:19
	area 148:1
	areas 123:19 137:14 172:2

argue 166:9	attention 16:13	168:14 171:20,22	94:18 98:13 100:5	188:8,16
argues 186:3	142:19 144:15	181:8 196:10	106:8 113:1	blank 159:10
argument 166:5,21	183:14 187:6,8,13	bad 184:15	116:20 125:10	182:15
167:4,9	188:9	balcony 27:13	131:11 135:18	blasting 147:2
arguments 5:11,13	Attorney 186:3	band 53:19	138:2,19 139:3,8	blatantly 187:5,9
166:14 167:11	192:14	Baptist 53:19	144:15 151:3	bleeding 8:15
190:15	audibility 191:11	bar 37:12 38:1,6,15	157:21 158:7	blended 154:2
aring 1:19	audible 17:19 18:3	58:15 109:15,18	159:5 163:6,17,18	block 8:20 74:3
arrive 69:3	39:6 75:10 91:3	113:5 114:11	163:19 164:4	blood 9:3,6 10:9
arrived 69:6 70:9	91:17,18 96:16	115:4 169:16	167:19 168:6	172:3,4,11 173:14
70:13 72:6,11	97:8 102:8 104:9	barely 95:22	169:18 174:11,12	bloody 10:8
Art 53:17 74:6	111:8 124:3,7,11	barometer 35:16	179:11,14 180:2	blue 55:10,11,13
articulate 112:19	130:9 132:19	146:20	181:6 187:19	82:22 83:3,16,17
190:19	133:4 144:21	barometers 190:10	189:21 192:18	86:5
asked 14:19 16:10	145:10 153:18	Barracks 64:17	believed 57:1	Bo 1:18
16:12 44:15 58:11	156:16 157:8,11	97:18 98:3 107:3	164:21 165:3	Board 1:2 5:8 7:16
106:19 109:4	162:14 163:11	107:11 108:7,11	178:22	10:17 18:1 20:5,7
146:5 159:9	188:20 189:20	bars 99:3	belong 78:14 79:3,6	22:9,12 34:2
170:22 179:12	190:9 193:12	based 16:22 17:6	benchmark 36:7,9	36:14 58:10 65:10
182:22	avail 66:17	basic 155:15	153:12	73:3 111:7 116:1
asking 11:2 12:15	avoid 157:7	basically 17:7	benefit 105:4	146:1 166:4,7,11
50:14 128:20	aware 42:6,18	187:10,22 191:19	best 16:16 57:16	167:1,20 168:1,3
129:2,5 170:11	105:13,17 154:11	basis 50:13 128:10	186:16 187:19	169:18,20 172:1,6
187:10	awhile 91:10 109:8	128:16 185:8	better 27:20 60:6	174:15,19 175:17
assessment 145:2	159:1	bass 17:14 29:17	85:7,17	180:10 188:9
152:18 153:11	awoken 29:7	30:1 33:6 43:12	Bettina 178:19	189:14 191:15
156:10	a.m 63:9 77:9	58:1 59:9 63:5,14	Beverage 1:2,18,19	192:6,12 193:7,9
assessments 129:9	196:13	63:15 132:19	119:12 194:21	194:15,21 195:2
assist 9:18 135:21		155:5,5,12 163:8	Beyene 5:1 32:2	196:3,4
assistance 8:19	B	bearable 70:18	78:3,5,6 90:10	Boards 181:21
10:12	B 3:20 25:11 28:20	beautiful 94:1	92:11 117:14	board's 17:6,22
Assistant 186:3	101:8 103:8 120:3	becoming 108:10	125:3,8 130:4	19:7 98:8 183:13
190:15 192:14	130:15 131:4,15	bedroom 75:17,19	132:4 133:20	196:9
associated 109:17	135:9,15 139:7,16	75:21	168:10 169:15	bodies 178:10
assume 63:21 79:4	162:19 163:2	began 124:20 132:8	171:11 176:13	Bond 185:5,12
97:21	176:22 178:11,21	behalf 20:1 22:11	177:7,16	book 31:18 139:6
assumptions 186:7	180:8	112:15 119:19	beyond 123:7	border 87:19
attach 122:5	back 4:4 8:22 9:2	167:16	147:19	bothered 40:15
attached 131:15	19:16,20 26:14	believable 149:2	bifurcating 7:21	43:3
151:19,21	44:5 67:4,6 68:3	believe 10:12 12:3	big 45:4	bottles 77:13
attachments	81:6,12 86:1 89:4	12:13 13:8 25:2,7	binder 100:21	bottom 155:15
139:18	89:14 94:22 95:1	25:12 26:14,15	bins 77:12	182:4,8
attempt 170:20	95:2 97:17 109:9	28:20 41:17 42:16	bird's 31:20	brand 110:10
172:16	113:16,16 128:14	45:10,16 55:16	Bishop 53:17 74:5	breached 177:11
attempting 10:13	136:8 145:14	56:4 57:10,12	bit 21:21 64:4	177:12,18
attempts 14:14	146:12 151:14	61:21 62:18 76:19	136:8 172:3	breakdown 108:21
148:5 181:17	152:12,16 154:8	78:21 80:1,6	173:21 186:7	109:3

breaking 8:7	54:17 74:5 88:7,8	147:12	42:5,9,15,21	16:3,4 22:1
breath 145:19	139:8,12 175:11	Cathedral 53:17	43:14,18 44:3,8	174:13,13,16
briefly 14:3 25:16	call 9:17,17 10:10	cause 1:9 19:15	44:13,15 47:3	180:4,5 181:16,16
141:22	20:16 60:1 68:13	189:13,13	48:1,4,9,15,21	182:16 183:11
Brigades 88:17	68:15 91:21	caused 57:17 58:2	49:6,16,22 50:7	185:20,21 192:19
bright 83:16,17	104:22 121:13	causing 56:11	50:17 51:1,5,10	charged 172:19
bring 167:11 187:5	135:19 161:18	center 73:21,22	51:14,21 52:2,4	180:10
187:7 189:15	173:18 174:3,7	74:2,10,13,16	68:9 72:18,22	charges 5:9,10,11
broadcast 15:22	179:6 186:4	81:22 82:3	73:3 80:10 81:3	6:1,4,17,19 7:16
183:21 184:2,6	195:13,13	certain 14:10	87:5,8 88:9 104:7	10:18 11:22 14:2
broke 154:8 169:2	called 37:19 42:17	128:13 137:14	104:10,21 106:4	14:4,11 17:5
broken 173:3,5	68:16,19 69:2	192:16,16 193:1	106:11,14,16	18:18 21:8 43:20
Brooks 1:23 73:4,5	70:1,12 72:10	certainly 43:19	108:2,5,12,16,20	159:16 165:22
73:10,20 74:7,11	94:19	51:19 53:10 57:20	109:11,16 110:2,6	174:12 175:2
74:18,20 75:4,7	calling 5:6 6:21	58:19 59:2 60:1	110:11,18 111:4,9	181:13 185:22
75:14,18 76:2,6	102:16	61:12,16 62:22	111:12 116:1	188:7 193:5,8
76:12,21 77:16,20	calls 18:14	65:7 66:19 74:14	118:5,9,11,16,19	check 61:9
78:11,20 79:1,8	CALVIN 1:24	76:16 79:14,19	119:1 128:9,18	checking 50:14
79:17,21 80:8	cameras 183:15	80:6 90:15 92:12	129:6 134:9,15	checks 66:13
93:13 195:16,17	canceled 19:6	93:21 94:1 95:9	139:4,19 140:2,5	choose 104:15
brought 16:13	cans 77:11 81:13	97:15 99:10,13,16	140:8,12,15,19	182:9
95:12 117:7	capability 15:20	102:5 103:14	141:1,5,8,11,13	Christina 148:4
142:19 159:17	183:19	105:9 111:2 116:5	141:17,21 146:1	Church 53:20
187:12	capacity 15:22	166:12	153:17,19 154:22	cigarette 16:21
brown 55:8	117:7 183:21	Chair 5:8 6:18	155:4,14 156:4,11	cigarettes 186:21
buffer 94:10	184:5	13:21 36:17 45:20	157:3,12,15	circumstance
building 1:19 26:4	Capitol 64:18	73:6 80:9,13 87:3	159:14 160:1,6,11	174:20
28:6 36:6 41:13	carefully 186:14	111:11,17 115:22	160:14 161:3,7,15	circumstances
42:14,19 47:22	carried 180:3	194:1	161:20 162:2,7,12	15:16
54:15 79:6 82:2,5	case 1:9,10,10 4:5,5	Chairman 112:2	162:15 165:14,18	cited 195:8
82:8 83:13,13,15	10:16 12:9,10,12	114:6	166:17 167:2,6,10	city 99:4 137:15
88:16 89:9 94:9	12:15,16 13:12,14	Chairperson 1:21	167:14 174:21	158:5
buildings 83:22	19:2 21:17 25:4,5	1:22 4:3,18 5:2,14	180:18 181:1	civilian 6:21 25:8
84:2 127:2 143:13	25:11 63:1,21,22	5:17 6:3,8,16 7:1	193:17 194:2,10	140:1 179:6
built 64:3	108:4 154:1,2	7:6,11,17 11:5,9	194:14,20 195:12	clarification 34:16
bullhorns 75:12	158:12 160:2	11:12,16,19 12:19	195:16,18,20	clarify 48:10 50:18
burden 181:13	166:6 167:21	12:21 13:1,22	196:1	112:4
193:8	176:9 181:4,5	18:13,22 19:4,8	chance 22:19 41:4	clauses 122:15
business 156:7	194:19 195:4	19:10,14,18,21	44:19	123:21
businesses 64:22	cases 12:18,18	20:13,18,21 21:3	change 108:3	cleaned 172:14
65:3,7	154:4,21 158:5	21:6,10,14,20	143:10	clear 35:5 112:13
busy 194:3	162:18 176:9	22:15 23:2,10,15	changed 93:19	114:8 159:16
button 38:19	195:7	23:19 24:6,10	113:14 125:19	168:7
	Castillo 66:21	34:13 36:14 37:1	changes 177:17,17	clearly 10:8 30:1
	93:15	39:5,7,11,16,19	channels 42:20	44:6 59:18 60:1,8
	catch 51:22	40:3,6,10,13,19	charge 5:19 10:19	60:12 67:8 95:19
	categorize 146:21	41:5,11,19,22	11:1 14:12,22	132:19 163:10
C				
C 26:14 31:19,22				
53:5,14,15 54:3				

189:5 close 143:12 closed 17:20 53:18 58:7 59:11 66:11 75:3 95:17 145:1 170:2 190:21 193:20 194:18 195:2 196:4 closed-circuit 183:14,18 closer 36:18 52:8 72:7 closet 94:17 closing 3:4,6 63:2 166:5,14,18,21 167:9,11,15 170:19 190:15 closure 192:10 193:15 club 43:11 95:17 97:6 143:19 club-like 155:16 club-oriented 144:3 Code 123:1,1 137:11 192:20 colleague 16:17 Columbia 1:1 4:14 4:17 20:2 194:22 come 17:2 22:5 30:6 34:17 35:3 47:8 61:8 66:13 68:14 77:14,17 93:7 94:22 105:20 106:21 107:7 108:1 134:7 148:19 152:16 161:19 181:7 192:4 comes 168:14 173:16 190:5 coming 35:19 43:10 72:4 74:20 75:10 79:11 90:5 94:6 101:21 109:20 134:14 138:20 143:8	144:5 161:12 171:4 comment 31:8 152:3 comments 152:16 commercial 26:5 65:1 communicate 70:4 107:18 communicating 107:12 communication 72:9 community 65:6 66:7 106:20 107:5 107:12,14,14 compared 184:3 comparison 29:9 compla 108:22 complain 37:20 57:18 58:9 63:11 90:4 100:2,9,11 104:12,22 161:9 161:18 complainant 55:18 150:2 151:2 complainants 63:19 131:11,19 159:6 162:11 complained 32:19 42:14 62:6,15,15 62:16 78:2 101:21 102:1 103:8,19 104:11,13,20 127:15 128:4 129:1 146:9 147:16 148:2,9 149:19 160:21 164:7 165:1 175:16 176:21 complaining 29:4 176:1,3,5,7 complains 149:9 179:21 complaint 12:2,4 25:12 28:12 30:6 30:8,15 31:6,14	32:1 43:4 46:15 46:20 47:19 48:3 48:12 49:1,8,18 50:3 59:13 60:20 61:7 64:7 68:20 90:9,13 105:15 109:10 120:8,13 120:14,18 121:17 126:9 131:5,9 132:13 134:19 135:20 142:19 144:18 150:9 151:8,11,20 161:13 162:4 175:10 176:6 178:2 179:22 180:13 complaints 12:14 30:13,17 31:1 39:8 40:7,15 41:6 42:6,19 43:1 46:3 46:11 48:16 49:13 49:17,21 50:19 56:6 63:18 111:1 111:3 120:3 121:1 125:2,6 127:10 130:9 131:11 133:17 134:7,13 142:2,6,8 143:8 147:22 148:4,19 150:17 151:7 152:12 158:19,21 159:1,3,18,18 160:2 161:11 163:16 164:22 165:3 175:21 177:16 178:17,18 178:19,21 completely 85:4 145:19 189:19 completes 21:17 comply 1:13 64:11 computer 20:10 22:13 117:8 conceivably 79:9 concern 98:7,8 concerns 67:19	114:10 concluded 196:13 conclusion 10:16 17:2 172:6 183:6 187:16 192:5 conclusions 194:7 concrete 110:9 condo 25:21 26:16 27:17 71:18 138:6 138:9,10,19 163:15,22 177:14 178:10 179:3,20 condominium 126:6 128:7 176:4 176:10 condos 127:16 conduct 121:22 126:2 136:11 153:10 conducted 119:19 125:22 126:8 149:5 150:6 152:22 conducting 122:16 124:7 conference 196:5 confident 105:13 confine 61:6 confining 64:13 conflicting 10:1,3 confused 90:14 confusing 21:21 connected 184:16 connecting 133:3 connection 35:18 68:20 consider 70:19 71:13 147:19 consideration 17:21 166:4 188:2 considered 71:7 111:21 190:13 192:2 consistent 72:2 76:19 78:9 99:2 105:6 106:3 constitute 189:13	constructively 65:11 consultant 96:7 contact 35:1,3 50:4 50:8 contacted 35:12 containers 78:13 78:14 79:3 contemplated 189:5 contend 171:11 contends 8:4 contested 107:5 continued 154:20 173:6 continues 77:7 continuing 158:22 contract 32:7 contradicted 186:22 control 1:2,18,19 91:2 113:6 194:21 controlled 1:13 16:5 17:3 155:6 186:2,6 188:5 controls 116:17 117:3 118:1 Convention 73:21 73:22 74:2,10,13 74:15 conversation 17:19 71:6,10,13 144:22 145:11,15,18 176:17 179:19 191:22 conversations 18:3 65:17 146:16 152:9 conversing 152:15 convincing 168:7 cooperating 182:19 cooperation 183:1 cooperative 14:20 168:11,17 183:8,9 coordinate 110:20 copied 32:10 copies 22:11
---	---	--	--	---

