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

2 2:34 p.m.

3 CHAIRPERSON MILLER: Okay. I'm going
4 to call case No. 15-PRO-00016, Panda Gourmet
5 located at 2700 New York Avenue, Northeast,
6 License No. 86961 in ANC 5C. This is a protest
7 hearing.

8 Good afternoon. Would you all
9 identify yourselves for the record, please?

10 MR. JONES: Mark Jones on behalf of
11 T&L Investment Group, trading as Panda Gourmet.

12 CHAIRPERSON MILLER: And how are you
13 on behalf of -- are you the owner? Are you the
14 attorney? Are you --

15 MR. JONES: Business manager.

16 CHAIRPERSON MILLER: You're the
17 business manager?

18 MR. JONES: Yes. Do you have a letter
19 of authorization?

20 MR. JONES: I do.

21 CHAIRPERSON MILLER: Oh, with you?
22 Okay. We'd like to see it.

1 (Pause)

2 CHAIRPERSON MILLER: And you are?

3 MS. MANNING: Jacqueline Manning, ANC
4 5C, chair of ANC 5C, Single Member District 5C-04
5 representative.

6 CHAIRPERSON MILLER: Okay. Good.
7 Thank you. Okay. That's great. Thank you very
8 much. All right. So we're here for a protest
9 hearing. Have you participated in a protest
10 hearing before?

11 MR. JONES: No.

12 CHAIRPERSON MILLER: Okay. Then I may
13 just go over the order and such.

14 Ms. Manning, you have, have you not?

15 MS. MANNING: Yes, that's what I said.

16 CHAIRPERSON MILLER: Oh, I didn't hear
17 you.

18 MS. MANNING: Yes.

19 CHAIRPERSON MILLER: I thought I
20 remembered that you had, but we can do just a
21 quick review of the order of procedure. Opening
22 and closing arguments go first. The Applicant

1 goes first and then the ANC, opening, up to five
2 minutes each. And then our investigator will
3 give his report and you'll have a chance to
4 cross-examine the investigator. And the Board
5 will also. And then the Applicant puts on his
6 case or her case first with whatever witnesses
7 you have. And then the Protestant would get to
8 cross-examine. Then the Protestant does his or
9 her case, and then closing. So that's pretty
10 much like a normal adjudicatory case.

11 We give 90 minutes for each side's
12 direct presentation. That doesn't include
13 opening and cross. And it includes your cross of
14 the other side. I don't know if I'm forgetting
15 anything. That's basically it. You can ask
16 questions along the way.

17 We did get PIFs and exhibit forms. If
18 I recall, I think you each only have one witness.
19 Is that right? You have one witness?

20 MR. JONES: Yes.

21 CHAIRPERSON MILLER: Okay. Do you
22 have one witness?

1 MS. MANNING: I have letters and --

2 (Simultaneous speaking)

3 CHAIRPERSON MILLER: Okay. All right.

4 And then I guess I would just ask you if there
5 are any preliminary issues you want to bring to
6 our attention before we start.

7 (No audible response)

8 CHAIRPERSON MILLER: Okay. I think
9 this involves a pretty limited issue. It's just
10 an entertainment endorsement, correct, for a
11 renewal?

12 (No audible response)

13 CHAIRPERSON MILLER: Okay. All right.
14 Then do you have an opening? Sir, do you have an
15 opening statement?

16 MR. JONES: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. JONES: Thank you, Madam Chair,
19 and Board members. On behalf of T&L Investment
20 Group --

21 MEMBER SILVERSTEIN: Please move the
22 microphone closer to you.

1 MR. JONES: On behalf of T&L
2 Investment Group we did apply for an
3 entertainment endorsement for Panda Gourmet for
4 the bar section of the restaurant located at 2700
5 New York Avenue in the Days Inn.

6 The ANC has suggested that the issues
7 are peace and quiet and issue with parking.

8 Parking is a part of our lease with
9 the Days Inn and the T&L Investment Group, so
10 there is no issue of parking. Also in their
11 complaint they suggest that there will be
12 overflow parking that will move to the Arboretum.
13 Our issue there is our location is 0.4 miles away
14 from the nearest home in the Arboretum. That's
15 in excess of 2,000 feet away. And our average
16 customer, the age of our average customer is 59.8
17 years of age. It is highly unlikely that someone
18 in that age group is going to walk that far.
19 That's 9 to 10 minutes away. So our issue is and
20 our argument is that the parking is not an issue.
21 There are nearly 300 parking spaces which we have
22 access to on the lot and permission to park

1 there.

2 The other issue, as far as quiet is
3 concerned, is our issue is most of our
4 entertainment is basically a playlist. We would
5 like to have karaoke. And when we applied, we
6 just put every area that is concerning for
7 entertainment. But considering the age of our
8 customer, the size of our operation, it's not
9 likely that there's going to be any impact on the
10 community.

11 So that's basically our argument.
12 It's a small family operation. We are active
13 members in the community and we've supported the
14 community and will continue to support the
15 community. So we urge the Board and Commission
16 to support our endorsement.

17 CHAIRPERSON MILLER: Okay. Thank you.
18 Ms. Manning?

19 MS. MANNING: So Mr. Jones went
20 further ahead of that. The issue was when we had
21 the mediation T&L is only managing the bar.
22 Panda -- oh, I'm sorry. Panda Gourmet is the

1 actual restaurant. He's not associated with
2 Panda Gourmet. If Panda Gourmet leaves their
3 lease, T&L would be in there at the bar. That's
4 why they're asking for the entertainment
5 endorsement. So when we asked for them not to
6 have the DJ, when we broke this down for the DJ
7 and just a playlist, he was not willing to do
8 that because they do not access the other side of
9 the restaurant. That restaurant has two
10 entrances, which is one into the hotel lobby and
11 the other one out into the parking lot. So
12 therefore, they would still be in that side of
13 that triangle. The bar is probably no bigger
14 than this. So you're talking about the --

15 CHAIRPERSON MILLER: Can I interrupt
16 you for one second?

17 MS. MANNING: Oh, sure.

18 CHAIRPERSON MILLER: Okay. I don't
19 like to interrupt, but I just want to make sure
20 that these rules are clear because I don't know
21 if you have any witness other than yourself. And
22 so, I'd have to put you under oath for what

1 you're saying to be evidence. And so the opening
2 statement is often like an overview, but --

3 MEMBER SILVERSTEIN: It's what you're
4 going to tell us.

5 CHAIRPERSON MILLER: But just what
6 you're going to tell us. I just want to make
7 sure that -- I want you to know that your time to
8 really tell us your story is going to come a
9 little bit later.

10 MS. MANNING: I understand.

11 CHAIRPERSON MILLER: Okay. Good.

12 MS. MANNING: I was just trying to
13 give you the background --

14 CHAIRPERSON MILLER: That's fine.

15 MS. MANNING: -- on how we got to
16 here.

17 CHAIRPERSON MILLER: That's fine.

18 Okay.

19 MS. MANNING: So when he's talking
20 about the parking, he does not have access to 300
21 parking spaces. The Days Inn is the temporary
22 home to the shelter -- to shelter. There's two

1 shelters on New York Avenue that are temporary
2 homes. That's the Days Inn, the particular one
3 where he's talking about. When he's talking
4 about T&L Investment, he's talking about the
5 leased space at the Days Inn and the Panda
6 Gourmet, that they're separate entities. That's
7 why I'm trying to make this very clear.

8 The Days Inn parking lot, the majority
9 of the parking lot and those spaces, those are
10 for the residents that are -- the temporary
11 residents that are there. The side that he has,
12 the side that he's talking about is also with the
13 gas station and the Dunkin' Donuts. Panda
14 Gourmet has that parking space and also Tag-B
15 Parking who leases that space for the Echostage
16 Club where we have five clubs in that area.

17 So the parking issue that is there
18 that we're talking about, the surrounding
19 community, not only the Arboretum community, but
20 the Langdon area of Queens Chapel Road, New York
21 is inundated by all that traffic when those clubs
22 are open and in that area which is constantly,

1 because Stadium Club is open every day.

2 As far as the trash, the trash is not
3 picked up by them. That trash is picked up by
4 the hotel.

5 We asked them about the time frame.
6 The residents at the Days Inn, the temporary
7 residents have to be in by 11:00. We asked them
8 to cut their music off at 11:00. He was not
9 willing to sign that agreement with us.

10 CHAIRPERSON MILLER: Okay. Again, let
11 me just tell you --

12 MS. MANNING: I understand. I'm
13 just --

14 (Simultaneous speaking)

15 CHAIRPERSON MILLER: No, two things
16 though. One is the evidence thing, that you need
17 to tell us stuff later. But two, we don't want
18 to hear too much about negotiations. Okay?

19 MS. MANNING: That's fine.

20 CHAIRPERSON MILLER: Okay. That it?

21 MS. MANNING: No.

22 CHAIRPERSON MILLER: Okay.

1 MS. MANNING: Because the Arboretum
2 community is less than a mile from that area.

3 CHAIRPERSON MILLER: Okay.

4 MS. MANNING: There are other hotels
5 that are in that area that that traffic impacts
6 as well coming across. So you have the Holiday
7 Inn and the Fairfield Inn and you have new
8 development that's coming. The whole traffic --
9 New York Avenue area is -- the traffic is bad. I
10 don't know if you all have ever did a traffic
11 study for yourself, but I'm sure you've been out
12 there before, your investigator, with other clubs
13 who are trying to renew their license or also to
14 get a license in that area. And that's it.

15 CHAIRPERSON MILLER: All right. Then
16 we're ready for our investigator. Thank you, Ms.
17 Manning.

18 Swear to tell the truth, the whole
19 truth, nothing but the truth?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 CHAIRPERSON MILLER: Okay. Thank you.
22 So if you could identify yourself and then give

1 us the report that you did?

2 INVESTIGATOR GHENENE: Sure.

3 CHAIRPERSON MILLER: Thank you.

4 INVESTIGATOR GHENENE: ABRA

5 Investigator Abyie Ghenene. I can do a short
6 synopsis if you like. And if you guys have
7 specific questions, you can ask them.

8 CHAIRPERSON MILLER: That's fine.

9 INVESTIGATOR GHENENE: But I don't
10 want to --

11 CHAIRPERSON MILLER: If you especially
12 would highlight the areas that you thought were
13 most significant to this protest hearing.

14 INVESTIGATOR GHENENE: I was assigned
15 this protest on Thursday, May 21st, 2015. And as
16 you guys have heard, it's for the substantial
17 change to add an entertainment endorsement to
18 Panda Gourmet located at 2700 New York Avenue.
19 The substantial change is being protested by one
20 group, and that is, as Ms. Manning stated, ANC
21 5C. She is the representative for --

22 MEMBER ALBERTI: Is your microphone

1 on, or can you --

2 INVESTIGATOR GHENENE: Yes. Oh,
3 sorry.

4 MEMBER ALBERTI: Thank you.

5 INVESTIGATOR GHENENE: Did you hear
6 what I said right before that, sir?

7 MEMBER ALBERTI: Yes.

8 INVESTIGATOR GHENENE: Okay. On
9 Tuesday, June 9th I telephonically interviewed or
10 attempted to interview Ms. Manning, the
11 designated representative, and she stated to me
12 that she felt uncomfortable speaking to me and
13 found that the telephonic interview was irregular
14 and improper. Ms. Manning stated that what I
15 should have done was set up an appointment with
16 her and meet her at the establishment so that we
17 could walk the area and discuss the issues. Ms.
18 Manning stated that she would email me with her
19 concerns. And as of the time of the submission
20 of this report she hadn't done so.

21 According to the roll call document
22 the protest issues were the adverse impact on

1 peace, order and quiet and the adverse impact on
2 residential parking.

3 The zoning is in my report, what the
4 areas or the location is zoned for. If you want
5 me to get into that, I can, but you can read it.

6 CHAIRPERSON MILLER: That's okay.

7 INVESTIGATOR GHENENE: I pulled the
8 GIS, the Geographic Information System map for
9 that map and found that there are nine liquor
10 licenses within 1,200 feet of Panda Gourmet.
11 There are four active CN -- I'm sorry, one, two,
12 three, three active CN licenses, one tavern
13 license, one hotel license, and four -- I'm
14 sorry, three wholesaler A licenses, and one A
15 license. According to the GIS, the University of
16 the District of Columbia is located approximately
17 156 away. And I think that's on the back side.
18 And it's a building that I've never even noticed
19 before, but I didn't see students milling around.
20 And I'm not sure exactly what that building is
21 used for, but it's licensed to the University of
22 District of Columbia.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR GHENENE: Panda Gourmet
3 is located at 2700 New York Avenue and is bounded
4 by Bladensburg Road to the east and New York
5 Avenue to the south. It has a dedicated parking
6 lot pretty much surrounding it. And as Ms.
7 Manning pointed out, it is attached to the Days
8 Inn hotel.

9 CHAIRPERSON MILLER: Yes.

10 INVESTIGATOR GHENENE: So the
11 characteristics of the establishment. It is
12 attached to a medium-sized hotel named the Days
13 Inn, Washington Gateway. There are two
14 restaurants in close proximity to Panda Gourmet,
15 which are Dunkin' Donuts and Hogs on the Hill.
16 Both do not have ABC licenses. Both are inside a
17 parking lot that Panda Gourmet is situated in.

18 The surrounding area of New York
19 Avenue and Bladensburg Road has a very high
20 pedestrian and vehicular traffic throughout the
21 day and evening hours. It's a major
22 thoroughfare, as most of you know.

1 The interior. Panda Gourmet is a one-
2 story restaurant with the following distinctions:
3 There's a large kitchen, a main dining room, bar
4 area and then a private room in the rear of the
5 establishment. I listed the proposed hours of
6 entertainment, but I wanted to note that
7 throughout the week the hours of entertainment,
8 proposed hours of entertainment end at 1:00 a.m.

9 I've monitored -- well, I included
10 monitoring for -- I think it's three -- it's to
11 be seven different occasions, but given where
12 it's situated at the intersection of Bladensburg
13 and New York Avenue, I've driven past or been in
14 this area -- I can't even count how many times
15 over the last -- really if I'd just look at it
16 for three or months, I can't count how many
17 times. But certainly over the last year I've
18 been in the area and possibly even in the parking
19 lot more than that because it is a very popular
20 area. And I've had protests at two other areas
21 in the -- two different establishments in the
22 area.

1 During my monitoring I noticed to
2 Panda Gourmet that -- I mean, they are what they
3 appear to be, which is a -- I want to say it the
4 right way -- a Szechuan and Jiang gourmet
5 restaurant. They're open during what you would
6 consider typical restaurant hours. They have
7 food delivery services. Their occupancy is 99, I
8 believe, so it's not so they could have, you
9 know, 500, 700 people in there. They're a
10 traditional restaurant. Most nights they were
11 closed well before 2:00 or 3:00. Pushing 1:00
12 would even -- 1:00 would even be pushing it.

13 There was always parking available, as
14 you might hear later on. The lot is used by Tag-
15 B, which is I guess subleasing the lot for
16 overflow for Echostage and other -- I mean, I
17 would imagine they're not going to turn down any
18 other customer that has money for parking, but
19 the lot is there. And according to Mr. Jones
20 they have first dibs in it.

21 As far as my observations and what
22 I've heard regarding specific noise coming from

1 the Panda Gourmet, there was absolutely none. As
2 far as noise of patrons leaving Panda Gourmet,
3 there's absolutely none. And I want you to
4 remember again that this sits at the intersection
5 of Bladensburg and New York Avenue, so there's a
6 heavy -- at all times of the day there's always
7 cars and, you know, that sort of thing.

8 On Tuesday, June 16th I spoke with Mr.
9 Jones, the ABC manager, and Mr. Jones stated that
10 first and foremost Panda Gourmet is a Szechuan
11 and Jiang restaurant. He stated that the
12 proposed entertainment would mostly consist of
13 jazz ensembles and on occasion a DJ. Mr. Jones
14 stated that he would not offer entertainment
15 every night and would only offer it on special
16 occasions, which would be advertised using social
17 media, not handbills and that sort of thing. Mr.
18 Jones said, as he told you guys, that the average
19 age of his customers is around 59 years old and
20 on their busiest nights everyone leaves around
21 midnight. And from my own observation I did --
22 and it might have just been that night, but I did

1 recognize that the crowd was not that of Stadium
2 Club or Echostage --

3 CHAIRPERSON MILLER: Yes.

4 INVESTIGATOR GHENENE: -- and there
5 weren't nearly -- I mean, that night there might
6 have been eight people in there, or something
7 like that, that were not sitting in the main
8 dining room area having dinner. And that's kind
9 of a point, too, is that there's people having
10 dinner in the same place that there's this bar.
11 So it's not like there was -- there was like a
12 mixing of like noise or whatever it is. People
13 were still able to have dinner while people were
14 still enjoying the bar area.

15 Mr. Jones stated that the closest
16 house in the Arboretum neighborhood is
17 approximately 3,800 feet from Panda Gourmet, and
18 that it would be impossible to hear any specific
19 noise emanating from Panda Gourmet that far away.
20 Mr. Jones stated that there are cameras
21 throughout his establishment and that they record
22 to a DVR, although he was unsure about the

1 technical recording capabilities.

2 Mr. Jones stated that Panda Gourmet
3 has approximately 300 dedicated parking spaces
4 available to its customers. Mr. Jones stated on
5 nights when the lot is being used by neighboring
6 establishments as an overflow lot Panda Gourmet
7 customers are given priority and do not have to
8 pay the fee that non-patrons must pay.

9 Mr. Jones stated on nights when he
10 plans on having entertainment he will employ
11 security following the one security guard for
12 every 50 patrons ratio.

13 I reviewed the records from the noise
14 task force for the time frame May 21st, 2014
15 through May 21st, 2015 and there were no noise
16 complaints logged. Also I was actually unable to
17 get the MPD calls for service for that address.

18 And that's the conclusion of my
19 report.

20 CHAIRPERSON MILLER: Great. Thank you
21 very much. That was --

22 (Simultaneous speaking)

1 INVESTIGATOR GHENENE: Sure.

2 CHAIRPERSON MILLER: Board members
3 have questions?

4 MEMBER SHORT: I did.

5 CHAIRPERSON MILLER: Yes, Mr. Short?

6 MEMBER SHORT: Good afternoon, Mr.
7 Ghenene.

8 INVESTIGATOR GHENENE: Yes, sir.

9 MEMBER SHORT: Again you mentioned and
10 I've heard testimony here before, that parking
11 lot has approximately how many --

12 INVESTIGATOR GHENENE: Mr. Jones said
13 approximately 300. And I didn't count, but it's
14 a very large parking lot.

15 MEMBER SHORT: I understand. But it
16 is true that Scene, Stadium and Echostage also
17 use it when they have large crowds, correct?

18 INVESTIGATOR GHENENE: I would assume
19 that they're -- I don't know which one of those
20 is actually licensed or leased -- allowed to be
21 there, but I would imagine patrons of that area
22 use it, all patrons of that area.

1 MEMBER SHORT: Because I can remember
2 testimony from those establishments, and they use
3 that lot also.

4 INVESTIGATOR GHENENE: Yes.

5 MEMBER SHORT: So everybody claims
6 that lot.

7 INVESTIGATOR GHENENE: Yes.

8 MEMBER SHORT: But again, you said
9 it's very small?

10 INVESTIGATOR GHENENE: Very small
11 place, relative to the other places that we're
12 discussing.

13 MEMBER SHORT: Okay. Thank you.
14 That's all I have, Madam Chair.

15 CHAIRPERSON MILLER: Others?

16 MEMBER ALBERTI: Just real quick.

17 CHAIRPERSON MILLER: Yes.

18 MEMBER ALBERTI: So, Mr. Ghenene, you
19 said the occupancy is 99. Do you know that from
20 the C of O, or how do you know that?

21 INVESTIGATOR GHENENE: Yes, from the
22 C of O.

1 MEMBER ALBERTI: And it says total
2 occupancy -- not seats, but total occupancy 99?

3 INVESTIGATOR GHENENE: That I can't
4 testify to, the distinction, but that's something
5 I can find out.

6 MEMBER ALBERTI: Yes, because that
7 would be of importance to us. Okay. Thank you.

8 INVESTIGATOR GHENENE: Yes, sir.

9 MEMBER RODRIGUEZ: I have --

10 CHAIRPERSON MILLER: Okay. Mr.
11 Rodriguez?

12 MEMBER RODRIGUEZ: Yes, there was a
13 letter of protest from the construction group
14 Douglas.

15 CHAIRPERSON MILLER: No, that's -- oh.

16 MEMBER RODRIGUEZ: Douglas
17 Constructions.

18 CHAIRPERSON MILLER: That's not in his
19 report.

20 MEMBER RODRIGUEZ: It's not in there?

21 CHAIRPERSON MILLER: No, no. There is
22 a -- wasn't that coming in from the ANC?

1 MS. MANNING: Yes, there's a letter --

2 CHAIRPERSON MILLER: Coming in from
3 the ANC.

4 MS. MANNING: -- from Douglas
5 Development on that.

6 MEMBER RODRIGUEZ: It's coming in from
7 the ANC?

8 CHAIRPERSON MILLER: Yes.

9 MS. MANNING: Right, it was part of --
10 and also the Ward 5 CAC.

11 MEMBER RODRIGUEZ: Right. And so
12 Douglas was there, right?

13 MS. MANNING: Yes, Douglas
14 Development.

15 MEMBER RODRIGUEZ: Yes, so how close
16 is the --

17 CHAIRPERSON MILLER: I just want to --
18 it's not in his investigative report.

19 MS. MANNING: That's not in his.

20 MEMBER RODRIGUEZ: Right.

21 MEMBER ALBERTI: It is.

22 MS. MANNING: I mean, he should have

1 it, because she should know all the --

2 MEMBER ALBERTI: It's in the protest.

3 It's in the -- there is a letter in the protest
4 report --

5 MS. MANNING: Yes, you have a copy.

6 MEMBER ALBERTI: -- from Douglas
7 Development.

8 CHAIRPERSON MILLER: Oh, my
9 understanding -- Mr. Ghenene can correct me if
10 I'm wrong, but we have before us -- there is in
11 our file a letter from Douglas Development, but
12 it's be offered -- my understanding is by the
13 ANC, by the Protestant as an exhibit. It hasn't
14 been offered yet into evidence.

15 MEMBER ALBERTI: Oh.

16 CHAIRPERSON MILLER: It's not --

17 MEMBER ALBERTI: Well, I don't know.

18 CHAIRPERSON MILLER: Mr. Ghenene, am
19 I incorrect? Is it part of your record?

20 INVESTIGATOR GHENENE: No.

21 CHAIRPERSON MILLER: It's not part of
22 your record.

1 MEMBER ALBERTI: Okay. I'm sorry.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: I misunderstood what
4 I had in front of me.

5 CHAIRPERSON MILLER: I'm not sure if
6 he can answer.

7 MEMBER ALBERTI: I'm sorry. My
8 apologies.

9 MEMBER RODRIGUEZ: Okay. So does that
10 mean I have to hold my question back?

11 MEMBER ALBERTI: Yes.

12 MEMBER RODRIGUEZ: Then I will, just
13 to be in order. But I will be back.

14 CHAIRPERSON MILLER: Well, that means
15 Mr. Ghenene would have to wait. All right,
16 Ghenene?

17 INVESTIGATOR GHENENE: Yes.

18 CHAIRPERSON MILLER: You might need to
19 hang in here. He's going to want to ask you a
20 question on an exhibit.

21 INVESTIGATOR GHENENE: I have no
22 knowledge. As far as I know, there's only one

1 Protestant that was granted standing, and that's
2 ANC 5C.

3 CHAIRPERSON MILLER: No, okay. No,
4 maybe you can ask. I mean, it's not in evidence,
5 but if you -- if there's something you want to
6 ask him --

7 MEMBER RODRIGUEZ: Madam Chair, I'll
8 wait until the other --

9 CHAIRPERSON MILLER: Let me just look
10 at it.

11 MEMBER RODRIGUEZ: -- someone else can
12 answer it.

13 CHAIRPERSON MILLER: Someone else? I
14 mean, if you want Mr. Ghenene, he's on the stand
15 now.

16 MEMBER RODRIGUEZ: Huh?

17 CHAIRPERSON MILLER: Mr. Ghenene is on
18 the stand now.

19 MEMBER RODRIGUEZ: Okay. Can I ask
20 that question now? Basically --

21 CHAIRPERSON MILLER: Yes, he'd have to
22 show him the letter.

1 MEMBER ALBERTI: What is the question?

2 CHAIRPERSON MILLER: What is the
3 question?

4 MEMBER RODRIGUEZ: The question is
5 what is the distance from the Douglas Development
6 site to the establishment?

7 INVESTIGATOR GHENENE: I have no idea.

8 CHAIRPERSON MILLER: It doesn't
9 matter.

10 MEMBER ALBERTI: Well, we haven't
11 established that there is a Douglas Development
12 site.

13 CHAIRPERSON MILLER: He has no --

14 MEMBER ALBERTI: So --

15 CHAIRPERSON MILLER: He has --

16 MEMBER ALBERTI: So I'm not sure where
17 that question is going.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER RODRIGUEZ: Well, because
20 they're indicating here according to the
21 letter --

22 CHAIRPERSON MILLER: Okay. He won't

1 be able --

2 MEMBER RODRIGUEZ: -- that as an
3 adjacent property owner at New York Avenue and
4 Bladensburg Road. I just wanted to know how
5 close it was to the establishment.

6 MEMBER ALBERTI: Well, we haven't
7 established --

8 MEMBER RODRIGUEZ: They're a property
9 owner.

10 MEMBER ALBERTI: -- that there is a
11 Douglas Development site, like I said. We
12 haven't established that there is such a site.

13 MEMBER RODRIGUEZ: Well --

14 MEMBER ALBERTI: I think you'll have
15 to hold your question.

16 MEMBER RODRIGUEZ: Then I'll hold my
17 question.

18 CHAIRPERSON MILLER: Is this property
19 at Bladensburg and New York Avenue, located at
20 Bladensburg and New York Avenue?

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 CHAIRPERSON MILLER: Okay. That's

1 about as close as we can get. You can pursue it
2 later with somebody else though.

3 MEMBER RODRIGUEZ: I'll pursue it
4 later.

5 CHAIRPERSON MILLER: Yes.

6 MEMBER RODRIGUEZ: I want to move
7 things along.

8 CHAIRPERSON MILLER: Okay. Other
9 questions?

10 (No audible response)

11 CHAIRPERSON MILLER: I have a question
12 about the Days Inn being used as shelter. Are
13 you familiar with that?

14 INVESTIGATOR GHENENE: No, ma'am.

15 CHAIRPERSON MILLER: You're not?
16 Okay. Are you familiar with guests of the Days
17 Inn being disturbed by noise from this
18 establishment as is?

19 INVESTIGATOR GHENENE: I'm not
20 familiar, but that was not part of my
21 investigation either.

22 CHAIRPERSON MILLER: Okay. Now noisy

1 is -- I don't know, this may be a general way of
2 saying it, but you said that Bladensburg and New
3 York have a lot of traffic. Is it noisy traffic?
4 And I ask that in the context of that noise
5 competing with any noise from -- potential noise
6 inside the establishment here.

7 INVESTIGATOR GHENENE: And it's a
8 major intersection.

9 CHAIRPERSON MILLER: Okay.

10 INVESTIGATOR GHENENE: And it's -- I
11 mean, it's -- the speed limit is pretty high in
12 that area. It's a main thoroughfare leading into
13 and out of Washington, D.C. But apart from that,
14 the establishment is -- it's not directly on the
15 street. It sits back in the parking lot.

16 CHAIRPERSON MILLER: Okay.

17 INVESTIGATOR GHENENE: And granted
18 there was no entertainment being offered during
19 the times of my investigation, so I don't have --
20 I can't tell you what it would sound like if
21 there was full DJ setup or what have you, but I
22 would -- and I don't want to speculate beyond

1 that.

2 CHAIRPERSON MILLER: Okay.

3 INVESTIGATOR GHENENE: But that's --

4 CHAIRPERSON MILLER: That's fine.

5 INVESTIGATOR GHENENE: -- pretty

6 much --

7 CHAIRPERSON MILLER: I'm just curious
8 with respect to competing noises. For instance,
9 sometimes it's noisy just hearing -- we heard
10 this in the previous fact finding case, people
11 coming out of an establishment can be noise to --

12 INVESTIGATOR GHENENE: Sure.

13 CHAIRPERSON MILLER: -- there aren't
14 even residents nearby. But if they're -- if just
15 wondering if it's also noise from car traffic or
16 whatever, is it less noticeable?

17 INVESTIGATOR GHENENE: Well again,
18 since I didn't observe the contributing noise of
19 patrons entering and --

20 CHAIRPERSON MILLER: Okay.

21 INVESTIGATOR GHENENE: -- exiting, I
22 can't really compare it or tell you if one would

1 drown out the other, but I can tell you that the
2 vehicular noise is constantly present.

3 CHAIRPERSON MILLER: Okay. So it's
4 not just like, oh, there's a lot of traffic.
5 It's that the traffic noisy?

6 INVESTIGATOR GHENENE: Yes.

7 CHAIRPERSON MILLER: Okay. Is there
8 any establishment you would compare this to if
9 you were to determine what would be an
10 appropriate hour to end entertainment? I mean,
11 they're seeking 1:00. Is there something -- I
12 know this is pretty different, or I think it's
13 pretty different from Echostage and Stadium. So
14 they're not the right comparison. Is there
15 anything else around there? Well, I don't want
16 to testify. I mean --

17 INVESTIGATOR GHENENE: Yes, I mean,
18 that's a tough question --

19 CHAIRPERSON MILLER: Okay.

20 INVESTIGATOR GHENENE: -- but I want
21 -- and I tried to attach my final exhibit, their
22 menu. I mean, this is a Chinese restaurant.

1 CHAIRPERSON MILLER: Right.

2 INVESTIGATOR GHENENE: And I don't
3 want you to think that it's something else.

4 CHAIRPERSON MILLER: Right.

5 INVESTIGATOR GHENENE: But from what
6 I've seen and from what I have observed, its
7 primary existence is about a Chinese restaurant.

8 CHAIRPERSON MILLER: Okay. So that's
9 my final question.

10 INVESTIGATOR GHENENE: Sure.

11 CHAIRPERSON MILLER: This is a Chinese
12 restaurant and it's sounds like no problems. By
13 adding this entertainment endorsement do you have
14 any concern that this is now going to become
15 something else?

16 INVESTIGATOR GHENENE: I have --
17 nothing throughout my investigation would lead me
18 to that.

19 CHAIRPERSON MILLER: Okay. Mr.
20 Silverstein? Thank you.

21 MEMBER SILVERSTEIN: Yes, I would like
22 to talk about the ambient noise in this

1 neighborhood. Is it fair to say this is not a
2 quiet area because of transportation?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER SILVERSTEIN: Main artery in
5 and out of D.C. from Route 50, which is where all
6 the warehouses are?

7 INVESTIGATOR GHENENE: Yes, sir.

8 MEMBER SILVERSTEIN: Do we have a lot
9 of truck traffic?

10 INVESTIGATOR GHENENE: Yes, sir.

11 MEMBER SILVERSTEIN: You have bus
12 traffic coming off of various -- to and from New
13 York and other places. You have trains not far
14 from that area as well?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER SILVERSTEIN: So there's
17 generally a lot of noise, for better or worse, in
18 this neighborhood. So a crowd would not stand
19 out? A high-pitch conversation would not echo
20 great distances there because it would probably
21 be drowned out by cars?

22 INVESTIGATOR GHENENE: Well, when you

1 say "neighborhood," I want to be clear that we're
2 talking about specifically that corner.

3 MEMBER SILVERSTEIN: Yes.

4 INVESTIGATOR GHENENE: Yes, everything
5 you said would be accurate.

6 MEMBER SILVERSTEIN: Okay. No further
7 questions.

8 CHAIRPERSON MILLER: Others?

9 (No audible response)

10 CHAIRPERSON MILLER: I just want to
11 follow up quickly just to pin that down. So when
12 you're talking about on that corner, what's on
13 that corner?

14 INVESTIGATOR GHENENE: The
15 intersection of New York Avenue and Bladensburg
16 Road.

17 CHAIRPERSON MILLER: Okay. What's
18 there?

19 INVESTIGATOR GHENENE: That's where
20 Panda Gourmet is located.

21 CHAIRPERSON MILLER: Okay. And what
22 else is there?

1 INVESTIGATOR GHENENE: There's Dunkin'
2 Donuts, 7-Eleven. There's another -- there's two
3 other hotels, I believe. There's a Taco Bell,
4 there's a Checker's restaurant, McDonald's.

5 CHAIRPERSON MILLER: So a lot of those
6 places --

7 INVESTIGATOR GHENENE: Gas stations.

8 CHAIRPERSON MILLER: Gas stations?
9 Okay. So sounds like --

10
11 INVESTIGATOR GHENENE: Three gas
12 stations. I'm sorry. Three gas stations.

13 CHAIRPERSON MILLER: Oh, I don't want
14 to cut you off. Did you finish? More?

15 INVESTIGATOR GHENENE: I'm sure
16 there's more on that corner.

17 (Laughter)

18 MEMBER SILVERSTEIN: There's a lot
19 going on there.

20 CHAIRPERSON MILLER: Is it correct
21 that a lot of those places are open 24 hours? 7-
22 Eleven?

1 INVESTIGATOR GHENENE: Yes, with the
2 exception of the Taco Bell, every -- I believe
3 everything else is open 24 hours.

4 CHAIRPERSON MILLER: Okay. All right.
5 Anything else?

6 MEMBER ALBERTI: I just -- there's
7 probably eight lanes of traffic on New York
8 Avenue at that intersection, I think. Is that
9 correct?

10 INVESTIGATOR GHENENE: That's about
11 right.

12 MEMBER ALBERTI: And six lanes of
13 traffic on Bladensburg Road?

14 INVESTIGATOR GHENENE: That's about
15 right.

16 MEMBER ALBERTI: So very wide streets
17 there.

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER ALBERTI: Thank you.

20 CHAIRPERSON MILLER: Others? Okay.

21 MEMBER SHORT: Just for the record,
22 Madam Chair, that's the second busiest

1 intersection in all of Washington, D.C.

2 CHAIRPERSON MILLER: Oh, what's the
3 first?

4 MEMBER SHORT: I'm not sure.

5 (Laughter)

6 MEMBER SHORT: I know that Bladensburg
7 Road and South Dakota Avenue is responded to
8 by --

9 CHAIRPERSON MILLER: Oh.

10 MEMBER SHORT: It's very busy.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SHORT: And very dangerous.

13 CHAIRPERSON MILLER: Okay. So I think
14 we're done with Board questions.

15 Now, Mr. Jones, do you have any cross-
16 exam for the investigator, cross-examination
17 questions?

18 MR. JONES: No, I don't.

19 CHAIRPERSON MILLER: Okay. Ms.
20 Manning?

21 MS. MANNING: I do.

22 CHAIRPERSON MILLER: Okay.

1 MS. MANNING: Did you not notice the
2 school, the Washington Math School that's right
3 there at the Taco Bell and KFC?

4 INVESTIGATOR GHENENE: I did not,
5 but --

6 MS. MANNING: Did --

7 INVESTIGATOR GHENENE: -- I also
8 requested the GIS information, and part of that
9 is requesting schools that are -- I believe it's
10 within 500 feet, I believe.

11 MS. MANNING: That school is --

12 INVESTIGATOR GHENENE: And that --

13 MS. MANNING: -- less than 100 feet.

14 INVESTIGATOR GHENENE: Okay.

15 MS. MANNING: That's there.

16 INVESTIGATOR GHENENE: Well, according
17 to our District of Columbia Geographic
18 Information Systems, it didn't register.

19 MS. MANNING: It hasn't been updated.
20 That's a charter school.

21 CHAIRPERSON MILLER: Okay. Excuse me,
22 Ms. Manning. Ms. Manning, wait.

1 MS. MANNING: I'm sorry. But there is
2 like --

3 CHAIRPERSON MILLER: Right. No,
4 you'll get to testify. But it's not a debate.

5 (Simultaneous speaking)

6 MS. MANNING: -- cross-examine, so I
7 wanted to see if he could see the school.

8 CHAIRPERSON MILLER: Okay. You can
9 cross-examine.

10 MS. MANNING: All right.

11 CHAIRPERSON MILLER: But there are
12 little rules that go with this --

13 MS. MANNING: That's fine.

14 CHAIRPERSON MILLER: -- and one is
15 that you ask questions and they answer the
16 questions.

17 MS. MANNING: That's fine.

18 CHAIRPERSON MILLER: Okay.

19 MS. MANNING: What time were you there
20 at the Panda Gourmet?

21 INVESTIGATOR GHENENE: Various times.
22 In my report I have it listed by the different

1 specific dates. I have it listed there. But
2 there was tons of other times I was visiting
3 there.

4 MS. MANNING: So you can't give a
5 specific time?

6 INVESTIGATOR GHENENE: Yes, in my
7 report there are specific times.

8 MS. MANNING: But you can't give a
9 specific right now? So are you aware that Panda
10 Gourmet is separate from T&L Managing?

11 INVESTIGATOR GHENENE: I'm unaware of
12 that.

13 MS. MANNING: They're separate
14 entities, because Panda Gourmet has a lease.

15 CHAIRPERSON MILLER: No, you can ask
16 him questions. You can't --

17 MS. MANNING: Okay.

18 CHAIRPERSON MILLER: Thank you.

19 MS. MANNING: So did you Panda Gourmet
20 lease?

21 INVESTIGATOR GHENENE: No.

22 MS. MANNING: Did you see T&L Managing

1 lease?

2 INVESTIGATOR GHENENE: No.

3 MS. MANNING: Did you notice that the
4 Department of Human Services has the main parking
5 lot blocked off --

6 INVESTIGATOR GHENENE: No.

7 MS. MANNING: -- to where the
8 temporary residents are?

9 INVESTIGATOR GHENENE: No.

10 MEMBER ALBERTI: May I just -- when
11 you say "temporary residents" --

12 MS. MANNING: I don't want to consider
13 them sheltered, because now they're in a hotel
14 which has become -- it's like a --

15 (Simultaneous speaking)

16 MEMBER ALBERTI: Okay. I just wanted
17 to know what you were referring to.

18 MS. MANNING: That's what I refer to.

19 MEMBER ALBERTI: I understand now what
20 you're referring to.

21 MS. MANNING: Yes, I don't want to --

22 MEMBER ALBERTI: The temporary

1 residents of the hotel.

2 MS. MANNING: Right. Right.

3 MEMBER ALBERTI: Okay. Thank you.

4 MS. MANNING: Because D.C. --

5 MEMBER ALBERTI: Sorry to interrupt.

6 MS. MANNING: Okay. That's what I

7 mean by that. I don't want to keep saying

8 "sheltered people."

9 MEMBER ALBERTI: That's fine.

10 MEMBER ALBERTI: It's the homeless

11 though.

12 INVESTIGATOR GHENENE: What area were

13 you saying is blocked off?

14 MS. MANNING: Can I show him a

15 picture?

16 CHAIRPERSON MILLER: I'm sorry, did

17 you ask a question?

18 INVESTIGATOR GHENENE: No, she asked

19 -- Mr. Alberti kind of changed it a little bit,

20 because I was answering no to her question, but

21 then when she clarified who the residents were --

22 CHAIRPERSON MILLER: Okay.

1 INVESTIGATOR GHENENE: -- it changed
2 the question. And now I'm asking to clarify her
3 question.

4 CHAIRPERSON MILLER: Oh, you asked her
5 to clarify?

6 INVESTIGATOR GHENENE: Yes.

7 CHAIRPERSON MILLER: Okay. That's all
8 right. Could you clarify your question?

9 MS. MANNING: When you're in the
10 parking lot by the Dunkin' Donut, which is the
11 Dunkin' Donut and the Amoco gas station, there's
12 a -- that middle piece is opened up to the hotel.
13 There's a driveway that comes in --

14 INVESTIGATOR GHENENE: Yes.

15 MS. MANNING: -- and to the side
16 there's a gate. The majority of the parking
17 spaces are behind that gate where there's an
18 officer there 24 hours, private detail officers
19 that are there. That part is blocked off. You
20 have to show ID. So that space that is in front
21 -- that's why I asked you did you notice there
22 was a gate there, there's cones that are sitting

1 there to block off.

2 INVESTIGATOR GHENENE: Yes, there are
3 cones, but people are still parking there.

4 MS. MANNING: Yes, those are the --
5 that's why I asked you did you notice it was
6 blocked off. I didn't ask you about who were
7 parking there.

8 INVESTIGATOR GHENENE: Oh.

9 MS. MANNING: We know that.

10 INVESTIGATOR GHENENE: Oh.

11 MS. MANNING: I just asked you did you
12 notice it was blocked off.

13 INVESTIGATOR GHENENE: I don't know --
14 well, there were cones there, yes.

15 MS. MANNING: Okay. That's it.

16 CHAIRPERSON MILLER: Okay.

17 MS. MANNING: That's it for me.

18 CHAIRPERSON MILLER: All right. Thank
19 you very much.

20 INVESTIGATOR GHENENE: Sure. Am I
21 dismissed?

22 CHAIRPERSON MILLER: Yes.

1 INVESTIGATOR GHENENE: Okay.

2 CHAIRPERSON MILLER: Thank you.

3 (Whereupon, the witness was excused.)

4 CHAIRPERSON MILLER: Okay. Now for
5 the Applicant's case. Do you have any witnesses
6 or exhibits you want to offer?

7 MR. JONES: Well, the witness that I
8 put on the report is not here, however, the
9 exhibits are just what was submitted. Parking,
10 pictures of the parking. And I have a letter
11 from T&L and Days Inn that states that we have
12 the ability to park.

13 CHAIRPERSON MILLER: Okay. Did you
14 take the pictures?

15 MR. JONES: I beg your pardon?

16 CHAIRPERSON MILLER: Did you take the
17 pictures?

18 MR. JONES: Yes, I did, and --

19 CHAIRPERSON MILLER: Okay. So, well,
20 I think --

21 MR. JONES: And of course you have
22 pictures within the -- from the investigator.

1 CHAIRPERSON MILLER: We do.

2 MR. JONES: Yes, so --

3 CHAIRPERSON MILLER: They're in the
4 record.

5 MR. JONES: That's correct.

6 CHAIRPERSON MILLER: Do you wish to
7 add more, or not really?

8 MR. JONES: No. No.

9 CHAIRPERSON MILLER: No?

10 MR. JONES: If they're in the record,
11 I'm fine.

12 CHAIRPERSON MILLER: The
13 investigator's photos are in the record.

14 MR. JONES: Okay.

15 CHAIRPERSON MILLER: Okay.

16 MR. JONES: I'm comfortable with that.

17 CHAIRPERSON MILLER: Okay. Now what
18 else did you --

19 MR. JONES: Well, that we have
20 permission to park there.

21 CHAIRPERSON MILLER: A letter?

22 MR. JONES: A letter. But also when

1 -- and in closing I'll clarify the parking
2 arrangement with Tag-B.

3 CHAIRPERSON MILLER: Well, you know
4 what --

5 MEMBER SILVERSTEIN: Sir, I would ask
6 that you -- you're going to have to be sworn
7 in --

8 CHAIRPERSON MILLER: I was just going
9 to go there.

10 MEMBER SILVERSTEIN: That's fine. I'm
11 sorry.

12 CHAIRPERSON MILLER: I was just -- no,
13 that's fine. I was just going to say the same
14 thing, because if you're the only person saying
15 everything and you're the representative, it
16 would be best if you'd be sworn in so that it's
17 evidence.

18 MR. JONES: I have no problem with
19 that.

20 CHAIRPERSON MILLER: All right. So do
21 you swear to tell the truth, the whole truth and
22 nothing but the truth?

1 MR. JONES: I do.

2 CHAIRPERSON MILLER: Okay. Okay. So
3 you have a letter you want to put into evidence?

4 MR. JONES: Yes.

5 MEMBER ALBERTI: Ms. Miller --

6 CHAIRPERSON MILLER: Yes, you want him
7 to him move or something?

8 MEMBER ALBERTI: Just to be helpful to
9 Mr. Jones; I'd like to be fair to Mr. Jones, I'd
10 like to remind him that it's incumbent upon the
11 Applicant to make a case for why this application
12 is appropriate. We're going to hear from the
13 other side.

14 MR. JONES: I understand.

15 MEMBER ALBERTI: And if I don't hear
16 reasons from you, I have nothing to counter what
17 I'm hearing from the other side. So it's
18 incumbent on you to present -- put on a case for
19 us. I just want to remind you of that.

20 MR. JONES: At that time I'm prepared
21 to do that. I thought she just wanted the
22 evidence.

1 CHAIRPERSON MILLER: Okay.

2 MEMBER ALBERTI: All right.

3 CHAIRPERSON MILLER: Okay. Right.

4 So --

5 MEMBER ALBERTI: I think Mr. Jones
6 down here has something --

7 CHAIRPERSON MILLER: -- it gets a
8 little tricky when we have -- not that tricky --
9 we have the same person being --

10 MEMBER ALBERTI: No, Mr. Jones at the
11 other end. Our Mr. Jones has something to say.

12 CHAIRPERSON MILLER: Oh, okay. Mr.
13 Jones?

14 MEMBER JONES: I just had a
15 clarification. So, It's another way of saying --
16 you're saying the burden of proof as you see it
17 rests with the Applicant?

18 MEMBER ALBERTI: I don't know if
19 everyone agrees with me, but so that's why I said
20 "incumbent." My position is that --

21 CHAIRPERSON MILLER: It is.

22 MEMBER ALBERTI: -- the burden of

1 proof lies with the Applicant.

2 MEMBER JONES: Okay. Cool. Thank
3 you.

4 CHAIRPERSON MILLER: I think that is
5 -- I don't really think there's any disagreement
6 with that.

7 MEMBER ALBERTI: Okay.

8 CHAIRPERSON MILLER: Okay. So --

9 MEMBER ALBERTI: So, Mr. Jones,
10 understand -- just so the Applicant Mr. Jones
11 understands that.

12 CHAIRPERSON MILLER: I think what --

13 (Laughter)

14 CHAIRPERSON MILLER: That's what I was
15 trying to say before, but it's no problem now.
16 This is the time for your case. What I was
17 saying before was whatever you all said in
18 opening formally, that's not evidence. That's
19 the overview of what you're going to show. So
20 now it's your case. And so, you may need to be
21 repetitive of what you said before to a certain
22 extent because now is the case for you to bear

1 the burden of proof as to why you should get this
2 entertainment endorsement and why it wouldn't
3 have an adverse impact on the peace, order and
4 quiet basically. And the ways in which that is
5 done usually is by testimony of somebody and any
6 other documents you want to put into evidence.

7 So you have the floor right now. And
8 you can say it in any order you want and put in
9 the document that you want when it makes most
10 sense to you. If you want to do it at the end,
11 now as you give your testimony. You would just
12 need to show that document to the Protestant
13 before I would rule on its admissibility.

14 MR. JONES: Very well.

15 CHAIRPERSON MILLER: All right. That
16 clear?

17 MR. JONES: That's very clear.

18 CHAIRPERSON MILLER: Okay. So the
19 ball's in your court.

20 MR. JONES: Thank you.

21 CHAIRPERSON MILLER: Okay.

22 MR. JONES: Madam Chair,

1 commissioners, members of the Board, there are a
2 number of things that were stated earlier from
3 the testimony of the investigator and also in the
4 preliminary from Commissioner Manning, and I'd
5 like to address a number of things.

6 First of all, the Douglas Development
7 letter. Douglas Development is nearly 500 feet
8 away from where the bar is. The bar is on the
9 other end of the hotel. Between the hotel there
10 is the MPD parking facility and then the Douglas
11 Development offices are near the Washington Times
12 facility. There is no impact. They're not there
13 in the evening time. They're more than 500 feet
14 away and they are buffered from the MPD parking
15 facility. There is no impact. And we've not had
16 any concern from Douglas Development or MPD.
17 That's in reference to the Douglas Development
18 letter.

19 CAC, I don't understand why they would
20 have an issue. Between our operation and CAC,
21 where their boundaries are, the feet are even
22 further away from where the Arboretum sits.

1 There are a number of businesses and there are no
2 residents probably 5,000 feet away from where
3 Panda Gourmet sits. There is no adverse impact.

4 As far as Washington Math School is
5 concerned, we're 675 feet away from that school.
6 I am the sitting school board member for Ward 5,
7 and immediate past president for the school
8 board. I have encouraged this commissioner
9 herself when there was another applicant to
10 to protest. That was too close to that specific
11 school. Under no circumstances would this
12 person, Mr. Jones, be involved with any business
13 that would be that close to a school. She's
14 suggesting we're within 400 feet. That's not
15 accurate. We're 430 feet from our hotel to the
16 Taco Bell. And that buffers the Washington Math
17 and Science School.

18 Now in addition to that she says we
19 would be impacting the peace and quiet from the
20 temporary residents at the Days Inn that house
21 the homeless. Their curfew is 9:00 p.m. week
22 nights, 11:00 p.m. weekends. They do not come to

1 the bar. They're encouraged not to. And I must
2 say that Human Services manages them impeccably.
3 There is no impact. But we've been supportive of
4 that community. We've given book bags and school
5 supplies to every child there. We've also given
6 turkeys to every resident there that wanted to
7 take them to their extended family. And I have
8 pictures showing that we did it from the parking
9 lot there. I'm a committed member of Ward 5 in
10 this community. Under no circumstances would I
11 be involved in any business that would have
12 inverse impact on any resident there. That's
13 just not who I am. It's not accurate.

14 The UDC issue, yes, it's a school, but
15 it's an excel training facility that trains
16 adults two days a week in mechanical ASC
17 certifications. There's no impact there.

18 In reference to the parking we do have
19 first authority to use the parking. That parking
20 that Tag-B is leased to use is only used for paid
21 customers. Does not allow Echostage to have
22 overflow. Does not allow Stadium to have

1 overflow. Does not allow Bliss to have overflow.
2 They are allowed to park there if paid, like any
3 other paid parking facility. Tag-B has the
4 authorization, but Tab-B does not usurp our
5 customers. Our customers park free. And when
6 there's overflow, they park free on the other
7 end. There has been no issue. The other parking
8 spaces on the Days Inn is not closed off.

9 We run a respectable business. We're
10 a destination spot for people that original
11 Szechuan food and adults that want to come and
12 enjoy one another's company. We're a small
13 place. The bar area is 20 seats. We rarely have
14 it full at 20 seats.

15 Ms. Manning also said that our goal is
16 to change it into something else. It's not large
17 enough to change into something else. Just not
18 physically possible. And her statement of T&L
19 not owning that operation is just conjecture.
20 T&L is the owner, period. Your records show that
21 it's trading as Panda Gourmet. So her statement
22 of suggesting that it's something different is

1 just conjecture. It's false.

2 I'd encourage you all to approve this.

3 We came to mediation to mediate in good faith.

4 We turned down the mediation because she said

5 that she would only approve --

6 CHAIRPERSON MILLER: Okay. We don't

7 need to -- we don't want to hear --

8 MR. JONES: Very well.

9 CHAIRPERSON MILLER: -- negotiations.

10 Okay. Thank you.

11 MR. JONES: Well, she was putting -

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: I know. I cut

14 her off, too, I believe.

15 (Laughter)

16 CHAIRPERSON MILLER: We're not paying

17 any attention to negotiations. We're here for

18 the merits at this point.

19 MR. JONES: Okay.

20 CHAIRPERSON MILLER: Okay?

21 MR. JONES: Very good.

22 CHAIRPERSON MILLER: All right.

1 MR. JONES: So at this moment I'd like
2 to submit the letter --

3 CHAIRPERSON MILLER: Okay.

4 MR. JONES: -- for the parking.

5 CHAIRPERSON MILLER: Now, could you
6 identify it and ask Ms. Manning -- does she have
7 a copy of this?

8 MR. JONES: She's welcome. It was
9 submitted, but --

10 CHAIRPERSON MILLER: It was? Could
11 you identify first?

12 MR. JONES: Yes, it's the letter
13 acknowledging that Panda Gourmet employees and
14 customers have the right and privileges to park
15 in the main parking lot as well as the overflow
16 parking area.

17 CHAIRPERSON MILLER: Okay. And do you
18 have a copy of that letter?

19 MS. MANNING: No, ma'am.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: Mr. Jones, was this
22 part of your PIF?

1 MS. MANNING: No, ma'am, I don't have
2 a copy of that.

3 CHAIRPERSON MILLER: Okay. Could you
4 show her the copy?

5 Mr. Alberti, did you have a question?

6 MEMBER ALBERTI: No, I just asked Mr.
7 Jones, was this part of your PIF, your Protest
8 Information Form? Was it part of the materials
9 that you submitted?

10 MR. JONES: I believe it was, but just
11 -- I believe it was, but I wanted to make sure.

12 MEMBER ALBERTI: Did you give the
13 Protestants a copy of that package?

14 MR. JONES: It should have been a part
15 of the PIF, but I wanted to make sure that --

16 MEMBER ALBERTI: Did you give the
17 Protestants a copy of your PIF?

18 MR. JONES: I was told to submit it
19 online from ABRA. That's what I was --

20 MEMBER ALBERTI: Okay.

21 MEMBER JONES: So is that to say no?

22 MEMBER ALBERTI: That's to say no?

1 MR. JONES: No.

2 MEMBER ALBERTI: All right. Thank
3 you.

4 CHAIRPERSON MILLER: Did you get a
5 copy from the office or anything previously, from
6 ABRA?

7 MS. MANNING: No.

8 CHAIRPERSON MILLER: Okay.

9 MS. MANNING: And those -- can I just
10 say whatever he submitted was not submitted on
11 time, was not submitted on a timely --

12 CHAIRPERSON MILLER: Okay.

13 MS. MANNING: -- matter for his PIF.

14 CHAIRPERSON MILLER: Okay. Yes, okay.
15 It sounds like --

16 MS. MANNING: So this is the first
17 I've seen of this.

18 CHAIRPERSON MILLER: That's the first
19 you've seen it? You did not get it seven days in
20 advance?

21 MS. MANNING: No.

22 CHAIRPERSON MILLER: Okay. Have you

1 had a chance to look at it?

2 MEMBER ALBERTI: It's in your file.

3 It should be.

4 CHAIRPERSON MILLER: I'm looking. Do
5 you have a copy?

6 MEMBER ALBERTI: Yes, here, I'll give
7 you a copy. Right here.

8 CHAIRPERSON MILLER: Okay. That's the
9 PIF. No, I don't want the PIF. I want the
10 letter. Is there a letter?

11 MEMBER ALBERTI: The letter's in the
12 PIF. Ms. Miller, here it is. Ms. Miller, right
13 there.

14 CHAIRPERSON MILLER: Oh, right. Okay.
15 All right. I got it. I got it. Thank you.

16 MEMBER ALBERTI: You got it?

17 CHAIRPERSON MILLER: Yes. Okay. So
18 you didn't get a copy. Are you objecting to the
19 admission of this letter into evidence?

20 MS. MANNING: Yes.

21 CHAIRPERSON MILLER: And can you say
22 why you're prejudiced, why you --

1 MS. MANNING: Because it's not in
2 detail when it says overflow parking, it's saying
3 this letter serves as an acknowledgement that
4 Panda Gourmet employees and customers have the
5 right and privilege to park in the main parking
6 lot as well as the overflow parking area. So can
7 I go ahead?

8 CHAIRPERSON MILLER: All right.

9 MS. MANNING: Okay. So he's saying
10 the overflow. Because that area he's talking
11 about where the leased space is that Tag-B uses
12 for all of the clubs, even though the sign says
13 Echostage, that's not an overflow. That's a
14 general parking area for everyone.

15 CHAIRPERSON MILLER: Okay. So no, my
16 question is not -- you can argue the validity of
17 the letter or the --

18 MS. MANNING: Right.

19 CHAIRPERSON MILLER: But my question
20 -- I just --

21 MS. MANNING: Okay.

22 CHAIRPERSON MILLER: He wants to put

1 into the record. And so my question would be if
2 you got this letter in advance -- are you be
3 prejudiced by not having gotten it in advance?
4 Is there something you would have been able to do
5 at this hearing?

6 MS. MANNING: Yes, if he'd came to the
7 ANC way before this --

8 CHAIRPERSON MILLER: No, not way
9 before this.

10 MS. MANNING: Way -- seven days? Are
11 you talking about the seven days or --

12 CHAIRPERSON MILLER: Seven days, yes.

13 MS. MANNING: Seven days?

14 CHAIRPERSON MILLER: Yes.

15 MS. MANNING: Probably not.

16 CHAIRPERSON MILLER: Right. Okay.

17 All right. And I'm going to accept it into
18 evidence because I think you can address it here
19 at the hearing in the same way. And it seems
20 very relevant to the application. So that's
21 Applicant's Exhibit No. 1. Admitted.

22 Is there anything else?

1 MR. JONES: No.

2 CHAIRPERSON MILLER: Okay. That's it?
3 All right. Now do you have cross-examination for
4 Mr. Jones?

5 MS. MANNING: Mr. Jones, did you ever
6 come before the ANC 5C public meeting or contact
7 the Single Member District representative, which
8 would be me, about Panda Gourmet?

9 MR. JONES: Ms. Manning -- do I
10 address you or --

11 CHAIRPERSON MILLER: Either way, but
12 I mean, you're in that seat instead of that seat,
13 but --

14 MR. JONES: Okay. Well, Ms. Manning
15 and I met in the parking lot to discuss the
16 issue.

17 MS. MANNING: Sir, we did not meet in
18 the parking lot.

19 CHAIRPERSON MILLER: Okay. No, no,
20 no.

21 (Simultaneous speaking)

22 MS. MANNING: -- parking lot --

1 (Simultaneous speaking)

2 CHAIRPERSON MILLER: Ms. Manning?

3 MEMBER JONES: Ma'am. Ma'am. Ma'am.

4 CHAIRPERSON MILLER: Ms. Manning?

5 MEMBER JONES: Ma'am. Ma'am. Ma'am.

6 You can't -- Ms. Manning, you can't do that. You
7 ask questions and respond.

8 MS. MANNING: Okay.

9 MEMBER JONES: If you have a challenge
10 to that, then you have to do it on your cross.

11 MS. MANNING: That's fine.

12 MEMBER JONES: Okay?

13 MS. MANNING: What parking lot, sir?

14 MR. JONES: The parking lot of the
15 Panda Gourmet and the Dunkin' Donuts parking lot.

16 MS. MANNING: We did not.

17 CHAIRPERSON MILLER: Okay. You're
18 getting out of order.

19 MS. MANNING: Okay. That's fine.

20 CHAIRPERSON MILLER: So --

21 MS. MANNING: You know that was the
22 MGM parking lot --

1 CHAIRPERSON MILLER: It's not really
2 fine, Ms. Manning.

3 MS. MANNING: I hear you.

4 CHAIRPERSON MILLER: Okay.

5 MS. MANNING: But I'm not going to sit
6 here and let somebody lie either.

7 CHAIRPERSON MILLER: You will have a
8 chance to testify.

9 MS. MANNING: Because you did not --

10 CHAIRPERSON MILLER: Okay. All right.
11 I'm going to have to --

12 (Simultaneous speaking)

13 MS. MANNING: -- issues. So did you
14 come to the ANC 5C public meeting to address the
15 Commission about the -- to represent Panda
16 Gourmet?

17 MR. JONES: I was not invited to
18 attend the ANC meeting. I follow the ANC
19 agendas. It was not on the agenda. The ANC
20 brought it up on an emergency basis, so therefore
21 I would not have had an opportunity to attend.
22 So I believe I was prejudiced by not having the

1 opportunity to attend. Otherwise, I would have
2 attended. And I did speak to not only Ms.
3 Manning, but also Commissioner James in reference
4 to this prior and --

5 MS. MANNING: And Commissioner James
6 is --

7 CHAIRPERSON MILLER: He hasn't
8 finished his -- did you finish?

9 MS. MANNING: He finished.

10 MR. JONES: No.

11 CHAIRPERSON MILLER: Okay.

12 MR. JONES: And then there was another
13 commissioner that I spoke with.

14 MS. MANNING: The name of that
15 commissioner?

16 MR. JONES: I don't know her last
17 name. Monique. And the vice-chair I reached out
18 to telephonically and through email. He never
19 responded. But Ms. Manning and I have a long,
20 long working relationship in Ward 5. We met.
21 And not only there, but attempted to speak with
22 her even after this process to resolve the issue.

1 There is no way. I would not go around the ANCs.
2 I'm a former ANC commissioner myself.

3 MS. MANNING: Mr. Jones, the day we --
4 what is Monique Sm -- what is Monique's last
5 name? What is Commissioner --

6 MR. JONES: You just said it. Smith,
7 but --

8 MS. MANNING: Right. But why couldn't
9 you -- you know this.

10 MR. JONES: I don't know.

11 MS. MANNING: Also, we do not -- let's
12 clarify the long -- when you say you were not
13 invited to the ANC public meetings, is it not
14 true that those -- is it true or not true that
15 those meetings are public? They're open to
16 anyone to attend?

17 CHAIRPERSON MILLER: Okay. All right.
18 We're having some questions up here about the
19 relevance of this line of questioning, Ms.
20 Manning.

21 MS. MANNING: Okay.

22 CHAIRPERSON MILLER: We're looking at

1 whether or not this entertainment endorsement is
2 going to have an adverse impact on residences and
3 neighbors. So can you just get to that? That's
4 your protest. Any other cross?

5 MEMBER ALBERTI: Do you have a
6 license?

7 MS. MANNING: Mr. Jones, the
8 Washington Math School is -- you said it was
9 three hundred -- are you accurate of the numbers
10 that the Washington Math School is -- the
11 distance from Panda Gourmet?