cordial 94:14	cure 12:7,11 46:11	dark 83:20	decreased 70:12	67:7 93:17 94:20
corner 55:14 74:3	48:13 49:4,11	date 28:13 56:14	deem 72:3	95:15 112:16
correct 4:10 25:13	100:6 125:3	61:6 66:2 67:15	deems 192:7	113:17 160:7,8,10
25:14 26:3,17,18	134:17 160:17	89:21 92:14	deep 88:2,5	160:13 168:1
27:7,14,16,19	178:3,5	106:18 131:4,21	defined 91:5	184:7
28:8,21,22 29:2	cured 189:12	dates 32:19 61:9,10	definitely 100:16	differing 168:4
31:2 35:6 39:2,13	currently 82:11	90:14 100:14,17	103:16	difficult 17:12
39:15,22 40:12	cut-through 73:15	101:10	del 66:20 93:14	167:22 191:5
42:2,3 43:17	C-F 3:21	day 12:16 13:14	deliberating 195:7	direct 15:8 73:15
44:21 48:14 49:5	C-O-N-T-E-N-T-S	34:20 62:14 65:3	Depending 7:3	182:19 183:13
49:20 50:22 53:1	3:1	65:21 80:5 120:19	depends 136:9	directed 185:13
55:18 56:15 69:16		120:22 125:11	155:10	directions 76:1
71:18 87:13 91:6	D	126:8 148:20	depositing 79:14	directly 14:17 16:6
108:3 122:2,4,7,9	d 1:6 28:4,5,5 54:21	179:7 180:14	describe 57:5,15	25:20 104:13
124:3,5,9,15	133:9	181:22 190:13,17	62:5,14 98:10,15	171:10 183:22
126:16,18,20,22	dance 94:7,11	days 11:3,6,10,12	98:20 102:4	184:3
127:5,8,18 128:2	dancing 189:4	11:14,16 12:11,17	described 34:2	director 64:17
129:17 130:18	190:3	30:7,18,20 31:5	92:10 100:6	97:18
131:2 132:2,5,7,9	Danilovics 3:10	32:19 48:12 49:2	116:18 142:3	DIRECTV 27:3
132:11 133:13	22:7 24:1,9,15,20	49:4 50:3 61:7,7	146:13,13 163:7	disability 24:4
135:4,8 137:17	24:21 25:2,5,14	64:9 66:1 76:11	175:17 176:15	disbelieve 159:6
146:18 148:11	25:18 26:3,9,17	91:5 120:14 125:9	describing 86:19	disconnected 173:2
149:10 150:11,15	26:20 27:1,8,14	160:21 161:14	description 29:20	disconnecting
150:19 151:17	27:16,19,22 28:3	162:4 174:14	60:11 176:19	173:4
152:1 153:8	28:8,15,22 29:2,5	179:21 180:16	descriptions 90:16	discount 178:12,15
154:11 162:21	29:19,21 30:9,14	194:17 196:7	deserves 192:9	discretion 193:4
164:14	30:19 31:2,8,13	DCMR 137:12	designate 166:3	discuss 14:3 53:6
corrected 19:1	31:19 32:3,6,10	192:17	despite 90:21	66:14 106:21
correctly 44:16	32:14,21 33:2,13	deal 65:4 73:17	details 117:13	167:17 178:5
78:4 143:1	33:17 34:5,7,19	dealing 32:11	deteriorated 109:9	discussed 14:5 33:1
corridor 65:2	34:22 35:6,11,20	116:8	determination 6:15	discussing 47:1
couch 29:11	36:5,10 37:4,11	deals 14:22	35:19 121:9	discussion 14:11
counsel 20:7 21:11	37:16 38:4,7,10	December 8:5 14:5	127:20 129:3	36:9 107:9 186:20
21:18 22:12,18	38:17 39:2,10,14	30:21 33:3,3 37:9	130:4,8 132:17	discussions 179:9
36:17 195:4	39:17 40:1,5,8,12	38:15 39:21 40:2	134:17 137:2	dish 27:3
count 13:11,17	40:17,20 41:8,14	40:4 44:5 45:11	138:8 188:12	dismiss 151:8
couple 160:12	41:20 42:3,8,12	167:18	determinations	dismissed 181:14
course 8:7 10:6	42:16 43:5,17,22	decent 95:3	12:5	dismissive 142:8
91:22 172:22	44:5,21 45:12,14	decibel 35:17 138:8	determine 167:21	disperse 75:12
Court 25:19 52:21	45:16 46:6,9	decibels 137:4	determined 130:11	disruptive 123:13
73:14 88:15 123:4	47:11,16,21 48:14	decide 168:3,5	device 113:7	132:21 163:11
covered 32:17	48:19 49:5,12,19	decided 36:11	dial 37:14	distance 31:17 54:7
cross 34:13 68:9	50:1,11,22 131:17	decides 192:7	dialogue 50:15	176:3
141:18,19	131:19 132:13	decipher 182:17	183:17	District 1:1 4:14,16
crossroads 17:10	133:8 134:20	deck 27:3	difference 75:3	8:2,4 12:14 20:2
crowd 143:21	163:3,22 165:7	decks 108:10	different 7:22	22:11 167:17
CT 1:8	176:12,20 178:18	declared 12:8	11:22 42:20 57:21	194:13,21

Districts 180:6	86:2 101:14	106:19 148:20	156:6,15,17,22	example 112:7
disturb 95:8 98:12 98:13	DVD 173:1,1	employee 96:6 173:13	157:6 158:8,10,13	examples 168:20
disturbance 121:14	D-A-N-I-L-O-V 24:21	employees 9:16 10:2	162:10 163:22	exceed 178:8
disturbances 32:18	D.C 1:20 52:21	empty 127:2	169:1,14 170:17	exceeded 177:15 178:8 179:1
disturbed 160:20	99:4 110:14 123:1	emptying 77:11	170:19 171:1,16	exchanged 66:4
disturbing 43:9,21 147:10 155:8,17	137:11 192:20	encountered 156:22	172:14,18 173:4	Excuse 72:13
divert 169:21 170:20	D.P 141:3	encourage 65:1	173:16 175:14	excused 51:4 118:8
DJ 29:18 33:12,13 94:15 143:11	E	ended 171:8	177:14 178:7	executive 64:16 97:18
154:14 155:1	E 26:14 54:22	engineer 92:22	179:2 186:1	Exhib 74:4
156:7,8	78:16 85:21	93:6 105:19	187:18 188:20	exhibit 20:14,17 25:11 26:17,19
DJs 155:21	139:11,12,12	113:20 117:6,17	189:8 190:2,4	27:6,21 28:3,5,20
Doctor 24:15	earlier 20:7 78:1 123:21,21	enjoy 99:9 177:1	establishments 78:10 79:15 97:22	28:21 31:19,22
document 190:1	early 4:9 41:3 69:8	ensure 123:12	158:6 178:17	53:5,7,11,14,15
documentation 104:18	earthquakes 110:15	124:1 156:14	establishment's 9:16	54:3,19,21,22
doing 7:18 66:12 116:9 135:22	easement 83:7	188:18	etcetera 141:18	55:2,16 56:4 74:5
138:17 152:19	effective 107:1,15	enter 85:9	evening 10:6,15 14:18 29:5 33:4	78:16,17 81:12,14
179:20	effects 154:15	entered 178:16 181:2	38:2 62:22 65:20	81:15 85:20,21
DONALD 1:23	effectuated 175:8	entire 11:10 172:9	66:8,21 67:12	86:10,13 88:7
door 8:18 29:8 64:3 136:18 147:2	efforts 130:5	entirety 75:22 76:9	69:6,8,10,22 70:7	101:3,6,8 102:18
168:14,17 169:4	EFN 115:2,2	entrance 9:4 74:17 84:5,6	77:11 91:12,15	102:20 103:8
171:20 172:8	eight 106:2,5,6	enumerated 192:21	92:1,5 99:21	120:8 122:10,11
doors 17:20 58:6 59:11 60:17 94:12	either 7:4 48:6 69:7 75:4,11 76:12	environs 123:3	103:12,21,21	122:13 126:1
144:22 190:20	80:4 92:2 135:19	ere 183:12	117:6 171:17	130:15,15,17
double-check 116:20	151:19 166:5	escorted 15:4,8,11 185:2,7,15	evenings 102:6	131:4,15,15 135:6
doubt 105:5	173:18	escorting 15:16	event 169:9 172:2	135:9 139:9
downstairs 29:8 38:18	elaborate 142:4 143:15	essential 170:8	events 45:3 74:13 74:15 167:17	144:16 151:13
dozen 77:12 95:13 99:5	element 170:8	establish 10:12	174:17	162:19 163:2
draw 144:15 172:6 188:9	elements 172:20	established 113:3 179:2	eventually 8:20 175:18	175:9 176:22
drugs 10:21	elevated 193:2	establishment 1:14 8:7,8,20 9:5,6,9	everybody 177:10	178:20 184:1
dump 77:12	eligible 100:9	9:13,20 10:10,13	everything's 193:20	exhibits 3:14 20:4 22:10 31:16 54:17
dumped 101:13	email 22:11 28:17 29:1,6 30:15 50:5	10:17,22 14:19	evidence 5:12 8:5 9:1 20:22 21:9	80:15 81:4 100:22
dumpster 78:18,22 85:8	56:6,21,22 57:1	66:11 67:5 93:16	22:16 154:1 168:7	120:3 139:6,20
dumpsters 77:13 77:18 79:9,11,15	70:6 78:3 102:15	98:3 99:9 109:20	171:16 172:11,16	175:11 179:16
	111:3 131:16,22	114:9,13,16,18	173:9 180:2,3	existing 184:14
	132:3 140:11,13	115:1,3 124:2	193:14	exists 113:4
	151:20	125:13 126:15	evidences 173:5	exits 173:17
	emailed 39:18 69:10 102:11,13	129:18 133:2	exact 66:2	expansive 87:17
	104:19	136:6,18,20,21	exactly 16:1 33:18 171:14 182:6	experience 156:20
	emails 56:12	144:13 152:10	examination 34:14	experienced 32:18 99:7 157:18
				experiences 158:5
				experiment 97:2
				explain 31:17