12 MR. JONES: It's more than 675 feet
13 away from the Panda Gourmet.

14 MS. MANNING: Okay. Douglas
15 Development, there's four locations of Douglas
16 Development. You mentioned the Douglas
17 Development that's further down Route 50. Behind
18 -- can you tell me what's behind the Washington
19 Math School? The owner of that lot behind the
20 Math and Science School.

21 MR. JONES: It's an open lot which was
22 previously owned by the Schaffer family.

1 MS. MANNING: So who owns it now?

2 MR. JONES: Douglas Jamal as a 99-year
3 lease on that property to develop it.

4 MS. MANNING: So he's the occupant?
5 He's the owner?

6 MR. JONES: He is the occupant.

7 MS. MANNING: He's the owner of that
8 piece --

9 MR. JONES: But that's even further
10 away from --

11 MS. MANNING: I didn't ask you that.

12 MR. JONES: -- his office.

13 MS. MANNING: I asked a specific yes
14 or no. I asked you a specific question.

15 MR. JONES: Douglas Jamal and Douglas
16 Development has a 99-year lease on that property
17 which is behind the Washington Math Charter
18 School.

19 MS. MANNING: And you're currently the
20 school board rep for Ward 5?

21 MR. JONES: I am.

22 MS. MANNING: How often do you go --

1 do you understand the purpose of this Ward 5 CAC?

2 MEMBER SILVERSTEIN: The Ward 5?

3 MS. MANNING: I'm sorry. The Ward 5
4 Citizen Advisory Council that works with --

5 MR. JONES: No.

6 MS. MANNING: -- 5th District Police
7 Station. I do apologize, sir.

8 CHAIRPERSON MILLER: If you don't --

9 MR. JONES: No.

10 MS. MANNING: Thank you.

11 CHAIRPERSON MILLER: Anything else?

12 Thank you. Any Board questions? Mr. Rodriguez?

13 MEMBER RODRIGUEZ: Yes. So, I believe
14 you --

15 CHAIRPERSON MILLER: It's for Jones
16 now.

17 MEMBER RODRIGUEZ: Mr. Jones, so you
18 indicated that the Douglas property is not
19 relevant. Did you say that? I'm sorry. I don't
20 want to --

21 MR. JONES: I did say that.

22 MEMBER RODRIGUEZ: Tell me where the

1 Douglas -- well, on the letter here I see that it
2 says that it's across from the Panda.

3 MR. JONES: Well, let me clarify so
4 you'll get a --

5 MEMBER RODRIGUEZ: Yes, I want --

6 (Simultaneous speaking)

7 MEMBER RODRIGUEZ: -- development in
8 terms of not just offices, but homes that are
9 going to be developed there or what?

10 MR. JONES: I don't know what's going
11 to be developed there, but I know Douglas Jamal
12 owns quite a bit of property on New York Avenue.
13 So he has an office. And that's what -- I would
14 assume that would be the objection. And the
15 office is close to 500 feet away.

16 MEMBER RODRIGUEZ: Yes, sir. What I'm
17 trying to determine is --

18 MR. JONES: But his development, I
19 don't know what he's going to develop there,
20 which is actually beyond Washington Math School.

21 MEMBER RODRIGUEZ: Right. What I'm
22 trying to determine is, is that offices or are

1 there homes that are going to be built there?

2 MR. JONES: I don't know what's going
3 to be there. The original proposal was the
4 Walmart shopping center, but I don't -- honestly
5 don't know what Mr. Jamal's proposed development
6 is.

7 MEMBER RODRIGUEZ: And how close is
8 that lot or that space to the Panda?

9 MR. JONES: Well, I can't say exact.
10 As I said, the Washington Math School is 675 feet
11 away. This open lot that Douglas Development
12 owns is actually beyond the Washington Math --

13 (Simultaneous speaking)

14 MEMBER RODRIGUEZ: But it's more than
15 600 feet, you're saying?

16 MR. JONES: Yes, it is.

17 MEMBER RODRIGUEZ: Okay. Can I ask
18 Ms. Manning --

19 CHAIRPERSON MILLER: No.

20 MEMBER RODRIGUEZ: Not yet? Okay.

21 CHAIRPERSON MILLER: She's going to
22 come up here, so --

1 MEMBER RODRIGUEZ: Okay. Thank you,
2 sir.

3 CHAIRPERSON MILLER: Mr. Silverstein?

4 MEMBER SILVERSTEIN: Thank you, Mr.
5 Jones. How big is the interior of this property
6 that you all will be controlling? What's the
7 square footage of it? How many people will it
8 hold?

9 MR. JONES: Well, I don't know the
10 exact square footage, but the seating capacity;
11 this speaks to Mr. Alberti's question earlier, is
12 99. That's not the total load. The total load
13 is greater. However, it's still very -- it's a
14 small space.

15 MEMBER SILVERSTEIN: Well, what's the
16 total load? How many people --

17 MR. JONES: I believe the total load
18 is --

19 MEMBER SILVERSTEIN: -- will it hold,
20 do you think?

21 MR. JONES: -- a hundred -- I'm not
22 sure. I know it's over 160. But it's a very

1 small space.

2 MEMBER SILVERSTEIN: So fewer than
3 200?

4 MR. JONES: Yes, it is.

5 MEMBER SILVERSTEIN: What do you plan
6 to do if you get this? First of all, what are
7 you asking for and then what do you plan to do in
8 real life?

9 MR. JONES: What we plan to do in real
10 life is allow our patrons to have some
11 entertainment occasionally. Our desire is not to
12 turn it into a club because it's not large enough
13 for that, first and foremost. That is not the
14 intention of what we're looking to do. Our goal
15 is to occasionally bring in a DJ for special
16 events and occasionally use karaoke DJ for
17 special events. And that's basically it. Not
18 more, not less.

19 We put everything on there including
20 dancing. I was willing to strike dancing. It's
21 not large enough to dance. That's not our
22 desire. So in real life what -- it's even less

1 than what we put on the application. Our desire
2 is to have some entertainment and do it legally.
3 That's basically it. We want to do a playlist,
4 and that's basically what we'll use most of the
5 time just so there's some background music. But
6 when we have a special event we'd like to have
7 karaoke. Not only do older African-Americans
8 enjoy it, but many of the Mandarin patrons come.
9 They enjoy it. So that's our goal.

10 MEMBER SILVERSTEIN: Usually we don't
11 have any issues or problems with entertainment or
12 things like that in hotels because normally you
13 have a situation where folks are paying \$100,
14 \$200, \$300 a night for a room and the hotel is
15 not going to be disturbing them, first and
16 foremost. So you don't have the issues with
17 neighbors. But here you have a group that's been
18 brought in and is being housed, and perhaps they
19 don't have the same rights as residents to
20 complain and raise particular hell. So I have a
21 couple questions regarding that.

22 How close is the -- first, are all of

1 the people staying in the hotel brought there by
2 the District of Columbia or are there paying
3 patrons coming in off the highway?

4 MR. JONES: Well, currently they're
5 all by the District of Columbia. And that
6 started in November of 2014. Previously it was
7 half and half, but now every room is occupied by
8 the District of Columbia.

9 MEMBER SILVERSTEIN: How will this
10 affect them? What are the hours of entertainment
11 you're seeking? Are there any positive effects
12 here or what could -- any possible negative
13 effects that you want to worry about and take
14 care of in advance?

15 MR. JONES: Well, there are no
16 negative effects because the District of Columbia
17 government has their own separate security. They
18 also have individuals from human services there
19 24 hours a day. We work well together. There
20 has never been a documented incident from MPD or
21 from human services where there's been an issue
22 with our business and the residents there. And

1 more importantly, the owner of the hotel would
2 not allow that. It's just not going to happen.
3 But, no, there is no adverse effect on those
4 families.

5 MEMBER SILVERSTEIN: What about noise?

6 MR. JONES: There is no adverse effect
7 in reference to noise. I would -- as the
8 inspector -- the investigator came to tell you,
9 you could stand in the lobby and not hear our
10 music.

11 MEMBER SILVERSTEIN: Why not? How
12 close are the residents to this? I mean, you're
13 talking about now -- I'm looking at the long-term
14 effects and the possibility that we might have to
15 mitigate something.

16 MR. JONES: Right.

17 MEMBER SILVERSTEIN: How close is the
18 lounge that you're dealing with to where the
19 residents stay, and what separates it?

20 MR. JONES: There is a lounge, then
21 there is a lobby and then there is a walkway.
22 And then you have the residents beginning to be

1 housed from that point.

2 MEMBER SILVERSTEIN: So are you saying
3 that somebody could blast a trumpet in there and
4 they wouldn't hear it, or are you saying that
5 there are insulation of walls?

6 MR. JONES: There is insulation of
7 walls, and that's the way the property was built.
8 Because above our operation there is, for lack of
9 a better term, a hall, if you will, that was used
10 for -- to rent out on weekends for special
11 events. And they were continuing to use it for
12 special events up until May when the government
13 decided to lease that hall area, or office area,
14 and to feed the residents there. So when they
15 had large events and weddings there, they never
16 disturbed the residents. So there is a big
17 buffer in the way the building is structured.
18 It's soundproof. The residents don't hear it.
19 They can't hear it. It would be deafening for
20 them to hear it.

21 MEMBER SILVERSTEIN: And what is -- it
22 will be deafening for them to hear it?

1 MR. JONES: No, it would be deafening
2 level for them to hear it.

3 MEMBER SILVERSTEIN: Oh.

4 MR. JONES: Because as I said, they
5 have a hall that was built that stands between
6 our operation and where the residents are.

7 MEMBER SILVERSTEIN: And what you are
8 planning to do is have what and for what hours?

9 MR. JONES: On the application it is
10 up to 1:00 in the morning, but we're normally
11 closed by 12:00, 11:00. And that's even on
12 weekends. Our place is small, smaller than this
13 room, actually, where the bar area is. So to
14 suggest that we're going to do something
15 different is just not feasible, because we
16 couldn't do it, because the space doesn't allow
17 it. Our goal is to be able to play music, have a
18 DJ to come in for special events and stay within
19 the rules of the ABC Board by doing that.
20 There's a small private area room where we use
21 for parties. That room is smaller than this
22 room. And typically it's used for birthday

1 parties.

2 And we want to be able to comply with
3 the rules of the city and offer entertainment to
4 our customers. I don't see that as a major
5 stretch. We're good citizens and we'll remain to
6 be good citizens in the community.

7 MEMBER SILVERSTEIN: Thank you, Mr.
8 Jones.

9 I have no further questions, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay. Thank you.
12 Anybody else? Mr. Alberti?

13 MEMBER ALBERTI: Good afternoon, Mr.
14 Jones.

15 MR. JONES: Good afternoon, sir.

16 MEMBER ALBERTI: All right. So T&L
17 Hospitality Incorporated is the entity that owns
18 and manages Panda Gourmet, is that correct?

19 MR. JONES: That's correct.

20 MEMBER ALBERTI: Okay. It appears
21 from your letterhead on this letter that it is
22 also the entity that owns and manages Days Inn

1 Gateway. Is that correct?

2 MR. JONES: That is correct.

3 MEMBER ALBERTI: Okay. What is your
4 position with T&L Hospitality?

5 MR. JONES: Business manager.

6 MEMBER ALBERTI: Business manager?

7 All right. What are your responsibilities
8 towards the management of the restaurant?

9 MR. JONES: My responsibilities are
10 promotion and to assist in the compliance, not
11 only with the ABC Board, DCRA and other
12 government entities that impact the company.

13 MEMBER ALBERTI: I'm partly asking
14 this because I'm hoping -- I don't know what I'm
15 going to do if you can't answer my questions --

16 MR. JONES: I'm sorry.

17 MEMBER ALBERTI: -- because I'm a
18 little concerned that the -- well, let's see if
19 you can answer my question, because I'm concerned
20 that maybe we don't have the right person here.
21 So how many parking spots does T&L Hospitality
22 own in that complex? The hotel, the restaurant,

1 the whole adjacent area including the -- I assume
2 the overflow parking lot that you're referring to
3 is part of the T&L Hospitality property there?

4 MR. JONES: All the parking belongs to
5 T&L, which is the hotel.

6 MEMBER ALBERTI: All right.

7 MR. JONES: And there are 300 spaces.

8 MEMBER ALBERTI: Three hundred spaces?

9 MR. JONES: Yes.

10 MEMBER ALBERTI: Okay.

11 MR. JONES: That includes the overflow
12 as well.

13 MEMBER ALBERTI: All right. Great.
14 Are you obligated to provide parking to the
15 temporary residents that are contracted to live
16 there by the city?

17 MR. JONES: They have the privilege to
18 park there, so yes.

19 MEMBER ALBERTI: How many parking --
20 are you obligated to provide parking spots for
21 them?

22 MR. JONES: They have the privilege,

1 so, yes, they are allowed and --

2 MEMBER ALBERTI: How many are you
3 obligated to provide for them?

4 MR. JONES: There are no specific
5 number, because most of them don't come with
6 automobiles.

7 MEMBER ALBERTI: Okay.

8 MR. JONES: So there's no specific
9 number.

10 MEMBER ALBERTI: Okay. So how many
11 rooms are you letting out?

12 MR. JONES: One hundred and sixty-
13 five.

14 MEMBER ALBERTI: So potentially you
15 are on the hook for 165 parking spaces minimum,
16 right?

17 MR. JONES: Could be, yes.

18 MEMBER ALBERTI: Okay. How many
19 parking spaces have you obligated to Tag Parking?
20 Now Tag Parking contracts with you for -- I think
21 you said earlier for all of the clubs, right?
22 All the surrounding clubs: Bliss, Scene,

1 etcetera. Is that correct?

2 MR. JONES: Well, Tag can I guess take
3 parking for anyone they want that's willing to
4 pay to park on the side where the Dunkin' Donuts
5 is. And I believe they have access to -- I think
6 on that side I think there's like 60 parking
7 spaces.

8 MEMBER ALBERTI: All right. So they
9 only have access to a portion --

10 MR. JONES: Yes.

11 MEMBER ALBERTI: -- of the parking
12 lot?

13 MR. JONES: Yes, they don't have
14 access to the parking on the other side.

15 MEMBER ALBERTI: Okay. So you got to
16 be a little bit more specific. Parking next to
17 Dunkin' Donuts. Parking on the other side.

18 MR. JONES: Well, you have --

19 MEMBER ALBERTI: I don't have a
20 diagram, so you've got to help me out here.

21 MR. JONES: Well, actually you have
22 the pictures that's a part --

1 MEMBER ALBERTI: All right. Well --

2 (Simultaneous speaking)

3 MR. JONES: And that is the only

4 area --

5 MEMBER ALBERTI: All right. So point

6 me to a picture. Point me to a picture. I'm not

7 trying to be difficult, but it's in the record.

8 I have to understand. So --

9 MR. JONES: I don't understand what

10 you're asking when you say point me to a picture.

11 I don't have the --

12 MEMBER ALBERTI: Well, you said it's

13 in the picture. What picture?

14 MR. JONES: The picture that's part of

15 the package that was --

16 CHAIRPERSON MILLER: What's the

17 question you want him --

18 MR. JONES: -- that the investigator

19 took.

20 MEMBER ALBERTI: Well, he's referring

21 to the parking next to Dunkin' Donuts. He's

22 referring to parking on the other side. So

1 really I need to know where that is in --

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: -- relationship to
4 the building. I mean, I need to know -- it has
5 to be identified to me somehow.

6 And Mr. Jones I think had his hand up.
7 Maybe you want to help me out here, Mr. Jones?
8 And I'm talking Board Member Jones.

9 MEMBER JONES: Yes. So whether I'm
10 helping you out or not is yet to be seen, but it
11 was along the same lines of questioning that I
12 had, at least in part. And I think what would be
13 helpful to me to better understand how you're
14 demonstrating that you're not negatively
15 impacting parking is if there was a very clear
16 picture of exactly how many spaces are available
17 in total and how many of those spaces have been
18 reserved or set aside due to other contractual
19 commitments for utilizing said spaces.

20 MEMBER ALBERTI: Okay. So, Mr. Jones,
21 I know where you're going. I'm going to continue
22 on my -- and it's helpful, but I'm going to

1 continue on my questioning.

2 So you talked about parking next to
3 Dunkin' Donuts. Where is that? Can you tell me
4 where that is? Do you have pictures that show
5 that? Now remember, you haven't submitted any
6 pictures.

7 MR. JONES: No, I have not.

8 MEMBER ALBERTI: And there are limited
9 pictures in the investigative report. I'm just
10 reminding you of that. So I'm not sure if you
11 really -- if you have something from the
12 investigative report that you can point to, that
13 would be great. But I see you pulling out
14 colored pictures and I don't think those are part
15 of the investigative report.

16 MR. JONES: No, these are not.

17 MEMBER ALBERTI: These are pictures
18 you haven't submitted yet?

19 MR. JONES: These pictures actually
20 were submitted from --

21 MEMBER ALBERTI: The PIF. But you
22 haven't entered them into evidence here?

1 MR. JONES: No, I have not.

2 MEMBER ALBERTI: Okay. Great. So you
3 want to do that now?

4 MR. JONES: Yes.

5 MEMBER ALBERTI: All right. Great.
6 Let's pause and -- can we do that, Ms. Miller?

7 CHAIRPERSON MILLER: Yes. We have to
8 go through the same process --

9 MEMBER ALBERTI: Let's go through
10 the --

11 CHAIRPERSON MILLER: -- of showing
12 them to Ms. Manning.

13 MEMBER ALBERTI: I think it would be
14 helpful to me. It might be helpful to the whole
15 process if we did that right now.

16 CHAIRPERSON MILLER: Ms. Manning, do
17 you have a copy of these pictures?

18 MS. MANNING: No, ma'am.

19 CHAIRPERSON MILLER: Okay. So I think
20 we need to give her a copy of these pictures. I
21 think that -- or else you need to show them all
22 to -- you only have one copy there?

1 MR. JONES: Yes.

2 MEMBER ALBERTI: Do we have extra
3 copies here? I can share mine --

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: -- with Ms. Manning.
6 I'm sure someone can share theirs with me.

7 CHAIRPERSON MILLER: That's gracious
8 of you. Okay.

9 MEMBER ALBERTI: It's not gracious.
10 I'm trying to help the process.

11 CHAIRPERSON MILLER: While Ms. Manning
12 is looking at these pictures I just want to ask
13 you a basic question, Mr. Jones.

14 MR. JONES: Sure.

15 CHAIRPERSON MILLER: Did you take
16 these pictures?

17 MR. JONES: No, a staff member took
18 the pictures.

19 CHAIRPERSON MILLER: Staff? Okay.
20 Can you identify what the pictures are of?

21 MR. JONES: Yes, they're pictures of
22 the parking lot that is adjacent to the

1 restaurant and also adjacent to Dunkin' Donuts.
2 And this is also the parking lot that Tag-B has
3 authorization to share.

4 CHAIRPERSON MILLER: All these
5 pictures are what Tag-B had authorization to
6 share, your, I think, six pictures here?

7 MR. JONES: Yes, they're from
8 different angles for the same space, yes.

9 CHAIRPERSON MILLER: Same lot?

10 MR. JONES: Yes.

11 CHAIRPERSON MILLER: Different angles?
12 Okay. And your staff member took them and do you
13 know when he or she took them?

14 MR. JONES: As far as date?

15 CHAIRPERSON MILLER: Date and time of
16 day?

17 MR. JONES: I know the time. Between
18 6:00 -- between 5:00 and 6:30.

19 CHAIRPERSON MILLER: Okay.

20 MR. JONES: The date I don't know.

21 CHAIRPERSON MILLER: Okay. Last
22 month?

1 MR. JONES: First week of June.

2 CHAIRPERSON MILLER: Okay. That's
3 good. All right. Ms. Manning --

4 MEMBER ALBERTI: So what is the
5 relevance? Just to maybe help, what is the
6 relevance of these photos? I mean, are you
7 showing us to show how many cars are there, to
8 show the location, to show what it kind of looks
9 like? What's the relevance?

10 MR. JONES: Well, the relevance is
11 first of all to be clear that we have parking,
12 number one. Number two is to show that Tag-B --
13 this is also the only area that Tab-B has access
14 to share in parking.

15 MEMBER ALBERTI: Okay. So the
16 relevance of these pictures is not to show how
17 full the parking lot is?

18 MR. JONES: No, absolutely not.

19 MEMBER ALBERTI: Okay. So this is
20 just so Ms. Manning understands?

21 MR. JONES: Yes.

22 MEMBER ALBERTI: All right. Great.

1 MS. MANNING: You're asking me a
2 question?

3 MEMBER ALBERTI: No, I mean -- well,
4 I think the Chair's going to ask you if you have
5 any objections.

6 MS. MANNING: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MS. MANNING: I do.

9 CHAIRPERSON MILLER: All right.

10 MS. MANNING: As you could see, if
11 we're looking at this picture here -- so Dunkin'
12 Donuts and the side of Panda Gourmet, they all
13 use this parking space. This is the same
14 location that -- as he stated, that all the club
15 goers use. This is the back side of Dunkin'
16 Donuts. So it shares the gas station as well.
17 This parking lot here is right here close up to
18 the -- one side of the entrance to the
19 restaurant.

20 MEMBER ALBERTI: Well, Ms. Manning,
21 I'll get that from Mr. Jones.

22 MS. MANNING: Oh, okay. No, no. I

1 was just saying --

2 MEMBER ALBERTI: We just want to know
3 if you have any objections --

4 MS. MANNING: Yes.

5 MEMBER ALBERTI: -- either the
6 accuracy or the relevance of these.

7 MS. MANNING: I have objections. I'm
8 sorry. I just thought -- I was trying to make it
9 a little --

10 (Simultaneous speaking)

11 CHAIRPERSON MILLER: That's okay.

12 MEMBER ALBERTI: No, I understand.

13 MS. MANNING: I'm sorry.

14 MEMBER ALBERTI: But I don't --

15 MS. MANNING: I'm sorry.

16 MEMBER ALBERTI: -- want to prolong
17 this.

18 MS. MANNING: No problem.

19 MEMBER ALBERTI: Okay.

20 MS. MANNING: I got you.

21 CHAIRPERSON MILLER: Ms. Manning, do
22 you have an objection to the pictures being put

1 in the record?

2 MEMBER JONES: And just for
3 clarification purposes, when we're speaking about
4 objection, it's do you have any concerns that
5 these pictures are legitimate pictures that
6 accurately reflect the environment in which they
7 are being claimed to depict.

8 MS. MANNING: I have --

9 MEMBER JONES: Not necessarily that
10 you disagree with his argument or his position.

11 MS. MANNING: I have concerns of how
12 the pictures are taken.

13 MEMBER JONES: Okay.

14 MS. MANNING: Because it doesn't -- if
15 I may speak.

16 CHAIRPERSON MILLER: Yes, yes. Go
17 ahead.

18 MS. MANNING: It does not give a clear
19 picture of the parking lot.

20 CHAIRPERSON MILLER: Okay.

21 MS. MANNING: Of the actual area of
22 the parking lot.

1 CHAIRPERSON MILLER: Okay. In what
2 way?

3 MS. MANNING: They're -- the entrance
4 to the -- the actual area of it, it doesn't show
5 the size of the parking lot.

6 CHAIRPERSON MILLER: Okay.

7 MS. MANNING: I'm concerned when he
8 says 300 parking spaces with 165 rooms. Those
9 spaces are on the other side of the gate that
10 has --

11 CHAIRPERSON MILLER: Okay.

12 MS. MANNING: The other side. It's on
13 another side. It's not in the impacted area
14 of --

15 (Simultaneous speaking)

16 CHAIRPERSON MILLER: All right. I --

17 MS. MANNING: I have -- because I --
18 you have to ask --

19 (Simultaneous speaking)

20 CHAIRPERSON MILLER: Okay. Now you
21 will have an opportunity --

22 MS. MANNING: That's why I stopped.

1 CHAIRPERSON MILLER: -- yes, to
2 address the pictures for what we should draw from
3 them. Yes?

4 MEMBER SILVERSTEIN: So are you
5 saying, Ms. Manning, that these are incomplete
6 rather than that they are fraudulent? These are
7 real pictures of what is there, but they're not
8 complete and don't give you the true picture. Is
9 that your argument?

10 MS. MANNING: The statement and
11 pictures are not matching up.

12 MEMBER JONES: Okay.

13 MEMBER SILVERSTEIN: Okay.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: So before we -- okay.
16 So I'm going to go -- are we done?

17 CHAIRPERSON MILLER: I'm going to
18 admit the pictures as Applicant's Exhibit No. 2.
19 And Ms. Manning will have an opportunity to
20 address the pictures here as to how they may be
21 incomplete, or what they don't show, or whatever.
22 Okay. All right.

1 MEMBER ALBERTI: Okay. So, Mr. Jones,
2 let's come back to you and the parking.

3 MR. JONES: Yes, sir.

4 MEMBER ALBERTI: You're going to be
5 here a while. I promise you. So do you have the
6 investigative report with you?

7 MR. JONES: No, I don't.

8 MEMBER ALBERTI: You don't?

9 MR. JONES: I don't believe I do.

10 MEMBER ALBERTI: Can we get Mr. Jones
11 a copy of the investigative report?

12 You were given a copy of the
13 investigative report, were you not, Mr. Jones?

14 MR. JONES: Yes, I was.

15 CHAIRPERSON MILLER: All right. I
16 guess I could give mine.

17 MEMBER ALBERTI: No, you need to keep
18 a copy, Ms. Manning. Everybody involved should
19 have a copy of this report.

20 CHAIRPERSON MILLER: Who doesn't have
21 one?

22 MEMBER ALBERTI: Mr. Jones doesn't

1 have one.

2 CHAIRPERSON MILLER: Ms. Manning has
3 one?

4 MS. MANNING: Well, the investigator
5 -- what the investigator --

6 MEMBER ALBERTI: Yes, what the
7 investigator gave. Do we have an extra copy?

8 So, Ms. Manning, can you share with
9 him Exhibit 4 from that report?

10 Do you recognize that photo as being
11 of the part of the T&L property --

12 MR. JONES: Yes, I do.

13 MEMBER ALBERTI: -- T&L Hospitality
14 property, Mr. Jones?

15 MR. JONES: Yes, I do.

16 CHAIRPERSON MILLER: What photograph
17 are you referring to?

18 MEMBER ALBERTI: Exhibit 4 in the
19 investigative report.

20 Okay. Can you describe to me where
21 the Panda Gourmet building is and would be in
22 this photo?

1 MR. JONES: Yes, if you're looking at
2 the photo, this is the row of cars that is
3 immediately adjacent to Panda Gourmet.

4 MEMBER ALBERTI: Okay. So I would
5 looking out from the wall, the property of Panda
6 Gourmet looking out at the parking lot?

7 MR. JONES: Yes.

8 MEMBER ALBERTI: Okay.

9 MR. JONES: Okay. I gave her mine.

10 MEMBER ALBERTI: Where would the
11 Dunkin' Donuts -- so he needs a copy.

12 So I'm looking at Exhibit 4 from the
13 investigator's report. There seems to be some
14 confusion about that. So where would Dunkin'
15 Donuts be in relationship to this photo?

16 MR. JONES: It would be on this side,
17 but it's not showing.

18 MEMBER ALBERTI: So it would be on the
19 left-hand side?

20 MR. JONES: That's correct.

21 MEMBER ALBERTI: All right. Is there
22 more parking lot off to the left that's not being

1 shown in this photo?

2 MR. JONES: Yes, there is.

3 MEMBER ALBERTI: Okay. Great. Okay.

4 And then so Exhibit 5. Can you turn the page to
5 Exhibit 5? So I think I see a Dunkin' Donuts
6 there, is that correct, over on the left-hand
7 side?

8 MR. JONES: That's correct.

9 MEMBER ALBERTI: So that would have
10 been to the left of Exhibit 4, right, the portion
11 that's not shown in Exhibit 4? Is that correct?

12 MR. JONES: Yes.

13 MEMBER ALBERTI: All right. So back
14 to my questioning. Do these photos help you
15 identify the area that Tag Parking has access to?

16 MR. JONES: Yes.

17 MEMBER ALBERTI: Can you tell me where
18 that would be?

19 MR. JONES: The parking area that's --

20 MEMBER ALBERTI: Which photo are you
21 looking at?

22 MR. JONES: Exhibit 5.

1 MEMBER ALBERTI: Exhibit 5.

2 MR. JONES: The parking area in front
3 of the restaurant to the side of Dunkin' Donuts
4 and the other parking area.

5 MEMBER ALBERTI: Okay. So in this
6 photo are we talking about the side -- I see a
7 side of the building of Dunkin' Donuts. You're
8 talking about that side of Dunkin' Donuts?

9 MR. JONES: That side of Dunkin'
10 Donuts.

11 MEMBER ALBERTI: Okay. So from --

12 MR. JONES: There's another --

13 MEMBER ALBERTI: Panda Gourmet would
14 form the border at the bottom of the picture and
15 off to the left would form the border of where --
16 Dunkin' Donuts would form the left-hand border of
17 that parking area, right?

18 MR. JONES: Yes.

19 MEMBER ALBERTI: What delineates the
20 rest of that parking area that Tag has access to?

21 MR. JONES: What delineates it?

22 MEMBER ALBERTI: Yes. I mean, how

1 does Tag know where they can park?

2 MR. JONES: Because they have a
3 parking attendant and --

4 MEMBER ALBERTI: Well, how does he
5 know where the boundaries are?

6 MR. JONES: Well, he knows because --

7 MEMBER ALBERTI: Well, could you tell
8 me?

9 MR. JONES: Well, you can't see it
10 because there's cars. There are typically cones
11 out here.

12 MEMBER ALBERTI: Okay. So where would
13 the cones be placed?

14 MR. JONES: Right along the property
15 line where the Dunkin' Donuts is.

16 MEMBER ALBERTI: All right. So that's
17 the wall of Dunkin' Donuts, right?

18 MR. JONES: That's the wall of Dunkin'
19 Donuts.

20 MEMBER ALBERTI: Okay. So the right-
21 hand side, going to the right of the picture, how
22 far over can Tag park?

1 MR. JONES: They can park -- you'd
2 have to go to Exhibit 4.

3 MEMBER ALBERTI: Okay.

4 MR. JONES: To the wall where you see
5 the lights on.

6 MEMBER ALBERTI: Okay. So they can
7 park that whole width of that parking lot, right?

8 MR. JONES: Yes.

9 MEMBER ALBERTI: From Dunkin' Donuts
10 over to that wall?

11 MR. JONES: That's correct.

12 MEMBER ALBERTI: All right. How far
13 -- I'm looking at the picture from Panda. How
14 far away from Panda going towards the top of the
15 Exhibit 5 -- how far away can they park?

16 MR. JONES: All the way to the
17 entrance.

18 MEMBER ALBERTI: All the way to the
19 entrance? How many parking spots is that
20 approximately?

21 MR. JONES: I'm not sure, but you can
22 see there's a good number of parking --

1 (Simultaneous speaking)

2 MEMBER ALBERTI: No, I need to know
3 how many parking spots Tag is allowed to use.

4 MR. JONES: Well, they're allowed to
5 use any of the 60 parking spaces on this side,
6 however --

7 MEMBER ALBERTI: That's only 60
8 parking spots?

9 MR. JONES: Yes.

10 MEMBER ALBERTI: Take a look at
11 Exhibit 4.

12 MR. JONES: I'm looking at Exhibit 4.

13 MEMBER ALBERTI: That's only 60
14 parking spots?

15 MR. JONES: That's right.

16 MEMBER ALBERTI: Okay.

17 MR. JONES: But more importantly, what
18 you must understand is that Tag-B does not have
19 the exclusive -- our customers have the first
20 right to use that parking space. They can only
21 park cars when our customers are not using them.
22 They can park a car for a fee, but if our

1 customer comes and tells Tag-B we're going to the
2 restaurant or to the bar, our customers have the
3 first right to park.

4 MEMBER ALBERTI: Or they're a
5 resident?

6 MR. JONES: Well, Mr. Alberti, I want
7 to speak to that issue, because I don't want you
8 all to believe that that's an issue. First of
9 all, the residents don't park on this side.

10 MEMBER ALBERTI: Why not?

11 MR. JONES: Because that's part of the
12 agreement. And I imagine the government doesn't
13 want them parking on this side.

14 MEMBER ALBERTI: Okay.

15 MR. JONES: They have --

16 MEMBER ALBERTI: So they'll park on
17 this side? So you --

18 MR. JONES: They park on the other
19 side of the hotel.

20 MEMBER ALBERTI: Okay. So they don't
21 have access to this side?

22 MR. JONES: But more importantly, less

1 than a dozen of them have cars.

2 CHAIRPERSON MILLER: Yes, they're
3 homeless.

4 MR. JONES: I'm just being quite frank
5 with you.

6 CHAIRPERSON MILLER: Yes.

7 MR. JONES: They just don't have cars.

8 MS. MANNING: And do that parking
9 lot --

10 (Simultaneous speaking)

11 CHAIRPERSON MILLER: Okay. Ms.
12 Manning, it's not your time.

13 Okay. So, yes, I'm not sure why
14 there's -- what the parking concern is.

15 MEMBER ALBERTI: Well, because parking
16 was an issue of the protest. That's why it's a
17 concern.

18 CHAIRPERSON MILLER: No, but based on
19 what Mr. Jones has represented to us that all the
20 customers get the first right to park there,
21 they're guaranteed a spot there and there are
22 spots for them. And the residents of the Days

1 Inn are homeless who for the most part don't have
2 cars.

3 MEMBER ALBERTI: How do we know that?

4 CHAIRPERSON MILLER: That's the nature
5 of -- well, they know and he knows. He's there.
6 He's testified --

7 (Simultaneous speaking)

8 MEMBER ALBERTI: Well, I'm sorry, Ms.
9 Miller. I'm sorry. We do not have the testimony
10 of a qualified sociologist, so I cannot conclude
11 what the nature of the transportation is for the
12 temporary residents.

13 CHAIRPERSON MILLER: Well, we have a
14 witness here who is there, who can testify.

15 Am I correct? Are you not aware?

16 MEMBER ALBERTI: Are you a qualified
17 sociologist, Mr. Jones?

18 CHAIRPERSON MILLER: He doesn't have
19 to be a qualified sociologist.

20 MEMBER ALBERTI: So he can't --

21 CHAIRPERSON MILLER: No.

22 MEMBER ALBERTI: It's his opinion.

1 CHAIRPERSON MILLER: No, it's not his
2 opinion. He observes. It's his observation. He
3 is there. He can tell you how many there are, if
4 he knows. And he says he does know.

5 MEMBER ALBERTI: Mr. Jones? Our Board
6 Member Jones I think had something.

7 MEMBER JONES: Well, I'm just --

8 CHAIRPERSON MILLER: Mr. Jones?

9 MEMBER JONES: I'm just trying to --
10 do you have -- you said it is part of the
11 agreement, it being that the temporary residents
12 park on the other side. Is that correct? Is
13 that what you said?

14 MR. JONES: They are allowed to park
15 on the other side.

16 MEMBER JONES: When you said it's part
17 of the agreement them being allowed to park on
18 the other side. So --

19 MR. JONES: Yes, if they have
20 registered vehicles, they are.

21 MEMBER JONES: Okay. So clearly it
22 was contemplated by someone at some point in time

1 that these temporary residents may or may not
2 most likely -- well, that they may or may not
3 have vehicles if it was contemplated to put it in
4 the agreement. So I just want to make sure that
5 that is crystal clear that it is definitized,
6 codified in a legal document that the temporary
7 residents up 165 rooms have the right as part of
8 the agreement to park on the other side, wherever
9 that is. Is that correct?

10 MR. JONES: No, I can't speak to 165
11 spaces.

12 MEMBER JONES: I'm sorry. How many
13 rooms do you have available for the temporary
14 residents?

15 MR. JONES: There are 165, but I'm --

16 MEMBER JONES: Okay.

17 MR. JONES: I can't speak to that that
18 the agreement says that they can have 165 spaces,
19 so I'm not going to suggest that that's part of
20 the agreement. They are allowed the park, the
21 ones that have vehicles, registered vehicles.
22 They are allowed to park.

1 MEMBER JONES: Okay. When you say
2 "they," are you referring to --

3 MR. JONES: The temporary residents.

4 MEMBER JONES: The temporary
5 residents? And you have up to 165 rooms that you
6 have made available to your temporary residents?

7 MR. JONES: Yes, they are.

8 MEMBER JONES: So that means you have
9 165 people that have the right if they had a car
10 to park?

11 MR. JONES: Yes, that's correct.

12 MEMBER JONES: Okay. And that's what
13 you're telling us the agreement says, which we
14 don't have the agreement, so we just have to go
15 off of what you're telling --

16 MR. JONES: No, it doesn't say 165.

17 MEMBER JONES: So what does it say?

18 MR. JONES: But I'm saying they have
19 -- it doesn't say specific numbers, but it says
20 they have -- the residents have a right to park
21 if they have a registered vehicle.

22 MEMBER JONES: Okay. So I'm going to

1 try this one more time. So the "they" are the
2 temporary residents, is that correct?

3 MR. JONES: Yes.

4 MEMBER JONES: And the agreement says
5 they have the right to park there, is that
6 correct?

7 MR. JONES: Yes.

8 MEMBER JONES: And if the they can
9 equal up to 165, I'm having a hard time
10 understanding how the agreement does not
11 stipulate that they have access to or up to 165
12 spaces. It may not say the number 165, but just
13 based on what we just walked through it seems as
14 though you are on the hook, whoever has the
15 signatory to that agreement, to make up to 165
16 spaces available for the they.

17 MR. JONES: I'm not suggesting
18 otherwise --

19 MEMBER JONES: Okay.

20 MR. JONES: -- Board Members Jones.

21 MEMBER JONES: Okay. I've said that
22 is accurate. However, that community doesn't

1 typically have cars. They have the right to park
2 there. There may be a dozen of them with
3 vehicles, and I would even suggest probably less
4 than that. But they do have the right to park.

5 MEMBER JONES: Okay.

6 MR. JONES: It would not be incumbent
7 upon not only the property owner, but it wouldn't
8 incumbent upon the District government to do
9 that. We have to have parking spaces as a result
10 of having X number of rooms. So if they are
11 occupying the rooms, yes, they have the right to
12 park there if they have a registered vehicle.

13 MEMBER JONES: Okay. Thank you. And
14 you don't have anything to offer us other than
15 your testimony that you believe it's fewer than
16 12?

17 MR. JONES: No, that's my belief and
18 that's my observation from being there every day.

19 MEMBER JONES: Okay. Thank you.

20 That's all I have for now, Madam
21 Chair.

22 CHAIRPERSON MILLER: Okay. Mr. Short?

1 MEMBER ALBERTI: I wasn't finished.

2 MEMBER JONES: Yes, I interrupted

3 Board Member Alberti. I apologize, sir.

4 MEMBER ALBERTI: I'm sorry, Mr. Short,

5 but --

6 MEMBER SHORT: Okay.

7 MEMBER ALBERTI: All right. So, Mr.

8 Jones --

9 MR. JONES: Yes, sir?

10 MEMBER ALBERTI: -- I'm going to sort

11 of switch gears here, but it's connected to --

12 MR. JONES: Okay, sir.

13 MEMBER ALBERTI: Where is the overflow
14 parking?

15 MR. JONES: It's on the other side of
16 the hotel. What you see is adjacent to --

17 MEMBER ALBERTI: Okay. It's on the
18 other side. All right.

19 MR. JONES: -- the parking area. And
20 there are two other rows in the front of the
21 hotel and also adjacent to Dunkin' Donuts that
22 you don't see.

1 MEMBER ALBERTI: So this will help me.
2 This will help me.

3 MR. JONES: Okay.

4 MEMBER ALBERTI: You referred to a
5 separate place called overflow. And you said you
6 have total, including overflow, 300 total
7 including overflow. So how many in the overflow?
8 How many parking spaces in the overflow?

9 MR. JONES: In the front there's
10 probably 240 parking spaces outside of the
11 parking spaces that are on the side that Tag-B
12 uses along with us.

13 MEMBER ALBERTI: Oh, all of that's
14 considered overflow?

15 MR. JONES: Yes.

16 MEMBER ALBERTI: Okay. That's what
17 you referring to overflow? Okay. So the
18 pictures 4 and 5 in the investigator's exhibit
19 are 60 spaces that Tag can use?

20 MR. JONES: That's correct.

21 MEMBER ALBERTI: And that's the only
22 place they can park, is that correct?

1 MR. JONES: That is absolutely the
2 only --

3 (Simultaneous speaking)

4 MEMBER ALBERTI: Can they use the
5 overflow at all?

6 MR. JONES: No, not at all.

7 MEMBER ALBERTI: Okay. Great. And
8 the remainder of the parking lot, what you refer
9 to as overflow, is 240 spaces?

10 MR. JONES: That's correct.

11 MEMBER ALBERTI: Okay. Part of which
12 is obligated to parking for -- is allocated to
13 parking for the residents of the hotel?

14 MR. JONES: If they so choose, yes.

15 MEMBER ALBERTI: Okay. Very good.
16 And Panda Gourmet customers can park in either
17 the overflow, or I'll call it the main parking
18 lot, which is the one in the pictures that I
19 referred to from the investigative report?

20 MR. JONES: Yes.

21 MEMBER ALBERTI: Okay. So let me go
22 to the picture. All right. Okay. Now, you

1 mentioned that the number of seats for the
2 restaurant was 99, is that correct?

3 MR. JONES: That's correct.

4 MEMBER ALBERTI: You talked about
5 total occupancy load. What was that number you
6 gave us?

7 MR. JONES: I think it's like 160, but
8 I don't know off the top --

9 MEMBER ALBERTI: Where would you get
10 that number from?

11 MR. JONES: It should be on the
12 Certificate of Occupancy.

13 MEMBER ALBERTI: It's not. Not the
14 one in our record.

15 MR. JONES: It isn't?

16 MEMBER ALBERTI: No. Would it
17 surprise you -- so you have no idea what --

18 (Simultaneous speaking)

19 MR. JONES: Would it surprise me --

20 MEMBER ALBERTI: Well --

21 MR. JONES: -- that it's not on there?

22 MEMBER ALBERTI: No, that --

1 MR. JONES: No, it wouldn't, because
2 I deal with DCRA all the time. And the load
3 should be on there.

4 MEMBER ALBERTI: Well --

5 MR. JONES: I'm not being smart,
6 Mr. --

7 MEMBER BROOKS: Well, Mr. Jones, I'm
8 just going to put this out there to help you in
9 answering questions. Your license, your
10 Certificate of Occupancy is 99 seats and has not
11 total load on it. And the ABRA license, liquor
12 license for Panda Gourmet says 99 occupancy.
13 According to our records you are limited to 99
14 patrons. Okay. So that may help in formulating
15 some of your answers.

16 Let me see what else I have there. I
17 mean your entertainment endorsement is for the
18 entire first floor.

19 MR. JONES: Well, not the entire first
20 floor.

21 (Simultaneous speaking)

22 MEMBER ALBERTI: Well, the first floor

1 of the restaurant that's licensed --

2 MR. JONES: Right. Yes.

3 MEMBER ALBERTI: -- with ABRA. Okay.

4 I just wanted to clear that up.

5 Okay. I have no further questions
6 right now. Thank you.

7 CHAIRPERSON MILLER: Mr. Short?

8 MEMBER SHORT: Yes, Mr. Jones, you
9 said that the Department of Human Services has
10 staff there 24/7?

11 MR. JONES: Yes, sir.

12 MEMBER SHORT: Do they drive cars when
13 they come there?

14 MR. JONES: Yes, they do.

15 MEMBER SHORT: And they park where?

16 MR. JONES: In the front of the hotel.

17 MEMBER SHORT: And that's what, two or
18 three spaces?

19 MR. JONES: Two or three. At the most
20 there's no more than four staff. I think they
21 have four staff during the day time and typically
22 there's two in the evening and at night.

1 MEMBER SHORT: Now they must do some
2 administrative work to keep the people -- records
3 coming and going and what else. Do they have
4 office space there? Do they use one of the
5 rooms? What do they do for administrative --

6 MR. JONES: No, they rented the entire
7 ballroom for their office space. So they
8 maintain the ballroom for feeding and for their
9 administrative office.

10 MEMBER SHORT: And they're there 24/7
11 I guess to manage the -- to keep the curfews and
12 those things aligned?

13 MR. JONES: Yes, because they do
14 actual room checks for every room every night.

15 MEMBER SHORT: So how many families
16 are currently contracted now with your business?

17 MR. JONES: I think there's 164
18 families that are there.

19 MEMBER SHORT: And then again I did
20 hear some testimony that your enterprise also
21 gives away turkeys and -- with Christmas and
22 those kinds of things?

1 MR. JONES: That is correct.

2 MEMBER SHORT: Do you have any
3 documentation to show that? Something to enter
4 into the record?

5 MR. JONES: I have pictures here that
6 you're welcome to have and be admitted. As you
7 can see from our parking lot --

8 MEMBER SHORT: I think you need to let
9 Ms. Manning -- she needs to see them first and
10 then you need to give them to our Chair.

11 And while you're doing that --

12 MR. JONES: As you can --

13 MEMBER SHORT: -- I still would like
14 to just reiterate -- now, I try to do this as
15 much as I possibly can -- we have to find a way
16 for businesses and communities to function
17 together, and that's the reason why the
18 mediations and all the things take place. I
19 would think it would be in the best interest of
20 the community and your business not to want to be
21 here for us to make a decision that you two can't
22 work it out. That's just my -- but any rate --

1 MR. JONES: May I --

2 CHAIRPERSON MILLER: -- let's see some
3 pictures now and --

4 MR. JONES: May I --

5 (Simultaneous speaking)

6 CHAIRPERSON MILLER: Well, okay.

7 MR. JONES: Does that require a
8 response, Board Member Short? I mean, I'm --

9 CHAIRPERSON MILLER: Mr. Jones, what
10 are these pictures? I know you're giving them in
11 response to Mr. --

12 MR. JONES: Short's --

13 CHAIRPERSON MILLER: -- Short's
14 question.

15 MR. JONES: Yes.

16 CHAIRPERSON MILLER: Ms. Manning, you
17 can give them back to Mr. Jones, please.

18 What are they?

19 MR. JONES: These are pictures showing
20 that we distributed turkeys --

21 CHAIRPERSON MILLER: Okay.

22 MR. JONES: -- during Thanksgiving

1 and --

2 CHAIRPERSON MILLER: Mr. Short? Oh,
3 go ahead. Do we really want them in evidence for
4 this decision?

5 MEMBER SHORT: I'd like to see them.

6 CHAIRPERSON MILLER: You'd like to see
7 them, but --

8 MEMBER SHORT: Yes.

9 CHAIRPERSON MILLER: Let's send them
10 up. I mean, as part of the record him giving
11 turkeys is --

12 MEMBER SHORT: Depends on what I see.
13 I'd just like to --

14 CHAIRPERSON MILLER: Okay.

15 MEMBER SHORT: I don't know until I
16 see them, Madam Chair, whether I would like --

17 CHAIRPERSON MILLER: Okay.

18 MEMBER SHORT: -- to make a decision.

19 CHAIRPERSON MILLER: Do you want to
20 pass them up? Is that all right?

21 MR. JONES: Yes.

22 MEMBER SHORT: And the gentlemen

1 holding the turkeys, do they belong to your
2 company or your -- or they're hired by your
3 company? Who are they that are holding the
4 turkeys?

5 MR. JONES: Yes, those are gentlemen
6 who were hired to pick up the turkeys, transport
7 them back and to assist in the distribution.

8 CHAIRPERSON MILLER: Is this for the
9 residents, temporary residents that have been
10 referred to?

11 MR. JONES: We gave to the temporary
12 residents, we gave to a number of non-profits in
13 the community. We gave out over 1,000 turkeys.
14 Every resident over there was able to get one.

15 CHAIRPERSON MILLER: Very nice. Okay.

16 MR. JONES: But we also gave every
17 resident book bags for every child and school
18 supplies. But not only there, but throughout the
19 ward. So, but since I'm located there as part of
20 that business, I think it's a part of my
21 responsibility to be a good civic business owner.
22 And that's our goal. And it also is our goal not

1 to impose on the peace and quiet and impact the
2 community in a negative way.

3 MEMBER SHORT: You got to work with
4 the ANC. You know that.

5 CHAIRPERSON MILLER: So --

6 MR. JONES: I beg your pardon?

7 MEMBER SHORT: That's all I have right
8 now, ma'am.

9 CHAIRPERSON MILLER: Okay. So I guess
10 my question -- with respect to these pictures, I
11 think that it's really commendable that you do
12 this public service, and that's great. My
13 question is you didn't come prepared to submit
14 them as evidence as being relevant to this
15 entertainment endorsement that you're seeking.
16 So are you now seeking to admit them into
17 evidence? Or, Mr. Short, are you satisfied that
18 you looked at them? Are you --

19 MEMBER SHORT: I'm satisfied I looked
20 at them.

21 CHAIRPERSON MILLER: Okay. Are they
22 relevant to part of your case, because we admit

1 evidence if it's relevant to the record.

2 MR. JONES: That's a tough question.
3 If I'm in your shoes, quite frankly, it's
4 relevant to me being a business owner, but it's
5 not relevant to the facts of --

6 CHAIRPERSON MILLER: Okay. I don't
7 think we need it then --

8 MR. JONES: -- what these issues.

9 CHAIRPERSON MILLER: -- to make our
10 decision.

11 MR. JONES: And so that's --

12 CHAIRPERSON MILLER: That's really --

13 MR. JONES: I'm not built like that,
14 so --

15 CHAIRPERSON MILLER: Okay.

16 (Laughter)

17 CHAIRPERSON MILLER: Mr. Silverstein?

18 MEMBER SILVERSTEIN: I have a couple
19 questions for you that will help -- hopefully
20 clear up some questions I have about parking, Mr.
21 Jones.

22 How many spaces would you say are

1 available at say 9:00 on an average Friday or
2 Saturday night in your parking lot that are not
3 being used?

4 MR. JONES: I'd say maybe 50 or 60.
5 Fifty is about --

6 MEMBER SILVERSTEIN: So then 250 are
7 being used?

8 MR. JONES: If Echostage, Bliss and
9 Stadium are all active that night, yes.

10 MEMBER SILVERSTEIN: You'd still have
11 50?

12 MR. JONES: Yes. And the reason why,
13 because on those nights sometimes they charge as
14 much as \$40. People would choose to park on the
15 street. My customers have access to park. They
16 don't park on the street for a number of reasons.
17 I would --

18 (Simultaneous speaking)

19 MEMBER SILVERSTEIN: How about at
20 6:00. At the beginning of an evening, how many
21 spaces would you have?

22 MR. JONES: Oh, my God, it's probably

1 half the spaces. I mean, the Echostage -- the
2 other customers don't come -- they're a late
3 night customer base.

4 MEMBER SILVERSTEIN: How many
5 customers without entertainment? This is the key
6 question: How many customers without
7 entertainment now do you have on a Friday or
8 Saturday night at any given time?

9 MR. JONES: Saying the bar and the
10 restaurant?

11 MEMBER SILVERSTEIN: Yes.

12 MR. JONES: Is that a cumulative
13 number or just in and out? I mean --

14 MEMBER SILVERSTEIN: In and out,
15 because they're not -- the person who's there at
16 7:00 and leaves at 9:00, their car is gone when
17 they leave at 9:00.

18 MR. JONES: I'd say maybe 150.

19 MEMBER SILVERSTEIN: No, at any given
20 time. Your capacity is 99.

21 MR. JONES: Right.

22 MEMBER SILVERSTEIN: So how many --

1 MR. JONES: That's why I said a
2 cumulative? You mean in and out?

3 MEMBER SILVERSTEIN: No. No, at one
4 time.

5 MR. JONES: The total for the night or
6 at one specific time?

7 MEMBER SILVERSTEIN: The maximum at
8 any given time.

9 MR. JONES: I'd say maybe 75.

10 MEMBER SILVERSTEIN: And with
11 entertainment what's your hope?

12 MR. JONES: It's going to be the same.
13 Our goal is to make sure our customer are
14 comfortable and willing to come back. And again,
15 for private events, when we have --

16 MEMBER SILVERSTEIN: So --

17 MR. JONES: -- a birthday party. When
18 they have a birthday party, they want to have
19 either karaoke or bring a DJ.

20 MEMBER SILVERSTEIN: So it's your --

21 MR. JONES: Our goal is --

22 MEMBER SILVERSTEIN: I'm sorry if I'm

1 cutting you off here, but your testimony is that
2 you have maybe 75 now and you're not going to
3 have any more? Is that your testimony?

4 MR. JONES: That is my testimony.

5 MEMBER SILVERSTEIN: You do not expect
6 any net gain? Why are --

7 (Simultaneous speaking)

8 MR. JONES: Just to maintain our
9 customer base.

10 MEMBER SILVERSTEIN: Okay.

11 MR. JONES: We're a business. We know
12 our customers want that. I'm doing it because my
13 customers asked for it and also to stay within
14 the law. It would be irresponsible for me to
15 just have a karaoke DJ come in there just because
16 my customers want it because the law doesn't
17 allow that. I'm trying to stay within the law.

18 MEMBER SILVERSTEIN: How often is your
19 lot full-full?

20 MR. JONES: Overall or just --

21 MEMBER SILVERSTEIN: Yes, the whole
22 shebang. Echostage is open, Stadium is open,

1 everything is open. You've got -- are you ever
2 slammed?

3 MR. JONES: Yes, we've been slammed.
4 When Sam Smith was at Echostage, we were slammed.
5 When T.I. was there, we were slammed. So, yes,
6 we have been slammed, but I would say one night a
7 week we can expect that. When they have a big
8 act at Echostage -- when they have a big act, all
9 the other places can be closed and we'll still --
10 they'll be slammed. So it would be irresponsible
11 for me to suggest otherwise.

12 MEMBER SILVERSTEIN: So what your
13 testimony is, is that you would not have any --
14 you claim you would have no net gain of
15 additional parking spaces being used if you were
16 granted the entertainment endorsement, but that
17 people who maybe want to park at Echostage
18 wouldn't be allowed to, some of them, because
19 your people get first right after the temporary
20 tenants?

21 MR. JONES: Our customers get first
22 right. But based on our size, even if we had --

1 we couldn't accommodate more than 10 or 15 more
2 customers. But we want our customers to be
3 happy. We want them to keep coming back, because
4 there's competition. Part of the reason for
5 wanting it is because my customers desire it.

6 MEMBER SILVERSTEIN: To stay
7 competitive? To stay in business?

8 MR. JONES: That's correct.

9 MEMBER SILVERSTEIN: No further
10 questions.

11 CHAIRPERSON MILLER: Others? Mr.
12 Jones?

13 MEMBER JONES: Thank you, Madam Chair.
14 So I want to piggyback off what I started asking
15 earlier just in terms of the feels. I think I
16 have a better understanding or sense of it, but
17 correct me if my understanding is incorrect. So
18 you have 240 overflow, as you've defined them,
19 spaces plus an additional 60 that are dedicated
20 for Tag-B or that Tag B is allowed to use for a
21 total of 300. Is that correct?

22 MR. JONES: Yes, what I would like to

1 change in your statement is "dedicated."
2 Dedicated implies that they have exclusive right.
3 They have the right to use it if our customers
4 are not using it. So they have the right to
5 charge any outside person. But they're not
6 dedicated to Tag-B. They have access to use it
7 if our customers are not using it.

8 MEMBER JONES: Okay. And is that
9 codified in a formal agreement with Tag-B?

10 MR. JONES: Tag-B has a use agreement.

11 MEMBER JONES: So is that a yes that
12 it is --

13 MR. JONES: Yes.

14 MEMBER JONES: -- documented in a
15 lease, or use agreement with Tag-B?

16 MR. JONES: They have a use agreement.

17 MEMBER JONES: Okay. Do you have a
18 copy of that use agreement --

19 MR. JONES: No, I don't.

20 MEMBER JONES: -- which specifies?

21 MR. JONES: No.

22 MEMBER JONES: Okay. And you're aware

1 of it how? Have you actually seen this written
2 language in the document?

3 MR. JONES: I've seen the document,
4 but I have not read it from beginning to end.

5 MEMBER JONES: Okay. So you don't
6 know that those words are actually in there, that
7 phrase or that clause? You don't know firsthand
8 that that clause exists in that document, is that
9 correct?

10 MR. JONES: Which clause?

11 MEMBER JONES: That the Tag-B does not
12 have first right of refusal to those 60 spaces,
13 that they're limited to be able to use those
14 spaces only after your customer base has taken
15 what they wish to take?

16 MR. JONES: Yes, I do know that. And
17 then there's some --

18 MEMBER JONES: How you seen that
19 language in the document?

20 MR. JONES: No, I have not seen that
21 language.

22 MEMBER JONES: Okay. So you don't

1 have firsthand knowledge of the fact that that
2 clause is in the use agreement, is that correct?

3 MR. JONES: If you state it that way,
4 yes.

5 MEMBER JONES: Okay. So you mentioned
6 earlier that Tag-B only has up to and no more
7 than 60 spaces that they can use, is that
8 correct?

9 MR. JONES: That is correct.

10 MEMBER JONES: Okay. You also refer
11 to being slammed when T.I., for example, was at
12 Echostage. Or when Lil Wayne was at Echostage
13 you got slammed.

14 MR. JONES: Those were not my words.
15 Those were Mr. Silverstein's words.

16 MEMBER JONES: Oh.

17 (Laughter)

18 MEMBER JONES: Oh. Did you disagree
19 with Mr. Silverstein's words?

20 MR. JONES: No, but I -- just being
21 honest about it, no, but those were not my words.
22 So we were busy.

1 MEMBER JONES: Yes, this is an
2 interesting class. Do you disagree with Mr.
3 Silverstein's words, yes or no?

4 MR. JONES: No.

5 MEMBER JONES: Okay. So do you agree
6 that there have been instances when you've been
7 slammed?

8 MR. JONES: There has been.

9 MEMBER JONES: Okay. Cool. So we got
10 that on the record. We're clear. So you agree
11 that there have been times when you've been
12 slammed. Is one of those times when T.I. was at
13 Echostage?

14 MR. JONES: Yes.

15 MEMBER JONES: Okay. What does
16 "slammed" mean to you?

17 MR. JONES: "Slammed" means to me that
18 the parking spaces on the side that is adjacent
19 to Dunkin' Donuts will be filled.

20 MEMBER JONES: So help me understand.
21 So what I understand is terms that we've already
22 identified and defined. So there's the 60 spaces

1 that Tag-B has the right to and then there's the
2 240 that are overflow spaces. Which one is the
3 other side of Dunkin' Donuts? That doesn't mean
4 anything to me.

5 MR. JONES: Say that again?

6 MEMBER JONES: When I asked you what
7 does "slammed" mean, you made a reference to the
8 other side of Dunkin' Donuts, and that doesn't
9 mean anything to me. What we've identified is
10 that there are 60 spaces and there's 240 spaces.
11 So when you get slammed, is it you get slammed in
12 the 60 spaces or you get slammed in the overflow
13 spaces?

14 MR. JONES: Slammed is only the 60
15 spaces. Tag has the authorization to use the 60
16 spaces, nothing beyond.

17 MEMBER JONES: Okay. So when you --

18 MR. JONES: So when I say "slammed,"
19 only on the front side of where the restaurant
20 and the bar is. On the other side of where our
21 customers also are able to park Tag-B cannot; and
22 I'll repeat, cannot park on the other side. So

1 that does not prohibit our customers easily from
2 parking. So our customers still can park there.

3 MEMBER JONES: There being?

4 MR. JONES: In the overflow.

5 MEMBER JONES: Okay. So --

6 (Simultaneous speaking)

7 MR. JONES: -- 60 spaces.

8 MEMBER JONES: Okay. Understood. So
9 in part of your response to Board Member
10 Silverstein's question, if I heard you correctly;
11 and I'm sure you'll correct me if I'm wrong, but
12 I thought you indicated that you could have a
13 situation where you only have 50 spaces
14 available.

15 MR. JONES: Yes.

16 MEMBER JONES: Okay. How is that
17 possible? Help me understand how you get to a
18 point where you only have 50 spaces available?
19 Because if you can get slammed by having 60
20 filled, and you have another 240 available and
21 you only have 12 residents that have cars, I'm
22 not quite sure how you get to the point where you

1 only have 50 spaces available if no one else is
2 authorized to park there other than your patrons,
3 which would be up to another 99.

4 MR. JONES: Fair observation, Board
5 Member Jones, however, in my earlier testimony I
6 stated we have -- there was a ballroom, but the
7 ballroom was being leased out up until May.
8 That's when the D.C. government totally took over
9 the ballroom. Previously there could have been
10 an event, and there were events almost every
11 weekend up until the D.C. government taking it
12 over. So under those circumstances, yes, we
13 could only have 50 spaces. But currently, it
14 would be very unusual now for it to be that
15 because the ballroom cannot be rented out outside
16 of D.C. government.

17 MEMBER JONES: Got it. Okay.

18 MR. JONES: And the records are here.
19 You can check to find out -- there were events
20 and every time there was an event in the
21 ballroom, there would be a one-day license
22 obtained for the events, whether it was a

1 wedding, a party, or whatever the case may be.

2 MEMBER JONES: Okay.

3 MR. JONES: It would be highly
4 unlikely that it would be less than 50. It would
5 be a lot more now. But up until May, no, there
6 were issues where that could have happened
7 because there could have been a party.

8 MEMBER JONES: Okay. That helps.
9 Thank you for that.

10 First right of refusal, how does that
11 work from the standpoint of implementation? And
12 I'll just cut to the chase. What's keeping me as
13 a patron of -- well, excuse me, as a Tag-B
14 customer. Tag-B has 60 spaces. They get filled
15 up before your customer base arrives. How do you
16 affect getting your spaces available for your
17 patrons?