explicit 112:13	175:22 176:3	fixed 112:4 173:7	Friday-Saturday	92:13 105:4 140:9
explicitly 33:4	fashion 31:4	184:21	167:18	140:17 141:3
exploring 18:4	faster 155:12	flat 183:1	friend 171:22	196:3
explosion 154:17	fee 193:1	fleshed 15:14	friendly 67:2	given 65:4 178:14
expound 37:7	feet 29:10 36:1	floor 26:11 27:4	friend's 41:1 45:6	gives 84:13 85:6,17
extends 94:8	54:10 57:7,9,12	75:22 94:7,16,17	46:3	glass 77:13
extensive 14:8	105:9 126:14	flowers 26:22 27:6	Frohlich 129:15	go 18:6 34:2 52:6
16:20 183:17	felt 105:13,21	27:15	153:1 178:20	59:3 60:3 67:4
extremely 121:13	108:21 109:3,7	fluctuate 69:18	front 8:18 9:4	81:6,12 90:17
188:11	154:5	focus 189:1	29:10 36:1 67:5	94:21 95:1,2,7
eye 31:20	female 9:10	focused 15:12	74:16 79:6 82:17	98:13,19 113:15
	fence 88:21 93:11	188:16	83:8,9 84:11	124:11 128:21
F	figure 180:8 191:6	follow 15:1 104:10	87:10,12 89:14	136:1 138:16
f 26:14,18,20,21	file 186:10 194:6	146:4 151:9	95:20 131:13	146:4 174:4
27:9 34:17 55:2	filed 42:19 43:2	153:20 162:11	136:17 147:1	179:11
78:17 81:14 86:13	48:16 49:1,8	172:19,21 173:10	168:16 169:4,17	goes 156:12 158:21
139:8,9,14,16	filing 109:10	173:19 183:12	171:10,20 173:15	160:15 183:3
151:13 175:12	final 11:22 77:7	186:19	173:15	188:4
face 89:15	110:19	followed 50:2	full 77:12 173:2	going 6:11 7:7 9:12
faces 76:1 87:10,11	find 10:17 12:13	104:18 184:15	further 34:11	14:2,9 18:17
87:13	18:2,7 128:3,12	following 30:8 31:6	36:12 37:6 48:8	21:21 23:9 46:2
facility 15:4	161:17 163:14	181:14	73:1 104:4 115:19	46:21 50:15 58:14
facing 75:19 89:10	171:21 193:7,10	follow-up 40:9,10	139:3 145:21	60:5 61:5 71:9
151:14 190:6	findings 130:16	44:11 45:22,22	153:16 185:11	72:14 81:5,10
fact 17:2 18:8,9	194:6	48:10	187:2	95:8 96:9 97:8,13
107:8 145:10	finds 174:15	forced 8:11	furthest 112:14	97:16 98:12,13
157:10 175:21	fine 81:8 174:13	form 32:8 104:15		106:21 107:15
183:7 184:15	180:12,15 192:9	104:16 192:9	G	113:8 135:22
187:16 193:9,13	192:17 193:15	forth 67:4 142:12	Gallery 53:18 74:6	136:9 141:15
194:7	finer 11:2 18:11	found 106:2 107:11	garage 55:8 82:14	143:22 155:12
factors 30:4	finished 140:17	162:19 165:11	82:16	165:19 166:1,11
facts 5:11 6:1 18:6	finishing 181:3	175:8 177:8 179:4	gauge 145:17	172:10 174:6
failed 1:12 172:21	firm 185:16	foundation 128:12	general 64:12	181:4 188:8
failure 10:10,11	first 4:5 12:2,9 14:4	four 26:4 119:16	125:16 158:4	194:17 196:9
15:1 172:19 173:9	14:12 18:14 20:2	160:3	186:3 192:14	good 4:13,15,19 5:2
173:19 183:12	25:3,4,5 31:6 37:6	fourth 26:11 27:4	generalized 76:9	23:22 24:1 51:16
fair 124:21 129:22	52:15 53:6 54:18	41:17 55:22 175:4	generally 71:15	60:9 96:8,11
130:22 163:4	62:3 94:8,16,17	frame 77:10 78:1	73:13,14,19 75:5	98:17 108:17
164:13 165:1,4	97:17 120:13	freestanding 53:3	105:3	159:3 161:4
fairly 10:8 73:19	125:11 160:5	164:1	gentleman 66:15	180:20 194:14
75:6 87:17 88:2,5	167:21 168:21	frequently 96:4	94:14 95:11 112:8	gotten 12:10 68:3
fantastic 94:2	173:11 175:7	Friday 41:6,9	116:14	72:6 109:6
far 55:4 57:6 63:20	186:9	61:17,18 76:13,17	George 3:10 24:20	Government 3:2,4
73:20,22 76:4	fit 192:10,11	76:18 92:1 101:20	131:16,19 191:18	3:15 5:20 7:12
78:18 81:18,19	five 5:9 7:20 11:3,6	101:22 102:13	getting 8:19 15:5	18:14 21:17
107:15 142:13	11:14,16 14:1	125:11 144:17	96:12	181:12,19 184:9
158:20,22 175:13	21:22 174:14	Fridays 41:3 76:8	give 5:4 55:19 60:2	193:7

Government's 20:14,17
governs 137:14
grant 22:9
granted 93:20
 95:16
gray 55:5 82:2,5,8
 83:20
great 58:11 65:4
 73:17 89:5 110:14
Greater 57:8
group 106:6
guard 8:18 169:12
 171:7 174:1
guards 169:2
guess 80:17 89:16
 89:21 149:1
 156:12
guessing 33:14
guest 71:11
guy 168:15
guys 173:16

H

half 74:9 194:12
Halloween 45:11
 65:21 67:13 99:21
 106:14
hamper 169:21
hampered 168:18
hand 24:3,13
handed 20:9
handful 65:9
handling 5:10,12
 5:15 7:16 158:5
Hank's 181:5
happen 174:8
happened 10:5
 14:16 15:7,15
 108:13 125:16
 135:17 168:5,19
 168:21 169:5,10
 169:16 170:10,12
 170:14 171:14,17
 181:20 182:6
 185:4,16
happening 171:10

happens 171:2
 173:14
happy 93:6 177:10
hard 94:3
hate 13:2
head 115:15
hear 13:4 29:17
 30:1 33:16,17
 34:3 36:22 37:17
 37:19 43:10 44:20
 48:2 58:5,8 59:9
 59:17 60:8 63:13
 67:8 70:21 71:6,8
 71:12 73:11 74:12
 74:22 92:7 94:22
 95:22 96:10,11,13
 121:12 124:12
 134:10 136:5,8
 142:22 145:14,15
 145:17 147:14,18
 149:6,9,22 152:5
 159:10 163:7
 169:15 179:19
 190:21 191:1,3
 193:18
heard 14:8,17 17:8
 17:15,18 18:2
 29:13 44:16 57:16
 77:17 90:2 98:10
 144:20 146:16
 147:12 154:4
 155:20 157:4
 160:19 162:3,5
 168:1 189:17
 190:10,14,15,20
 191:16,21 193:12
hearing 1:10 3:18
 5:22 8:3 14:7
 18:5 19:6 20:5,12
 22:6 168:2 177:21
 179:18 180:21
 181:3 188:17
 190:7 196:12
hearings 19:16
 154:14
hears 157:6
heavier 155:12

heavy 132:19
Hello 51:11
help 31:17 81:10
 83:4 94:5
helped 184:17
helpful 67:2 81:4,7
higher 145:8,9
Hill 64:18
hinder 14:14
 172:16 181:18
hindering 182:14
Hingoraney 150:3
 153:1,5
Hingoraney's
 164:9,10 176:10
hired 117:6,15
historically 89:2
history 175:4
hit 38:18
hitting 28:9
hold 145:19 195:2
 196:4
Holland 4:20
home 46:12 47:7
 49:14 53:22 54:5
 54:7,14,20,22
 55:2,2 56:7 57:5
 57:17 58:5 60:15
 60:19 61:4 62:19
 62:22 63:20 64:9
 73:8,12 76:10
 80:16 83:8,10
 89:12 91:17 92:2
 95:21 96:9 97:9
 103:22 109:12
 110:3,3,13,17
 115:8 121:5,7,9
 127:6 132:14
 133:1,5 144:19
 146:14 157:8
 175:14,15 179:17
homes 146:10,12
 157:22 179:11
home's 64:2
honestly 66:2
hopefully 14:3
 196:10

hospital 8:16
hotline 68:17,19
 104:14
hour 79:16 95:4
hours 63:9 74:21
 77:7 181:21
hour-and-a-half
 18:16
house 41:1 44:17
 45:7 46:3 53:3,9
 55:10,12,13 60:3
 61:8,20 71:19,21
 71:22 75:22 83:1
 83:16 86:5 87:10
 87:11,12,15 89:2
 96:16 121:16
 123:3 124:12
 151:13,14 159:11
 164:1
houses 88:17
hurried 169:3
H-A-K-O-O-R
 119:8

I

idea 5:5 137:6
identified 54:3 67:7
 139:22
identify 4:11 53:7
 54:18 60:15
 190:22
image 16:1 183:21
 184:6
imagine 103:11
 105:11
immediate 66:20
 91:2,4 107:4
immediately 9:9
 10:9 80:19 171:22
 173:14 187:22
impact 155:13
impeded 183:8
implication 148:13
implications
 185:22
implore 191:15
 192:3,17 193:5

important 172:22
 175:20 177:3,6
 185:21
importantly 170:15
impressed 9:10
impression 65:16
improve 184:11
improved 67:21
 109:7
improvement
 158:18
inadvertent 184:20
inch 74:9
incidences 169:19
incident 10:1 14:5
 161:8 169:14,18
 173:18 174:3
incidents 168:22
include 194:3
included 89:4
including 9:15
 174:14
inconsistent 183:4
 183:5
incredibly 103:17
indicated 20:8 96:3
 125:18
indicating 66:9
indicator 96:12
individual 116:9
 157:4
inference 148:16
information 15:5
 104:3 170:13
 187:14 188:5
informed 90:20
info@moodlounge
 28:18
initial 12:2,3 25:12
 31:14 40:8 50:2
 144:17
initially 69:22
 113:17
initiate 176:6
initiated 120:13
 121:17 175:10
 178:2

injury 169:7	134:18 168:19	150:15,19 151:1,6	job 129:8 167:22	known 9:14 114:3
insane 147:4	169:21 170:21	151:16 152:1,8,21	joined 67:1	knows 182:6
inside 8:6,15 9:5,7	172:17 178:2	153:4,8,13 154:10	Jon 153:1	Kwamina 4:20
9:9,12,14 10:9,22	181:17,18 182:14	155:3,9,19 156:9	Jonathan 129:15	
60:14 67:1,4	183:9	156:19 157:9	judge 145:16	L
73:12 93:16 94:2	investigations	158:3,15,20 159:7	judicial 20:11,15	I 4:14 104:3
94:6 96:13,16	119:19 121:22	159:9,21 160:4,9	June 1:17 115:14	labeled 56:5 86:12
97:5,9 98:21	148:8	160:12 161:1,5,10	115:16	Lamont 53:17 74:6
121:12 133:4	investigative 3:19	161:16,21 162:5,8	Justin 136:13	laptop 94:15
136:9 138:9	3:20 17:13,16	162:22 163:5,9,12	J-A-B-R-I-E-L	113:10 117:8,11
144:20 145:14	18:20 55:16	163:17 164:4,8,14	119:7	large 77:12 78:17
148:3 149:19	124:20 139:17	164:19 165:5,9,12		107:8 186:20
150:6 159:10	144:16 175:4	165:16 179:5	K	lasted 105:22
164:15 169:1,14	177:22	182:15 183:10	keep 51:9 161:18	lastly 173:21
170:6 171:20	investigator 6:22	185:4,10 189:17	key 188:12	late 78:8 86:19
172:11,15 173:11	12:5 14:18 15:2	191:17	kicked 16:19	97:22 157:17
174:6 185:2	15:21 34:16 35:9	investigators 9:22	186:19 187:21	159:13
Inspector 56:9	35:9 50:4,8 68:12	10:4 170:1 171:13	kind 94:18 105:19	law 190:3 194:7
68:16 90:21 100:4	69:5,15 70:9,13	179:9	183:3 190:7	layers 128:15
instances 40:14	71:17 72:1 103:22	invited 66:13	kinds 29:4	lead 149:1
instructions 194:18	118:22 119:6,11	invoke 7:10	knew 109:14	lean 52:8
insufficient 18:7	119:12,16,21	invoking 7:7	164:18	learn 47:8
intend 22:10	120:5,10,15,20	involved 128:15	Knight 4:20	leave 58:17 59:1
intended 193:21	121:3,6,11,19	169:3 171:19	know 37:9,22 38:5	60:2
intends 189:2	122:3,8,12,18	involves 73:16	42:13 43:7 50:9	leaving 63:6,8
interest 18:19	123:5,10,18 124:4	iPad 113:10	61:15 62:16 63:17	74:21
interested 101:19	124:9,14,17,22	issue 14:2 30:2 33:5	72:12 77:8 79:18	left 4:22 44:17 55:3
interfere 10:13	125:5,10,17 126:3	39:20 49:18 50:6	80:4 86:20 87:2	63:1 73:17 78:18
170:20	126:11,17,21	77:8 102:13,14	91:10 93:7 96:5	82:8,13 172:8
Interfered 1:12	127:4,7,12,17	105:5,7 108:7	98:18 100:19	legal 195:3
interference 14:13	128:1 129:8,11,16	112:10,12 145:20	105:3 106:17,18	length 14:6
interfering 181:17	130:1,7,13,19	188:8 190:6	107:16 108:8	let's 23:16 59:17
interior 94:3	131:1,6,18 132:1	194:16 196:6	109:12,16 113:21	61:16 75:9 101:11
International	132:6,10,15,18,22	issues 32:12 41:2	114:19 116:7,17	101:15 120:7
88:17	133:12,18,21	45:4 66:14,16	118:4 140:14	122:22 146:20
interpret 160:19	134:4,11,22 135:3	90:18 101:14	142:14 143:10,19	level 43:7,9,21 57:5
interpretation 91:4	135:7,10,13,18	107:4,18 108:8	148:14 149:8	59:12 68:2 69:17
interrupted 176:18	136:2,7,12,16	110:21	150:9 153:22	70:5,11 90:4 94:8
interviewed 170:1	137:8,12,16,20	it'll 142:15 167:3	156:2,6,10 157:16	95:13 96:15 97:8
introducing 5:21	138:2,11,13,22	I-C-S 24:22	166:11 169:4,11	98:10,15 102:3
investigate 120:18	139:10,13 142:1,7		170:3,5 171:3,6	105:14,21 111:22
investigated 9:22	142:21 143:3,9,18	J	174:1,5 181:9	112:5,8,11,16,17
investigation 1:12	144:7,11 145:3,12	J 149:18 178:18,19	185:13 190:13,18	112:19 113:7
10:14 14:13,14	146:3,17,22 147:7	Jabriel 2:13 3:12	190:18 191:8	121:10 128:6
121:18 122:6	147:11,20 148:11	119:6	knowing 186:11,11	132:17 138:8
124:8,19,20 126:1	148:18 149:10,13	January 3:17 14:7	knowledge 35:1	144:4 145:9
132:9 133:16	149:17 150:1,5,11	25:21 39:12,15	173:5	146:14,15 147:18