18 MR. JONES: My patrons know to go to
19 the other side of the hotel or in front.

20 MEMBER JONES: Okay. So how do they
21 get there? Do they get there on their own?

22 MR. JONES: Yes.

1 MEMBER JONES: Okay.

2 MR. JONES: They --

3 MEMBER JONES: So what's keeping -- if
4 your patrons can get there on their own, what's
5 keeping Joe Blow Citizen who wants to go to the
6 Echostage and walk from just getting there on his
7 or her own?

8 MR. JONES: Security.

9 MEMBER JONES: What security?

10 MR. JONES: We have security. Hotel
11 has security and housing has security that does
12 not allow parking on the other side unless it is
13 a restaurant patron.

14 MEMBER JONES: So --

15 MR. JONES: And when they come in, not
16 only does the hotel have security, D.C.
17 government has security to protect the parking
18 spaces and the temporary residents. And they ask
19 them clearly are you a restaurant patron? And
20 that's basically it. But they also have cones
21 when they have events up that prohibit customers
22 from going on that other side. And when they get

1 to the other side where the cones are, then the
2 security -- they have to cross the line where the
3 security is. So that's how it's done. And Tag-B
4 does not have interfere with our customers. When
5 our customers come to park, they tell them
6 clearly we're here for the restaurant. And Tag-
7 B, the clerk will come to the restaurant to
8 verify if that person is in there. And why?
9 Because they're trying to collect every dollar.

10 MEMBER JONES: Understood. So let's
11 talk about the security. So security -- how many
12 security personnel you have at Days Inn?

13 MR. JONES: Days Inn has one security
14 person.

15 MEMBER JONES: One security person?
16 Is that one security person stationed in the
17 parking lot every hour that you're open?

18 MR. JONES: That person makes rounds.

19 MEMBER JONES: So is that person
20 stationed in the parking lot to prevent people
21 from parking in the overflow spaces while you're
22 open?

1 MR. JONES: Not the whole entire time,
2 no.

3 MEMBER JONES: Okay. So that person
4 wouldn't necessarily be there every minute to
5 verify that every person that parks in that space
6 provides affirmative confirmation that they are a
7 restaurant patron. Is that correct?

8 MR. JONES: Not from the Days Inn.
9 However, the government has attendants.

10 MEMBER JONES: What does that mean?

11 MR. JONES: Parking security
12 attendants there.

13 MEMBER JONES: So the government --

14 MR. JONES: They're --

15 MEMBER JONES: So this is part of the
16 four --

17 MR. JONES: Every night --

18 MEMBER JONES: Is this part of the
19 four people that are working --

20 MR. JONES: No.

21 MEMBER JONES: -- at the shelter?

22 MR. JONES: No.

1 MEMBER JONES: Okay.

2 MR. JONES: There is a parking booth
3 that they reside in. So they are there to manage
4 that parking to make sure that Tag-B's customers
5 are not parking over there.

6 MEMBER JONES: Do you have a picture
7 of that booth?

8 MR. JONES: No, I don't.

9 MEMBER JONES: Because I don't have
10 any knowledge of this booth to which you're
11 referring. I'm just --

12 MR. JONES: Because it's on the other
13 side and that side of the parking is not in
14 question. Should not be in question. The only
15 issue is the relevance of Tag-B's parking on the
16 side where the Dunkin' Donuts are -- resides and
17 the restaurant.

18 MEMBER JONES: Okay. So it's your
19 testimony that there is a security person or
20 people that will ensure that no one other than a
21 restaurant patron can park in any of those 240-
22 plus spaces?

1 MR. JONES: They do that, yes.

2 MEMBER JONES: Got it. Okay. Thank
3 you.

4 Thank you, Madam Chair. That's all I
5 have.

6 MEMBER SHORT: Madam Chair?

7 CHAIRPERSON MILLER: Yes, Mr. Short?

8 MEMBER SHORT: What would be the
9 hours? If you were granted, what hours would you
10 have for that entertainment?

11 MR. JONES: Typically 7:00 until 1:00,
12 but again our customers leave around 11:00,
13 12:00. But if there's a special event, we'd like
14 to go to 1:00.

15 MEMBER SHORT: Well --

16 MR. JONES: The license allows us to
17 go to 2:00, but it's not my --

18 MEMBER SHORT: But your entertainment
19 endorsement would be a separate entity, correct?

20 MR. JONES: Yes, and on my endorsement
21 I suggested 1:00 a.m. It's not my desire to be
22 there after 2:00.

1 MEMBER SHORT: Suppose your
2 endorsement came back with 11:00 on it. Could
3 you live with that?

4 MR. JONES: I think that would be
5 onerous. I mean, I'm willing to negotiate that,
6 but I think that would be --

7 MEMBER SHORT: Well, you're
8 negotiating with us.

9 MR. JONES: Well, I'm just suggesting,
10 but I think that would be unfair to the business
11 establishment to suggest that.

12 MEMBER SHORT: I'm not suggesting
13 anything. I asked a question. I asked you if
14 you were given an endorsement for 11:00 on it,
15 could you function with it? That's my question.

16 MR. JONES: Could I function?

17 MEMBER SHORT: Yes.

18 MR. JONES: I would be forced to
19 function if that happened, but, no, that's not my
20 desire. That's not what I'm --

21 MEMBER SHORT: I didn't question your
22 desire. Again, I'm going to ask the question.

1 It's a yes or no. Could your establishment
2 function with an 11:00 entertainment endorsement?

3 MR. JONES: No.

4 MEMBER SHORT: Okay. Thank you.

5 That's all I have, Madam Chair.

6 CHAIRPERSON MILLER: Okay. Others?

7 Mr. Jones?

8 MEMBER JONES: Thank you, Madam Chair.

9 Just really quickly: T&L Hospitality is what
10 entity as you understand it? Its involvement in
11 this process is what?

12 MR. JONES: T&L Hospitality owns the
13 hotel and the restaurant.

14 MEMBER JONES: Owns the hotel --

15 MR. JONES: Holds the property.

16 MEMBER JONES: Owns the hotel and the
17 property? Okay. And you're the business manager
18 for --

19 MR. JONES: Business manager and --

20 (Simultaneous speaking)

21 MEMBER JONES: -- T&L Hospitality,
22 correct?

1 MR. JONES: T&L Investment Group. So
2 what's the distinction between T&L Hospitality
3 and T&L Investment Group?

4 MR. JONES: T&L Hospitality is the
5 part that manages the actual hotel.

6 MEMBER JONES: And the license is in
7 T&L Investment Group?

8 MR. JONES: T&L Investment Group.

9 MEMBER JONES: Okay. So the license
10 holder is T&L Investment Group?

11 MR. JONES: That's correct.

12 MEMBER JONES: Okay. And you are the
13 business manager for T&L Hospitality?

14 MR. JONES: And T&L Investment Group.

15 MEMBER JONES: And T&L Investment
16 Group. Okay. Has T&L Investment Group -- that's
17 a legal entity, correct?

18 MR. JONES: Yes, it is.

19 MEMBER JONES: Okay. Has that entity
20 entertained selling the license or the business?

21 MR. JONES: You say "entertained?"

22 MEMBER JONES: Yes, is it in your

1 plans or possible plans of consideration at any
2 time in the near future to sell this
3 establishment, to sell this license?

4 MR. JONES: I can't -- because I'm not
5 the managing. So I can't speak to that. So, and
6 if I spoke to that, I would be dishonest. I
7 can't say affirmatively yes or no.

8 MEMBER JONES: Okay.

9 MR. JONES: I don't know.

10 MEMBER JONES: Thank you, Madam Chair.

11 CHAIRPERSON MILLER: Okay. Mr. Jones,
12 I just want --

13 MR. JONES: But I doubt it because of
14 the relationship with the city. So it's not
15 likely, but I can't say that's what the plans
16 are.

17 CHAIRPERSON MILLER: Your restaurant
18 has been in operation for how long at this
19 location?

20 MR. JONES: Panda Gourmet for I think
21 two years, trading as Panda Gourmet.

22 MEMBER RODRIGUEZ: How many years,

1 sir?

2 CHAIRPERSON MILLER: Two.

3 MR. JONES: I beg your pardon?

4 MEMBER RODRIGUEZ: What is it?

5 CHAIRPERSON MILLER: Two.

6 MEMBER RODRIGUEZ: Two? Oh, okay.

7 MR. JONES: T&L Investment Group was
8 there with the previous owner as well.

9 CHAIRPERSON MILLER: Same type of
10 operation?

11 MR. JONES: Same type of --

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: For how long?

14 MR. JONES: There were two others.

15 American Buffet and then there was -- I'm not
16 sure exactly, but a couple of years.

17 CHAIRPERSON MILLER: Well, my question
18 is have you ever had a parking problem in all
19 these years that you've been there?

20 MR. JONES: There's never been a
21 parking problem.

22 CHAIRPERSON MILLER: Okay. And about

1 how many spaces does your establishment use on an
2 average night? Spaces. Do you know?

3 MR. JONES: Our spaces, probably 20,
4 25.

5 CHAIRPERSON MILLER: Twenty to twenty-
6 five?

7 MR. JONES: Yes, it's not a lot.

8 CHAIRPERSON MILLER: And let me just
9 clarify one other thing. So you use 20 to 25
10 spaces in a lot that holds 400 spaces?

11 MR. JONES: Three hundred.

12 CHAIRPERSON MILLER: Three hundred.
13 Excuse me. Three hundred. And how is that you
14 are guaranteed -- if I understand it, that you're
15 guaranteed -- your customers are guaranteed a
16 spot, is that correct?

17 MR. JONES: Yes.

18 CHAIRPERSON MILLER: And how is that
19 they are?

20 MR. JONES: T&L owns the property.

21 CHAIRPERSON MILLER: T&L owns it? And
22 do they -- this is logistically.

1 MR. JONES: Right.

2 CHAIRPERSON MILLER: Okay. So the way
3 it works is they come in and they see some
4 security person and they say I'm going to the
5 restaurant and they get a spot?

6 MR. JONES: Well, typically there's
7 not a problem with parking.

8 CHAIRPERSON MILLER: Not a problem,
9 right. Let's say --

10 MR. JONES: Typically it's unusual
11 when there's a problem. Like I said --

12 CHAIRPERSON MILLER: Okay. Let's say
13 it's an Echostage night.

14 MR. JONES: -- it's on a special night
15 that there's a problem.

16 CHAIRPERSON MILLER: Yes.

17 MR. JONES: When the customers come
18 in, they inform the gentleman who's managing the
19 lot, which is Tag-B --

20 CHAIRPERSON MILLER: Okay.

21 MR. JONES: -- I'm going to the
22 restaurant or the bar.

1 CHAIRPERSON MILLER: Yes.

2 MR. JONES: And then they're allowed
3 to park.

4 CHAIRPERSON MILLER: Okay. So do they
5 save spaces? Do they save 20 spaces for your
6 restaurant?

7 MR. JONES: No.

8 MEMBER JONES: No? But if the
9 other --

10 MR. JONES: It isn't necessary.

11 CHAIRPERSON MILLER: It's never been
12 a problem?

13 MR. JONES: It's -- yes. No, there's
14 never ever been an issue.

15 CHAIRPERSON MILLER: Never ever been
16 a problem?

17 MR. JONES: No.

18 CHAIRPERSON MILLER: Okay.

19 MR. JONES: It isn't necessary to save
20 the spaces.

21 CHAIRPERSON MILLER: Okay. That's the
22 end of my questions then.

1 Ms. Manning, now you already had one
2 round of cross, so this round is for anything
3 about Board questions and/or anything about those
4 pictures of the parking lot.

5 MS. MANNING: Okay.

6 CHAIRPERSON MILLER: Okay?

7 MS. MANNING: So with the -- okay.

8 CHAIRPERSON MILLER: Yes, if it's
9 related to all the parking questions that have
10 been asked --

11 MS. MANNING: Right.

12 CHAIRPERSON MILLER: Okay.

13 MS. MANNING: Because with Exhibit 4
14 my question is are you stating that Exhibit 4 is
15 the 300 parking spaces?

16 MR. JONES: No. No, not at all. That
17 only shows the parking spaces -- the 60 for Tag-B
18 and the restaurant.

19 MS. MANNING: So is Dunkin' Donuts
20 part of this parking lot as well?

21 MR. JONES: Not in Exhibit 4, but it
22 is in Exhibit 5.

1 MS. MANNING: But if this --

2 MR. JONES: Oh, I'm sorry.

3 MS. MANNING: So if this was not -- so
4 if this was a panoramic picture, this is one and
5 the same picture? Because where the -- if this
6 was a panoramic picture, this would be the
7 parking lot, correct?

8 MR. JONES: Yes.

9 MS. MANNING: So that means that
10 Dunkin' Donuts is part of that parking lot?

11 MR. JONES: Yes, but Dunkin' Donuts
12 does not have a -- for the record Dunkin' Donuts
13 does not have parking on that side. Sometimes
14 their patrons park there, but that is not their
15 parking spaces.

16 MS. MANNING: So if we looked at this
17 and we see Dunkin' Donuts, this is also part of
18 the drive-in of the hotel, if I panoramic this
19 picture? If I panoramic this picture here, if
20 this was a panoramic picture that shows the
21 entrance from New York Avenue, this side here
22 would be Dunkin' Donuts four parking spaces which

1 slash --

2 MR. JONES: May I see that other -- I
3 don't know what exhibit that is.

4 MEMBER ALBERTI: Oh, Ms. Manning --

5 MS. MANNING: It's Exhibit 6. I'm
6 sorry.

7 MEMBER ALBERTI: Thank you.

8 MS. MANNING: I'm sorry. It's Exhibit
9 6. So if we took Exhibits 4, 5 and 6; I do
10 apologize, and we made it a panoramic picture --

11 MEMBER ALBERTI: Just for the record,
12 Ms. Manning, you're holding them up going from
13 left to right, 6, 5 and 4.

14 MS. MANNING: Yes, sir.

15 MEMBER ALBERTI: Okay.

16 MS. MANNING: I do apologize.

17 MEMBER ALBERTI: That's okay. No
18 problem.

19 MS. MANNING: I'm just trying to
20 create a --

21 MEMBER ALBERTI: I understand.

22 MS. MANNING: -- panoramic picture of

1 what that is.

2 So that would be the driveway to the
3 lobby of the hotel on New York Avenue?

4 MR. JONES: Yes.

5 MS. MANNING: Exhibit 6. Which will
6 move over into where the Dunkin' Donuts/Amoco gas
7 station is. Yes?

8 MR. JONES: Yes.

9 MS. MANNING: Okay. So then the
10 Dunkin' Donuts has on that side -- there's a kind
11 of circle-way to where the entrance is to the
12 parking lot, the lobby-way of the hotel. There
13 are five parking spaces there, correct?

14 MR. JONES: Right here?

15 MS. MANNING: No. That's -- no.

16 MR. JONES: There are spaces on the
17 other side that this picture does not capture.

18 MS. MANNING: Exactly. And that's the
19 picture I'm talking about. Because the way it's
20 cut. Because when you get to the Exhibit 5 where
21 you see the Dunkin' Donuts, that's the back of
22 the Dunkin' Donuts/Amoco gas station. But there

1 are some parking spaces that sit there that are
2 part of -- that you say that the gas station --
3 because it's a full-service gas station in a
4 sense of the store and the gas and the bathroom
5 and everything that the patrons use. Am I
6 correct?

7 MR. JONES: Yes, but I don't know what
8 your question is.

9 MS. MANNING: My question is if we
10 panoramic this -- because you keep saying this
11 space -- I'm trying to get clear where you're
12 talking about the 300 -- the spaces, the 300
13 spaces that are there in this space here at the
14 -- right there near the front where the entrance
15 to the Panda Gourmet restaurant is.

16 MEMBER ALBERTI: Ms. Manning, I think
17 that he didn't say there are 300 spaces there.

18 MS. MANNING: That's what I --

19 MEMBER ALBERTI: He's saying there's
20 -- I'm not sure they show the complete thing, but
21 my understanding is Exhibits 4 and 5 show most of
22 the parking area where there are 60 spaces. Does

1 that help? And that's Mr. Jones' testimony.

2 MS. MANNING: Right. But, no, when he
3 first started talking about it, he said 300. He
4 didn't say this part was 60. I didn't get that
5 part with the 60.

6 MEMBER ALBERTI: But that was his
7 testimony that he clarified on --

8 MS. MANNING: I was just trying to
9 clarify --

10 MEMBER ALBERTI: -- examination by the
11 Board.

12 MS. MANNING: -- where he's saying the
13 60 was. Because the 60 and the --

14 (Simultaneous speaking)

15 MEMBER ALBERTI: Okay. I'm just
16 trying to help you out --

17 MS. MANNING: Okay. I know you are.

18 MEMBER ALBERTI: -- understand.

19 MS. MANNING: Thank you. So you're
20 saying this area here is 60 parking spaces?

21 MR. JONES: Yes.

22 MS. MANNING: So when they're parked

1 -- so you're saying basically where the 60 --
2 where you're saying there's a number of 60
3 parking spaces, there are no designated parking
4 for your patrons? It's first come, first serve?

5 MR. JONES: Well, my patrons are
6 allowed to park there and --

7 MS. MANNING: My question is --

8 MR. JONES: -- on the overflow.

9 MS. MANNING: It's a yes or no. Is it
10 first come, first serve?

11 MR. JONES: First, come first --

12 MS. MANNING: If I come into that
13 parking space, if I come into that parking lot,
14 whether I'm a patron of yours or not, my car --
15 car A comes in first before car B. It's first
16 come, first serve? That parking there -- if I
17 park up to -- because I asked you was it
18 designated parking spaces for your patrons.

19 MR. JONES: I honestly don't
20 understand the question, but --

21 CHAIRPERSON MILLER: I thought that he
22 answered the question from me that there were no

1 designated parking spaces, but they always got a
2 parking spot.

3 MS. MANNING: My question is if they
4 always have a parking spot -- but if 60 people
5 come in for any of those surrounding clubs, then
6 his patrons have no parking space, correct?

7 CHAIRPERSON MILLER: Don't ask me.
8 Ask Mr. Jones.

9 MS. MANNING: No, I'm asking -- that's
10 my question.

11 MR. JONES: No, my customers have
12 parking because they can park on the overflow or
13 in the front. This part in Exhibit 6 is not even
14 part of the 60 spaces. This is a part of the
15 additional parking. And then there's parking
16 below that that the picture doesn't -- any of the
17 pictures don't capture. And then if you see in
18 Exhibit 6 on the other side of the hotel -- and
19 also so Mr. Jones' question, which I didn't look
20 at Exhibit 6 earlier, you can see the booth, the
21 parking booth in Exhibit 6.

22 MS. MANNING: Okay. So my question is

1 this: Where does -- Virginia Williams and DHS is
2 there. So when the residents have guests there,
3 where do they park? The guests coming in.

4 MR. JONES: They --

5 MS. MANNING: If I'm going to visit a
6 guest here at the parking lot, where do they
7 park? Where does Virginia Williams, DHS and the
8 residents of the guests park?

9 MR. JONES: They park beyond the side
10 where the parking booth is. That's where the
11 security is. And if you see in Exhibit 6 -- and
12 I'm glad -- and these are not my pictures.

13 CHAIRPERSON MILLER: Right.

14 MR. JONES: These are the pictures of
15 the ABC investigator. As you can see, by the
16 sign there is the booth for the parking
17 attendants and security people that manage that
18 area. And they would go over there. But their
19 ID and everything is checked when they go over
20 there, if they're visiting. But again, I remind
21 you this is not my covenant. They have to be in
22 their room and checked --

1 MS. MANNING: So the parking behind --

2 MR. JONES: -- by 9:00 p.m. during the

3 weekday.

4 MS. MANNING: -- the gate is --

5 (Simultaneous speaking)

6 MR. JONES: And so there's no parking

7 for them --

8 MS. MANNING: Mr. Jones --

9 MR. JONES: -- after 9:00 p.m.

10 MS. MANNING: Mr. Jones, so the

11 parking behind the gate is for the residents?

12 MR. JONES: It's overflow and for the

13 residents.

14 MS. MANNING: So you're saying the

15 overflow for your guests, the part behind the

16 gate where the booth is with security?

17 MR. JONES: Yes, but it's rarely full.

18 It is rarely full. It would be an unusual

19 occurrence.

20 MS. MANNING: You just said it was

21 just for DH -- you just said it was just for

22 the --

1 MR. JONES: No, that's not what I
2 said.

3 MS. MANNING: Yes, it is. Okay. I'm
4 finished --

5 (Simultaneous speaking)

6 CHAIRPERSON MILLER: Okay. You're
7 finished? Ms. Manning, did you say you were
8 finished?

9 MS. MANNING: I'm sorry?

10 CHAIRPERSON MILLER: Did you say you
11 were finished?

12 MS. MANNING: Yes.

13 MEMBER ALBERTI: I think Mr. Jones had
14 a follow-up.

15 CHAIRPERSON MILLER: Mr. Jones?

16 MEMBER JONES: Just a quick follow-up.
17 How long have the agreements that you've noted in
18 terms of the parking arrangements, Mr. Jones, been
19 in place as far as the temporary residents and
20 the Tag-B arrangement that you referenced but
21 hadn't read specifically? Do you happen to know
22 how long that's been in place; i.e., was it

1 affected in -- was it ratified in 2014, July?

2 Was it --

3 MR. JONES: I don't know the month,

4 but --

5 MEMBER JONES: -- ratified January

6 2015?

7 MR. JONES: -- Tag-B has had

8 authorization to park there since sometime in

9 2014. As far as the residents are concerned,

10 it's been since November of --

11 MEMBER JONES: Of?

12 MR. JONES: 2014 is when the residents

13 came officially.

14 MEMBER JONES: Okay. So you're saying

15 the Tag-B arrangement is new as of when?

16 MR. JONES: I'm not sure of the month.

17 It was in 2014.

18 MEMBER JONES: 2014?

19 MR. JONES: Yes.

20 MEMBER JONES: Okay. Thank you.

21 That's all I have, Madam Chair. Thank

22 you.

1 CHAIRPERSON MILLER: Okay. Any
2 others?

3 (No audible response)

4 CHAIRPERSON MILLER: Okay. So does
5 that --

6 MR. JONES: In early 2014. So it's
7 not --

8 MEMBER JONES: Thank you.

9 MR. JONES: And the residents was
10 November.

11 CHAIRPERSON MILLER: Mr. Jones, does
12 that complete your case except for closing? That
13 completes your case?

14 MR. JONES: Yes.

15 CHAIRPERSON MILLER: Okay. Ms.
16 Manning, do you have any testimony you'd like to
17 give?

18 MS. MANNING: Sure.

19 CHAIRPERSON MILLER: Or witnesses
20 and/or --

21 MS. MANNING: You have my PIF of
22 the --

1 CHAIRPERSON MILLER: We have it.

2 MS. MANNING: -- I'm sorry, of the
3 ANC. As it relates to the Days Inn, the
4 structure of it is not a current hotel.

5 CHAIRPERSON MILLER: Are you
6 testifying? I need to put you under oath.

7 MS. MANNING: Not a problem.

8 CHAIRPERSON MILLER: Okay. Do you
9 swear to tell the truth --

10 MS. MANNING: I've been raising my
11 right hand for the longest --

12 CHAIRPERSON MILLER: Do you swear to
13 tell the truth, the whole truth, nothing but the
14 truth?

15 MS. MANNING: So help me God.

16 CHAIRPERSON MILLER: Okay.

17 MS. MANNING: So as you can see in the
18 pictures for the hotel, this hotel is a late-
19 model hotel. It's not a current hotel. So these
20 rooms are outdoors. They enter from the
21 outdoors. There is no entrance through the lobby
22 to actual rooms. The sound traveling for that --

1 most of this is -- the gates are there. There's
2 a booth that's on the outside that blocks the
3 residents from the other public space. I'm
4 talking in terms of the noise, how --

5 (Simultaneous speaking)

6 CHAIRPERSON MILLER: I want to know
7 especially for the record which photos you're
8 holding up as you speak. Are they your exhibits?
9 Are they the investigator's?

10 MS. MANNING: Oh, these are my photos.
11 Okay.

12 CHAIRPERSON MILLER: Yours?

13 MS. MANNING: Okay. So this --

14 MEMBER ALBERTI: I'm going to try to
15 be helpful. Ms. Manning, I think you submitted
16 four photos, is that correct?

17 MS. MANNING: Correct.

18 MEMBER ALBERTI: All right. So would
19 you number them?

20 MS. MANNING: They are numbered.
21 They're numbered -- the parking sign with the
22 Echostage shows --

1 (Simultaneous speaking)

2 MEMBER ALBERTI: Where are they
3 numbered? I don't see numbers on them. Maybe
4 I'm missing it.

5 MS. MANNING: The Echostage sign is
6 Exhibit 1. It's -- the number one, it shows
7 here. This is develop Exhibit 1.

8 MEMBER ALBERTI: Where is it labeled?

9 MS. MANNING: It's supposed to be
10 labeled on the back.

11 MEMBER ALBERTI: Oh, they're labeled
12 on the back. Okay.

13 MS. MANNING: You do have a sheet
14 that's there.

15 MEMBER ALBERTI: Do you have copies of
16 them labeled on the back --

17 MS. MANNING: I have --

18 (Simultaneous speaking)

19 MEMBER ALBERTI: -- for our record?

20 MS. MANNING: Yes.

21 MEMBER ALBERTI: For our --

22 MS. MANNING: I have -- these were the

1 ones that were submitted with this sheet here.

2 MEMBER ALBERTI: I understand. I'm
3 trying to -- so we can all follow along I'm
4 trying to get this --

5 CHAIRPERSON MILLER: We can label them
6 as --

7 MEMBER ALBERTI: Yes, so why don't we
8 label them right now --

9 (Simultaneous speaking)

10 CHAIRPERSON MILLER: -- ourselves.

11 MEMBER ALBERTI: -- and then you
12 can --

13 MS. MANNING: Everyone has a copy
14 of --

15 (Simultaneous speaking)

16 MEMBER ALBERTI: -- submit them and
17 then we'll go from there.

18 CHAIRPERSON MILLER: Does Mr. Jones
19 have a copy of these? You didn't give him a
20 copy?

21 MS. MANNING: No, I was never asked to
22 give --

1 (Simultaneous speaking)

2 CHAIRPERSON MILLER: No, I thought
3 that you were upset that he didn't give you a
4 copy of his exhibits.

5 MS. MANNING: I wasn't upset at all.
6 I said -- you asked me a question did I have it.
7 I said no. I was not upset at all.

8 CHAIRPERSON MILLER: Oh, okay. Good.
9 All right.

10 MEMBER ALBERTI: Well, just for the
11 record --

12 CHAIRPERSON MILLER: He needs a copy.
13 You all should have exchanged them seven days in
14 advance so we wouldn't have --

15 (Simultaneous speaking)

16 MS. MANNING: Well, let me say this:
17 In the mediation --

18 CHAIRPERSON MILLER: Yes.

19 MS. MANNING: -- that was not stated,
20 nor in --

21 (Simultaneous speaking)

22 CHAIRPERSON MILLER: Did you get a

1 written -- a package?

2 MS. MANNING: No, ma'am.

3 CHAIRPERSON MILLER: I mean, an email
4 package with instructions?

5 MS. MANNING: No, ma'am.

6 CHAIRPERSON MILLER: All right. Well,
7 we'll look into that, because that's the way the
8 process is supposed to work.

9 (Simultaneous speaking)

10 MS. MANNING: -- must be something
11 then, because I've been down here --

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: Okay. Because I
14 say it at the status hearings all the time. I
15 know I say it. But then I expect it to be
16 followed up with written instructions later to
17 the parties. And so most of the parties come
18 prepared. Not everybody. Just so we don't have
19 this. Okay. We got to make copies of the
20 pictures now. And so, we have to make copies of
21 the pictures for Mr. Jones, right? Or look at
22 them. She is going to be referring to her

1 pictures.

2 MR. JONES: Oh, yes.

3 CHAIRPERSON MILLER: And you don't
4 have them, right?

5 MR. JONES: No, I don't.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: I will tell you what,
8 once we label them, I will provide Mr. Jones with
9 a copy that's labeled with numbers.

10 CHAIRPERSON MILLER: Okay. All right.

11 MEMBER ALBERTI: So go forward and
12 label these.

13 CHAIRPERSON MILLER: So then you have
14 -- the first one, does it say restaurant entrance
15 on it with an arrow?

16 MS. MANNING: Yes, that's the first
17 one. And it also shows the sign of the -- Tag-B
18 parking sign to go into the entrance --

19 (Simultaneous speaking)

20 MEMBER ALBERTI: So that's one?

21 MS. MANNING: Yes.

22 MEMBER ALBERTI: All right.

1 MS. MANNING: Picture No. -- Exhibit
2 No. 2 shows the Days Inn sign from the gas
3 station/Dunkin' Donuts parking space.

4 CHAIRPERSON MILLER: Could you hold it
5 up so I make sure -- okay.

6 MS. MANNING: It also shows the booth
7 during the day, the cones that are set back
8 for --

9 CHAIRPERSON MILLER: Okay. So that's
10 Exhibit No. 2?

11 MS. MANNING: Yes. Exhibit No. 3 is
12 where during the day a customer for Panda Gourmet
13 car was broken into. Here the end the 5th
14 District Police Station is there to take a
15 report. The laptop was stolen out the back of
16 the car.

17 CHAIRPERSON MILLER: Okay. Well,
18 we'll mark that as Exhibit 3 and then we'll deal
19 with that. All right.

20 MS. MANNING: Exhibit 4 shows the
21 style of the hotel separated from the ballroom
22 that's more of the late 1960-1970 style hotel

1 where there's no -- it's not a covering hotel.
2 It's an outdoor hotel. So it's more glass of the
3 hotel.

4 CHAIRPERSON MILLER: Okay.

5 MS. MANNING: And it shows what side
6 of the parking -- different -- the gate was
7 already -- that gate was already there. That's
8 not nothing new. So there's -- this part shows
9 the circle going around. That's the lobby -- the
10 driveway up to the lobby of the hotel.

11 CHAIRPERSON MILLER: Okay. So I'm not
12 admitting them at this moment. I think Mr. Jones
13 has to have an opportunity to look at them.

14 MS. MANNING: Sure. Not a problem.

15 CHAIRPERSON MILLER: And I don't know
16 whether -- are you going to be testifying more
17 with respect to these pictures?

18 MS. MANNING: Yes.

19 CHAIRPERSON MILLER: Okay. So we'll
20 wait until we hear your testimony about that.

21 So you can testify now and then
22 afterwards you can move --

1 MS. MANNING: Okay.

2 CHAIRPERSON MILLER: -- the exhibits
3 in and we'll deal with it.

4 MS. MANNING: Okay. So the pictures
5 that I submitted were showing the style of the
6 hotel. This hotel has always been impacted
7 because this is the main hotel where DHS is and
8 Virginia Williams. There's also down at the
9 Quality Inn hotel with the other temporary
10 residents there. The other temporary residents
11 that are there, they report down to this hotel as
12 well to come -- and they also do all of their
13 paperwork, finding a lot of the residents that
14 are there at this hotel. Not only they're
15 displaced, but they're also working residents
16 because they also take their children out to the
17 school, Langdon Elementary School that's out
18 Queens Chapel Road. And also some of the
19 students there do attend the Math and Science
20 School.

21 The reason why I'm showing the picture
22 is just to show how that parking lot does not say

1 -- the sign is not showing -- it shows the
2 entrance to go in on the Bladensburg Road side
3 saying where it's designated parking is, the
4 Echostage, because it's not far from the
5 Echostage, Stadium Club, Bliss and -- I know
6 there's more clubs than that. The Scene. And
7 you also have the Aqua Club down New York Avenue
8 as well.

9 CHAIRPERSON MILLER: Okay. Why don't
10 we do them one at a time? You're focused on this
11 picture?

12 MS. MANNING: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. MANNING: So this is showing --
15 this is right here. Bladensburg Road is the
16 entrance. So as you can see, these are cars that
17 are lined up as well going -- trying to get up
18 Queens Chapel Road to the other areas. Because
19 this is a Friday/Saturday night kind of area --

20 CHAIRPERSON MILLER: Okay.

21 MS. MANNING: -- for this -- that's
22 Bladensburg Road/New York Avenue.

1 CHAIRPERSON MILLER: Mr. Jones, do you
2 have any objection to the admission of this
3 exhibit?

4 MEMBER ALBERTI: Which is Exhibit 1 --

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: -- 2, 3?

7 CHAIRPERSON MILLER: This is Exhibit
8 1 we're on.

9 MEMBER ALBERTI: Okay.

10 CHAIRPERSON MILLER: You'll have a
11 chance to cross-examine about the exhibit, but do
12 you have an objection to it as to its relevance,
13 or its accuracy, or its --

14 MR. JONES: No.

15 CHAIRPERSON MILLER: Okay. Then this
16 picture will be admitted as Protestant's Exhibit
17 No. 1. Okay.

18 MS. MANNING: So Exhibit No. 2 shows
19 the day time of the parking lot from the entrance
20 showing how it looks at 6:30 a.m. The cones are
21 back. So that area is not -- it shows what's all
22 there on that sign. So it's an active driveway,

1 that parking lot. So it's not just a hotel.
2 It's the gas station, the Dunkin' Donuts and the
3 Checkers. All of that corner sits right there.
4 And this is the traffic backed up on New York
5 Avenue on an early morning. And this is 6:30 in
6 the morning.

7 CHAIRPERSON MILLER: I'm sorry, I
8 forgot to ask you, did you take these pictures?

9 MS. MANNING: Yes.

10 CHAIRPERSON MILLER: And when did you
11 take them? A few weeks ago? A week ago? A year
12 ago?

13 MS. MANNING: These are not a year
14 ago. These are very current. These were in
15 June. These were in May.

16 CHAIRPERSON MILLER: Okay. How do we
17 know it's 6:30?

18 MS. MANNING: Because I walk my
19 neighborhood 6:30 in the morning every day. And
20 I can get a report from the 5th District Police
21 Station, if you want it.

22 (Laughter)

1 MS. MANNING: Because that's where
2 everybody hang out, at the Dunkin' Donuts.

3 CHAIRPERSON MILLER: All the cars that
4 we see, I'm sorry, they're driving on Bladensburg
5 Road?

6 MS. MANNING: That's New York Avenue.

7 CHAIRPERSON MILLER: New York Avenue?

8 MS. MANNING: Yes, that's New York
9 Avenue. That's the traffic on New York Avenue.

10 CHAIRPERSON MILLER: Okay. And the
11 relevance of this?

12 MS. MANNING: The relevance of this --
13 because I was not authorized to take -- I'm not
14 authorized to -- and I don't like to take
15 pictures of parents with their children. I
16 wanted to show how that gate was opened up during
17 the day. It opens at a certain time and it
18 closes at a certain time. There is a booth,
19 because of the shadow. There are the children
20 going to school, the parents going out going to
21 work. So they're not -- it's like this is an
22 apartment situation because they're living there.

1 And I didn't want to be in question of why would
2 I take pictures of their children walking past
3 and stuff like that.

4 CHAIRPERSON MILLER: What are you
5 trying to show here though?

6 MS. MANNING: I'm trying to show the
7 activity of how it's more residential in this
8 area of the hotel. It's not a hotel anymore.
9 It's become a residence. It's not an extended
10 stay hotel. It's a residence for families, for
11 residents of the District of Columbia. And
12 because they get our -- they gets the benefits
13 of --

14 (Simultaneous speaking)

15 CHAIRPERSON MILLER: How can I tell
16 it's a residence by looking at this?

17 MS. MANNING: I was talking about the
18 time in a sense. That's why I justify saying --

19 CHAIRPERSON MILLER: The time?

20 MS. MANNING: -- I did not -- I could
21 -- was not comfortable taking pictures of family
22 with their kids walking across the parking lot

1 taking them to school. Because most of the time
2 when you take pictures of children you have to
3 have signatures of that.

4 CHAIRPERSON MILLER: But this isn't
5 about children. This is about an entertainment
6 endorsement.

7 MS. MANNING: It's about -- I'm
8 talking about the traffic and the time and it
9 opened up for the parking side. The parking lot
10 close where he said there's 300 parking lots --
11 parking spaces available for his people.

12 CHAIRPERSON MILLER: My question is
13 we're talking about an entertainment endorsement
14 and a restaurant that would go until 1:00 or 2:00
15 in the morning.

16 MS. MANNING: Right.

17 CHAIRPERSON MILLER: So why do we care
18 what it looks like at 6:30 in the morning?

19 MS. MANNING: Because I wanted to show
20 that that side closes the parking space. Is open
21 up now at 6:30 in the morning, but it closes at a
22 certain time. I know exactly what we're talking

1 about.

2 CHAIRPERSON MILLER: You do?

3 MEMBER ALBERTI: So, Ms. Miller, I
4 will have questions. When I have a chance to
5 examine Ms. Manning, I will have questions about
6 that.

7 CHAIRPERSON MILLER: Well, maybe we'll
8 hold on this. I'm not sure what the relevance
9 is, so --

10 MEMBER ALBERTI: Well, it shows the
11 expanse of parking lot and I think that that's
12 relevant.

13 MS. MANNING: It shows the expanse of
14 the parking lot.

15 CHAIRPERSON MILLER: Oh. How big it
16 is? That's what you want to show? Okay.

17 MS. MANNING: No, I'm showing that
18 that side is cut off and it's open at a certain
19 time. He said he had availability. He had
20 spaces of 300. That side is closed off and open
21 at a certain time.

22 CHAIRPERSON MILLER: Okay. All right.

1 Mr. Jones, did you have any comment about this
2 picture?

3 MEMBER SILVERSTEIN: I don't think he
4 has a right to unless he objects to it.

5 CHAIRPERSON MILLER: Well, excuse me.
6 Do you have any objection to this picture?

7 MR. JONES: I do.

8 CHAIRPERSON MILLER: Okay.

9 MR. JONES: What she's depicting at
10 6:30 a.m., the restaurant's not open and there's
11 no impact.

12 MEMBER SILVERSTEIN: Is it an accurate
13 picture, sir?

14 MR. JONES: It's an accurate
15 picture --

16 CHAIRPERSON MILLER: But is it
17 relevant?

18 MR. JONES: -- but it's not accurate
19 to the impact on the restaurant or the community
20 at 6:30 a.m. The pictures are accurate, but
21 there's -- I don't understand the impact on our
22 business or the community at 6:30 a.m. Nor do I

1 understand the impact of Exhibit 3 and --

2 (Simultaneous speaking)

3 CHAIRPERSON MILLER: We didn't get
4 there yet. We didn't get there yet. We have to
5 hold it, yes.

6 MR. JONES: So I don't --

7 CHAIRPERSON MILLER: Oh, sure. Yes.

8 MR. JONES: -- understand the impact
9 of the two photos.

10 MEMBER ALBERTI: Well, Ms. Miller, if
11 this is helpful in you making your decision, I
12 believe that Exhibit 2 will be helpful for me in
13 my examination.

14 CHAIRPERSON MILLER: Okay. Let's hold
15 on that then. It doesn't have to be admitted for
16 you to examine on it.

17 MEMBER ALBERTI: I think it does.

18 MEMBER SILVERSTEIN: I would humbly
19 ask that we --

20 MEMBER ALBERTI: I suggest we --

21 MEMBER SILVERSTEIN: -- understand
22 that this is an accurate picture of the parking

1 lot at some time and simply accept it and give it
2 the weight it deserves regarding how relevant it
3 might be or might not be.

4 CHAIRPERSON MILLER: If Board members
5 think it would be relevant to their decision
6 making, then I'll admit it.

7 MEMBER ALBERTI: I will tell you the
8 condition of it at 6:30 in the morning is not
9 relevant to me, but the physical nature of the
10 parking lot --

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: -- is relevant to --

13 (Simultaneous speaking)

14 MEMBER SILVERSTEIN: Precisely.

15 CHAIRPERSON MILLER: All right. Then
16 we'll admit it.

17 MEMBER RODRIGUEZ: Yes, the expanse.

18 CHAIRPERSON MILLER: All right.

19 MEMBER RODRIGUEZ: I think that's what
20 she was saying.

21 CHAIRPERSON MILLER: Okay. That's
22 fine. All right. Next? Exhibit 3.

1 MS. MANNING: So Exhibit 3, the reason
2 I used this -- I brought the exhibit in, because
3 in our -- before he made the comment, he was
4 talking to us that there wasn't any challenges at
5 this -- any problems at this location with
6 customers coming in. And this is one of the
7 examples shows where there is an -- someone's car
8 was broken into in broad daylight.

9 CHAIRPERSON MILLER: And how do we
10 know that?

11 MS. MANNING: It was June 4th. I
12 don't have the police report.

13 CHAIRPERSON MILLER: Right.

14 MS. MANNING: So the Freedom of
15 Information Act has amended to get that, but this
16 here is showing that it was in play. Those are
17 the officers there and those are the owners of
18 the car. And that shows the broken window.

19 MEMBER SILVERSTEIN: True.

20 CHAIRPERSON MILLER: I can't see a
21 broken window. Do you see a broken window?

22 MEMBER RODRIGUEZ: Is that the white

1 car?

2 MS. MANNING: It's the Honda Accord
3 where they're facing.

4 MEMBER ALBERTI: You mean the Honda
5 Accord with the hole in the window?

6 MS. MANNING: I mean, not the Honda
7 Accord. The Honda truck. It's a black truck.

8 MEMBER ALBERTI: Black. Right, with
9 the hole in the window?

10 MS. MANNING: Yes, the hole in the
11 window.

12 CHAIRPERSON MILLER: Where? Well,
13 your picture is much better than mine. Let's
14 see. There's a hole in the window? I still
15 can't see that.

16 MEMBER ALBERTI: Where's Waldo?

17 CHAIRPERSON MILLER: Okay. Yes,
18 whatever.

19 Okay. Mr. Jones, do you have an
20 objection to this exhibit?

21 MR. JONES: Yes, I do.

22 CHAIRPERSON MILLER: Okay.

1 MR. JONES: And my objection is this
2 happened at 12:00 noon. I was actually there
3 when it happened. And the patron left her laptop
4 in the back seat of the vehicle in plain view.
5 That could happen any place. And also this
6 incident happened when -- actually before -- they
7 got there early before we opened and they did --

8 CHAIRPERSON MILLER: This is at 12:00
9 noon?

10 MR. JONES: Yes, it was in the
11 afternoon. But it's accurate. I was there.

12 CHAIRPERSON MILLER: Okay. I
13 personally don't --

14 MR. JONES: It's an accurate picture,
15 but I don't know the relevance to --

16 CHAIRPERSON MILLER: I have no idea --

17 MR. JONES: -- our entertainment
18 endorsement --

19 CHAIRPERSON MILLER: Yes.

20 MR. JONES: -- and our business.

21 MS. MANNING: As I stated before, he
22 said there were no challenges that they had in

1 their parking lot or their location.

2 CHAIRPERSON MILLER: Okay.

3 MS. MANNING: They came out of that
4 restaurant.

5 CHAIRPERSON MILLER: Okay.

6 MS. MANNING: The restaurant was open
7 for -- the restaurant was open. The bar may not
8 have been open, but the restaurant was open.

9 CHAIRPERSON MILLER: Okay. We have
10 your testimony to that effect, but I mean I would
11 not -- I would tend not to admit this photo
12 because I don't think it's relevant unless some
13 Board member is going to tell me that it is going
14 to help them make their decision about whether or
15 not to grant an entertainment endorsement. Mr.
16 Jones?

17 MEMBER JONES: I would like to have it
18 admitted and give it the weight that it deserves
19 as part of my review and assessment of the --

20 (Simultaneous speaking)

21 CHAIRPERSON MILLER: For what purpose?

22 MEMBER JONES: For the purposes of

1 confirming what the Protestant is going to speak
2 to in terms of her testimony, which we haven't
3 heard yet, about the relevance of the evidence
4 that she's presenting for us to review.

5 CHAIRPERSON MILLER: Okay. Well, then
6 maybe we should wait for that then, for her to
7 give us the testimony for the relevance. I mean,
8 I understood the one about the expanse of parking
9 lot where, okay, we can look at that lot and it
10 will help us understand how big the lot was, but
11 no one's made an argument as to why a picture of
12 people in front of a car at 12:00 noon would
13 affect their decision on an entertainment
14 endorsement in the evening.

15 If you're going to make that
16 connection, I'll hold off on this.

17 MS. MANNING: Yes, I'm going to make
18 the --

19 MEMBER ALBERTI: I would just mention
20 if Mr. Jones does not challenge Ms. Manning on
21 any reference to an incident that occurred, then
22 we don't really need it in the record. But if

1 he's going to -- if he doesn't challenge her
2 testimony about the incident --

3 CHAIRPERSON MILLER: That's not true.

4 MEMBER SILVERSTEIN: -- that this
5 picture is showing, then we don't need it. But
6 if he's challenging it, then I think the picture
7 does become relevant.

8 CHAIRPERSON MILLER: Well, I don't
9 think so.

10 MEMBER ALBERTI: And so we'll need to
11 hear the testimony and the cross-examination. I
12 would say the easiest thing to do is to admit it.

13 CHAIRPERSON MILLER: Okay. Obviously
14 the Board members want the picture, but -- and we
15 can --

16 MEMBER RODRIGUEZ: Madam Chair?

17 CHAIRPERSON MILLER: -- I just -- I
18 think it's prejudicial also. I think it's just
19 -- you really don't know what to read from a
20 picture like this, so I see nothing about
21 entertainment that goes on in the night time that
22 people are standing in front of a car. And so

1 I --

2 MEMBER RODRIGUEZ: Madam Chair, I
3 think -- I'm sorry.

4 CHAIRPERSON MILLER: Yes, go ahead,
5 Mr. Rodriguez.

6 MEMBER RODRIGUEZ: I think it's Ms.
7 Manning's task to show the Board what relevance
8 this picture has to our decision. Could you
9 explain to me?

10 MS. MANNING: Yes, sir, I can. Thank
11 you.

12 MEMBER RODRIGUEZ: Okay.

13 MS. MANNING: My point, if types of
14 break-ins, whether the person left something on
15 the back seat or not, their car was broken into.
16 So if it's happened in broad day, can you imagine
17 what happens at night when the parking lot is
18 full.

19 CHAIRPERSON MILLER: Okay.

20 MS. MANNING: That's what I'm --

21 (Simultaneous speaking)

22 CHAIRPERSON MILLER: What's the

1 difference? What's going to -- what --

2 (Simultaneous speaking)

3 MS. MANNING: What I'm saying is
4 happening, it's going to happen all the time if
5 that parking lot is full. This was less -- this
6 is day time happening. So there's a lot of
7 things that happen at night, if you're talking
8 about an entertainment endorsement. We know
9 where entertainment happens in areas where they
10 don't have security such as this, this area here.

11 CHAIRPERSON MILLER: They have -- do
12 they not have security here?

13 MS. MANNING: They don't -- they --
14 this particular restaurant does not have the type
15 of outdoor security --

16 CHAIRPERSON MILLER: Okay.

17 MS. MANNING: -- because if security
18 was monitoring this area during the day, this
19 break-in would not have happened.

20 CHAIRPERSON MILLER: Okay. I'm not
21 going to admit it right now. And if later
22 there's testimony that brings the relevance, I'll

1 admit it then.

2 Next one?

3 MS. MANNING: The last exhibit was
4 showing -- so you can have an idea what the
5 actual hotel looks like --

6 CHAIRPERSON MILLER: Okay.

7 MS. MANNING: -- because a lot of
8 people thought this was a current hotel, a
9 modernized hotel, and it's not.

10 CHAIRPERSON MILLER: Right.

11 MS. MANNING: So because of the more
12 glass than anything for this, it's open air, more
13 of an open-air hotel.

14 CHAIRPERSON MILLER: Okay. I can
15 appreciate that.

16 MS. MANNING: So visual is more
17 important than anything so you have what you're
18 talking about.

19 CHAIRPERSON MILLER: Right. I can
20 appreciate that one.

21 Do you have any objection, Mr. Jones?

22 MR. JONES: No, I don't.

1 CHAIRPERSON MILLER: Okay. So that's
2 admitted as Exhibit No. 3.

3 Okay. Now you have some more
4 testimony that you would like to give, or have
5 you covered what you wanted to cover?

6 MS. MANNING: Sure. So my testimony
7 is the area has -- as we know, New York Avenue
8 and Bladensburg Road has always been an area
9 where there's been a lot of drug paraphernalia.
10 A lot of the entertainment endorsements are
11 there. We already have current -- the clubs have
12 always been protest.

13 We had a hotel that's no longer in
14 this area, and the reason why, it's the same
15 setup as this hotel that's now the Harbor Lights
16 where they had a restaurant that had an ABRA
17 license and it was all -- there were another set
18 of temporary residents in that particular hotel,
19 which was called the President's Inn. So some of
20 you all are too young to remember that, that area
21 of how that hotel was the residence. They had
22 the same type of restaurant, not of the same

1 name, but also a liquor license. And they had a
2 club atmosphere in there and drug paraphernalia
3 was passed through there. We had a crack history
4 on New York Avenue/Bladensburg Road.

5 We've asked for different things from
6 -- in the mediation from the representative for
7 this particular area because of the issues we're
8 having now with the Echostage, Stadium Club,
9 Bliss and The Scene. So that's why we in the
10 mediation --

11 CHAIRPERSON MILLER: Okay. Wait.
12 Okay? We're not supposed to get into what you
13 mediated or --

14 MS. MANNING: Okay. That's fine.

15 CHAIRPERSON MILLER: tried to mediate.
16 But what we do want to hear is -- it's almost the
17 same things. Like, what is it that you want
18 because -- what is it that you're concerned
19 about?

20 MS. MANNING: What the ANC is
21 concerned about, that if the lease is up on Panda
22 Gourmet and the T&L Investing Partner are still

1 into play, does that license go into safekeeping
2 or is T&L Investing going to open up to the wider
3 side of that restaurant? Do they take over the
4 whole restaurant and then it becomes what we have
5 known -- allegedly know in that area? That
6 restaurant, the bar side to go under the Gateway
7 Bar &

8 Grill? Our concerns is they're saying
9 that they're only on the bar side, which is 20
10 people, but the license is to the entire
11 establishment, correct? So if it goes -- but if
12 they're talking about just the bar being open for
13 just 20 people and they're only going to use a
14 sound play or their own -- the concern is will
15 you have a DJ that following -- DJs have
16 followings. As we know, Echostage have the
17 largest DJs coming, international DJs. DJs have
18 large followings. If you're having events with
19 people coming in having parties and stuff, what
20 -- you're saying it's only 20 seats in that area.
21 If you're having a party in there, someone will
22 say I want to come into your bar and have a

1 party, how are you going to the other side of the
2 restaurant? So those are our concerns.

3 You're talking about DJ. You're
4 saying special nights. You're saying -- you're
5 not being specific on the nights of your karaoke
6 nights. So karaoke in most places are a certain
7 night. How are you operating that? If the
8 residents have to be -- has to be in their rooms
9 at a certain time, we ask that you -- our concern
10 is are you respecting the same time that they
11 have to be in because of the style of the hotel?
12 So if they have a curfew, then that side of the
13 restaurant should -- that side of the hotel,
14 since that's part of -- that is part of the Days
15 Inn, that should also have a curfew as well.

16 Because of the trash that is there.
17 That is -- D.C. -- the trash, the parking and the
18 noise is what our main concern is. Because when
19 you -- a playlist is something different.
20 Because if I take Panda out on my phone and play
21 it, that's a playlist, correct? You're not
22 modern -- you're not tech --

1 (Laughter)

2 MS. MANNING: So if have my iPhone
3 out --

4 (Laughter)

5 MS. MANNING: No, and I'm not trying
6 to by funny, but I'm just trying to give you some
7 visual to understand. Because when we say a
8 playlist, if Panda will play on my phone, that's
9 a playlist. If I say Muzak, Muzak is the music
10 plays in a retail store. It's continuous music
11 that goes on. You can buy Muzak CDs that sound
12 operation in different things. But if you're
13 saying I'm going to -- are you with me?

14 MEMBER JONES: Yes, ma'am.

15 MS. MANNING: Okay.

16 MEMBER ALBERTI: Yes, absolutely.

17 MS. MANNING: Okay. I just want to --

18 MEMBER SILVERSTEIN: Sure.

19 MS. MANNING: Because things have
20 changed just so much, because a DJ, either he's
21 going to come with a laptop or he's going to come
22 with a turntable. Are you -- because you're --

1 CHAIRPERSON MILLER: Yes, I do. I do.

2 MS. MANNING: Okay. No, because
3 you've been giving me this look. So I just --

4 CHAIRPERSON MILLER: Well, I'm trying
5 to figure out --

6 MS. MANNING: No, I mean, but I'm not
7 trying to go --

8 (Simultaneous speaking)

9 MS. MANNING: -- because you --
10 because what that's -- because the DJ definition
11 has changed tremendously. So if I come in with
12 woof speakers and Bose speakers and things, that
13 building -- when we look at the visual of this
14 building, that building is not soundproof. You
15 have to again understand where the restaurant
16 sits, it sits on one side. Yes, the residents on
17 another side. The bar room sits up top. But the
18 booming of that going through -- because it does
19 go through a lobby, because when you go through
20 the restaurant, there's a door to go into the
21 lobby. That's an outdoor-type situation. So
22 that is not soundproof because you have glass

1 doors that continue on. So we know that sound
2 travels. So those are the concerns.

3 So when you look at playlists, DJ,
4 private parties in this area, in this location,
5 their statement -- T&L Investing Group's
6 statements were about they only had 20 spaces;
7 that's very small space, where they're talking
8 about the bar. Will you add onto the larger
9 portion of the restaurant where Panda Gourmet is
10 -- all of that is there? Do they go into that --
11 do the overflow go into that area? So how are
12 you managing that?

13 How is that sound -- how is the crowd
14 being managed and you're saying you want to take
15 away -- you say he -- the concern is how do -- if
16 you're playing music, most people do tap their
17 feet. But if you hear your good -- if you hear
18 your song, you're going to dance. I mean, that's
19 most -- that's the nature of the -- that's nature
20 in itself. So those type of concerns we have and
21 how you define your DJ, your karaoke, because
22 karaoke -- some people do it by a tap of a finger

1 of a laptop.

2 CHAIRPERSON MILLER: Okay.

3 MS. MANNING: And the sound --

4 CHAIRPERSON MILLER: Okay.

5 MS. MANNING: -- the speakers --

6 CHAIRPERSON MILLER: Okay. So I hear

7 your concerns and I think we want to see if they

8 can be addressed here or if we can zero in on

9 them a little bit. Okay. So it's my --

10 MEMBER SILVERSTEIN: Is she finished

11 her testimony?

12 MS. MANNING: No.

13 CHAIRPERSON MILLER: Oh, sorry.

14 MS. MANNING: No, she -- no, that's

15 fine. And the time of the curfew, most

16 importantly. If the residents have a curfew, I

17 think that --

18 CHAIRPERSON MILLER: Sorry.

19 MS. MANNING: -- the restaurant should

20 also respect that curfew and follow it as well

21 until that situation gets better at that hotel.

22 CHAIRPERSON MILLER: Okay. I didn't

1 mean to interrupt you.

2 MS. MANNING: That's fine. You've
3 been doing it all day. I'm not taking it
4 personally.

5 CHAIRPERSON MILLER: Oh, good. Okay.
6 Curfew, number one. Have you spoken with any of
7 the --

8 MEMBER ALBERTI: Does Mr. Jones --
9 (Simultaneous speaking)

10 CHAIRPERSON MILLER: Oh, sorry. I'm
11 getting tired. I'm sorry, Mr. Jones. I was out
12 of order. You are next.

13 MEMBER SILVERSTEIN: You want to
14 question Ms. Manning?

15 CHAIRPERSON MILLER: You're next to
16 cross-examine.

17 MEMBER ALBERTI: Yes, but he has to
18 cross-examine Ms. Manning on her testimony.

19 CHAIRPERSON MILLER: Maybe we should
20 take a break soon.

21 MEMBER ALBERTI: You want to take a
22 break? That would be good.

1 CHAIRPERSON MILLER: Is that what --
2 you all want to take a break for a minute?

3 MS. MANNING: Go to the bathroom.

4 CHAIRPERSON MILLER: Yes, okay. I
5 thought we were going to be done sooner so I
6 didn't break earlier. But let's take a break.
7 Ten minutes or so? Okay.

8 (Whereupon, the above-entitled matter
9 went off the record at 5:21 p.m. and resumed at
10 5:38 p.m.)

11 CHAIRPERSON MILLER: All right. I
12 guess we'll start.

13 We left off, I think Mr. Jones had the
14 floor for cross-examination of Ms. Manning. Do
15 you have cross-examination?

16 MR. JONES: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. JONES: Ms. Manning, is it your
19 understanding that a disc jockey cannot
20 manipulate music that is on a playlist from
21 Pandora or any other form of playlist?

22 MS. MANNING: I don't understand your

1 question.

2 MR. JONES: My question is if a disc
3 jockey is employed and is using a playlist, is it
4 your understanding that that disc jockey cannot
5 manipulate that playlist from Pandora or any
6 other form of a playlist?

7 MS. MANNING: No, a disc jockey can
8 manipulate it.

9 MR. JONES: May I address the Board in
10 reference to that?

11 CHAIRPERSON MILLER: You'll have
12 your --

13 MR. JONES: That's not accurate.

14 CHAIRPERSON MILLER: Okay. No.
15 You'll have a chance --

16 MR. JONES: Okay.

17 CHAIRPERSON MILLER: -- later. One
18 more chance. Yes.

19 MR. JONES: I have no other questions.

20 CHAIRPERSON MILLER: You have another
21 question for Ms. Manning or for --

22 MR. JONES: Yes, I have one more

1 question.

2 CHAIRPERSON MILLER: Okay. Go ahead.

3 Go right ahead. Yes.

4 MR. JONES: Under what understanding
5 do you have that the Days Inn in is not
6 soundproof?

7 MS. MANNING: That Days Inn -- what
8 proof do I have?

9 MR. JONES: Yes.

10 MS. MANNING: The year that it was
11 built.

12 MR. JONES: Which was?

13 MS. MANNING: That Days Inn was built
14 -- I'm not accurate of the date, but that Days
15 Inn and that bar room -- with that bar room and
16 everything in it was done before soundproofing
17 came in play.

18 MR. JONES: You've worked at the hotel
19 before?

20 MS. MANNING: Yes.

21 MR. JONES: So you're familiar with
22 the requirements of soundproofing of hotels and

1 ballrooms?

2 MS. MANNING: Yes.

3 MR. JONES: No other questions.

4 MS. MANNING: Can I -- I need to add
5 onto that before you say no further questions.
6 The hotels I worked at are current hotels that
7 were built in 2015. So I worked for the Marriott
8 and the Holiday Inn. And for the record those
9 standards have changed from the time you're
10 talking about. The Days Inn that was built in
11 the late '60s and '70s to something that was
12 built in 20 -- that hotel came up in 2005. The
13 structural requirements are totally different
14 from then to now.

15 MR. JONES: So it is your testimony
16 that soundproofing was not in effect in the '70s?

17 MS. MANNING: The requirements are
18 totally different, sir, of the standard, that
19 hotel.

20 MR. JONES: Is it your testimony --

21 MS. MANNING: That --

22 MR. JONES: -- that soundproofing --

1 MS. MANNING: I don't understand --

2 MR. JONES: -- was not --

3 MS. MANNING: No, that's not --

4 MR. JONES: -- available in the '70s?

5 MS. MANNING: -- what your original
6 question. That's not your original question.

7 CHAIRPERSON MILLER: Okay. He's
8 asking a question. Whatever, he's asking a
9 question now with --

10 MR. JONES: Another question based
11 on --

12 MEMBER ALBERTI: Mr. Jones, can you
13 clarify your question?

14 MR. JONES: Yes, I'm asking her --

15 MEMBER ALBERTI: Wait, wait.

16 MR. JONES: Well --

17 MEMBER ALBERTI: Your question was is
18 it your testimony that soundproofing wasn't
19 available? Available where?

20 MR. JONES: Anywhere.

21 MEMBER ALBERTI: Available in
22 airplanes? Available --

1 MR. JONES: Her argument --

2 MEMBER ALBERTI: No, I don't -- well,
3 no -- okay. So anywhere? Okay. What's your
4 question?

5 MR. JONES: Anywhere, for that matter.

6 MEMBER ALBERTI: Okay. Fine. That's
7 your question.

8 MS. MANNING: Are we speaking to
9 specific to the Days Inn or anywhere?

10 MEMBER ALBERTI: No, he said anywhere.

11 MS. MANNING: Anywhere?

12 MR. JONES: That's right.

13 MS. MANNING: Anywhere? Anywhere
14 there was no soundproofing back then to the date
15 of that hotel. Because I can only answer for
16 that because I don't understand your question.

17 MR. JONES: Well, the statement --

18 MS. MANNING: I --

19 MR. JONES: Is your statement that
20 soundproofing did not exist in the '70s when that
21 hotel was built?

22 MS. MANNING: I said that particular

1 hotel does not have soundproofing. I did not say
2 soundproofing did not exist in the '70s. I said
3 that particular hotel.

4 MR. JONES: You've seen the building
5 plan to suggest that there was no soundproofing?

6 MS. MANNING: I've seen --

7 MR. JONES: I beg -- you have?

8 MS. MANNING: I have not seen the
9 current information on that -- the Days Inn.

10 MR. JONES: Okay. Thank you. I have
11 no other questions.

12 CHAIRPERSON MILLER: Okay. Board
13 questions?

14 MEMBER RODRIGUEZ: Yes. Ms. Manning,
15 in your documents you presented a letter from
16 Douglas Development.

17 MS. MANNING: Yes, sir.

18 MEMBER RODRIGUEZ: And my question is
19 there's a paragraph here. Let me quote, okay?
20 Let me wait until you get to your document.