152:11 155:2	listed 192:19	looks 94:2 101:7	148:8 149:20	material 18:10
163:14 164:12	listen 38:11 175:18	103:19 139:11	164:15 181:18	189:11
176:13,15,16,16	181:8	lot 55:8,9 82:16	182:11,19 183:1,7	matter 1:5 20:3
176:21 177:1,9,15	listening 98:14	83:3 84:3,4 85:5	183:20 186:11	49:21 114:19
179:18 190:16	181:22	86:6 89:1,3 133:5	187:4,6,8,16	194:15
191:11,14 193:2	lists 56:2	154:15,18,19	Lounge's 78:22	ma'am 56:16 86:3
193:12	little 21:21 36:18	181:2 183:3	84:5	115:18 157:14
levels 17:18,19 37:5	52:7 54:4,9 55:11	184:18 185:2	love 89:7	mean 17:12 33:12
47:15 67:3,7 72:1	55:13 59:3 64:4	loud 37:21 52:9	low 121:13	43:2 49:17 60:8,8
72:2,3 91:11,15	86:5 94:4 115:12	58:2 62:20 63:12	lower 142:14,14,18	98:18 128:14
94:20 95:22 97:5	120:4 136:8 138:6	92:6 95:7 99:15	143:2 152:4,14	129:7 135:9 137:6
99:15 125:8,19	143:12 149:6	103:17 129:1,20	lowering 142:11	142:5 143:16
129:2 133:20	157:1 172:3	133:9 138:20	lucky 87:16 89:5	147:8 152:5,7
137:14 138:18	173:21 194:3	147:14 149:20	110:9	155:20 191:4
144:20,22 145:8	live 6:6 25:16,18	156:1,8 163:7	lying 182:13	meaning 145:9,10
145:11,18 146:21	37:18 52:19,20	164:18 165:1	lyrics 30:1 60:9	160:19
154:9 177:11,12	73:22 105:9	176:22	95:20	means 37:14 54:12
177:19,20 178:7	112:15 143:13	louder 59:4 63:3		124:10 161:17
179:1 187:1	157:22 189:3,7	69:19 76:15 92:5	M	meant 64:14
191:20	lived 25:17 73:7	95:1 96:20 98:12	machine 138:6	measure 35:20
levied 18:11	115:5 128:4 158:7	99:3 112:10 133:5	Madam 6:18 13:20	57:11
levy 192:16	lives 129:15 151:2	133:10 154:19	36:16 45:20 73:5	measured 57:12
LG 58:21 191:1	living 75:15,17	175:16	80:9,13 87:3	measures 47:7
liaison 107:13	76:10	loudest 34:9	111:11 115:22	medium 83:20
license 1:9 4:8 91:2	LLC 1:6	loudly 59:18,22	194:1	meet 65:12 109:5
107:10 174:18	located 4:7 75:15	Louise 2:12 4:16	Main 64:17,20	meeting 1:3 67:11
licensed 190:2	location 53:16	lounge 3:22 4:21,22	97:20	67:16 92:10 99:18
licensee 3:4,6 4:21	133:1	16:14 17:3 25:20	major 158:18	99:19 106:6,18
17:11 18:7 48:5,7	long 25:16 42:22	25:20 26:8,10,12	majority 74:15	108:14,17 109:7
91:6 107:19	43:4 69:1 73:7	29:7,12 31:5,18	88:21	135:16 194:18,19
188:17 189:5	105:6 119:15	32:12 39:9 42:4	making 90:17	195:2 196:4
licensees 107:3	121:16	45:1 46:5,20 47:9	142:11 186:7	meetings 45:4
licenses 65:8 107:6	look 22:19 25:9,10	53:16 54:8,13	188:12	65:17 125:16
lied 169:8 170:7	28:1 53:5 54:2,17	55:1,5 56:10 57:2	mandatory 10:20	177:6 195:1,6,9
light 49:10 189:16	74:4 88:12 100:15	57:18,21 60:16	manner 185:14	196:6
limit 19:1,11,15	100:20,22 101:1	63:2 66:3,10	marijuana 9:11,14	member 1:23,23,24
limited 15:13	113:16,21 114:3	68:21 69:18 78:15	9:20 16:9,11,19	1:25 13:2,7,9,12
186:15 187:11	126:1 151:12	80:2,20,22 81:19	16:22 171:1,6,9	13:15,18,20 36:16
limiter 94:18 113:4	172:1 179:14,16	81:20,21 83:12,14	173:22 174:2	36:21 37:3,15,22
113:6,20 126:2	182:11 183:15	83:19 84:1,11,15	186:12,18,22	38:5,9,13,21 39:3
line 15:11 55:22	184:2 186:14	84:18 85:5,9,15	187:4,11,17	58:10 73:5,10,20
155:15 182:4,8	188:1,3,22 192:7	86:1,7 89:10	Mart 131:19	74:7,11,18,20
183:16,16 185:12	192:17	92:21 93:15 96:4	Martin 3:11 51:20	75:4,7,14,18 76:2
186:13,13 188:3,4	looking 27:6 53:7	98:11,14,21 105:7	52:17 93:8 104:4	76:6,12,21 77:16
lines 94:4 182:20	53:11 55:2 78:12	109:13 112:14	191:19	77:20 78:11,20
182:21 185:18	82:8 88:15 123:8	115:2,2 122:1	Martin's 144:19	79:1,8,17,21 80:8
liquor 107:10	171:21 172:8	133:9 134:20	191:18	80:12,21 81:6,8

81:10,15,17,18	met 1:19 65:22	109:11,16 110:2,6	moment 55:19	107:10
82:1,4,7,12,15,19	92:11 105:18,22	110:11,18 111:4,9	Monday 33:3 34:8	morning 4:13 29:6
82:22 83:4,6,11	106:9,12 181:12	111:12 114:6	38:2 102:12 103:9	34:8 69:9 75:9
83:17,21 84:4,8	184:7 193:8	116:1 118:5,9,11	monitor 16:1	77:7 78:2 103:13
84:12,21 85:2,6	metal 77:13 78:18	118:16,19 119:1	183:21 184:6	167:19
85:13,16 86:17	meter 135:22	128:9,18 129:6	monitoring 149:20	Moseley 32:7
87:1,7,9,14,18	mic 33:12 52:5	134:9,15 139:4,19	months 106:2,5,6	motion 196:2
88:1,4,8,10,18	Michae 4:13	140:2,5,8,12,15	109:21,22 114:20	motion's 195:13
89:5,8,13,16,19	MICHAEL 2:11	140:19 141:1,5,8	Moo 133:8	Mount 74:17
90:2,8,12,16 91:9	microphone 30:3	141:11,13,17,21	Mood 1:7 3:21 4:7	move 20:3 22:22
91:14,18 92:4,9	33:7,14,20 34:4	146:1 153:17,19	4:21,22 17:2	23:11 36:18 52:7
92:13,17 93:3,13	36:18 43:12	154:22 155:4,14	25:19,20 26:7,10	123:6 130:15
95:5,10 96:14,19	154:15,19 155:1	156:4,11 157:3,12	26:12 29:7,12	131:4 139:6,16
96:22 97:4,10,12	microwave 158:8	157:15 159:14	31:5,18 32:12	195:2
97:16,20 98:5,7,9	microwaves 147:3	160:1,6,11,14	35:19 39:9 42:1,4	moved 25:21 39:14
98:17,22 99:6,11	middle 135:15	161:3,7,15,20	42:7 45:1 46:4,20	109:12,22 114:19
99:14,17,22 100:7	midnight 43:13	162:2,7,12,15	47:9 49:9 53:16	movie 38:12
100:10,13 101:2,5	98:4	165:14,18 166:17	54:8,13 55:1,5	movies 59:2
101:9,15,18 102:2	MIKE 1:25	167:2,6,10,14	56:10 57:2,18,21	moving 22:16
102:7,10,21 104:2	Miller 1:21,22 4:3	174:21 180:18	60:16 63:1 66:3	102:22 103:2
111:18 115:21	4:18 5:2,14,17 6:3	181:1 193:17	66:10 67:21 68:20	MPD 135:19
116:2,3,6,13,16	6:8,16 7:1,6,11,17	194:2,10,14	69:18 72:4,9 75:2	136:12 137:22
116:22 117:2,9,12	11:5,9,12,16,19	195:12,16,18,20	75:2,8,9,20 76:5	muffled 73:19
117:18,21 118:3	12:19,21 13:1,22	195:20 196:1	77:3,10 78:15,22	multiple 42:18
146:3,19 147:5,9	18:13,22 19:4,8	Mimi 1:6 28:18	79:12 80:1,20,22	60:14 172:2
147:15 148:6,12	19:10,14,18,21	57:2 65:13,22	81:19,20,21 83:12	music 17:15 29:17
149:8,11,15,21	20:13,18,21 21:3	66:9 67:2 92:19	83:13,19,22 84:5	29:22 33:5 43:5
150:4,8,13,16,21	21:6,10,14,20	92:20 93:5 94:13	84:11,15,18 85:5	43:11 44:19 58:4
151:5,12,18 152:2	22:15 23:2,10,15	95:12 104:19,20	85:9,15 86:1,7	59:9,18 63:5,12
152:17 153:2,6,9	23:19 24:6,10	105:13 106:9,20	89:10 90:5 92:21	67:3,8,9 71:7,8,12
153:15 157:14,16	34:13 36:14 37:1	112:9 117:6 142:2	93:15 94:4 96:4	94:19,21 96:10
158:11,17 159:2,8	39:5,7,11,16,19	176:12	98:11,14,21 105:7	98:10 99:15
159:12 195:11,15	40:3,6,10,13,19	mind 19:3	109:13,22 110:22	101:16,19 117:10
195:17,19,22	41:5,11,19,22	mine 27:2,4 83:3	112:14 114:9,12	123:13 124:1,13
members 65:6	42:5,9,15,21	84:11	114:18 120:6	129:20 136:19,21
107:5,12,14 111:7	43:14,18 44:3,8	minimize 10:14	122:1 127:3	136:22 142:18
146:2	44:13,15 47:3	minor 64:5	134:20 138:21	143:2,7,11,16,20
mention 35:8,13	48:1,4,9,15,21	minus 137:3	148:8 149:19	144:8,9,12 152:4
37:4 168:9	49:6,16,22 50:7	minute 4:9	164:15 169:2,13	155:7,10,16 156:6
mentioned 47:5	50:17 51:1,5,10	minutes 93:7	175:13,22 176:4	156:14 165:2
69:13 71:17 84:14	51:14,21 52:2,4	mislead 172:16	181:18 182:11,18	188:19 189:3,7
114:5 142:1	68:9 72:18,22	misleading 168:13	183:1,7,20 184:4	190:3 191:2,20
178:20	73:3 80:10 81:3	misled 168:18	186:11 187:4,6,8	music's 98:1
merchants 99:7	87:5,8 88:9 104:7	mixed 14:15	187:16 190:17	M-A-R-T-I-N
message 28:17 66:9	104:10,21 106:4	181:20 182:7,7	Mood's 64:9	52:17
92:19 104:20	106:11,14,16	mixing 153:22	Moosally 32:13,14	
116:21	108:2,5,12,16,20	modified 95:13	moratorium	
				N