21 MS. MANNING: Go ahead. I'm familiar
22 with it. Go ahead.

1 MEMBER RODRIGUEZ: Yes. "As an
2 adjacent property owner at" -- this is from Mr.
3 Paul Millstein, Vice President of Construction,
4 Douglas Development. "As an adjacent property
5 owner at New York Avenue and Bladensburg Road
6 across the street from the Applicant we believe
7 this change in licensing will adversely affect
8 the neighborhood as well as the future
9 development of our site."

10 Tell me why you brought this letter as
11 part of your presentation. Mainly are they --
12 how large is the area, number one, in front? And
13 are they planning to develop any housing, and how
14 far from now?

15 MEMBER ALBERTI: Ms. Miller, I've got
16 a problem here because this hasn't been admitted.
17 Has it?

18 CHAIRPERSON MILLER: Okay. It doesn't
19 have to be admitted.

20 MEMBER ALBERTI: Has it been admitted?

21 CHAIRPERSON MILLER: It doesn't have
22 to be admitted.

1 MS. MANNING: This is part of my --

2 CHAIRPERSON MILLER: It's been

3 presented to us --

4 MS. MANNING: It has been presented.

5 CHAIRPERSON MILLER: -- and it may or

6 may not be admitted. You have to move it --

7 MEMBER ALBERTI: It was part of the

8 PIF, but I haven't even --

9 CHAIRPERSON MILLER: It doesn't --

10 MEMBER ALBERTI: -- known that the

11 Applicant wanted to submit it to this hearing.

12 MS. MANNING: Well, we were talking

13 and I got interrupted on several occasions. I

14 was trying to go over this. She went over my

15 pictures, the Chair.

16 CHAIRPERSON MILLER: Correct.

17 MS. MANNING: So she --

18 CHAIRPERSON MILLER: Can we get this

19 in the record at least?

20 MS. MANNING: Sure.

21 MEMBER ALBERTI: If we're going to

22 delve into it, I think we need to have it on the

1 record.

2 MEMBER SILVERSTEIN: As a matter of
3 procedure we must.

4 CHAIRPERSON MILLER: Okay. Enough.
5 You attached it to your PIF.

6 MS. MANNING: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MS. MANNING: And I wanted to submit
9 it, but you -- as I was --

10 CHAIRPERSON MILLER: Now --

11 MS. MANNING: -- I hate to use the
12 word, as I was rudely interrupted every time I
13 had something to go on and then you started the
14 conversation to go on, to move this hearing
15 forward. I was trying to submit this.

16 CHAIRPERSON MILLER: Okay. I missed
17 it. And I don't believe I rudely interrupted
18 you, but if that's the way you're going to
19 characterize it, that will be on the record. is
20 there any other document that you attached to
21 your PIF that you intend to submit into evidence
22 or offer into evidence.

1 MS. MANNING: This is it. This is it.

2 CHAIRPERSON MILLER: This is it. Has
3 Mr. Jones seen this letter, if you're going to
4 offer it into evidence?

5 MS. MANNING: Yes, he --

6 CHAIRPERSON MILLER: I understand you
7 all did not share your documents ahead of time.

8 MS. MANNING: He just got a copy of
9 it.

10 CHAIRPERSON MILLER: All right. So
11 let's take a moment then for Mr. Jones to read
12 the letter. Is this is obviously a letter that
13 caught Mr. Rodriguez' attention right from the
14 start.

15 MR. JONES: I object to this being
16 admitted.

17 CHAIRPERSON MILLER: Okay. And what's
18 the basis of your objection?

19 MR. JONES: The basis of the objection
20 is Douglas Development is far away, their
21 offices. And their offices that are adjacent are
22 not their corporate offices, which is excess of

1 500 feet. Their office is staging, if you will.
2 Now, granted they have leased other property
3 which is past the school, but there is no impact.
4 And I suggest that they wrote this letter to
5 curry favor for Ms. Manning because she is the
6 incumbent ANC --

7 MEMBER SILVERSTEIN: Well --

8 (Simultaneous speaking)

9 CHAIRPERSON MILLER: Just a minute.

10 Just a minute, everybody. Go ahead.

11 MR. JONES: Because she is the
12 incumbent ANC of where they are proposing
13 projects. Now, I don't know if those projects
14 are commercial or residential. And I suggest
15 this letter should not be admitted for those
16 bases.

17 CHAIRPERSON MILLER: Okay. Now, Ms.
18 Manning, do you have a response to that?

19 MS. MANNING: Even though I am the
20 current sitting ANC Single Member District
21 representative, we have been here in the past for
22 that same area of that -- if you look at your

1 investigator's form like this, it shows the area
2 behind the Washington School of Math School
3 that's there with the Taco Bell. That land sits
4 back there. We were here previously before.
5 That was the same land that was cited for the
6 Walmart with mixed use and the other restaurant.

7 The letter that Douglas Development is
8 talking about, he's talking about that land that
9 the Washington Math and Science is sitting on,
10 the school itself. That if you look at the
11 Office of Planning, it shows it's for mixed use
12 meaning residential and retail space. This area
13 was a blighted property because of all of the
14 history of New York Avenue. And what they're
15 talking about, it will be an impact on the future
16 -- on that area because of them trying to get --

17 CHAIRPERSON MILLER: Okay.

18 MS. MANNING: -- retailers to go -- to
19 build houses over there.

20 CHAIRPERSON MILLER: All right.

21 MEMBER SILVERSTEIN: Are you
22 questioning, Mr. Jones, the authenticity of the

1 letter?

2 MR. JONES: I'm not questioning the
3 authenticity. I'm questioning the intention of
4 Mr. Millstein and Douglas Development --

5 CHAIRPERSON MILLER: Okay.

6 MR. JONES: -- why they would write
7 such a letter. And my additional question is
8 have they ever opposed any other in this
9 community? Is there a document or a letter that
10 they've opposed any other --

11 CHAIRPERSON MILLER: Okay.

12 MEMBER SILVERSTEIN: I would ask both
13 sides the question: What is currently on the
14 property that they own that is closest to -- what
15 is its current use?

16 MS. MANNING: The current use now,
17 they've just cleaned it off and the tarp is up.

18 MEMBER SILVERSTEIN: They've cleaned
19 it off and?

20 MS. MANNING: The tarp is up to --
21 where the --

22 MEMBER SILVERSTEIN: Oh, it is

1 currently unused?

2 MS. MANNING: It's a unused lot,
3 because it's --

4 (Simultaneous speaking)

5 MEMBER SILVERSTEIN: Mr. Jones, is
6 that correct?

7 MR. JONES: It is a vacant unused lot.

8 MEMBER ALBERTI: Ms. Miller?

9 CHAIRPERSON MILLER: Yes, do you have
10 a comment? Yes?

11 MEMBER ALBERTI: I've listened to both
12 sides --

13 CHAIRPERSON MILLER: What's your
14 comment?

15 MEMBER ALBERTI: -- and I think that
16 Mr. -- the only argument that Mr. Jones can make
17 is relevancy. I mean, the intention is not part
18 of whether we should accept that exhibit or not.
19 It's relevancy. He has argued that it is not
20 relevant. I disagree. I think that Commissioner
21 Manning has shown that it is relevant.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER ALBERTI: It has the problems
2 of being hearsay, and so we take -- Commissioner
3 Manning I think is well aware of how we treat
4 those. We give them lesser weight because they
5 are hearsay. But I think it is relevant and I
6 think I would recommend that we accept it --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- and move it into
9 evidence.

10 CHAIRPERSON MILLER: I think it's
11 relevant because it relates to residential
12 development supposedly nearby, and we'll give it
13 the weight that it is worth given whatever. You
14 can ask questions on it now given the hearsay and
15 the --

16 MEMBER RODRIGUEZ: I have no more
17 questions on that, ma'am.

18 CHAIRPERSON MILLER: You don't? Did
19 you ask your question?

20 MEMBER RODRIGUEZ: I just wanted to
21 make sure that -- well, basically what is --
22 okay. Let me let you answer that. What is the

1 relevance of this exhibit?

2 MS. MANNING: The relevance of this
3 exhibit is that this developer is trying to bring
4 --

5 MEMBER RODRIGUEZ: I'm sorry, could
6 you repeat that? I didn't hear. There was a
7 sneeze there.

8 MS. MANNING: The relevance is that
9 the developer is trying to build up the community
10 by bringing in fine dining. D.C. is in a state
11 of emergency of affordable housing, as we all
12 know. But not only that, but build up New York
13 Avenue, to make it the best gateway that it is.
14 If we continue to put -- add potential locations
15 that could come into a club or a lounge, this is
16 going to affect this area tremendously because of
17 already the over-saturation with the current
18 clubs with no -- the parking issue.

19 MEMBER RODRIGUEZ: Okay. Ms. Manning,
20 my second question is related to this. Do you
21 have any information that you can share with us
22 as to how far down the pike this development will

1 take place?

2 MS. MANNING: This development plans
3 to break ground in 2016. They are in the process
4 with the Office of Planning. We just had -- for
5 them to be approved for the zoning to go back to
6 the mixed use, residential and commercial retail.
7 So with that being said, this will start in 2016.

8 MEMBER RODRIGUEZ: And you have
9 evidence to this Board on that?

10 MS. MANNING: I don't have it on me,
11 but I can get you the full --

12 MEMBER RODRIGUEZ: Can you provide
13 that to us?

14 MS. MANNING: I can get you the full
15 plan of this.

16 MEMBER RODRIGUEZ: Thank you. I don't
17 have any more questions.

18 CHAIRPERSON MILLER: I think that
19 might also be in the public realm.

20 MS. MANNING: It's in the public
21 records.

22 MEMBER RODRIGUEZ: Thank you.

1 CHAIRPERSON MILLER: The zoning
2 records? Okay. All right. Mr. Silverstein?

3 MEMBER SILVERSTEIN: Thank you, Ms.
4 Manning, and thank you for your service.

5 MS. MANNING: Thank you. You're
6 welcome.

7 MEMBER SILVERSTEIN: You were saying
8 that the restaurant lounge should somehow
9 synchronize itself with the curfews of the
10 residential component here.

11 MS. MANNING: Yes.

12 MEMBER SILVERSTEIN: What are you
13 saying should happen and at what times? And how
14 does this affect folks who just simply want to
15 come to a restaurant?

16 MS. MANNING: So what we understand is
17 that the restaurant and the bar are separate.
18 They may order drinks and stuff. And that
19 restaurant with their last customer in there,
20 that side shuts down, that kitchen shuts down.
21 So that bar is operating on itself. It's just
22 that separate side, which is just half of that.

1 So that's 20. Let's say this is the bar side and
2 this side is the restaurant side. So once this
3 side shuts down, that bar continues on. So
4 they're not -- normally if -- there's no
5 consistency in the restaurant and the bar. So if
6 the bar is something separate that's going to
7 continue on, I believe that they should be in
8 balance with the guidelines that DHS have now for
9 what's going on there. And that kind of calms --
10 keeps a clear understanding of what's happening
11 there.

12 Because if T&L Management or
13 Investment, however that's operating, one -- the
14 right doesn't know what the left is doing, then
15 there's no consistency in what's going -- the
16 managing property there because if you're saying
17 the Days -- DHS only have one side of that and
18 the parking issues block down and they don't have
19 the traffic, the noise there, if they're putting
20 all the sound and this noise, whatever, the
21 operating of the music and stuff like that. In
22 the current license, the owners are saying, well,

1 they don't have any patrons until they close
2 about 11:00 or 12:00, then they -- if they're
3 closing at 11:00 or 12:00, then everything else
4 should stop at that time. It should close.

5 MEMBER SILVERSTEIN: This is the bar
6 or the restaurant, or both?

7 MS. MANNING: The restaurant close
8 about 9:00, 10:00 if they have any more -- any
9 people in there eating that late. A lot of the
10 people come to the restaurant come -- they're
11 between that 11:00 until about 6:30, 7:00.

12 MEMBER SILVERSTEIN: So they should be
13 -- well, they have hours anyway.

14 MS. MANNING: Right, they --

15 MEMBER SILVERSTEIN: So you can't --

16 MS. MANNING: Yes, I don't -- right.

17 MEMBER SILVERSTEIN: -- demand that.

18 MS. MANNING: I can't sit here and say
19 what their hours are, but if you look at the
20 traffic, that traffic that's done there --

21 MEMBER SILVERSTEIN: Okay. Now --

22 MS. MANNING: -- that part. But what

1 we're getting into the liquor license because the
2 concern is about the endorsement side of that and
3 what that's going to bring into that area with
4 the rest of that that's there.

5 MEMBER SILVERSTEIN: Mr. Jones'
6 testimony to us was that there are maybe 75
7 people in there at any given time, not over the
8 course of a night, but at peak; that it holds 99.
9 And that when -- if he gets an entertainment
10 endorsement, it will still be 75. His testimony
11 was that he simply wants to keep the customers he
12 has. I want to give you the opportunity to tell
13 me what you think of that and also what you think
14 of his numbers, both the 75 then and the 75 in
15 the future.

16 MS. MANNING: So when you're talking
17 about the 75, if he's talking about the
18 restaurant side or he's talking about the bar
19 side where he manage? Because then you're
20 talking about --

21 MEMBER SILVERSTEIN: My understanding
22 was he was talking about both.

1 MS. MANNING: You can't combine that
2 because a lot of times there's not a lot --
3 that's not consistent. So what I'm saying is if
4 he's saying he's not looking to expand that, we
5 know when you have other things like music and
6 stuff like that, that's going to bring more, that
7 makes it more attractive. And that's with any
8 restaurant, that if they're -- during the day
9 they're a restaurant and at night that crowd
10 changes to something else because it's live
11 entertainment. The demeanor changes. That's not
12 the norm of a restaurant staying at 75.

13 I'm sure from you all's experience you
14 know that the crowd grows larger. It's the same
15 as any place that has the DJ. Or you're saying a
16 special guest act. He's talking about jazz band
17 coming. They come with their own crowd because
18 you're advertising that. Like when they threw
19 out T.I. and whoever, Jay-Z, Lil Wayne, whoever
20 comes. They come with their own following. So
21 of course your numbers are going to increase
22 instead of decrease. They're not going to stay

1 the same.

2 And if you're saying you're going to
3 try to keep your customers, you're going to do
4 something to keep those current customers that
5 you have, not to lose them, and to increase them
6 having more to come to make you attractive.
7 That's what the business -- this is what business
8 is about when you're have an entertainment
9 endorsement. It's to add and to bring. You're
10 trying to attract more.

11 MEMBER SILVERSTEIN: Now he saying
12 there's 75 before in their max now in general.
13 Do you accept that number or do you feel there
14 are more or fewer now, or do you know?

15 MS. MANNING: There's going to be
16 more.

17 MEMBER SILVERSTEIN: No, I'm saying
18 right now without the entertainment endorsement.

19 MS. MANNING: I feel like it's
20 conflicting.

21 MEMBER SILVERSTEIN: Pardon?

22 MS. MANNING: I have a sense of that

1 being conflicting.

2 MEMBER SILVERSTEIN: Okay. And how
3 many do you think there would be with -- you
4 think it would be up 99 with the --

5 MS. MANNING: It would go beyond
6 capacity, because then he mentioned there is a
7 smaller room that they have for private
8 functionings.

9 MEMBER SILVERSTEIN: So how many more
10 people? You think you're looking at 30, 40?

11 MS. MANNING: It would increase. That
12 would be hard to say. It depends on what he
13 brings in, who has their following. A lot of
14 people -- you're not going to bring in somebody
15 that's a slouch because your goal is to make
16 money and to bring the attraction of why I'm here
17 at this location.

18 MEMBER SILVERSTEIN: Okay.

19 MS. MANNING: Am I making sense?

20 MEMBER SILVERSTEIN: Yes, you are.

21 MS. MANNING: If I was --

22 MEMBER SILVERSTEIN: I understand what

1 you're saying, yes.

2 MS. MANNING: -- an owner, I'm going
3 to look to increase my dollars, my revenue coming
4 in to my establishment. No one gets in business
5 just to say -- no one gets into business to
6 flatline, especially when you're talking about --

7 MEMBER SILVERSTEIN: Or to hold on,
8 yes, if you're losing it.

9 MS. MANNING: Yes, you want to hold,
10 but you want to increase.

11 MEMBER SILVERSTEIN: Now, don't read
12 anything into this. This is a question I ask all
13 the time.

14 MS. MANNING: Sure.

15 MEMBER SILVERSTEIN: But the question
16 is always assume that we grant the entertainment
17 endorsement, but we did do so with conditions.
18 What would the conditions be that you would want
19 or that would make this most palatable or most
20 livable for you?

21 MS. MANNING: That the voluntarily
22 agreement is done with the ANC and not with the

1 ABRA, that the voluntary agreement has
2 stipulations of the time.

3 MEMBER SILVERSTEIN: It wouldn't be a
4 voluntary agreement. It would be our --

5 MS. MANNING: Right.

6 MEMBER SILVERSTEIN: -- Board order.

7 MS. MANNING: But I'm just saying you
8 asked me.

9 MEMBER SILVERSTEIN: Yes.

10 MS. MANNING: What I heard from your
11 question --

12 MEMBER SILVERSTEIN: Yes.

13 MS. MANNING: -- what will be my --
14 (Simultaneous speaking)

15 MEMBER SILVERSTEIN: Yes, I mean if
16 you were to say that they can't play --

17 MS. MANNING: They can't play --

18 MEMBER SILVERSTEIN: -- music to a
19 certain level --

20 MS. MANNING: They can't play the
21 music --

22 MEMBER SILVERSTEIN: -- or they can't

1 operate after --

2 MS. MANNING: Right, there --

3 (Simultaneous speaking)

4 MEMBER SILVERSTEIN: -- 3:00 in the
5 afternoon or --

6 MS. MANNING: 11:00. And if there's
7 parking, it needs to be assigned parking for the
8 patrons. Those have to be valid parking spaces
9 for --

10 MEMBER SILVERSTEIN: That's it?

11 MS. MANNING: No. They would have to
12 do reversible detail with -- the reversible
13 police detail.

14 MEMBER SILVERSTEIN: RDO?

15 MS. MANNING: Yes. Yes.

16 MEMBER SILVERSTEIN: When?

17 MS. MANNING: Every night that they're
18 open.

19 MEMBER SILVERSTEIN: Whether they have
20 entertainment or not?

21 MS. MANNING: That's right.

22 MEMBER SILVERSTEIN: Good luck with

1 that.

2 (Laughter)

3 MS. MANNING: Well, I'm just -- you
4 asked me.

5 MEMBER SILVERSTEIN: Yes, I asked the
6 question. I'm sorry.

7 MS. MANNING: You asked me, so I'm
8 being honest --

9 MEMBER SILVERSTEIN: Yes, I opened the
10 door.

11 MS. MANNING: -- with you because
12 Echostage has every time that they're open.

13 MEMBER SILVERSTEIN: No, often it's
14 when somebody has entertainment or something.

15 MS. MANNING: No. Right, but we're
16 talking about an area that needs to be deemed to
17 night life area. So and I'm not saying this to
18 be rude to anyone, but if you ever get the
19 opportunity to come out and see it for yourself,
20 then you'll understand some of the concerns that
21 are being made by residents and business owners
22 and the like in that area.

1 So this, me, don't take me out. Take
2 me, the resident of the -- me being a resident of
3 the Arboretum community, me being the Single
4 Member District representative out of the
5 equation. I'm talking about an area that is
6 vitally impact by everything, that has a long
7 overdue outcome that should be representative of
8 the gateway of the District of Columbia. It is
9 actually sort of the number one major
10 thoroughfare in the city, the worst one in the
11 United State of America.

12 MEMBER SILVERSTEIN: Number one
13 thoroughfare of what?

14 MS. MANNING: Of D.C. It's the main
15 traffic rush hour --

16 MEMBER SILVERSTEIN: You mean the
17 artery in and out --

18 MS. MANNING: Yes.

19 MEMBER SILVERSTEIN: -- for
20 pedestrians and --

21 MS. MANNING: Yes, it's a main artery.
22 It has everything. It hits 395, it hits Route

1 50, it hits -- you're less than 15 minutes from
2 the Capitol grounds walking it. So you're
3 talking about an area you could walk as -- the
4 walkability of that and the change of that. So
5 these are why -- this is why some of the concerns
6 are there.

7 MEMBER SILVERSTEIN: Thank you, ma'am.
8 No further questions.

9 CHAIRPERSON MILLER: Others? Other
10 questions? Mr. Alberti?

11 MEMBER ALBERTI: Yes. Commissioner
12 Manning, I just want to make a clarifying point
13 for you, because I'm not sure you understand the
14 correct conditions of their license. And this is
15 just for your -- to let you know. Their kitchen
16 has to stay open up until two hours until they
17 close. So if they close at 1:00, their kitchen
18 has to be open until 11:00. And that's just the
19 requirements of their restaurant license, whether
20 or not they have entertainment endorsement or
21 not. So I'm just letting you know.

22 MS. MANNING: All right.

1 MEMBER ALBERTI: And also their
2 license limits them to a total occupancy of 99
3 patrons. Just so you know. Regardless of what
4 we do here, those conditions exist. That's their
5 current license and that will continue. So if
6 they want to increase their occupancy to 150,
7 they'd have to apply for a change. Just letting
8 you know.

9 Now I have a question about your
10 Exhibit 2 and our Exhibit No. 6. So can you pull
11 those up? They are similar portions. I mean,
12 they're showing similar things. Basically
13 they're showing a booth and the entryway where
14 the entrance is sort of monitored for certain
15 residents of the hotel.

16 CHAIRPERSON MILLER: Which exhibits?

17 MEMBER ALBERTI: Exhibit 6 in the
18 investigator's report and --

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: -- I think
21 Commissioner Manning's Exhibit 2. Do you have
22 both of those?

1 MS. MANNING: Yes, sir.

2 MEMBER ALBERTI: Okay. So my
3 understanding is that if you look at our Exhibit
4 6, it shows a booth right there and off to the
5 left there are some cones. All right?

6 MS. MANNING: Yes.

7 MEMBER ALBERTI: And in your Exhibit
8 2 there are some cones. Is that where the booth
9 is right there by the sign?

10 MS. MANNING: Yes, sir.

11 MEMBER ALBERTI: The booth is right
12 there by the sign?

13 MS. MANNING: Yes, sir.

14 MEMBER ALBERTI: Okay. So what's your
15 understanding -- so during the evening hours have
16 you observed what happens in the evening hours at
17 that checkpoint?

18 MS. MANNING: Yes, they're checking
19 IDs. The officer gets out, check the IDs for the
20 residents going in.

21 MEMBER ALBERTI: So if I was a patron,
22 would I -- and this is your understanding. If I

1 was a patron of the restaurant, would I be able
2 to pass through?

3 MS. MANNING: No, sir.

4 MEMBER ALBERTI: Okay. No, I would
5 not?

6 MS. MANNING: No, sir.

7 MEMBER ALBERTI: That's your
8 understanding?

9 MS. MANNING: That's my understanding.

10 MEMBER ALBERTI: Okay. Because that's
11 different -- you heard --

12 MS. MANNING: Yes, sir.

13 MEMBER ALBERTI: -- Mr. Jones'
14 testimony that anybody can go back there.

15 MS. MANNING: Right. You cannot.

16 MEMBER ALBERTI: Okay.

17 MS. MANNING: I have a government ID.
18 They wouldn't even let me back there because they
19 said they weren't -- I'm not part of the --

20 (Simultaneous speaking)

21 MEMBER ALBERTI: Have you tried to go
22 back there one day?

1 MS. MANNING: Yes, sir. This is --

2 MEMBER ALBERTI: And they told you you
3 couldn't?

4 MS. MANNING: Yes, sir.

5 MEMBER ALBERTI: Okay. Thank you. So
6 those 240 spots back there you say are restricted
7 to the residents of the hotel?

8 MS. MANNING: Yes, sir.

9 MEMBER ALBERTI: According to your
10 understanding?

11 MS. MANNING: According to my --

12 MEMBER ALBERTI: According to your
13 experience?

14 MS. MANNING: According to my
15 experience that's what was said to me. Okay.
16 Thank you for that testimony.

17 Now you testified about -- and I
18 probably even shouldn't go there. You testified
19 about soundproofing. That's just your opinion,
20 right?

21 MS. MANNING: That's my opinion.

22 That's what I'm to understand from the history of

1 that hotel.

2 MEMBER ALBERTI: Okay. Okay. No, no,
3 no. I'm not --

4 MS. MANNING: No, no. I'm just --

5 MEMBER ALBERTI: I'm not questioning
6 it. I just want to understand the basis of it.

7 MS. MANNING: No, no. I don't know
8 what you're reading to say that, but --

9 MEMBER ALBERTI: I just want to --

10 (Simultaneous speaking)

11 MS. MANNING: -- I'm -- right.

12 MEMBER ALBERTI: Because on the other
13 side I don't have any evidence either. I mean, I
14 haven't -- no one's showing me plans, no one's
15 showing me expert testimony. So I just want to
16 understand the basis --

17 MS. MANNING: Sure.

18 MEMBER ALBERTI: -- of what I'm
19 hearing.

20 MS. MANNING: Sure.

21 MEMBER ALBERTI: Thank you,
22 Commissioner Manning.

1 MS. MANNING: Yes, thank you.

2 CHAIRPERSON MILLER: Others? Yes, Mr.

3 Jones?

4 MEMBER JONES: Thank you, Madam Chair.

5 Commissioner Manning, I just want to
6 follow up just in terms of the access to 240
7 spaces, from your experience what time does that
8 open and what time does that close?

9 MS. MANNING: What was said to me by
10 the guard is that we close at -- we're checking.
11 We're closed at 11:00. No one come back here.
12 You are not a residence of this area. We cannot
13 let you in.

14 MEMBER JONES: Okay. So do you have
15 any feel for what time that --

16 MS. MANNING: It was --

17 MEMBER JONES: -- begins?

18 MS. MANNING: When I did that --

19 MEMBER JONES: Yes.

20 MS. MANNING: -- it was at 11:00.

21 MEMBER JONES: Okay.

22 MS. MANNING: And I was --

1 MEMBER JONES: 11:00?

2 MS. MANNING: P.M. I'm sorry.

3 MEMBER JONES: P.M.? Okay. All

4 right.

5 MS. MANNING: 11:00 p.m.

6 MEMBER JONES: Thank you.

7 MS. MANNING: And when I went back,

8 the gates were open at 6:30.

9 MEMBER JONES: Okay. 6:30?

10 MS. MANNING: A.M.

11 MEMBER JONES: A.M.?

12 MS. MANNING: I'm sorry. 6:30 a.m.

13 MEMBER JONES: Okay. So at least

14 during that window of time from 11:30 up until

15 sometime prior to --

16 MS. MANNING: To 6:30.

17 MEMBER JONES: -- 6:30, right, it

18 was --

19 MS. MANNING: That's when the gate is

20 open.

21 MEMBER JONES: -- denied access?

22 MS. MANNING: Denied. No access

1 between 11:30 to 6:30 a.m.

2 MEMBER JONES: Okay.

3 MS. MANNING: 11:00 p.m. to 6:30 a.m.

4 MEMBER JONES: Got it. Okay.

5 MS. MANNING: There's no access behind
6 those columns.

7 MEMBER JONES: Okay.

8 MS. MANNING: Which is at that sign
9 and that booth is there.

10 MEMBER JONES: Understood. And just
11 to re-baseline myself, is it your position as a
12 protestant that you are concerned about parking?

13 MS. MANNING: Yes.

14 MEMBER JONES: Okay. So parking is
15 relevant and these questions related to parking
16 are relevant based on your protest, correct?

17 MS. MANNING: Yes.

18 MEMBER JONES: Okay. What do you
19 envision to be the worst case scenario in terms
20 of parking that could manifest itself as a result
21 of the Applicant getting, or the license; excuse
22 me, getting an entertainment endorsement?

1 MS. MANNING: The worst case --

2 MEMBER JONES: Yes.

3 MS. MANNING: -- is an accident. And
4 that's when people respond. A worst case because
5 of an accident happening in the parking lot --

6 MEMBER JONES: Okay.

7 MS. MANNING: -- no one knowing where
8 to park and they speeding around that parking
9 lot because there's no consistency in that and
10 you have people walking along in that parking lot
11 and them breaking out after a fight once the
12 accident occurs.

13 MEMBER JONES: Okay. So that's worst
14 case scenario. What about just a general
15 baseline concern? Would one of your concerns be
16 the patrons of this establishment perhaps taking
17 up neighborhood parking for -- taking parking
18 spaces away from residents who pay taxes?

19 MS. MANNING: Yes, because -- yes,
20 that is my baseline because even though in Mr.
21 Jones' testimony he says that the Arboretum
22 community is more than a mile away, we still have

1 other customers who attend the other
2 establishment, and that establishment that will
3 walk up to T Street; that's not far, which is in
4 the Arboretum community. It's alongside of the
5 5th District Police Station in their car, park
6 there and walk back down.

7 MEMBER JONES: Okay. All right. So
8 parking is definitely one of the issues and you
9 have a valid concern that you've raised in terms
10 of what the impacts of parking you see as a
11 result, directly as a result of this
12 establishment getting an entertainment
13 endorsement?

14 MS. MANNING: Yes.

15 MEMBER JONES: So does that also lead
16 to my understanding from you that you believe
17 that as a result of this establishment getting an
18 entertainment endorsement there will be more
19 patrons --

20 MS. MANNING: Yes, the numbers --

21 MEMBER JONES: -- going to the
22 establishment?

1 MS. MANNING: -- will increase.

2 MEMBER JONES: You believe --

3 (Simultaneous speaking)

4 MS. MANNING: The number of patrons
5 will increase.

6 MEMBER JONES: Okay. So you believe
7 that the entertainment endorsement will directly
8 lead to --

9 MS. MANNING: Yes.

10 MEMBER JONES: -- more patrons, which
11 would directly lead to --

12 MS. MANNING: To more parking and
13 more --

14 (Simultaneous speaking)

15 MEMBER JONES: -- more cars and more
16 parking issues?

17 MS. MANNING: Yes, sir.

18 MEMBER JONES: Okay. Thank you.

19 MS. MANNING: Yes.

20 MEMBER JONES: Thank you very much.

21 Thank you, Madam Chair.

22 CHAIRPERSON MILLER: Others? I just

1 have a few. I wanted to just get clarified. Was
2 there an emergency ANC meeting on this
3 application, or a regular meeting?

4 MS. MANNING: It was a regular
5 meeting, a public meeting. ANCs, I'm sure know,
6 have public meetings. You do not need to be
7 invited to a ANC meeting.