name 24:18 26:3 51:17,19,22 52:15 78:4 93:18 95:11 115:1,3 119:4,7	42:20 44:7,18,19 44:22,22 47:8 57:17 60:3 66:10 66:12 67:21 69:14 74:21 76:3,12 92:21 95:17 97:22 105:7 116:8 144:12 148:21 149:20 160:20 161:8 164:16 182:6 185:17	102:1,3,14 105:8 105:14 108:8 109:18 110:22 111:22 114:7,10 120:2,18 121:2,10 121:12 122:1,16 122:19 123:2,13 124:2 125:8,19 128:6 129:2 130:5 130:8 132:17 133:20 134:3 135:21,22 136:5 137:1,3,14 138:18 138:20 144:20 145:8,11 146:14 146:21 147:18 154:8,12 156:14 157:6,7 158:1,5 159:17,18 160:2 160:20,22 162:19 163:7,14 164:12 165:11 175:2,7,15 175:19 176:8,13 176:15,16,16,20 177:11,12,15,19 178:7 180:1,4 188:15,19 190:9 191:3	176:17 179:19 normally 33:9 37:14 41:6 59:10 177:2 north 89:3,15,17 93:11 95:21 northern 74:9 northward 96:9 Nos 195:4 note 56:13 notebook 25:10 120:4 140:18 noted 17:17 notes 190:12 notice 5:9 12:10 20:11,15 56:10 64:8 91:6 123:20 135:14 160:16 181:2 196:3 noticed 16:18 186:18 notices 6:19 notified 161:18 not-acceptable 105:14 November 12:9 31:10 40:21 44:2 45:5 46:6 103:18 109:9 number 5:5 50:19 57:13 58:17 65:7 78:12 85:20 99:2 100:22 112:20 148:1 149:5 151:7 159:3 numbers 66:4 numeric 112:4 numerous 106:19 125:6,13 133:17 142:11 148:5 149:3 161:11 162:6 187:1 NW 1:8 4:7 N.W 1:20 52:21	OAG 2:11,12 oath 24:5 object 23:5 46:21 71:1 72:14 128:16 objecting 23:13,16 objection 20:20 47:2 128:8,10 140:4,5 objections 140:3 observe 49:15 observed 10:5 obviously 20:21 67:22 109:8 156:1 occasion 58:1 90:20 100:1 104:19 120:2 occasions 38:14 60:14 62:21 76:16 77:2,5 89:20 102:15 120:6 128:5 occupants 123:15 occupation 119:10 occur 77:21 occurred 10:15 12:1 78:1 167:21 occurring 158:1 occurs 173:11 October 12:4,8 28:16 31:12 37:8 38:14 40:1,3 47:12,14 61:18 62:13 67:13 68:1 71:17 72:15 89:21 89:22 92:15 99:19 100:11 101:22 102:12,13 103:9 103:13,13 106:15 108:14 120:10,12 131:6,22 134:19 163:2 175:8 October-Novem... 145:7 odd 41:10 offense 11:17 193:2 offenses 11:4,15 170:9
naturally 69:19 Naylor 25:19 52:20 73:13 88:14 123:4 near 3:21 147:4,5 necessarily 148:19 154:16 necessary 123:12 124:1 156:14 157:7 188:18 need 12:18 18:11 18:17 20:8 22:13 25:7 107:19 117:12 118:4 127:20 129:3 155:7 needed 45:5 56:9 needs 168:3 neighbor 66:20 88:16 93:10 147:13 neighborhood 3:21 75:6 107:4 neighboring 17:8 193:13 neighbors 66:22 92:11 104:15 105:18 110:20 154:5 155:8,17 191:10 neither 173:10,17 never 37:19 109:5 153:14 171:2,3 172:7 178:15 new 44:6 110:10 News 38:11 nicely 86:5 NICK 1:23 night 14:16 28:16 29:19,21 30:2,21 33:2,7 34:7,8 38:12 41:7 42:12	nightclub 58:1 94:1 94:11 97:9 101:22 102:1 nightclubs 99:3 nights 34:9 41:1 46:2,5,13,19 47:10,17,19 75:2 76:4 NINE 26:2,4 53:1 53:19 54:22 55:5 66:22 79:3 80:19 86:8 105:18 106:6 106:9 110:21 112:16 121:2 123:2 126:7,7,16 127:11,21 128:4 138:7 153:7 noise 6:20 12:1,14 17:18 28:12 29:7 29:8,12,16,22 30:17 31:4 33:5 33:16 34:4 35:21 37:20 39:8 40:14 41:2 42:22 43:8,9 43:11,20 47:14 49:9,15 50:5 56:6 56:11 57:5,16,20 58:8 62:4,14 63:4 63:5,7,11 64:9 66:14 67:19 68:2 68:21 70:4,11,17 73:11,18 74:12,12 75:10 76:22 77:4 79:10 90:3,5 91:3 91:11,15 94:5 100:2,9 101:21	noises 29:4 176:1 noisier 76:13 noisy 76:3 nominal 18:10 non-noise-related 102:12 Nophlin 1:24 13:2 13:9,12,15,18,20 36:16,21 80:11,12 80:21 81:8,11,16 81:17 83:5,6,11 83:17,21 84:4,8 84:12,21 85:2,6 85:13,16 86:17 87:1 195:11,14,15 normal 17:19 18:3 29:13 34:1 37:5 52:11 71:6 144:21 145:17 146:16	O O 93:10 96:9 151:3	

offer 189:3	74:11,18 75:7,14	196:1,9	original 106:18	Parker 14:18 15:3
officer 8:21 9:2,7,8	75:18 76:2 78:11	old 64:2 110:3	Orzoli 129:14	15:21 182:16
9:10 16:7,8	79:1,8 80:8,10,22	once 7:18 9:5 61:8	149:4 152:22	185:4,10
135:16 136:13	81:18 82:4,7,12	61:16 77:14 98:4	164:22 178:19	part 12:7 13:5,6
137:22 138:5,16	83:11,18,21,21	140:17 161:12	Orzoli/Frohlich	20:6 28:6 41:13
168:14,18 170:16	84:5,9,12,13 85:2	ones 79:5 103:15	138:10	55:8 88:22 113:4
171:4 186:16	85:6,16 87:3,5,8,9	103:16	outdoor 123:19	122:6 123:7 129:8
187:2,20,21 188:6	88:1,9,10,18 89:8	one's 163:22 164:1	outlined 126:10	166:6,20 182:13
officer's 168:10	89:13,19 90:8,12	one-by-one 23:11	output 113:7	particular 57:22
officially 141:6	92:4,9,17 93:3	23:18	outright 181:14	58:17 76:3 90:20
oh 11:16 19:9,13	97:4 98:5 99:6,17	ongoing 134:5	outside 8:11,13,19	121:17 123:22
21:20 23:15 27:8	99:22 100:7,10	online 104:15,16	10:9 66:3 67:1	124:19 129:14
32:9 36:20 61:3	101:9,15 102:2,10	open 31:5 45:1	91:3 94:21 96:11	138:19 157:19
72:22 74:14 80:21	102:21 103:4	64:10 67:22 75:2	136:5 138:17	158:7,13 159:6
83:21 130:15	106:11,16 108:5	75:8 76:5,7 79:16	157:18 171:18,20	176:9 182:13
139:13 140:19	108:20,22 109:11	90:6 95:18 96:5	171:22 172:2,12	183:15,19
171:2	110:2,11 111:4	98:3 105:8 136:18	173:14	particularly 58:2
okay 4:3,18 5:2,17	113:9,12 114:4,21	147:1 161:13	outward 172:8	110:3
6:8,16 7:6,11,22	115:19 116:1,16	180:14 194:17	overheard 35:22	parties 4:10 194:6
11:9,13,19,20	116:22 117:9,21	195:1,6,8 196:5	overtakes 174:16	partner 186:17
12:20,21 13:15,22	118:5,19 119:1,18	opened 77:3 109:22	overwhelming	parts 6:14
18:13 19:4,9,18	121:21 122:20	opening 3:2,4 7:12	88:21 171:5	passed 178:6
19:19,21 20:13,18	124:18 125:21	7:15,18 47:9	owned 93:17	passes 196:2
20:22 21:1,3,13	130:14,20 131:3	174:10	owner 4:22 10:3	paste 182:10
22:1 23:16,19,20	131:21 133:14	operate 143:21	16:14 56:10 57:2	patrons 16:18,19
24:10 25:1 26:13	134:1,8,15 136:1	155:22 190:4	57:18 70:4 72:9	63:1,6,8 75:11,13
27:5,10,11 28:19	136:14 137:13,18	operated 93:17	91:1 92:20 152:15	108:9 170:17
29:3 30:5,11,16	137:21 138:4	operating 95:18	177:14 186:10,18	186:12,18
31:3,11,15 32:16	139:4 140:2,6,15	116:17 117:3	187:8,14,20 191:7	pattern 76:19
32:20 33:15 35:2	141:2,5,11,18,21	operation 143:10	owners 177:8,14	peace 88:17,20
35:7,13 36:8,12	144:10,14 145:4	operations 144:13	178:10 179:3,20	penalty 13:7
36:14 37:1,15	146:1,4 147:15	opinion 97:13 99:8	187:12	people 42:18 74:20
38:9,13 39:7,11	149:7,15 150:4,8	143:6	owner's 27:2	99:9 105:10
39:16,19 40:6,11	150:16,21 151:5	opportunity 21:18	Oyster 181:5	107:19 110:21
40:13 41:11,19	151:18 152:2	49:4 66:18	O-F 3:1	112:15 127:14
42:5,9,21 43:14	153:6,9,15 154:16	opposing 21:11,18		128:4,13,21 129:9
44:4,8,13 45:19	154:22 155:4,14	22:18	P	147:16,21 148:1,9
46:16 47:13,18	156:4,11 157:3,12	opposite 83:2	P 88:19	149:2 153:7
48:21 49:22 50:17	157:15 159:12	optimism 65:5	pace 155:12	157:21 160:7,8,10
50:18 51:1,14	160:11,14 161:3	order 25:8 187:9	package 86:13	168:4 169:3 171:1
52:4 53:4,21 54:6	161:20 162:2,12	189:19 194:16	page 130:21 182:20	174:1,5 176:4
54:11,16 55:15	162:15 163:13	196:7	182:21 183:15	181:2 185:14
56:3,13,20 57:15	164:17,20 165:10	orders 17:7,22	185:18 188:4	people's 146:12
59:5,16,21 60:4	165:14 167:6,10	Orestes 66:20	pages 182:2 188:3	190:10
60:18 62:10 63:10	167:14 180:19	93:14	painfully 182:2	Perfect 141:8
64:6 67:14 70:16	181:10 193:17	oriented-type	parameters 157:19	period 34:20 39:20
71:16 73:11,20	194:2,10,14,15	143:20	Pardon 82:1	40:18 42:10 43:15

43:19,22 45:9	44:11,14 45:8,13	165:6,10,13	please 13:3,4 36:19	preemptively 44:17
46:4,8,10,12,17	45:15,19 46:1,21	174:22 193:22	51:18 52:16 55:20	46:2 177:5
46:20 47:1 48:17	51:3,8,16 52:7,11	194:12	63:21 70:17 85:9	preliminary 5:4,7
49:13 50:18 60:20	52:14,18,22 53:4	phone 30:12 66:4	85:10,11 92:22	20:2
65:13 100:6	53:13,21 54:6,11	photo 78:19 82:20	93:2,7,9 119:4	premise 186:2
114:17 120:22	54:16 55:11,15,21	88:7	193:3	premises 16:5 17:4
125:22 127:10	56:3,13,17,20	photograph 53:12	plus 137:2	34:17 35:3,4,10
130:3 132:9	57:4,8,15 58:10	Photographs 3:21	point 14:10,16	177:4
133:15 134:18	58:14,20 59:5,16	photography 53:20	15:19 16:6 18:1	present 1:22 2:10
145:7,8 146:9	59:21 60:4,7,11	54:2 88:15	34:16 43:2 47:8	66:10,15 96:4
147:17 150:17	60:18 61:1,5,13	phrases 123:9	58:8 60:2 72:5	117:5
160:17 176:5	61:19,22 62:2,10	physically 20:8	80:16 84:13 93:9	presenting 6:5 7:20
178:3,5	62:12 63:4,10,17	140:9	95:6 96:3,12,15	8:3
periods 163:15	64:6,14,19 65:12	pick 77:18 79:13,17	97:1,1 98:11	presents 188:8
permit 190:3	65:15 66:17 67:10	79:19,21 107:22	103:16,19 105:12	presiding 1:21
permitted 17:3	67:14,18 68:5	182:9	106:9 109:10	pretty 95:3 132:19
186:1 187:17	72:13 85:19,22	picked 78:10 80:5	113:13,14 143:4	133:21 142:15
190:2	86:4,10,14 102:17	picking 79:10	151:9,11 154:5	149:13
permitting 16:4	102:22 103:4	107:20,21	155:6 159:10	previous 17:22
186:5	111:10 118:7,10	picture 26:15 28:7	166:21 168:9	109:21 114:10,17
persist 42:22	118:14,18 119:3,9	78:12 82:9 85:8	182:15 185:17	128:5 129:21
person 8:15 33:20	119:14,18 120:1,7	pictures 139:7,22	189:9 192:13,14	154:9 158:12,13
153:3 158:7 170:5	120:12,17,21	172:1 175:12	193:18	176:9 177:20
172:7 179:10	121:4,8,15,21	piece 155:1	pointed 110:13	previously 68:3
personal 57:1	122:5,10,14,20	pieces 84:17	181:19 183:10,22	93:16 105:18
personally 30:10	123:6,16,20 124:6	place 46:12 106:3	pointing 6:14	125:18 175:6
persons 8:12	124:10,16,18	121:12 145:13	points 111:16	179:3
perspectives 182:8	125:1,7,15,21	150:6 157:20	152:13 154:21	primarily 50:20
pervasive 9:11 10:8	126:5,13,19 127:1	158:4 164:11	166:3 183:13	primary 55:17 84:6
Phillips 2:12 3:3,5	127:6,9,14,19	165:8 170:5 172:4	police 8:21 9:2,7,8	192:21
4:15,16 5:12,18	128:3,17,20	184:5,14 190:12	9:17,18,21 10:4	prior 31:13 46:17
6:18 11:20,21	129:13,19 130:2	191:4	10:11,15 42:17	114:7,22 115:2
12:20,22 13:6,10	130:10,14,20	places 133:6	75:11 135:16	privacy 122:19
13:13,16,19 19:5	131:3,8,14,21	146:22 147:2	169:13 170:11,11	188:15
19:9,13,17,19	132:3,8,12,16,20	159:3	170:15 173:18	proactive 50:12
21:4 22:2,3,21	133:7,14,19 134:1	plan 1:13 9:19 15:1	174:3,7 186:4	probably 34:9
23:4,8,13,17,21	134:8,16 135:1,5	16:2 172:20,21	popular 108:10	47:11 77:6 144:8
24:2,12,17 25:1,6	135:9,11,14 136:1	173:8,10,20	portion 94:11	problem 50:9
25:15 26:1,6,13	136:4,10,14 137:5	183:12 184:4,4,14	166:22	56:11 63:16 86:16
26:19,21 27:5,10	137:10,13,18,21	184:19 185:9	portions 166:9	105:9 112:6 129:7
27:15,17,20 28:1	138:4,12,15 139:2	plastic 79:3	position 18:1	problems 33:6,9
28:5,10,19 29:1,3	139:5,12,15,20	play 155:16 156:1,3	153:22	109:17,19 114:7
29:16,20 30:5,11	140:7,10,14,16,21	156:5 190:3	possibly 179:10	process 50:2
30:16,22 31:3,11	141:3,6,9,12,16	played 177:2	potential 18:6	125:14 134:5
31:15 32:1,4,9,13	146:5 162:17	playing 60:16 92:8	185:22	142:10
32:16,22 33:11,15	163:1,6,10,13,20	98:1 99:15 144:9	predated 115:4	produced 69:21
33:22 34:6,11	164:6,10,17,20	155:11	preemptive 47:6	productive 108:19

professionally 107:2	4:1	ranges 58:22	181:15 195:7	125:3 192:15
program 64:18,21 64:21	p.m 4:2 56:19 69:11 77:4 92:19	rarely 74:19	recall 31:14 57:13 61:9 65:21 66:2 67:10,20 69:4,9 72:17,21 76:22 95:12 111:22 115:14 121:15,20 158:16	referencing 167:4
prompted 90:13 91:7	Q	rattle 63:20 64:2	received 10:1 65:8 66:8 80:15 92:18 120:19 125:6 127:13 135:20 137:3 159:1	referred 26:2 112:21
pronouncing 78:3	quantifiable 113:1 113:13	rattling 64:4	recess 196:10	referring 100:19 106:5
properties 87:21 156:17 188:21	quantify 112:22	reach 95:6 96:15 96:22 98:11 187:15 189:19	recollection 70:15 115:7	reflect 24:13 182:18
property 55:6,10 82:10 83:20 84:16 84:17,18 85:5 88:13,22 89:4 123:14,19 190:11	question 15:9 37:7 44:1,15 46:1 47:4 48:10,20 49:7 58:11,12 72:14 98:18 110:19 111:17 112:2 114:5 115:22 128:12 145:7 146:5 148:7 153:20 155:15 156:12 160:15 179:21 182:22 191:14	reached 130:6 152:11 153:10 180:8 183:7 190:16,17	recommends 180:6	reflected 162:18
proposed 194:6	questioned 185:10	reaching 50:12	record 4:4,12 5:20 20:6 24:12,19 51:17 52:16 53:1 85:20 86:15 100:18 102:18 119:4 193:19,20	refresh 115:6
protests 19:12	questioning 15:12 185:12 187:2 188:6	read 151:21 182:3 189:22 191:9 193:10,11 194:17	recorded 120:3 189:3,7	regard 30:17 63:12 120:2 121:10,22 122:15,21 123:1
prove 178:16	questions 5:4 34:12 36:13,15 44:12 48:8 51:6 68:6 73:2,4 87:6 104:5 104:8 111:6 115:20 139:3 145:22 153:16 157:13 159:15 179:12	reading 48:18 135:22 136:17,22 137:4 191:12 192:1	recordings 173:1	regarding 6:10 14:11,22 15:15,16 15:19 16:8 17:5 46:5 47:20 48:7 49:8,11 68:20 70:4 111:18 114:6 181:16 183:14 184:22 185:5,19 185:20 186:10 187:11,14 188:5,7 188:12,17 189:18 193:8
proven 174:12	quick 5:3 116:3,4	ready 19:22 21:4 141:14 167:15	recourse 192:11	registers 38:1
provide 7:4 10:11 56:10 91:5	quickly 34:15 90:14	real 90:13 116:3,4	rectangle 54:4,5 88:14	regular 45:2 50:12
provided 185:5 192:12	quiet 38:2 73:14 75:6	realize 141:14	recycling 101:13	Regulation 119:13
provider 80:3,6	quite 67:2 86:21 90:19 94:14 186:7 188:16	really 33:18 77:1,6 81:21 91:21 101:18 105:5 107:19 153:21 166:6 185:15	redirect 44:10 51:6 111:9 162:16	relate 194:18
provides 94:10	quote 15:6 57:13 142:3	rear 55:1 84:10 85:14 87:19,20 88:16,20 89:4 94:9,12 136:19	reduced 62:11 69:14	relate 194:18
providing 7:4 189:4	R	reason 108:22 159:5 169:8 170:7 171:7,12	reeked 171:5	related 77:8 148:8
provision 48:18 49:2,11 50:10 160:15,18 188:15 188:16	raise 24:3,13	reasonable 35:21 36:11 70:19 71:8 71:14 72:7 106:22 111:22 123:18 172:5 176:16 178:6 179:1 190:1 190:9,14 191:2,12 191:21 192:2	Reeves 1:19	relating 6:13
provisions 188:10 189:16	ran 133:16 168:16	reasonableness 123:17	reference 16:17 29:11,14 80:16 84:13 85:7,18 103:11 122:1 144:18 152:6	relationship 152:18
proximity 143:12		reasonably 177:19	referenced 120:22	relatively 73:14 107:17
purchase 115:9		reasons 159:5		relevant 6:15
purchased 114:9 114:12 115:7				reliable 129:10
purpose 195:3				rely 14:9
purposely 179:6				relying 5:22 6:12
pursuant 196:5				remaining 9:6
pushing 156:2				remember 33:4 44:6 91:9,11,14 91:16 100:13 102:3
put 19:11,11 21:15 22:10 148:22 166:13,18 193:14				remind 18:15
puts 17:11				rendered 130:17
putting 165:21 166:2 182:16				renovated 55:6 82:11
P-R-O-C-E-E-D-...				

renter 115:10	163:3	retained 96:6	rose 90:3	scheme 175:3
renting 176:11	residences 17:15	retrieve 174:22	roughly 75:9 88:19	scientific 91:22
repeat 13:3,4 58:15	147:18 148:17	return 99:11	Row 64:17 97:18	scope 76:9
71:9 134:10	193:13	returned 8:15	98:3 107:3,11	screen 184:1
repeatedly 106:19	resident 79:4 98:7	returning 8:18	108:7,11	Scripture 53:17
109:4	99:4 114:13	review 55:20	rule 7:7,10 58:5	scuffle 171:8
replied 93:8	residential 26:5	revitalization 65:1	59:8 96:8	173:13
report 3:19,20	41:12 123:14	revocation 10:20	rules 8:9	seat 51:15
17:17 18:20 28:21	156:16 188:21	174:18	run 99:8 157:17	seating 108:9
42:17 55:17 56:4	residents 41:12,16	ride 8:16 171:21	168:13,14	second 12:4,9 22:4
61:11 122:6	41:17 42:7 146:7	right 5:3,18 6:9	running 117:22	22:22 25:3,8
124:20 130:17,21	146:9 149:18	7:12,21,22 8:1	159:13 168:15	75:22 123:11
131:16 135:2,5,12	150:18 152:20	10:8 19:17 22:4	176:7	131:12,13 187:13
135:15 144:16	153:7 155:13	22:17,21,22 23:8	Ruthanne 1:20,22	194:4 195:10,11
149:1 150:20	160:18 178:1	24:13,17 25:6,15		secondary 8:12
151:19,22 173:19	resides 93:10	27:10,11 28:10,11	S	192:22
174:4 175:9 180:7	resolve 65:5,11	31:15 37:18 44:3	S 119:7	seconded 195:13
180:7	66:6	44:8 49:11 51:8	Salem 53:19	section 48:13
reported 128:14	respect 16:3 43:1	52:15 55:3,4,12	sandwich 55:4 79:7	122:19 123:1,7,8
129:20,21	108:13 110:21	55:15 62:2 64:6	86:8	123:9,22 124:13
reporters 128:6	159:17 183:11	68:5,18 73:16	satisfy 143:7	188:14 189:1,10
129:4	respectfully 181:11	77:4 79:5,11	Saturday 41:6,9	194:22 195:5,8
reporting 146:6	respond 50:6	81:19,20 83:13	45:2 76:13,17,18	sections 122:17
148:16	165:21 166:15,15	85:16 86:14,22	92:1 103:12,21	123:21
reports 10:2,3	responded 93:4	88:14 90:19 97:4	131:22	security 1:13 8:9
17:13 139:17	Respondent 174:8	97:12 106:16	Saturdays 76:8	8:17 9:19 15:1,20
146:10 159:19	responding 112:1	110:6,18 111:5,12	save 18:21 167:8	16:2 169:2,12
161:11 164:3	response 7:5 16:12	116:11 117:13	saw 16:11 22:6	171:7 172:20,21
165:11 177:22	39:6 44:14 45:22	120:7,17 122:14	93:5 96:15 170:17	173:7,10,20 174:1
178:4,10,11,13	98:6 104:9 105:17	129:19 130:2,14	171:3 187:15	183:12,20 184:3,4
179:8	109:6 111:8,17	131:8 132:12	saying 11:7 16:9,17	184:8,14,19 185:9
represent 6:19 65:8	112:1 114:5	133:4 138:12	33:19 69:10	see 17:13 21:12
represented 117:14	128:19 142:2	139:2,15 140:19	103:14 112:1	22:4,17 27:3,4,11
representing 4:14	153:18 162:14	146:15,19 147:7	114:8 135:20	27:12 31:18 50:5
4:16,21	166:2 187:5,7,9	152:2 155:3	166:18 168:10	53:22 61:16,22
required 173:8	responsible 174:9	161:15 167:2,5,15	171:5 186:17	66:5 81:15 83:6
192:15 193:1	responsive 134:5	169:17 175:1	188:1	88:13 93:18 94:22
requirement	134:13 142:4,5,13	193:19 194:3,5,8	says 15:6 24:15	101:11 105:16
184:19	142:16,17 156:20	risen 177:19	85:9,11 100:20	113:16 129:6
requirements	rest 139:21	Rishi 150:2 153:4	123:11,22 168:15	168:13,15 179:22
184:8	restaurant 107:13	176:10	186:16 189:2	183:16 187:3
requires 174:17	restricted 76:11	Rishi's 150:9	scenario 168:6	seeing 82:19
residence 17:8,18	result 30:5 132:13	roll 195:13	scene 8:22 9:3 10:8	177:22
42:1 110:1 115:5	136:15	roof 108:10	scent 16:9 171:14	seeking 8:16
144:21 145:6	resulted 8:13	room 1:19 75:15,17	schedule 10:21	189:13 195:3
148:3,10,14 149:4	results 65:16	94:10 133:3 181:3	scheduled 44:22	seen 155:20 172:9
150:10 153:11	Retailer 1:8	182:5 196:5	schedules 80:3	179:16 187:12