8 CHAIRPERSON MILLER: Okay. So there
9 was just that there was a public meeting on this
10 that was properly noticed? But you didn't --

11 MS. MANNING: That was a public that
12 was properly noticed.

13 (Simultaneous speaking)

14 CHAIRPERSON MILLER: -- invite Mr.
15 Jones.

16 MS. MANNING: -- was there. Night
17 Life was there. It was a public meeting.

18 CHAIRPERSON MILLER: Right. You
19 didn't invite anybody to represent -- anybody --

20 MS. MANNING: We have --

21 (Simultaneous speaking)

22 CHAIRPERSON MILLER: -- representing

1 the establishment?

2 (Simultaneous speaking)

3 MS. MANNING: -- the whole meeting.

4 When the application came up, we talked about
5 that. We wanted to -- we had concerns about
6 that, of this. Prior to that Mr. Jones had been
7 operating as the bar manager before then. He
8 knows the protocol. He does not need to be
9 invited. He is to reach out to the surrounding
10 community and the Single Member District
11 representative.

12 CHAIRPERSON MILLER: Okay. No, I
13 don't need to --

14 (Simultaneous speaking)

15 MS. MANNING: No, I'm just saying.

16 You're asking me a question about --

17 (Simultaneous speaking)

18 CHAIRPERSON MILLER: I did. I wanted
19 to know if was a regular meeting. Because I used
20 to be an ANC commissioner --

21 MS. MANNING: Okay.

22 CHAIRPERSON MILLER: -- and chair at

1 some point as well, as have many members up here.
2 So I'm familiar with the process. So I just
3 wanted to get a feel for what you did. And I get
4 a feel for -- also at one point you said there's
5 going to be this new development by Douglas
6 Development with residences and a whole new
7 vibrancy, I expect, up there. And I'm just
8 wondering whether people in your community want
9 any kind of entertainment or music. I could see
10 how they would be concerned about all the clubs
11 and the violence that have gone on up there, but
12 does that mean that they're not interested in any
13 entertainment whatsoever, be it --

14 MS. MANNING: By "entertain" --

15 CHAIRPERSON MILLER: -- piano music --
16 well, it can come in many forms, and that's why
17 I'm asking you now the form --

18 MS. MANNING: When you say
19 "entertainment," of course the residents are
20 going to want something that they can take their
21 family to. They're going to want a movie
22 theater. They're going to want a bowling alley.

1 If we're already inundated with clubs, they're
2 looking for things that they can do as a family
3 to go there.

4 CHAIRPERSON MILLER: Okay. I get
5 that, but let's take this situation because --

6 MS. MANNING: Oh, you were talking
7 about entertainment.

8 CHAIRPERSON MILLER: Entertainment in
9 a restaurant, which also takes many forms,
10 because sometimes it's poetry reading. And so,
11 people might say, okay, poetry reading is okay.
12 And some people think a DJ is okay. But you
13 don't think -- your ANC does not think a DJ is
14 okay, or a DJ is okay if something, if there are
15 certain parameters? That's kind of what I'm
16 trying to find out. Is there any type of
17 entertainment that would go along with a
18 restaurant? And so what we do often see is a DJ
19 being added to a restaurant or something.

20 MS. MANNING: Right, we do see that.
21 And unfortunately the concern of the community is
22 what does this bring? What kind of following --

1 CHAIRPERSON MILLER: Okay.

2 MS. MANNING: -- is it going to bring?

3 CHAIRPERSON MILLER: You said that
4 before and I can appreciate that kind of concern,
5 but does a DJ have to bring a certain following,
6 or is there something that can -- if he had a DJ
7 they could protect the community so you didn't
8 get that type of following, because not all DJs
9 bring bad followings.

10 MS. MANNING: No, and I'm not
11 downplaying the DJ.

12 CHAIRPERSON MILLER: Okay.

13 MS. MANNING: I'm not downplaying
14 that. But we are talking about -- when you're
15 talking about an establishment that has no real
16 definition because they're mixing -- because it's
17 conflicting to the community, you have a person
18 that's in there trying to -- Panda Gourmet
19 itself, the restaurant itself, that lease inside
20 itself has people coming in, but when we're
21 trying to build up the revenue of a bar side on
22 this -- what is in questioning, then you're

1 saying what is it going to take you to bring in
2 more people? Because --

3 CHAIRPERSON MILLER: Okay. But that's
4 not my question.

5 MS. MANNING: Yes, but it's talking
6 about -- so you're saying the DJ. So what if
7 that DJ is lousy? The volume is not what --
8 you're saying entertainment. The community is
9 not saying they don't want entertainment.
10 They're saying there's a type of entertainment
11 that they want. That's why I said there -- you
12 have different people who want different things.
13 That's why I said they may want bowling alleys,
14 they may want a restaurant. Most restaurants
15 play music.

16 CHAIRPERSON MILLER: Okay. With
17 respect to this issue though, there's nothing
18 that this establishment could add for
19 entertainment that -- this restaurant that would
20 be acceptable to you. Is that right?

21 MS. MANNING: Correct.

22 CHAIRPERSON MILLER: Okay. Because I

1 was kind of like -- I was trying to pick up on
2 Mr. Silverstein's kind of questions, like, well,
3 if we gave them entertainment is there something
4 that could protect your concerns or something.

5 Okay. And my other question is -- I
6 don't know if I asked you this, but as an ANC
7 commissioner advocating on behalf of the
8 community and on behalf of the homeless or the
9 temporary residents at the Days Inn did you talk
10 to any of the DHS workers or the --

11 MS. MANNING: I talked to the director
12 to get a clear understanding what she was --
13 because she's new, she's not understanding the
14 area just yet. We had a Single Member -- she's
15 -- their area, their monitoring that because it's
16 just not the days. You have every -- they don't
17 have a clear picture.

18 CHAIRPERSON MILLER: Did they
19 request --

20 MS. MANNING: They're trying to learn
21 the area and they can't --

22 CHAIRPERSON MILLER: Did they ask you

1 to --

2 MS. MANNING: -- get into -- because
3 they're D.C. government, she said they could not
4 give their opinion on this.

5 CHAIRPERSON MILLER: Okay. The 9:00
6 curfew, is that something that you all just think
7 should -- that the entertainment should go along
8 with, or you can't even say on the record whether
9 they thought that was a good idea?

10 MS. MANNING: No, I can't.

11 CHAIRPERSON MILLER: Okay.

12 MS. MANNING: They couldn't get into
13 that, because they said because this is a --

14 CHAIRPERSON MILLER: Okay. They
15 didn't want to take any position?

16 MS. MANNING: Right.

17 CHAIRPERSON MILLER: Okay. All right.
18 I think that's it for me. Anybody else?

19 (No audible response)

20 CHAIRPERSON MILLER: Okay. Any
21 questions on Board questions, Mr. Jones?

22 MR. JONES: I have a question. I

1 don't know if this is appropriate, but one of her
2 statements in reference to parking -- there's one
3 of my patrons here today who can testify to
4 parking on the other side.

5 CHAIRPERSON MILLER: Okay. Let me
6 just tell you this.

7 MR. JONES: And I don't know if I
8 can --

9 CHAIRPERSON MILLER: You get redirect
10 if you need it.

11 MEMBER SILVERSTEIN: Rebuttal.

12 CHAIRPERSON MILLER: You get what's
13 called redirect. The Applicant gets redirect in
14 that they can call another witness to rebut
15 the --

16 MR. JONES: I'd like to call --

17 CHAIRPERSON MILLER: -- Protestant's
18 case. So, okay. So just to tell you that so
19 that if you don't have any more questions for Ms.
20 Manning, then we can go to your redirect.

21 MR. JONES: I don't have any --

22 CHAIRPERSON MILLER: Do you have any

1 questions for Ms. Manning, anymore, based on
2 Board questions?

3 MR. JONES: No.

4 CHAIRPERSON MILLER: Okay. So that
5 concludes your case, I think, Ms. Manning. I
6 think we got in all the -- or we handled all the
7 exhibits that you wanted to get into evidence.

8 MS. MANNING: Yes.

9 CHAIRPERSON MILLER: Okay. There was
10 one that I left out because I didn't see the
11 relevance and I don't see that that case was made
12 in the testimony. So everything else was in --

13 MS. MANNING: Yes.

14 CHAIRPERSON MILLER: -- except the car
15 one. Okay. All right. So now the next -- we're
16 almost at -- the last stage is redirect if you
17 need to call a witness based on -- in response to
18 testimony that you heard from the Protestant.

19 MR. JONES: Yes.

20 CHAIRPERSON MILLER: Okay. Then you
21 may. And the witness can come up here.

22 MR. JONES: I'd like to call LaShawn

1 McDuffy.

2 CHAIRPERSON MILLER: Good evening. Do
3 you swear to tell the truth, the whole truth,
4 nothing but the truth?

5 MS. MANNING: Yes, I do.

6 CHAIRPERSON MILLER: All right. Thank
7 you.

8 Okay. You can proceed then.

9 MR. JONES: Yes. Ms. McDuffy --

10 MEMBER SILVERSTEIN: Would the witness
11 please identify herself?

12 MS. McDUFFY: Oh, my name is LaShawn
13 McDuffy.

14 CHAIRPERSON MILLER: Okay.

15 MS. McDUFFY: LaShawn McDuffy.

16 CHAIRPERSON MILLER: Oh, LaShawn
17 McDuffy?

18 MR. JONES: LaShawn, yes.

19 MEMBER SILVERSTEIN: Thank you.

20 CHAIRPERSON MILLER: Okay. All right.
21 You may proceed. Go ahead.

22 MR. JONES: Ms. McDuffy, how often do

1 you patronize the restaurant and the bar?

2 MS. McDUFFY: Five days a week, maybe
3 six.

4 MR. JONES: And on any occasion have
5 you ever had difficulty parking on -- whether
6 it's the main side or the overflow side?

7 MS. McDUFFY: No, I have not. All I
8 have to do is say that I'm coming to the bar and
9 I've never had a problem on either side.

10 MR. JONES: And could you describe to
11 the Board on the bar area what's the typical
12 number of people who are there?

13 MS. McDUFFY: Weekday, five people.
14 Weekend, maybe eight people. And this is on a
15 regular. This is on a regular. Never 20 people
16 at one time. Maybe sometimes if the Echostage
17 lets out, some of their patrons might trickle in
18 for a drink or so. But that's on a rare
19 occasion. Then you might get 15 people, 20 tops,
20 but that's not on a regular.

21 MR. JONES: One last question. On the
22 overflow parking, when the main parking lot was

1 full, were you ever denied parking if you were
2 informing them that you were going to the bar or
3 the restaurant?

4 MS. McDUFFY: No, sir.

5 MR. JONES: Thank you.

6 CHAIRPERSON MILLER: Okay. Thank you.

7 Ms. Manning, any questions?

8 MS. MANNING: No questions.

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

11 MEMBER ALBERTI: Yes, ma'am. I'm
12 sorry, your last name again?

13 MS. McDUFFY: McDuffy.

14 MEMBER ALBERTI: McDuffy?

15 MS. McDUFFY: Yes.

16 MEMBER ALBERTI: McDuffy. So I'm
17 going to ask you about overflow parking.

18 MS. McDUFFY: Yes.

19 MEMBER ALBERTI: What is your
20 understanding of what overflow parking is?

21 MS. McDUFFY: Well, I live in the area
22 myself and I come past the Echostage in order to

1 get to this establishment --

2 MEMBER ALBERTI: Yes.

3 MS. McDUFFY: -- on most days that I
4 go, so I see the crowd, I see the parking. So
5 the overflow, they come -- they park on that
6 particular site, mainly on the front off of the
7 Bladensburg Avenue entrance. So that's pretty
8 much where the overflow is, right, just right
9 there.

10 MEMBER ALBERTI: Can we show her a
11 picture. I just want to make sure. So to get
12 into the overflow it appears the testimony from
13 both Mr. Jones and Commissioner Manning is that
14 to get into the overflow parking area that you
15 have to go through a checkpoint. In the evening
16 anyway you have to go through a checkpoint of
17 DHS, I guess, security.

18 MS. McDUFFY: The security, yes.
19 Where the booth is and the cones? Yes.

20 MEMBER ALBERTI: Yes, so you have to
21 go through that checkpoint. So that's the area
22 we're talking about?

1 MS. McDUFFY: Well, that's where I --

2 MEMBER ALBERTI: You have to go

3 past --

4 MS. McDUFFY: -- that's where I've
5 parked when there are nights on events. That's
6 where I'm able to park. Well, all of us are able
7 to park. All the patrons are always able to park
8 over there.

9 MEMBER ALBERTI: So how do you get
10 access to that area?

11 MS. McDUFFY: Well, you -- well, from
12 the way I come, because I live in the area, I
13 come over the Queens Chapel Bridge where the
14 Echostage and the Stadium Club are. I come onto
15 Bladensburg and I make the first left, which is
16 the entrance to the parking lot where the Hogs on
17 the Hill and Checkers are. I go right there.
18 And I see that there's no parking, I go around to
19 the other side.

20 MEMBER ALBERTI: Yes.

21 MS. McDUFFY: And that's where the
22 cones are, the security booth. And I just let

1 them know I'm coming to the bar. They move the
2 cones and they let me in.

3 MEMBER ALBERTI: Okay. Great. Now,
4 so you're there five or six nights a week?

5 MS. McDUFFY: Yes, sir.

6 MEMBER ALBERTI: And this may be -- I
7 have a reason for asking this question. How
8 late?

9 MS. McDUFFY: On a weekday, 10:00,
10 9:00, 10:00, because I have to work, yes.

11 MEMBER ALBERTI: Okay. Do you know
12 what time the restaurant closes?

13 MS. McDUFFY: I've -- yes, they -- I
14 want to say -- I know by 10:00 everybody's gone.
15 They're cleaning up.

16 MEMBER ALBERTI: The restaurant?

17 MS. McDUFFY: Yes. Sometimes -- yes,
18 I want to say 10:00, 11:00. But they're cleaning
19 up, so around that time.

20 MEMBER ALBERTI: Okay. How late is
21 the bar open typically?

22 MS. McDUFFY: I leave around, like I

1 said, 10:00. On the weekends, maybe 11:00, 12:00
2 tops. Once I'm done, I'm done.

3 MEMBER ALBERTI: So they're open until
4 12:00 sometimes?

5 MS. McDUFFY: We have.

6 MEMBER ALBERTI: Okay.

7 MS. McDUFFY: Yes.

8 MEMBER ALBERTI: All right. Thank
9 you. No further questions.

10 CHAIRPERSON MILLER: Others?

11 (No audible response)

12 CHAIRPERSON MILLER: Okay. You're a
13 patron of the establishment --

14 MS. McDUFFY: Yes.

15 CHAIRPERSON MILLER: -- I assume.

16 MS. McDUFFY: Yes.

17 CHAIRPERSON MILLER: You go there
18 frequently?

19 MS. McDUFFY: Yes, I'm leaving -- I'm
20 going there when I leave here.

21 CHAIRPERSON MILLER: Okay. Why is
22 that you go to this restaurant all the time?

1 MS. McDUFFY: Oh, because it's a
2 family-oriented place. It's like Cheers.
3 Everybody knows everyone. The average age, like
4 he said, really is 50. I mean, I'm 48, but we
5 have much olders, much older people. So I mean,
6 it's just a -- it's an intimate setting. Like I
7 said, five people tops on a weekday. Nothing
8 more.

9 CHAIRPERSON MILLER: So you go to the
10 bar part?

11 MS. McDUFFY: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MS. McDUFFY: Yes.

14 CHAIRPERSON MILLER: And so Mr. Jones
15 said that the reason he's seeking this
16 entertainment endorsement is because; if I can
17 characterize it correctly, his patrons want it.

18 MS. McDUFFY: Yes, I mean, it would be
19 nice to have something to listen to and --
20 whether it's karaoke or a DJ. I mean, the DJ --
21 whatever -- and we know friends that are DJs.
22 Adding a DJ to that establishment is not going to

1 bring that kind of crowd because we all -- we
2 don't even have that now.

3 CHAIRPERSON MILLER: Yes.

4 MS. McDUFFY: We're talking age 50 to
5 60 people. I mean, really, that's what we have
6 now. We don't get anyone under -- gosh, under 40
7 years old. I mean, we're really considered some
8 older heads there. So the DJ is not going to
9 make a difference in terms of crowd. It's not.
10 It won't.

11 CHAIRPERSON MILLER: So let me just
12 ask you this question: Are there other places in
13 the neighborhood that the younger people go to?

14 MS. McDUFFY: Well, yes, Echostage.
15 That's where the focus needs to be. That's --

16 CHAIRPERSON MILLER: But that's a
17 concert place, right?

18 MS. McDUFFY: Yes, the concert place.
19 That's what we should be talking about, not his
20 place.

21 CHAIRPERSON MILLER: But as far as
22 more comparable, like bars?

1 MS. McDUFFY: Oh, well, no. No. No.

2 CHAIRPERSON MILLER: Okay.

3 MS. McDUFFY: That's -- I think that's
4 why we like it, because it is totally different
5 and it's intimate. It's a very intimate setting.
6 Very intimate.

7 CHAIRPERSON MILLER: Okay.

8 MS. McDUFFY: Yes. And we miss each
9 other when we don't see each other. We hug each
10 other good night when we see each other and when
11 we leave each other. So, yes, it's intimate.
12 It's very intimate, yes.

13 CHAIRPERSON MILLER: Okay. Thank you.
14 All right. Anybody else?

15 (No audible response)

16 CHAIRPERSON MILLER: Any questions on
17 Board questions?

18 (No audible response)

19 CHAIRPERSON MILLER: Okay.

20 MEMBER SILVERSTEIN: Does she have the
21 opportunity to question?

22 CHAIRPERSON MILLER: Didn't she? Did

1 I -- you didn't want to question, did you?

2 MS. MANNING: No, I like to listen.

3 (Laughter)

4 MS. MANNING: I know the difference,
5 so --

6 CHAIRPERSON MILLER: Yes, okay. All
7 right. Thank you.

8 MS. McDUFFY: Thank you.

9 CHAIRPERSON MILLER: All right. So I
10 think that takes us to closing arguments, which
11 are optional, but welcome if you'd like, starting
12 with the Applicant.

13 MR. JONES: Thank you. Madam Chair,
14 Board members, my hope is that you would approve
15 it on the basis that we're running a good
16 business, a sound business and a respectable
17 business, and a business that is necessary in our
18 community. Patrons who are of a certain age
19 don't have many places currently in this city to
20 congregate and enjoy one another's company.

21 There is no evidence of us being a
22 negative impact on the community. There is no

1 evidence of us not having sufficient parking.
2 Even Commissioner Manning's photos clearly show
3 that parking is expansive. All of her statements
4 of soundproofing is only conjecture. Board
5 Member Alberti, no, I didn't provide evidence,
6 however, soundproofing has been a part of
7 construction since the early 1900s. Hotels have
8 been required to have soundproofing where there
9 are ballrooms and residents since the '50s in
10 this country.

11 I understand soundproofing because
12 it's part of my family's business. My father
13 managed major acts like Johnnie Taylor. My
14 brother worked for Warner Brothers and managed
15 acts like Aretha Franklin. My younger brother is
16 a professional drummer who has played for major
17 acts like Prince and Jean Carne. And if I wanted
18 to build a place like that, I could do that.

19 But first of all, within the
20 regulations we cannot, we shall not, because
21 that's what the law says, we can't exceed -- no
22 matter what Ms. Manning or anyone else suggests,

1 we can't go over 99, the capacity, because that's
2 what the law says. That's what our Certificate
3 of Occupancy says. So that's not going to
4 happen.

5 We don't have the resources to bring
6 in a big act. We don't want to do that. It is
7 highly unlikely that we'll bring in any acts but
8 a DJ. And as Ms. Manning stated that a DJ could
9 play the playlist and manipulate the music,
10 absolutely not. That's false by your
11 definitions. 25-101 (19A) clearly states disc
12 jockeys shall not include anyone who plays or
13 changes prerecorded music provided that the
14 person does not make announcements or comments.
15 If we're having a birthday party, that means that
16 DJ cannot say happy birthday, Mr. Short. That's
17 what we're trying to do. That means that DJ
18 cannot take a playlist and insert happy birthday
19 by any artist.

20 We want to be able to play a playlist.
21 When I was brought in by T&L Investment Group
22 last summer, they were already doing these

1 things. It was Mark Jones that said these things
2 are in violation. Let's do it right. I'm a part
3 of this community. I'm a part of this community.
4 I love Ward 5 and this city. There is nothing I
5 would do to impact the citizens of Ward 5
6 negatively.

7 I met with Ms. Manning. Earlier she
8 said I didn't meet with her in the parking lot.
9 She said MGM. Maybe her recollection, she
10 doesn't recall, but nonetheless I attempted to
11 speak with her at MGM. I spoke with several
12 other commissioners to this. I respect the
13 process. All of that is just false.

14 Lastly, again we run a solid business.
15 We want to be a solid good corporate citizen in
16 the community. There is parking ample enough for
17 us to exist in that community. We should be
18 allowed to have entertainment and manage it
19 reasonably. So hopefully your consideration will
20 be favorable, and we'll not betray your trust if
21 it is. Thank you.

22 CHAIRPERSON MILLER: Thank you. Okay.

1 Ms. Manning?

2 MS. MANNING: So let me just start by
3 saying thank you very much for the opportunity to
4 speak, and my last testimony is this: The
5 statements that Mr. Jones has made are false
6 statements based on the ANC meeting with me. He
7 did not have a meeting with me. He met with me
8 -- he crossed me, and that's not a meet. To
9 greet someone to say hello. His only opportunity
10 -- the only time he mentioned this to me is when
11 we were at a meeting with the chair Phil
12 Mendelson in the MGM parking lot and I told him
13 it was not appropriate for him to talk to me
14 because at that point we had already been through
15 the mediation.

16 He asked me why I wouldn't talk to him
17 and I explained to him again because we are in --
18 going to a hearing and now you want to talk to
19 me. Mr. Jones say that he does not want to break
20 any laws of the District of Columbia or he's
21 running a good standing business, he has a good
22 reputation. He knows that the ANC meetings are

1 public. He could have come to any of those
2 meetings and talked to us. Anyone outside of his
3 -- in his group could have come and spoke with
4 us. That was not done.

5 When he's talking about the DJ, now
6 he's looking at the new laws that you all have
7 for a DJ in those qualifications. Those are
8 totally -- that's different from what was
9 established for that location.

10 The ANC is basing their protest; and
11 I'm being very clear about this -- the three
12 things you can protest a ABRA license about, and
13 that's parking, quiet enjoyment, which is noise,
14 and trash. When you're talking that area, you
15 can't keep throwing out Echostage. That area is
16 impacted by every club. There's already a lot of
17 establishments that are there that are existing.
18 When they're saying that they live in these
19 areas, you'll notice they have not said what
20 their address is. They're not in the impacted
21 community of Gateway Arboretum and
22 Langdon/Woodbridge area.

1 When they're stating the facts of what
2 they do, this establishment itself has had few
3 violation of the trash and they were not supposed
4 -- the trash is -- I want to make sure you can
5 hear me, because he keeps looking.

6 So the concern is this: We understand
7 that ABRA continues to give -- grant licenses,
8 but the way they're being granted and the process
9 of that, of people getting licenses and one thing
10 of saying what they're going to do and not
11 consistence and what they do do. With this
12 license with T&L understanding when they took on
13 this license at this location to be approved,
14 they said it would not be of any entertainment
15 endorsement. They were not asking for that. And
16 to come back and ask for that, to say that they
17 run a good family business, that's not the same.
18 That's not the part of that, because if Panda
19 Gourmet leaves out, it's going to be in question
20 of what's going to happen to it next? So it's
21 not about just a DJ. It's what that endorsement
22 license is going to entail with this location.

1 Does it go back into safekeeping? How are you
2 all going to monitor this? How is that parking
3 lot going to be established?

4 Because this location have a lot of
5 inconsistency with T&L and everyone saying that
6 they are good standing, they love Ward 5. This
7 particular area of Ward 5 is very unattractive to
8 a lot of the residents on the other side and our
9 Council member and other people are having great
10 concern of coming on this side of Ward 5 to make
11 sure that we're getting the same proper attention
12 that they're getting on the Brookland side of the
13 area where most of these people live. So there's
14 no need to come and doing your bad business and
15 whatever and drop off in this -- and making it a
16 dumping ground area and you go home to the
17 Brookland side and say that you love Ward 5.

18 Because like I stated before, the
19 Washington Math School -- Science and Math School
20 is less than 100 feet from that location and
21 there are children that leave the temporary --
22 leave the Days Inn going to the Langdon

1 Elementary School up the top of the hill. So
2 they're in between two schools.

3 So I hope that you'll take
4 consideration into the protest that the ANC is
5 concerned with. Thank you.

6 CHAIRPERSON MILLER: Thank you. Okay.
7 That closes the record in this case. And I just
8 want to say something, and this is personal.
9 This is just from my experience as an ANC chair,
10 but I guess I don't really know what goes on in
11 all different ANCs, but we always give the ANC
12 great weight if they pass a resolution that's
13 been publicly noticed and with a quorum present
14 and a majority, but I personally give the most
15 weight when an ANC invites the Applicant to the
16 meeting and it's publicly noticed and everybody
17 has an opportunity to ask questions and weigh in
18 and you get a feel like, okay, it got a full
19 airing. So I mean, if you have a resolution,
20 great weight. I'm just saying this to you for
21 the future. For whatever it may mean --

22 MS. MANNING: May I address that what

1 you just said?

2 CHAIRPERSON MILLER: Yes.

3 MS. MANNING: Let's be clear about
4 something: Mark Jones as a school board
5 representative has an open invitation to ANC 5C.
6 Most of the applicants in that area, they will
7 reach out to us without even breaking down their
8 neck to get into that area. It is a popular area
9 with the lowest lease space in the District of
10 Columbia and they come to to gravitate because
11 they all want to be in that area.

12 This here of him not getting an
13 invitation is bogus.

14 CHAIRPERSON MILLER: Okay. No. Okay.
15 I --

16 MS. MANNING: No, no. I understand
17 what you're saying, but when you make a
18 statement --

19 CHAIRPERSON MILLER: Yes.

20 MS. MANNING: -- and saying personally
21 -- so you can't -- so when -- to a current ANC
22 chair to a former ANC chair I just want to be

1 clear about that, of the area we're talking
2 about. Because I'm not just the chair. I'm a
3 resident of that area.

4 CHAIRPERSON MILLER: Well, sure.

5 MS. MANNING: But my neighborhood is
6 there. And to say that we didn't open, he knows
7 the procedure of that. He has been in our
8 meetings before. So I don't have --

9 CHAIRPERSON MILLER: Okay.

10 (Simultaneous speaking)

11 MS. MANNING: -- of that because --

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: That's right, and
14 I don't really want to get into -- I'm sorry,
15 maybe I --

16 MS. MANNING: Yes. I just want --
17 yes.

18 CHAIRPERSON MILLER: I just rather who
19 invites who I don't know, but I'm just saying
20 when there's been an opportunity, it's just you
21 feel like, okay, yes, everybody was heard,
22 everybody questioned. But that was just my

1 imagination of what goes on in an ANC meeting.

2 MS. MANNING: Right, but even when he
3 heard that, he still had the opportunity to come.

4 CHAIRPERSON MILLER: Okay. All right.
5 Moving on. The last thing I want to ask you is
6 if the parties wish to file proposed findings of
7 facts and conclusions of law or waive their right
8 to do so. And I'll be happy to explain it if you
9 don't understand what that means.

10 MS. MANNING: Go through it, please.

11 CHAIRPERSON MILLER: Explain it?
12 Okay. So basically we're not asking for it. The
13 Board doesn't necessarily need it, but you are
14 allowed to do it as a matter of law and it may or
15 may not be helpful. But basically we have a --
16 the record is closed. We have your testimony.
17 We will have a transcript. And we have your
18 exhibits and we will make a decision based on
19 that information. And our general counsel will
20 be writing up an order that is in the format of
21 findings of facts and conclusions of law. And if
22 you go to our website or can think of some

1 previous orders, that's basically the form.

2 So we can do that based on what we've
3 heard and what we can review the transcript on,
4 etcetera. However, if you would like to draft
5 one yourself for the Board and the general
6 counsel to look at in conjunction with our
7 decision making, you can do that. It's kind of
8 difficult I think, but you can. Most people
9 don't, but some people do. And you would have 30
10 days from when the transcript is available, which
11 is going to be available usually in about three
12 weeks. I think it's often more helpful when
13 things are more complex, but still you are
14 allowed if you would like to do it.

15 MR. JONES: I understand.

16 CHAIRPERSON MILLER: Obviously I'm not
17 encouraging you to do it, but it's hours of labor
18 and you can't add new facts. And the law is
19 complex, so that's why I don't necessarily
20 encourage it, but you're welcome to if you would
21 like to do it.

22 MR. JONES: Thank you.

1 CHAIRPERSON MILLER: Okay. So what
2 would you like to do?

3 MR. JONES: I'm fine without doing it.

4 CHAIRPERSON MILLER: Without it?

5 MR. JONES: Yes.

6 CHAIRPERSON MILLER: Waive your right?

7 MS. MANNING: I'm fine.

8 CHAIRPERSON MILLER: Okay. So the
9 parties waive their right to do so.

10 Then the Board will issue a decision
11 within 90 days in writing and serve it on you
12 all.

13 So all that's left now is that the
14 Board will take a vote on deliberating on this
15 case in closed session.

16 So, okay. As chairperson of the
17 Alcoholic Beverage Control Board for the District
18 of Columbia and in accordance with Section 405 of
19 the Open Meetings Amendment Act, I move that the
20 ABC Board hold a closed meeting for the purpose
21 of seeking legal advice from our counsel on Case
22 No. 15-PRO-00016, Panda Gourmet, per Section

1 405(b)(4) of the Open Meetings Amendment Act of
2 2010 and deliberating upon this case for the
3 reasons cited in Section 405(b)(13) of the Open
4 Meetings Amendment Act of 2010. Is there a
5 second?

6 MEMBER ALBERTI: Second?

7 CHAIRPERSON MILLER: Mr. Alberti has
8 seconded the motion. I'll now take a roll call
9 vote on the motion before us now that it's been
10 seconded. Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller
15 agrees. Mr. Silverstein?

16 MEMBER SILVERSTEIN: I agree.

17 CHAIRPERSON MILLER: Mr. Short?

18 MEMBER SHORT: I agree.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MEMBER JONES: I agree.

21 CHAIRPERSON MILLER: Okay. It appears
22 that the motion has passed by a 6-0-0 vote and I

1 hereby give notice that the ABC Board will hold
2 this aforementioned closed meeting in the ABC
3 Board conference room and issue a decision within
4 90 days.

5 All right. Thank you very much. Have
6 a good night.

7 MR. JONES: Thank you, Madam Chair,
8 and the rest of the Board members.

9 CHAIRPERSON MILLER: Thank you.

10 MR. JONES: Thank you.

11 CHAIRPERSON MILLER: That concludes
12 our hearings for today, but we will return to do
13 our agenda shortly.

14 (Whereupon, the hearing in the above-
15 entitled matter was concluded at 6:44 p.m.)
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