selection 144:9	119:21 120:5,10	93:11 105:10	176:18 177:2,5	96:18,21 97:3,7
send 32:4 91:8	120:15,20 121:3,6	126:20 129:17	slightly 57:14 74:8	97:11,15,19 98:2
sent 22:11 32:2,8	121:11,19 122:3,8	133:2,8,10 157:5	109:7	98:6,16,20 99:1
56:6,20,22 70:6	122:12,18 123:5	shares 138:7 157:1	small 55:7 64:22	99:10,13,16,20
102:15 132:4	123:10,18 124:4,9	she'd 166:10	65:2 79:6 88:14	100:3,8,12,15,21
sentence 123:11	124:14,17,22	shop 55:4 79:7 86:8	smaller 79:3	101:4,7,11,17,20
separate 7:16 53:2	125:5,10,17 126:3	short 196:10	smell 9:11 171:6	102:5,8,11,19
85:4 155:2	126:11,17,21	shortly 8:10 61:1	Smith 3:11 22:8	103:2,5 104:4,6
separately 166:13	127:4,7,12,17	show 1:9 8:5 9:1	51:13,19,20 52:1	104:13 105:2
separating 84:15	128:1 129:11,16	19:15 31:20 55:1	52:1,2,3,5,10,12	106:8,12,15,17
September 12:3	130:1,7,13,19	55:2 64:10 81:11	52:13,17,20 53:2	108:4,6,15,18
30:8 31:6 39:21	131:1,6,18 132:1	169:20 179:17	53:10,15 54:1,9	109:2,14,19 110:4
47:12,14 56:14	132:6,10,15,18,22	189:13	54:14,21 55:13,19	110:8,12 111:2,14
57:17 60:22 62:4	133:12,18,21	showcases 53:16	56:1,8,16,19,22	112:3,22 113:10
64:8 68:12 89:20	134:4,11,22 135:3	showed 94:16	57:7,10,20 58:13	113:19 114:2,12
90:9 99:18 100:1	135:7,10,13,18	170:16 184:1	58:19,21 59:14,19	114:22 115:9,12
101:12,20 120:9	136:2,7,12,16	shown 8:17 95:15	59:22 60:5,10,13	115:18 116:5,12
120:15 124:21	137:8,12,16,20	175:13 180:2,3	60:21 61:3,12,15	116:15,18 117:1,4
125:12 126:9	138:2,11,13,22	shows 31:19,21	61:21 62:1,7,11	117:10,16,20
133:16 144:17	139:10,13 142:1,7	53:8 54:20,21,22	62:18 63:7,15	118:2,13 120:19
146:13 149:18	142:21 143:3,9,18	78:13 86:5	64:1,12,16,20	121:4 123:3
175:11	144:7,11 145:3,12	side 18:15 22:1	65:14,19 66:19	126:13 131:10,12
serious 16:4	146:4,17,22 147:7	80:20,22 83:3	67:12,17,20 68:8	131:20 153:14
seriously 8:14	147:11,20 148:11	89:9,12,17 93:11	68:10,15,22 69:4	157:5 163:21
served 11:6,8,11,13	148:18 149:10,13	95:21 151:15	69:7,17 70:2,6,10	175:11,12
12:16,17 13:14	149:17 150:1,5,11	sidewalk 108:9	70:14,20 71:4,15	Smith's 124:12
174:14 180:15,16	150:15,19 151:1,6	173:15	71:19 72:5,12,17	126:12 144:20
session 4:4	151:16 152:1,8,21	signatories 189:6	72:20 73:7,9,13	145:5 146:14
set 58:16 59:10,13	153:4,8,13 154:10	signed 130:21	74:2,8,14,19 75:1	151:15 153:11
70:18 71:3 94:15	155:3,9,19 156:9	135:11	75:5,8,16,21 76:4	163:19 175:21
111:18,21 113:3	156:19 157:9	significant 63:16	76:7,14 77:1,19	179:17 191:19
125:18 168:22	158:3,15,20 159:7	65:20	77:22 78:6,16,21	smoke 9:12 16:21
176:2 190:16	159:9,21 160:4,9	significantly 9:5	79:2,13,19 80:1	16:22 174:5
sets 179:5	160:12 161:1,5,10	silent 145:20	80:18 81:2,9,14	186:21
seven 106:1,4	161:16,21 162:5,8	Silverstein 1:25	81:21 82:2,6,10	smoking 16:11,19
shaking 147:3,3	162:22 163:5,9,12	157:14,16 158:11	82:14,18,21 83:2	171:1,9 174:1
158:9	163:17 164:4,8,14	158:17 159:2,8,12	83:9,15,19 84:2,6	186:12,18,21
Shako 71:17	164:19 165:5,9,12	195:21,22	84:10,19 85:1,3	187:4
Shako 2:13 3:12	165:16 175:18	simple 107:17	85:11,14,21 86:3	Smurf 55:10
30:6 32:5,11	177:9 178:13,22	sir 97:3 99:10,16	86:9,12,16,21	soft 59:19
34:17 50:4,11	189:17 191:17	sit 106:20 112:18	87:4,9,12,16,20	softly 59:18
56:9 60:19 62:3	Shako 61:4	191:5	88:3,6,12,19 89:7	solutions 106:22
68:13,16 69:6,15	179:18	situation 17:12	89:11,15,18 90:1	somebody 30:2
70:9,13 72:1	shallower 110:7	105:20 184:18	90:7,11,15,19	33:7,13,19 35:12
90:21 100:4	shape 31:4	six 29:10 36:1	91:13,16,20 92:6	43:12 136:10
103:22 118:18,22	share 26:7,9 42:1	106:1,4	92:12,15,18,20	137:6
119:5,6,7,11,16	54:12,15 84:19,21	sleep 45:6 92:2	93:4,14 95:9	somewhat 17:10

93:18 167:22	15:19 16:10,12,15	157:17 181:4	street 1:8,20 4:7	168:2
song 30:1 60:15	17:14,16 30:20	starts 43:6,13 77:4	64:17,20 73:11,19	summer 77:22
155:11 190:22	42:18 68:16	state 15:21 24:18	74:12 75:11 84:7	Sunday 33:3,9,10
songs 69:19 95:20	147:21 148:4	47:4 51:17 70:17	84:8 87:19,22	34:8 41:7,10 45:2
soon 77:2 147:1	181:19 182:20,22	119:3 193:11	93:11 96:9 97:20	101:12 103:13
sorry 22:17 48:1	183:17 185:4	stated 68:12 117:17	145:13 151:4	SUNdeVICH 79:7
51:21 68:1 71:9	187:3 188:3	117:18 171:2,21	streets 73:16 74:22	80:2
71:22 80:14 90:17	192:18,21	174:10 191:17	strike 59:7 122:22	sun's 28:9,11
91:13 101:4	speculation 128:15	statement 3:2,4,4,6	strongly 71:1	support 18:6
128:17 159:14	Speculative 128:11	16:8 166:19	structure 55:3	supporting 6:1
181:1 191:19	spell 52:14 119:4	170:18 174:11	structures 85:4	supposed 191:8
sort 105:20 163:14	spelled 24:21	statements 7:13,19	86:7	sure 21:6 38:14
sound 17:8 18:2,16	spelling 52:12	171:13	studio 53:19,20	44:16 45:5 48:19
34:18 35:10,19	spent 181:20	states 16:2 184:4	54:2 88:15	52:10,15 58:13
37:11 38:1,6,15	splatters 172:4	station 94:16	studying 93:22	68:8 78:12 80:3
38:21 43:8,10	spoke 20:6 30:14	status 181:9	sturdily 64:3	81:9 101:17 103:5
58:15,22 66:12,16	92:21 94:13 134:2	statute 180:9	sturdy 110:17	116:7 133:22
67:7 69:14,17	142:2,6 158:12	192:15	style 143:10	152:6
92:22 93:1 94:18	173:21	statutorily 180:12	submit 17:1 47:19	surfaces 94:3
95:13 96:16 97:5	spoken 112:8	193:1	48:11 105:15	surprised 93:18
97:7 98:15,20	155:21 162:9	statutory 192:9,16	181:12	survived 110:14
105:19 111:19	sponsored 64:21	193:15	submitted 147:22	susceptible 138:20
113:3,4,6,16,20	spring 106:10	stay 47:7 106:3	151:7	suspended 180:14
113:20 116:19	Springer 136:13	stayed 40:22 45:6	submitting 182:1	suspension 3:18
117:5,17 126:2	138:1,5	staying 46:13	subsequent 8:11	5:22 8:4 11:3,6
144:5 149:5 150:6	Square 74:17	stays 38:22	30:17 49:20 50:13	14:6 20:5 168:2
152:9,19,22	stab 8:14	stem 14:4	69:8 78:7 103:20	174:15,17
153:10,14,21	stabbed 170:6	stems 144:17	184:11 186:19	suspicion 170:21
154:3,12,15 155:2	172:13	step 97:17 146:12	subsequently 67:22	swear 24:6 51:10
soundproofing	stabbing 170:4	180:11	68:1 184:21	51:11 118:20
94:5	staff 77:10	stepped 171:18	substance 1:13	sworn 51:9
south 25:20 74:8	stand 24:2 51:8	steps 123:12	186:2,6 188:5	system 15:20,22
80:20	standard 37:5,8,16	184:11	substances 16:5	37:12 38:19 93:1
southernmost 74:3	70:17 189:20	Stern 2:11 3:2,5	17:4	111:19 112:20
space 127:2 189:4	190:8,8	4:13,14 5:7,16,19	substantial 58:3	113:16 183:20
span 64:13	standards 191:4	6:6 7:14 8:1,2	substantially 62:8	184:5
speak 30:12 101:12	standing 51:9	11:8,10,14,18	63:2	system's 43:8
112:15 114:14	168:11 171:11	20:1,16 21:2,8,16	substantiate	S-M-I-T-H 52:12
125:9 169:10	172:8	166:8,20 167:5,13	151:10	
speaker 37:12	stands 33:8	167:16 194:11	sub-exhibits 103:3	T
speaking 76:8	start 59:7 120:8	stipulate 18:20	successfully 65:6	t 80:19 191:10,13
77:16 129:13	122:22 181:6	stood 41:10	suffice 104:3	table 158:8
158:4	started 46:19	stop 93:1,9 145:18	sufficient 17:1	tables 147:3
speaks 183:2	109:21 120:9	stopped 8:21	184:10 187:15	take 19:20 20:15
specific 33:8 166:3	133:16 134:18	stored 117:11	sum 68:6 164:2	25:7 35:22 41:4
166:9 169:7	158:18 168:22	stories 27:18	summary 3:17 5:22	44:18 54:11 91:2
specifically 14:19	starting 53:5 126:8	story 182:11	8:4 14:6 20:4	123:12,22 136:22

138:5 166:4	terms 6:11 21:9	86:14 87:3,4 93:2	thought 108:17,18	today 5:6 112:18
169:20 181:7	128:13 158:4	104:3,6 111:5,10	148:13 152:11	158:22 176:20
188:2,22 194:15	184:13	111:13,14 118:3,4	162:3	177:16,21 178:5
196:9	test 34:1,17 35:10	118:10,11,13	thousand 13:10	179:16 191:16
taken 20:11 157:6	35:14,14 91:19,19	119:1 139:2 140:7	25:22	193:14 196:5
168:11 184:11	91:21 116:9 124:7	141:16 145:22	three 14:4 22:5	toggle 184:6
takes 170:5	124:11 136:11,15	153:16 157:12	30:3 65:18 174:11	told 16:18 56:8
talk 101:15 107:19	138:1,17 153:10	162:12 165:13,14	188:10 189:15	66:5 100:4 117:4
125:7 133:19	153:14	174:21 175:1	throw 170:21	133:11 156:1
152:3	tester 35:17	180:16,18,21	171:13 173:12	164:21 169:13,22
talked 183:18	testified 9:11 25:3	181:10 193:15,17	174:2	177:3 179:13
talking 33:18 45:10	90:18 126:14	196:8,11	throwing 171:8	186:17 187:21
59:6,8 72:15	169:6 170:6,16	Thanks 93:8	thumb 58:5 59:8	top 31:20 43:10
137:7	172:7 175:14	Thanksgiving	96:8	115:14
talks 14:12 15:3	177:10	45:17 68:2 103:18	Thursday 41:1	total 12:17 68:6
17:14 49:3 156:13	testimony 8:17	they'd 105:20	44:18,22 46:1,5	164:2
160:16 183:19	14:8,17 15:2,10	129:4	46:13,19 47:7,10	totality 39:10
189:11	15:18 16:6,21	thick 110:9	47:16 103:18	town 31:9 40:21
Tanzie 149:18	17:1 47:6 84:14	thing 7:18 36:16	Thursdays 41:2	43:16,19 44:1
164:7,22 178:18	157:4 167:3	106:1 154:12	45:3,9,15	45:18 50:20 53:3
Tanzies 176:11	168:10 173:2,12	184:12	time 9:7 12:6 18:17	71:19,21,22 115:7
tape 57:11 184:16	178:9 179:15	things 14:10 50:14	18:19,21 19:1,11	144:19 164:1
technician 116:19	180:22 181:22	59:3 65:4,6 67:21	19:15 30:7 40:17	track 100:16
telephone 104:17	183:4,5 184:3	109:7,9 134:6	42:10 45:9 56:18	traffic 73:18
television 34:3 58:7	185:1,3,5,19	148:21,22 154:17	60:19 62:3,15	transcript 3:17
58:16,22 59:12	186:9 187:11,20	154:20,20 158:18	64:4,4 70:12	5:21 6:1,12,14 8:3
70:21 71:3 92:3,7	189:16 190:14	190:20	72:10,10 75:6	14:9 15:14 16:7
102:9 112:5 176:2	191:16,16	think 4:10 21:16	76:10,22 77:10,20	20:4 23:20 165:22
176:17 177:1	testing 154:3	25:4,10 31:21	78:1 93:19,22	166:10,22 182:1,2
tell 5:8 24:7 25:16	tests 126:2 142:12	32:6 39:20 55:21	95:3 100:11	185:18
28:2 33:19 43:8	149:5 150:7 152:9	68:5 81:7 104:2	103:10 105:6	trash 77:11,12,17
51:11 53:8 54:6	152:19,19,22	110:19 118:6	107:21 112:9	77:17 78:9,13
54:18,18,19 63:22	153:21 177:20	126:14 129:8,14	114:17 115:4	79:9,14,18 80:2
65:18 101:2,5	text 66:8 92:18	151:2 154:1	116:19 125:15	81:13 85:8 101:13
107:22 118:20	93:5 104:20	157:20 164:20	127:10 130:3	107:20 108:3
122:21 135:17	116:20	166:8,13 167:13	143:4 145:5,6,7	trouble 63:14
159:8	th 5:22 39:21 69:10	168:11 172:5	145:13 148:7	trucks 77:17 79:9
telling 19:7 149:12	155:15	182:4,10 183:2	151:9,11 152:13	true 14:15 170:3
169:12	thank 11:4,21	184:9,17 188:11	163:15 165:8	171:3
Ten 11:12	12:22 13:1,15,18	189:20 191:15	172:9 173:17	Trust 64:22
tenant 150:2 164:9	13:20 18:12 19:19	192:4	176:6,7 178:1,4	truth 24:7,7,8
164:11	21:2 22:3 24:10	thinks 166:22	times 49:7 61:4	51:12,12,12
tenants 36:5 37:18	27:11 31:16 32:14	third 26:11 27:4	79:13 95:13	118:20,20,21
42:13 47:22	39:3 44:9 45:19	175:4	125:13 142:11	169:12 182:18
tend 64:1 69:18	51:1,7,14 67:14	third-hand 187:13	149:3,5 152:15	try 105:4 134:2
76:7	68:6,10,11 73:5	thirteen 160:6,7,7	162:6 175:16	151:7
tending 169:16	80:8,10,12 85:17	160:8	tiny 54:4	trying 64:10 75:12

92:2 144:2 169:20 182:17 191:6 turn 21:11,22 26:14 28:20 34:3 35:15 38:22 39:1 59:20 94:21 95:1 95:2 131:14 136:22 143:1 152:4,14 turned 29:9 38:18 67:3 94:19 142:15 154:12 189:19 turning 143:7 turns 38:19 73:16 73:17 TV 29:10,10,13 34:6 35:15 36:1 37:4,9,11,20 38:3 43:10 59:10,20 75:15 91:19 92:5 147:13 183:18 191:1,3 twice 61:8 twin 89:2 two 6:19,21 8:12 11:2,3,22,22 12:17 14:22 17:6 25:21 26:5 27:18 38:14 40:7 41:16 41:16,18 45:12,13 45:14,15 65:17 66:1 73:16 77:7 83:22 84:2,17 85:3 86:6 131:10 139:17 152:21 158:21 159:15 163:15,15 164:2 172:10,20 175:5 177:15 178:4 179:4,5 180:1,9 180:16 182:18 183:11,13 193:9 two-part 7:15 type 143:11,16,21 144:4,8 155:10 156:7 types 18:5	typically 41:8 58:5 59:1 65:10 70:22 76:15 77:3 78:1 92:1 98:6 104:17 105:16 107:17 T-A-B-L-E 3:1 t/a 1:7 <hr/> U <hr/> ultimately 9:18 unable 71:11 159:4 unacceptable 113:15 unbearable 47:15 176:8 understand 24:4 28:12 46:22 48:22 133:14 153:21 162:17 understanding 15:7 45:1 46:10 46:18 48:18 49:9 50:10 113:2 114:15 117:3,22 144:3 185:16 191:11 understood 164:12 unequivocally 14:20 unit 26:10 27:2 41:14,15,16,17 126:7 133:9 138:6 138:9,10,16 150:12 units 26:5 127:21 128:22,22 133:10 unreasonable 36:2 72:3 unsure 185:11,13 ups 79:20,21 urinate 85:12 use 9:20 10:21 16:4 17:3 22:10 35:17 36:6 79:4 122:15 123:9,19 124:6,11 145:16 146:20 167:1 173:22	186:1,5 187:17 usually 37:13 43:5 43:12 50:4 59:14 60:2 63:15 77:9 78:7 140:16 141:10 utilize 193:3 <hr/> V <hr/> VA 162:11 188:13 189:6 vacant 55:8,9 82:16 83:3 84:3,4 85:4 86:6 89:1 114:16 vacated 177:4 vague 46:22 47:2 vaguely 13:4 36:21 value 91:22 varied 57:21 77:1 varies 43:1 105:1,2 variety 94:20 various 10:2 95:14 128:14 139:22 159:4 varying 185:3 vehicular 73:18 veracity 168:3 verify 148:3 151:9 Vernon 74:17 versa 76:13 versions 168:1,4 versus 16:22 vibrations 58:2 123:13 124:2 156:15 188:19 vice 76:13 victim 9:18 15:6,11 victims 169:6 171:18 185:6 view 156:18 views 184:7 violate 124:13 violated 8:8 9:19 10:18 134:20 violating 155:18 violation 1:14 10:20 17:9 18:6,8	18:9 91:7 130:11 137:9,11 157:19 158:14 161:17,22 162:20 174:16 175:7 180:7 185:9 188:13 189:11 191:7 192:3,5,8 192:19,20,22 193:4 violations 6:20 12:1 122:17 162:19 165:11 175:3,5,15 179:4 180:1,5,9,16 visit 30:7,9 60:19 61:19 120:2 121:5 126:5,6 127:20 129:3 132:14 146:10 147:16 148:10,14,17 159:4 visited 62:3,13,17 62:19 120:6 121:7 121:9 125:12 127:16 146:15 149:3 163:18,21 163:21 165:7 visits 129:21 164:2 visualized 27:21 volume 29:13 37:10 38:20 112:5 154:17 176:2 189:18 volumes 95:15,16 163:7 183:2 voluntary 1:15 12:7 18:8 48:13 49:3 64:11 90:22 103:7 120:22 122:2,15 125:4 126:10 130:6,12 134:21 155:18 156:12 160:16 162:20 188:10 189:1,10,22 192:1 192:6 193:10 volunteered 170:12	vote 195:14 196:2 <hr/> W <hr/> w 154:6 wait 22:20 160:21 162:4 waiting 50:3 waits 77:6 waive 194:7,9,11 194:13 wakes 77:14 walk 23:7,10,14 96:8 147:1 181:7 walked 95:14 Walker 141:4 walking 8:16 170:18 wall 26:7,10 42:1,4 54:12 84:15,16,20 84:22 105:10 126:20 129:17 133:2,3,8,11 138:7 157:1,5 walls 54:15 63:19 64:1 94:12 110:7 110:8 want 5:3 18:15 20:14,15 23:12 28:19 44:16 48:10 53:6,8 114:8 116:6 144:14 146:4 152:3 153:19 155:22 156:3,5 166:1 181:7 182:19 183:13 185:17 188:22 189:9 192:13 194:6 wanted 15:10 22:17 35:4 66:5 135:21 166:3 180:21 181:9 188:9 wants 23:14 156:8 warrant 193:15 Washington 1:20 52:21 wasn't 18:10 25:9
--	---	--	---	--

30:19 44:1 45:18 46:12 93:21 114:13 170:4 173:3 184:10,16 watching 38:3 92:3 way 7:22 75:19 85:1 90:22 93:19 94:8 95:20 107:15 107:16 113:2 155:22 156:3,5 166:12 168:12 189:21 week 40:22 65:21 66:1 76:5 weekend 31:9,12 40:21 43:21 44:1 44:2 45:11 49:14 weekends 50:21 160:13 weeks 57:21 109:4 114:20 182:18 welcome 13:19 165:17 166:12 went 8:22 9:2,7,8 12:5 29:8 38:18 67:1 93:15 94:20 154:8 163:3 170:6 171:22 191:18 we'll 6:13 15:19 21:22 130:15 131:3 161:19 194:2,9,11 196:10 we're 4:9 6:11 7:15 7:21 14:2 17:10 19:22 22:1 27:5 31:20 45:10 47:1 101:18 140:17 141:14,15 145:15 157:16 159:12 167:15 177:16 178:4 181:3,4 we've 35:21 41:2 102:6 107:4,18 108:8 134:6,12 142:10,10 152:10 157:3 162:9 190:6 190:6	whatnot 113:11 whatsoever 169:18 whichever 24:3 white 54:4,5 100:21 120:4 who've 65:8,9 wil 104:2 Wilcox 16:7 187:3 188:6 Williford 4:19,20 6:10 7:2,3,9 14:1 18:18 19:3 20:19 21:13 23:6 34:15 34:21 35:2,7,13 36:3,8,12,20 45:21 46:7,16 47:5,13,18 48:3,6 68:11,18 69:1,5 69:13,21 70:3,8 70:11,16 71:2,5 71:16,21 72:8,16 73:1 100:18 111:15 112:17 113:9,12,22 114:4 114:21 115:6,11 115:16,19 128:8 128:11 140:4 141:18,20,22 142:17,22 143:5 143:15 144:1,10 144:14 145:4,21 165:19,20 167:8 167:12 180:20 181:11 194:9 willing 18:19 109:5 window 125:2 126:8 130:3 162:1 windows 17:20 58:6 59:11 89:9 89:12,14 90:5 110:10 144:22 190:21 winter 50:16 wish 178:12 witness 7:5 18:14 22:4 25:8 51:3 97:5 118:6,7,14	118:17 140:22 162:3 166:1 witnesses 3:7 5:5 6:5,7,13,17,21 7:5 7:8,10,20 22:5 140:1 165:19 169:5 178:9 179:6 179:15 worded 91:1 wording 74:5 words 33:16 63:13 192:7 work 41:3 64:15,22 65:2 66:15 93:1 worked 154:7 working 112:9 116:10 154:6 173:6 190:1 worse 76:17,18 154:16,18,19 worst 102:6 103:15 157:17 wouldn't 19:3 20:8 50:19 62:8 76:14 91:21 113:21 114:3 152:4 wound 8:14 wounded 8:14 write 174:3 writing 28:14 written 31:1 104:18 wrong 107:21 114:15 wrote 101:12 135:2	114:7 yellow 28:6,11 55:7 79:6 80:17 York 44:6	<hr/> Z <hr/> Zero 172:15	<hr/> P <hr/> p 1:5,15	<hr/> \$ <hr/> \$1,000 11:2 12:15 180:6,12 \$2,000 12:17 13:9 174:12 180:15 \$500 180:10 \$750 180:11	<hr/> 0 <hr/> 00470 195:5	<hr/> 1 <hr/> 1 3:17 5:10,15,19 6:2,4,10 10:18 11:1 14:4,12 20:14,17 21:9 28:21 56:4 59:1 131:15 139:21 165:22 174:13 181:13,16 193:8 1st 100:11 1:00 77:6 170:4 1:15 170:16 1:28 4:2 1:30 181:4 1:49 29:6 10 11:10 25:22 39:18 188:3 189:1 10th 102:12 10-day 11:2,6 10:00 43:6,6 77:4 100 54:9 57:7,8,14 59:1 64:2 105:9 110:4,16 126:14 11 3:3 182:21 185:18 11-CMP 195:4	11-CMP-00470 1:10 4:6 175:10 11-CMP-00511 1:10 4:6 195:5 11:00 69:11 11:37 56:19 114 57:12 119 3:12 12 4:5 25:22 181:21 12-251-00001 1:9 195:4 12:30 170:2,19 13 1:17 3:17 160:4 160:9 13th 14:7 137:22 1316 25:18 1318 1:8 4:7 1326 52:20 14 3:4 14th 1:19 102:13 15 93:7 15th 12:8 61:18,20 62:13,16,17,19 68:1 71:17 72:15 89:22 120:11,12 175:9 150 57:9 16 189:10 160 65:2 167 3:5 17 182:20,21 17th 149:18 175 3:5 18 112:6,7 186:13 18th 101:12 18.7 137:4 180 3:6	<hr/> 2 <hr/> 2 5:10,15,19 6:2,4 6:11 10:18 11:1 14:4,22 21:9 122:13 135:6 139:21 165:22 174:13 183:11 185:18 186:13 193:8
---	--	--	---	---	--------------------------------------	---	---	---	--	---

2F 1:11 4:8
2nd 12:3 30:8 31:7
 56:14 57:17 60:21
 61:17 62:4 64:7
 68:12 89:20 90:9
 99:18 120:9,16
 124:21 125:12
 126:9 133:17
 144:17 146:13
 175:11
2:00 43:13
20 3:18 59:1,14
 71:3 137:12
 190:22
2000 1:19
2010 39:12,15
 195:1,6,9 196:6
2011 8:6 115:17
 120:16 131:7
 167:18 175:9
2012 1:17 3:17
22 182:21
238 188:3
239 188:4
24 3:10
24th 103:18 109:8
25 3:20 59:2,15,17
 71:3 190:22
25-446 192:20
251-00001 4:6
26th 103:22
261 186:13
262 186:13
28th 12:9 28:16
 31:14 37:8 38:14
 131:7
28th-29th 40:1
29th 12:4 28:17
 103:13 131:22
 134:19 163:2

3

3 5:10,15,20 6:2,4
 6:11 10:18,19
 14:4 16:3 21:9
 139:21 165:22
 174:16 185:20

193:8
3:00 63:9 75:9
30 12:10 30:7,18,20
 31:5 32:19 34:19
 48:12 49:2,4 50:3
 61:7 65:13 91:5
 107:3 120:13,21
 126:7 160:21
 161:13 162:4
30th 8:6 14:5
 101:21 103:14
 167:18
30-day 12:6 45:9
 46:10 47:1 48:12
 91:6 100:5 125:2
 125:22 127:10
 130:3 132:9
 133:15 134:17
 160:17 161:22
 178:3,5

30-window 126:9

31 3:22

31st 67:13 92:16

99:19 103:9

108:14

35 61:7

35-day 65:13

4

4 5:11,18 6:19
 11:22 17:5 18:18
 22:1 139:21 175:2
 188:4,7 193:5,9

4th 30:21 33:3 34:8

37:9 38:15 42:13

44:6

4th-5th 40:2

4:00 77:9 181:5

4:15 196:13

4:20 181:7

4:30 196:11

40 37:13 38:8,15

405 194:22

405(b)(13) 195:8

405(b)(4) 195:5

45 76:11

45-day 64:13

477 182:21

486 185:18

487 183:16

492 183:16

5

5 5:12,18 6:19

11:22 17:5 18:19

39:18 175:2

181:13 188:7

193:5,9

5th 30:21 33:4

42:13

5-0-0 196:2

5:00 38:11 77:9

50 37:13 38:8,16

51 3:11

534 182:20

55 3:19

6

6 122:19 123:7,9,22

124:13 183:16,16

188:14

6:00 78:2

6:30 78:2

7

7th 101:22 102:2

7:08 92:19

7:30 78:8

7:46 93:4

700 182:2

8

8 3:2

8:00 38:12 78:8

8:04 93:8

8:30 78:8

800 192:18

86037 1:9 4:8

9

9th 1:8 4:7 73:18

75:11 84:7,8

87:19,22

9:00 78:9

90 194:16 196:7